

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF STEELE

THIRD JUDICIAL DISTRICT

---

 PAYSHENCE CARR, on behalf of herself  
individually and all others similarly situated,

Plaintiff,

v.

SOUTH COUNTRY HEALTH ALLIANCE,  
A JOINT POWERS BOARD,

Defendant.

Court File No. 74-CV-21-632  
Judge Karen R. DuncanCase Type: Breach of Contract;  
Minnesota Government Data Practices Act

---

**DECLARATION OF J. GERARD STRANCH, IV IN SUPPORT OF MOTION FOR  
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

I, J. Gerard Stranch, IV, am over the age of eighteen years. I offer this declaration in my capacity as one of the attorneys for Plaintiff, Payshence Carr (“Plaintiff” or “Ms. Carr”), individually, and on behalf of all others similarly situated, in the above styled action, in support of the Motion for Preliminary Approval of the proposed settlement in this case with Defendant, South Country Health Alliance, a Joint Powers Board (“SCHA” or “Defendant”) (collectively, “the Parties”). I have personal knowledge of the facts recited in this declaration, and if called upon to testify to the truth of the statements below, I could and would do so:

1. I am a licensed attorney in private practice in the state of Tennessee. The law firm I work for is Stranch, Jennings & Garvey, PLLC (formerly Branstetter, Stranch, & Jennings, PLLC). Originally, Justin Hiatt retained my firm, as well as Cohen & Malad, LLP, The Johnson Firm (formerly Linville Johnson, PLLC), and Hellmuth & Johnson, PLLC to represent him in connection with claims that were ultimately included in the present litigation, arising from alleged unauthorized disclosure of personally identifiable information and/or personal health information

(“PHI”) of Defendant’s members, Plaintiff and the proposed Class Members, on or about June 25, 2020 in the Data Breach to SCHA’s systems, the Data Breach. As follows below, recently, Payshence Carr retained my firm, as well as Cohen & Malad, LLP, The Johnson Firm (formerly Linville Johnson, PLLC), and Hellmuth & Johnson, PLLC to represent her in this litigation.

2. I am co-counsel of record for the Plaintiff in this action, and will move the Court to be appointed Class Counsel along with Cohen & Malad, LLP, The Johnson Firm (formerly Linville Johnson, PLLC), and Hellmuth & Johnson, PLLC.

3. Prior to the filing of this Complaint in April 2021, I, along with my co-counsel, thoroughly investigated the claims in this matter, researching the Data Breach that is the subject of this case, reviewing SCHA’s public disclosures of the incident and relevant media, and the applicable law.

4. After Plaintiff’s Complaint was filed, in February 2022, the Parties agreed to a mediation with Hon. Wayne R. Andersen (Ret.), JAMS, which was held on March 1, 2022.

5. Prior to the mediation, the Parties exchanged key information to inform their negotiations, including the size of the class, the types of PHI accessed and stolen in the Data Breach, and SCHA’s investigation into and response to the Data Breach.

6. After a full day of mediation on March 1, 2022, the Parties were unable to come to a settlement in principle. However, the Parties continued negotiations, vigorously advocating for their respective clients, and in November 2022, reached an agreement in principle as to the substantive relief for the proposed class.

7. After continued negotiations between the Parties about the details of the substantive Settlement terms, the Settlement Agreement was executed on April 6, 2023.

8. It is my opinion, and the opinion of other proposed Settlement Class Counsel, based

on our experience and investigation, that the Settlement provides significant relief to Settlement Class, will make Settlement Class whole, and is fair, reasonable, adequate, and worthy of preliminary approval.

9. The terms of the Settlement are designed to address the specific harms alleged in this lawsuit, by providing the Settlement Class<sup>1</sup> compensation in the form of reimbursement for Economic Losses, including Lost Time, caused by the Data Breach through a claims made structure, for up to \$2,500.00 per Settlement Class Member, capped in the aggregate at \$300,000.00, all through submission of a valid claim, as follows below.

10. Specifically, pursuant to the Settlement, Settlement Class Members may obtain:
- a. **Compensation for Economic Losses** incurred as a result of the Data Breach, up to a total of **\$2,500.00** per Settlement Class Member, upon submission of a valid claim, and supporting documentation.
  - b. These Economic Losses include documented, unreimbursed losses, including Lost Time, that are fairly traceable to the Data Breach. These include bank fees, long distance telephone charges, cell phone and data charges (if charged by usage), postage expenses, fuel expenses, parking expenses, fees to replace a card or identification (e.g., a driver's license), and fees for additional credit reports, between June 25, 2020, and the date

---

<sup>1</sup> The Settlement Class is defined as all persons, approximating 15,213 persons, whose Personally Identifiable Information and/or Protected Health Information was potentially compromised or who reported identity theft to South Country Health Alliance, in writing, on or before May 15, 2023, as a result of the alleged Data Breach described in the Complaint as identified by category in Term Sheet Exhibit A, attached to this Settlement Agreement; but, not including any person who serves as, or is designated as an alternate to serve as, a member of the South Country Health Alliance Joint Powers Board, and not including any person who serves as South Country Health Alliance's Chief Executive Officer, Chief Financial Officer, or Compliance Officer. SA ¶ 2.19.

the Court enters the Preliminary Approval Order. They also include any unreimbursed monetary loss suffered by a Class Member that arises from financial fraud or identity theft, that is fairly traceable to the Data Breach, and that the Class Member made reasonable efforts to avoid, mitigate, or seek other reimbursement for. *See* SA ¶¶ 2.15, 4.1, 5.2.

- c. The Economic Losses of Lost Time include time a Class Member spent dealing with the Data Breach, such as, for example, time spent freezing credit reports, obtaining credit monitoring, or dealing with identity theft. *See Id.* ¶¶ 2.14, 4.1., 5.2.

11. Moreover, the Settlement requires SCHA to provide a full Class Member List to the Settlement Administrator, which includes approximately 15,213 individuals, which contains the name and last-known address of each member of the Settlement Class, as reasonably determined from Defendant's records. *See Id.* ¶¶ 2.5, 7.3.

12. Considering the relevant factors, the terms of the Settlement are well within the range of possible final approval.

13. The Settlement was reached after extensive analysis of the relevant facts and law, and is the result of arm's-length negotiations, including those conducted at the mediation with Wayne R. Andersen (Ret.), JAMS, on March 1, 2022, a nationally prominent and highly qualified mediator experienced in litigating class action and complex litigation; and the subsequent concerted negotiations over months which ultimately resulted in the settlement in principle in November, 2022. *See Id.* ¶¶ 1.4.

14. Pursuant to the Settlement, SCHA will pay all costs and expenses of settlement notice and administration, including, but not limited to, the expense of the Settlement

Administrator, the expense of preparing the Class Member List, and all expenses involved in providing notice to the members of the Settlement Class and distributing the benefits of the settlement to Class Members, not to exceed \$200,000.00. *Id.* ¶ 4.3.

15. Under the Settlement, SCHA will pay the amount of \$200,000.00 to a “Fee and Expense Fund” within 30 days of the Date of Execution of the Settlement Agreement to be held by the Settlement Administrator, subject to Court supervision, to be used for the payment of Class Counsel’s approved attorneys’ fees and expenses, the costs of notice and administration of the settlement, and the Class Representative service award, subject to Court approval. *Id.* ¶ 4.2.

16. Class Counsel will move the Court for reasonable attorneys’ fees and expenses not to exceed \$200,000.00. *Id.* ¶ 4.4.

17. Further, pursuant to the Settlement, Class Counsel will seek Service Awards for Plaintiff not to exceed \$1,500.00. *Id.*

18. The requested attorneys’ fees and Service Awards were agreed upon after the underlying relief had been negotiated and the Settlement Agreement is not contingent upon the award of any amount to Class Counsel.

19. The result contained in the Settlement is particularly favorable given the risks of continued litigation. Although Class Counsel strongly believe in the merits of the claims asserted in this action, they are cognizant of the existence of complex and contested issues of law and fact, and the risks inherent in this litigation of prevailing on the merits, including proving causation, prevailing on a motion for summary judgment, as well as risk at class certification and at trial, and surviving appeal. A settlement today not only avoids the risks of continued litigation, but it provides immediate, tangible benefits to the members of the Settlement Class now, as opposed to after years of risky litigation. The Settlement benefits unquestionably provide a favorable result to

the members of the Settlement Class, placing the Settlement well within the range of possible final approval.

20. Recently, Justin Hiatt was no longer able to serve as Plaintiff in this action, necessitating the substitution of Ms. Carr in his stead. Accordingly, proposed Class Counsel and SCHA have stipulated to substituting Ms. Carr as Plaintiff, and to file an Amended Complaint, which was granted and entered by the Court on May 8, 2023. Thereafter, on May 12, 2023, proposed Class Counsel filed the Amended Complaint. Throughout this endeavor, Ms. Carr has enthusiastically and expediently stepped forward to serve as named Plaintiff, demonstrating her willingness to advance the best interests of the class. As such, I believe Ms. Carr is well-suited to represent the Settlement Class.

21. Proposed Class Counsel are well qualified to represent the Settlement Class, as they possess significant experience leading the prosecution of complex class action matters. I have extensive experience in litigating class actions in jurisdictions across the United States, including those specifically pertaining to data security incidents and unauthorized disclosure of personal information as alleged in this matter.<sup>2</sup> The firm resumes of Proposed Class Counsel, (1) Stranch, Jennings, & Garvey PLLC (formerly Branstetter, Stranch & Jennings, PLLC), (2) Cohen & Malad,

---

<sup>2</sup> See e.g., *McKenzie v. Allconnect, Inc.*, No. 5:18-cv-00359-JMH (E.D. Ky.); *Goodlett v. Brown-Forman*, Case No. 20-CI-005631 (Jefferson Cnty. Ky. Cir. Ct.) (class action data breach settlement, final app. ord. Feb. 22, 2022); *Slos v. Select Health Network*, No. 71D05-2022-PL-000060 (St. Joseph Super. Ct. Aug. 5, 2021); *Jones v. Methodist Hospital, Inc.*, No. 45C01-1911-CT-001201 (Lake Cnty. Super. Ct.); *Joyner v. Behavioral Health Network, Inc.*, No. 2079CV00629 (Mass. Super. Ct.); *Baldwin v. Nat'l W. Life Ins. Co.*, No. 2:21-cv-04066-WJE (W.D. Mo.) (same); *In re BJC Healthcare Data Breach Litig.*, No. 2022-CC09492 (Mo. Cir. Ct.) (same); *Marshall v. Conway Reg. Med. Ctr., Inc.*, No. 23CV-20-771 (Ark. Cir. Ct.) (same); *Crawford v. thyssenkrupp Materials NA, Inc.*, No. 2122-CC00411 (Mo. Cir. Ct.); *Carr v. Beaumont Health*, No. 2020-181002-NZ (Mich. Cir. Ct.); and *Goetz v. Benefit Recovery Specialists, Inc.*, No. 2020CV000550 (Wis. Cir. Ct.).

LLP, (3) The Johnson Firm (formerly Linville Johnson, PLLC), and (4) Hellmuth & Johnson, PLLC are attached hereto as Exhibit(s) A-D.

22. The Notice program provides the best practicable method to reach the potential class members and is consistent with other class action notice programs that have been approved by various courts for similarly situated matters, including a Summary postcard notice mailed by first class United States Postal Service (“USPS”) mail to the Settlement Class (SA Exhibit E; SA ¶ 7.3);, as well as a Detailed Notice to be posted on the Settlement Website (SA Exhibit B; SA ¶ 7.3).

23. Both the Summary Notice and the Detailed Notice are written in plain language such that they will be readily understandable to the Settlement Class, and summarize the Parties’ positions in litigation, the terms of the Settlement, instructions on how to object and opt-out from the Settlement, the claims process, and stating the requested attorneys’ fees and costs, the requested service awards, and the date, time, and place of the Final Approval Hearing, as set by the Court.

Pursuant to Minn. Stat. § 358.116, I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated: May 25, 2023

/s/ J. Gerard Stranch, IV  
J. Gerard Stranch, IV

# **EXHIBIT A**





## STRANCH, JENNINGS & GARVEY PLLC

**The award-winning attorneys of Stranch, Jennings & Garvey, PLLC (SJ&G), have recovered more than \$50 billion for clients, from high-profile cases to single plaintiffs who have suffered harm or unfair treatment.**

SJ&G's roots go back to 1952 when Cecil Branstetter founded Branstetter, Stranch & Jennings, PLLC (BS&J), his own law firm in Nashville. For more than seven decades, our attorneys have advocated for society's under-represented voices, consumer rights, labor unions and victims of discrimination, a legacy that continues today as we work to ensure access to justice for our clients.

SJ&G's roots go back to 1952, when Cecil Branstetter founded his own Nashville firm after earning his law degree from Vanderbilt Law School in 1949. The firm grew and became known as Branstetter, Stranch & Jennings, PLLC (BS&J).

### PRACTICE AREAS

- Bank Fees
- ERISA Trust Funds
- Product Liability
- Wage and Hour Disputes
- Class Action
- Labor Unions
- Personal Injury
- Worker Adjustment and Retaining Notification
- Data Breaches
- Mass Tort
- Trucking Accidents

### REPRESENTATIVE CASES

**SJ&G attorneys have represented plaintiffs in a substantial number of complex cases both in state and federal courts throughout the nation:**

- as lead trial attorney in the Sullivan Baby Doe case (originally filed as Staubus v. Purdue) against U.S. opioid producers Endo Health Solutions Inc. and Endo Pharmaceuticals Inc., resulting in a \$35 million settlement agreement, the largest per capita settlement achieved by any prosecution with Endo to date;
- personally appointed to the steering committee of the In re: Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation, resulting in approximately \$17 billion in settlements, the largest consumer auto settlement and one of the largest settlements in any matter ever;
- the executive committee in Dahl v. Bain Capital Partners (anti-trust), resulting in a \$590.5 million settlement;
- appointed mediator by the circuit court in the case of the City of St. Louis v. National Football League and the Los Angeles Rams, having successfully negotiated a \$790 million settlement for the plaintiffs;
- lead plaintiff in Sherwood v. Microsoft, which set the standard for indirect antitrust actions in Tennessee and ultimately resolved for a value of \$64 million;
- litigated Qwest Savings and Investment Plan ERISA litigation, resulting in a \$57.5 million total payout to class members;
- plaintiff's co-counsel in the Paxil litigation of Orrick v. GlaxoSmithKline;
- represented a class of consumers who purchased baby clothing tainted with unlawful levels of chemical skin irritants, resulting in a multi-million-dollar settlement. Montanez v. Gerber Childrenswear, LLC (M.D. Cal.); and
- represented multiple Taft-Hartley Trust Funds as amici in a case setting Ninth Circuit precedent on liability of owners as ERISA fiduciaries for unpaid fringe benefit contributions.

### Nashville

The Freedom Center  
223 Rosa L. Parks Avenue, Suite 200  
Nashville, TN 37203  
Phone: 615.254.8801

### St. Louis

Peabody Plaza  
701 Market Street, Suite 1510  
St. Louis, MO 63101  
Phone: 314.390.6750

### Las Vegas

3100 W. Charleston Boulevard  
Suite 208  
Las Vegas, NV 89102  
Phone: 725.235.9750



# J. Gerard Stranch IV

## FOUNDING AND MANAGING MEMBER

**Gerard Stranch is the managing member at Stranch, Jennings & Garvey, PLLC (SJ&G). A third-generation trial lawyer, he leads the firm's class action and mass tort practice groups. His additional areas of practice include bank fees, data breaches, wage and hour disputes, worker adjustment and retraining notification, personal injury and trucking incidents.**

Mr. Stranch has served as lead or co-lead counsel for the firm in numerous cases, including:

- lead trial attorney in the Sullivan Baby Doe case (originally filed as *Staubus v. Purdue*) against U.S. opioid producers Endo Health Solutions Inc. and Endo Pharmaceuticals Inc., resulting in a \$35 million settlement agreement, the largest per capita settlement achieved by any prosecution with Endo to date;
- personally appointed to the steering committee of the In re: Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation, resulting in approximately \$17 billion in settlements, the largest consumer auto settlement and one of the largest settlements in any matter ever;
- the executive committee In *Dahl v. Bain Capital Partners* (anti-trust), resulting in a \$590.5 million settlement;
- personally appointed to the steering committee In re: New England Compounding Pharmacy, Inc., resulting in more than \$230 million in settlements; and
- appointed as co-lead counsel In re: Alpha Corp. Securities litigation, resulting in a \$161 million recovery for the class.

### PHONE

615.254.8801

### EMAIL

gstranch@stranchlaw.com

### LOCATION

The Freedom Center  
223 Rosa L. Parks Avenue  
Suite 200  
Nashville, TN 37203

A 2000 graduate of Emory University, Mr. Stranch received his J.D. in 2003 from Vanderbilt University Law School, where he teaches as an adjunct professor about the practice of civil litigation. He led the opioid litigation team in the Sullivan Baby Doe suit, for which the team won the 2022 Tennessee Trial Lawyer of the Year award. Mr. Stranch has been listed as one of the Top 40 Under 40 by the National Trial Lawyers Association and as a Mid-South Rising Star by Super Lawyers magazine.

### PRACTICE AREAS

- Class Action
- Mass Tort
- Bank Fees
- Data Breaches
- Wage and Hour Disputes
- Worker Adjustment and Retraining Notification
- Personal Injury
- Trucking Incidents

### EDUCATION

- Vanderbilt University Law School (J.D., 2003)
- Emory University (B.A., 2000)

### BAR ADMISSIONS

- Tennessee
- U.S. District Court Western District of Tennessee
- U.S. District Court Middle District of Tennessee
- U.S. District Court Eastern District of Tennessee
- U.S. 6th Circuit Court of Appeals
- U.S. 8th Circuit Court of Appeals
- U.S. 9th Circuit Court of Appeals
- U.S. District Court District of Colorado

### PROFESSIONAL HONORS & ACTIVITIES

#### Awards

- Super Lawyers Mid-South Rising Star
- Top 40 Under 40, National Trial Lawyers Association

#### Memberships

- Public Justice
- Nashville Bar Association
- Tennessee Bar Association
- American Association for Justice
- Tennessee Association for Justice
- Lawyer's Coordinating Committee of the AFL-CIO
- General Counsel Tennessee AFL-CIO and Federal Appointment, Coordinator
- General Counsel Tennessee Democratic Party
- National Trial Lawyer
- Board of Directors, Cumberland River Compact
- Class Action Trial Lawyers Association, Board Member
- Board of Governor's Tennessee Association for Justice

### PRESENTATIONS

- Mr. Stranch regularly speaks at conferences on issues ranging from in-depth reviews of specific cases to developments in the law, including in mass torts, class actions and voting rights.
- Mr. Stranch is one of the founding members of the Cambridge Forum on Plaintiff's Mass Tort Litigation and regularly presents at the forum.

### LANGUAGES

- English
- German







# James G. Stranch III

## FOUNDING MEMBER

**Jim Stranch is the senior member in the complex litigation group, which he helped start on behalf of the firm. He has served as lead counsel in virtually every large complex and other class action in which the firm has served as lead plaintiff.**

Mr. Stranch and his wife, Judge Jane Branstetter Stranch of the U.S. 6th Circuit Court of Appeals, were early pioneers of 401(k) ERISA litigation and jointly litigated numerous groundbreaking cases.

One of Mr. Stranch's first hard-earned victories came in 1979 when, along with firm founder Cecil Branstetter, he won a jury verdict in a case against Frosty Morn Meats in Montgomery County. The bankrupt company was found by a jury to have been grossly negligent in its mishandling of more than 500 employees' Christmas monies. The jury returned a nearly \$473,000 judgment against the company's board of directors, and the case helped solidify the firm's reputation in Tennessee as one that fights for workers' interests.

In addition to having founded the firm's class action practice, Mr. Stranch also focuses on Labor and Employment Law, and brings more than four decades of experience in representing labor organizations and individual workers throughout Tennessee and the South. Mr. Stranch also has extensive expertise in matters arising under the National Labor Relations Act, ERISA, Title VII, and wage and hours laws such as the FLSA.

Mr. Stranch has spent his career contributing to its legacy of supporting labor unions, shareholders, small businesses and others. Mentored by the late Cecil Branstetter, Mr. Stranch also strives to mentor the firm's younger attorneys.

## PHONE

615.254.8801

## EMAIL

jstranch@stranchlaw.com

## LOCATION

The Freedom Center  
223 Rosa L. Parks Avenue  
Suite 200  
Nashville, TN 37203

## PRACTICE AREAS

- Class Action and Complex Litigation
- Labor and Employment Law
- Personal Injury
- Consumer Protection
- ERISA Trust Funds

## EDUCATION

- University of Tennessee College of Law (J.D., 1973)
- University of Tennessee (B.S., 1969)

## EXPERIENCE

- Tennessee consumer protection and antitrust action against Microsoft, which led to a \$64 million recovery to the consumer class, including a \$30 million cy pres to Tennessee schools
- Qwest Savings and Investment Plan ERISA litigation, which resulted in a \$57.5 million total payout to class members
- Nortel Networks Corp. ERISA litigation, which was resolved with a \$21.5 million settlement
- Securities litigation on behalf of the State of Tennessee Consolidated Retirement System against Worldcom, which led to a \$7 million recovery
- Shareholder derivative action involving Dollar General Corporation, which resulted in a \$31.5 million recovery
- ERISA/401(k) litigations on behalf of employees and pensioners of Qwest Communications, Inc. (\$57.5 million total value recovery), Xcel Energy Inc. (\$8.6 million recovery), Provident Financial, Inc. (\$8.6 million) and Nortel, Inc. (\$21.5 million recovery)

## BAR ADMISSIONS

- Tennessee
- U.S. District Court Middle District of Tennessee
- U.S. District Court Eastern District of Tennessee
- U.S. District Court Western District of Tennessee
- U.S. District Court, Colorado
- U.S. Tax Court
- U.S. Supreme Court
- U.S. 6th Circuit Court of Appeals
- U.S. 8th Circuit Court of Appeals
- U.S. 9th Circuit Court of Appeals

## PROFESSIONAL HONORS & ACTIVITIES

### Awards

- AV-Rated by Martindale Hubbell
- Best Lawyers in America – Labor and Employment Law
- Mid-South Super Lawyers Edition (2014)
- Super Lawyers (2007 – 2020)

### Memberships

- Tennessee State Ethics Commission, Member and Former Chairman
- Tennessee Appellate Court Nominating Committee (Secretary, 1985 – 1991)
- AFL-CIO Lawyer's Coordinating Advisory Committee (1980 – present)
- Nashville Bar Association (1973 – present)
- Tennessee Bar Association (Chairman, Labor Law Section, 1991 – 1992; Member, 1973 – present)

- American Bar Association (1973 – present)
- American Association for Justice (1974 – present)
- Tennessee Association for Justice (1974 – present)
- Phi Delta Phi

## COMMUNITY INVOLVEMENT

- Chairman, Tennessee Bureau of Ethics
- Fellow, Nashville Bar Foundation
- Former Secretary, Tennessee Appellate Court Nominating Committee
- Former Member of the AFL-CIO Lawyers Coordinating Advisory Committee
- Former Chairman, Tennessee Bar Association's Labor Law Section





## R. Jan Jennings

FOUNDING MEMBER

**In the initial years of his career, Jan Jennings represented labor organizations devoted to protecting the rights of employees. During the past 20 years, he has concentrated on providing services to health and pension funds that provide benefits to construction workers. He has also provided personal representation to political and labor leaders throughout the South.**

After obtaining an M.B.A. degree, Mr. Jennings worked in a series of managerial positions at General Electric Company, where he was responsible for union and employee relations. Upon graduation from law school, he practiced in Atlanta, Georgia, for a number of years before relocating his practice to Nashville. He joined the firm in 1977.

A native of Johnson City, Tennessee, Mr. Jennings earned his J.D. from the University of Tennessee College of Law, where he served as editor of the Tennessee Law Review. He received his B.S. and M.B.A. degrees from East Tennessee State University.

### PHONE

615.254.8801

### EMAIL

[jjennings@stranchlaw.com](mailto:jjennings@stranchlaw.com)

### LOCATION

The Freedom Center  
223 Rosa L. Parks Avenue  
Suite 200  
Nashville, TN 37203

### PRACTICE AREAS

- ERISA Trust Funds
- Labor Unions

### EDUCATION

- University of Tennessee College of Law (J.D., 1974)  
– Editor, *Tennessee Law Review*
- East Tennessee State University,  
(M.B.A., 1966)
- East Tennessee State University (B.S., 1964)

### EXPERIENCE

Mr. Jennings provides ongoing representation to health and pension funds in connection with litigation concerning:

- Collection of employer delinquencies
- Denial of benefits
- Claims for subrogation/reimbursement to health funds from participants
- Breach of fiduciary duty claims
- Claims against service providers due to errors or omissions, prohibited transactions and breach of fiduciary liability
- Claims against hospitals, drug companies and other providers for excessive claims or costs
- Withdrawal liability
- Federal and state securities violations
- Consumer fraud

This representation of multiemployer funds involves the wide range of subjects encompassed by ERISA, Taft-Hartley, the IRC, HIPAA and PPACA.

### BAR ADMISSIONS

- Tennessee
- U.S. District Court Eastern District of Tennessee
- Georgia
- U.S. 5th Circuit Court of Appeals
- U.S. 6th Circuit Court of Appeals
- U.S. 11th Circuit Court of Appeals
- U.S. Court of Appeals Federal Circuit
- U.S. Supreme Court
- U.S. District Court Middle District of Tennessee
- U.S. District Court Western District of Tennessee

### PROFESSIONAL HONORS & ACTIVITIES

#### Awards

- Best Lawyers in America – Labor and Employment Law (2004 – present)
- AV-Rated by Martindale Hubbell (1975 – present)

#### Memberships

- Tennessee Bar Association
- State Bar of Georgia

### COMMUNITY INVOLVEMENT

- Cecil D. Branstetter Scholarship Fund
- Laborers' Care Foundation

**SJG**  
STRANCH,  
JENNINGS  
& GARVEY  
PLLC





# Hon. John Garvey

## FOUNDING MEMBER

**Judge (ret.) Jack Garvey has been practicing law for 35 years in St. Louis. He began his career in private practice, then moved to the city's prosecuting attorney office, where he tried 23 cases to verdict. He was then elected to the St. Louis Board of Aldermen, where he served for four years while also practicing as a trial attorney before joining a trial law firm. While in private practice, he tried 25 cases to verdict.**

In 1998, Judge Garvey was appointed to the associate circuit court bench, where he served five years until he was elevated to a circuit court position and served for an additional 13 years. During his time on the bench, he presided over 200 jury trials, and served as the chief criminal judge, presiding juvenile court judge and assistant presiding judge, as well as the chief judge of the 22nd Judicial Circuit mass tort docket.

Following his return to private practice in 2015, Judge Garvey has been involved as plaintiff's co-counsel in the Paxil litigation of Orrick v. GlaxoSmithKline, St. Louis City Circuit #1322-CC00079; co-lead counsel in the opioids litigation of Jefferson County v. Williams, #20JE-CC00029; and local counsel in Roundup cases.

In addition to his litigation work, he has been appointed several times as a special master on discovery matters by St. Louis city and county courts. In addition, Judge Garvey was appointed mediator by the circuit court in the case of the City of St. Louis v. National Football League and the Los Angeles Rams, having successfully negotiated a \$790 million settlement for the plaintiffs in 2022.

Judge Garvey obtained his B.A. in urban affairs in 1983 from St. Louis University, and earned his J.D. in 1986 from Rutgers University School of Law. He is an adjunct professor of law at Washington University School of Law and St. Louis University School of Law.

Judge Garvey Jack resides in South St. Louis with his wife, Kathy, a retired registered nurse. They have four children who also live in St. Louis. Judge Garvey enjoys running, reading and grilling.

## PHONE

314.374.6306

## EMAIL

jgarvey@stranchlaw.com

## LOCATION

Peabody Plaza  
701 Market Street  
Suite 1510  
St. Louis, MO 63101

## PRACTICE AREAS

- Class Action
- Mass Tort
- Personal Injury
- Product Liability

## EDUCATION

- Rutgers University School of Law (J.D., 1986)
- St. Louis University (B.A., 1983)

## BAR ADMISSIONS

- Missouri
- U.S. District Court Eastern District of Missouri
- U.S. District Court Western District of Missouri
- U.S. District Court Southern District of Illinois

## PROFESSIONAL HONORS & ACTIVITIES

### Awards

- Adjunct Faculty Member of the Year, St. Louis University Law School (2006)
- Person of the Year, Missouri Coalition Against Domestic Violence (2000)
- Pro Bono Legal Professional of the Year, St. Louis University Civil Justice Clinic (2007)
- Honored at the 2023 Missouri Lawyers Association for his role in re: National Prescription Opiate Litigation settlement, which won first place in the Top Settlements category

### Memberships

- Bar Association of Metropolitan St. Louis

## COMMUNITY INVOLVEMENT

- Adjunct Professor of Law, Washington University Law School – Evidence and Trial Advocacy (2001 – 2015)

- Adjunct Professor of Law, St. Louis University – Trial Advocacy (2005 – 2015)
- President of the board of directors, St. Louis Public Library (2004 – 2008)
- Alderman, 14th Ward of the City of St. Louis (1991 – 1995)

## PRESENTATIONS

- "Trends in Mass Torts," HarrisMartin MDL Conference: The Current Mass Tort Landscape (March 2022)
- "Opioid Case Against the Pharmacies," HarrisMartin MDL Conference: Critical Developments in Mass Torts, MDLs, and Game-Changing Jurisprudence (May 2019)





# Nathan R. Ring

## MEMBER

**Nate Ring oversees the firm's Las Vegas office. He concentrates his practice in the areas of labor, employment, ERISA and election law. He has represented working people and their unions across Nevada, Oregon and Washington.**

Mr. Ring serves as counsel to the Nevada State AFL-CIO, Southern Nevada Building Trades Unions, the Building and Construction Trades Council of Northern Nevada, and numerous local unions. He has also served as counsel for numerous union-affiliated political action committees. He represents clients in federal and state trial and appellate courts, before administrative agencies, in arbitrations and mediations, and in the negotiation of collective bargaining agreements.

Mr. Ring earned his B.A. in public affairs in 2007 from Wayne State University in Detroit, Michigan. During his undergraduate studies, he managed and worked on Democratic political campaigns and interned for United States Senator Debbie Stabenow. He graduated cum laude in 2010 from the University of Nevada, Las Vegas, William S. Boyd School of Law. During law school, he served as an elected officer of the Student Bar Association and as a law clerk for the UAW legal department. He was awarded the Dean's Graduation Award for Outstanding Achievement and Contribution to the Law School.

Following law school, Mr. Ring clerked for a Nevada District Court Judge, then began his practice of law in the representation of labor unions and employee benefit trust funds. In 2015, he received the Go-to Guy Award from the Nevada State AFL-CIO for advice and counsel provided to the state federation and its affiliates during the legislative session. He is a member of the AFL-CIO Union Lawyers Alliance, and was recognized as a Super Lawyers Rising Star in Labor and Employment Law from 2014 - 2020.

A native of Michigan, Mr. Ring resides in Las Vegas with his wife, Nevada State Senate Majority Leader Nicole Cannizzaro, and their infant son, Case. When not practicing law, Nate enjoys spending time with his family, watching sports and playing an occasional round of golf.

## PHONE

725.235.9750

## EMAIL

nring@stranchlaw.com

## LOCATION

3100 W. Charleston Boulevard  
Suite 208  
Las Vegas, NV 89102

## PRACTICE AREAS

- Labor
- Employment
- ERISA Trust Funds
- Election Law

## EDUCATION

- University of Nevada, Las Vegas, William S. Boyd School of Law (J.D., *cum laude*, 2010)
  - Competitor, Conrad Duberstein Bankruptcy Moot Court Competition
  - Secretary, Student Bar Association
- Wayne State University (B.A., Public Affairs, 2007)

## EXPERIENCE

- *Lehman v. Nelson*, 943 F.3d 891 (9th Cir. 2019): Represented a Taft-Hartley Pension Plan and argued before the Ninth Circuit in a matter of first impression under the Pension Protection Act of 2006.
- *Glazing Health & Welfare Fund v. Lamek*, 896 F.3d 908 (9th Cir. 2018): Represented multiple Taft-Hartley Trust Funds as amici in a case setting Ninth Circuit precedent on liability of owners as ERISA fiduciaries for unpaid fringe benefit contributions.
- *Lehman v. Nelson*, 862 F.3d 1203 (9th Cir. 2017): Represented a Taft-Hartley Pension Plan in a successful Ninth Circuit appeal of a district court decision concerning contribution reciprocity under the Pension Protection Act of 2006.

- *International Brotherhood of Teamsters, Airline Division v. Allegiant Air, LLC*, 788 F.3d 1080 (9th Cir. 2015): Represented an international labor union and argued before the Ninth Circuit in an appeal raising an issue of first impression concerning bargaining under the Railway Labor Act.
- *W.G. Clark Construction Co. v. Pacific NW Regional Council of Carpenters*, 322 P.3d 1207 (Wash. 2014): Represented a Taft-Hartley Trust Fund as amici in a case that overturned prior Washington Supreme Court precedent, which held that ERISA Trust Funds could not recover contributions through state-required contractor bonds.
- *Operating Engineers Pension Trust v. Thornton Concrete Pumping*, 806 F.Supp.2d 1135 (D. Nev. 2011): Successfully represented Taft-Hartley Trust Funds in obtaining a district court judgment against a general contractor for its subcontractor's unpaid fringe benefit contributions under Nevada Revised Statutes 608.150.

## BAR ADMISSIONS

- Nevada
- Washington
- Oregon
- U.S. 9th Circuit Court of Appeals
- U.S. District Court – District of Nevada
- U.S. District Court Western District of Washington
- U.S. District Court Eastern District of Washington
- U.S. District Court – District of Oregon

## PROFESSIONAL HONORS & ACTIVITIES

### Awards

- Labor Partner of the Year Award from the Southern Nevada Building Trades Unions (2022)
- Super Lawyers Rising Star, Employment and Labor Law (2014 – 2020)
- Go-to Guy Award, Nevada State AFL-CIO (awarded by the executive secretary-treasurer for representation of the labor movement during the 2015 Nevada Legislative Session)
- Young Lawyers Division Fellow, ABA Labor & Employment Law Section (2012)
- Dean's Graduation Award for Outstanding Achievement and Contribution to the Law School, William S. Boyd School of Law, UNLV (2010)

### Memberships

- State Bar of Nevada
- Washington State Bar Association
- Oregon State Bar
- International Foundation of Employee Benefit Plans
- AFL-CIO Union Lawyers Alliance

## PRESENTATIONS

- "Strategize for Conscious Capital for Turbulent Times," Made in America Taft-Hartley Benefits Summit (2021)
- "LMRDA: An Overview," Southern Nevada Building Trade Unions Conference (2021)
- "Update on the Substance Abuse Epidemic and Controlling Behavioral Health Costs," Made in America Taft-Hartley Benefits Summit (2019)
- "Election Campaigns: Legal Overview," Nevada State AFL-CIO COPE Conference (2018)



STRANCH, JENNINGS & GARVEY  
PLLC





## Marty Schubert

### MEMBER

**Marty Schubert focuses his practice on the firm's class action litigation, and currently represents numerous consumers who were charged improper overdraft fees by their banks or credit unions. He also assists with matters relating to voting rights and ballot access, and previously served as the voter protection director for the Tennessee Democratic Party.**

Before joining Stranch, Jennings & Garvey, Mr. Schubert was a U.S. associate with Linklaters LLP in London, England, and an associate with Waller Lansden Dortch & Davis, LLP in Nashville. A native Chicagoan, he began his career as a middle school teacher in South Los Angeles. Before attending law school, he worked as a field organizer for the Obama campaign and as an Obama administration appointee at the U.S. Department of Education in Washington, D.C. Prior to beginning his legal practice, he served as a judicial intern with Chief U.S. District Judge Colleen McMahon of the U.S. District Court for the Southern District of New York.

Mr. Schubert is a 2013 graduate of Brooklyn Law School. He graduated cum laude from Georgetown University in 2006 and earned his M.A. in secondary education in 2008 from Loyola Marymount University.

### PHONE

615.254.8801

### EMAIL

mschubert@stranchlaw.com

### LOCATION

The Freedom Center  
223 Rosa L. Parks Avenue  
Suite 200  
Nashville, TN 37203

### PRACTICE AREAS

- Class Action
- Election Law

### EDUCATION

- Brooklyn Law School (J.D., 2013)
  - Member, *Brooklyn Law Review*
- Loyola Marymount University (M.A., Secondary Education, 2008)
- Georgetown University (B.S., Foreign Service, *cum laude*, 2006)

### EXPERIENCE

- Obtained hundreds of millions of dollars in class action settlements against banks and credit unions in more than 30 states for the improper assessment of overdraft fees

### BAR ADMISSIONS

- Tennessee
- New York

### PROFESSIONAL HONORS & ACTIVITIES

#### Memberships

- Nashville Bar Association
- Tennessee Trial Lawyers Association

### PUBLISHED WORKS

- Note, When Vultures Attack: Balancing the Right to Immunity Against Reckless Sovereigns, 78 BROOK L. REV. (Spring 2013)

### LANGUAGES

- English
- Spanish

### COMMUNITY INVOLVEMENT

- Throughout his career, Mr. Schubert has been involved in local education issues by representing suspended or truant students in administrative proceedings and serving as a committee member of the Nashville Area Chamber of Commerce's Education Report Card.
- He is also a founding board member of The Ubunye Challenge, which raises funds for educational initiatives in southern Africa and the Caribbean through athletic endurance competitions.





# Michael G. Stewart

## FOUNDING MEMBER

**Mike Stewart is a member of the firm's complex litigation practice, representing citizens who have suffered injuries or lost money because of the actions of powerful interests. He has litigated cases that have recovered millions of dollars for defrauded investors, persons injured by defective products and consumers cheated by improper sales practices. He writes and speaks on a variety of legal and public interest topics.**

A former member of the Tennessee General Assembly, Mr. Stewart aggressively fought for Tennessee's citizens, at one point calling attention to Tennessee's inadequate gun background check laws by offering an assault rifle for sale at a sidewalk lemonade stand. Mr. Stewart was elected unanimously by his fellow Democratic members to serve as their Caucus Chairman during the 109th, 110th and 111th General Assemblies. During his tenure, Democrats regained seats held by Republicans in all three of Tennessee's Grand Divisions – West, Middle and East Tennessee.

Before attending law school, Mr. Stewart served as an officer in the United States Army, with service in the Korean Demilitarized Zone and in Operation Desert Storm.

Mr. Stewart and his wife, Ruth, have three children, Will, Joseph and Eve. Ruth is a physician and an Associate Dean at Meharry Medical College. They live in East Nashville.

## PHONE

615.254.8801

## EMAIL

mstewart@stranchlaw.com

## LOCATION

The Freedom Center  
223 Rosa L. Parks Avenue  
Suite 200  
Nashville, TN 37203

## PRACTICE AREAS

- Class Action and Complex Litigation
- Civil Litigation

## EDUCATION

- University of Tennessee College of Law (J.D., *cum laude*, 1994)
  - Student Materials Editor, *Tennessee Law Review*
  - National Moot Court Team
  - Vinson & Elkins Award for Excellence in Moot Court Brief Writing
- University of Pennsylvania (B.A., 1987)

## EXPERIENCE

- Represented a class of shareholders in antitrust litigation against many of the nation's largest private equity firms in a suit alleging collusion on large buyout deals. Total settlements exceeded half-a-billion dollars. *Dahl v. Bain Capital Partners* (D. Mass).
- Represented a class of consumers who purchased baby clothing tainted with unlawful levels of chemical skin irritants, resulting in a multi-million-dollar settlement. *Montanez v. Gerber Childrenswear, LLC* (M.D. Cal.).
- Represented a consumer seriously injured by emissions from a residential air cleaner, resulting in a significant settlement. *Bearden v. Honeywell International, Inc.* (M.D. Tenn.).
- Represented a class of shareholders alleging damages from inaccurate financial statements issued by a manufacturer of cellular phone cameras, resulting in a multi-million-dollar settlement. In re: *Omnivision Technologies, Inc.* Litigation (N.D. Cal.).

## BAR ADMISSIONS

- Tennessee
- U.S. District Court Middle District of Tennessee
- U.S. District Court Western District of Tennessee
- U.S. 6th Circuit Court of Appeals

## PROFESSIONAL HONORS & ACTIVITIES

### Awards

- Best Lawyers in America (2008)
- National Trial Lawyers, Top 100 (2019)
- U.S. Eighth Army Distinguished Leader Award

### Memberships

- American Bar Association
- Tennessee Bar Association
- Nashville Bar Association
- American Association of Justice

## PRESENTATIONS & PUBLISHED WORKS

- Tennessee Bar Association Litigation Forum CLE – “Legislative Update”
- Nashville Bar Association CLE, “Deposition Ethics: Strategies for Taking and Defending Depositions Without Running Afoul of the Model Rules of Professional Conduct”
- “Paul Krugman Unwittingly Fulfills Fiscal Fantasies for Republicans,” *The Hill* (Nov. 18, 2017)
- “Memo to Democratic Donors: the Path to Power Passes Through the States,” *The Hill* (Dec. 22, 2016)

## COMMUNITY INVOLVEMENT

- Chairman, Tennessee House Democratic Caucus
- Campaign Treasurer, Mayor Bill Purcell
- Past Member, Metro Nashville Emergency Communications Board
- Past President, Lockeland Springs Neighborhood Association
- Member, East End United Methodist Church





# NASHVILLE ATTORNEYS

The Freedom Center, 223 Rosa L. Parks Avenue, Suite 200, Nashville, TN 37203



## Karla M. Campbell

MEMBER

### EDUCATION

- Georgetown University Law Center (J.D., 2008)
  - Article Selection Editor, *Georgetown Immigration Law Journal*
- University of Virginia (B.A., *highest distinction*, 2002)

### CLERKSHIP

- Hon. Jane B. Stranch of the U.S. 6th Circuit Court of Appeals

### BAR ADMISSIONS

- Tennessee
- Ohio

### PRACTICE AREAS

- Appellate Practice
- Civil Litigation
- Employment Law
- ERISA Trust Funds
- Labor Law

### PHONE

615.254.8801

### EMAIL

kcampbell@stranchlaw.com



## Kerry Dietz

ATTORNEY

### EDUCATION

- Belmont University College of Law (J.D., 2016)
  - Editor-in-Chief, *Belmont Law Review Volume 3*
- George Washington University (B.A., 2009)

### BAR ADMISSIONS

- Tennessee
- U.S. District Court for the Middle District of Tennessee
- U.S. 6th Circuit Court of Appeals

### PRACTICE AREAS

- Civil Litigation
- Civil Rights Law
- Labor and Employment Law
- Wage and Hour

### PHONE

615.254.8801

### EMAIL

kdietz@stranchlaw.com



## Caleb Harbison

ATTORNEY

### EDUCATION

- Belmont University College of Law (J.D., 2022)
- Liberty University (M.A., 2017)
- East Tennessee State University (B.S., *magna cum laude*, 2016)

### CLERKSHIPS

- Hon. Monte Watkins in Davidson County
- Hughes & Coleman Law Firm
- Tennessee 2nd Judicial District
- Tennessee 10th Judicial District

### BAR ADMISSIONS

- Tennessee

### PRACTICE AREAS

- Complex Litigation
- Opioid Litigation
- Personal Injury

### PHONE

615.254.8801

### EMAIL

charbison@stranchlaw.com

**SJG**  
STRANCH,  
JENNINGS  
& GARVEY  
PLLC

# NASHVILLE ATTORNEYS

The Freedom Center, 223 Rosa L. Parks Avenue, Suite 200, Nashville, TN 37203



## PHONE

615.254.8801

## EMAIL

miadevaia@stranchlaw.com

## Michael Iadevaia

### ATTORNEY

#### EDUCATION

- Cornell Law School (J.D., *cum laude*, 2019)
  - Articles Editor, *Cornell Law Review*
  - General Mills Award for Exemplary Graduate Teaching
  - CALI Award for Excellence in Labor Law
  - First Place, College of Labor & Employment Lawyers and ABA Section of Labor & Employment Law Annual Law Student Writing Competition
- Cornell University, School of Industrial and Labor Relations (B.S., with honors, 2019)

#### CLERKSHIP

- Hon. Jane B. Stranch of the U.S. 6th Circuit Court of Appeals
- Federal District Court Judge

#### BAR ADMISSIONS

- Tennessee (pending)
- New York
- District of Columbia
- U.S. District Court for the Middle District of Tennessee
- U.S. 6th Circuit Court of Appeals

#### PRACTICE AREAS

- Labor Law
- Employment Law
- ERISA Trust Funds
- Appellate Practice
- Class Action Litigation and Complex Litigation



## PHONE

615.254.8801

## EMAIL

lkimes@stranchlaw.com

## Isaac Kimes

### MEMBER

#### EDUCATION

- The University of Memphis, Cecil C. Humphreys School of Law (J.D., 2012)
- Arizona State University (B.S., 2007)

#### BAR ADMISSIONS

- Tennessee
- Missouri
- U.S. District Court Middle District of Tennessee
- American Bar Association

#### PRACTICE AREAS

- Personal Injury
- Mass Torts
- Complex Civil Litigation



## PHONE

615.254.8801

## EMAIL

kmallinak@stranchlaw.com

## Kyle C. Mallinak

### ATTORNEY

#### EDUCATION

- University of Virginia School of Law (J.D., 2013)
  - Editor, *Virginia Law Review*
  - Dean's Scholarship
  - Order of the Coif
  - Outstanding Student Award, National Association of Women Lawyers
- University of South Carolina (B.A., 2010)
  - Graduate of the South Carolina Honors College
  - McNair Scholar

#### CLERKSHIPS

- Hon. Robert E. Payne of the U.S. District Court for the Eastern District of Virginia
- Hon. Eugene E. Siler of the U.S. 6th Circuit Court of Appeals

#### BAR ADMISSIONS

- Colorado
- Tennessee
- U.S. 6th Circuit Court of Appeals
- U.S. District Court for the Eastern District of Tennessee
- U.S. District Court for the Middle District of Tennessee
- U.S. District Court for the Western District of Tennessee

#### PRACTICE AREAS

- Class Action Litigation and Complex Civil Litigation
- Consumer Rights Litigation
- General Civil Litigation
- Business Litigation

# NASHVILLE ATTORNEYS

The Freedom Center, 223 Rosa L. Parks Avenue, Suite 200, Nashville, TN 37203



## Nathan Martin

ATTORNEY

### EDUCATION

- Nashville School of Law (J.D., 2021)
- University of Tennessee (B.A., 2000)

### BAR ADMISSIONS

- Tennessee

### PRACTICE AREAS

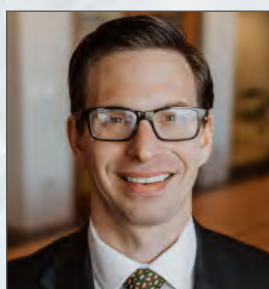
- Civil Litigation
- Class Action

### PHONE

615.254.8801

### EMAIL

nmartin@stranchlaw.com



## Andrew E. Mize

ATTORNEY

### EDUCATION

- Louis D. Brandeis School of Law, University of Louisville (J.D., *cum laude*, 2011)
- Centre College (B.A., 2008)
- Culver Military Academy (2004)

### BAR ADMISSIONS

- Kentucky
- U.S. District Court for the Western District of Kentucky
- U.S. 6th Circuit Court of Appeals

### PRACTICE AREAS

- Civil Litigation
- Appellate Practice
- Criminal Law
- Labor Law

### PHONE

615.254.8801

### EMAIL

amize@stranchlaw.com



## Jack Smith

ATTORNEY

### EDUCATION

- University of Tennessee College of Law (J.D., 2018)
- Acquisitions Editor, *Tennessee Law Review* and *Transactions: The Tennessee Journal of Business Law*

- Member of the Appellate Litigation Clinic, where he helped successfully appeal a Fourth Amendment search and seizure case before the Sixth Circuit, *U.S. v. Christian* (6th Cir. 2018)
- The Ohio State University (B.A., *magna cum laude*, 2014)

### BAR ADMISSIONS

- Tennessee
- U.S. District Court for the Middle District of Tennessee

### PRACTICE AREAS

- Class Action
- Mass Tort
- Wage and Hour Litigation
- Personal Injury

### PHONE

615.254.8801

### EMAIL

jsmith@stranchlaw.com



## K. Grace Stranch

ATTORNEY

### EDUCATION

- University of Tennessee College of Law (J.D., 2014)
  - American Constitution Society, Founder and President
  - Environmental Law Association, President
  - ENLACE, Event Coordinator
- Rhodes College (B.A., 2010)
  - International Honors Program

### BAR ADMISSIONS

- Tennessee

### PRACTICE AREAS

- Complex Litigation
- Constitutional Law
- Employment and Discrimination Law
- Environmental Law
- General Litigation
- Labor Law

### PHONE

615.254.8801

### EMAIL

graces@stranchlaw.com



# LAS VEGAS ATTORNEY

3100 W. Charleston Boulevard, Suite 208, Las Vegas, NV 89102



## PHONE

725.235.9750

## EMAIL

jguerra@stranchlaw.com

## Jessica Guerra

ATTORNEY

### EDUCATION

- William S. Boyd School of Law (J.D., Pro Bono Honors, 2015)
- President of La Voz, the Latin/Hispanic Law Student Association
  - Treasurer, Phi Alpha Delta
  - Event coordinator, Asian Pacific American Law Student Association (APALSA)
- University of Nevada, Las Vegas (B.A., 2012)
- Sigma Theta Psi Multicultural Sorority

### BAR ADMISSIONS

- Nevada
- U.S. District Court of the State of Nevada

### PRACTICE AREAS

- Labor
- Litigation

# ST. LOUIS ATTORNEYS

Peabody Plaza, 701 Market Street, Suite 1510, St. Louis, MO 63101



## PHONE

314.374.6306

## EMAIL

cgarvey@stranchlaw.com

## Colleen Garvey

ATTORNEY

### EDUCATION

- Saint Louis University School of Law (J.D., 2020)
- Rockhurst University (B.A., *magna cum laude*, 2016)

### CLERKSHIP

- Hon. Colleen Dolan on the Missouri Court of Appeals in the Eastern District

### BAR ADMISSIONS

- Missouri
- Illinois
- U.S. District Court for the Eastern District of Missouri

### PRACTICE AREAS

- Mass Torts
- Personal Injury
- Class Action Litigation and Complex Litigation
- General Civil Litigation



## PHONE

314.374.6306

## EMAIL

ethomas@stranchlaw.com

## Ellen A. Thomas

ATTORNEY

### EDUCATION

- Saint Louis University School of Law (J.D., 2020)
- Saint Louis University (B.A., 2014)

### CLERKSHIP

- Simon Law Firm

### BAR ADMISSIONS

- Missouri
- Illinois
- U.S. District Court for the Eastern District of Missouri

### PRACTICE AREAS

- Mass Torts
- Personal Injury
- Class Action and Complex Litigation
- General Civil Litigation





STRANCH, JENNINGS & GARVEY  
PLLC

## Bank Fees

**Some banks and credit unions routinely and improperly assess overdraft fees on customers' debit card transactions, even when those transactions do not overdraw customers' account balances, and charge multiple insufficient funds fees on single transactions. These deceptive practices result in significant and unforeseen costs for customers and violate state and federal fair business practice acts, as well as the terms of the account documents of these financial institutions. In addition to settling numerous overdraft fee disputes against banks and credit unions across the U.S., our firm has also obtained multi-million-dollar settlements against financial institutions for improper fee assessments.**

### ATTORNEYS IN THIS PRACTICE AREA



**Kyle C. Mallinak**



**Nathan Martin**



**Marty Schubert**



**J. Gerard Stranch IV**





STRANCH, JENNINGS & GARVEY  
PLLC

## Class Action

**Our firm has a long record of success representing plaintiffs in a substantial number of class action and mass tort cases in state and federal courts throughout the U.S. These cases include some of the most complicated litigation the courts have seen against some of the largest multinational companies. Through these cases, we defend the rights of clients harmed by defective products, pharmaceuticals, industry negligence or illegal practices.**

**Our attorneys have served as class counsel and as lead, co-lead and liaison counsel in landmark cases and national class actions involving data breach, wage and hour violations, anti-competitive practices, illegal generic drug suppression and bid rigging, defective products and violations of the Telephone Consumer Protection act.**

- **In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2672 CRB** (N.D. Cal.) (J. Breyer). Managing member Gerard Stranch served on the plaintiffs’ steering committee in a coordinated action consisting of nationwide cases of consumer and car dealerships. This action alleged that Volkswagen AG, Volkswagen Group of America and other defendants illegally installed so-called “defeat devices” in their vehicles, which allowed the cars to pass emissions testing but enabled them to emit nearly 40 times the allowable pollution during normal driving conditions. In October 2016, the court granted final approval to a settlement fund worth more than \$10 billion to consumers with two-liter diesel engines, and in May 2017, the court granted final approval to a \$1.2 billion settlement for consumers with three-liter diesel engines, and a \$357 million settlement with co-defendant Bosch.
- **In re: Davidson v. Bridgestone/Firestone, Inc. and Ford Motor Co. No. 00-C2298** (Davidson Circuit, Tennessee) (Soloman/ Brothers). The firm served as lead counsel in a nationwide class action against Bridgestone/Firestone, Inc. and Ford Motor Co. concerning defective tires. A settlement valued at \$34.4 million was reached in conjunction with a companion case in Texas.
- **In re: Cox v. Shell Oil et al., Civ. No. 18844** (Weakley Chancery, Tennessee) (Judge Malon). The firm intervened in a consumer class action composed of all persons throughout the United States who owned or purchased defective polybutylene piping systems used in residential constructions or mobile homes. A global settlement was reached that was valued at \$1 billion.
- **In re: M.S. Wholesale v. Westfax et al., 58CV-15-442** (Circuit Court of Pope County, Arkansas) (J. Sutterfield). The firm served as co-lead counsel on behalf of individuals and entities in a nationwide class action under the Telephone Consumer Protection Act (TCPA) involving the sending of illegal junk facsimiles. The court granted final approval to a class settlement worth \$5.45 million.
- **In re: Horton v. Molina Healthcare, Inc., 4:17-CV-0266-CVE-JFJ** (N.D. Okla.) (J. Eagan). The firm served as co-lead counsel on behalf of individuals and entities in this national class action under the TCPA regarding the sending of illegal junk facsimiles. The court granted final approval to a class settlement worth \$3.5 million.
- **In re: Heilman et al. v. Perfection Corporation, et al., Civ. No. 99-0679-CD-W-6** (W.D. Missouri). The firm served on the executive committee in a nationwide consumer class action composed of all owners or purchasers of a defective hot water heater. A settlement was reached that provided 100% recovery of damages for a possible 14.2 million hot water heaters and any other property damages.

### ATTORNEYS IN THIS PRACTICE AREA



Colleen Garvey



Hon. John (Jack) Garvey



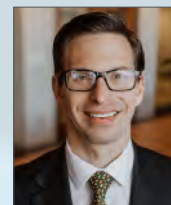
Michael Iadevaia



Kyle C. Mallinak



Nathan Martin



Andrew E. Mize



Marty Schubert



Jack Smith



Michael G. Stewart



J. Gerard Stranch IV



James G. Stranch III



K. Grace Stranch



STRANCH, JENNINGS & GARVEY  
PLLC

## Data Breaches

**Security breach notification laws require entities to notify their customers or citizens when they have experienced a data breach and to take certain steps to deal with the situation. This gives these individuals the opportunity to mitigate personal risks resulting from the breach and minimize potential harm, such as fraud or identity theft. Currently, all 50 states, along with the District of Columbia and three U.S. territories have adopted notification laws requiring notification when a breach has occurred.**

- **In re: Anthem, Inc. Data Breach Litig., MDL 2617 LHK**, (N.D. Cal. 2016). The firm served as counsel for Plaintiffs in a coordinated action consisting of nationwide cases of consumers harmed by the 2015 criminal hacking of servers of Anthem, Inc. containing more than 37.5 million records on approximately 79 million people receiving insurance and other coverage from Anthem's health plans. The case settled in 2017 for \$115 million, the largest healthcare data breach in U.S. history, and has received final approval.
- **In re: Winsouth Credit Union v. Mapco Express Inc., and Phillips v. Mapco Express, Inc. Case Nos. 3:14-cv-1573 and 1710** (M.D. Tenn.) (J. Crenshaw). The firm served as liaison counsel in consumer and financial institution action stemming from the 2013 hacking of computer systems maintained by Mapco Express, Inc. The cases settled in 2017 for approximately \$2 million.
- **In re: McKenzie et al. v. Allconnect, Inc., 5:18-cv-00359** (E.D. Ky.) (J. Hood). The firm served as class counsel in an action brought on behalf of more than 1,800 current and former employees of Allconnect, Inc., whose sensitive information contained in W-2 statements was disclosed to an unauthorized third party who sought the information through an email phishing scheme. The firm negotiated a settlement providing for direct cash payments to all class members, credit monitoring and identity theft protection plan at no cost, capped reimbursement of documented economic losses incurred per class member and other remedial measures. The approximately \$2.2 million settlement value is one of the largest per capita recoveries in a W-2 phishing litigation.

### ATTORNEYS IN THIS PRACTICE AREA



**Andrew E. Mize**



**Jack Smith**



**J. Gerard Stranch IV**





STRANCH, JENNINGS & GARVEY  
PLLC

## ERISA Trust Funds

Founding member James G. (Jim) Stranch III and his wife, Judge Jane Branstetter Stranch of the U.S. 6th Circuit Court of Appeals, were early pioneers of 401(k) ERISA (Employee Retirement Income Security Act) litigation.

Our attorneys have represented clients and served as lead and co-lead counsel in a wide range of ERISA matters, including Taft-Hartley health and welfare funds JATC apprenticeship funds, defined contribution funds and defined benefit pension funds. In addition, we advise ERISA plan fiduciaries on a variety of administration and compliance issues; establish employee benefit trusts and plans; handle administrative claims and appeals for LTD, STD and other benefits; assist with Department of Labor audits, interpretations, investigations and enforcement; and numerous other issues.

- **In re: Nortel Networks Corp. "ERISA" Litigation, No. 3:03-MD-1537** (M.D. Tenn.) (Nixon). Co-lead counsel in a 401(k)/ESOP class action suit brought on behalf of pension plan participants against fiduciaries of Nortel Network Corp. for violation of duties owed under ERISA. Court approved a settlement that provided a minimum recovery of \$21.5 million plus access to additional monies held by others.
- **In re: Qwest Savings and Investment Plan ERISA Litigation, No. 02-RB-464** (D. Colo.) (Blackburn). Co-lead counsel in a 401(k)/ESOP class action suit brought on behalf of pension plan participants against fiduciaries at Qwest Communications and the Trustee, Bankers Trust/Deutsche Bank, for violation of duties owed under ERISA. A settlement was reached which provided a \$33 million cash payment from Qwest Communications to the plan for participants, a \$4.5 million cash payment from Bankers Trust/Deutsche Bank to the plan for participants, a \$20 million guarantee from Qwest Communications from a parallel securities action with the opportunity of more cash from the parallel securities action, and an undetermined amount of cash from a distribution through the U.S. Securities and Exchange Commission Fair Fund established pursuant to Section 308 of the Sarbanes-Oxley Act of 2002, 15 U.S.C. §§7201 et seq.
- **In re: Global Crossing Ltd. ERISA Litigation, No. 02 Civ. 7453** (S.D. N.Y.) (Lynch). One of several counsel in a 401(k)/ESOP class action suit brought on behalf of pension plan participants against fiduciaries at Global Crossing for violation of duties owed under ERISA. The settlement reached provided a \$79 million cash payment to the Plan for participants and allowed Plan to recover in parallel securities action.
- **In re: Xcel Energy, Inc. ERISA Litigation Civ. 02-2677** (D. Minn.) (Doty). Co-lead counsel in a 401(k)/ESOP class action suit brought on behalf of the pension plan against fiduciaries of Providian Financial Corp. for violation of duties owed under ERISA. Settlement reached that provided an \$8.6 million cash payment to the Plan for participants, lifted stock restrictions in the Plan with a value between \$38 million and \$94 million, and allowed the Plan to recover in parallel securities action.
- **In re: Hitchcock v. Cumberland University 403(b) DC Plan, 851 F.3d 522** (6th Cir. 2017). As a result of this case, the university returned hundreds of thousands of dollars to employees' retirement accounts that it had wrongfully withheld. The firm succeeded in setting the precedent that plan participants can take legal claims, such as breach of fiduciary duty, straight to the courts, without having to exhaust administrative remedies through the plan, an issue of first impression in the Sixth Circuit.
- **In re: Delphi Corp. ERISA Litigation (Polito v. Delphi Corporation, et al.), No. 05-cv-71249** (E.D. Mich.). Lawsuit brought on behalf of participants in Delphi pension plans alleging that plan fiduciaries breached their duties and responsibilities under ERISA by, among other things, failing to investigate the prudence of an investment in Delphi stock and by making misrepresentations about the company's accounting practices for off-balance sheet financing and vendor rebates dating back to 1999.
- **In re: Providian Financial Corp. ERISA Litigation, No. C 01-5027** (N.D. C.A.) (Breyer). Co-lead counsel in a 401(k)/ESOP class action suit brought on behalf of the pension plan against fiduciaries of Providian Financial Corp. for violation of ERISA duties. Settlement provided an \$8.6 million cash payment to the plan for participants, lifted company stock sales restrictions in the plan valued between \$3.66 million and \$5.85 million, and allowed plan to recover in a parallel securities action.
- **In re: Montana Power ERISA Litigation, No. 4:02-0099** (D. Mont.) (Haddon). Co-lead counsel in a 401(k)/ESOP class action suit brought on behalf of pension plan participants against fiduciaries of Montana Power, Touch America and Northwestern Energy and against the Trustee, Northern Trust, for violation of duties owed under ERISA. Settlement was reached that provided a minimum recovery of \$4.9 million plus access to additional monies held by others.

### ATTORNEYS IN THIS PRACTICE AREA



Karla M. Campbell



Kerry Dietz



Jessica Guerra



R. Jan Jennings



Nathan R. Ring



James G. Stranch III





STRANCH, JENNINGS & GARVEY  
PLLC

## Labor Unions

Since our firm was founded more than seven decades ago, we have provided dependable representation for union clients in all employer-employee relations legal matters. Our attorneys are experienced in issues concerning the National Labor Relations Act, ERISA, Title VII, and wage and hours laws such as the FLSA. Our representation ranges from construction, industrial and public sector unions to district and joint councils, State Federations of Labor and Central Labor Councils.

Across the years, we have helped countless clients with union-related challenges, such as collective bargaining, contract negotiation, enforcement of labor-related claims via NLRB or federal court litigation, grievance mediation, restrictive covenant issues, severance agreements and numerous additional union matters.

- **In re: Thompson v. North American Stainless LP.** Our firm helped expand Title VII retaliation protection with this case, which reached the U.S. Supreme Court. The court ruled that North American Stainless' firing of plaintiff employee Eric Thompson violated Title VII and that he could sue because he fell within the zone of interests protected by Title VII.
- **In re: International Brotherhood of Teamsters, Local 651 v. Philbeck, 5:10-cv-105-DCR** (E.D.KY 2018). The firm successfully litigated action requesting a temporary restraining order and permanent injunction by the local union to secure control of the Facebook page belonging to the union.
- **In re: Matthew Denholm, RD of NLRB Region 9 v. Smyrna Ready Mix Concrete, LLC, 5:20-cv-320-REW** (E.D.KY 2019). The firm successfully litigated NLRB charges, culminating in a complaint for injunctive relief, where the federal district court ordered the reinstatement of seven drivers and their plant manager and the reopening of a concrete plant.
- **In re: Zeon Chemicals, L.P. v. UFCW Local 72-D, 949 F.3d 980** (6th Cir. 2020). The firm successfully appealed a district court's reversal of the union's arbitration victory for an unjustly terminated member who was ordered reinstated with full back pay.

### ATTORNEYS IN THIS PRACTICE AREA



Karla M. Campbell



Kerry Dietz



R. Jan Jennings



Nathan R. Ring



James G. Stranch III



STRANCH, JENNINGS & GARVEY  
PLLC

## Mass Tort

Mass tort lawsuits occur when numerous individuals have been injured or harmed by the same act of negligence of another party, from faulty prescription drugs or medical devices to toxic contamination or defective consumer products. These types of claims provide the compensation each plaintiff needs, rather than a settlement that is split with the other plaintiffs.

Stranch, Jennings & Garvey has the experience and resources to confront the corporations responsible for the harm inflicted on plaintiffs. Our attorneys are well-versed in the necessary strategies for negotiating and litigating mass tort lawsuits, and have successfully represented numerous clients in claims against companies and corporations. Our efforts have produced significant monetary recovery and/or benefits for plaintiffs from many jurisdictions.

- In re: National Prescription Opiate Litigation.** Managing member Gerard Stranch was appointed as class counsel for the negotiation class in the multi-district national prescription opioid litigation (MDL 2804) in Cleveland, Ohio. Plaintiffs alleged that the manufacturers of prescription opioids grossly misrepresented the risks of long-term use of those drugs for persons with chronic pain, and distributors failed to properly monitor suspicious orders of those prescription drugs – all of which contributed to the current opioid epidemic. National settlements of up to \$26 billion were reached in 2021 to resolve litigation brought by states and local political subdivisions against three pharmaceutical distributors (McKesson, Cardinal Health and AmerisourceBergen) and manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson. Jack Garvey, the member who leads SJ&G's St. Louis office, was instrumental in securing a settlement with these companies for Missouri's counties and cities in the amount of \$183.2 million, as part of a \$458 million overall settlement for the state.

### ATTORNEYS IN THIS PRACTICE AREA



Colleen Garvey



Hon. John (Jack) Garvey



Caleb Harbison



Michael G. Stewart



J. Gerard Stranch IV





STRANCH, JENNINGS & GARVEY  
PLLC

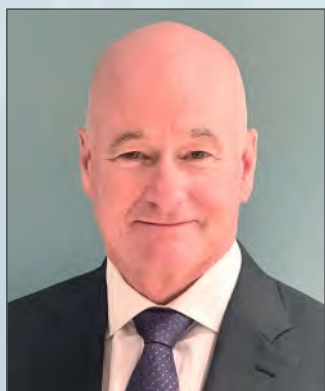
## Personal Injury

For many years, our firm has effectively represented individuals who have been harmed or injured due to third-party carelessness or misconduct. These cases include medical negligence, faulty medical devices, dangerous medications, unsafe property conditions, automobile accidents, and numerous other acts of negligence or disregard for safety that have led to injury and death.

Stranch, Jennings & Garvey proudly works to preserve and restore the rights of clients who have experienced harm due to others' actions, and our firm seeks justice for and successfully obtains full and fair compensation for these victims and their families through litigation, mediation and arbitration.

- **In re: Sullivan Baby Doe case** (originally filed as *Staubus v. Purdue*) against U.S. opioid producers Endo Health Solutions Inc. and Endo Pharmaceuticals Inc., resulting in a \$35 million settlement agreement, the largest per capita settlement achieved by any prosecution with Endo to date
- **In re: Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation**, resulting in approximately \$17 billion in settlements, the largest consumer auto settlement and one of the largest settlements in any matter ever
- **In re: Orrick v. GlaxoSmithKline**, St. Louis City Circuit #1322-CC00079 (Paxil litigation)
- **In re: Jefferson County v. Williams**, #20JE-CC00029 (opioids litigation)
- Davidson County Circuit Court bench trial verdict of \$205,274 following zero offers made prior to trial (January 2022)
- Davidson County Circuit Court jury trial verdict of \$122,755.46 following a top pre-trial offer of \$30,000 (May 2021)

### ATTORNEYS IN THIS PRACTICE AREA



Hon. John (Jack) Garvey



Isaac Kimes



J. Gerard Stranch IV



K. Grace Stranch



STRANCH, JENNINGS & GARVEY  
PLLC

## Product Liability

**Our attorneys are well-versed in consumer protection laws and unfair trade practices acts, and have successfully advocated in state and federal courts for many notable cases throughout the U.S. These cases have resulted in multi-million-dollar recoveries for consumers who have been harmed by defective products, dangerous medications, misleading or improper advertising or marketing practices, fraud and other violations of the laws and acts. In addition, our attorneys have served as lead and co-lead counsel on numerous cases.**

- **In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2672 CRB** (N.D. Cal.) (J. Breyer). The firm served on the plaintiffs’ steering committee in a coordinated action consisting of nationwide cases of consumer and car dealerships. This action alleged that Volkswagen AG, Volkswagen Group of America and other defendants illegally installed so-called “defeat devices” in their vehicles, which allowed the cars to pass emissions testing but enabled them to emit nearly 40 times the allowable pollution during normal driving conditions. In October 2016, the court granted final approval to a settlement fund worth more than \$10 billion to consumers with two-liter diesel engines. In May 2017, the court granted final approval to a \$1.2 billion settlement for consumers with three-liter diesel engines and a \$357 million settlement with co-defendant Bosch.
- **In re: Montanez v. Gerber Childrenswear, LLC** (M.D. Cal.). The firm represented consumers who purchased baby clothing tainted with unlawful levels of chemical skin irritants, resulting in a multi-million-dollar settlement.
- **In re: Davidson v. Bridgestone/Firestone, Inc. and Ford Motor Co. No. 00-C2298** (Davidson Circuit, Tennessee) (Soloman/ Brothers). The firm served as lead counsel in a nationwide class action against Bridgestone/Firestone, Inc. and Ford Motor Co. concerning defective tires. A settlement valued at \$34.4 million was reached in conjunction with a companion case in Texas.
- **In re: Cox v. Shell Oil et al., Civ. No. 18844** (Weakley Chancery, Tennessee) (Judge Malon). The firm intervened in consumer action composed of all persons throughout the United States who owned or purchased defective polybutylene piping systems used in residential constructions or mobile homes. A global settlement was reached that was valued at \$1 billion.
- **In re: Heilman et al. v. Perfection Corporation, et al., Civ. No. 99-0679-CD-W-6** (W.D. Missouri). The firm served on the executive committee in a nationwide consumer class action composed of all owners or purchasers of a defective hot water heater. A settlement was reached that provided 100% recovery of damages for a possible 14.2 million hot water heaters and any other property damages.

### ATTORNEYS IN THIS PRACTICE AREA



**Hon. John (Jack) Garvey**



**Isaac Kimes**



**J. Gerard Stranch IV**



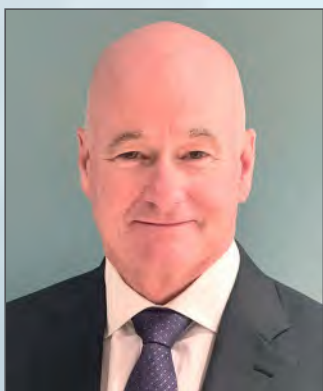
STRANCH, JENNINGS & GARVEY  
PLLC

## Trucking Accidents

According to the National Safety Council (NSC), 4,842 large trucks nationwide were involved in a fatal crash in 2020 (the last year for which data is available). According to the National Center for Statistics and Analysis (NCSA), an office of the National Highway Traffic Safety Administration (NHTSA), 831 truck occupants and nearly 5,000 other individuals were killed as a result of these crashes in 2020. Between 2017 and 2020, an average of more than 42,000 truck occupants and more than 151,000 other individuals were injured.

These numbers clearly reveal the prevalence of accidents involving large trucks and the damage they inflict on individuals and their families. Our firm has decades of experience in representing victims of trucking accidents who seek compensation to cover physical and material damages.

### ATTORNEYS IN THIS PRACTICE AREA



**Hon. John (Jack) Garvey**



**Isaac Kimes**



**J. Gerard Stranch IV**





STRANCH, JENNINGS & GARVEY  
PLLC

## Wage and Hour Disputes

For decades, our firm has represented working people with individual claims or as part of class action litigation regarding their employers' wage and hour compliance. Our attorneys have broad litigation experience on behalf of employees in nearly every industry sector, covering a wide range of violations – from unpaid overtime or “off-the-clock” work to independent contractors, improper wage deductions and exemption requirements. They are well-versed in the provisions of the Fair Labor Standards Act, along with other federal and state statutes, and stay on top of developing case law and changes in current laws.

- **In re: Drummond et. al. v. C.E.C. Electrical Contractors, Inc., 98-1811-III** (Davidson Chancery, Tennessee). The firm served as lead counsel in a class action settlement by employees against their employer for wages and benefits due from a school construction contract between their employer and the Metropolitan-Davidson County Board of Education. A settlement was reached in which employees received 100% of their wages and benefits.

### ATTORNEYS IN THIS PRACTICE AREA



Jessica Guerra



Nathan R. Ring



J. Gerard Stranch IV



STRANCH, JENNINGS & GARVEY  
PLLC

## Worker Adjustment and Retraining Notification

The Worker Adjustment and Retraining Notification (WARN) Act is a federal law that helps ensure advance notice to employees in cases of qualified plant closings and mass layoffs. Employers are required to provide written notice 60 days prior to the date of a mass layoff or plant closing, in addition to other requirements. Employees of companies who have not complied with the WARN Act are entitled to certain rights. Our firm has represented clients in numerous cases that have resulted in monetary settlements for employees whose employers did not comply with the law.

- **In re: Kizer v. Summit Partners, Case No. 1:1-CV-38** (E.D. Tenn.) The firm served as lead counsel in class actions on behalf of employees of a closed Summit Partners facility located in Chattanooga, Tennessee. Case was successfully settled for \$275,000.
- **In re: Owens v. Carrier Corp., Case No. 2:08-2331-SHM P** (W.D. Tenn.) The firm served as lead counsel in class action on behalf of former Carrier Corp. employees at the closed Collierville, Tennessee, plant. Case was successfully settled for \$2.1 million on behalf of former employees after lead counsel successfully obtained class certification over plaintiffs' WARN Act claims.
- **In re: Sofa Express Inc., Case No. 07-924** (Bank. M.D. Tenn.) The firm served as lead counsel in class action on behalf of former Sofa Express, Inc. employees at company headquarters and a distribution center in Groveport, Ohio. Case was successfully settled for \$398,000 on behalf of former employees.
- **In re: Robertson et. al v. DSE Inc., Case No. 8:13-cv-1931-T-AEP** (M.D. Fla.). The firm served as lead counsel in class action on behalf of former DSE Inc. employees at Florida and South Carolina manufacturing facilities. Case was successfully settled for more than \$1 million on behalf of former employees.

### ATTORNEYS IN THIS PRACTICE AREA



**Michael Iadevaia**



**J. Gerard Stranch IV**

# EXHIBIT B



# COHEN & MALAD, LLP

One Indiana Square | Suite 1400 | Indianapolis, IN | 46204 |  
[www.cohenandmalad.com](http://www.cohenandmalad.com)

Complex Litigation  
Resume

## Directory

Introduction.....	3
Attorney Biographies.....	4
Antitrust Cases.....	10
Consumer Protection Cases .....	10
Bank Fee Cases.....	13
Human Rights Cases.....	14
Health Care/Insurance Cases.....	15
Securities Fraud Cases.....	15
Mass Medical Malpractice Cases.....	16
Mass Tort Pharmaceutical Drug & Medical Device Cases.....	17

## Introduction

Cohen & Malad, LLP is a litigation firm founded in 1968 by a former Indiana Attorney General, a former United States Attorney and three other distinguished lawyers. With 25 experienced attorneys, we litigate cases across multiple practice areas including: class action, mass torts and individual personal injuries, business litigation, family law, as well as commercial litigation and appeals.

Cohen & Malad, LLP enjoys a reputation as one of Indiana's leading class action law firms. Over the last 50 years, the firm has served as class counsel in numerous local, statewide, multi-state, nationwide, and even international class actions. We have also served in leadership positions in numerous multidistrict litigation matters. Our personal injury and medical malpractice trial lawyers have handled high profile cases against medical providers who subjected hundreds of their patients to unnecessary procedures, sometimes leading to deaths.

## Significant Class Actions

*Lead Counsel, Co-lead Counsel, or Executive Committee*

- ❖ *In re Holocaust Victim Assets Litigation*; Settlement of \$1.25 billion for claims relating to conversion of bank accounts and property of victims of the Holocaust during the Nazi era.
- ❖ *Raab v. R. Scott Waddell, in his official capacity as Commissioner of The Indiana Bureau of Motor Vehicles et al.*, Settlements (including settlement after trial and judgment) of approximately \$100 million in overcharges for motor vehicle and license fees.
- ❖ *In re Ready-Mixed Concrete Antitrust Litigation*; Settlements of over \$60 million for price fixing claims.
- ❖ *In re Iowa Ready-Mix Concrete Antitrust Litigation*; Settlement of over \$18 million for price fixing claims.
- ❖ *Moss v. Mary Beth Bonaventura, in her official capacity as Director of the Department of Child Services et al.* Settlement for underpayment of per diem subsidies owed to families who adopted special needs children out of foster care.
- ❖ *Bank Fee Litigation*. Litigation of hundreds of lawsuits against financial institutions for improper fee assessment and achieving dozens of settlements.

## Significant Mass Tort Litigation

*Leadership positions in federal multidistrict litigations and state court consolidations*

- ❖ *Gilead Tenofovir Cases, JCCP No. 5043, Superior Court for the County of San Francisco, California*. Cohen & Malad, LLP is currently representing patients against Gilead Sciences who were prescribed its TDF-based drugs to treat HIV, for pre-exposure prophylaxis (PrEP) to mitigate HIV risk, or to treat Hepatitis, and suffered serious kidney and bone injuries.

- ❖ *In Re: Zofran (Ondansetron) Products Liability Litigation. Litigation on behalf of women who took Zofran while pregnant and gave birth to a baby who suffered from a serious birth defect. Litigation is currently pending.*
- ❖ *In re: Fresenius Granuflo/Naturalyte Dialysate Products. Litigation on behalf of dialysis patients alleging Fresenius' dialysis products caused cardiac injuries and death. \$250 million global settlement.*
- ❖ *Pain Pump Device Litigation. Cohen & Malad, LLP served in a National Coordinated Counsel role in litigation against pain pump manufacturers who marketed pain pumps to orthopedic surgeons for continuous intra-articular uses, despite the fact that intra-articular placement of the pain pump catheters was not approved by the FDA. The use of pain pumps in the joint space resulted in deterioration of cartilage, severe pain, loss of mobility or decreased range of motion and use of shoulder.*
- ❖ *In Re: Prempro Products Liability Litigation. Litigation on behalf of women who took the hormone replacement therapy drug Prempro manufactured by Wyeth and suffered strokes, heart attacks, endometrial tumors or breast cancers. Global settlement for more than \$890 million to settle roughly 2,200 claims.*

### **Significant Mass Medical Malpractice Actions**

Co-Lead counsel for mass litigation

- ❖ *Mass tort medical malpractice cases involving over 280 claimants against an ENT physician settled for more than \$59 million*
- ❖ *Mass tort medical malpractice cases involving more than 260 claimants against a Northwest Indiana cardiology group settled for more than \$67 million*

### **Our Attorneys**

Irwin B. Levin, Managing Partner



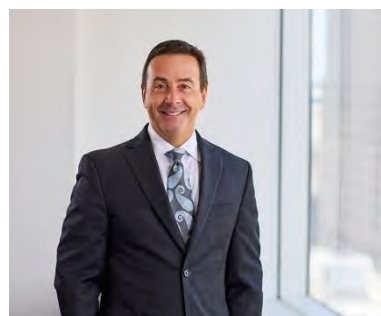
Irwin joined Cohen & Malad, LLP in 1978 and concentrates his practice in the areas of class action, mass torts and commercial litigation. Irwin served on the Executive Committee in litigation against Swiss Banks on behalf of Holocaust victims around the world which culminated in an historic \$1.25 billion settlement. He has also served as lead counsel in class action cases around the country since 1983 including two class action cases against the Indiana Bureau of Motor Vehicles, which settled for nearly \$100 million, and was Co-Lead Counsel in two major antitrust cases against the concrete industry. Those cases settled for over \$75 million. Irwin has also served in leadership in various MDL and mass tort cases such as Pain Pump and Hormone Therapy litigation. Irwin currently is counsel for dozens of Indiana cities and counties in litigation against companies responsible for the opioid epidemic.

### David J. Cutshaw

David's practice includes both class action and mass medical malpractice litigation. He served as co-lead counsel to successfully negotiate over \$59 million in settlements for more than 280 plaintiffs against former ENT surgeon Mark Weinberger who performed unnecessary sinus surgeries, negligent surgeries, and abandoned his patients. Weinberger was sentenced to seven years in jail for health care fraud. David acted as co-lead counsel in 263 claims against a Northwest Indiana cardiology group alleged to have unnecessarily implanted pacemakers and defibrillators and performed unnecessary cardiac vessel stenting. Those claims were recently settled for over \$67 million. He has also tried numerous medical malpractice jury trials as first chair.



### Gregory L. Laker



Greg is the chair of the personal injury practice group and oversees the firm's dangerous drug and defective medical device litigation team. Greg and his team have held leadership positions in several multidistrict litigations including In re: Prem Pro Products Liability, Pain Pump Device Litigation, In re: Consolidated Fresenius Cases (Granuflo), In re: Testosterone Replacement Therapy Products Liability, and others. Greg also oversees the firm's sexual abuse litigation team and litigates cases involving molestation committed by perpetrators in institutional care facilities, sports and organizational groups, churches, schools, and doctor or medical offices.

### Richard E. Shevitz

Richard is the chair of the class action practice group and handles a wide variety of class action lawsuits, including claims against insurance companies, manufacturers, and governmental entities. He led the trial court proceedings and handled the appeal of a class action on behalf of drivers who had been overcharged for fuel prices by a publicly held trucking company, which resulted in a judgment of approximately \$5 million which was upheld on appeal. He also played a key role in the historic class action litigation bringing Holocaust-era claims against Swiss banks, which resolved for \$1.25 billion, as well as the prosecution of Holocaust-related claims against leading German industrial enterprises, which were resolved through a \$5 billion fund.



## Lynn A. Toops



Lynn is a partner in the class action group and focuses her practice on high-stakes consumer protection litigation. Lynn and her team are currently litigating hundreds of class actions against financial institutions across the country for the improper assessment of various fees and have returned over \$100 million to well over one million consumers. Lynn is also a nationwide leader in data breach litigation and is currently litigating and settling dozens of those cases on behalf of consumers. Lynn also represents cities and counties across Indiana that are battling the opioid prescription epidemic via litigation against manufacturers and distributors of prescription opioids. Lynn also served in a leading role in litigation against the state of Indiana for failure to pay promised adoption subsidy payments to families who adopted special needs children out of the state's foster care program.

## Arend J. Abel

Arend's practice includes complex litigation and appeals. His clients range from governmental entities to businesses of all sizes, from Fortune 500 companies to sole proprietors. His legal career includes work for former Indiana attorney general Pamela Carter, for whom he served as special counsel. In that role, Arend briefed and argued two cases on the merits before the United States Supreme Court. He has also briefed and argued numerous cases before the Indiana State Supreme Court and State and Federal Trial and Appellate Courts. Arend supports the class action practice group via briefing on complex issues at the trial and appellate court level.



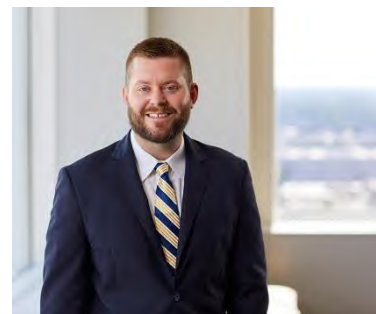
## Scott D. Gilchrist



Scott is a class action attorney and concentrates his practice on antitrust, securities fraud, and consumer protection matters. Scott was a principal attorney in two antitrust cases against suppliers of ready-mixed concrete on behalf of small businesses, farmers and individuals. In re: Ready Mixed Concrete Antitrust Litigation, which settled for nearly \$60 million and In re: Iowa Ready Mix Concrete Antitrust Litigation, which settled for more than \$18 million.

### Vess A. Miller

Vess is a class action attorney and focuses his practice on consumer protection matters. He uncovered hundreds of illegal charges made by the Indiana BMV and gave closing arguments at trial. After a ruling for drivers, that case settled for over \$62 million in refunds. Vess has also successfully litigated predatory lending claims against payday lenders that charged interest rates exceeding 1,000% APR. He defeated arbitration clauses that would have left consumer with no recovery, and successfully defended the wins at the Indiana Court of Appeals, the Indiana Supreme Court, and ultimately the United States Supreme Court.



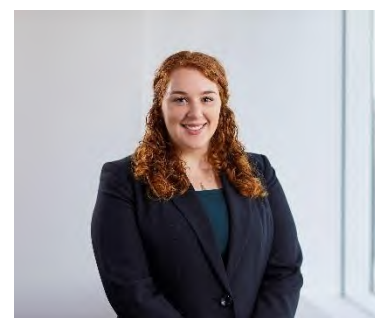
### Gabriel A. Hawkins



Gabriel is a class action and complex litigation attorney. He is an integral part of the firm's mass medical malpractice litigation team. He helped represent over 280 plaintiffs in lawsuits against former ENT surgeon Mark Weinberger who performed unnecessary sinus surgeries, negligent surgeries, and abandoned his patients. Weinberger was sentenced to seven years in jail for health care fraud. Gabriel's work contributed to the successful \$59 million global settlement for these plaintiffs.

### Lisa M. La Fornara

Lisa handles complex civil litigation, including class and representative actions, with a focus on consumer protection, financial services, and data security matters. Lisa has actively litigated hundreds of actions against financial institutions and has helped consumers recover tens of millions of dollars in improperly collected fee revenue. Lisa has helped achieve leading settlements in actions against companies that failed to protect their customers' most sensitive data, providing meaningful equitable and financial relief for victims who experienced or are likely to experience identity theft and fraud. Lisa has also uncovered and obtained refunds for consumers who were systematically underpaid by their insurers following the total loss of their vehicles and has represented whistleblowers in *qui tam* and False Claims Act cases involving fraud against the government.





Natalie A. Lyons



Natalie Lyons focuses on complex and class action matters. Over her career, she has represented consumer and civil rights plaintiffs in federal and state class actions around the country—including two federal civil rights trials that resulted in merits wins for plaintiffs. She has litigated against the federal Departments of Homeland Security and Education, state correctional agencies, and an array of commercial defendants. She is presently litigating complicated class actions in state and federal courts under consumer protection laws, the Telephone Consumer Protection Act and state contract and fraud laws.

Prior to joining Cohen & Malad, LLP, Natalie advocated on behalf of marginalized communities in litigation, direct representation and policy advocacy at the Southern Poverty Law Center (Montgomery, AL), Housing & Economic Rights Advocates (Oakland, CA) and Equal Rights Advocates (San Francisco, CA). In her role as an advocate for racial and social justice, she has appeared on panels; authored reports, op-eds and white papers; and testified on behalf of legislation. Here in Indiana, she served on the 2017 Spirit & Place Festival panel: Liberty & Justice for All?

Amina A. Thomas

Amina handles class action matters involving litigation against insurance companies on behalf of policy holders in a variety of matters involving policy holder benefits and rights. Her work also includes representing consumers and businesses in data breach litigation across the country.



Emily D. Kopp



Emily is class action attorney focused on complex litigation involving consumer protection matters. She litigates matters against financial institutions related to improperly collected fee revenue. Emily also represents consumers in data breach litigation against businesses who failed to properly safeguard sensitive client personal identifying information.



### Edward 'Ned' B. Mulligan V

Ned handles product liability matters in the firm's dangerous pharmaceutical drug and defective medical device practice group. He has served in mass tort leadership roles on several multidistrict litigations including, *In re: Testosterone Replacement Therapy Products Liability Litigation*, and *In re: Consolidated Fresenius Cases (Granuflo)*. Ned is a named member of the Plaintiff Steering Committee for *In re: Zofran (Ondansetron) Products Liability Litigation*. Ned has also written articles regarding mass tort litigation for *Trial Magazine*.



### Jonathon A. Knoll



Jon is a product liability attorney in the firm's dangerous pharmaceutical drug and defective medical device practice group. He has served in mass tort leadership roles for Biomet Metal on Metal Hip Replacement System Litigation in Indiana state court, *Gilead Tenofovir Cases*, JCCP No. 5043, as well as the multidistrict litigation *In re: Consolidated Fresenius Cases (Granuflo)*. Jon speaks nationally on various topics related to mass tort litigation and has also written articles regarding mass tort litigation for *Trial Magazine*.

Magazine.

### Laura C. Jeffs

Laura is a class action and product liability attorney. Her work includes class action privacy claims involving data breaches and consumer protection claims. Laura represents people who have been injured by dangerous pharmaceutical and defective medical devices in litigation involving pain pump devices, hormone replacement therapy, transvaginal mesh implants, tainted steroid injections, talcum powder ovarian cancer claims, and tenofovir drug litigation.



## Antitrust Cases

- ***In re Bromine Antitrust Litigation***, U.S. District Court, Southern District of Indiana.  
Liaison Counsel for the class in price-fixing issue. Settlement valued at \$9.175 million.
- ***In re Ready-Mixed Concrete Antitrust Litigation***, U.S. District Court, Southern District of Indiana.  
Co-Lead Counsel in a consolidated class action alleging a price-fixing conspiracy among all of the major Ready-Mixed Concrete suppliers in the Indianapolis area. The total settlements provided for a recovery of \$60 million, which allowed for a net distribution to class members of approximately 100% of their actual damages.
- ***In re Iowa Ready-Mix Concrete Antitrust Litigation***, U.S. District Court, District of Iowa.  
Co-lead counsel in class action alleging a price-fixing conspiracy among major suppliers of Ready-Mixed Concrete in northwest Iowa and the surrounding states. Settlements totaled \$18.5 million, which allowed for a net distribution to class members of approximately 100% of their actual damages.

## Consumer Protection Cases

- ***Raab v. R. Scott Waddell, in his official capacity as Commissioner of The Indiana Bureau of Motor Vehicles et al., and Raab v. Kent W. Abernathy, in his official capacity as Commissioner of The Indiana Bureau of Motor Vehicles et al.***, Marion County Indiana, Superior Court.  
Actions on behalf of Indiana drivers who had been systematically overcharged by the Indiana Bureau of Motor Vehicles for driver's licenses, registrations, and other fees. Achieved a combined total \$100 million recovery providing either credits or refund checks to over 4 million drivers in amounts that equaled the agreed overcharge amounts.
- ***Moss v. Mary Beth Bonaventura, in her official capacity as Director of The Indiana Department of Child Services, et al.***, LaPorte County Indiana, Superior Court.  
Action on behalf of Indiana families that adopted special needs children from out of DCS foster care and who were denied an adoption subsidy payment. Achieved settlement over \$15 million providing checks to benefit over 1,880 special needs children, with the average settlement check near \$5,000 and a substantial number exceeding \$10,000.
- ***Coleman v. Sentry Insurance***, United States District Court, Southern District of Illinois.  
Class action on behalf of insured for failure to honor premium discounted

features of automobile insurance policy; Settled for \$5.7 million cash fund, with direct payments to class members averaging over \$550.

- ***Econo-Med Pharmacy v. Roche***, United States District Court for the Southern District of Indiana.  
\$17 million common fund recovery in TCPA class action.
- ***Plummer v. Nicor Energy Services Company***, U.S. District Court, Southern District of Indiana.  
Class counsel in multistate class action on behalf of utility customers for deceptive charges on utility bills. Resolved for \$12 million cash settlement.
- ***Price v. BP Products North America Inc.***, U.S. District Court, Northern District of Illinois.  
Class counsel in multi-state class action on behalf of motorists that purchased contaminated gasoline recalled by BP. Achieved settlement of \$7 million.
- ***Wilmoth et al. v. Celadon Trucking Services***, Marion County Indiana, Superior Court.  
Appointed Class Counsel and obtained judgment, which was upheld on appeal, for approximately \$5 million in favor of nationwide class of long-distance drivers who had compensation improperly withheld by Celadon from fuel purchases.
- ***Means v. River Valley Financial Bank, et al.***, Marion County Indiana, Superior Court.  
Action involving prepaid burial goods and services in Madison, Indiana. Cemetery owners and banks who served as the trustees for the prepaid burial funds violated the Indiana Pre-Need Act and other legal duties, which resulted in insufficient funds to provide class members' burial goods and services at death. Settlements valued at \$4 million were achieved to ensure that thousands of class members' final wishes will be honored.
- ***Meadows v. Sandpoint Capital, LLC, and Edwards v. Apex 1 Processing, Inc.***, Marion County Indiana, Circuit Court.  
Class actions brought against internet-based payday lenders. Settlement provided reimbursement for fees and expenses that exceeded amounts permitted by the Indiana payday loan act.
- ***Edwards v. Geneva-Roth Capital, Inc.***, Marion County Indiana, Circuit Court. Class action brought against internet-based payday lenders. Achieved settlement over \$1 million providing checks for over 6,000 individuals.
- ***Colon v. Trinity Homes, LLC and Beazer Homes Investment Corp***, Hamilton County Indiana, Superior Court.  
Class counsel in statewide settlement providing for remediation of mold and moisture problems in over 2,000 homes. Settlement valued at over \$30 million.

- ***Whiteman v. Time Warner Entertainment Company, L.P.***, Marion County, Indiana, Superior Court.  
Successfully appealed to the Indiana Supreme Court challenging the application of the voluntary payment doctrine for class of cable subscribers. Following this victory, Cohen & Malad, LLP negotiated a multi-million-dollar settlement for class members.
- ***Hecht v. Comcast of Indianapolis***, Marion County Indiana, Circuit Court.  
Represented a class of Comcast cable subscribers challenging arbitrarily determined late fees as unlawful liquidated damages. Obtained a multi-million-dollar settlement on the eve of trial.
- ***Littell et al. v. Tele-Communications, Inc. (AT&T) et al.***, Morgan County, Indiana, Superior Court. Lead counsel in nationwide class action challenging late fee charges imposed by cable television companies. The total value of the nationwide settlement exceeded \$106 million.
- ***Bridgestone/Firestone, Inc., ATX, ATX II and Wilderness Tires Products Liability Litigation***, U.S. District Court, Southern District of Indiana.  
Court-appointed Liaison Counsel and Executive Committee Member in consolidated litigation involving international distribution of defective tires.
- ***Tuck v. Whirlpool et al.***, Marion County, Indiana, Circuit Court.  
Appointed Class Counsel in nationwide class action regarding defective microwave hoods. Settlement achieved in excess of \$7 million.
- ***Hackbarth et al. v. Carnival Cruise Lines***, Circuit Court of Dade County, Florida.  
Class Counsel in nationwide action challenging cruise lines' billing practices. Settlement valued at approximately \$20 million.
- ***Kenro, Inc. v. APO Health, Inc.***, Marion County Indiana, Superior Court.  
Appointed Class Counsel in case alleging violations of the Federal Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227. Settlement negotiated to create a common fund of \$4.5 million and provide benefits to class members of up to \$500 for each unsolicited fax advertisement received.
- ***Shilesh Chaturvedi v. JTH Tax, Inc. d/b/a Liberty Tax Service***, Court of Common Pleas, Allegheny County, Pennsylvania.  
Class Counsel in case involving Federal Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227. Settlement valued at \$45 million.
- ***Kenro, Inc. and Gold Seal Termite and Pest Control Company v. PrimeTV, LLC, and DirecTV, Inc.***, Marion County Indiana, Superior Court.  
Class Counsel in case involving the federal Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227. Following certification, the parties



entered into nationwide settlement providing class members with benefits worth in excess of \$500 million.

- ***Econo-Med Pharmacy, Inc. v. Roche Diagnostics Corp. et al.***, U.S. District Court, Southern District of Indiana.  
Class Counsel in Telephone Consumer Protection Act case alleging medical device company sent unsolicited junk faxes to 60,000 U.S. pharmacies. Settlement for \$17 million.
- ***McKenzie et. al. v. Allconnect, Inc.***, U.S. District Court, Eastern District of Kentucky.  
Class action on behalf of consumers whose highly sensitive personally identifiable information was compromised as a result of a data breach. Settlement for \$500,000, five (5) years of credit monitoring services, and monetary payments of \$100 to each settlement class member.

#### Bank Fee Cases

- ***Hill v. Indiana Members Credit Union***, Marion County Indiana, Superior Court.  
Class action on behalf of credit union members who were improperly assessed (1) non-sufficient funds fees on accounts that were never actually overdrawn; (2) multiple non-sufficient funds fees on a single transaction; (3) out of network ATM withdrawal fees; and (4) ATM balance inquiry fees. Settlement for \$3 million.
- ***Plummer v. Centra Credit Union***, Bartholomew County Indiana, Superior Court.  
Class action on behalf of consumers who were improperly assessed overdraft fees on accounts that were never actually overdrawn. Settlement for \$1.5 million.
- ***Terrell et. al. v. Fort Knox Federal Credit Union***, Hardin County Kentucky, Circuit Court.  
Class action on behalf of consumers who were improperly assessed (1) overdraft fees on transactions that were previously authorized on a sufficient available balance and (2) multiple insufficient funds fees on a single transaction. Settlement for \$4.5 million.
- ***Martin v. L&N Federal Credit Union***, Jefferson County Kentucky, Circuit Court.  
Class action on behalf of consumers who were improperly assessed overdraft fees on accounts that had sufficient funds to cover the transactions. Settlement for \$2.575 million.
- ***Cauley v. Citizens National Bank***, Sevier County Tennessee, Circuit Court.

Class action on behalf of consumers who were improperly assessed overdraft fees on transactions that did not actually overdraw checking accounts. Settlement for \$500,000.

- ***Norwood v. The Camden National Bank***, Cumberland County Maine, Business and Consumer Court.  
Class action on behalf of consumers who were improperly assessed overdraft fees on accounts that were never actually overdrawn and also on phantom transactions—where an accountholder never made a withdrawal request and where an account balance was never reduced. Settlement for \$1.2 million.
- ***Tisdale v. Wilson Bank and Trust***, Davidson County Tennessee, Chancery Court.  
Class action on behalf of consumers who were improperly assessed overdraft fees on transactions that were previously authorized on an account with sufficient funds. Settlement for \$550,000.
- ***Johnson et. al. v. Elements Financial Credit Union***, Marion County Indiana, Commercial Court.  
Class action on behalf of consumers who were improperly assessed (1) overdraft fees on accounts that were never actually overdrawn; and (2) multiple insufficient funds fees on a single transaction. Settlement for \$775,000.
- ***Holt v. Community America Credit Union***, U.S. District Court, Western District of Missouri.  
Class action on behalf of consumers who were improperly assessed overdraft fees on accounts that were never overdrawn and multiple fees on a single item or transaction returned for insufficient funds. Settlement for \$2.325 million.
- ***Hawley et. al. v. ORNL Federal Credit Union***, Anderson County Tennessee, Circuit Court.  
Class action on behalf of consumers who were improperly assessed (1) overdraft fees on transactions that did not actually overdraw checking accounts; (2) overdraft fees on transactions made on the same day that a direct deposit should have been made available to cover the transaction subject to an overdraft fees; and (3) multiple non-sufficient funds fees on a single transaction. Settlement for \$470,000.
- ***Graves v. Old Hickory Credit Union***, Chancery Court of Tennessee.  
Action on behalf of credit union members who were charged overdraft fees on debit card and ATM transactions when the member's Available Balance was negative, but the member's Ledger Balance was positive. Settlement for \$500,000.

- ***In re Holocaust Victims Assets Litigation***, U.S. District Court, Eastern District of New York.  
Selected as one of ten firms from the U.S. to serve on the Executive Committee in the prosecution of a world-wide class action against three major Swiss banks to recover assets from the Nazi era. This litigation resulted in a \$1.25 billion settlement in favor of Holocaust survivors.
- ***Kor v. Bayer AG***, U.S. District Court, Southern District of Indiana.  
Action against an international pharmaceutical company for participating in medical experiments on concentration camp inmates during World War II. This action was resolved as part of a \$5 billion settlement negotiated under the auspices of the governments of the U.S. and Germany and led to the creation of the *Foundation for Remembrance, Responsibility and the Future*.
- ***Vogel v. Degussa AG***, U.S. District Court, District of New Jersey.  
Action against a German industrial enterprise for enslaving concentration camp inmates during World War II for commercial benefit. This action also was resolved in connection with the settlement which created the *Foundation for Remembrance, Responsibility and the Future*.

#### Health Care / Insurance Cases

- ***In re Indiana Construction Industry Trust***, Marion County, Indiana, Circuit Court.  
Lead Counsel in action against an insolvent health benefits provider from Indiana and surrounding states. Recovered approximately \$24 million for enrollees, providing nearly 100% recovery to victims.
- ***Coleman v. Sentry Insurance a Mutual Company***, United States District Court, Southern District of Illinois.  
Class Counsel on behalf of 6,847 policy holders in 11 states against insurer for breaching refund feature of auto insurance policies, which resulted in recovery of \$5,718,825.
- ***Davis v. National Foundation Life Insurance Co.***, Jay County, Indiana, Circuit Court.  
Class Counsel in action involving insureds who were denied health insurance benefits as a result of National Foundations' inclusion and enforcement of pre-existing condition exclusionary riders in violation of Indiana law. Settlement provided over 85% recovery of the wrongfully denied benefits.

#### Securities Fraud Cases

- ***Grant et al. v. Arthur Andersen et al.***, Maricopa County Arizona, Superior Court.  
Lead counsel in class action arising from the collapse of the Baptist Foundation of Arizona, involving losses of approximately \$560 million.

Settlement achieved for \$237 million.

- ***In re: Brightpoint Securities Litigation***, U.S. District Court, Southern District of Indiana.  
Class Counsel in securities fraud action that resulted in a \$5.25 million settlement for shareholders.
- ***City of Austin Police Retirement System v. ITT Educational Services, Inc., et al.***, U.S. District Court, Southern District of Indiana.  
Co-lead counsel in action alleging misrepresentations by defendant and certain principals concerning enrollment and graduate placement, and a failure to disclose multiple federal investigations into defendant's operations and records.
- ***Beeson and Gregory v. PBC et al.***, U.S. District Court, Southern District of Indiana.  
Class Counsel in a nationwide class action with ancillary proceedings in the District of Connecticut, and the Southern District of Florida. Multi-million-dollar settlement that returned 100% of losses to investors.
- ***In re: Prudential Energy Income Securities Litigation***, U.S. District Court, Eastern District of Louisiana.  
Counsel for objectors opposing a \$37 million class action settlement. Objection successfully led to an improved \$120 million settlement for 130,000 class members.
- ***In re: PSI Merger Shareholder Litigation***, U.S. District Court, Southern District of Indiana.  
Obtained an injunction to require proper disclosure to shareholders in merger of Public Service Indiana Energy, Inc. and Cincinnati Gas & Electric.
- ***Dudley v. Ski World, Inc.***, U.S. District Court, Southern District of Indiana.  
Class counsel for over 5,000 investors in Ski World stock. Multi-million-dollar settlement.
- ***Stein v. Marshall***, U.S. District Court, District of Arizona.  
Class Counsel Committee member in action involving the initial public offering of Residential Resources, Inc. Nationwide settlement achieved on behalf of investors.
- ***Dominijanni v. Omni Capital Group, Ltd. et al.***, U.S. District Court, Southern District of Florida.  
Co-lead counsel in securities fraud class action. Nationwide settlement on behalf of investors.



## Mass Medical Malpractice

- **Weinberger Litigation**, \$59 million in settlements.  
This litigation involved 282 plaintiffs who were patients of former ENT surgeon Mark Weinberger of Merrillville, Indiana. This mass medical malpractice included complaints ranging from unnecessary sinus surgeries and negligently performed surgeries to patient abandonment. Weinberger [fled](#) the country after more than a dozen medical malpractice lawsuits were filed against him. He was also indicted on 22 counts of health care fraud and was later apprehended at the foot of the Italian Alps. Weinberger was ultimately sentenced to 7 years in prison for insurance fraud. Cohen & Malad, LLP attorneys served as Co-Counsel in these medical malpractice lawsuits and successfully negotiated \$59 million in settlements for the people Weinberger harmed.
- **Northwest Indiana Cardiology Group Litigation**, \$67 million settlement.  
This litigation involved over 260 claimants who were patients of a cardiology practice in northwest Indiana. This mass tort medical malpractice included complaints of unnecessary heart surgeries, coronary artery stenting, peripheral stenting, and pacemaker and defibrillator implantations, as well as negligent credentialing claims. Cohen & Malad, LLP attorneys are served as Co-Counsel in these medical malpractice lawsuits and successfully negotiated a settlement of over \$67 million.

## Mass Tort Pharmaceutical Drug and Medical Device Litigation

- **Gilead Tenofovir Cases**, JCCP No. 5043 (*pending*)  
Cohen & Malad, LLP is currently representing patients against Gilead Sciences who were prescribed its TDF-based drugs to treat HIV, for pre-exposure prophylaxis (PrEP) to mitigate HIV risk, or to treat Hepatitis, and suffered serious kidney and bone injuries. Thousands of cases are pending in the Superior Court for the County of San Francisco, California.
- **Strattice Biologic Mesh** (*pending*)  
Cohen & Malad, LLP is representing patients against LifeCell Corporation and Allergan who suffered injuries, including revision or removal surgeries, after receiving a Strattice mesh product for hernia repairs. These cases are currently pending in New Jersey State Court.
- **In Re: Zofran (Ondansetron) Products Liability Litigation**, MDL No. 2657 (D. Mass) (*pending*)  
Cohen & Malad, LLP serves on the Plaintiff's Steering Committee, Narrative Committee, and Discovery, Briefing, and Science Committees in an action on behalf of women who took Zofran while pregnant and gave birth to a baby who suffered from a serious birth defect.

- ***In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation***, MDL No. 2738 (D. N.J.) (pending)  
Cohen & Malad, LLP is currently representing women who used Johnson & Johnson's talcum powder products for feminine hygiene and were diagnosed with ovarian cancer. Thousands of cases are currently pending.
- ***In Re: National Prescription Opiate Litigation***, MDL No. 2804 (N.D. Ohio) (pending)  
Cohen & Malad, LLP is currently representing dozens of Indiana cities and counties in litigation against the manufacturers and distributors of opioid pain medications. This litigation is focused on combating the prescription opioid epidemic and replenishing valuable resources for Indiana communities that have spent vital economic resources responding to public health and safety issues resulting from this epidemic.
- ***Biomet Metal on Metal Hip Replacement System*** (pending)  
Cohen & Malad, LLP is representing patients in Indiana state court who were implanted with a Biomet M2a metal on metal hip replacement system and suffered serious injuries such as significant pain, tissue destruction, bone destruction, and metallosis. In many cases, revision surgeries were necessary within just a few years of implantation.
- ***In Re: Zantac (Ranitidine) Products Liability Litigation***, MDL No. 2924, (S.D. FL.) (pending)  
Cohen & Malad, LLP is representing patients who were diagnosed with cancer following the use of Zantac (ranitidine). The U.S. Food and Drug Administration issued a recall for all Zantac (ranitidine) drugs including over the counter and prescription formulas on April 1, 2020.
- ***In Re: Cook Medical, Inc., IVC Filters Marketing, Sales Practices and Products Liability Litigation***, MDL No. 2570 (S.D. Ind.) (pending)  
Cohen & Malad, LLP is representing patients alleging serious injury related to the use of Cook Medical's inferior vena cava (IVC) filters.
- ***In Re: Prempro Products Liability Litigation***, MDL No. 1507  
Cohen & Malad, LLP litigated hundreds of claims against Wyeth, the manufacturer of Prempro, for women who took hormone replacement therapy drug Prempro and suffered stroke, heart attacks, endometrial tumors or breast cancers. Wyeth agreed to a global settlement for more than \$890 million to settle roughly 2,200 claims.
- ***Pain Pump Device Litigation***  
No MDL existed for this litigation. Cohen & Malad, LLP served in a National Coordinated Counsel role. This litigation was against pain pump manufacturers who marketed pain pumps to orthopedic surgeons for continuous intra-articular uses, despite the fact that intra-articular

placement of the pain pump catheters was not approved by the FDA. The use of pain pumps in the joint space resulted in deterioration of cartilage, severe pain, loss of mobility or decreased range of motion and use of shoulder.

- **Yaz**  
Cohen & Malad, LLP represented hundreds of women in claims against Bayer over its Yaz and Yasmin birth control oral contraceptive. These drugs contained a synthetic version of estrogen called drospirenone that was linked to an increased risk for blood clots, stroke, and heart attack. As of January 2016, Bayer agreed to pay \$2.04 billion to settle over 10,000 claims for blood-clot injuries.
- **Transvaginal Mesh**  
Cohen & Malad, LLP represented hundreds of women in claims against transvaginal mesh manufacturers Ethicon, C.R. Bard, Boston Scientific, and American Medical Systems. Mesh implants are synthetic material used to support organs in women who suffer from pelvic organ prolapse and stress urinary incontinence. The FDA received thousands of complaints from women who suffered serious personal injury including perforated organs, infection, severe pain, and erosion of the mesh.
- ***In Re: Testosterone Replacement Therapy Products Liability Litigation***, MDL No. 2425 (N.D. Ill.)  
Cohen & Malad, LLP served on the discovery team in action on behalf of men who took drug manufacturers' testosterone replacement therapy products and suffered injuries such as blood clots, heart attacks, strokes and death.
- ***In Re: Consolidated Fresenius Cases (Granuflo)***, MICV2013-3400-O, Commonwealth of Massachusetts, Middlesex County,  
Cohen & Malad, LLP served on the Plaintiff's Steering Committee, bellwether discovery program committee, and privilege log committee in an action on behalf of dialysis patients alleging the defendant's dialysis products caused cardiac injuries and death. There was a \$250 million global settlement.

# EXHIBIT C





The Johnson Firm is a nationally focused class action, mass tort, and personal injury law firm. The firm's mission centers on providing high-value legal services and access to justice to those injured or otherwise harmed. Founded with the express intention of improving on the traditional law firm model, the Johnson Firm utilizes cutting-edge technology to make its services more efficient and cost-effective. Since its inception, the firm's attorneys have been locally and nationally recognized for their abilities by their peers and enjoy membership in such prestigious organizations as the American Board of Trial Advocates and the National Trial Lawyers.

### Class Action Litigation

#### Christopher D. Jennings

Christopher D. Jennings is the managing litigation partner for the firm's class action docket. His practice concentrates on complex litigation and representing consumers and businesses in individual and class action antitrust, consumer protection, derivative, products liability, and federal securities cases. Mr. Jennings has prosecuted numerous individual, mass tort, and class cases in state and federal courts throughout the nation.

In the Antitrust arena, Mr. Jennings has assisted in the prosecution of several cases: *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL 1827 (N.D. Cal.) (indirect purchaser settlements totaling \$1.1 billion); *In re SRAM (Static Random Access Memory) Antitrust Litigation*, MDL 1819 (N.D. Cal.) (indirect purchaser settlements totaling \$41.3 million); *In re Transpacific Passenger Air Transportation Antitrust Litigation*, MDL 1913 (N.D. Cal.) (indirect purchaser settlements totaling \$147 million to date); *In re Flat Glass Antitrust Litigation (II)*, MDL 1942 (W.D. Pa.) (direct purchaser settlements totaling \$22 million); *In re: Interior Molded Doors Indirect Purchaser Antitrust Litigation*, Case No. 3:18-cv-00850 (E.D. Va.) (indirect purchaser settlement of \$19 million); *In re Packaged Ice Antitrust Litigation*, MDL 1952 (E.D. Mich.) (direct purchaser settlements totaling \$26.5 million); and *Rigo v. Kason Industries, et al.*, Case No. 3:11-CV-00064-MMA (S.D. Ca.) (co-lead counsel in indirect purchaser settlement of \$720,000). Mr. Jennings and the firm are currently assisting in the prosecution of *In re CRT (Cathode Ray Tube) Antitrust Litigation*, MDL 1917 (N.D. Cal.) (indirect purchaser settlements totaling over \$576 million to date) and *In re: Hard Disk Drive Suspension Assemblies Antitrust Litigation*, Case No. 3:19-md-2918-MMC (N.D. Cal.).

In the Consumer arena, Mr. Jennings has taken an active role in leading and assisting the prosecution of several class action cases involving the telecommunications, agricultural, banking, and healthcare industries. These cases have primarily focused on general consumer protection, data breach, and products liability causes of action.

For example, two telecommunications class cases Mr. Jennings has litigated resulted in settlements where approximately \$61 million in total relief was made available to class members. Of these, Mr. Jennings served as lead counsel in a case involving wireless cramming charges resulting in settlement of approximately \$17.1 million in available relief. *Tyler v. Alltel Corp., et al.*, Case No. 4:07-CV-00019-JLH (E.D. Ark.). Mr. Jennings has also successfully litigated class issues on appeal having obtained favorable decisions affirming orders granting class certification and reversing orders denying class certification involving telecommunications carriers. *See, e.g., Rosenow v. Alltel Corp.*, 358 S.W.3d 879, 2010 Ark. 26 (2010); *DIRECTV, Inc. v. Murray*, 423 S.W.3d 555, 2012 Ark. 366 (2012).

Mr. Jennings has also assisted the prosecution of agricultural products cases including *In re Tyson Foods Consumer Litigation*, MDL 1982 (D. Md.) (settlement totaling \$5 million); *In re Genetically Modified Rice Litigation*, MDL 1811 (E.D. Mo.) (\$750 million global settlement); and *In re Syngenta AG MIR 162 Corn Litigation*, MDL 2591 (D. Kan.) (\$1.5 billion global settlement). In the *Genetically Modified Rice litigation* his team successfully opposed German holding company Bayer AG's jurisdictional challenges. *In re Genetically Modified Rice Litigation*, 576 F.Supp.2d 1063 (E.D. Mo. 2008).

Mr. Jennings currently serves as co-lead or class counsel in a number of bank cases involving improper overdraft and NSF fees pending in state and federal courts throughout the nation. Representative matters include: *Armstrong v. Fidelity Bank*, Case No. 18CV-21-643 (Crittenden County Circuit Court, Arkansas); *Hembree v. The National Bank of Malvern*, Case No. 30CV-22-15 (Hot Spring County Circuit Court, Arkansas); *Rochelle v. Relyance Bank*, Case No. 35CV-22-217 (Jefferson County Circuit Court, Arkansas); *Chambers v. Anheuser-Busch Employee d/b/a American Eagle Credit Union*, Case No. 3:19-cv-00842-SMY-RJD (S.D. Ill.) (\$525,000 settlement); *Louden, et al. v. Arvest Bank*, Case No. 60CV-19-5520 (Pulaski County Circuit Court, Arkansas) (\$4.73 million settlement); *Hinton v. Atlantic Union Bank*, Case No. 3:20-cv-651-JAG (E.D. Va.) (\$1.6 million settlement); *Cauley v. Citizens National Bank*, Case No. 20-cv-112 (Sevier County Circuit Court, Tennessee) (\$500,000 settlement); *Johnson, et al., v. Elements Financial Credit Union*, Case No. 49D01-2001-PL-004706 (Marion County Superior Court, Indiana) (\$775,000 settlement); *Smiley, et al. v. First National Bank*, Case No. 43CV-20-531 (Lonoke County Circuit Court, Arkansas) (\$4.25 million settlement); *Golden v. First State Community Bank*, Case No. 20IR-CC00015 (Iron County Circuit Court, Missouri) (\$510,000 settlement); *Boddy, et al. v. Fort Knox Federal Credit Union*, No. 19-CI-01281 (Hardin County Circuit Court, Kentucky) (\$4.5 million settlement); *Thornton v. German American Bancorp, Inc.*, Case No. 49D01-2007-PL-022667 (Marion County Superior Court, Indiana) (\$3.05 million settlement); *Hall v. MidWestOne Bank*, Case No. LACV082148 (Johnson County District Court, Iowa) (\$500,000 settlement); *Graves v. Old Hickory Credit Union*, Case No. 19-0475-II (Davidson County Chancery Court, Tennessee) (\$500,000 settlement); *Darty v. Scott Credit Union*, Case No. 19L0793 (St. Clair County Circuit

Court, Illinois) (\$6.5 million settlement); *Walkingstick et al. v. Simmons Bank*, Case No. 6:19-cv-03184-RK (W.D. Mo.) (\$4 million settlement); *Hairston v. United Community Bank*, Case No. 20-L-1749 (Madison County Circuit Court, Illinois) (\$1.1 million settlement); *Stillgood Products, LLC, et al. v. Wesbanco Bank, Inc.*, Case No. 4:21-cv-18-SEB-DML (S.D. Ind.) (\$6.45 million settlement); and *Tisdale v. Wilson Bank & Trust*, Case No. 19-400-BC (Davidson County Chancery Court, Tennessee) (\$550,000 settlement).

Mr. Jennings currently serves as co-lead or class counsel in multiple data breach cases including: *Sherwood, et al. v. The Methodist Hospitals, Inc.*, Case No. 45D11-1911-PL-696 (Lake County Superior Court, Indiana); *Martinez, et al. v. Presbyterian Healthcare Services*, Case No. D-22-cv-2020-1578 (Bernalillo County District Court, New Mexico); *Slos v. Select Health Network, Inc.*, Case No. 71-D05-2002-PL-060 (St. Joseph County Superior Court, Indiana); *In re Banner Health Data Breach Litigation*, Case No. 2:16-cv-02696-PHX (D. Ariz.) (\$6 million settlement); *Gordon, et al. v. Chipotle Mexican Grill, Inc.*, Case No. 1:17-cv-1415-CMA (D. Col.) (settlement value of \$1.6 million in available relief); *Orr, et al. v. Intercontinental Hotel Groups, PLC, et al.*, Case No. 1:17-cv-01622-MLB (N.D. Ga.) (\$1.55 million settlement); *McKenzie, et al. v. AllConnect, Inc.*, Case No. 5:18-cv-00359-JMH (E.D. Ky.) (settlement value of \$1.6 million in available relief); *Marshall v. Conway Regional Medical Center, Inc. d/b/a Conway Regional Health System*, Case No. 23CV-20-771 (Faulkner County Circuit Court, Arkansas) (settlement of \$1.295 million in available relief).

Mr. Jennings has also taken an active role in leading and assisting the prosecution of several class action cases involving consumer products. Representative matters include: *Buford v. Smitty's Supply, Inc., et al.*, Case No. 1:19-cv-82-LPR (E.D. Ark.); *In re Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation*, Case No. 3:18-md-2828 (D. Or.); and *Albright, et al., v. Sherwin-Williams Company, et al.*, Case No. 1:17-cv-2513-SO (N.D. Ohio).

In the Mass Tort arena, Mr. Jennings has successfully pursued claims involving defective medical devices and pharmaceutical products. Representative litigations include: *In re Biomet M2A Magnum Hip Implant Products Liability Litigation*, MDL 2391 (N.D. Ind.); *In re DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation*, MDL 2197 (N.D. Ohio); *In re Stryker Rejuvenate and ABG II Hip Implant Products Liability Litigation*, MDL 2441 (D. Minn.); *In re Invokana (canagliflozin) Products Liability Litigation*, MDL 2750 (D. N.J.); and *In re Xarelto Products Liability Litigation*, MDL 2592 (E.D. La.).

Mr. Jennings is a native of Little Rock, Arkansas. In 2001, Mr. Jennings obtained his Bachelor of Arts Degree in Political Science from the University of Arkansas with a minor in History. In 2005, he earned a Masters in Public Administration (MPA) degree from the University of Arkansas with an emphasis on administrative law. In 2006, Mr. Jennings earned his Juris Doctorate from the William H. Bowen School of Law at the University of Arkansas in Little Rock.

Mr. Jennings is admitted to practice in all Arkansas state courts, the Eastern and Western Districts of Arkansas, the District of Colorado, and the 8th Circuit Court of Appeals. He has also been admitted to practice on an individual case-basis in numerous state and federal district

courts throughout the country.

Mr. Jennings is a member of the American Associate of Justice, the National Trial Lawyers, the Arkansas Trial Lawyers Association, Public Justice, and the National Association of Securities and Consumer Attorneys (NASCAT). He recently served as a member of the NASCAT committee on the Federal Rules of Civil Procedure. He is also a fellow of the Litigation Council of America and has been named a Mid-South *Super Lawyers* Rising Star in class action and mass tort litigation from 2012 to 2019. From 2020 to present, he has been named a Mid-South *Super Lawyer* in class action and mass tort litigation.

### **Tyler B. Ewigleben**

Tyler B. Ewigleben is an attorney in the firm's class action practice. His practice focuses on consumer protection litigation on both a local and national scale. He is an advocate for consumers, businesses, and municipalities who have been harmed or victimized by an unfair practice, policy, or event that has also affected hundreds or sometimes thousands of other individuals. Tyler is currently litigating hundreds of class actions against financial institutions across the country for the improper assessment of various fees. He has played a critical role in obtaining tens of millions of dollars in settlements on behalf of consumers through his mastery of case initiation, managing complex discovery, and briefing complex legal issues. Tyler also represents consumers and businesses in data breach litigation across the country, with dozens of cases currently being litigated and settled.

Mr. Ewigleben is a native of Indianapolis, IN. In 2014, Mr. Ewigleben obtained his Bachelor of Science Degree in Public Affairs from Indiana University. In 2020, Mr. Ewigleben earned his Juris Doctorate from the Indiana University Robert H. McKinney School of Law, graduating *cum laude*.

Mr. Ewigleben is admitted to practice in all Indiana state courts, the Northern and Southern Districts of Indiana, and the 7th Circuit Court of Appeals. He has also been admitted to practice on an individual case-basis in numerous state and federal district courts throughout the country. He is currently seeking admission to the DC and Arkansas bars.

Mr. Ewigleben is a member of the American Associate of Justice, Indiana Bar Association and the Indianapolis Bar Association.



# EXHIBIT D



## HELLMUTH & JOHNSON CLASS ACTION LITIGATION

The Hellmuth & Johnson (“H&J”) complex class action litigation team of attorneys has represented clients in many of the most challenging antitrust, data breach, consumer fraud, mass tort, MDL, class action and complex business litigation cases in venues across the United States. Our experience successfully resolving high-profile, high-exposure cases includes matters involving price-fixing, data breaches, monopolization, unfair competition, consumer fraud, intellectual property, financial institutions, and sports law. H&J’s commitment to efficiency and efficacy is the cornerstone of client service that we provide in every matter.

H&J has recently earned from *Forbes* a “most recognized for” designation in “Antitrust and Competition Law.” In addition, H&J was recently named to the *Forbes* list of “America’s Top Trusted Corporate Law Firms” in the field of Antitrust and Competition Law.

Because we have represented both plaintiffs and defendants, our attorneys have developed keen insights and experience, which allow us to provide unique perspectives and strategies in the representation of our clients. We are better able to understand and anticipate the objectives and tactics of opposing counsel, giving our clients a distinct advantage. We are particularly adept at avoiding unnecessary tasks and expenses in pursuit of the most favorable outcomes. H&J clients appreciate our commitment to try cases only when necessary to achieve the best possible result. If a trial is inevitable, our extensive experience, especially in complex matters, gives us a decided strategic advantage and enables us to utilize lean staffing all while delivering exceptional service and consistent results.

Our complex litigation group attorneys offer experience and in-depth knowledge across a wide range of industries, and utilizes their subject-matter knowledge to determine how the specific needs of our clients in each case relate to the broader implications of any dispute. Our complex litigation team has extensive experience with careful and thorough investigation and evaluation of the facts and applicable law, and with novel approaches to help our clients achieve success.

### CONSUMER FRAUD / DATA BREACH / FINANCIAL INSTITUTIONS

The H&J complex litigation group attorneys have represented consumers, investors, and others as plaintiffs in consumer fraud, data breach, securities fraud, financial services, unfair competition, unfair business practices, product liability, mass tort, property rights, and ERISA claims. While a significant portion of the class action cases are part of MDL or federal district

court proceedings, H&J attorneys are also commonly involved in state court class actions across the country.

### **Representative Experience of H&J Attorneys**

*In re Pawn America Consumer Data Breach Litigation*, Case No. 0:21-cv-02554 (D. Minn.). Appointed Interim Co-Lead counsel representing putative class of individuals whose highly sensitive personal data was exfiltrated in a cyber-security attack.

*In re Lakeview Loan Servicing Data Breach Litig.*, 1:22-cv-20955 (S.D. Fla.). Appointed to Plaintiffs' Law and Briefing/Class Certification Committee, representing a putative class of mortgage loan service customers damaged by a data breach of Defendants' network systems.

*In re Netgain Technology, LLC Consumer Data Breach Litigation*, 21-cv-01210 (D. Minn.). Appointed to Plaintiffs' Executive Committee member representing putative class of individuals whose highly sensitive personal data was exfiltrated in a cyber-security attack.

*Thomsen, et al. v. Morley Companies, Inc.*, 1:22-cv-10271 (E.D. Mich.). Member of plaintiff litigation group that successfully represented a class of individuals whose highly sensitive personal data was exfiltrated in a cyber-security attack.

*Desue, et al. v. 20/20 Eye Care Network, Inc., et al.*, 21-cv-61275 (S.D. Fla.). Appointed Executive Committee member representing putative class of individuals whose highly sensitive personal data was exfiltrated in a cyber-security attack.

*H&T Fairhills, Ltd., et al. v. Alliance Pipeline, L.P.*, Case No. 19-cv-01095 (D. Minn.). Lead counsel representing land interest holders in ND, MN, IA and IL in a class action involving the failure to pay those land interest holders compensation for damages caused by construction and maintenance of natural gas pipeline.

*Taqueria El Primo LLC et al. v. Farmers Ins., Co.*, 19-cv-03071 (D. Minn.). Represent certified class of Minnesota auto insurance consumers alleging violations of state consumer laws, breach of contract and declaratory judgment against defendant auto insurance provider for no-fault auto insurance violations in its sales practices.

*In re CenturyLink Residential Customer Billing Disputes Litigation*, MDL 1795 (D. Minn.). Executive committee member representing class for unlawful sales and billing practices in consumer fraud action.

*In re NHL Concussion Injury Litigation*, MDL 2551 (D. Minn.). Executive committee member representing retired players concerning the devastating long-term brain injuries including CTE, resulting from repeated concussive and sub-concussive blows sustained when playing in the NHL.

*In re Target Corporation Customer Data Security Breach Litigation*, MDL 2522 (D. Minn.).

Member of lead counsel Daubert briefing team that successfully represented a class of individuals whose highly sensitive personal data was exfiltrated in a cyber-security attack.

*Haritos, et al. v. American Express Financial Advisors*, (D. Ariz.). Represented consumers who purchased financial plans tainted by conflicts of interest.

*In re Medtronic Securities Litigation*. (D. Minn.). Represented securities purchasers alleging misrepresentations and omissions regarding adverse outcomes relating to medical device.

*Menzel v. Beneficial Loan & Thrift Co.* (Minn. Dist. Ct.). Represented financial institutions in consumer class action by loan customers alleging improper addition of points to loan principal.

*Nathan, et al. v. Whirlpool Corp.*, 3:19-cv-00226 (D. Ohio). Represented putative class of consumers who purchased high performance KitchenAid blenders and allege violations of state consumer laws and breach of warranty claims for misrepresentations concerning the performance capabilities of its blenders.

*Barclay, et al., v. ICON Health & Fitness, Inc. et al.*, 0:19-cv-02970 (D. Minn.). Represent putative class of fitness equipment purchaser consumers alleging violations of state consumer laws and breach of warranty claims for misleading performance representations in the sale of treadmills.

*Bechtel v. Fitness Equipment Services, LLC*, 1:19-cv-00726 (N.D. Ohio). Represent putative class of fitness equipment purchaser consumers alleging violations of state consumer laws and breach of warranty claims for misleading performance representations in the sale of treadmills.

*Camden Asset Management, L.P. v. Sunbeam Corp.* (S.D. Fla.). Represented debenture holders in class action based on company's improper early recognition of sales to boost quarterly reported results.

## ANTITRUST LITIGATION

Our approach to antitrust matters is decidedly different from other firms. In addition to representing classes composed of individuals, businesses, and governmental entities, H&J has represented multi-national corporations, along with medium and small businesses as both plaintiffs and defendants. We are selective in the disputes we pursue and consistently position that litigation for success in the courtroom. H&J has found this approach yields the best results for our clients at the settlement table or at trial. We carefully consider the objectives and economic realities in every case, looking for the best way to achieve an outcome that meets the needs and expectations of our clients.

The experience and track record of our antitrust attorneys has been recognized in courts across the nation. We have reached settlements and judgments of approximately one billion dollars for our plaintiff clients, and we have successfully defended other clients in mitigating their



most significant exposures. We have substantial experience both settling and trying the most challenging antitrust cases.

### **Representative Experience of H&J Attorneys**

*In re Microsoft Antitrust Litigation*, (MDL 1332 and Multiple State Class Cases). Represented indirect purchaser antitrust class action in federal MDL, and appointed co-lead counsel in several states including Minnesota, Iowa and Wisconsin, to represent separate state classes of indirect purchasers for Microsoft's illegal monopolization of the markets for personal computer operating system, word processing and spreadsheet software. Consultant to Canadian counsel for the prosecution of a nationwide indirect purchaser class action against Microsoft. Settlements of these actions totaled nearly \$1 billion.

*In re Broiler Chicken Antitrust Litigation*, 16-cv-8637 (N.D. Ill.). Represent foodservice providers that purchased raw and processed chicken in case asserting coordinated supply cuts and price fixing.

*In re Interior Molded Doors Indirect Purchaser Antitrust Litigation*, 18-cv-850 (E.D. Va.). Represent consumers that purchased interior molded doors in case asserting coordinated price increases among purported competitors in price fixing conspiracy.

*In re Aftermarket Automotive Filters Antitrust Litigation*, MDL 1957 (N.D. Ill.). Co-Lead counsel of indirect purchaser class.

*In re NCAA Athletic Grant-In-Aid-Cap Antitrust Litigation*, MDL 2541 (N.D. Cal.). Representation of student athletes to recover shortfalls from grants intended to cover the cost of college attendance.

*In re DRAM Antitrust Litigation*, MDL 1486 (N.D. Cal.). Representation of a nationwide class of indirect purchasers for conspiracy to fix prices.

*In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL 1827 (N.D. Cal.). Representation of a nationwide class of indirect purchasers of LCD products, as flat panel televisions and computer monitors, in this multi-district antitrust class action filed against the world's leading manufacturers of thin-film transistor liquid crystal displays (TFT-LCD), and alleging that these companies engaged in a conspiracy to artificially inflate the prices of their LCD products.

*In re Suboxone Antitrust Litigation*, MDL 2445 (E.D. Pa.). Member of executive committee representing end-payors who alleged drug maker illegally sought to extend its drug monopoly and keep opiate addiction treatment off the market.

*State of New Mexico, et al., v. Visa, Inc., et al.* (New Mexico D. Ct., Santa Fe District). Special Assistant Attorney General to the State of New Mexico in case alleging payment card interchange fees violate state antitrust and consumer fraud laws.

*In re Midwest Milk Monopolization Litigation*, MDL 83 (W.D. Mo.). Represented milk cooperatives in defense of claims under Sections 1 and 2 of the Sherman Act.

*In re Viega Copper Press Fitting Antitrust Litigation*, Case No. 1:19-cv-00159 (M.D. Pa.). Represented nationwide class of indirect purchasers for conspiracy to fix prices through the tying of carbon steel press fittings and copper press fittings under state antitrust and consumer fraud laws.

## PRODUCT LIABILITY

### Representative Experience of H&J Attorneys

*In re KIA Hyundai Vehicle Theft Marketing, Sales Practices, and Products Liability Litigation*, MDL 3052 (C.D. Cal.). Representing a putative class of vehicle owners alleging KIA and Hyundai sold vehicles with substandard ignition security allowing thieves to bypass the ignition and start the vehicle without the keys inside.

*Tharpe v. Hyundai Motor Am., Inc.*, 8:21-cv-01428 (C.D. Cal.). Lead counsel representing a putative class of vehicle owners alleging Hyundai concealed and misrepresented a manufacturing defect causing the vehicle interior to emit a foul odor.

*In re Intel Corp. CPU Marketing, Sales Practices and Products Liability. Litigation*, MDL 2828 (D. Or.). Member of the Interim Plaintiffs' Steering Committee appointed to represent the interests of all Entity Plaintiffs nationwide for claimed security vulnerabilities in Intel's processors that may be exploited to permit unauthorized access to stored confidential information.

*In re Volkswagen "Clean Diesel" Marketing Sales Practices and Products Liability Litigation*, MDL 2672 (N.D. Cal.). Member of discovery team representing consumers defrauded by concealment of software which defeated clean air technology under normal vehicle operation.

## EMPLOYMENT LAW

H&J attorneys are at the forefront of cutting-edge employment issues in the context of class and collective action claims. We act intelligently and proactively every step of the way helping to identify the best options for resolving difficult and challenging conflicts and balancing the financial and emotional costs surrounding these disputes. Our experience in jurisdictions throughout the country involves success in settling and trying class claims involving independent contractor issues, ERISA, donning and doffing, discrimination, misclassification from overtime, and other wage and hour disputes.

### Representative Experience of H&J Attorneys

*In re FedEx Ground Package System Inc. Employment Practices Litigation*, MDL 1700 (N.D. Ind.). Member of Plaintiff's Steering Committee team representing misclassified package delivery

drivers nationwide. Successfully challenged FedEx's independent contractor model in multiple cases brought under federal and state wage and hour laws and ERISA, leading to multi-million dollar class and aggregate settlements.

*DeKeyser, et al. v. ThyssenKrupp Waupaca, Inc.*, 1:08-cv-00488 (E.D. Wisc.). Class counsel in wage and hour case challenging foundry's practice of not compensating workers for pre- and post-shift work.

*Garner, et al. v. Butterball, LLC, et al.*, 4:10-cv-01025 (E.D. Ark.) Class counsel for Arkansas poultry processing workers who were not paid for time spent performing work before and after paid shifts. Obtained \$4.25 million settlement and change in employer practices.

*Daud, et al. v. Gold'n Plump Poultry, Inc.*, 06-cv-4013 (D. Minn.). Successfully represented employees facing religious discrimination in the workplace, leading to a \$1.35 million settlement and change in practices.

*Frank, et al. v. Gold'n Plump Poultry, Inc.*, 04-cv-1018 (D. Minn.) Class counsel for Minnesota and Wisconsin poultry processing workers who were not paid for time spent performing work before and after paid shifts. Settlement resulted in change of practices and \$2.65 million monetary settlement for employees.

*Milner v. Farmers Ins. Exchange*, 27-cv-01-015004 (Hennepin County District Court). Represented class of Minnesota insurance claims adjusters misclassified as exempt from overtime laws. Jury found employer liable for misclassification; case settled after multiple appeals.



## Hellmuth & Johnson - Class Action Attorney Profiles

**Nathan D. Prosser** - Nate is a partner whose practice focuses on complex civil litigation and class actions. His experience includes disputes involving consumer protection, data breach, antitrust and unfair competition, products liability, securities/financial fraud, and general business litigation. Nate has represented individual consumers, small businesses in consumer, data breach and price fixing matters, shareholders, institutional investors, and individual investors in financial fraud matters involving false or misleading material statements against publicly traded corporations, as well as misappropriation of funds by financial advisors. He was recognized on the Minnesota Rising Stars list from 2008-2012.

Nate also has unique experience in legal administration services as an e-discovery consultant and in class action administration making him extremely knowledgeable in understanding litigation technology capabilities and the associated costs. He has been retained by law firms and corporations to consult on numerous e-discovery processes including information governance, legal hold processes, data collection, and the processing, review, and production of electronically stored information. He is also well versed in Federal Rules of Civil Procedure 23, due process notice requirements and best practices.

### Recent Representative Experience:

- *In re Pawn America Consumer Data Breach Litig.*, 21-cv-2554 (D. Minn.) (Interim Co-Lead Counsel);
- *Lutz v. Electromed, Inc.*, 21-cv-02198 (D. Minn.) (Interim Co-Lead Counsel);
- *In re Netgain Technologies, LLC Consumer Data Breach Litig.*, 21-cv-1210 (D. Minn.) (Exec. Committee);
- *Taqueria El Primo, et al. v. Illinois Farmers Ins. Co.*, 19-cv-3071 (D. Minn.) (Co-Lead Counsel);
- *Desue et al. v. 20/20 Eye Care Network, Inc.*, 21-cv-61275 (S.D. Fla.) (Exec. Committee);
- *Nathan, et al. v. Whirlpool, Corp.*, 19-cv-0226 (S.D. Ohio) (Co-Lead Counsel);
- *Bechtel et al. v. Fitness Equipment Services, LLC dba Sole Fitness*, 19-cv-0726 (S.D. Ohio) (Co-Lead Counsel);
- *Barclay, et al. v. ICON Health & Fitness*, 19-cv-2970 (D. Minn.) (Co-Lead Counsel).

### Education

- University of North Dakota School of Law, J.D., with distinction, 2003
- Concordia College (Moorhead), B.A., 1997

### Admitted

- Minnesota State Court
- U.S. District Court for the District of Minnesota
- U.S. District Court for the District of North Dakota
- U.S. Court of Appeals for the Eighth Circuit