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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **OAKLAND DIVISION**

15 SAMUEL MICHAEL KELLER, on behalf of
himself and all others similarly situated,

16 Plaintiff,

17 v.

18 ELECTRONIC ARTS, INC.; NATIONAL
19 COLLEGIATE ATHLETICS ASSOCIATION;
20 COLLEGIATE LICENSING COMPANY,

21 Defendants.

Case No. 4:09-cv-1967 CW

**DECLARATION OF
STEVE W. BERMAN**

Judge: Hon. Claudia Wilken
Courtroom: 2, 4th Floor

Complaint Filed: May 5, 2009

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1 I, Steve W. Berman, declare as follows:

2 1. I am a partner at Hagens Berman Sobol Shapiro LLP. The Court has appointed my
3 law firm as Co-Lead Counsel with principal responsibility for the Right of Publicity claims. I
4 submit this Declaration in Support of Plaintiffs' Motion for Preliminary Approval of Class Action
5 Settlement. Unless otherwise stated, I have personal knowledge of the information set forth in this
6 Declaration.

7 2. To balance any windfall coming at the expense of players who did not make claims
8 with the desire to incentivize timely claims, however, there will be a \$1,818 cap per Roster
9 Appearance. This cap would limit recoveries at participation rates less than approximately 10%
10 percent, resulting in the generation of residual funds. In the event that participation is lower than
11 that rate, counsel will develop and implement a program to distribute any such residual funds,
12 which would be held in trust, to class members who did not file a timely claim. The program would
13 focus on working with and through those NCAA member institutions willing to promote the
14 program and assist in locating class members, and would compensate any class members at the
15 basic per-roster appearance rate (\$500) until all residual funds are exhausted. In the event the trust
16 fund is not exhausted after five years, the fund would convert into a hardship-based scholarship
17 fund designed to assist Settlement Class Members who did not graduate with a college degree and
18 who wish to return to college.

19 3. Because of the related nature of this Settlement and the EA Settlement, it is
20 Plaintiffs' Counsel's intention to work with all parties involved in order to coordinate both the
21 substantive and procedural aspects of the two Settlements as much as possible.

22 4. Plaintiffs participated in depositions and obtained documentary discovery from CLC
23 and the NCAA. Collectively, Defendants have produced over 250,000 documents, and ROP
24 Plaintiffs' counsel has invested significant time in reviewing and analyzing the impact of those
25 documents on the case. ROP Plaintiffs' counsel has further participated in several dozen
26 depositions relating to Defendants' conduct. Moreover, ROP Plaintiffs have gathered the
27 information necessary to compile a working database of students featured in the NCAA-Branded
28 videogames, which has over 3,900 teams and 75,000 students.

1 5. During the litigation, ROP Plaintiffs’ counsel organized a collection of Division I¹
2 football and men’s basketball rosters for the class periods. Using this information, counsel created
3 a database containing roster information—including, among other things, school, assigned uniform
4 number, position, sport/division, and home state—for each student-athlete. The database is referred
5 to as the Real Roster Database. Counsel also created a second database with the same roster
6 information pulled from the virtual rosters in EA’s NCAA-Branded Videogames.² The second
7 database is referred to as the Virtual Roster Database. The Real Roster Database and Virtual Roster
8 Database support queries based on the virtual and real-world roster information and provide a
9 match of student-athletes from the Real Roster Database with their virtual counterparts in the
10 Virtual Roster Database. The queries produce spreadsheets of student-athletes and their virtual
11 counterparts based on matching uniform number, school, division, sport, position and home state,
12 all of which can be adjusted to establish or ensure the minimum requisites to prove a likeness
13 exists. The merged database is projected to contain approximately 77,550 appearances by class
14 members in NCAA-Branded football videogames and 18,400 appearances by class members in
15 NCAA-Branded men’s basketball games. The Database allows characteristics to be used to limit
16 the class such that every class member’s corresponding avatar would be the “likeness” of the actual
17 player under the applicable law.

18 6. Settlement talks among O’Bannon, Keller, NCAA, EA and CLC took place before
19 Judge Edward Infante (Ret.) in 2011, but did not lead to a resolution.

20 7. Counsel for O’Bannon, Keller, and EA mediated again in 2013. The parties
21 mediated later with Randy Wulff (“Wulff”), on September 10, 2013, and reached a settlement with
22 EA, CLC, and Plaintiffs from the *Keller* and *O’Bannon* cases (“EA Settlement”).

23 _____
24 ¹ Division I refers to NCAA Division I (formerly known as “University Division”) college or
25 university men’s basketball teams, NCAA Football Bowl Subdivision (formerly known as Division
26 I-A) men’s football teams, and NCAA Football Championship Subdivision (formerly known as
27 Division I-AA).

28 ² These games included *NCAA Football 2004*, *NCAA Football 2005*, *NCAA Football 2006*,
NCAA Football 2007, *NCAA Football 08*, *NCAA Football 09*, *NCAA Football 10*, *NCAA Football*
11, *NCAA Football 12*, *NCAA Football 13*, *NCAA Football 14*, *NCAA March Madness 2004*,
NCAA March Madness 2005, *NCAA March Madness 06*, *NCAA March Madness 07*, *NCAA March*
Madness 08, *NCAA Basketball 09*, and *NCAA Basketball 10* (collectively, “NCAA-Branded
Videogames”).

1 8. The ROP Plaintiffs continued to negotiate the agreement and later reached an
2 agreement in principle with the NCAA on or about June 9, 2014. The resulting Settlement
3 Agreement was signed on June 29, 2014.

4 9. ROP Plaintiffs' claims broach issues of vital importance both to student-athletes and
5 to the way the NCAA orders its affairs. Talks were on-again, off-again, contentious and responsive
6 to case developments. This case has received national media attention, and given the high stakes of
7 the litigation, the principles at stake, and the strongly held feelings of the parties, negotiations were
8 at arm's length and in good faith at all times.

9 10. This Settlement, together with the EA Settlement, will produce a cash fund
10 collectively valued at \$60 million, before fees, expenses, and costs of notice. A victory at trial
11 would, in counsel's opinion, result in a median verdict of 80 million to 120 million dollars.
12 Plaintiffs, then, would recover in this Settlement the significant sum of 50-75% of the amount
13 success at trial would produce. In light of the risk and expense to ROP Plaintiffs of continuing
14 litigation, the Settlement ensures a very favorable outcome.

15 11. The parties tried to negotiate their differences with the assistance of a professional
16 mediator in early 2011, but did not succeed. They tried again in 2013, this time with the assistance
17 of Magistrate Cousins, and failed. The parties continued their discussions, and ultimately reached a
18 resolution. All negotiations were adversarial and conducted in good faith. Plaintiffs' counsel were
19 fully prepared to continue to litigate rather than to accept a settlement that was not in the best
20 interests of the Class. The *Hart* class (which pursued common-law damages only) was represented
21 by several law firms, three of which were at the mediation in person: The Lanier Law Firm and
22 Tim McIlwain, and also Hart's appellate counsel, Michael Rubin. This group negotiated for and
23 agreed to the allocation arrangement found in the EA settlement agreement, and upon which the
24 allocation among Class Members in this Settlement is based.

25 12. Attached hereto as *Exhibit A* is a true and accurate copy of my firm's resume,
26 demonstrating our extensive experience in handling complex commercial litigation, including class
27 actions.
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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct. Executed this 30th day of June, 2014 in Seattle, Washington.

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4 /s/ Steve W. Berman
5 STEVE W. BERMAN
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EXHIBIT A



HAGENS BERMAN

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INTRODUCTION

- 3 **The Firm**
- 4 **Major Successes**

PRACTICE AREAS

Hagens Berman has a diverse practice and regularly represents plaintiffs in a wide variety of cases that do not neatly fit into specific practice groups. However, most of our work can be categorized into the following practice areas:

- 5 **Investor Fraud** – Individual and Class Action Litigation
- 7 **ERISA/Retirement Plan Protection**
- 8 **Antitrust**
- 10 **Consumer Protection** – General Class Litigation
- 12 **Consumer Protection** – Defective Product Litigation
- 13 **Consumer Protection** – Drugs and Supplement Litigation
- 15 **Employment Litigation**
- 17 **Civil and Human Rights**
- 19 **Whistleblower Litigation**
- 21 **Governmental Representation**
- 23 **Personal Injury and Abuse**
- 24 **Intellectual Property**
- 25 **Lending and Mortgage Fraud**



INTRODUCTION | The Firm

Hagens Berman Sobol Shapiro LLP was founded in 1993 with one purpose: to help victims with claims of fraud and negligence that adversely impact a broad group of people. We represent plaintiffs in complex class-action and multi-party litigation protecting investors, inventors, whistleblowers, consumers, workers, and the environment.

We are one of the nation's leading firms in these fields, and have earned an international reputation for excellence and innovation.

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

We Win. We believe excellence stems from a commitment to try each case, vigorously represent the best interests of our clients, and obtain maximum recovery. We believe we have tried a higher percentage of cases than our competition. Our opponents know this, respect our skills and recognize our track record of achieving top results.

Incentivized to Succeed. Winning is especially important to Hagens Berman because our compensation depends so much on our performance. We devote approximately 95 percent of our time to litigation under fee agreements that tie our pay to the results we achieve, not to the hours we bill. We have developed innovative contingent- and flat-fee arrangements with many clients, including partial contingent fees that reduce our hourly rates for a stake in the outcome. We are willing to use reverse contingent fee arrangements for defending cases where the amount we save our clients determines our compensation.

A Nationwide Reach. The scope of our practice is truly nationwide. We have flourished through our network of offices in Seattle, Boston, Chicago, Colorado Springs, Los Angeles, Minneapolis, New York, Phoenix, San Francisco and Washington, D.C. Our reach is not limited to the cities where we maintain offices. We have cases pending in courts across the country, with substantial activity in California, New York, Washington, Arizona, Illinois and Idaho.

Visa-MasterCard Antitrust Litigation –

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

McKesson Drug Litigation –

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

State of Washington, et al. v. Philip Morris, et al. –

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

DRAM Antitrust Litigation –

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

Average Wholesale Price Drug Litigation –

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

Enron ERISA Litigation –

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

Lupron Consumer Litigation –

A **\$150 million** settlement on behalf of patients using Lupron for prostate cancer.

Charles Schwab Securities Litigation –

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

Expedia Hotel Taxes and Fees Litigation –

Hagens Berman obtained summary judgment in this class action to recover deceptive service fees and settled the case for **\$123.4 million**.



PRACTICE AREAS

Investor Fraud
Individual and Class Action Litigation

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Investing is a speculative business involving a wide variety of risks, and sound investment decisions can only be made when you have full disclosure of accurate information. No money manager, retirement fund or individual investor should suffer undue risk or incur losses due to misrepresentations related to the investment at issue.

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

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

Some of the firm's more noteworthy successes on behalf of our investor clients include:

- ▶ **Charles Schwab Securities Litigation** – The firm was lead counsel in this action alleging fraud in the management of the Schwab YieldPlus mutual fund. The firm secured a \$235 million class settlement for investors, a nearly unheard of recovery as a percentage of total losses.
- ▶ **Oppenheimer** – The firm was additional counsel for the lead plaintiffs in this class-action litigation alleging Oppenheimer misled investors regarding its Champion and Core Bond Funds, which resulted in the recovery of \$100 million for the classes.
- ▶ **Tremont** – The firm was co-lead counsel in a case alleging Tremont Group Holdings breached its fiduciary duties by turning over \$3.1 billion to Bernard Maddoff. A federal judge gave final approval to a \$100 million settlement between investors, Tremont and its affiliates.
- ▶ **Enron** – Hagens Berman was co-lead counsel in this ERISA litigation, which recovered more than \$250 million, the largest ERISA settlement in history.
- ▶ **Boeing** – The subject of a BusinessWeek feature article, this case uncovered critical production problems with the 777 airliner documented internally by Boeing, but swept under the rug until a pending merger with McDonnell Douglas was completed. Hagens Berman worked to uncover evidence demonstrating that the company knew of the concealed problems, eventually pressing Boeing into a record-breaking settlement of more than \$92.5 million.

- ▶ **Morrison Knudsen** – After the company took a significant write off, Hagens Berman filed a shareholder class action, alleging that MK’s senior officers had concealed hundreds-of-millions in losses. After bitterly fighting the suit, MK ousted the CEO and admitted the true extent of the losses. The firm recovered more than \$63 million for investors.
- ▶ **Raytheon/Washington Group** – This suit charged Raytheon with deliberately misrepresenting the true financial condition of its Raytheon Engineers & Constructors (RE&C) division in order to sell this division to the Washington Group at an artificially inflated price. The case resulted in a \$39 million settlement.
- ▶ **U.S. West** – The firm represented shareholders of U.S. West New Vector in a challenge to the proposed buyout of minority shareholders by U.S. West. As a result of this litigation, the proposed buyout was stayed, and a settlement was achieved that resulted in a \$63 million increase in the price of the buyout.

Mortgage-backed Securities

In the wake of the “subprime” mortgage meltdown, Hagens Berman has actively prosecuted fraud in the sale of mortgage-related securities. Fraud cases against mortgage lenders, investment banks, and other financial institutions that misrepresented mortgage-related securities have proliferated. Investors now understand that portfolio losses on these instruments were not simply due to a “down” market, but to the defendants’ unlawful manipulations.

Whistleblowers

In an effort to curb Wall Street excesses, Congress recently passed the Dodd-Frank Wall Street Reform and Consumer Protection Act. Recognizing that corporate insiders play a critical role in rooting out securities law violations, the Dodd-Frank bill built vigorous whistleblower protections into the legislation known as the “Wall Street Tip-Off Law.”

The law empowers the U.S. Securities and Exchange Commission to award between 10 percent and 30 percent of any monetary sanctions recovered in excess of \$1 million to whistleblowers who provide information leading to a successful SEC enforcement. Hagens Berman, already a leading qui tam litigation firm, is fully equipped to handle any and all cases and investigations related to the Wall Street Tip-Off Law.

The firm’s past whistleblower successes include a suit against an ambulance company that resulted in the second-largest settlement ever in the ambulance industry; representation of a healthcare finance consultant who blew the whistle on Medicare Outlier fraud and helped recover millions for the federal treasury; representation of a former consultant at a Big Four accounting firm whose office perpetrated a fraudulent billing scheme on the U.S. Justice Department; and representation of a defense industry employee whose company provided substandard gyroscopes for Air Force fighter jets. The synergies that result from marrying our securities talent with our qui tam successes make Hagens Berman an ideal choice for whistleblowers contemplating actions under the Wall Street Tip-Off Law.



PRACTICE AREAS | ERISA/Retirement Plan Protection

Tightly related to our work in protecting defrauded investors, Hagens Berman has long been a leader in protecting the rights of working men, women and their families through its ERISA and retirement plan protection practice and has represented them in some of the largest cases in the history of ERISA law.

The federal Employee Retirement Income Security Act of 1974 (ERISA) spells out the duties that plan administrators, trustees and other fiduciaries owe to participants and beneficiaries in retirement programs including Employee Stock Ownership Plans (ESOPs), 401(k) plans, healthcare and pension plans.

Our firm has substantial experience in recovering retirement funds lost by employees as the result of imprudent and disloyal conduct by plan fiduciaries, and in otherwise safeguarding the rights of ERISA plan participants.

Courts have recognized our aptitude in handling large ERISA cases and appointed our firm as co-lead counsel in a number of such cases, including the groundbreaking Enron ERISA litigation. Enron produced \$220 million in settlements for the benefit of former Enron employees, making it the largest ERISA settlement to date. Hagens Berman served as co-lead in the GM ERISA litigation, which resulted in a proposed settlement for \$37.5 million and substantial injunctive relief for the benefit of a class of 401(k) plan participants. The firm was counsel to former Washington Mutual employees who lost hundreds of millions of dollars in retirement savings invested in company stock and the Washington Mutual 401(k) plan. The court granted final approval to a \$49 million settlement in the case. We also served in ERISA cases on behalf of employees of IPALCO, the Montana Power Company and United Airlines.

In addition to using ERISA to protect retirement plans, the firm's ERISA practice also seeks to protect other employee benefit plans such as health insurance. For example, Hagens Berman pioneered the discovery of fraud in "discounts" provided to employee health plans, and led a case that broke new ground in the coverage of contraceptives.

Because ERISA litigation often involves negotiations in a bankruptcy or similar financial situation, our firm often pursues alternative legal approaches to increase the chances of recovery, including filing RICO charges or naming as defendants key outsiders who played a role in the company's failure.



PRACTICE AREAS | Antitrust

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

Hagens Berman currently represents millions of consumers in several high-profile class-action lawsuits, and takes on major antitrust litigation that has the potential to improve market conditions for consumers, businesses and investors. We have represented plaintiffs in markets as diverse as debit and credit cards services, personal computer components, television screens, electric and gas power, airlines, personal computer software, computer games, and Internet services.

We have prevailed against some of the world's largest corporations. Representative successes on behalf of our clients include:

- ▶ **Visa/MasterCard** – Hagens Berman helped lead this record-breaking antitrust case against credit card giants Visa and MasterCard, which resulted in a \$3.05 billion cash settlement and injunctive relief valued at more than \$20 billion. The suit challenged charges imposed in connection with debit cards. As co-lead counsel in this matter, the firm assisted in setting strategy and providing oversight on all aspects of the case.
- ▶ **DRAM** – The firm played a key role in this class-action suit against the leading DRAM (Dynamic Random Access Memory) manufacturers, claiming the companies secretly agreed to reduce the supply of DRAM which artificially raised prices. DRAM is a necessary component in a wide variety of electronics including personal computers, cellular telephones, digital cameras and many other devices, and the class included equipment manufacturers, franchise distributors, and smaller-volume customers who purchased DRAM. The case settled for \$345 million. The firm also represented purchasers of SRAM (Static Random Access Memory) in another class action that resulted in settlements totaling more than \$75 million.
- ▶ **Disposable Contact Lens** – The firm represented hundreds of thousands of consumers against a number of disposable contact lens manufacturers, claiming that the manufacturers conspired with the American Optometric Association to keep low-priced retailers such as pharmacies and mail order companies from selling their lenses. The case settled in 2001 during trial.
- ▶ **AC Nielson** – Hagens Berman represented Information Resources, Inc. ("IRI") in a suit claiming that AC Nielsen's anti-competitive practices caused IRI to suffer significant losses. The case settled for \$55 million.

The firm has also generated substantial recoveries on behalf of health plans and consumers in antitrust cases involving pharmaceutical companies abusing their patent rights to block generic drugs from coming to market. Certain brand name manufacturers have employed unlawful tactics such as perpetuating the brand name drug's monopoly by filing "sham litigation" against generic entrants and fraudulently extending an existing patent. Hagens Berman has served as lead or co-lead counsel in landmark litigation challenging these anti-competitive practices, achieving substantial settlements for clients in, among other cases, the **Paxil Direct Purchaser Litigation (\$100 million)**, **Relafen Antitrust Litigation (\$75 million)**, **Tricor Indirect Purchaser Antitrust Litigation (\$65.7 million)**, and **Augmentin Antitrust Litigation (\$29 million)**.

Some of the firm's current cases include:

- ▶ **Optical Disc Drives** – Hagens Berman represents optical disc drive (ODD) owners in this suit alleging that many of the largest ODD manufacturers, including Toshiba, Sony, LG Technology and Philips fixed prices and conducted anticompetitive business practices.
- ▶ **EA Madden** – This class-action lawsuit claims that video game giant Electronic Arts used exclusive licensing agreements with various football organizations to nearly double the price of several of its games.
- ▶ **E-books** – Hagens Berman was recently named lead counsel in this class action against Apple, Inc. and several of the nation's largest publishers. The firm contends that the defendants conspired to artificially raise the price of e-books by simultaneously transitioning to an agency sales model. The price of e-books rose as much as 50 percent, according to the suit.



PRACTICE AREAS | Consumer Protection General Class Litigation

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

We realize that often-voiceless consumers suffer the brunt of corporate wrongdoing, and have little power to hold companies responsible or change those tactics. Unscrupulous companies often overcharge each customer only a small amount, avoiding serious complaints but adding up to tremendous amounts of undeserved money.

In response, Hagens Berman pursues class litigation on behalf of clients to confront fraudulent practices that consumers alone cannot effectively dispute. We make consumers' concerns a priority, collecting consumer complaints against suspected companies and exploring all avenues for prosecution. The firm has been an innovator in organizing and prosecuting individual class cases across many states involving the same defendants and similar factual and legal issues.

Consumer rip-offs have many faces. As one court has said, "It is impossible to frame definitions which embrace all unfair practices. There is no limit to human inventiveness in this field." Hagens Berman's legacy of protecting consumer rights reflects the wide spectrum of scams that occur in the marketplace. The cases that we have led have challenged a wide variety of practices such as:

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

A few case examples are:

- ▶ **Toyota Sudden, Unintended Acceleration** – Hagens Berman serves as co-lead counsel for the economic loss class in this class-action lawsuit filed on behalf of Toyota owners who allege a defect causes their vehicles to undergo sudden, unintended acceleration. Consumers allege that in addition to the safety risks associated with driving the vehicles, they suffered economic losses because the value of Toyota vehicles plummeted following media coverage of the alleged defect. A federal judge has denied Toyota's motion to dismiss the case, which will proceed toward trial.

- ▶ **Expedia Hotel Taxes and Service Fees Litigation** – The firm led this nationwide class-action suit arising out of bundled “taxes and service fees” that Expedia collects when its consumers book hotel reservations. Plaintiffs alleged that by collecting exorbitant fees as a flat percentage of the room rates, Expedia violated both the Washington Consumer Protection Act and its contractual commitment to charge as service fees only “costs incurred in servicing” a given reservation. After plaintiffs obtained summary judgment in the amount of \$184 million, the case settled for cash and consumer credits totaling \$123.4 million.
- ▶ **Blue Rhino** – Hagens Berman participated in this case which alleged that Ferrellgas, wanting to avoid a price increase and a negative impact on sales, reduced the amount of propane in its tanks from 17 to 15 pounds without informing consumers. The firm negotiated a \$25 million settlement which has been given preliminary approval by the court.
- ▶ **Tenet Healthcare** – In a pioneering suit filed by Hagens Berman, plaintiffs alleged that Tenet Healthcare charged excessive prices to uninsured patients at 114 hospitals owned and operated by Tenet subsidiaries in 16 different states. Tenet settled the case and agreed to refund to class members amounts paid in excess of certain thresholds over a four-and-a-half year period.
- ▶ **Consumer Insurance Litigation** – Hagens Berman has pioneered theories to ensure that in first- and third-party contexts consumers and health plans always receive the treatment and benefits to which they are entitled. Many of our cases in this area have succeeded in expanding coverage owed and, thereby, providing more benefits; recovering underpayments of benefits; and returning uninsured/underinsured premiums received because of the misleading tactics of the insurer. In addition, on individual cases, we have taken insurers to trial and recovered millions of dollars for our clients by way of verdict for bad faith, punitive damages, wage losses, and medical and rehabilitative care.



PRACTICE AREAS | Consumer Protection Defective Product Litigation

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When a product fails to meet accepted or advertised standards, the results can be costly, hazardous or even deadly. In such cases, consumers deserve relief.

State and federal laws provide consumers with remedies for products that do not perform as warranted or advertised. Hagens Berman is nationally recognized for our successful prosecution of lawsuits involving a wide range of such defective products, from faulty building and home products to defective cars, computers, software, electronic products, medical devices, and toys.

Indicative of the firm's achievements for its consumer clients, the Federal court overseeing the massive multi-district litigation against Toyota appointed the firm to co-lead one of the largest consolidations of class-action cases in U.S. history. The litigation combines more than 300 state and federal suits concerning acceleration defects tainting Toyota vehicles. Hagens Berman and its two co-lead firms were selected from among more than 70 law firms applying for the role.

Select firm successes representing consumers in defective product class litigation are profiled below:

- ▶ **Louisiana-Pacific Siding Litigation** – Hagens Berman attorneys served as co-lead counsel in a nationwide settlement class involving defective siding installed on 800,000 homes that soaked up moisture, resulting in swelling and cracking. More than 130,000 claims have been paid exceeding \$500 million in total.
- ▶ **Polybutylene Pipe Litigation** – This litigation charged Shell Oil Company, E. I. du Pont de Nemours, and Hoescht Celanese with manufacturing and marketing defective polybutylene pipes and plumbing systems used in homes. Hagens Berman served as co-lead counsel for the class and secured a settlement providing a minimum of \$950 million in relief, which, at the time, was the largest class-action settlement of its kind.
- ▶ **Nissan Quest Accelerator Litigation** – Hagens Berman represented Nissan Quest minivan owners who alleged that their vehicles developed deposits in a part of the engine called the throttle-body assembly, and that these deposits caused drivers to apply increased pressure to push the accelerator down. A favorable settlement provided the class with reimbursement for throttle-body cleanings or replacements and applicable warranty coverage for qualified class members.
- ▶ **Hyundai Horsepower Litigation** – Hagens Berman was co-lead counsel in a class-action lawsuit against Hyundai that claimed the company overstated the horsepower of 1.3 million vehicles and inflated the value of certain Hyundai models. In the resulting nationwide settlement, owners of each vehicle will receive up to \$225 in cash or up to \$325 in credit with Hyundai dealers. The cost of the settlement to Hyundai ranges from \$76 million to \$127 million, depending on whether owners seeking compensation take the cash or dealer credit. The settlement replaced a previous agreement under which Hyundai offered coupons on future purchases.



PRACTICE AREAS | Consumer Protection Drugs and Supplement Litigation

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Hagens Berman aggressively pursues pharmaceutical industry litigation, and fights for more affordable prescription drugs and a more responsible pharmaceutical and medical device industry.

For decades, brand-name prescription drug makers have been among the most profitable companies in America. While pharmaceutical companies become richer, consumers, health plans and insurers pay higher costs for prescription drugs. Representing individuals, third-party payors and the nation's most forward-thinking public-interest groups, we shine the light of public scrutiny on this industry's practices.

Our drug litigation focuses on drug makers' unlawful price inflation, filing of false secondary patents that block competitive generic drugs, and drug promotion for uses not approved by the Food and Drug Administration, commonly known as "off-label" uses. We also litigate cases against "dietary supplement" manufacturers for making false claims about their products. Examples include cases alleging that "Cellasene" did not fight cellulite as promised, and that "Enzyte" was marketed with false male-enhancement claims.

We believe the firm's pharmaceutical and dietary supplement litigation practice is second-to-none in the nation in terms of expertise, commitment and landmark results. The firm's attorneys have argued suits against dozens of major drug companies, giving them extensive litigation and courtroom experience. In recent years, Hagens Berman's aggressive prosecution of pharmaceutical industry litigation has recovered more than \$500 million dollars in gross settlement funds for consumers and third-party payors.

Here are some examples of our approach:

- ▶ **McKesson and First DataBank Drug Litigation** – Hagens Berman was lead counsel in this RICO case against McKesson and First DataBank alleging the companies fraudulently inflated the prices of more than 400 prescription drugs by manipulating drug-pricing benchmarks. The class action against McKesson settled for \$350 million on the eve of trial. The First DataBank settlement will result in a four percent rollback on the prices of 95 percent of the nation's retail branded drugs, the net impact of which could be in the billions of dollars. Similar cases on behalf of government entities have resulted in recoveries exceeding \$94 million.
- ▶ **Average Wholesale Price Drug Litigation** – This sprawling litigation against most of the nation's largest pharmaceutical companies alleges that defendants artificially inflated the Average Wholesale Price used as a benchmark for almost all prescription drug sales in the United States. Hagens Berman is co-lead counsel to several certified classes and was lead trial counsel in a consolidated trial resulting in verdicts against AstraZeneca and BMS, marking one of the first trial defeats for the pharmaceutical industry on pricing issues. Class settlements approximating \$338 million in the aggregate were approved in favor of consumers and health plans.

- ▶ **Vioxx Third Party Payor Marketing and Sales Practices Litigation** – The firm served as lead counsel for third-party payors in the Vioxx MDL, alleging that Merck & Co. misled physicians, consumers and health benefit providers when it touted Vioxx as a superior product to other non-steroidal anti-inflammatory drugs. In reality, the drug had no appreciable benefits from less expensive medications, but carried increased risk of causing cardiovascular events. A \$65 million settlement resulted.
- ▶ **Serono Drug Litigation** – Hagens Berman negotiated a \$24 million settlement to reimburse a class of consumers and third-party payors, including self-insured employers, health and welfare plans, and insurance companies, for part or all of their purchases of the AIDS drug Serostim. The suit alleged that global biotechnology company Serono, Inc., schemed to substantially increase Serostim sales by duping patients diagnosed with HIV into believing they suffered from AIDS-wasting and needed the drug to treat that condition.
- ▶ **Neurontin Third-Party Payor Litigation** – Hagens Berman served as co-lead trial counsel in this case alleging that Pfizer fraudulently and unlawfully promoted the drug Neurontin for uses unapproved by the FDA. A jury returned a \$47 million verdict in favor of plaintiffs.



PRACTICE AREAS | Employment Litigation

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

We understand the sensitive position that many employees find themselves in. Often, employees accept labor abuses or a curbing of their rights because they don't know the law, respect their superiors or fear for their jobs. We act on behalf of employees who may lack the individual power to bring about meaningful change in the workplace.

Hagens Berman takes a comprehensive approach to rooting out systemic employee abuses through in-depth investigation, knowledgeable experts and fervent exploration of prosecution strategies. Our attorneys excel at seeking out and finding employees with an inside view and crucial knowledge and using that information to bring success in the courtroom.

Hagens Berman is a firm well-versed in taking on complicated employee policies and bringing about significant results. Our representative cases include:

- ▶ **CB Richard Ellis Sexual Harassment Litigation** – Hagens Berman filed a class-action lawsuit against CB Richard Ellis, Inc. on behalf of 16,000 current and former female employees who alleged that the company fostered a climate of severe sexual harassment and discriminated against female employees by subjecting them to a hostile, intimidating and offensive work environment. Emotional distress and other physical and economic injuries to the class were the result. The firm negotiated an innovative and unprecedented settlement requiring changes to human resources policies and procedures. Class members participated in a stream-lined claims process providing the potential for individual awards of up to \$150,000 per class member. The company agreed to tighten existing harassment policies and implement enhanced training for all employees. It also agreed to increase supervisor accountability to address sexually inappropriate conduct in the workplace, enhance record-keeping practices, and conduct two annual reviews of settlement compliance by a court appointed monitor.
- ▶ **Costco Wholesale Corporation Wage & Hour Litigation** – Hagens Berman filed a class-action lawsuit against Costco Wholesale Corporation on behalf of 2,000 current and former ancillary department employees (such as food court managers) who alleged that the company misclassified them as “exempt” executives. According to the complaint, Costco improperly denied these employees overtime compensation, meal breaks, and other employment benefits. After years of hard-fought litigation, the court certified eight employee groups for class-action treatment. Hagens Berman then negotiated a \$15 million cash settlement on behalf of the class.

- ▶ **Washington State Ferry Workers Wage Litigation** – The firm represented a class of “on-call” seamen who alleged that they were not paid for being “on call” in violation of federal and state law. The case resulted in a rearrangement in work assignments and of the “on-call” system, resulting in better working conditions for the employees.
- ▶ **SunDance Rehabilitation Corporation** – The firm filed a class-action lawsuit against SunDance, a subsidiary of Sun Healthcare Group, challenging illegal wage manipulation, inconsistent contracts, and other compensation tricks used to force caregivers to work unpaid overtime. The caregivers included physical, speech and rehabilitation therapists. The suit resulted in a \$3 million settlement of stock to be distributed out of the company’s bankruptcy estate.



PRACTICE AREAS | Civil and Human Rights

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

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

- ▶ **World Trade Organization Protests** – During the 1999 World Trade Organization (WTO) protests in Seattle, tens of thousands of Seattle citizens became targets after Seattle officials banned all forms of peaceful protest. Seattle police attacked anyone found in the designated “no protest” zones with rubber bullets and tear gas. City residents were arrested and incarcerated for up to four days. In conjunction with Trial Lawyers for Public Justice, the firm won a settlement from Seattle city officials after filing a class-action alleging violations of the First and Fourth Amendments to the United States Constitution and after a jury returned a verdict in favor of the plaintiffs.
- ▶ **Hungarian Gold Train** – Following the firm's representation of former forced and enslaved laborers for German companies in the Nazi Slave Labor Litigation, Hagens Berman led a team of lawyers that brought suit against the United States on behalf of Hungarian Holocaust survivors in the Hungarian Gold Train case. The suit claimed that, during the waning days of World War II, the Hungarian Nazi government loaded the plaintiffs' valuable personal property onto a train, and the U.S. Army later seized the train and its contents and never returned the property to its owners and heirs.
- ▶ **Rio Tinto** – In a landmark case, the firm represents victims of Rio Tinto's mining operation on the island of Bougainville. To build the mine, Rio chemically defoliated, bulldozed and sliced off an entire mountainside of rain forest, and mine operations dumped billions of tons of toxic mine waste onto the land and into pristine waters, filling major rivers with tailings, and polluting a major bay dozens of miles away. Rio's flagrant disregard for the environment dispossessed the people of Bougainville from their land, destroyed their culture, and exposed members of the class to numerous toxic chemicals. In certain villages, chemicals remain and have caused death and illness.

Rio's actions on Bougainville were so egregious that they sparked an uprising designed to close the mine. When the uprising succeeded, the Papua New Guinea government sent troops, transported by Rio, to reopen the mine. After initial efforts were unsuccessful, the PNG government, as the agent and co-venturer of Rio and with the support and encouragement of Rio, instituted a military blockade of the island that lasted for almost 10 years. The blockade's purpose was to coerce the Bougainville people into surrender so that the mine could be reopened and both Rio and PNG could continue to reap enormous profits from the mine. The blockade

prevented medicine, clothing and other essential items from reaching Bougainville. Hospitals were forced to close, women died needlessly in childbirth, and young children died from easily preventable diseases. According to the Red Cross, the blockade killed more than 2,000 children in just its first two years of operation. By the time the war ended in 1999, 10 percent of the population of Bougainville, approximately 15,000 civilians, were killed.

The action alleges that Rio's conduct amounted to war crimes and violated customary international law, including prohibitions against destruction of the right to life and health and prohibitions against racial discrimination. Plaintiffs seek redress under the federal Alien Tort Claims Act (28 U.S.C. § 1350). An appeals court recently ruled that the case may proceed in U.S. courts and Rio has appealed to the Supreme Court.



PRACTICE AREAS | Whistleblower Litigation

Hagens Berman pursues whistleblower litigation under various programs, including the federal False Claims Act, various state laws and the more recently enacted Securities and Exchange Commission (SEC), Commodity Futures Trading Commission (CFTC), and Internal Revenue Service programs.

All of these whistleblower programs reward private citizens who blow the whistle on fraud. In many cases, the whistleblower reports fraud committed against the government, and may sue those individuals or companies responsible, thereby helping the government recover its losses. The programs under which Hagens Berman pursues cases include:

False Claims Act

Under the federal False Claims Act, and more than 30 similar state laws, the whistleblower reports fraud committed against the government, and under the law's qui tam provision, may file suit on its behalf to recover lost funds.

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

False claims acts are one of the most effective tools in fighting Medicare and Medicaid fraud, defense contractor fraud, financial fraud, under-payment of royalties, fraud in general services contracts and other types of fraud perpetrated against governments. Since 1986, federal and state false claims act recoveries have totaled more than \$22 billion. Whistleblowers themselves have now received more than \$2 billion.

In recent years, instances of fraud relating to financial services have exploded, as billions of dollars have flowed through federal programs such as the Troubled Asset Recovery Program (TARP), the Term-Asset-Backed Securities Loan Program (TALF), and the Federal Home Administration. Bid-rigging and kickback schemes in the municipal bond arena have flourished, as have mispricing and deception associated with securities bought by public pension funds.

The government cannot keep up with the high volume of filed cases, making it important that a whistleblower retain the services of a firm like Hagens Berman. We have a proven track record of winning and the resources and knowledge to take on a powerful defendant and prosecute the case through trial. When the government is unwilling to act, we are.

Our expertise in the qui tam arena includes close working relationships with attorneys at the United States Department of Justice and numerous state Attorney General's Offices; specialized understanding of federal and state false claims statutes and other related areas of law; and extensive experience in cultivating close, productive attorney-client relationships with whistleblower clients.

Hagens Berman's past whistleblower successes include a suit against an ambulance company that resulted in the second-largest settlement ever in the ambulance industry; alleged kickbacks demanded by a major hospital procurement agent in exchange for the award of contracts to supply products for hospitals reimbursed by federal health programs; a health care finance consultant who blew the whistle on Medicare "outlier" fraud and helped recover millions for the federal treasury; a former consultant at a "Big Four" accounting firm whose office perpetrated a fraudulent billing scheme on the U.S. Justice Department; and a defense industry employee whose company provided substandard gyroscopes for Air Force fighter jets.

Securities and Exchange Commission / Commodity Futures Trading Commission

Hagens Berman also provides counsel for whistleblowers under the new Securities and Exchange Commission (SEC) and Commodity Futures Trading Commission (CFTC) whistleblower programs.

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

Many traditional False Claim Act firms are beginning to take on these cases, but those firms lack real experience in prosecuting financial fraud and securities violations. Hagens Berman has extensive experience in these areas and has represented large institutions as well as led class-action litigation against some of the largest financial institutions in the world.

Hagens Berman has also worked alongside government officials and regulators, establishing the credibility necessary to bring a case to the SEC. When Hagens Berman brings a claim, regulators pay attention.

Internal Revenue Service

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

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

Hagens Berman helps IRS whistleblowers to present specific and credible information to the IRS regarding tax fraud. Unlike some traditional False Claims Act firms, Hagens Berman has experience representing governments who have lost tax revenue due to fraud.



PRACTICE AREAS | **Governmental Representation**

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

Hagens Berman has assisted governments in recovering billions of dollars in damages from corporate wrongdoers and, in the process, helped alter the manner in which some industries do business. In serving government, we are often able to leverage the firm's expertise and success in related private class litigation.

Successes on behalf of government clients include:

- ▶ **Big Tobacco** – Hagens Berman represented 13 states in their landmark Medicaid-recoupment litigations against the country's major tobacco companies. Only two states actually took their cases to trial – Washington and Minnesota. The firm served as trial counsel for the State of Washington, becoming only one of two private firms in the entire country to take a state case to trial.

Hagens Berman was instrumental in developing what came to be accepted as the predominant legal tactic to use against the tobacco industry: emphasizing traditional law enforcement claims such as state consumer protection, antitrust and racketeering laws. Before the firm's involvement in the state cases, the predominant claims being pursued by most of the states were traditional tort theories, which were sometimes unsuccessful. In contrast, the law enforcement approach proved to be nearly universally successful at the pleading stage, leaving the industry vulnerable to a profits disgorgement remedy, penalties and double damages. The firm also focused state legal claims on the industry's deplorable practice of luring children to tobacco use.

A national settlement of the state tobacco litigation resulted in recouping \$206 billion for state programs, the largest settlement in the history of civil litigation in the United States. The firm played a key role in the national settlement negotiations.

Hagens Berman is particularly proud of the important role that the firm's lawyers played in these pioneering actions against an industry that has caused so much illness and financial harm.

- ▶ **Average Wholesale Price Drug Litigation** – The drug manufacturers' artificial inflation of the Average Wholesale Price that is used as a benchmark for almost all prescription drug sales in the United States hurt consumers and private third-party payors whose interests the firm represents in class litigation, and it also caused damage to state Medicaid and other public health programs. Hagens Berman is special counsel to the states of Arizona, Montana and Nevada in their AWP suits, which have settled on terms favorable to the states.

- ▶ **McKesson Drug Price Inflation Litigation** – This litigation is yet another example of fraudulent drug price inflation impacting not just consumers and private health plans, but public health programs such as Medicaid and local government-sponsored plans as well. Hagens Berman, building on the firm’s experience in leading the \$350 class-action recovery against McKesson, represents six states, including Oregon, Virginia, Utah, Montana, Mississippi, and Connecticut, the City and County of San Francisco, and other local government agencies in their efforts to recover the damages caused to their health plans by McKesson’s scheme. The County public payor case settled for \$82 million, and the City and County of San Francisco settled its claims for \$12.5 million.
- ▶ **Zyprexa Marketing and Sales Practices Litigation - Connecticut** – Hagens Berman served as outside counsel to Attorney General Richard Blumenthal in litigation alleging that Lilly engaged in unlawful off-label promotion of the atypical antipsychotic Zyprexa. The litigation also alleged that Lilly made significant misrepresentations about Zyprexa’s safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs borne by the State and its taxpayers. The State’s Zyprexa litigation concluded with a \$25 million settlement that Hagens Berman negotiated.



PRACTICE AREAS | Personal Injury and Abuse

Hagens Berman's blend of professional expertise, education and commitment to our clients has made us some of the most well-respected and successful mass tort and personal injury lawyers.

Not all personal injury cases are the same. To successfully litigate personal injury cases, attorneys must have a deep understanding of the medical and legal issues of that particular case and the practice area it falls within. The attorneys at Hagens Berman have extensive knowledge and experience across the spectrum of personal injury practice areas, assuring that our clients will receive the highest level of legal counsel. We have delivered in catastrophic injury cases involving wrongful death, brain injury, auto accidents, defective products, construction accidents, and police and emergency vehicle collisions.

Hagens Berman has a long record of accomplishment in personal injury litigation. Experience is the number one factor in reaching successful outcomes.

We also have unparalleled experience in very specific areas of abuse law, recovering damages on behalf of some of the most vulnerable people in our society, as profiled below.

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

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

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



PRACTICE AREAS | Intellectual Property

Hagens Berman launched a new intellectual property practice in early 2011. Managing Partner Steve Berman leads the effort and the firm has hired top-notch attorneys to pursue cases.

Unlike other intellectual property firms, Hagens Berman only represents plaintiffs. This reduces the risk of potential conflicts of interest which at larger firms often create delays in deciding whether or not to take a case. With no conflicts, we are able to act quickly in deciding to take a case and move the process forward.

The firm is primarily interested in patent law, and seeks to represent patent holders including inventors, non-practicing entities and other groups whose patent portfolio represents a significant capital investment.

A number of patent cases are currently in various phases of litigation. Some examples include:

- ▶ **Nintendo Wii** – Hagens Berman represents Shinsedai Company, Limited, a small video game company which alleges that Nintendo's Wii Sports games infringe on several of Shinsedai's patents.
- ▶ **Mission Abstract Data** – The firm has filed a lawsuit against more than 900 radio stations across the United States alleging that they have infringed on patents covering the use of hard disk drive systems to store and retrieve music.
- ▶ **Green Dot and NetSpend** – Hagens Berman filed this patent infringement suit on behalf of Nevada-based Integrated Technological Systems, Inc. (ITS) which claims that two prepaid debit card providers infringe on an ITS patent covering a method for transfers between prepaid debit cards.
- ▶ **Apple** – Hagens Berman is currently preparing new patent cases involving infringement by Apple's iPad, Mac and iPhone devices and infringement of patents formerly belonging to Polaroid.

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



PRACTICE AREAS | Lending and Mortgage Fraud

The financial crisis of 2008, triggered by the burst of a massive bubble in housing, led to waves of foreclosures that are still ongoing. The crisis has revealed a number of fraudulent tactics used by lenders, appraisers and others.

Hagens Berman has responded to these tactics by prosecuting financial institutions and real estate companies who break the law.

The firm has filed several lawsuits against some of the largest banks and mortgage owners, including Bank of America, Aurora Loan Services and Wells Fargo.

Some of the areas the firm focuses on include:

Appraisals – Hagens Berman has investigated appraisers and financial institutions that inflated fees or coordinated to produce false appraisals.

Bait and Switch Charges – The firm has prosecuted large mortgage holders that unfairly charged excessive and illegal fees.

False Modification Schemes – Some banks, the firm believes, have offered a false promise of a mortgage modification to homeowners, only to foreclose after the homeowner follows a prescribed payment plan.

One of the firm's cases has already led to a settlement that returned money to homeowners. In early 2011, a \$7.1 million settlement was reached between homeowners and home building giant KB Homes. The case alleged that KB Homes improperly required customers to use its escrow subsidiary and extracted \$275 for a "contract coordination" fee. The settlement will allow homeowners to recover at least \$225 and perhaps more than \$275.



HAGENS BERMAN

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Steve W. Berman founded Hagens Berman in 1993 after his prior firm refused to represent several young children who consumed fast food contaminated with E. coli. Steve went on to prove that the poisoning was the result of Jack in the Box's cost cutting and gross negligence. He is the managing partner of Hagens Berman and is considered one of the most successful class-action attorneys in the nation.

Mr. Berman played a key role in winning record settlements in consolidated cases against Wall Street, Big Oil, Big Pharma and Big Tobacco. He has served as lead counsel for the largest settlement in world history, largest U.S. antitrust settlement, largest U.S. ERISA settlement, and largest U.S. securities settlement at the time of settlement. His trial experience has earned him significant recognition, and led The National Law Journal to name him one of the 100 most powerful lawyers and rate Hagens Berman one of the top ten plaintiffs' firms in the country.



HAGENS BERMAN

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Thomas M. Sobol has been the managing partner of Hagens Berman's Boston office since 2002. His practice focuses on pharmaceutical and medical device litigation for consumer classes, large and small health plans, individuals and state governments.

Mr. Sobol currently leads drug pricing litigation efforts against numerous pharmaceutical and medical device companies in order to remedy overcharges to consumers and health plans that pay for brand name and generic drugs. In recent years, Mr. Sobol has been a lead negotiator in court-approved settlements totaling almost one billion dollars. He currently is one of the court-appointed lead counsel in numerous such matters, including In re Prograf Antitrust Litigation, In re Skelaxin Antitrust Litigation, In re Doryx Antitrust Litigation, In re Lipitor Antitrust Litigation, In re Effexor Antitrust Litigation, and In re Wellbutrin XL Antitrust Litigation. In addition, Mr. Sobol currently leads litigation against numerous brand name pharmaceutical manufacturers, challenging their practice of fraudulently subsidizing drug copayments for insureds, thereby inflating drug prices for all.

In addition, Mr. Sobol serves as lead counsel to the Prescription Access Litigation (PAL) project, the largest coalition of health care advocacy groups that are joined together to fight illegal, loophole-based overpricing by pharmaceutical companies. PAL has approximately 100 organizational members in more than 30 states.

In the past, Mr. Sobol served as Special Assistant Attorney General for the Commonwealth of Massachusetts and the states of New Hampshire and Rhode Island, and served as one of the private counsel for Massachusetts and New Hampshire in groundbreaking litigation against the tobacco industry. These cases led to significant injunctive relief and to monetary recovery in excess of \$10 billion to those states.

Mr. Sobol also served as judicial clerk for then-Chief Justice Allan M. Hale of the Massachusetts Appeals Court from 1983 to 1984.



HAGENS BERMAN

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Anthony D. Shapiro is a partner at Hagens Berman, where he concentrates on antitrust matters and leads the firm's Personal Injury Group. His personal injury practice includes cases of wrongful death, brain injury, and catastrophic personal injury matters resulting from construction site, workplace, automobile accidents, product liability and nursing home negligence. Mr. Shapiro has handled hundreds of personal injury matters and has on numerous occasions secured results in excess of one million dollars for his clients.

Mr. Shapiro's work prosecuting plaintiffs' claims against the Alyeska Pipeline Service Company resulting from the 1989 Exxon Valdez Oil Spill ultimately resulted in a \$98 million settlement for plaintiffs. He has also played a prominent role in a number of notable antitrust class actions.

Mr. Shapiro served as lead counsel in In Re DRAM Antitrust Litigation where, on behalf of a class of direct purchasers, he and others were able to secure in excess of \$325 million from domestic and foreign DRAM chip manufacturers. Mr. Shapiro has served on the plaintiffs' executive committee in a number of prominent antitrust class actions including In re LCD Antitrust Litigation where plaintiffs recovered close to \$500 million from price-fixing LCD manufacturers.

Prior to leading the Hagens Berman personal injury litigation practice, Mr. Shapiro honed his courtroom skills in the Washington state prosecuting attorney's office, where he represented the state in more than 50 serious felony jury trials, including some of the state's most difficult and high-profile cases.

Very involved in issues concerning juvenile diabetes, Mr. Shapiro has served as a board member of the Western Washington chapter of the Juvenile Diabetes Foundation for four years. In 2004, the American Diabetes Association honored Mr. Shapiro as "Father of the Year," one of their highest honors.

Mr. Shapiro was given an AV rating by Martindale-Hubbell, the highest rating a lawyer can obtain, indicating a very high to preeminent legal ability and exceptional ethical standards as established by confidential opinions from members of the Bar.



HAGENS BERMAN

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Robert B. Carey handles class-action lawsuits against a variety of organizations and companies. Mr. Carey has prosecuted several claims against auto manufacturers, including achieving benefits for millions of car owners for issues involving airbag deployment, false performance claims, defective materials and electronic malfunctions. He is helping Steve Berman on the Toyota Unintended Acceleration class action. His recent successes include leading three class actions to settlement—two involving Hyundai and one against LifeLock for its sales and marketing.

At home in the courtroom, Mr. Carey has handled an array of cases such as bad-faith insurance, personal injury and contract disputes. He has taken several of these to a jury when necessary, achieving verdicts in cases with as much as \$75 million at stake. In 2012 alone, Mr. Carey prevailed in all three of his trials, including the largest verdict in the jurisdiction for a burn victim (\$5.25 million) and one in federal court in Colorado that achieved punitive and treble damages against State Farm.

From 1990 to 1996, Mr. Carey acted as Arizona's Chief Deputy Attorney General, for which he received the Distinguished Service Award for his work overseeing an office with 300+ lawyers. In this position, he was responsible for all major legal, policy, legislative and political issues. On the legal front, he also spearheaded a \$4 billion divestiture, a landmark \$165 million antitrust settlement and recoveries in numerous consumer and tort cases. On the policy side, Mr. Carey originated and constructed Arizona's law requiring the DNA testing of all sex offenders and developed a penalty requiring criminals to pay the cost of victims' rights. He was also a principal drafter of the first major overhaul of Arizona's criminal code, and drafted, for Senators Dole and Kyl, the portion of the federal Prisoner Litigation Reform Act of 1995 that virtually eliminated frivolous prisoner lawsuits clogging the courts—a solution that stemmed from the solution incorporated into Arizona law he conceived of and which served as a model for many other states.

Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system, Mr. Carey has remained active in his community. He has keynoted at national conferences, and for over a decade taught tort, contract and public policy courses.



HAGENS BERMAN

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Leonard W. Aragon is a partner at Hagens Berman's Phoenix office, where he focuses on nationwide class actions and other complex litigation. Mr. Aragon's recent victories include a multi-million dollar jury verdict believed to be the largest in Columbiana County (Ohio) history, a nationwide class-action settlement against Wells Fargo, and a multi-million dollar settlement against a provider of theft protection services.

Mr. Aragon is currently counsel for plaintiffs in the highly publicized cases *Keller v. Electronic Arts* and *In Re: NCAA Student-Athlete Name and Likeness Licensing Litigation* pending in the Ninth Circuit and U.S. District Court for the Northern District of California. The cases allege that video game manufacturer Electronic Arts, the National Collegiate Athletic Association, and the Collegiate Licensing Company used the names, images and likenesses of student athletes in violation of state right of publicity laws and the NCAA's contractual agreements with the student athletes.

Mr. Aragon also represents the original developer of the Madden Football franchise—the best-selling sports video game in history—in an intellectual property dispute against Electronic Arts. The case alleges that the company improperly used the developer's intellectual property to create subsequent versions of the game. The case is scheduled for trial in April 2013.

In addition to his private practice, Mr. Aragon is an adjunct professor at the Sandra Day O'Connor College of Law at Arizona State University. He is also committed to community service. Notably, Mr. Aragon was lead counsel in a pro bono class action seeking to reopen New Orleans' only public hospital following the Hurricane Katrina disaster. The Louisiana Supreme Court ultimately rejected the plaintiffs' plea to reopen the hospital, but the case is widely recognized as instrumental in helping to return health care to New Orleans.

Before attending college, Mr. Aragon was a scout for the 2/68 Armored Tank Battalion. After fulfilling his commitment, he graduated summa cum laude from Arizona State University in 1998 with degrees in History and Political Science, and received his J.D. from Stanford Law School in 2001.



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Lauren Guth Barnes is a partner at Hagens Berman's Boston office, where she has worked since 2003. Her practice focuses on consumer protection, RICO, and antitrust litigation against drug and medical device manufacturers, including complex class actions and personal injury cases for consumers, large and small health plans, and state governments.

Although active in a number of cases, Ms. Barnes currently represents health benefit providers in the firm's copay subsidies class litigation, direct and indirect purchasers of Skelaxin, Prograf, and Androgel, and individuals harmed by pharmaceuticals such as Yaz, Actos, and thalidomide and medical devices including the Taxus stent and pelvic mesh. Ms. Barnes served as the primary contact for day-to-day operations in the State of Connecticut v. Eli Lilly and Co. Zyprexa litigation, shepherding the case through discovery and summary judgment briefing before reaching a settlement for the State.

Ms. Barnes has been active in the fight against federal preemption of consumer rights, working to ensure consumers and third-party payors maintain an ability to seek remedies when medical device and pharmaceutical makers violate consumer protection laws. In this role, and on behalf of practitioners and professors who teach and write on various aspects of pharmaceutical regulation and the delivery of healthcare, Ms. Barnes recently co-authored an amicus brief to the Supreme Court in *Pliva v. Mensing*, urging the Court to recognize that Congress has not preempted state-law failure-to-warn claims brought against manufacturers of generic pharmaceuticals.

Prior to joining the firm, Ms. Barnes worked with Conflict Management Group, a non-profit organization dedicated to promoting peaceful resolution of international disputes and teaching negotiation skills. During her association with the organization, Ms. Barnes worked with members of the United Nations High Commissioner for Refugees on a pilot project in Bosnia-Herzegovina designed to ease tensions and encourage reconciliation. Ms. Barnes helped edit *Imagine Coexistence*, a book developed out of the project, and contributed a chapter to it.



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Peter Borkon is a partner at Hagens Berman's Berkeley office where he has worked since 2007. Since 2000, his practice has been focused on complex civil litigation, particularly securities and antitrust class actions and shareholder derivative suits. He has also served as an Adjunct Professor at the University of California Hastings College of the Law and is trained to serve as a Judge Pro Tem in San Mateo County.

Mr. Borkon was a key team member in *In re Homestore Securities Litigation*, resulting in settlements valued at more than \$100 million. Mr. Borkon was also instrumental at drafting the complaint and defeating multiple motions to dismiss and motions for summary judgment. He also served as outside evaluation counsel to CalSTRS in 2005. At Hagens Berman, Mr. Borkon has been a team member in several securities class actions including *In re Northwest Biotherapeutics Securities Litigation*, *In re BigBand Networks Securities Litigation*, *In re Charles Schwab Corp. Securities Litigation* and *In re Reserve YieldPlus Fund Securities Litigation*.

Mr. Borkon is a member of the State Association of County Retirement Systems (SACRS), the California Association of Public Retirement Systems (CALAPRS) and the National Association of Public Pension Attorneys (NAPPA) where he is a member of the Alternative Investments working group. He is also a member of the International Foundation of Employee Benefit Plans (IFEBP) and the National Conference on Public Employee Retirement Systems (NCPERS) where he has spoken on securities litigation topics including the need for investor friendly legislation and the recent Dodd-Frank regulations implemented by the SEC.

Mr. Borkon was named a Northern California Rising Star in 2010 and 2011 and a "Super Lawyer" in 2012 by Super Lawyers Magazine. He served as the co-chair of the Board of Directors of the AIDS Legal Referral Panel and as a co-chair of the Bay Area Lawyers for Individual Freedoms, Judicial Review Committee. He was also a Steinberg Leadership Fellow with the Anti-Defamation League. Mr. Borkon graduated from DePauw University in 1992 with a Bachelor of Arts degree. He earned his law degree from Southern Illinois University at Carbondale in 1996. Since that time, he has actively engaged in the practice of law at the trial and appellate levels. Mr. Borkon clerked for the Chief Judge of the Southern District of Illinois as well as for the Ninth Circuit Court of Appeals.



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Jeniphr Breckenridge is a partner at Hagens Berman, where she has practiced since the firm's founding. Ms. Breckenridge's practice concentrates on securities and investor fraud and consumer litigation.

Ms. Breckenridge is currently focusing on the Toyota Unintended Acceleration Litigation.



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Elaine Byszewski is a partner at Hagens Berman where she has worked since 2004. She has litigated a number of class actions on behalf of consumers and employees resulting in multi-million dollar settlements, including cases against Berkeley Premium Nutraceuticals, Solvay Pharmaceuticals, Costco, Apple and KB Homes.

Ms. Byszewski is currently part of the litigation team led by Mr. Berman, who was appointed co-lead counsel in the nationwide class-action lawsuit pending against Toyota in the Central District of California. She is also involved in multi-state deceptive sales practices cases pending against Ford and EquiTrust Life Insurance Company; a multi-state antitrust action against major dairy cooperatives for colluding in the premature slaughter of a half a million cows to drive up the price of milk; and a false advertising case against AstraZeneca Pharmaceuticals, which has been certified by the Massachusetts trial court.

Prior to joining Hagens Berman, Ms. Byszewski focused her practice on labor and employment litigation and counseling. During law school she worked in the trial division of the office of the Attorney General of Massachusetts.



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Jennifer Fountain Connolly is a partner at Hagens Berman and operates the firm's Washington, D.C. office. Her practice focuses on pharmaceutical pricing fraud cases, qui tam litigation, antitrust class actions and other types of complex litigation where she has held numerous leadership positions. She specializes in cases with complex factual or procedural questions, many of which have related proceedings pending in multiple jurisdictions.

She had a significant role in litigation against McKesson Corporation alleging the company engaged in a scheme that raised the prices of more than 400 brand-name prescription drugs. That case resulted in a \$350 million settlement. She also worked on a similar public payor case that resulted in an \$82 million settlement for municipalities throughout the United States and has been on the Hagens Berman-led team representing numerous state attorneys general in similar claims against McKesson. Ms. Connolly was also a key member of the Hagens Berman-led team that successfully tried the Average Wholesale Price litigation against four pharmaceutical company defendants, obtaining a verdict that was subsequently affirmed in all respects by the First Circuit Court of Appeals.

Prior to joining Hagens Berman in May 2010, Ms. Connolly was a partner at Wexler Wallace LLP. Prior to that, Ms. Connolly worked at a boutique complex litigation firm in Denver, Colorado that is now part of Sherman & Howard, L.L.C. and worked as an Assistant Attorney General in the Business Regulation Unit of the Colorado Attorney General's office.



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Elizabeth A. Fegan is a partner in Hagens Berman's Chicago office, where she has worked since 2004. Her practice includes a variety of complex commercial class-action cases in the areas of antitrust, consumer protection and product liability.

Her recent successes include a \$35 million settlement in a nationwide antitrust class action on behalf of consumers against Babies 'R Us and manufacturers of high-end strollers, high chairs, carriers and car seats, as well as a settlement that provides up to \$25 million in refunds to purchasers of Blue Rhino propane tanks in a nationwide antitrust class action.

Ms. Fegan has successfully tailored creative results for the benefit of nationwide classes. For example, Ms. Fegan settled a nationwide class action alleging sexual harassment on behalf of 16,000 current and former female employees of a commercial property brokerage firm. In addition to requiring changes to human resources policies and procedures, the innovative settlement afforded class members the opportunity to participate in a stream-lined claims process that provides the potential for individual awards up to \$150,000 per class member.



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Erin K. Flory is a partner at Hagens Berman, where he has worked since its founding in 1993. Mr. Flory's practice focuses on securities and class-action litigation. His writing and creative legal analysis have been vital to the firm's rise to national prominence and helped shape the high standards that exemplify Hagens Berman's written court submissions. Mr. Flory has played a prominent role in many notable Hagens Berman cases including Charles Schwab Securities Litigation, In re Boeing Securities Litigation, Electronic Arts/NCAA, and Visa MasterCard ATM Litigation.



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Jeff D. Friedman is a former federal prosecutor and currently a partner in Hagens Berman's San Francisco office, where he specializes in class actions against some of the largest companies in the United States. He litigates cases involving antitrust violations, securities fraud and consumer protection matters.

Mr. Friedman's antitrust practice includes litigation against technology companies and cutting-edge competition policy issues.

He has also been extensively involved in the firm's representation of government entities, successfully recovering hundreds of millions of dollars for these cash-strapped entities.

He is licensed to practice law in California and admitted in the Central and Northern Districts of Federal court and the United States Court of Appeals for the Ninth Circuit.



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Lee M. Gordon is a partner at Hagens Berman, where he focuses on complex class actions. His work includes securities litigation, unfair competition and deceptive business practice cases against investment companies, antitrust litigation, consumer class actions against product manufacturers and retailers, and employee protection class actions.

Mr. Gordon has litigated a number of cases on behalf of employees and consumers resulting in multi-million dollar settlements, including cases against Costco Wholesale Corporation, Solvay Pharmaceuticals, Inc., Apple, Inc. and Citibank, N.A. He represents class members who invested in funds managed by Tremont Group Holdings, Inc., funds that were allegedly decimated as a result of the now-infamous Madoff Ponzi scheme. Mr. Gordon also represents investors against TD Ameritrade and The Reserve for various securities violations and breaches of fiduciary duty.

Mr. Gordon's prior casework reflects his broad experience in diverse practice areas and his effectiveness playing a lead role in class action litigation.



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Lisa M. Hasselman is a partner at Hagens Berman, where she has practiced since 2006. She focuses her practice on e-discovery and complex fact management strategies for multi-state and nationwide consumer class actions against large corporations.

Mrs. Hasselman was instrumental in the Bextra and Celebrex False Marketing Litigation and the Charles Schwab YieldPlus Fund Securities Litigation, both of which resulted in favorable settlements providing direct compensation to class members. She is currently focusing on the Toyota Unintended Acceleration Litigation and the Hyundai Defective Airbag Litigation. She serves as co-director of the Hagens Berman Project Green, which strives to lessen the firm's environmental impact.

Mrs. Hasselman's prior casework with the firm reflects her diverse experience in many of the firm's practice areas, including appearances and arguments in federal courts, depositions of executive officers and engineers, mediations, motion practice and a wide range of discovery.



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Reed R. Kathrein is a partner at the San Francisco office of Hagens Berman. In 1988, after 11 years defending corporations, Mr. Kathrein devoted his career to prosecuting securities class-actions litigation and securities cases on behalf of individual and institutional investors. He has litigated over 100 securities fraud class actions. He worked behind the scenes in shaping the Private Securities Litigation Reform Act, the Securities Litigation Uniform Standards Act and the Sarbanes-Oxley Act.

Mr. Kathrein is active within the federal courts where the bulk of his practice centers. He was Lawyer Representative to the Ninth Circuit Court of Appeals and a Lawyer Representative to the United States District Court for the Northern District of California (2008-2011). He chaired the Magistrate Judge Merit Selection Panel, United States District Court, Northern District of California (2006-2008) and co-chaired the Securities Rules Advisory Committee, United States District Court, Northern District of California (2004-2006).

Mr. Kathrein is a member of the National Association of Public Pension Attorneys and the National Conference on Public Employee Retirement Systems. He has been a member of the Council of Institutional Investors and the National Association of State Retirement Administrators. He is a regular public speaker on securities, class action and consumer law issues.



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Thomas E. Loeser is a partner at Hagens Berman where his practice focuses on class actions, False Claims Act (FCA) and whistleblower cases, consumer protection and identity-theft/privacy. Mr. Loeser has successfully litigated class-action lawsuits against mortgage lenders, appraisal management companies, national banks, home builders, hospitals, medical imaging companies, title insurers and data processors.

Mr. Loeser is currently prosecuting consumer protection class-action cases against several banks, lenders, loan servicing companies and payment processors. He is also handling False Claims Act whistleblower suits now under seal.

Mr. Loeser has been trying cases in federal and state courts for 13 years, first in San Francisco and Los Angeles, and since 2007, in Seattle. He has been lead counsel in numerous federal jury trials and has presented over a dozen cases to the Ninth Circuit Court of Appeals. As a federal prosecutor in Los Angeles, Mr. Loeser was a member of the Cyber and Intellectual Property Crimes Section and regularly appeared in the Central District trial courts and the Ninth Circuit Court of Appeals.

Since joining Hagens Berman in early 2008, Mr. Loeser has investigated and prosecuted cases against builders, lenders, banks, appraisal management companies, title insurers, medical services providers and escrow companies for profiteering and other fraud at the expense of borrowers, home-owners and the government. Mr. Loeser has settled cases that have returned tens of millions to hundreds of thousands of consumers and more than \$100 million to the government.



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Sean R. Matt is a partner at Hagens Berman, where he has worked since its founding in 1993. Mr. Matt's practice focuses on multi-state and nationwide class actions and complex commercial litigation encompassing securities and finance, consumer, antitrust, insurance and products.

Mr. Matt leads the firm's innovation in organizing and prosecuting individual class cases across many states involving the same defendants and similar factual and legal issues; an approach that continues to be a key factor in the firm's success. His prior casework with the firm reflects his diverse experience in most of the firm's practice areas, involving appearances in state and federal courts across the country at both the trial and appellate levels.

Mr. Matt is a key member of the firm's securities litigation team, most recently co-leading the prosecution and settlement of the In Re: Charles Schwab Securities Litigation, the In Re: Oppenheimer Champion Income Fund Securities Class Actions, and the Oppenheimer Core Bond Fund Class Action Litigation.

Mr. Matt is also a key member of the firm's pharmaceutical litigation team that confronts unfair and deceptive pricing and marketing practices in the drug and dietary supplement industries. Mr. Matt's cases in this field include the Average Wholesale Price Litigation, the First Databank/McKesson Pricing Fraud Litigation and the Enzyte Litigation.

Other notable cases include In re Checking Account Overdraft Cases pending against many of the country's largest banks; the Washington State Ferry Litigation, which resulted in one of the most favorable settlements in class litigation in the history of the state of Washington; the firm's California Electricity Fraud cases, including participation in the firm's representation of the Snohomish Public Utility District against numerous power generators and marketers alleged to have caused skyrocketing energy prices through fraudulent market gaming techniques; the Microsoft Consumer Antitrust cases; and State Attorneys General Tobacco Litigation. In the latter, Mr. Matt assisted with client liaison responsibilities, working closely with assistant attorneys general in Oregon, Ohio, Arizona, Alaska and New York, as well as assisting in all litigation matters.



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David P. Moody is a partner at Hagens Berman's Seattle office, where he has worked since 2006. He is a trial attorney with a passion for representing children, the disabled, elderly and incapacitated citizens.

Mr. Moody has successfully secured many multi-million dollar recoveries on behalf of vulnerable citizens who have been abused, neglected or exploited, including:

- the largest jury verdict ever upheld against the State of Washington, DSHS (\$17.8 million);
- the largest single-plaintiff settlement against the State of Washington, DSHS (\$8.8 million);
- the largest recovery on behalf of three foster children (\$7.325 million);
- the largest single-plaintiff settlement on behalf of a child in Snohomish County, Washington (\$5 million);
- the largest judgment on behalf of an incapacitated child in Spokane County, Washington (\$4 million);
- settlement of \$4 million on behalf of a disabled woman in Santa Clara County, California;
- the largest judgment ever obtained against Eastern State Hospital (\$3 million);
- judgment for a boy neglected and abused in Snohomish County, Washington (\$2.85 million);
- judgment for a girl neglected and abused in Pierce County, Washington (\$2.85 million);
- the largest single-plaintiff jury verdict on behalf of an incapacitated adult in Kitsap County, Washington (\$2.6 million);
- judgment in the amount of \$2.5 million for a client abused at Eastern State Hospital;
- the largest single-plaintiff settlement on behalf of a developmentally disabled male in eastern Washington (\$2.25 million);
- the largest single-plaintiff judgment ever obtained for violations of the Public Records Act (\$649,000); and several additional settlements in excess of \$1 million.



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David S. Nalven has been a partner at Hagens Berman's Cambridge office since 2004. His practice focuses on prosecution of multi-state and nationwide class actions involving the pharmaceutical and medical device industries, business fraud, and consumer protection.

Mr. Nalven has extensive experience in the prosecution of antitrust, fraudulent marketing and unfair pricing claims against manufacturers of pharmaceutical products and medical devices, representing prescription drug wholesalers and retailers, health insurers, and consumers in these matters. Mr. Nalven has served in leadership roles in nationwide antitrust class actions against the manufacturers of Ovcon 35, OxyContin, Tricor, Wellbutrin XL, Toprol XL, Norvir, and others. Mr. Nalven has also prosecuted fraudulent marketing class actions against the manufacturers of Serostim, Nexium, Actimmune and Zyprexa as well as substantial matters against medical device manufacturers DePuy Spine, Inc. and Becton Dickinson. Mr. Nalven also worked extensively on the nationwide Average Wholesale Price Litigation and in the representation of the State of Connecticut in multiple prescription drug pricing matters.

After law school, Mr. Nalven served as a law clerk to the Hon. John R. Gibson of the United States Court of Appeals for the Eighth Circuit.



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Ed Notargiacomo is a partner at Hagens Berman where he has worked since 2002. He joined the firm's Boston office to focus on complex consumer, commercial and antitrust litigation. Mr. Notargiacomo is involved in a number of large class-action suits against large pharmaceutical corporations in both the consumer protection and antitrust areas.

Mr. Notargiacomo's extensive experience in complex cases also includes consumer class actions against predatory lenders and employment litigation against a major retail chain, as well as intense involvement in high-profile litigation against cigarette manufacturers and the firearms industry.

Before joining Hagens Berman, Mr. Notargiacomo served as Special Assistant Attorney General for Massachusetts in its suit against the tobacco industry to recoup funds expended to treat smoking related illnesses. He also helped represent Rhode Island, New Hampshire and Maine in their suits against the tobacco industry. In another case, he represented the city of Boston in its suit against gun manufacturers and distributors in order to force them to take responsibility for violence perpetrated with firearms negligently and illegally distributed in cities like Boston.



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Christopher O'Hara is a partner at Hagens Berman Sobol Shapiro where he has worked since 1997. He practiced for nearly five years in the firm's Phoenix office before returning to the Seattle office, where he currently concentrates on antitrust, consumer, tax and securities class actions.

Mr. O'Hara serves as plaintiffs' counsel in Hotel Occupancy Tax litigation against major online travel companies in various jurisdictions across the country. Mr. O'Hara also worked on related litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive "taxes and fees" charges. That case resulted in summary judgment in Plaintiffs' favor and an eventual settlement for cash and credits totaling \$134 million. Mr. O'Hara has also worked on a variety of price-fixing cases including actions against the hydrogen peroxide, linerboard and laminate industries.

An active member of the firm's Microsoft defense team, he negotiates claims administration policy and processing rules on behalf of Microsoft in 20 consumer and antitrust class-action state settlements around the country. Building on that experience, Mr. O'Hara currently plays a leading role for the firm in working with claims administrators on all of the firm's class settlements and class notice programs.

While in Phoenix, Mr. O'Hara deposed more than a dozen of big tobacco's expert witnesses, research scientists and marketing executives for the tobacco litigation, focusing predominantly on the Arizona case. He coordinated Arizona's national and local expert witnesses, while contributing to all aspects of discovery and motion practice. Mr. O'Hara played a leading role in the firm's successful defense of the state of Arizona against claims brought by several Arizona Counties in the aftermath of the state's tobacco litigation.

Prior to joining Hagens Berman Sobol Shapiro, Mr. O'Hara focused on property loss subrogation and professional liability defense at a Seattle-area law firm.



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George W. Sampson is a partner at Hagens Berman, where he has worked since 1994. He joined the firm to focus on antitrust class actions, and served as co-lead counsel in the Disposable Contact Lens Litigation and the Visa/MasterCard debit card cases. He also helped develop antitrust claims in the Tobacco Litigation. As a Special Assistant Attorney General for the State of West Virginia, Mr. Sampson won a \$16.2 million settlement against Visa and MasterCard which funded several sales tax holidays for West Virginia consumers.

Mr. Sampson's principal role at the firm is to assist expert witnesses in antitrust cases. He has either taken or defended the deposition of nearly every leading antitrust economist, whether at the class certification stage or the liability and damages phases of complex antitrust class actions.

Prior to joining Hagens Berman, Mr. Sampson served as chief of the Antitrust Bureau for the New York Attorney General's Office. Mr. Sampson oversaw a 22-person staff and managed case selection and investigation for all civil and criminal prosecutions. He also served as attorney general liaison to the federal-state Executive Working Group-Antitrust. His position as chief involved a heavy trial practice, primarily in federal courts and often in conjunction with several states.

During his 10 years with the Antitrust Bureau, Mr. Sampson's notable cases included winning a \$7.8 million jury verdict in a highway bid rigging trial, serving as lead counsel for New York and obtaining a \$30 million settlement in insurance antitrust litigation and negotiating a \$15 million return to consumers in a resale price maintenance settlement with Nintendo.

Mr. Sampson earned his bachelor's degree in economics from Cornell University and graduated from New York University School of Law in 1977. Mr. Sampson is admitted before the U.S. Supreme Court and numerous federal courts of appeal.



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Shana E. Scarlett is a partner at Hagens Berman's San Francisco Bay Area office, where she specializes in antitrust class actions, consumer protection, and securities litigation. Ms. Scarlett was recognized by Super Lawyers as a "Rising Star" in Northern California in 2009, 2010 and 2011.

Ms. Scarlett is one of the team of litigators representing indirect purchaser plaintiffs in the *In re Optical Disk Drive Antitrust Litigation*, alleging a price-fixing conspiracy to fix the prices of optical disk drives through the United States, in violation of federal and state antitrust laws. Ms. Scarlett is also lead class counsel in *Pecover v. Electronic Arts, Inc.* in which she was instrumental in the certification of a nationwide class under California's antitrust and state laws.

Ms. Scarlett also has extensive experience representing shareholders in securities matters throughout the country. Ms. Scarlett has represented investors against defendants in a variety of industries, such as pharmaceutical manufacturers, (*In re Impax Sec. Litig.*, *In re CV Therapeutics, Inc., Sec. Litig.*, *In re Alkermes Sec. Litig.*), Internet companies (including *In re Verisign, Inc.* and *In re Northpoint Communications Group, Inc. Sec. Litig.*) and other manufactured products (*Ryan v. Flowserve Corp.*).



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Craig R. Spiegel is a partner at Hagens Berman, where his practice primarily focuses on class actions concerning unfair pricing of pharmaceutical drugs. Recent cases include actions against AstraZeneca and Merck.

Mr. Spiegel helped obtain a substantial settlement for the State of New York and New York City in their litigation against Merck for losses suffered from deceptive marketing of the prescription drug Vioxx. Mr. Spiegel was instrumental in obtaining a settlement for a class of Massachusetts consumers and third party payors in their litigation against AstraZeneca, in which the class claimed that AstraZeneca deceptively marketed the prescription drug Nexium as superior to Prilosec.

Mr. Spiegel is admitted to practice before several federal district and appellate courts, and he is a member of the California, Illinois and Washington State Bars.



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Ronnie Spiegel is a partner at Hagens Berman, where she has worked since 2005. Ms. Spiegel has extensive complex litigation experience with a particular focus on antitrust price-fixing cases.

She has played a key role in litigating some of the largest antitrust cases in history, working on all aspects of these cases from filing through trial. She also specializes in managing large-scale discovery and writing briefs. Ms. Spiegel is a member of the American Bar Association's Antitrust Section. From 1994 to 2000, Ms. Spiegel worked for another complex litigation firm, Spector, Roseman, Kodroff & Willis, where she was one of the lead antitrust attorneys and manager of the firm's North Carolina office.



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Jeffrey Sprung is a partner at Hagens Berman, where he has worked since 1994. Mr. Sprung specializes in government fraud “qui tam” suits brought under the False Claims Act, representing whistleblowers serving as private attorneys general.

He has sued a variety of companies, including national health care companies and pharmaceutical manufacturers for health care fraud; a prominent scientific research institution for NIH grant fraud; a major bank for fraud in the securitization of mortgage loans; an ambulance company that resulted in what at the time was the second-largest recovery in the ambulance industry’s history; a big-four accounting firm for defrauding the U.S. Department of Justice; contractors for the U.S. Department of Energy concerning accounting fraud at the largest nuclear clean-up site in Hanford, Washington; and military contractors for procurement fraud.

Mr. Sprung’s expertise also includes prosecuting antitrust class actions involving claims of price-fixing. He has been actively involved in price-fixing cases involving the wood products, chemicals, and the paper products industries. Cases on which Mr. Sprung assisted have recovered over \$120 million for purchasers of oriented-strand board, a type of wood building product, and over \$139 million for purchasers of polyether polyols, a chemical used in a variety of foam products.

Prior to joining Hagens Berman, Mr. Sprung was an Assistant U.S. Attorney in the Office of the U.S. Attorney for the District of Columbia, where he specialized in civil fraud matters. He won the first civil suit for mail, wire and bank fraud brought in the District of Columbia, as well as the first civil suit brought by the government to punish insider trading in the mortgage-backed securities market.

Mr. Sprung is active in the legal and civic community. He was editor and contributing author of a leading practitioners’ guide on civil legal remedies in United States courts for hate crimes. He has spoken on the False Claims Act to various law schools, including the University of Washington School of Law, and at meetings of Seattle and national bar associations. He is past president and current board member of Seattle non-profit the Kavana Cooperative and currently sits on the board of Planned Parenthood Votes Northwest.

He is a member of the Washington State Bar Association, the Federal Bar Association and the Association of Former Assistant U.S. Attorneys.



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Shayne Stevenson helps lead the firm's whistleblower practice. He has litigated and argued cases in federal district courts and at the courts of appeal across the country. Currently, Mr. Stevenson is handling qui tam litigation under the False Claims Act in several federal and state courts, while also handling whistleblower actions under the SEC, CFTC and IRS whistleblower programs.

Mr. Stevenson has handled False Claims Act and other whistleblower cases against some of America's largest financial companies, medical device and pharmaceutical companies, hospitals, mortgage companies and other companies engaged in fraud. His whistleblower practice includes, among others, off-label promotion of drugs and medical devices, fraudulent use of the 510(k) medical device process, Medicare reimbursement and coding abuse, financial exchange fraud, securities and bond market fraud, mortgage fraud, tax fraud, education fraud, defense industry and other government contractor fraud, unlawful kickbacks and Stark Act violations and home healthcare fraud.

Recently Mr. Stevenson helped settle both whistleblower cases against Bank of America that culminated in the historic \$1 billion settlement between the Department of Justice and Bank of America addressing mortgage fraud. First, whistleblower client Mr. Kyle Lagow (in U.S. ex rel. Lagow v. Countrywide Financial Corp.) received \$14,625,000 million for his help in sparking a Department of Justice investigation of Countrywide and Bank of America's fraudulent mortgage origination and appraisal practices. Second, whistleblower client Mr. Gregory Mackler (in U.S. ex rel. Mackler v. Bank of America) helped the Department of Treasury recover several million dollars from Bank of America for allegedly violating its agreement with the Department to properly administer the Home Affordable Mortgage Program (HAMP) for struggling homeowners.

Separately, also with Steve Berman, Mr. Stevenson is handling litigation against the Rio Tinto mining conglomerate in a suit under the Alien Tort Statute accusing Rio Tinto of war crimes and genocide against the native population on the island of Bougainville, in Papua New Guinea. The case is currently at the United States Supreme Court, pending consideration of a petition for certiorari filed by Rio Tinto. Mr. Stevenson has also litigated and settled class-action cases on behalf of consumers and workers, and was previously a prosecutor who successfully tried several felony cases to juries and argued several cases in trial and appellate courts.



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Andrew M. Volk is a partner at Hagens Berman, where he has worked since 1996.

As a member of the intellectual property practice of the firm, Mr. Volk works on patent and licensing litigation, including litigation on behalf of Mission Abstract Data for alleged infringement of its patents for hard-drive based computer systems in the operation of their music radio stations, and on behalf of Integrated Technological Systems, Inc. (ITS) for alleged infringement of its system and method for transfers between prepaid debit cards.

Mr. Volk also works on hotel tax collection cases against the major online travel companies (“OTCs”). To date, the firm has achieved a settlement on behalf of Brevard County, Fla., summary judgment against the OTCs in favor of the Village of Rosemont, Ill., and a finding against the OTCs in administrative proceedings on behalf of the City of Denver, Colo. Mr. Volk also worked on related litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive “taxes and fees” charges. That case resulted in summary judgment in Plaintiffs’ favor and an eventual settlement for cash and credits totaling \$134 million.

Mr. Volk has also worked extensively on ERISA cases for breach of fiduciary duties, including claims on behalf of current and former employees of Enron, Washington Mutual Bank, General Motors IPALCO and the Montana Power Company. Currently, Mr. Volk is working on similar claims on behalf of the employees of Sterling Savings Bank.

Mr. Volk was extensively involved in the tobacco litigation in the late 1990s.



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Tyler S. Weaver is a partner at Hagens Berman, where he has worked since 2001. He litigates in a wide variety of practice areas; his cases have varied from litigation over the civil rights of protesters to securities-fraud cases on behalf of investors to consumer-protection litigation. If there is a constant in his work, it is his tenacious dedication to representing and recovering on behalf of individuals who have been wronged.

Mr. Weaver is admitted to practice in Washington and Oregon, and has made numerous appearances in United States district courts and appellate courts, as well as the trial and appellate courts of the State of Washington. Prior to joining Hagens Berman, Mr. Weaver clerked for two years for the Honorable Justin L. Quackenbush in the United States District Court for the Eastern District of Washington.



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Jason A. Zweig joined the firm in February 2011 and works in the firm's New York office. Mr. Zweig is highly experienced in representing plaintiffs in antitrust, securities, consumer and other types of complex litigation. He played significant roles in some of the largest antitrust and securities class actions in history including the High Fructose Corn Syrup Antitrust Litigation which resulted in a \$531 million recovery.

Prior to joining Hagens Berman, Mr. Zweig was a partner at Kaplan Fox & Kilsheimer LLP in New York where he practiced from 2003 through 2010. Mr. Zweig also was an associate at Proskauer Rose LLP in New York where he practiced in all areas of civil and criminal litigation. During law school, Jason also served as a judicial intern to the Honorable Jed S. Rakoff, U.S. District Court Judge for the Southern District of New York.



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Thomas Ahlering joined Hagens Berman's Chicago office as an associate in 2012. Prior to joining Hagens Berman, Thomas was an associate at a Chicago law firm where he was a member of the firm's White-Collar Crime and Internal Investigations and Litigation practice groups. While there, Thomas gained a broad and eclectic mix of litigation experience in both state and federal court in actions ranging from fraud, breach of contract, theft, RICO, ERISA, civil rights violations and criminal conspiracy.



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Gregory Albert proudly joined Hagens Berman Sobol Shapiro in 2012, where he focuses on antitrust class action, civil rights, and personal injury litigation.

Albert's career representing plaintiffs began with early successes in government liability and personal injury litigation. A few weeks out of law school, he was tasked with developing a novel legal theory to rescue an insurance bad faith claim from an expected loss to summary judgment. He received his bar license just in time to orally argue and win the motion, resulting in a settlement outside of policy limits. In response to his early achievements, Mr. Albert's firm trusted him to argue dispositive motions in a diversity of cases and to chair a superior court trial only a few months after passing the bar exam. By the end of his second year practicing law, his work in government liability, insurance bad faith, and police excessive force cases helped to secure more than \$6 million in awards and settlements for his clients.



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Camille S. Bass is an associate in Hagens Berman's Phoenix office who works on class-action cases involving consumer-protection issues, with a focus on automobile defects and deceptive trade practices. She has experience in general commercial litigation, as well as experience in family law, personal injury and criminal law.



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Steve W. Fimmel joined Hagens Berman in 2006, bringing more than 13 years of experience working on high-value, document-intensive cases. He worked for five years at Oles, Morrison, Rinker & Baker where he was a key member of the litigation team that won a judgment in Idaho Federal District Court involving claims exceeding \$400 million. The court sustained an unprecedented termination for default against the Lockheed-Martin Corporation for breach of contract to remediate a nuclear waste site at the Idaho National Engineering Laboratory.

Prior to his work at Oles, Morrison, Rinker & Baker, Mr. Fimmel was an associate for seven years representing Hanford downwinders at the Hanford Litigation Office in Seattle.



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Anthea Grivas is an associate at Hagens Berman where she has practiced since 2009. She focuses her practice primarily on antitrust matters and nationwide consumer protection cases against large corporations. Ms. Grivas also has over a decade of in-depth eDiscovery experience, including planning and management, collection, processing, review, training, and development of improved methodology.



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Daniel J. Kurowski is an associate at Hagens Berman's Chicago office, where he has worked since 2006. His current work with the firm includes a number of large class actions, including: (1) litigating against the National Collegiate Athletic Association to improve its concussion policies for student-athletes; (2) contesting North American Company for Life and Health Insurance Company's deferred annuity sales practices, particularly as those practices impact senior citizens; (3) suing on behalf of a putative class of third-party payors of the prescription cancer pain drug Actiq, allegedly marketed and sold by Cephalon, Inc. for non-cancer uses; and (4) challenging Family Video Movie Club, Inc.'s alleged violations of the Fair Labor Standards Act and similar state laws for failing to pay hourly employees for "off-the-clock" work and miscalculating overtime pay.

While in law school, Mr. Kurowski received various academic scholarships, served as a staff member and Lead Articles Editor for The John Marshall Law Review, and received an award for an appellate brief he submitted in connection with a national moot court competition. Along with his studies, Mr. Kurowski worked in the private and governmental legal sectors, including interning with the U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity, the U.S. Attorney's Office for the Northern District of Illinois, and working with Hon. Ronald A. Guzman and his staff, a judge sitting with the U.S. District Court for the Northern District of Illinois.



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Jeffrey A. Lang is an associate at Hagens Berman. Since joining the firm in 2005, he has worked on document intensive cases involving the firm's pharmaceutical, antitrust and securities litigation. Mr. Lang has several years of experience across a variety of practice areas.

Prior to joining Hagens Berman, he was a special project attorney at Preston Gates Ellis, where he was involved in the Microsoft Antitrust Litigation. He also gained experience in land-use, SEPA, and zoning and building compliance through his positions with Whalen & Company and the Law Offices of Dan Clawson.



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Barbara Mahoney is an associate at Hagens Berman where she has worked since 2006. Before joining Hagens Berman she worked in several areas of commercial litigation, including unlawful competition, antitrust, securities, trademark, CERCLA, RICO, FLSA as well as federal aviation and maritime law.

At Hagens Berman she has focused primarily on national class actions and pharmaceutical litigation. She has been heavily involved in several lawsuits against McKesson Corporation relating to allegations that the company engaged in a scheme that raised the prices of over 400 brand-name prescription drugs. That litigation has resulted in two separate national class-action settlements for \$350 million and \$82 million and several settlements by individual Medicaid agencies. Ms. Mahoney is currently involved in related litigation on behalf of the Commonwealth of Virginia and the State of Arizona.

Ms. Mahoney received her doctorate in philosophy from the Universität Freiburg (Germany), where she graduated magna cum laude. She earned her law degree from the University of Washington in 2001. After law school, she clerked for the Honorable Sandra Brown Armstrong, U.S. District Court, Northern District of California and Justice Richard Sanders at the Washington Supreme Court.

Ms. Mahoney lives in West Seattle with her partner and is very active in local athletic organizations. She is a former board member of Rain City Soccer, where she also organized a summer-long program on basic skills. She is also active in Seattle Frontrunners, a masters track club. She enjoys reading, running, soccer, and studying foreign languages. Ms. Mahoney is fluent in German and reads Swedish and French.



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Martin D. McLean is an associate at Hagens Berman, where he has worked since 2007.

Mr. McLean represents individuals who have suffered catastrophic personal injury or loss. Mr. McLean's clientele includes a wide range of individuals, from children who have suffered harm while in state care, to vulnerable elderly residents who have experienced neglect in care facilities.

In addition, Mr. McLean has been at the forefront of litigation involving the Washington Public Records Act. In November 2011, Mr. McLean obtained the largest Public Records Act judgment ever awarded against the State of Washington. Two years prior, Mr. McLean obtained what is now the third largest Public Records Act judgment ever awarded against the State of Washington.

As a member of the Hagens Berman personal injury group, Mr. McLean has also contributed to several lawsuits resulting in multi-million dollar recoveries on behalf of the firm's clients.



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Ryan Meyer is an associate at Hagens Berman's Seattle office, where he focuses on intellectual property litigation, including patent, trademark, copyright and trade secret cases. He has experience handling a wide range of intellectual property matters for local and international clients.

Prior to working at Hagens Berman, Mr. Meyer was an associate at Dorsey & Whitney LLP from 2008-2012. At Dorsey, Mr. Meyer specialized in patent cases involving pharmaceuticals, medical devices, telecommunications, software and mechanical devices.

Before pursuing a legal career, Mr. Meyer worked as an associate scientist for Combimatrix Corporation in the molecular biology and organic chemistry departments.



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Kristen Johnson Parker joined Hagens Berman Sobol Shapiro, LLP's Boston office in 2007. She focuses on combatting fraud and anticompetitive conduct within the pharmaceutical industry.

Ms. Parker is currently litigating antitrust cases involving the drugs Flonase, Lipitor, Effexor XR, Wellbutrin XL, and Nexium. In Flonase, pending in the Eastern District of Pennsylvania, Ms. Parker and co-counsel for the direct purchaser class plaintiffs defeated two summary judgment motions, obtained certification of a nationwide class of direct purchasers, and are headed to trial in January 2013. Ms. Parker recently successfully argued against the defendant's motion to exclude the plaintiffs' causation expert. In Lipitor, Ms. Parker, along with most of the Boston office, spent over a year researching and drafting the first-filed national antitrust complaint and is currently involved in drafting discovery and opposing motions to dismiss.

Ms. Parker is also instrumental in HBSS's personal injury cases on behalf of victims who contracted fungal meningitis as a result of receiving contaminated steroid injections manufactured by New England Compounding.

Ms. Parker played a key role on the trial team responsible for the 2010 \$142 million civil RICO jury verdict against Pfizer for fraudulently marketing the drug Neurontin. She also oversaw the implementation of the \$80 million Vioxx settlement on behalf of litigating third-party payers.



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Shelby R. Smith is an associate at Hagens Berman where she works to protect the rights of disabled, vulnerable and incapacitated individuals. She previously worked as a litigation associate at Williams Kastner, where she planned and executed a civil caseload involving defense of physicians, hospitals, dentists and other healthcare providers. While at Williams Kastner, Ms. Smith developed successful litigation strategies, handled case discoveries, secured depositions, managed trial preparation, drafted and argued legal motions, and conducted voir dire and jury trials.



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Don Andrew St. John is proud to be an associate in Hagens Berman Sobol Shapiro's Phoenix office where he has worked since 2004. During this time period, Mr. St. John has worked with Robert Carey and Leonard Aragon to represent people who have been injured or damaged by the negligence and misconduct of others. Mr. St. John's practice has included a wide variety of civil litigation involving contract disputes, theft, fraud, insurance company bad faith, malpractice, premises liability (Legionnaires' disease contracted at a local hotel), catastrophic injuries, and pharmaceutical mass torts.



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Craig Valentine is an associate at Hagens Berman's Colorado Springs office, where he has worked since 2010. He specializes in consumer rights and pharmaceutical fraud cases.



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Garth Wojtanowicz is an associate at Hagens Berman's Seattle office where he works on consumer protection cases. He is currently working on the Toyota Sudden, Unintended Acceleration (SUA) class-action lawsuit on behalf of Toyota owners and lessees and is part of the team of Hagens Berman attorneys working on the price-fixing lawsuit against manufacturers of Optical Disk Drives. Mr. Wojtanowicz's previous work included shareholder derivative securities litigation and other complex commercial litigation including unfair competition cases.

Mr. Wojtanowicz serves as a non-profit director for Girls Giving Back and the Blossoming Hill Montessori School. He has also worked as a volunteer attorney for the Northwest Immigrant Rights Project.

Mr. Wojtanowicz was named a "Rising Star" by Super Lawyers Magazine in 2006, 2007 and 2010, and is admitted to practice in both Washington and California. He graduated with a B.A. in English from the University of Washington in 1997 and received his law degree from the University of Washington School of Law in 2000.



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Greg Arnold is of counsel at Hagens Berman Sobol Shapiro, where he has worked since 2010. His practice focuses on the prosecution of large-scale, nationwide class actions, primarily against the pharmaceutical industry. Mr. Arnold also works on behalf of large health care providers, seeking recoveries from tortfeasors associated with payments the providers make as a result of the harm they have caused.

Mr. Arnold's extensive experience in large-scale consumer-oriented cases goes back more than 15 years. He has represented a variety of states, including the Commonwealth of Massachusetts, in their cases against the tobacco industry. He led efforts on behalf of three law firms protecting the interests of more than 25,000 asbestos sufferers, resulting in the denial of the debtors' proposed plan of reorganization and a substantial payment to the claimants. Prior bankruptcy experience included representing an Ad Hoc Committee of Trade Creditors in the In re WorldCom matter, resulting in a near 50% increase in the clients' recovery. Mr. Arnold has successfully represented large groups of investors in litigations brought against offshore hedge funds, pursuing the recovery of hundreds of millions of dollars. He has represented national and international clients on a full range of patent litigation issues, including proceedings before the International Trade Commission. Other matters have included successful eminent domain trials, representing companies and individuals on a variety of labor and employment issues including non-compete agreements and various intellectual property matters.



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Karl Barth represents investors seeking to protect assets and recover investment losses from companies engaged in securities and accounting wrongdoing.

Mr. Barth was with Hagens Berman from 1994 through 2004 before he rejoined the firm in 2010. He worked on many of the firm's securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Identix, Midcom Communications, MidiSoft, Oppenheimer Delta Partners, Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data.

Formerly, Mr. Barth was a consultant at a national financial consulting firm specializing in expert witness testimony on accounting and financial issues.

Mr. Barth graduated from Georgetown University Law Center, and from the University of Virginia with a B.S. in Accounting. He is also a licensed certified public accountant.



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Nicholas S. Boebel, of counsel for the firm, focuses on intellectual property, or IP litigation, involving patents, copyrights and trade secrets. He has successfully represented individuals and businesses in complex IP claims against large corporations, and was named a “Rising Star” by Minnesota Law & Politics in the area of intellectual property litigation in 2010, 2011 and 2012.

Mr. Boebel served as counsel in the TV Interactive Data Corporation v. Microsoft Corp. case alleging that Microsoft’s Windows operating system software products infringed several patents covering apparatus and methods for auto-playing media on insertion. The case settled in October 2005 with Microsoft taking a license under the patents.

He is nearly a 20-year resident of Minnesota, and a graduate of both Carleton College in Northfield, Minnesota, and the University of Minnesota Law School.



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Ari Brown is of counsel at Hagens Berman, where he has worked since 2008. His practice focuses on class actions involving consumer-related claims. Prior to joining the firm, Mr. Brown's practice focused on representing people pursuing their rights as consumers and, in particular, as home mortgage borrowers. In the course of litigating cases involving predatory lending, Mr. Brown has helped establish significant legal precedent that has helped inform the law regarding consumer rights used throughout the country.

At Hagens Berman, Mr. Brown continues to represent home mortgage borrowers who were subjected to predatory practices at the hands of lenders, mortgage brokers, title insurers and escrow companies. He is also pursuing claims on behalf of banking customers who were repeatedly charged overdraft fees on their checking accounts because of the way their banks manipulated their transaction and against credit card companies for deceptive marketing practices.

Before entering the practice of law, Mr. Brown served as a combat tank gunner in the Israeli Defense Force, worked with homeless youth in New York and tended bar in some of America's finest establishments.



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Mark S. Carlson has been working in intellectual property since 1987, handling a full range of intellectual property litigation with a focus on patent infringement disputes.

Mr. Carlson is currently representing the University of Utah in patent infringement litigation regarding RNA interference therapies for genetic diseases, and FlatWorld Interactives in patent infringement litigation against Apple, Samsung and LG involving touch screen gesture recognition technology. He represented the owner of the trademark rights to the Stanley Classic vacuum bottle in trade dress litigation against Thermos. He has twice litigated against AT&T on wireless handset, network and telematics patents, and he has also twice litigated on behalf of The Nautilus Group in patent, trademark, false advertising and unfair competition cases involving the BowFlex exercise machine. He represented a software patent licensor in litigation against Microsoft over the scope of the license.

Mr. Carlson is an active member of the legal community. He frequently makes presentations to legal forums and industry groups on intellectual property law. He is an active participant in the Seattle Intellectual Property Inn of Court and Washington State Patent Law Association. He has also been published in the American Electronics Association Newslines regarding the privacy of personal data, and the University of Puget Sound Law Review.



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Leif Garrison is of counsel at Hagens Berman's Colorado Springs office, where he has worked since 2010. His practice focuses on complex civil litigation.

Before joining Hagens Berman, Mr. Garrison's practice focused on complex insurance, products liability, consumer protection, pharmaceutical, class-action and personal injury litigation. Mr. Garrison has tried and settled numerous cases in these fields for hundreds of clients. Notable defendants include Toyota USA, Uniden, Inc., PepsiCo, Inc., Texaco, Inc., the Colorado Department of Human Services, America Online, U-Haul Corporation, Hoffmann-La Roche, Inc., Bristol-Myers Squibb and numerous insurance companies, including State Farm, American Family, Farmers, Prudential, Liberty Mutual, Allstate and Progressive.

Mr. Garrison is a member of the Colorado Bar Association, the El Paso County Bar Association, the Faculty of Federal Advocates and the Colorado Trial Lawyers Association, where he has served on the board of directors and has been a legal education seminar speaker.



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Robert F. Lopez brings to the firm a broad range of legal experience, having practiced in the fields of complex commercial litigation, franchise litigation, intellectual property litigation, employer-employee litigation, False Claims Act litigation, privacy litigation, securities litigation, eminent domain litigation, and creditor-debtor litigation, including the defense of complex adversary proceedings in the federal bankruptcy court. In addition he has prosecuted and defended appeals in the federal and state courts of appeal. He also has advised clients in non-litigation settings with respect to trademark, trade-name, copyright and Internet-communications law.

Since joining the firm, Mr. Lopez has worked on various teams representing institutions and consumers in nationwide class-action lawsuits, including in the federal multidistrict litigation setting. For example, Mr. Lopez has worked on class-action litigation against DaimlerChrysler Corporation relating to product defects in its Neon automobiles, as well as on proposed nationwide class-action cases against Trex Company, Inc. and Fiber Composites, Inc., relating to defects in their decking products. He also was a member of the firm's team that prosecuted In Re: Charles Schwab Corp. Securities Litigation, and he currently is a member of the firm's In Re: Carrier IQ, Inc. Consumer Privacy Litigation team.

Mr. Lopez has also worked, and continues to work, on qui tam matters at the firm, representing whistleblowers in cases involving violations of federal and state laws that prohibit the making of false claims for government payments.



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Nick Styant-Browne is of counsel at Hagens Berman, where he has practiced class-action and multi-plaintiff litigation since 2001. Projects include Rio Tinto Litigation for human rights and environmental abuses at the Panguna mine on the Pacific island of Bougainville.

Before joining the firm, Mr. Styant-Browne was one of five senior partners at Australia's largest plaintiff law firm working on class actions, environmental litigation and antitrust litigation. He served as co-counsel on Australia's then-largest class action against a wholly owned subsidiary of Exxon, arising out of a gas plant explosion which shut down the gas supply to Melbourne and most of the State of Victoria for 10 days.

As lead counsel in a landmark case against BHP (now BHP Billiton), Mr. Styant-Browne's meticulous outlining of the environmental devastation caused by the Ok Tedi mine in Papua New Guinea helped force mining companies adopt stricter environmental standards in developing countries. He also served as lead counsel in the trial against Australia's major newspaper publishers, including "News," which resulted in the deregulation of the system of distribution of newspapers and magazines throughout Australia.

Mr. Styant-Browne's practice has involved several projects in the Pacific Rim, acting principally on behalf of the indigenous peoples of poor developing Pacific nations claiming environmental and human rights abuses. His successes and passion for the causes of indigenous peoples have led to him being retained by the national governments of Pacific States including Tuvalu and the Kingdom of Tonga.

Mr. Styant-Browne has acted as lead counsel in both bench and jury class action trials in Federal Court.