

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

MARIE ABDELMESSIH, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

FIVE BELOW INC.

Defendant.

Case No.: 2:19-cv-1487

**DECLARATION OF PATRICK A. BARTHLE IN SUPPORT OF
PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

I, Patrick A. Barthle, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I have been licensed to practice law in the state of Florida since 2012.
2. I am the third-longest tenured attorney in the Class Action Department of Morgan & Morgan. Morgan & Morgan is among the largest, if not the largest, exclusively Plaintiff's law firms in the United States, employing over 500 lawyers and 2,000 support staff serving consumers in over 50 offices in, among others, Alabama, Arkansas, California, Florida, Georgia, Indiana, Illinois, Kentucky, Mississippi, Massachusetts, Pennsylvania, Tennessee, and New York.
3. While Morgan & Morgan's Complex Litigation Group draws its legal expertise from its attorneys and skilled paralegals, it also benefits from the vast experience of retired FBI agents who work in the department as investigators leveraging its state-of-the-art technology. One of the Group's investigators, in particular, was the agent in charge of the FBI's investigation into Enron Corporation. After retiring as a senior manager with the Bureau, he joined the Group and now leads its investigative team. These investigators, who have investigated cyber-crime during

their respective careers in the FBI, are unique assets available to the prosecution efforts of the firm especially in cases such as this one.

4. After attending the University of Florida where I was admitted to the Honors Program and graduated, *cum laude*, with a double major in History and Criminology, I attended Washington and Lee University School of Law, where I graduated *summa cum laude*, was a Lead Articles Editor for the Wash. & Lee Law Review, a member of the Order of the Coif and the Phi Delta Phi Legal Honor Society, and President of the W&L Law Families student organization. My practice began at Greenberg Traurig, LLP, where I was involved in complex civil, commercial, and environmental litigation. Thereafter, I served as a judicial law clerk for two years to the Honorable Mary S. Scriven, United States District Judge, Middle District of Florida. Following my clerkship, I joined Morgan & Morgan's Complex Litigation Group, where I have been litigating class action cases—almost exclusively—for nearly five years.

5. I have represented consumers in numerous privacy rights and data-breach cases since starting with Morgan & Morgan, including substantive roles in some of the highest profile data breach cases in the country, such as, amongst others: *In re The Home Depot, Inc. Consumer Data Sec. Data Breach Litig.*, No. 1:14-md-02583-TWT (N.D. Ga.) (data breach involving 40 million payment cards); *In re Office of Pers. Mgmt. Data Breach*, No. 1:15-mc-01394-ABJ (D.D.C.) (data breach involving millions of federal employees); *Torres v. Wendy's Int'l, LLC*, No. 6:16-cv-210 (M.D. Fla.) (payment card data breach of Wendy's franchise locations); *Adkins. v. Facebook, Inc.*, No. C 18-05982 WHA (JSC) (N.D. Cal.) (data breach involving millions of Facebook users); *In re Equifax, Inc. Customer Data Sec. Breach Litigation*, 1:17-md-02800 (N.D. Ga.) (data breach involving in excess of 140 million individuals). Attached as **Exhibit A** to this declaration is my curriculum vitae.

6. I was also very heavily involved in *In re: Yahoo! Inc. Customer Data Security Breach Litigation*, Case No. 16-md-2752, (N.D. Cal.), a data breach involving approximately 3 billion Yahoo user accounts. In that matter, I was deeply involved in discovery, including assisting with the depositions of multiple Chief Information Security Officers (“CISO”) and other cybersecurity related witness, taking the deposition of the Chief Information Officer (“CIO”); as well as assisting with the reports, and defending the depositions, of Plaintiffs’ cybersecurity and identity theft experts.

7. I was also recently appointed as Class Counsel in *Morrow v. Quest*, No.: 2:17-cv-0948(CCC)(JBC) (D.N.J.), a healthcare data breach case involving the loss of private health information (PHI), including HIV testing results. Judge Cecchi entered final approval of the settlement in that case on February 25, 2020.

8. Given this extensive experience with data breach cases, I had a firm understanding of the issues involved in this case from its commencement, and a thorough grasp of the kinds of damages typically experienced by class members, and hence, the type of relief that should be sought.

9. As supported by the investigation undertaken in this case and as acknowledged by Five Below Inc. (“Five Below”), Five Below was the target of a Security Incident¹ in which customers payment card information, including names, addresses, credit card numbers, expirations dates, and security codes, were compromised by an unauthorized third party. The parties reached a proposed settlement—currently pending before the Court—through mediation before an experienced mediator. If finally approved, the Settlement will resolve Plaintiff’s and Settlement

¹ Unless otherwise defined, capitalized terms have the same meaning attributed to them in the Settlement Agreement, filed contemporaneously herewith.

Class Members' claims against Five Below arising from the Security Incident, provide relief to address the injuries sustained by Plaintiff and Class Members, ensure the protection of the public from future harm, and conclude this Litigation.

10. This suit was filed as a class action against Five Below for negligence, invasion of privacy, breach of implied contract, negligence per se, breach of fiduciary duty, violation of Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. §§ 501.201, *et seq* ("FDUTPA"), and breach of confidence. Specifically, the operative complaint (the "Complaint") in the Litigation alleges Five Below failed both to properly secure and safeguard the payment card data ("PCD") and personally identifiable information ("PII") (collectively "Customer Data") of its on-line customers and to provide them timely, accurate, and adequate notice when such information had been compromised by a third party ("the Security Incident").

11. Plaintiff Marie Abdelmessih filed an original complaint against Five Below Inc. ("Defendant") on April 8, 2019. (Class Action Complaint, Doc. 1.) Just days after filing the Complaint, counsel for Defendant and myself engaged in initial discussions regarding the size of the putative class, the most efficient course for litigating this matter, and the potential for early resolution of the case given the known factual background.

12. In light of those early discussions, Plaintiff made a written settlement demand in May 2019, setting out a proposed framework for resolution of this matter on a class basis. Likewise, Defendant (1) accepted service of the Complaint (Doc. 2), and (2) sought and was granted a stipulated extension of time to respond to the Complaint given that "the parties are in the process of exploring a potential early resolution of this matter." *See* (Doc. 3).

13. On July 15, 2019, Five Below filed a Motion to Dismiss (Doc. No. 11). Nonetheless, the parties continued discussing the possibility of early resolution, and, to that end,

motions for extensions of time to respond to the Motion to Dismiss and a Joint Motion to Stay Briefing Pending Settlement Discussions were eventually filed and granted (Doc's 12–18).

14. On November 22, 2019, the parties, through their respective counsel, engaged in an all-day mediation session with mediator Bennett G. Picker, *Esq.* and were able to reach a negotiated resolution to the Litigation on a class-wide basis that provides both monetary relief to Class Members and data security business practices. On November 29, 2019, the parties advised the Court of the Settlement. (Doc. No. 22).

15. Plaintiff has selected and retained as Proposed Class Counsel for the Settlement Class: Patrick A. Barthle of Morgan & Morgan Complex Litigation Group and Charles E. Schaffer of Levin Sedran & Berman LLP (collectively, “Proposed Class Counsel”). Proposed Class Counsel, who have approved the Settlement Agreement, are experienced and respected class action litigators with significant experience in data breach cases. In addition to my own experience described above, I have worked with Mr. Schaffer in other litigation and had the opportunity to observe and benefit from his superior skill and abilities. I also am aware of his exemplary reputation among the lawyers who practice in the area of class actions. Attached hereto as **Exhibit B** is biographical information for Mr. Schaffer. With respect to the adequacy of Plaintiff's Counsel, we have invested time and resources into the prosecution of this Litigation. Specific to this area of privacy litigation, we have a wealth of experience in litigating complex, class action lawsuits, including data breach cases and PCD disclosure cases. We have extensive experience leading and managing consumer class actions and complex litigation like this, extensive knowledge of all applicable case law, and sufficient resources which we committed to the class in this case. The attorneys proposed by Plaintiff to be appointed as Class Counsel are qualified, experienced, and generally able to conduct the litigation.

16. Further, Class Counsel have diligently investigated and prosecuted the claims in this matter, dedicated substantial resources to the investigation and litigation of those claims, and successfully negotiated the Settlement of this matter to the benefit of Plaintiff and the Settlement Class.

17. The proposed Settlement, reached after arm's length, non-collusive negotiations with an experienced mediator, requires Five Below to reimburse Settlement Class Members for unreimbursed bank and payment card fees; other types of financial harm, and costs of credit reports purchased by Settlement Class Members. Five Below will also confirm implementation of several measures to improve its data security and to ensure the problems which led to the Security Incident are not repeated. Given that Five Below still possesses Customer Data of Class Members, and many of them continue to use Five Below's services, protection of that information remains important. The Settlement offers significant recovery and is an excellent result for the members of the class and is well within the range of settlements that have been negotiated in other cases resulting in the compromise of information of the type that was affected here.

18. Through the settlement process and before finally entering the Settlement Agreement, Class Counsel and I carefully weighed with Plaintiff: (1) the benefits to Plaintiff and the Class under the terms of the Settlement Agreement; (2) the range of results in other settlements reached in similar litigation; (3) the attendant risks and uncertainty of litigation, especially in complex cases such as this Litigation where certification is by no means a given and would be challenged if litigated and appealed if the Court certified the Class; (4) the difficulties and delays inherent in such litigation in the event that Defendant were to seek appellate review of the Court's Final Judgment, in the event Plaintiff and the Class are successful at trial; (5) Defendant's vigorous defense of the litigation and continued denial of the claims contained in the Complaint; (6) the

desirability of consummating this Settlement, to ensure that the Class received a fair and reasonable settlement; and (8) providing Plaintiff and Class Members prompt relief.

19. After the mediation, the parties continued to communicate with one another regarding the work needed to turn the term sheet into the Settlement Agreement and to draft and agree upon all the documents necessary to implement the Settlement, such as the wording of the class notice and Claim Form, and the creation of the form of notice to be sent to Class Members.

20. As stated earlier, the Settlement was reached after an extensive arm's length negotiation among Plaintiff's Counsel and Counsel for Defendant with the assistance of a highly experienced mediator. The Mediator, Bennet G. Picker, has successfully resolved several hundred domestic and international commercial disputes with a cumulative value of several billion dollars, including multiple data breach matters. *See* <https://www.mediate.com/author/Bennett-G.-Picker/112> (last visited Jan. 24, 2020). The parties spent significant time preparing for the mediation—including joint and separate pre-mediation calls with Mr. Picker—and negotiating the terms of the final written Settlement Agreement, which is now presented to the Court for approval. At all times, these negotiations were at arm's length and, while courteous and professional, the negotiations were intense and hard-fought on all sides. There was nothing collusive about the settlement negotiations or the ultimate Settlement reached.

21. The framework of benefits provided in this Settlement developed as a result of my and my firm's experience in other PCD disclosure cases, discussions with affected individuals as to the types of injuries and damages suffered as a result of these disclosures, and actual settlement claims made in similar cases. These discussions with affected class members in other cases in which I have been involved in, along with my experiences in overseeing the administration of

settlements in these kinds of cases, helped my co-counsel and me to determine what type of documentation exists to support such claims and that the framework here is fair and adequate.

22. The parties have also agreed that the cost of the notice and costs of claims administration will be paid by Five Below separate from the monies to be made available to pay the claims and provide the relief to Settlement Class Members.

23. It is my opinion that the Settlement achieves a result that is fair, reasonable, and adequate.

24. The parties negotiated attorneys' fees, costs, and expenses, and the service award, only after reaching agreement on all material terms of class relief in the Settlement. Pursuant to the agreement, Plaintiff may request an award of fees, costs, and expenses of no more than \$93,750. Plaintiff may also request a service award for Representative Plaintiff of \$1,500. These amounts are also to be paid by Five Below separate and apart from the monetary relief otherwise made available to the Settlement Class, and thus, will not otherwise reduce the amounts available for claimants. Class Counsel's request for an award of fees, costs, and expenses will be amply supported by lodestar and incurred cost and expense data, should the Court grant preliminary approval.

25. Plaintiff Marie Abdelmessih has been at the helm of this Litigation at all times. She has remained focused on the advancement of the interests and claims of the Class over her own interests and has always been concerned about obtaining a result that was best for the Class. Throughout the litigation, Plaintiff did everything that was required of her to represent the interests of the Class. Plaintiff Marie Abdelmessih provided information regarding her experience resulting from the Security Incident and the damages she suffered because of it. She remained in close contact with counsel, consistently inquiring about the status of the case and promptly responding

to inquiries for further information. She fully supports the Settlement. There is no conflict or any antagonism between Plaintiff and the Settlement Class.

The Strength of Plaintiffs' Case

26. I believe that Plaintiff could make a strong case for liability and damages. At the time the parties negotiated the Settlement, Plaintiff had a solid factual understanding of the legal and factual issues through our investigation, and broader understanding of the legal landscape of data breach cases, to move this case forward. Throughout the litigation, however, Five Below has continually disputed the sufficiency of Plaintiff's allegations. Although I feel strongly that Plaintiff would be able to obtain a favorable ruling on all issues, this was not a certainty.

The Risk, Expense, Complexity, and Likely Duration of Further Litigation

27. Although I am confident in the merits of our client's claims, the risks involved in prosecuting a class action through trial cannot be disregarded. My familiarity with class litigation is far too great to disregard the high level of risk, expense, and complexity of class litigation, which is one reason that judicial policy so strongly favors resolving class actions through settlement. This is not only a complex case, but it is in an especially risky field of litigation. Data breach cases continue to be among the most risky and uncertain of all class action litigation. To date, class certification in data breach cases has been extremely limited. While class certification has been denied in other consumer data breach cases, it was only recently that the first litigation class was certified in a consumer data breach case. *See Smith v. Triad of Alabama, LLC*, 2017 WL 1044692, at *6 (M.D. Ala. Mar. 17, 2017). In the recent data breach case involving Facebook, only an injunctive relief class was certified. *See Adkins v. Facebook, Inc.*, C 18-05982-WHA, 2019 WL 7212315, at *9 (N.D. Cal. Nov. 26, 2019). Were that to happen here, Class Members would not be able to receive monetary reimbursement and would be left to pursue individual litigation in

order to recover their losses.

28. Even if the Court had certified a class, Five Below likely would have sought appellate review. Moreover, even if an appeal had been unsuccessful, Plaintiff would still face a challenge to certification in the trial of the case, and most certainly Five Below would have sought to decertify the class. Through the Settlement, Plaintiff and Class Members gain significant benefits without having to face further risk. Moreover, the cost of trial and any appeals would be significant and would delay the resolution of this litigation without the guarantee of any relief.

The Risk of Maintaining Class Action Status Throughout Trial

29. While I believe we would prevail on motions to dismiss and for summary judgment and then also prevail on class certification, there is little directly analogous precedent to rely upon. As noted above, class certification has been denied in other privacy cases and it was only recently that the first litigation class was certified in a consumer data breach case. *See Smith v. Triad of Alabama, LLC*, 2017 WL 1044692, at *6 (M.D. Ala. Mar. 17, 2017). The lack of direct precedent creates an additional risk in achieving and maintaining class action status throughout trial and even appeal. While I feel that we would be able to obtain certification outside of a settlement context and maintain certification through trial, this is not a certainty. Additionally, any potential certification would be subject to later appeal and potential reversal.

The Amount Offered In Settlement

30. Through arm's-length negotiations with sophisticated counsel experienced in litigating complex cases, the parties were able to reach an agreement that compares very favorably to settlements in PCD breach class actions that have been approved by other courts.

31. The Home Depot data breach case, which involved the theft of 40 million consumers' payment data, included, among other things, a settlement fund of \$13 million from

which fund consumers could seek reimbursement.² For the 40 million payment cards at issue, this equates to approximately .33 cents per card. *See In re the Home Depot, Inc., Customer Data Sec. Breach Litig.*, No. 1:14-MD-02583-TWT, ECF No. 181-2 (March 7, 2016) (Settlement Agreement); *id.*, 2016 WL 6902351, at *6 (N.D. Ga. Aug. 23, 2016) (order approving settlement). The Target data breach, which compromised the personal information of nearly 110 million consumers, resolved with Target establishing a settlement fund of \$10 million (and separately paying \$6.75 million in attorney fees). This amounts to approximately .09 cents per card. *See In re Target Corp. Customer Data Sec. Breach Litig.*, No. MDL 14-2522-PAM, ECF No. 358-1 (March 18, 2015) (Settlement Agreement); *id.*, 2017 WL 2178306, at *2 (D. Minn. May 17, 2017) (order approving settlement on remand from the 8th Circuit).

32. Indeed, even cases involving data of greater sensitivity—such as personal health information (PHI)—typically settle for a lower per class member amount than seen here. For example, *In re Anthem, Inc. Data Breach Litig.* was a case involving disclosure of, among other things, PHI/healthcare related information for 79,150,325 members. *In re Anthem, Inc. Data Breach Litig.*, 327 F.R.D. 299, 307 (N.D. Cal. 2018). The total common fund for that settlement was \$115 million, *id.* at 318, which included attorneys’ fees of \$31,050,000.00 and costs of \$2,005,068.59, as well as \$23 million for settlement administration, leaving the final amount to be distributed to the class at just under \$82 million, or approximately \$1.09 per class member. *In re Anthem, Inc. Data Breach Litig.*, 15-MD-02617-LHK, 2018 WL 3960068, at *8, *34 (N.D. Cal. Aug. 17, 2018). Similarly, *Curry v. AvMed, Inc.*, which involved the theft of PHI and Social Security numbers from a class of approximately 1.2 million people, had a settlement fund of

² That settlement also included an additional \$6.5 million for internet and dark web monitoring and \$7.5 million in attorney fees.

\$2,250,000 (exclusive of attorneys' fees), yielding a per capita recovery of around \$1.88 per class member. Case No. 10-cv-24513-JLK, 2014 WL 7801286, at *3 (S.D. Fla. Feb. 28, 2014).

33. Here, the aggregate cap of \$112,000.00, with a class size of approximately 56,000 individuals, provides \$2.00 per Settlement Class Member; far in excess of the other PCD cases described above.

34. The proposed Settlement in this case will also reduce the risk that the PCD that customers continue to entrust to Five Below will be compromised by future attacks. Five Below will confirm adoption of a number of significant data security measures.

The Extent of Discovery Completed and The Stage of The Proceedings

35. Before entering into settlement discussions on behalf of class members, counsel should have sufficient information to make an informed decision. While formal discovery had not yet commenced, during the mediation and the discussions leading up thereto, important information was exchanged between myself and counsel for Defendant, including, the size of the class, nature of the Security Incident, and steps taken to remedy the Security Incident, all of which enabled an adequately informed resolution of this case to occur. For instance, during the early resolution discussions and in connection with the Settlement, I was informed that the Class is composed of approximately 56,000 individuals. This informal exchange of relevant information, along with Proposed Class Counsel's wealth of experience in these particular kinds of PCD disclosure type cases, provided Class Counsel with sufficient information to negotiate a fair and adequate settlement. Class Counsel know the strengths and weaknesses of the Class's claims. From this information, we were well-prepared to negotiate a settlement on behalf of the Class.

The Experience and Views of Counsel

36. My co-counsel and I have considerable experience in class actions and specifically

data breach litigation, and have litigated to resolution some of the largest data breach and privacy cases filed to date. I am confident, based on our extensive experience as class action litigators and with other similar class actions, that we had a full understanding of the pertinent facts at issue, and the strengths and weaknesses of the legal allegations in the complaint. We were, therefore, in a position to evaluate the class claims and the value of the Settlement versus moving for certification and going to trial, and the viability of possible affirmative defenses. I believe that the Settlement is fair and reasonable considering the complexities of the case, the uncertainties of class certification and litigation, and the secured benefit to the class.

Whether the Settlement Is a Product of Collusion Among The Parties

37. Plaintiff undertook factual and legal investigation of the issues prior to filing the case and during the Litigation. Mediator Bennett G. Picker, *Esq.* presided over the Parties' formal, arm's-length, and adversarial mediation. The Settlement clearly emerged from a formal, arm's-length negotiation process between the parties, is designed to, and provides a fair and easy process to redress the claims of those members of the Settlement Class. Further, the Settlement is the product of significant time and effort spent by the parties in negotiating its terms and a final written memorialization.

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

Executed on March 6, 2020, in Tampa, Florida.

By: /s/ Patrick A. Barthle
Patrick A. Barthle

EXHIBIT A

Patrick A. Barthle II

Admitted to Florida Bar, 2012

EMPLOYMENT

Morgan & Morgan Complex Litigation Group, National Consumer Class Action Section, Tampa, Florida, Attorney (August 2015 – Present)

United States District Court, Middle District of Florida, Judicial Law Clerk for the Hon. Mary S. Scriven (Sept. 2013 – Aug. 2015)

Greenberg Traurig, LLP, Tampa Fla., Associate Attorney (Sept. 2012 – Sept. 2013)

EDUCATION

University of Florida, B.A., History and Criminology, *cum laude*, 2009. Member, Phi Beta Kappa Honor Society; President, St. Augustine Catholic Student Center.

Washington and Lee University School of Law - J.D., *summa cum laude*, 2012. Member, Order of the Coif; Member, Phi Alpha Delta Legal Honor Society; Lead Articles Editor, Wash. & Lee Law Review; President, W&L Law Families.

RECENT SPEAKING ENGAGEMENTS

NetDiligence Cyber Risk Forum. June 2018, Philadelphia, PA
Panelist: Unauthorized Use of Personal Data

American Association for Justice: Advanced 30(b)(6) Seminar. Nov. 2018, Washington, D.C.
Speaker - 30(b)(6): Data Breach Cases

HarrisMartin's Marriott Data Breach Litigation Conference. Jan. 2019, Miami, FL
Panelist: Damage Models and Settlements in Data Breach Cases

Mass Torts Made Perfect, 2019 Fall Seminar. Oct. 2019, Las Vegas, NV
Speaker – The Common Issues Class: Rule 23(c)(4)

REPRESENTATIVE RELEVANT CASES

Mr. Barthle actively assisted in the prosecution of the following class action matters:

- *Torres v. Wendy's Int'l., LLC*, No. 6:16-cv-210 (M.D. Fla.) (data breach class action, appointed as Class Counsel, final approval granted)
- *Walters v. Kimpton Hotel & Rest. Grp., LLC*, No. 3:16-cv-5387-VC (N.D. Cal.) (data breach class action, final approval granted)
- *Fulton-Green v. Accolade, Inc.*, 2:18-cv-00274-GEKP (E.D. Pa.) (data breach class action, final approval granted)
- *In re The Home Depot, Inc. Consumer Data Sec. Data Breach Litig.*, No. 1:14-md-02583-TWT (N.D. Ga.) (data breach class action, final approval granted)
- *John Doe v. Tampa General Hospital*, No. 14-CA-012657 (Fla. 13th Cir. Ct.) (data breach class action, final approval granted)
- *Finerman v. Marriott Ownership Resorts*, No. 3:14-cv-1154-TJC-MCR (M.D. Fla.) (consumer fraud class action, final approval granted)
- *Grasso v. Electrolux Home Products, Inc.*, No. 8:16-cv-00911-CEH-TGH (M.D. Fla.) (product defect and consumer fraud class action, final approval granted)
- *Hughley et al. v. University of Central Florida*, No 2016-CA-001654-0 (Fla. 9th Cir. Ct.) (data breach class action, final approval granted)
- *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, No. 16-md-02752-LHK (N.D. Cal.) (data breach class action, preliminary approval granted)
- *In re Equifax, Inc. Customer Data Sec. Breach Litigation*, 1:17-md-02800 (N.D. Ga.) (data breach class action, final approval granted)
- *Morrow v. Quest*, No.: 2:17-cv-0948(CCC)(JBC) (D.N.J.) (healthcare data breach class action, final approval granted, appointed Class Counsel)
- *In re. Brinker Data Incident Litigation*, No. 3:18-cv-00686 (M.D. Fla.) (data breach class action, pending)
- *In re Office of Pers. Mgmt. Data Breach*, No. 1:15-mc-01394-ABJ (D.D.C.) (data breach class action, pending)
- *Adkins. v. Facebook, Inc.*, No. C 18-05982 WHA (JSC) (N.D. Cal.) (data breach class action, pending)
- *Stephens v. Availity, LLC*, No. 5:19-cv-00236-JSM-PRL (M.D. Fla) (data breach class action, pending)
- *Cotter v. Checkers Drive-In Restaurants, Inc.*, No. 8:19-cv-0386-VMC-CPT (M.D. Fla.) (data breach class action, pending)
- *In re Citrix Data Breach Litigation*, No. 0:19-cv-61350-RKA (S.D. Fla.) (data breach class action, pending)

ACHIEVEMENTS AND RECOGNITIONS

Florida Super Lawyers Rising Star – 2019, 2020

EXHIBIT B

LEVIN SEDRAN & BERMAN
— ATTORNEYS AT LAW —

Levin Sedran & Berman LLP is a Philadelphia law firm with a national reputation for superior client service and results representing clients in cases pending both in the Philadelphia area and across the nation. Through almost 40 years of serving our clients, our attorneys have gained national recognition for their experience and skill and are frequently called upon to lead some of the largest class actions, mass torts, complex litigation and antitrust cases in the nation. Our stock-and-trade is the litigation of technically complex cases, usually pending before an assigned MDL court. We have been appointed lead counsel or to other leadership positions in hundreds of cases, including more than forty MDLs, and are presently serving or have served in such positions in several of the largest and technically complex class actions nationwide. We regularly appear in federal courts throughout the country. *See e.g., In re: Chinese-Manufactured Drywall Product Liab. Litig.*, MDL No. 2047 (E.D. La.) (Lead Counsel); *In re: Nat'l Football League Players' Concussion Injury Litig.*, MDL No. 2323 (E.D. Pa.) (Plaintiffs Steering Committee and Subclass Counsel for Settlement); *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179 (E.D. La.) (Special Counsel to the Plaintiffs' Fee and Cost Committee as well as having been on a discovery team); *In re: Air Cargo Shipping Servs. Antitrust Litig.*, MDL No. 1775 (E.D. N.Y.) (Co-Lead Counsel); *In re: Wells Fargo Insurance Marketing Sales Practices Litigation*, MDL No. 2797 (C.D. Ca.) (Plaintiffs' Executive Committee); *In re: Apple Inc. Device Performance Litigation*, MDL 2827 (N.D. Ca.) (Plaintiffs' Executive Committee); and *In re: Intel Corp. CPU Marketing Sales Practices and Products Liability Litigation*, MDL 2828 (C.D. Or.) (Plaintiffs' Executive Committee to represent the interests of governmental entities). Our firm's philosophy from leading and prosecuting complex class actions for over three decades is to efficiently, vigorously and zealously prosecute the action on behalf of our clients and the class. We become experts in the facts of the case, law, and science and assemble a team committed to doing the same.

Our firm has earned rankings published in the U. S. News and World Report for Best Law Firms, as a Tier I law firm for class-actions, personal injury and mass tort cases. The firm was also named to THE NATIONAL LAW JOURNAL's insurance list of *America's Elite Trial Lawyers* in 2014. Members of the firm are listed in the LEGAL 500, LAW DRAGON 500, Martindale Hubbell's *Directory of Preeminent Attorneys*, "Best Lawyers in America", and the National Trial Lawyers Top 100 Trial Lawyers.

We have pioneered the use of class actions and mass actions in the United States with our work resulting in not only in numerous record-breaking recoveries but also pioneering novel results over the nearly four decades we have been specializing in this practice area of the law. A few examples include:

- *In re: Asbestos School Litigation*, No. 83-0263 (E.D. Pa.) (Levin Sedran Berman as member of Executive Committee and Lead Trial Counsel obtained a certification of a nationwide class and settlement

on behalf of school districts that including pioneering the 50-state analysis of the law to meet class certification requirements);

- *In re: Three Mile Island Litigation*, Civil Action No. 79-0432 (M.D. Pa.) (Levin Sedran Berman as a member of Executive Committee obtained a settlement including the establishment of a medical monitoring fund);
- *In re: Diet Drug Product Liability Litigation*, MDL No. 1203 (E.D. Pa.) (Levin Sedran Berman as Liaison and Co-Lead Counsel obtained a \$6.75 billion-dollar settlement on behalf of consumers who ingested Fen-Phen);¹
- *In re: The Exxon Valdez*, No. 89-00095 (D. Alaska) (Levin Sedran Berman as a member of the Trial and Discovery Committee represented fishermen, native corporations, native villages, native claims and business claims in this mass tort involving the massive oil spill in Alaska. The firm's assistance in the litigation helped the Plaintiffs obtain a judgment of \$5 billion in punitive damages - at the time the largest punitive damage verdict in U.S. history. Later reduced to \$507.5 million by the U.S. Supreme Court);
- *In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D. La.) (Levin Sedran Berman as Lead Counsel obtained inter-related settlements involving various suppliers, builders, installers, insurers and manufacturers of Chinese drywall with a value that exceeds \$1 billion dollars, while the firm continues to litigate now against remaining non-settling defendants);
- *In re: The Vioxx Product Liability Litigation*, MDL No. 1657 (E.D. La.) (As a member of the PSC and Plaintiffs' Negotiating Committee, Levin Sedran & Berman was instrumental in achieving a \$4.85 billion-dollar settlement on behalf of consumers who ingested Vioxx);
- *In re: Air Cargo Shipping Servs. Antitrust Litig.*, MDL No. 1775 (E.D. N.Y.) (As Co-Lead Counsel in the decade long air cargo antitrust litigation Levin Sedran & Berman obtained 28 inter-related settlements against air cargo service providers totaling \$1.2 billion dollars);
- *Galanti, et al. v. The Goodyear Tire and Rubber Co. ("Entran II")*, Civil Action No.: 03-209 (D.C. N.J.) (As a member of the Executive

¹ That prolix settlement has received favorable comments by academia. See Nagareda, R., "Autonomy, Peace, and 'Put' Options in the Mass Tort Class Action," 115 Harv.L.Rev. 747, 756 (2002).

Committee Levin Sedran & Berman was instrumental in negotiating and achieving the creation of a common fund in the amount of \$344 million); and

- *In re: National Football League Players' Concussion Injury Litigation*, MDL No. 2323 (E.D. Pa.) (Levin Sedran & Berman as Subclass Counsel working along with Lead Counsel obtained an uncapped settlement having a value that exceeds \$1 billion dollars on behalf of NFL football players).

Frequently the firm is specifically recognized by a court that is presiding over a matter for its work product and success in handling technical complex class-action cases. Examples of courts favorably commenting on the quality of the firm's work include:

- In *In re: Three Mile Island Litigation*, 557 F. Supp. 96 (M.D. Pa. 1982) Judge Rambo favorably acknowledged the quality of the work of Levin Sedran in her opinion.
- In the *Lazy Oil Co. v. Witco Corp., et al.*, C.A. No. 94-110E (W.D. Pa.) (Plaintiffs' Co-Lead Counsel) (“[t]he Court notes that the class was represented by very competent attorneys of national repute as specialists in the area of complex litigation. As such, Class Counsel brought considerable resources to the Plaintiffs’ cause. The Court has had the opportunity to observe Class Counsel first-hand during the course of this litigation and finds that these attorneys provided excellent representation to the Class. The Court specifically notes that, at every phase of the litigation, Class Counsel demonstrated professionalism, preparedness and diligence in pursuing their cause.”)
- In *In re: Orthopedic Bone Screw Products Liability Litigation*, MDL No. (1014) (E.D. Pa.) (Plaintiffs’ Lead Counsel) (“the Court also finds that the standing and expertise of counsel for [plaintiffs] is noteworthy. First class counsel is of high caliber and most PLC members have extensive national experience and similar class-action litigation.”)
- In *In re: Consumer Bags Antitrust Litigation*, Civil Action No. 77-1516 (E.D. Pa.) (Plaintiffs’ Lead Counsel) (“Each of the firms and the individual lawyers in this case have extensive experience in large, complex antitrust and securities litigation.” Furthermore, the Court notes that the quality of the legal services rendered was of the highest caliber.)

- In *In re: Diet Drugs Product Liability Litigation*, MDL No. 1203 (E.D. Pa.) (Plaintiffs’ Co-Lead Counsel) (Court recognized “the ‘remarkable contribution’ from Levin Sedran & Berman in the creation of the largest nationwide personal injury settlement to date”)
- In *In re: Summers v. Abraham Lincoln Savings and Loan Association*, 66 F.R.D. 581, 589 (E.D. Pa.) (“There is no question that Plaintiff’s counsel is experienced in the conduct of the class action . . .”.)

We regularly prosecute multi-state consumer class actions involving technically complex issues in representing victims of defective products, unfair trade practices, data breaches, privacy security breaches and other complex cases involving computers, phones, devices and source code. Aside from the cases cited above, reference is made to: *In re: CertainTeed Corporation Roofing Shingles Product Liability Litigation*, MDL No.: 1817 (E.D. Pa.), *In re: CertainTeed Fiber Cement Siding Litigation*, MDL No: 2270 (E.D. Pa.), *Pollard v. Remington Arms Company*, Case No. 4:13-CV-00086-ODS (W.D. Mo.), *In re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation*, MDL 2828 (D. Or.) and *In re: Wells Fargo Insurance Marketing Sales Practices Litigation*, MDL No. 2797 (C.D.Ca.).

Relating to data breach and privacy cases, the firm has served as a member of the Executive Committee in *In re: Target Corporation Customer Data Security Breach Litigation*, MDL 2522 (D. Minn.) (\$39 million settlement value for plaintiff financial institutions), where they were instrumental in working with experts and discovery including establishing the proper standard of care and calculation of damages to all victims (consumer and financial institutions) and serve as Co-Lead Counsel in *Green v. Accolade, Inc.*, 2:18-cv-00274 (E.D. Pa.) (where an employer breached its employees’ PII information). The firm’s data breach litigation experience also includes its leadership roles in: *Kuss v. American Home Patient, Inc. et. al.*, 8:18 -cv-0248 (M.D. Fl.) (where laptops were stolen and patient’s medical information breached); *Abdelmessih v. Five Below, Inc.*, 2:19-cv-01487 (E.D. Pa.) (where retailer breached customers’ PII information stored electronically); *Bryd v. Aaron’s Inc.*, No. 11-101 (W.D. Pa.) (where defendant placed spyware on rental computers); *Peterson v. Aaron’s Inc.*, No. 1-14-cv-1919 (N.D. Ga.) (where defendant placed spyware on rental computers) and on the Executive Committee in *Harris, et. el. v. Lord and Taylor, LLC*, 18-cv-00521 (D.Del.) (where retailer breached customers’ PII information stored electronically); *Kyler, et al. v Saks Incorporated*, 18-cv-00360 (M.D. Tn.) (where retailer breached customers’ PII information stored electronically) and *In re: Carrier IQ, Inc., Consumer Privacy Litigation*, No. 12-md-1330 (N.D. Cal.) (where defendant placed software on mobile devices).

More recently the firm obtained certification of cases *inter alia* in *Helmer, et al. v. The Goodyear Tire and Rubber Co.* (“*Entran III*”), Civil Action No.: 12-00685 (D.C. Col.) (certification of a liability only class on behalf of purchasers of radiant floor heating and then tried the issue of liability to a jury); *In re: Dial Complete Marketing and Sales Practices Litigation*, MDL No.: 2263 (D. NH.) (certification of multi state class action on behalf of purchasers of Dial Complete Anti-Bacterial Soap); *In re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales*

Litigation, MDL NO.: 2382 (E.D. MS.) (certification of a national class action on behalf of purchasers of wet/dry vacs) and *Gold v. Lumber Liquidators, Inc.*, No.3:14-cv-05373-TEH (N.D. Ca.) (certification of a multi-state class action including California on behalf of purchasers of bamboo flooring)

The firm willingly takes cases through years of discovery and motion practice and settles only if the case is positioned for consumers to obtain real and meaningful benefits and relief. And, unlike many class action firms, Levin Sedran & Berman also takes cases to trial. In lead roles and as members of litigation teams, Levin Sedran & Berman did so in *In re: Chinese-Manufactured Drywall Product Liability Litigation*, *In re: The Exxon Valdez, Entran III and MDL - 2592 Xarelto Products Liability Litigation* (part of trial team of coordinated cases in the Philadelphia Mass Tort Program).

THE FIRM'S PRINCIPAL LAWYERS

ARNOLD LEVIN

Founding Member



ARNOLD LEVIN graduated from Temple University, B.S., in 1961, with Honors and Temple Law School, LLB, in 1964. He was Articles Editor of the Temple Law Quarterly. He served as a Captain in the United States Army (MPC). He is a member of the Philadelphia, Pennsylvania, American and International Bar Associations. He is a member of the Philadelphia Trial Lawyers Association, Pennsylvania Trial Lawyers Association and the Association of Trial Lawyers of America. He is admitted to the Supreme Court of Pennsylvania, United States District Court for the Eastern District of Pennsylvania, United States District Court for the Middle District of Pennsylvania, the Third, Fourth, Fifth, Sixth, Seventh, Tenth and Eleventh Circuit Courts of Appeals and the United States Supreme Court. He has appeared pro hac vice in various federal and state courts throughout the United States. He has lectured on class actions, environmental, antitrust and tort litigation for the Pennsylvania Bar Institute, the Philadelphia Trial Lawyers Association, the Pennsylvania Trial Lawyers Association, The Association of Trial Lawyers of America, The Belli Seminars, the Philadelphia Bar Association, American Bar Association, the New York Law Journal Press, and the ABA-ALI London Presentations.

Mr. Levin is a past Chairman of the Commercial Litigation Section of the Association of Trial Lawyers of America and is co-chairman of the Antitrust Section of the Pennsylvania Trial Lawyers Association. He is a member of the Pennsylvania Trial Lawyers Consultation Committee, Class Action Section, a fellow of the Roscoe Pound Foundation and past Vice-Chairman of the Maritime Insurance Law Committee of the American Bar Association. He is also a fellow of the International Society of Barristers and chosen by his peers to be listed in Best Lawyers of America. He has been recognized as one of 500 leading lawyers in America by Law Dragon and The Legal 500 USA. U.S. News and World Report has designated Levin, Fishbein, Sedran & Berman as one of the top 22 national plaintiffs' firms in mass torts and complex litigation. In addition, he has been further recognized as one of the top 100 trial lawyers by The National Trial Lawyers Association. He was also named to the National Law Journal's Inaugural List of America's Elite Trial Lawyers. He also has an "av" rating in Martindale-Hubbell and is listed in Martindale-Hubbell's Register of Preeminent Lawyers.

Mr. Levin was on the Executive Committee as well as various other committees and Lead Trial Counsel in the case of *In re: Asbestos School Litigation*, Master File No. 83-0268 (E.D. Pa.), which was certified as a nationwide class action on behalf of all school districts. Mr. Levin was also on the Plaintiffs' Steering Committee in *In re: Copley Pharmaceutical, Inc., "Albuterol" Products Liability Litigation*, MDL 1013 (D. Wyoming); *In re: Norplant Contraceptive Products Liability Litigation*, MDL 1038 (E.D. Tex.); and *In re: Telectronics Pacing Systems, Inc., Accufix Atrial "J" Lead Products Liability Litigation*, MDL 1057 (S.D. Ohio).

Mr. Levin was appointed by the Honorable Sam J. Pointer as a member of the Plaintiffs' Steering Committee in the *Silicone Gel Breast Implants Products Liability Litigation*, Master File No. CV-92-P-10000-S, MDL 926 (N.D. Ala.). The Honorable Louis L. Bechtle appointed Mr. Levin as Co-Lead Counsel of the Plaintiffs' Legal Committee and Liaison Counsel in *In re: Orthopedic Bone Screw Products Liability Litigation*, MDL 1014 (E.D. Pa.). Mr. Levin also served as Co-Chair of the Plaintiffs' Management Committee, Liaison Counsel, and Class Counsel in *In re: Diet Drugs Litigation*, MDL 1203 (E.D. Pa.). He was also a member of a four lawyer Executive Committee in *In re: Rezulin Products Liability Litigation*, MDL No. 1348 (S.D.N.Y.) and is a member of a seven-person Steering Committee in *In re: Propulsid Products Liability Litigation*, MDL No. 1355 (E.D. La.). He was Chair of the State Liaison Committee in *In re: Phenylpropanolamine (PPA) Products Liability Litigation*, MDL 1407 (W.D. Wash.); and is a member of the Plaintiffs' Steering Committee and Plaintiffs' Negotiating Committee in *In re: Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La.) and the Court approved Medical Monitoring Committee in *In re: Human Tissue Products Liability Litigation*, MDL No. 1763 (D.N.J.). He is currently Plaintiffs' Lead Counsel, Class Counsel and Co-Chair of the Fee Committee in *In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D. La.). He was Plaintiffs' Liaison Counsel in *In re: CertainTeed Corp. Roofing Shingles Products Liability Litigation*, MDL No. 1817 (E.D. Pa.). He is a member of the Plaintiffs' Steering Committee in *In re: National Football League Players' Concussion Litigation*, MDL No. 2323 (E.D. Pa.) and was appointed as Subclass Counsel for Subclass 1 in the NFL Concussion Class Action Settlement. Mr. Levin is a member of the Plaintiffs' Steering Committee in *In re: Pool Products Distribution Market Antitrust Litigation*, MDL 2328 (E.D. La.); *In re: Testosterone Replacement Therapy Products Liability Litigation*, MDL 2545 (N.D. Ill.); *In re: Zoloft (Sertraline Hydrochloride) Products Liability Litigation*, MDL 2342 (E.D. Pa.); and *In re: Yasmin and Yaz Marketing, Sales Practices and Relevant Products Liability Litigation*, MDL 2100 (S.D. Ill.). He is a member of Plaintiffs' Executive Committee in *In re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*, MDL 2428 (D. Mass.). Mr. Levin was appointed by the Honorable Carl J. Barbier to serve as Special Counsel to the Plaintiffs' Fee and Cost Committee in the BP Oil Spill Litigation, *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179 (E.D. La.).

Mr. Levin was also a member of the Trial and Discovery Committees in the *Exxon Valdez Oil Spill Litigation*, No. 89-095 (D. Alaska). In addition, Mr. Levin was Lead Counsel in the prosecution of individual fishing permit holders, native corporations, native villages, native claims and business claims.

HOWARD J. SEDRAN*Founding Member (1982 through 2017)*

HOWARD J. SEDRAN was a founding member of the firm from 1982 through December, 2017. Effective January, 2018, Mr. Sedran became Of-Counsel to the firm. Mr. Sedran graduated cum laude from the University of Miami School of Law in 1976. He was a law clerk to United States District Court Judge, C. Clyde Atkins, of the Southern District of Florida from 1976-1977. He is a member of the Florida, District of Columbia and Pennsylvania bars and is admitted to practice in various federal district and appellate courts. From 1977 to 1981, he was an associate at the Washington, D.C. firm of Howrey & Simon which specializes in antitrust and complex litigation. During that period he worked on the following antitrust class actions: *In re: Uranium Antitrust Litigation*; *In re: Fine Paper Antitrust Litigation*; *Bogosian v. Gulf Oil Corporation*; *FTC v. Exxon, et al.*; and *In re: Petroleum Products Antitrust Litigation*.

In 1982, Mr. Sedran joined the firm and has continued to practice in the areas of environmental, securities, antitrust and other complex litigation. Mr. Sedran also has extensive trial experience. In the area of environmental law, Mr. Sedran was responsible for the first certified “Superfund” class action.

As a result of his work in an environmental case in Missouri, Mr. Sedran was nominated to receive the Missouri Bar Foundation’s outstanding young trial lawyer’s award, the Lon Hocker Award.

Mr. Sedran has also actively participated in the following actions: *In re: Dun & Bradstreet Credit Services Customer Litigation*, Civil Action Nos. C-1-89-026, C-1-89-051, 89-2245, 89-3994, 89-408 (S.D. Ohio); *Raymond F. Wehner, et al. v. Syntex Corporation and Syntex (U.S.A.) Inc.*, No. C-85-20383(SW) (N.D. Cal.); *Harold A. Andre, et al. v. Syntex Agribusiness, Inc., et al.*, Cause No. 832-05432 (Cir. Ct. of St. Louis, Mo.); *In re: Petro-Lewis Securities Litigation*, No. 84-C-326 (D. Colo.); *In re: North Atlantic Air Travel Antitrust Litigation*, No. 84-1013 (D.D.C.); *Jaroslavicz v. Engelhard Corp.*, No. 84-3641 (D. N.J.); *Gentry v. C & D Oil Co.*, 102 F.R.D. 490 (W.D. Ark. 1984); *In re: EPIC Limited Partnership Securities Litigation*, Nos. 85-5036, 85-5059 (E.D. Pa.); *Rowther v. Merrill Lynch, et al.*, No. 85-Civ-3146 (S.D.N.Y.); *In re: Hops Antitrust Litigation*, No. 84-4112 (E.D. Pa.); *In re: Rope Antitrust Litigation*, No. 85-0218 (M.D. Pa.); *In re: Asbestos School Litigation*, No. 83-0268 (E.D. Pa.); *In re: Catfish Antitrust Litigation*, MDL 928 (Plaintiffs’ Executive Committee); *In re: Carbon Dioxide Antitrust Litigation*, MDL 940 (N.D. Miss.) (Plaintiffs’ Executive Committee); *In re: Alcolac, Inc. Litigation*, No. CV490-261 (Marshall, Mo.); *In re: Clozapine Antitrust Litigation*, MDL 874 (N.D. Ill.) (Co-Lead Counsel); *In re: Infant Formula Antitrust Litigation*, MDL 878 (N.D. Fla.); *Cumberland Farms, Inc. v. Browning-Ferris Industries, Inc.*, Civil Action No. 87-3713 (E.D. Pa.); *In re: Airlines Antitrust Litigation*, MDL 861 (N.D. Ga.); *Lazy Oil, Inc. et al. v. Witco Corporation, et al.*, C.A. No. 94-110E (W.D. Pa.) (Plaintiffs’ Co-Lead Counsel); *In re: Nasdaq Market-Makers Antitrust Litigation*, MDL 1023 (S.D.N.Y.) (Co-Chair Discovery); and *In re: Travel Agency*

Commission Antitrust Litigation, Master File No. 4-95-107 (D. Minn.) (Co-Chair Discovery); *Erie Forge and Steel, Inc. v. Cyprus Minerals Co.*, C.A. No. 94-0404 (W.D. Pa.) (Plaintiffs' Executive Committee); *In re: Commercial Explosives Antitrust Litigation*, MDL 1093 (Plaintiffs' Co-Lead Counsel); *In re: Brand Name Prescription Drug Antitrust Litigation*, MDL 997; *In re: High Fructose Corn Syrup Antitrust Litigation*, MDL 1087; *In re: Carpet Antitrust Litigation*, MDL 1075; *In re: Graphite Electrodes Antitrust Litigation*, C.A. No 97-CV-4182 (E.D. Pa.) (Plaintiffs' Co-Lead Counsel); *In re: Flat Glass Antitrust Litigation*, MDL 1200 (Discovery Co-Chair); *In re: Commercial Tissue Products Antitrust Litigation*, MDL 1189; *In re: Thermal Fax Antitrust Litigation*, C.A. No. 96-C-0959 (E.D. Wisc.); *In re: Lysine Indirect Purchaser Antitrust Litigation*, (D. Minn.); *In re: Citric Acid Indirect Purchaser Antitrust Litigation*, C.A. No. 96-CV-009729 (Cir. Ct. Wisc.). Most recently, Mr. Sedran serves as one of the court-appointed Co-Lead Counsel in *In re: Air Cargo Shipping Services Antitrust Litigation*, MDL No. 1775 (E.D. N.Y.).

In *Lazy Oil Co. v. Witco Corp., et. al., supra*, the District Court made the following comments concerning the work of Co-Lead Counsel:

[t]he Court notes that the class was represented by very competent attorneys of national repute as specialists in the area of complex litigation. As such Class Counsel brought considerable resources to the Plaintiffs' cause. The Court has had the opportunity to observe Class counsel first-hand during the course of this litigation and finds that these attorneys provided excellent representation to the Class. The Court specifically notes that, at every phase of this litigation, Class Counsel demonstrated professionalism, preparedness and diligence in pursuing their cause.

LAURENCE S. BERMAN

Founding Member



LAURENCE S. BERMAN, a founding member of the firm, was born in Philadelphia, Pennsylvania on January 17, 1953. He was admitted to the bar in 1977. He is admitted to practice before the U.S. Courts of Appeals for the Third, Fourth and Seventh Circuits; the U.S. District Court, Eastern District of Pennsylvania; and the Bar of Pennsylvania. He is a graduate of Temple University (B.B.A., magna cum laude, 1974, J.D. 1977). He is a member of the Beta Gamma Sigma Honor Society. Mr. Berman was the law clerk to the Honorable Charles R. Weiner, U.S. District Court for the Eastern District of Pennsylvania 1978-1980. Member: Philadelphia, Pennsylvania and American Bar Associations. In 1982, Mr. Berman joined the law firm of Levin & Fishbein as an associate and became a partner in 1985 when the firm name was changed to Levin, Fishbein, Sedran & Berman.

Mr. Berman has had extensive experience in litigating and managing complex litigation. In the early 1980's he became a member of the discovery, law and trial committees of *In re: Asbestos School Litigation*, Master File No. 83-0268 (E.D. Pa.). As a member of those committees, he drafted discovery and legal briefs that lead to the successful resolution of the case on behalf of a nationwide class of schools seeking recovery of damages for the costs and expenses they were required to expend to assess the presence of asbestos in school buildings and to remediate under newly enacted rules and regulations of the Environmental Protection Agency, promulgated in the 1970's. In connection with that litigation, he was one of the architects of approaching class certification issues for a nationwide class by the use of a "50" state analysis of the law, in order to demonstrate the similarity of laws and therefore the manageability of a nationwide class action. The "50" state approach has been followed in other cases.

During the early stages of his career, he litigated numerous environmental class/mass tort cases to successful conclusions. He successfully litigated a lead contamination case for the residents of a community in the Port Richmond area of Philadelphia, where he drafted the legal briefs and presented the oral argument to obtain class certification of a property damage and medical monitoring class against NL Industries and Anzon. That litigation produced a multi-million-dollar recovery for the residents in the class area. *Ursula Stiglich Wagner, et al. v. Anzon, Inc., et al.*, No. 4420, June Term, 1987 (C.C.P. Phila. Cty.)

Similarly, he represented homeowners located near Ashland, Kentucky for environmental pollution damage. This case involved representing approximately 700 individual clients for personal injury and medical monitoring relief that also resulted in a multi-million-dollar recovery for his clients.

Beginning in the 1990's Mr. Berman began his representation of victims of the Three Mile Island accident. The firm represented approximately 2,000 plaintiffs in that matter, and Mr. Berman was responsible for the legal briefing and experts in the case, along with addressing *Daubert* issues. The presiding Court (Middle District of Pennsylvania) determined to conduct

extensive *Daubert* hearings in Three Mile Island, resulting in approximately ten full weeks of in court live hearings, and thousands of pages of legal briefing. Ultimately the trial court determined that several of the expert witnesses offered by the plaintiffs did not meet the *Daubert* requirements, and an appeal was taken to the Third Circuit Court of Appeals, where Mr. Berman both briefed and argued the issues. The Third Circuit affirmed parts of the decision and remanded for further proceedings by the trial court. His representation of clients in the Three Mile Island litigation spanned well over a decade.

In 1989, Mr. Berman represented approximately 1,000 plaintiffs who suffered damages as a result of the Exxon Valdez oil spill. In that role, he managed the claims of each of his firm's clients and worked in the development of their expert evidence and claim materials. As a subset of that litigation, he handled the claims of the Native Opt-Out Settlement Class. This representation also spanned well over a decade.

Mr. Berman began his role in litigating *In re: Diet Drugs*, MDL 1203 (E.D. Pa.) in 1997 at the outset of that litigation. The *Diet Drugs* case is still active to this date. Mr. Berman's firm was appointed as Co-Lead Counsel, Co-Class Counsel and Liaison Counsel. The massive size of the *Diet Drugs* case required the commitment of three of the named partners to the case, Arnold Levin, Michael Fishbein and Mr. Berman, as well as a substantial commitment by partner Fred Longer. While Messrs. Levin and Fishbein were formally named as Co-Class counsel to the case, Mr. Berman had a *de facto* role as Co-Class Counsel and Co-Lead counsel for the case. Mr. Berman briefed many legal issues, argued issues in court, participated in discovery, appeared frequently before the Special Discovery Master, helped negotiate the settlement(s) and helped in the management of the oversight of both the AHP Settlement Trust that was created to oversee the Settlement and the Seventh Amendment Fund Administrator that was created to oversee the Seventh Amendment aspect of the Settlement. He also managed the claims of the firm's individual clients.

Although the *Diet Drugs* case remains active today, and still occupies some of Mr. Berman's time, over the recent years he became active in various other pharmaceutical cases. In particular, beginning in about 2010, he became active in *In re: Yaz/Yasmin/Ocella*, MDL 2100 (S. D. Ill.) where he was appointed as a member of the discovery and legal briefing committees. Mr. Berman worked with his partner Michael Weinkowitz as Co-Liaison Counsel in the parallel state court litigation pending in the Court of Common Pleas of Philadelphia.

As the *Yaz* case began to wind down, Mr. Berman became active in litigation Tylenol cases where he was appointed and remains currently Plaintiffs' Co-Lead and Liaison Counsel. *In re: Tylenol*, MDL 2436, (E.D. Pa.). As Plaintiffs' Co-Lead and Liaison Counsel, Mr. Berman has appeared in Court for the Plaintiffs at virtually all of the monthly status conferences, drafted numerous briefs, engaged in discovery, drafted numerous case management orders that were entered by the Court, argued motions and otherwise managed the case on behalf of the Plaintiffs.

Mr. Berman is also a *de facto* member of the executive committee of *In re: Granuflo*, MDL MDL2428 (D. Mass.). Mr. Berman's partner Arnold Levin was formally appointed to that case's Executive Committee for the Plaintiffs and Mr. Berman was appointed as a Co-Chair of the law

and briefing committee. He has acted as a *de facto* member of the Executive Committee for the firm. In his role on the Law and Briefing Committee, he drafted numerous briefs for the case, including *Daubert* briefs, drafted various case management orders that were entered by the Court, and assisted in the negotiation of the global settlement including the drafting of the settlement documents and the allocation plan.

In *In re: Fosamax*, MDL 2243 (D.N.J.), Mr. Berman spearheaded the plaintiffs' position relating to privilege log issues as well as preemption and *in limine* issues raised in the bellwether case. Most recently, Mr. Berman was appointed to the Plaintiffs' Steering Committee by the Honorable Freda L. Wolfson in *In re: Johnson & Johnson Talcum Powder Products*, MDL 2738 (D. N.J.).

Mr. Berman has lectured about mass tort matters. He lectured about the Tylenol case at several seminars and is a member of the American Association of Justice (AAJ) litigation group for the case. He is also a member of various other AAJ litigation groups involving pharmaceutical products. Mr. Berman has been a frequent speaker for the Pennsylvania Bar Institute, Mealy's Publications and Harris Martin. His lectures have been accredited for providing CLE credit to the attendees. Mr. Berman has an A.V. Peer Review rating by Martindale-Hubbell and is an AAJ National College of Advocacy Advocate. He is also a member of The National Trial Lawyers, as well as a member of the American, Pennsylvania and Philadelphia Bar Associations and has been recognized as a Super Lawyer. His published works include "Class Actions in State and Federal Courts," Pennsylvania Bar Institute (Continuing Legal Education), November, 1997; "New Pennsylvania Rule of Civil Procedure 207.1," Pennsylvania Bar Institute (Continuing Legal Education), November, 2001, and membership on the Board of Editors, "Fen-Phen Litigation Strategist," Leader Publications, (1998).

FREDERICK S. LONGER*Member*

FREDERICK S. LONGER, a member of the firm, specializes in representing individuals who have been harmed by dangerous drugs, medical devices, other defective products and antitrust violations. Mr. Longer has extensive experience in prosecuting individual, complex and class action litigations in both state and federal courts across the country. Mr. Longer has been involved in the resolution of several of the largest settlements involving personal injuries including the \$6.75 billion settlement involving Diet Drugs and the \$4.85 billion settlement involving Vioxx. Mr. Longer was a member of the negotiating counsel responsible for the settlements in the *Chinese Drywall* litigation involving various suppliers and manufacturers of Chinese Drywall valued in excess of \$1 billion. Mr. Longer has a wealth of experience in mass torts and has frequently been the chairman or member of the Law and Briefing Committee in numerous multi-district litigations in *In re: Propulsid Products Liability Litigation*, MDL No. 1355 (E.D. La.); *In re: Rezulin Products Liability Litigation*, MDL No. 1348 (S.D.N.Y.); *In re: Vioxx Products Liability Litigation*, MDL 1657 (E.D. La.); *In re: Orthopedic Bone Screw Products Liability Litigation*, MDL 1014 (E.D. Pa.); and *In re: Diet Drug Litigation*, MDL 1203 (E.D. Pa.). He is a court-appointed member of the Plaintiffs' Steering Committee in *In re: Mirena Products Liability Litigation*, MDL 2434 (S.D.N.Y.) and *In re: Xarelto Products Liability Litigation*, MDL No. 2592 (E.D. La.). Mr. Longer also assisted Co-Lead Counsel and Subclass Counsel with negotiating the class settlement in *In re: National Football League Players' Concussion Litigation*, MDL No. 2323 (E.D. Pa.).

Mr. Longer has substantial trial experience and is one of the few counsel in the country to have a client's claim involving Baycol tried to verdict in Philadelphia County Court of Common Pleas.

Mr. Longer, originally from Philadelphia, Pennsylvania, completed his undergraduate work at Carnegie Mellon University. He then attended the University Pittsburgh School of Law and was a Notes and Comments Editor for the University of Pittsburgh Law Review. Mr. Longer practiced for 3 years in Allegheny County with the law firm of Berger, Kapatán, Malakoff & Myers on complex litigation and civil rights matters, including *Kelly v. County of Allegheny*, No. 6D 84-17962 (C.P. Allegheny County, PA). Thereafter, Mr. Longer joined the firm and is now a member in the firm.

Mr. Longer is a frequent lecturer and has presented numerous seminars on various legal topics for professional groups. Some of Mr. Longer's speaking engagements include: *Plaintiff Only Consumer Warranty Class Action Litigation Seminar*, American Association for Justice Education and the National Association of Consumer Advocate (June 3-4, 2014); "*No Injury*" and "*Overbroad*" *Class Actions After Comcast, Glazer and Butler: Implications for Certification-Navigating Complex Issues of Overbreadth and Damages in Consumer Product Cases*, Strafford Webinar (April 1, 2014); *Service of Process in China*, ABA Annual Conference (April 18-20,

2012); Chinese Drywall Litigation Conference, Harris Martin (October 20-21, 2011); *Current Issues in Multi-district Litigation Practice*, Harris Martin (September 26, 2011); *FDA Preemption: Is this the end?*, Mass Torts Made Perfect (May 2008). He has authored several articles including, *The Federal Judiciary's Super Magnet*, TRIAL (July 2009). He also contributed to Herbert J. Stern & Stephen A. Saltzburg, TRYING CASES TO WIN: ANATOMY OF A TRIAL (Aspen 1999).

Mr. Longer is a member of the American Bar Association, American Association for Justice, Pennsylvania and Philadelphia Association for Justice, the Pennsylvania Bar Association and the Philadelphia Bar Association. He is an active member of the Historical Society for the Eastern District of Pennsylvania. He is admitted to practice before the Supreme Court of Pennsylvania and the Supreme Court of New Jersey, the United States Supreme Court; the United States Courts of Appeals for the Second, Third, Fourth, Fifth, Seventh and Ninth Circuits, and the United States District Courts for the Western and Eastern Districts of Pennsylvania, United States District Court Northern District of New York; United States District Court for the Western District of New York; United States District Court of New Jersey; United States District Court for District of Arizona; and the United States District Court District of Nebraska.

Mr. Longer has received Martindale-Hubbell's highest rating (AV) as a pre-eminent lawyer for his legal ability and ethical standards. He has also been recognized by his peers as a Super Lawyer since 2008.

CHARLES E. SCHAFFER*Member*

CHARLES E. SCHAFFER, a member of the firm, born in Philadelphia, Pennsylvania, is a graduate of Villanova University, (B.S., *Magna Cum Laude*, 1989) and Widener University School of Law (J.D. 1995) and Temple University School of Law (LL.M. in Trial Advocacy, 1998). Mr. Schaffer served as a Corporal in the United States Marine Corps (USMC). He is admitted to practice before the Supreme Court of Pennsylvania, the Supreme Court of New Jersey, the United States District Court for the Eastern District of Pennsylvania; Western District of Pennsylvania; Middle District of Pennsylvania; Northern District of Illinois; Central District of Illinois; Northern District of New York; District of Colorado; Third Circuit Court of Appeals; and the Sixth Circuit Court of Appeals. He is also a member of the American Bar Association, Association of Trial Attorneys of America, Pennsylvania Association for Justice, Philadelphia Trial Lawyers Association, and the National Trial Lawyers Association.

With over 20 years of experience Mr. Schaffer is a nationally-recognized leader in complex litigation, having been appointed as Lead or Co-Lead counsel or as a PSC member on a regular basis by federal courts across the country. He is widely recognized for his ability to lead very complex litigation and his expertise in dealing with discovery, experts, damage models, and national and multi-state classes.

Mr. Schaffer's appointments in MDL litigation include *inter alia*: *In re: Apple Inc. Device Performance Litigation*, MDL 2827 (N.D.Ca.) (Plaintiffs' Executive Committee); *In re: Wells Fargo Insurance Marketing Sales Practices Litigation*, MDL No. 2797 (C.D.Ca.) (Plaintiffs' Executive Committee); *In re: JP Morgan Modification Litigation* MDL No.: 2290 (D.C. Mass.) (Plaintiffs' Co-lead Counsel); *In re: IKO Roofing Products Liability Litigation*, MDL No.: 2104 (C.D. Ill.) (Plaintiffs' Co-lead Counsel); *In re: HardiePlank Fiber Cement Siding Litigation*, MDL No.: 2359 (D.C. Minn.) (Plaintiffs' Executive Committee); *In re: Navistar Diesel Engine Products Liability Litigation*, MDL No. 2223 (N.D. Ill.) (Plaintiffs' Executive Committee); *In re: Azek Decking Sales Practice Litigation*, Civil Action No.: 12-6627 (D. NJ) (Plaintiffs' Executive Committee); *In re: Pella Corporation Architect and Designer Series Windows Marketing Sales Practices and Product Liability Litigation*, MDL No.: 2514 (D.C. SC) (Plaintiffs' Executive Committee); *In re: Navistar Diesel Engine Products Liability Litigation*, MDL No.: 2223 (N.D. Ill.) (Plaintiffs' Steering Committee); *In re: CitiMortgage, Inc. Home Affordable Modification Program ("HAMP")*, MDL No.: 2274 (C.D. Ca.) (Plaintiffs' Executive Committee); *In re: Carrier IQ Consumer Privacy Litigation*, MDL No.: 2330 (N.D. Ca.) (Plaintiffs' Executive Committee); *In re: Dial Complete Marketing and Sales Practices Litigation*, MDL No.: 2263 (D. NH) (Plaintiffs' Executive Committee); *In re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Litigation*, MDL NO.: 2382 (E.D. Miss.) (Plaintiffs' Executive Committee); *In re: Colgate-Palmolive Soft Soap Antibacterial Hand Soap Marketing and Sales Practice Litigation*, (D. NH) (Plaintiffs' Executive Committee).

Mr. Schaffer has also served in leadership positions in class actions which were not consolidated in an MDL. *E.g.* *Pollard v. Remington Arms Company*, Case No. 4:13-cv-00086-ODS (W.D. Mo.) (Co-lead counsel); *Davis v. SOH Distribution Company, Inc.*, Case No. 09-CV-237 (M.D. Pa.) (Plaintiffs' Co-Lead Counsel); *Gwaizdowski v. County of Chester*, Civil Action No. 08CV-4463 (E.D. Pa. 2012); *Meneghin, v. The Exxon Mobile Corporation, et al.*, Civil Action No. OCN-002697-07 (Superior Court, Ocean County, NJ 2012) (Plaintiffs' Co-lead Counsel); *Johnson, et al. v. Walsh, et al.*, PCCP April Term, 2008, No. 2012 (CC0P Phila) (Plaintiffs' Co-lead counsel); *Gulbankian et. al. v. MW Manufacturers, Inc.*, Case No. 1:10-cv-10392-RWZ (D.C. Mass.) (Plaintiffs' Discovery and Settlement Committees); *Eliason, et al. v. Gentek Building Products, Inc., et al.*, Case No. 1:10-cv-2093 (N.D. Ohio) (Plaintiffs' Executive Committee); *Smith, et al. v. Volkswagen Group of America, Inc.*, Case No. 3:13-cv-00370-SMY-PMF (S.D. Ill.) (Plaintiffs' Discovery and Settlement Committees); *Melillo, et al. v. Building Products of Canada Corp.*, Civil Action No. 1:12-CV-00016-JGM (D. Vt. Dec. 2012); *Vought, et al., v. Bank of America, et al.*, Civil Action No. 10-CV-2052 (C.D. Ill. 2013) (Plaintiffs' Discovery and Settlement Committees); *United Desert Charities, et al. v. Sloan Valve, et al.*, Case No. 12-cv-06878 (C.D. Ca.) (Plaintiffs' Executive Committee); *Kowa, et. el. v. The Auto Club Group AKA AAA Chicago*, Case No. 1:11-cv-07476 (N.D. Ill.); *Weller v. HSBC Mortgage Services, Inc.*, No. 13-cv-00185 (C.D. Col.); *Gilmour v. HSBC Bank, N.A.*, No. 13-cv-05896 (S.D. NY); *Smith v. SunTrust Mortgage, Inc.*, No. SACH3-739-AG (C.D. Ca); *George v. Uponor, Inc.*, Civil No. 12-249 ADM/JJK (D. Minn.); *Yarbrough v. Martin's Famous Pastry Shoppe, Inc.*, Civil No. 11-cv-02144-JEJ (M.D. Pa.) (Plaintiffs' Co-Lead Counsel); *Minor v. Congoleum Corporation*, Civil Action No.: 3:13-cv-07727-JAP-LHG (D.C. NJ) (Plaintiffs' Co-Lead Counsel); and *In re: MF Global Holdings, Ltd. Investment Litigation*, Case No. 12-MD-2338 (D.D.NY); (Plaintiffs' Executive Committee).

In addition, Mr. Schaffer has served as member of litigation teams where Levin Sedran & Berman was appointed to leadership positions in, *inter alia*. *In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D.La.); *In re: Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La.); *In re: Orthopedic Bone Screw Products Liability Litigation*, MDL No. 1014 (E.D. Pa.); and *In re: Diet Drug Litigation*, MDL No. 1203 (E.D. Pa.).

Currently, Mr. Schaffer is serving as lead counsel in *In re: IKO Roofing Products Liability Litigation*, MDL 2104 (C.D. Ill.); a member of Plaintiffs' Steering Committee in *In re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation*, MDL 2838 (D.C. Or.), a member of Plaintiffs' Executive Committee in: *In re: Apple Inc. Device Performance Litigation*, MDL 2827 (N.D.Ca.); a member of Plaintiffs' Steering Committee in *In re Wells Fargo Insurance Marketing Sales Practice Litigation*, MDL. No. 2797 (C.D. Ca.); a member of Plaintiffs' Steering Committee in *Herrera, et el. v. Wells Fargo*, Civil No. 8:18-cv-00332 (C.D. Ca.); a member of the Plaintiffs' Executive Committee *In re: Dial Complete Marketing and Sales Practices Litigation*, MDL 2263 (D.N.H.); a member of Plaintiffs' Executive Committee in *In re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Litigation*, MDL 2382 (E.D. Mo.); a member of the Plaintiffs' Executive Committee in *Gold v. Lumber Liquidators, Inc.*, No. 3:14-cv-05373-TEH (N.D. Ca.) and is actively participating in a number of other class actions and mass tort actions across the United States in leadership positions.

Mr. Schaffer regularly prosecutes multi-state consumer class actions involving technically complex issues and has one of the best track records in the country when it comes to developing practical damages methodologies, obtaining prompt relief for consumers victimized by defective products and unfair or deceptive practices, as well as working cooperatively with others. Through smart, efficient, strategy and tailored creative problem-solving Mr. Schaffer and Levin Sedran & Berman have recovered billions of dollars for victims of defective products, environmental disasters and unfair or deceptive practices.

In this regard, Mr. Schaffer and his firm served as liaison counsel in *In re: CertainTeed Corporation Roofing Shingle Product Liability Litigation*, MDL No.: 1817 (E.D. Pa.). That case involved claims on behalf of \$1.8 million homeowners who unknowingly purchased roofing shingles that were defectively designed and manufactured thereby causing premature and unreasonable deterioration, cracking, blistering, crumbling and leaking. Mr. Schaffer was instrumental in bringing about a settlement which was approved by the court and valued at between \$687 to \$815 million dollars. In addition, Mr. Schaffer served as Plaintiffs' Discovery and Settlement Committees in *In re: CertainTeed Siding Litigation*, MDL No.: 2270 (E.D. Pa. 2014). That case involved claims on behalf of tens of thousands of homeowners who unknowingly purchased fiber cement siding that was defectively designed, manufactured thereby causing premature and unreasonable deterioration, cracking and water protrusion. Mr. Schaffer was instrumental in bringing about a common fund settlement in the amount of \$103.9 million dollars which was approved by the court.

Mr. Schaffer also served as lead counsel in *In re: JP Morgan Modification Litigation*, MDL No.: 2290 (D.C. Mass.). This MDL involved a class action filed across the United States all of which arose out of JP Morgan Chase's implementation of the Home Affordable Modification Program, one of the main programs designed to assist struggling homeowners in the economic downturn. In exchange for receiving billions of dollars in funds, JP Morgan Chase and many other big banks agreed to offer homeowners loan modifications pursuant to the Federal Guidelines. Numerous individuals sued JP Morgan Chase and certain other related companies claiming that Chase failed to offer them a timely and proper permanent mortgage modification after they completed trial period plans under HAMP or Chase's home own equivalent programs. Mr. Schaffer was instrumental in every phase of the litigation including settlement which culminated in a nationwide settlement under a consolidated litigation which provided a broad range of benefits to tens of thousands of homeowners. The overall value of the settlement to class members which was determined to be \$506 million dollars by a former treasury department official who worked on the initial management of the Government's program.

More recently, Mr. Schaffer served as lead counsel in *Pollard v. Remington Pollard v. Remington Arms Company*, Case No. 4:13-cv-00086-ODS (W.D. Mo.). That case involved claims on behalf of over one million consumers who purchased firearms equipped with a defective fire control mechanism which would allow the firearm to discharge without pulling the trigger and placing the user of the firearm as well as bystanders at a grave risk of injury and even death. Mr. Schaffer was instrumental in negotiating a nation-wide class action settlement which was approved by the district court and affirmed by the Eight Circuit Court of Appeals. The settlement allowed owners of the firearms with the defective triggers to have their trigger mechanisms retrofitted with

a non-defective trigger. The district court valued the settlement to be at least \$97,000,000. This settlement not only allowed the firearm owners to get the benefit of their bargain by having their guns repaired, but, it also resulted in dangerous firearms being fixed and thereby preventing accidental discharges which could injure or kill the user and/or innocent bystander.

Mr. Schaffer and Levin Sedran & Berman has also handled technically and technologically complex issues representing victims harmed by drugs, defective products, unfair trade practices, data breaches, privacy security breaches and other complex cases involving computers, phones, devices and source code. *See e.g., In re: Diet Drug Product Liability Litigation*, MDL No.: 1203 (E.D. Pa.); *In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No.: 2047 (E.D. La.); *In re: The Vioxx Product Liability Litigation*, MDL No.: 1657 (E.D. La.); *In re: CertainTeed Corporation Roofing Shingles Product Liability Litigation*, MDL No.: 1817 (E.D. Pa.), *In re: CertainTeed Fiber Cement Siding Litigation*, MDL No: 2270 (E.D. Pa.), *Pollard v. Remington Arms Company*, Case No. 4:13-CV-00086-ODS (W.D. Mo.), *In re: Carrier IQ, Inc., Consumer Privacy Litigation, C.A.*, No. 12-md-1330-EMC (N.D. Ca.); *Bryd v. Arron's Inc., C.A. No. 11-101* (W.D. Pa.); *In re: Apple Inc. Device Performance Litigation*, MDL 2827 (N.D. Ca.) and *In re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation*, MDL 2828 (D. Or.).

Levin Sedran& Berman is Lead Counsel in *In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D. La.). Against tremendous odds and at great effort and expense, Levin Sedran along with Liaison Counsel and members of the Plaintiffs' Steering Committee, dedicated themselves for over ten years to prosecuting claims on behalf of class(es) of thousands of homeowners who had defective Chinese Drywall installed in their homes. Levin Sedran's leadership in developing innovative pleadings involving "Omni Complaints", strategic discovery, and rapid bellwether trials led to a series of inter-related settlements involving various suppliers, builders, installers, insurers, and manufacturers of Chinese Drywall valued at more than \$1 Billion. Mr. Schaffer worked in conjunction with the Plaintiffs' Expert Committee to develop experts to provide the requisite foundation for their defect, causation and damages opinions. This evidence was instrumental in bringing about plaintiff verdicts in the "bellwether" trial (*Hernandez v. Knauf*, 2010 WL 1710434 (E.D. La. April 27, 2010)) which contributed to the foundation for the inter-related settlements described above. In addition, Mr. Schaffer oversaw the inspection of plaintiffs' homes in Virginia by the defendants' experts and worked with plaintiffs' experts to challenge defendants' experts' opinion that Chinese Drywall could be detected with the use of an XRF handheld measuring device. As a result, plaintiffs filed a Daubert motion and were able to preclude defendant's experts from offering such an opinion. Though the inter-related settlements described above culminated with Knauf, a German company with Chinese manufacturing subsidiaries, the remaining Chinese manufacturing defendants continue to dispute personal jurisdiction and raise other defenses to liability and damages. However, Levin Sedran, continues to spearhead the prosecution of plaintiffs' claims by overseeing the litigation as plaintiffs begin to prepare to try the individual cases which were remanded back to their home districts. These tireless efforts reflect the dedication Levin Sedran & Berman attorneys, like Mr. Schaffer apply to every case.

In addition to representing consumers, Mr. Schaffer has also represented victims of

pollution, contamination and other toxic exposures. *Meneghin, v. The Exxon Mobile Corporation, et al.*, Civil Action No. OCN-002697-07 (Superior Court, Ocean County, NJ 2012) (Plaintiffs' Co-lead Counsel); *Johnson, et al. v. Walsh, et al*, PCCP April Term, 2008, No. 2012 (CCP Phila) (Plaintiffs' Co-lead counsel). As lead counsel in *Meneghin v. Exxon Mobil Corporation, et. al.*, Superior Court of New Jersey, Civil Action No. OCN-002697-07., Mr. Schaffer successfully opposed Exxon Mobil's *Daubert* challenges to Plaintiffs' liability and damage experts and obtained certification of a class of property owners whose properties were contaminated with constituents from gasoline (benzene). The contamination was a result of a discharge of gasoline from underground storage tanks which led to ground water contamination and contamination of the properties. Thereafter, Mr. Schaffer negotiated a multi-million-dollar class action settlement on behalf of all property owners in the vicinity of the Exxon Mobil gas station. This was the first class-action settlement for property contamination entered into by Exxon Mobil.

These cases are just a few examples of the complex class-action cases that Mr. Schaffer along with Levin Sedran & Berman led to a successful outcome.

Along with his class action and mass tort experience, Mr. Schaffer has a LLM in Trial Advocacy and has extensive experience prosecuting complex individual actions on behalf of injured individuals in products liability, medical negligence and drug and medical device actions. He has served as Lead Counsel in these matters and successfully tried cases to jury verdicts.

In recognition of his accomplishments, Mr. Schaffer has achieved and maintained an AV Martindale-Hubbell rating and is recognized by his peers as a Super Lawyer. Mr. Schaffer speaks nationally on a multitude of topics relating to class actions and complex litigation.

MICHAEL M. WEINKOWITZ

Member



MICHAEL M. WEINKOWITZ has substantial professional experience in complex pharmaceutical and medical device litigation and has served as Court-appointed Executive, Steering or major committee member in pharmaceutical cases, including, by way of example, the following recent cases: In re: Xarelto (Phila. C.C.P. No. 2349) (Co-Lead); In re: Xarelto Prod. Liab. Litig., MDL 2592 (E.D. LA)(Federal State Liaison); In re: Yaz, Yasmin, Ocella Prod. Liab. Litig. (Phila. C.C.P. No. 1307) (Co-Lead and Member of Negotiating Plaintiffs Committee); In re: Fresenius Granuflo/Naturalyte Dialysate Prod.. Liab. Litig. MDL 2428 (D.MA)(Discovery Co-Chair); In re: Pradaxa Prod. Liab. Litig., MDL 2385 (S.D.IL)(Plaintiff Steering Committee member). He has served on various Discovery and Science Committees including in In re: Vioxx Product Liability Litigation, MDL No. 1657 (E.D. LA). He worked as a member of the subcommittee responsible for crafting the Vioxx trial package and assisted in the negotiations, and crafting of the Settlement Agreement that led to the 4.85 Billion dollar settlement with Merck. He served as a member of a joint defense and plaintiff review committee for the Vioxx Settlement Program.

He has represented those injured by various drugs and medical devices including Talcum Powder, Xarelto, Pradaxa, Tylenol, Yaz/Yasmin, Hip Implants, Diethylstilbestrol (DES), Ortho Evra Birth Control Patch, Vioxx/Bextra/Celebrex, Fosamax, Digitek, Actos, and Cough Cold and Diet Medications containing Phenylpropanolamine (PPA).

He is a frequent seminar instructor and lecturer in the area of mass torts. He was selected Pennsylvania Rising Star – Super Lawyers, in 2005 and in 2009-2017 as a Pennsylvania Super-Lawyer. He is Advisory Board member, LexisNexis Practice Guide(s): Pennsylvania Civil Pre-Trial Practice, and Pennsylvania Civil Trial Practice, 2017 Editions.

Michael was born in Wilmington, Delaware. He graduated from West Virginia University (B.A., magna cum laude, 1991) and Temple University, School of Law (J.D., cum laude, 1995).

Michael is licensed to practice in Pennsylvania, New Jersey and New York. He is admitted to the United States District Courts, Eastern District of Pennsylvania, the District of New Jersey, the Eastern and Southern Districts of New York and United States Court of Appeals for the Third Circuit.

DANIEL C. LEVIN

Member



DANIEL C. LEVIN is a Philadelphia native who practices in the areas of Medical Malpractice, Personal Injury, Class Actions, Products Liability, Environmental Liability and Mass Torts.

Mr. Levin was admitted to the bar in 1997 and is admitted to practice in the state courts of Pennsylvania, the U.S. District Court for the Eastern District of Pennsylvania and the U.S. Court of Appeals for the Third Circuit. A graduate of the University of Pittsburgh, he received his J.D. from Oklahoma City University in 1997 where he was a member of Phi Delta Phi.

He is a member of the Philadelphia, Pennsylvania and American Bar Associations, the Association of Trial Lawyers of America, the Pennsylvania Trial Lawyers Association and a member and board of director for the Philadelphia Trial Lawyers Association.

AUSTIN B. COHEN

Member



AUSTIN B. COHEN, a native of West Islip, New York, received a BA in Economics and History from the University of Pennsylvania in 1990. He received a JD, cum laude, from the University of Pittsburgh School of Law in 1996. During law school, he interned for the Honorable Lowell Reed (E.D. Pa.) June – August, 1995. He also served as an Executive Editor and Associate Editor for the University of Pittsburgh Journal of Law and Commerce and was a finalist in the Murray S. Love Trial Moot Court Competition.

On April 12, 2019, Mr. Cohen was appointed Co-Lead Counsel in *Sutton v. Hoffman La Roche, Inc.*, ES-L-008724-14 (N.J. Super.), representing a class of home owners adjacent to Roche’s former New Jersey manufacturing facilities in an environmental claim seeking to recover diminished property values as a result of pollution emanating from Roche’s property.

Mr. Cohen’s work has focused on all aspects of class litigation. Cases he has worked on include:

- *In re: Air Cargo Shipping Services Antitrust Litigation*, MDL 1775 (E.D.N.Y.) (representing class of shippers alleging international air cargo carriers conspired to fix prices and surcharges. Levin Sedran & Berman served as Co-Lead Counsel. Settlements exceeded \$1.25 billion);
- *In re: Electrical Carbon Products Antitrust Litigation*, MDL (D.N.J.) (representing class of purchasers alleging electrical carbon products manufacturers agreed to horizontal price fixing and customer allocation. Levin Sedran & Berman served as Co-Lead Counsel);
- *In re: Graphite Electrodes Litigation*, MDL No. 1244 (E.D. Pa.) (representing class of purchasers alleging manufacturers of graphite components used for steel manufacturing agreed to horizontal price fixing. Levin Sedran & Berman served as Co-Lead Counsel. Settlements totaled \$133.5 million, representing 100% of actual damages);
- *In re: Potash Antitrust Litigation*, MDL 1996 (N.D. Ill. And 7th Cir.) (representing class of potash customers alleging horizontal conspiracy among mining companies to fix prices and restrict output. Levin Sedran & Berman worked with lead counsel and focused on obtaining jurisdiction over foreign entities and interpretation of the Foreign Trade Antitrust Improvement Act);

- *In re: Target Corporation Customer Data Security Breach Litigation*, MDL 2522 (D. Minn.) (representing class of financial institutions seeking to recover costs due to Target Corporation’s failure to implement proper data security protocols. Levin Sedran & Berman worked with lead counsel and focused on establishing proper standard of care and calculation of appropriate damages).

Mr. Cohen has written published articles regarding the admissibility of subsequent remedial modifications in products liability litigation (68 Pa. B.A.Q. 93), the enforceability of litigation confidentiality agreements (71 Pa. B.A.Q. 93), and federal tax issues related to the tax-exempt financing of University sponsored research facilities (23 *The Exempt Organization Tax Review* 445).

Mr. Cohen has been rated as a Pennsylvania antitrust “SuperLawyer” and is AV Peer Review rated by Martindale Hubble.

Mr. Cohen is admitted to practice in the Commonwealth of Pennsylvania and the State of New Jersey, as well as the U.S. District Courts for the Eastern and Western Districts of Pennsylvania.

SANDRA L. DUGGAN

Of Counsel



SANDRA L. DUGGAN is a native of St. Louis and she graduated from Washington University with Phi Beta Kappa. Having earned a J.D. degree from Columbia University School of Law, Ms. Duggan was admitted to the bar in 1986. Since moving to Philadelphia in 1989, Ms. Duggan has focused her practice on class action litigation.

She has served as a member of the Plaintiffs' Executive Committee in the national asbestos property damage class action, *Prince George Center, Inc. v. U.S. Gypsum, et al.* (C.C.P. Phila.), and she is counsel for class plaintiffs in the Title IX discrimination suit, *Cohen v. Brown University, et al.*, (D.R.I.). Ms. Duggan has worked on *In re: School Asbestos Litig.*, (E.D. Pa.); Asbestos Claimants Committees in Celotex and National Gypsum Chapter 11 bankruptcies; *In re: Orthopedic Bone Screw Prods. Liab. Litig.*, MDL 1014 (E.D. Pa.); *Diet Drugs Litigation*, MDL 1203 (E.D. Pa.); *In re: EXXON VALDEZ*; *In re: Chinese-Manufactured Drywall Prods. Liab. Litig.*, MDL 2047 (E.D. La.); *In re: VIOXX Prods. Liab. Litig.*, MDL 1657 (E.D. La.), and other securities fraud, shareholder and property damage class actions in federal and state courts.

Ms. Duggan served as a class action expert in *In re "Non-Filing" Insurance Fee Litig.*, MDL 1130 (M.D. Ala.). She was a contributing author and editor of the Third Edition of Herbert Newberg, *Newberg On Class Actions*, (3d ed. 1992) and she earned a Public Justice Achievement Award in July, 1999 from Public Justice for her work on the Brown University Title IX Litigation.

Ms. Duggan is admitted to practice in the Commonwealth of Pennsylvania, the U.S. District Courts for the Eastern District of Pennsylvania and the Southern and Eastern Districts of New York, the U.S. Court of Appeals for the Third Circuit, and the United States Supreme Court.

Ms. Duggan is fluent in Spanish.

Keith J. Verrier

Associate



KEITH J. VERRIER concentrates his practice on complex class action litigation with a focus on antitrust, consumer fraud, environmental contamination and data security breach cases. His clients include large and small businesses as well as individuals seeking compensation for price-fixing, monopolization, and other wrongdoing. He has experience in all aspects of litigation, and has assisted in obtaining significant recoveries in courts throughout the United States. For his work, Mr. Verrier was named a “Rising Star” in 2008 and 2010 and recognized by Super Lawyers as a top attorney in antitrust in 2015, 2016 and 2017.

Mr. Verrier graduated *magna cum laude* from Temple University School of Law where he was a member of the Law Review. Following law school, he served as a judicial clerk for the Honorable Herbert J. Hutton on the United States District Court for the Eastern District of Pennsylvania. Earlier in his career, Mr. Verrier practiced at a large national law firm where he represented clients in a variety of complex commercial litigation matters and at a nationally-recognized boutique law firm specializing in antitrust class actions.

Throughout his career, Mr. Verrier has been involved in a wide range of diverse and complex litigation. The following are representative of the types of matters in which he has been involved:

- *In re: Air Cargo Shipping Services Antitrust Litigation* – Represented a class of shippers alleging international air cargo carriers conspired to fix prices and surcharges. Levin Sedran & Berman served as Co-Lead Counsel. (Over \$1.25 billion in settlements).
- *In re: Target Corporation Customer Data Security Breach Litigation* – Represented a class of financial institutions seeking to recover costs due to Target Corporation’s failure to implement proper data security protocols. Levin Sedran & Berman worked with lead counsel and focused on establishing proper standard of care and calculation of appropriate damages. (\$39 million settlement).
- *In re: Automotive Parts Antitrust Litigation* – Representing a class of car purchasers seeking damages arising from alleged price-fixing conspiracies as to various automotive parts that are components of new motor vehicles. Levin Sedran & Berman is working with co-lead counsel on briefing and discovery matters. (Over \$200 million in settlements to date).
- *In re: Mushroom Direct Purchaser Antitrust Litigation* – Defended a cooperative of mushroom growers against allegations of, inter alia, price fixing, supply control and monopolization brought under Sections 1 and 2 of the Sherman Act.

- *Johnson Matthey, Inc. v. Research Corp.* – Represented one of the world’s largest fabricators and distributors of platinum group metals involving complex pharmaceutical development and licensing issues.
- *Chester County Hospital v. Independence Blue Cross, et al.* – Represented a community hospital in an antitrust matter involving the largest health maintenance organization (HMO) in the country.

Mr. Verrier is admitted to practice in the Commonwealth of Pennsylvania and the State of New Jersey, as well as in the U.S. District Courts for the Eastern District of Pennsylvania and the District of New Jersey, and in the United States Court of Appeals for the Third Circuit.

NICOLA F. SERIANNI

Associate



NICOLA F. SERIANNI is a graduate of The Johns Hopkins University (B.A. International Relations, 2000) and Widener University School of Law (J.D., 2006). While in law school, Ms. Serianni served as an intern for Pennsylvania Superior Court Judge Susan Peikes Gantman, and upon graduation continued to work in the Superior Court of Pennsylvania for Judges Richard B. Klein (Ret.) and Anne E. Lazarus.

Ms. Serianni is admitted to practice in the Commonwealth of Pennsylvania and the State of New Jersey as well as in the United States District Court for the Eastern District of Pennsylvania. Ms. Serianni works extensively on products liability and class action litigation cases.

DAVID C. MAGAGNA, JR.

Associate



DAVID C. MAGAGNA JR. graduated from Villanova School of Law in 2016. During law school, Mr. Magagna interned at the United States Attorney's Office and with two national law firms in the Philadelphia area. After graduation from law school, he clerked for Pennsylvania Supreme Court Justice Sallie Updyke Mundy. After his clerkship, he again worked with a national law firm before joining Levin Sedran & Berman as an associate.

Mr. Magagna is admitted to practice in the Commonwealth of Pennsylvania and the State of New Jersey.

Honors:

- President of Delta Kappa Epsilon
- Vice-President of the Inter-Fraternal Council
- President of the Corporate Law Society

Published article:

- David C. Magagna, *Congress, Give Renewable Energy A Fair Fight: Passage of the Master Limited Partnerships Parity Act Would Give Renewable Energy the Financial Footing Needed to Independently Succeed*, 27 Vill. Envtl. L.J. 149 (2016).

NICHOLAS J. ELIA

Associate

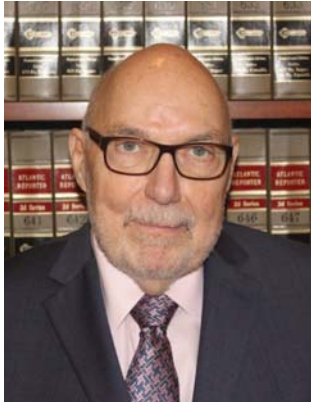


NICHOLAS J. ELIA graduated from The Pennsylvania State University (B.S. Finance and Economics, 2014) and Temple University James E. Beasley School of Law (J.D., 2018). In law school, Nicholas was a member of the Temple International and Comparative Law Journal, he focused his coursework on complex civil litigation and antitrust law, and he interned with the Securities and Exchange Commission and the American Antitrust Institute.

Mr. Elia is admitted to practice in the Commonwealth of Pennsylvania.

RAYMOND P. FORCENO

Of Counsel



RAYMOND P. FORCENO has had a long and distinguished career practicing railroad law, representing railroad workers in litigation against their employing railroads for on the job injuries and diseases pursuant to the Federal Employers Liability Act (FELA). Mr. Forceno has extensive experience trying cases before juries and has recovered a substantial amount of money for his clients during his career.

Mr. Forceno is admitted to practice in the Commonwealth of Pennsylvania, as well as the U.S. District Courts for the Eastern, Middle, and Western Districts of Pennsylvania.

SUCCESSFULLY LITIGATED CLASS CASES

Examples of the firm successfully litigated class action cases include the following: *James J. and Linda J. Holmes, et al. v. Penn Security Bank and Trust Co., et al.*, U.S.D.C., Middle District of Pennsylvania Civil Action No. 80-0747; *In re: Glassine & Greaseproof Antitrust Litigation*, MDL 475, U.S.D.C., Eastern District of Pennsylvania; *In re: First Pennsylvania Securities Litigation*, Master File No. 80-1643, U.S.D.C., Eastern District of Pennsylvania; *In re: Caesars World Shareholder Litigation*, Master File No. MDL 496 (J.P. MDL); *In re: Standard Screws Antitrust Litigation*, Master File No. MDL 443, U.S.D.C., Eastern District of Pennsylvania; *In re: Electric Weld Steel Tubing Antitrust Litigation - II*, Master File No. 83-0163, U.S.D.C., Eastern District of Pennsylvania; *Leroy G. Meshel, et al. v. Nutri-Systems, Inc., et al.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 83-1440; *In re: Corrugated Container Antitrust Litigation*, U.S.D.C., Southern District of Texas, Houston Division, MDL 310; *In re: Three Mile Island Litigation*, U.S.D.C., Middle District of Pennsylvania, Civil Action No. 79-0432; *Township of Susquehanna, et al. v. GPU, et al.*, U.S.D.C., Middle District of Pennsylvania, Civil Action No. 81-0437 (a Three Mile Island case); *Donald A. Stibitz, et al. v. General Public Utilities Corporation, et al.*, No. 654 S 1985 (C.P. Dauphin County, Pa.) (a Three Mile Island case); *Raymond F. Wehner, et al. v. Syntex Corporation and Syntex (U.S.A.) Inc.*, No. C-85-20383(SW) (N.D. Cal.) (first Superfund Class Action ever certified); *In re: Dun & Bradstreet Credit Services Customer Litigation*, U.S.D.C., Southern District of Ohio, Civil Action Nos. C-1-89-026, 89-051, 89-2245, 89-3994, 89-408; *Malcolm Weiss v. York Hospital, et al.*, U.S.D.C., Middle District of Pennsylvania, Civil Action No. 80-0134; *In re: Ramada Inns Securities Litigation*, U.S.D.C., District of Delaware, Master File No. 81-456; *In re: Playboy Securities Litigation*, Court of Chancery, State of Delaware, New Castle County, Civil Action No. 6806 and 6872; *In re: Oak Industries Securities Litigation*, U.S.D.C., Southern District of California, Master File No. 83-0537-G(M); *Dixie Brewing Co., Inc., et al. v. John Barth, et al.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 84-4112; *In re: Warner Communications Securities Litigation*, U.S.D.C., Southern District of New York, Civil Action No. 82-CV-8288; *In re: Baldwin United Corporation Litigation*, U.S.D.C., Southern District of New York, MDL No. 581; *Zucker Associates, Inc., et al. v. William C. Tallman, et al. and Public Service Company of New Hampshire*, U.S.D.C., District of New Hampshire, Civil Action No. C86-52-D; *In re: Shopping Carts Antitrust Litigation*, MDL 451, Southern District of New York; *Charal v. Andes, et al.*, C.A. No. 77-1725; *Hubner v. Andes, et al.*, C.A. No. 78-1610 U.S.D.C., Eastern District of Pennsylvania; *In re: PetroLewis Securities Litigation*, 84-C-326, U.S.D.C., District of Colorado; *Gentry v. C & D Oil Co.*, 102 F.R.D. 490 (W.D. Ark. 1984); *In re: Hops Antitrust Litigation*, C.A. No. 84-4112, U.S.D.C., Eastern District of Pennsylvania; *In re: North Atlantic Air Travel Antitrust Litigation*, No. 84-1013, U.S.D.C., District of Columbia; *Continental/Midlantic Securities Litigation*, No. 86-6872, U.S.D.C., Eastern District of Pennsylvania; *In re: Fiddler's Woods Bondholders Litigation*, Civil Action No. 83-2340 (E.D. Pa.) (Newcomer, J.); *Fisher Brothers v. Cambridge-Lee Industries, Inc., et al.*, Civil Action No. 82-4941, U.S.D.C., Eastern District of Pennsylvania; *Silver Diversified Ventures Limited Money Purchase Pension Plan v. Barrow, et al.*, C.A. No. B-86-1520-CA (E.D. Tex.) (*Gulf States Utilities Securities Litigation*); *In re: First Jersey Securities Litigation*, C.A. No. 85-6059 (E.D. Pa.); *In re: Crocker Shareholder Litigation*, Cons. C.A. No. 7405, Court of Chancery, State of Delaware, New Castle County; *Mario*

Zacharjasz, et al. v. The Lomas and Nettleton Co., Civil Action No. 87-4303, U.S.D.C., Eastern District of Pennsylvania; *In re: People Express Securities Litigation*, Civil Action No. 86-2497, U.S.D.C., District of New Jersey; *In re: Duquesne Light Shareholder Litigation*, Master File No. 86-1046 U.S.D.C., Western District of Pennsylvania (Ziegler, J.); *In re: Western Union Securities Litigation*, Master File No. 84-5092 (JFG), U.S.D.C., District of New Jersey; *In re: TSO Financial Litigation*, Civil Action No. 87-7903, U.S.D.C., Eastern District of Pennsylvania; *Kallus v. General Host*, Civil Action No. B-87-160, U.S.D.C., District of Connecticut; *Staub, et al. v. Outdoor World Corp.*, C.P. Lancaster County, No. 2872-1984; *Jaroslawicz, et al. v. Englehard Corp.*, U.S.D.C., District of New Jersey, Civil Action No. 84-3641F; *In re: Boardwalk Marketplace Securities Litigation*, U.S.D.C., District of Connecticut, MDL 712 (WWE); *In re: Goldome Securities Litigation*, U.S.D.C., Southern District of New York, Civil Action No. 88-Civ-4765; *In re: Ashland Oil Spill Litigation*, U.S.D.C., Western District of Pennsylvania, Master File No. M-14670; *Rosenfeld, et al. v. Collins & Aikman Corp.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 87-2529; *Gross, et al. v. The Hertz Corporation*, U.S.D.C., Eastern District of Pennsylvania, Master File, No. 88-661; *In re: Collision Near Chase, Maryland on January 4, 1987 Litigation*, U.S.D.C., District of Maryland, MDL 728; *In re: Texas International Securities Litigation*, U.S.D.C., Western District of Oklahoma, MDL No. 604, 84 Civ. 366-R; *In re: Chain Link Fence Antitrust Litigation*, U.S.D.C., District of Maryland, Master File No. CLF-1; *In re: Winchell's Donut House, L.P. Securities Litigation*, Court of Chancery of the State of Delaware, New Castle County, Consolidated Civil Action No. 9478; *Bruce D. Desfor, et al. v. National Housing Ministries, et al.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 84-1562; *Cumberland Farms, Inc., et al. v. Browning-Ferris Industries, Inc., et al.*, U.S.D.C., Eastern District of Pennsylvania, Master File No. 87-3717; *In re: SmithKline Beckman Corp. Securities Litigation*, U.S.D.C., Eastern District of Pennsylvania, Master File No. 88-7474; *In re: SmithKline Beecham Shareholders Litigation*, Court of Common Pleas, Phila. County, Master File No. 2303; *In re: First Fidelity Bancorporation Securities Litigation*, U.S.D.C., District of New Jersey, Civil Action No. 88-5297 (HLS); *In re: Qintex Securities Litigation*, U.S.D.C., Central District of California, Master File No. CV-89-6182; *In re: Sunrise Securities Litigation*, U.S.D.C., Eastern District of Pennsylvania, MDL 655; *David Stein, et al. v. James C. Marshall, et al.*, U.S.D.C., District of Arizona, No. Civ. 89-66 (PHX-CAM); *Residential Resources Securities Litigation*, Case No. 89-0066 (D. Ariz.); *In re: Home Shopping Network Securities Litigation -- Action I (Consolidated Actions)*, Case No. 87-428-CIV-T-13A (M.D. Fla.); *In re: Kay Jewelers Securities Litigation*, Civ. Action Nos. 90-1663-A through 90-1667A (E.D. Va.); *In re: Rohm & Haas Litigation*, Master File Civil Action No. 89-2724 (Coordinated) (E.D. Pa.); *In re: O'Brien Energy Securities Litigation*, Master File No. 89-8089 (E.D. Pa.); *In re: Richard J. Dennis & Co. Litigation*, Master File No. 88-Civ-8928 (MP) (S.D. N.Y.); *In re: Mack Trucks Securities Litigation*, Consolidated Master File No. 90-4467 (E.D. Pa.); *In re: Digital Sound Corp., Securities Litigation*, Master File No. 90-3533-MRP (BX) (C.D. Cal.); *In re: Philips N.V. Securities Litigation*, Master File No. 90-Civ.-3044 (RPP) (S.D.N.Y.); *In re: Frank B. Hall & Co., Inc. Securities Litigation*, Master File No. 86-Civ.-2698 (CLB) (S.D.N.Y.); *In re: Genentech, Inc. Securities Litigation*, Master File No. C-88-4038-DLJ (N.D. Cal.); *Richard Friedman, et al. v. Northville Industries Corp.*, Supreme Court of New York, Suffolk County, No. 88-2085; *Benjamin Fishbein, et al. v. Resorts International, Inc., et al.*, No. 89 Civ.6043(MGC) (S.D.N.Y.); *In re: Avon Products, Inc. Securities Litigation*, No. 89 Civ. 6216 (MEL) (S.D.N.Y.); *In re: Chase*

Manhattan Securities Litigation, Master File No. 90 Civ. 6092 (LJF) (S.D.N.Y.); *In re: FPL Group Consolidated Litigation*; Case No. 90-8461 Civ. Nesbitt (S.D. Fla.); *Daniel Hwang, et al v. Smith Corona Corp., et al*, Consolidated No. B89-450 (TFGD) (D. Ct.); *In re: Lomas Financial Corp. Securities Litigation*, C.A. No. CA-3-89-1962-G (N.D. Tex.); *In re: Tonka Corp. Securities Litigation*, Consolidated Civil Action No. 4-90-2 (D. Minnesota); *In re: Unisys Securities Litigation*, Master File No. 89-1179 (E.D. Pa.); *In re: Alcolac Inc. Litigation*, Master File No. CV490-261 (Cir. Ct. Saline Cty. Marshall, Missouri); *In re: Clozapine Antitrust Litigation*, Case No. MDL874 (N.D. Ill.); *In re: Jiffy Lube Securities Litigation*, C.A. No. JHY-89-1939 (D. Md.); *In re: Beverly Enterprises Securities Litigation*, Master File No. CV-88-01189 RSWL (Tex.) [Central District CA]; *In re: Kenbee Limited Partnerships Litigation*, CV-91-2174 (GEB) (D.N.J.); *Greentree v. Procter & Gamble Co.*, C.A. No. 6309, April Term 1991 (C.C.P. Phila. Cty.); *Moise Katz, et al v. Donald A. Pels, et al and Lin Broadcasting Corp.*, No. 90 Civ. 7787 (KTD) (S.D.N.Y.); *In re: Airlines Antitrust Litigation*, MDL No. 861 (N.D. GA.); *Fulton, Mehring & Hauser Co., Inc., et al. v. The Stanley Works, et al.*, No. 90-0987-C(5) (E.D. Mo.); *In re: Mortgage Realty Trust Securities Litigation*, Master File No. 90-1848 (E.D. Pa.); *Benjamin and Colby, et al. v. Bankeast Corp., et al.*, C.A. No. C-90-38-D (D.N.H.); *In re: Royce Laboratories, Inc. Securities Litigation*, Master File Case No. 920923-Civ-Moore (S.D. Fla.); *In re: United Telecommunications, Inc. Securities Litigation*, Case No. 90-2251-0 (D. Kan.); *In re: U.S. Bioscience Securities Litigation*, C.A. No. 92-678 (E.D. Pa.); *In re: Bolar Pharmaceutical Co., Inc. Securities Litigation*, C.A. No. 89 Civ. 17 (E.D. N.Y.); *In re: PNC Securities Litigation*, C.A. No. 90-592 (W.D. Pa.); *Raymond Snyder, et al. v. Oneok, Inc., et al.*, C.A. No. 88-C-1500-E (N.D. Okla.); *In re: Public Service Company of New Mexico*, Case No. 91-0536M (S.D. Cal.); *In re: First Republic Bank Securities Litigation*, C.A. No. CA3-88-0641-H (N.D. Tex, Dallas Division); and *In re: First Executive Corp. Securities Litigation*, Master File No. CV-89-7135 DT (C.D. Calif.).