

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(COLUMBIA DIVISION)**

*In re SCANA Corporation Securities  
Litigation*

Civil Action No. 3:17-CV-2616-MBS

**JOINT DECLARATION OF JOHN C. BROWNE AND JAMES W. JOHNSON IN  
SUPPORT OF (I) LEAD PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT AND PLAN OF ALLOCATION; AND (II) LEAD COUNSEL'S  
MOTION FOR AN AWARD OF ATTORNEYS' FEES AND  
PAYMENT OF LITIGATION EXPENSES**

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
TABLE OF EXHIBITS TO DECLARATION.....	iii
I. INTRODUCTION .....	1
II. PROSECUTION OF THE ACTION .....	6
A. Factual Background of the Claims.....	6
B. Filing of the Initial Complaint and Appointment of Lead Plaintiffs and Lead Counsel .....	8
C. Lead Counsel’s Investigation and the Consolidated Class Action Complaint.....	9
D. Continued Informal Discovery Following Filing of Complaint .....	11
E. Defendants’ Motions to Dismiss the Complaint.....	11
F. The Court Denies Defendants’ Motion to Dismiss.....	13
G. Discovery .....	15
1. Formal Document Discovery .....	17
2. Document Review.....	21
H. Lead Plaintiffs’ Motion for Class Certification and Class Certification Discovery .....	24
I. The Parties Agree to Settle the Action.....	25
III. RISKS OF CONTINUED LITIGATION.....	27
A. Lead Plaintiffs Faced Substantial Risks in Proving Defendants’ Liability.....	27
1. Falsity, Materiality, and Actionability .....	28
2. Scierter .....	30
3. Loss Causation .....	31
B. Risks of Prevailing at Class Certification .....	34
C. Risk of Appeal .....	34

D.	General Risks in Prosecuting Securities Actions on a Contingent Basis.....	35
IV.	LEAD PLAINTIFFS’ COMPLIANCE WITH THE COURT’S ORDERS REQUIRING ISSUANCE OF SETTLEMENT NOTICE .....	37
V.	ALLOCATION OF THE PROCEEDS OF THE SETTLEMENT.....	39
VI.	THE FEE AND EXPENSE APPLICATION .....	42
A.	The Fee Application.....	42
1.	Lead Plaintiffs Have Authorized and Support the Fee and Expense Application.....	43
2.	The Significant Time and Labor Devoted to the Action by Plaintiffs’ Counsel .....	43
3.	The Quality of Plaintiffs’ Counsel’s Representation .....	45
4.	Standing and Caliber of Defendants’ Counsel.....	46
5.	The Risks of Litigation and the Need to Ensure the Availability of Competent Counsel in High-Risk Contingent Cases .....	46
6.	The Reaction of the Settlement Class to the Fee Application .....	47
B.	The Litigation Expense Application .....	48
VII.	MISCELLANEOUS EXHIBITS .....	50
VIII.	CONCLUSION.....	51

**TABLE OF EXHIBITS TO DECLARATION**

<b>EXHIBIT</b>	<b>DOCUMENT</b>
1	Declaration of Harmen Nieuwenhuis on Behalf of Blue Sky, dated April 21, 2020
2	Declaration of Craig Slaughter on Behalf of West Virginia IMB, dated April 15, 2020
3	Declaration of Alexander P. Villanova Regarding: (A) Mailing of the Notice and Claim Form; (B) Publication of the Summary Notice; and (C) Report on Requests for Exclusion, dated April 21, 2020
4	Declaration of Layn R. Phillips, dated April 19, 2020
5	Declaration on Behalf of Bernstein Litowitz Berger & Grossmann LLP, dated April 22, 2020
6	Declaration on Behalf of Labaton Sucharow LLP, dated April 22, 2020
7	Declaration on Behalf of Motley Rice LLC, dated April 22, 2020
8	Summary Table of Lodestars and Expenses
9	Summary Table of Plaintiffs' Counsel's Expenses
10	Unreported Order

JAMES W. JOHNSON and JOHN C. BROWNE jointly declare as follows:

**I. INTRODUCTION**

1. John C. Browne is a partner in the law firm of Bernstein Litowitz Berger & Grossmann LLP (“BLB&G”) and James W. Johnson is a partner in the law firm of Labaton Sucharow LLP (“Labaton Sucharow”). BLB&G and Labaton are each Court-appointed Lead Counsel for Lead Plaintiffs West Virginia Investment Management Board (“West Virginia IMB”) and Stichting Blue Sky Global Equity Active Low Volatility Fund and Stichting Blue Sky Active Large Cap Equity USA Fund (“Blue Sky”) (collectively, “Lead Plaintiffs” or “Plaintiffs”) and the proposed Settlement Class in the above-captioned action (the “Action”).<sup>1</sup> We have personal knowledge of the matters set forth herein based on our active participation in the prosecution and settlement of the Action.

2. We respectfully submit this Joint Declaration in support of: (a) Lead Plaintiffs’ Motion for Final Approval of Class Action Settlement and Plan of Allocation (the “Final Approval Motion”); and (b) Lead Counsel’s Motion for an Award of Attorneys’ Fees and Payment of Litigation Expenses. In support of these motions, Lead Plaintiffs and Lead Counsel are also submitting the exhibits attached hereto, the Memorandum of Law in Support of Lead Plaintiffs’ Motion for Final Approval of Class Action Settlement and Plan of Allocation (the “Settlement Memorandum”) and the Memorandum of Law in Support of Lead Counsel’s Motion for Attorneys’ Fees and Litigation Expenses (the “Fee Memorandum”).

3. The proposed Settlement before the Court provides for the resolution of all claims in the Action in exchange for a payment of \$192,500,000—with \$160,000,000 paid in cash and

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<sup>1</sup> Unless otherwise defined herein, all capitalized terms have the meanings set forth in the Stipulation and Agreement of Settlement, dated December 20, 2019 (the “Stipulation”), previously filed with the Court. *See* ECF No. 214-2.

\$32,500,000 paid in freely-tradable Dominion Energy, Inc. (“Dominion Energy”)<sup>2</sup> common stock, or cash at the option of SCANA. As detailed herein, the Settlement represents a very favorable result and is in the best interests of the Settlement Class. This Settlement would be the largest securities class action recovery in the history of the District of South Carolina, the fifth largest securities class action recovery ever achieved in the Fourth Circuit, and among the top 100 securities class action recoveries nationwide.

4. Had litigation continued, Lead Plaintiffs would have faced significant risks in establishing Defendants’ liability and proving damages in the Action. Defendants would have vigorously opposed class certification, moved for summary judgment, and put forth substantial defenses to liability, including challenges to falsity, scienter, materiality, and loss causation.

5. While Lead Plaintiffs would advance strong counterarguments of their own, Lead Counsel recognize that there is a substantial risk that at class certification or summary judgment, Defendants could have been successful in eliminating a portion—or even *all*—of the Settlement Class’s potential recoverable damages. Even if Defendants’ motion for summary judgment was unsuccessful, Defendants would have continued to vehemently pursue this argument in *Daubert* motion practice, at trial, and through appeals.

6. Defendants would also have contested the alleged falsity of their statements and whether they were made with an intent to deceive investors and commit securities fraud. They would have argued on summary judgment, and to any jury, that the public was well aware that building a nuclear power plant was an extremely risky endeavor and there were no guarantees it would be successful—indeed, it has not been accomplished in America since the 1970s.

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<sup>2</sup> Dominion Energy merged with Defendant SCANA Corporation (“SCANA” or the “Company”) effective January 2, 2019, upon which SCANA common stock was converted into Dominion Energy common stock.

Defendants would have pointed to copious risk disclosures they made regarding the uncertainty of the construction project and completion deadlines, and would have argued that they justifiably relied on purported assurances by Westinghouse—one of the largest construction conglomerates in the world—that the project would be completed on time. Even if Lead Plaintiffs were successful in proving their claims to a jury, Defendants would have appealed any verdict in Lead Plaintiffs’ favor and, at a minimum, any recovery to class members would be delayed by several years.

7. The Settlement eliminates these risks while providing a guaranteed recovery to the Settlement Class in a timely manner. When viewed in this context, and relative to other securities class action recoveries, the recovery achieved in this case is very favorable. The Settlement has the full support of Lead Plaintiffs. *See* Declaration of Harmen Nieuwenhuis on Behalf of Blue Sky, dated April 21, 2020, submitted herewith as Ex. 1, at ¶ 8; Declaration of Craig Slaughter on Behalf of West Virginia IMB, dated April 15, 2020, submitted herewith as Ex. 2, at ¶ 7.

8. As discussed in detail below, the Settlement was achieved in considerable part due to the substantial litigation efforts of Lead Counsel. Prior to filing the detailed amended complaint, Lead Counsel conducted an extensive investigation into the alleged fraud, including a thorough review of the voluminous public record (including relevant SEC filings, analyst reports, news articles, and transcripts of investor calls), as well as: documents obtained from a South Carolina regulatory agency, the Office of Regulatory Staff (“ORS”); Santee Cooper, SCANA’s state-owned junior partner on the Nuclear Project; and a South Carolina newspaper, among others, pursuant to the South Carolina Freedom of Information Act (“FOIA”), and interviews

with 69 former employees of SCANA, its lead contractors on the Nuclear Project, and others with relevant knowledge.

9. After Lead Plaintiffs filed the 183 page amended complaint: (i) Lead Counsel engaged in extensive briefing and conducted oral argument before the Court in successfully defeating the bulk of Defendants' motions to dismiss the amended complaint; (ii) undertook substantial informal and formal discovery efforts, which included obtaining and reviewing voluminous additional documents pursuant to FOIA, and, in connection with formal discovery, Lead Plaintiffs' production of 2,120 documents (totaling 146,963 pages), Defendants' production of 565,507 documents (totaling 5,215,238 pages), and the production of an additional 677 documents (totaling 11,260 pages) by Lead Plaintiffs' four relevant non-party investment managers; (iii) moved for class certification, which included preparation of an expert report from Lead Plaintiffs' economic expert, defending the depositions of each of the Lead Plaintiffs, Lead Plaintiffs' economic expert, and cross-examining representatives from each of the Lead Plaintiffs' four relevant non-party investment managers; and (iv) engaged in extensive arm's-length negotiations to achieve the Settlement, including two formal mediation sessions before retired District Court Judge Layn R. Phillips.

10. As a result of these and other substantial efforts detailed below, Lead Plaintiffs and Lead Counsel are well-informed of the strengths and weaknesses of the claims and defenses in the Action, and they have concluded that the Settlement is in the best interests of the Settlement Class.

11. In addition to seeking final approval of the Settlement, Lead Plaintiffs seek approval of the proposed Plan of Allocation for the proceeds of the Settlement. Lead Plaintiffs prepared the Plan of Allocation in consultation with their expert in the fields of damages and



economics. Pursuant to the Plan of Allocation, the Settlement Fund, less Court-approved attorneys' fees and expenses, Notice and Administration Costs, and Taxes (the "Net Settlement Fund"), will be distributed on a *pro rata* basis to Settlement Class Members who submit Claim Forms that are approved for payment by the Court.

12. Lead Counsel worked hard, and with skill and diligence, to achieve a very beneficial Settlement for the Class. At all times, Lead Counsel took pains to conduct the litigation as efficiently as possible, and minimize duplicative work through careful coordination and meaningful divisions of labor. Plaintiffs' Counsel's efforts have been entirely on a contingency fee basis, and they have not received any payment of fees or expenses.

13. For their efforts and success in prosecuting the case and negotiating the Settlement, Lead Counsel are applying for an award of attorneys' fees and payment of Litigation Expenses. Specifically, Lead Counsel are applying for: (i) attorneys' fees in the amount of 14% of the Settlement Fund; (ii) payment of expenses reasonably incurred by Plaintiffs' Counsel in the amount of \$729,303.12; and (iii) an aggregate award pursuant to the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-4 ("PSLRA"), in the amount of \$41,832.21, to the Lead Plaintiffs in connection with their representation of the Settlement Class. The 14% requested fee, which is based on the decision of *Blue Sky and West Virginia IMB*, is well within the range of percentage awards granted by this Court, other courts in this Circuit, and across the country in securities class actions. Lead Counsel respectfully submit that the fee request is fair and reasonable in light of the result achieved in the Action, the efforts of Plaintiffs' Counsel, and the risks and complexity of the litigation.

14. For all of the reasons set forth herein, including the very favorable result obtained and the obstacles to a greater recovery, we respectfully submit that the Settlement and Plan of

Allocation are “fair, reasonable, and adequate” in all respects, and that the Court should approve them pursuant to Federal Rule of Civil Procedure Rule 23(e). For similar reasons, and for the additional reasons set forth below, we respectfully submit that Lead Counsel’s request for attorneys’ fees and payment of Litigation Expenses, which includes the requested PSLRA awards to Lead Plaintiffs, are also fair and reasonable, and should be approved.

## **II. PROSECUTION OF THE ACTION**

### **A. Factual Background of the Claims**

15. This securities class action asserts claims arising under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (“Exchange Act”) on behalf of investors who purchased or otherwise acquired SCANA common stock from October 27, 2015 through December 20, 2017, inclusive (the “Class Period”).

16. SCANA is an electric and gas utility company which, in 2008, began constructing two nuclear reactors at the V.C. Summer nuclear generating station near Jenkinsville, South Carolina (the “Nuclear Project”). Lead Plaintiffs allege that SCANA and the Individual Defendants made a series of alleged misstatements and omissions during the Class Period regarding the progress and oversight of the Nuclear Project. For example, Lead Plaintiffs allege that Defendants repeatedly assured investors that, *inter alia*, the Nuclear Project was on budget and on schedule (including to qualify for \$1.4 billion in federal nuclear tax credits that were crucial to defray the massive costs of the project), SCANA was making significant progress towards completion, and the Nuclear Project was being managed prudently and transparently by Defendants.

17. Contrary to these statements, however, Lead Plaintiffs allege that Defendants knew by the start of the Class Period that the Nuclear Project suffered from a host of fundamental problems, which made it impossible for the Nuclear Project to be completed by the

end of 2020, as planned, due in large part to Defendants' deficient oversight. In particular, Lead Plaintiffs allege that, in October 2015, Defendants were presented with the adverse findings of SCANA's own independent expert, Bechtel Corporation ("Bechtel"), whom the Company had retained to assess the Nuclear Project. At that time, Bechtel allegedly told Defendants that the Project was years behind schedule—and thus would not be finished until long after the deadline to qualify for the \$1.4 billion in tax credits—and was significantly over-budget, due to many "fundamental" engineering, construction, and management failures. According to the Complaint, Bechtel later detailed these findings in a 130-page formal report, which it sent to SCANA in November 2015.

18. Lead Plaintiffs further allege that, rather than truthfully disclose or attempt to address Bechtel's findings, Defendants pressured Bechtel to issue a second, watered-down report in February 2016. Nonetheless, according to the Complaint, Defendants concealed both Bechtel reports from the public for almost two years. At the same time, Lead Plaintiffs allege that the Nuclear Project continued to deteriorate, as evidenced by many internal documents that Defendants likewise concealed, while Defendants publicly continued to tout the project's purported substantial progress and reaffirm that it was on track to be completed by the prior deadlines.

19. Lead Plaintiffs allege that, as the truth regarding the Nuclear Project's problems and Defendants' fraud began to slowly emerge in late 2016 and early 2017, Defendants were forced to ultimately abandon it in July 2017, prompting numerous civil and criminal investigations into Defendants' culpability and the public release of the Bechtel reports. According to the Complaint, these and other disclosures in the summer and fall of 2017 further

revealed the true extent of Defendants' fraud, causing significant declines in SCANA's stock price and substantial damages to its investors.

**B. Filing of the Initial Complaint and Appointment of Lead Plaintiffs and Lead Counsel**

20. Beginning in September 2017, certain related class actions (*Norman v. SCANA Corp., et al.*, No. 3:17-CV2616-MBS; *Evans v. SCANA Corp. et al.*, No. 3:17-cv-02683-MBS; *Fox v. SCANA Corp., et al.*, No. 3:17-cv-03063-MBS, and *West Palm Beach Firefighters' Pension Fund v. SCANA Corp., et al.*, No. 3:17-cv-03141-MBS) were filed in the United States District Court for the District of South Carolina (the "Court") alleging violations of the federal securities.

21. On November 27 2017, West Virginia IMB and Blue Sky filed a joint motion seeking consolidation of these related actions, appointment as co-lead plaintiffs, and approval of their selection of lead counsel. ECF No. 9. The same day, two other movants also filed competing lead plaintiff motions: (i) the Puerto Rico Retirement Systems (ECF No. 8); and (ii) a group of three individual investors, Marshall Mullins, Dominic Veneto, and Kenneth Evans (collectively known as the "SCANA Investor Group") (ECF No. 8).<sup>3</sup> On December 8, 2017, the Puerto Rico Retirement Systems withdrew their motion. ECF No. 12. The Court held a hearing on the remaining competing lead plaintiff motions on January 18, 2018.

22. By Order dated January 23, 2018, the Court: (i) consolidated the related actions into this lead Action, to be captioned "*In re SCANA Corporation Securities Litigation*" and maintained under File No. 3:17-CV-2616-MBS; (ii) appointed West Virginia IMB and Blue Sky

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<sup>3</sup> The ECF references herein are to the docket in the first-filed action, *Norman v. SCANA Corp., et al.*, No. 3:17-CV2616-MBS. The SCANA Investor Group filed their lead plaintiff motion for consolidation, appointment of lead plaintiff and approval of selection of lead counsel only on the *Fox v. SCANA Corp., et al.*, No. 3:17-cv-03063-MBS docket. All references to SCANA Investor Group filings are to the *Fox* docket.

as Lead Plaintiffs; and (iii) approved BLB&G and Labaton Sucharow as Lead Counsel. ECF No. 49.

**C. Lead Counsel’s Investigation and the Consolidated Class Action Complaint**

23. After the Court appointed Lead Plaintiffs and Lead Counsel, Lead Counsel accelerated their already ongoing investigation into potential claims and began drafting a consolidated amended complaint. This effort required that Lead Counsel thoroughly research relevant case law applicable to the claims asserted and Defendants’ potential defenses thereto, while simultaneously conducting an exhaustive review of countless materials authored, issued, or presented by SCANA and the other Defendants, including SCANA’s financial reports, hundreds of SEC filings, conference call transcripts, press releases, investor presentations, and other communications issued publicly during the Class Period and beyond.

24. Also as part of their investigation, Lead Counsel engaged in extensive informal discovery efforts to support the Complaint’s allegations, including issuing FOIA requests to: (i) The ORS, a South Carolina public utility watchdog that initiated a regulatory proceeding against SCANA before the South Carolina Public Service Commission (“PSC”), SCANA’s utility regulator; and (ii) Santee Cooper, South Carolina’s state-owned electric and water utility that was SCANA’s junior partner on the Nuclear Project. Lead Counsel also requested documents from *The Post and Courier*, a South Carolina newspaper that had obtained internal documents from their own FOIA requests to the ORS. As a result, Lead Plaintiffs received and reviewed 1,513 documents (totaling 16,560 pages) prior to filing the Complaint on March 30, 2018, and used information from these documents in support of the allegations in the Complaint.

25. Lead Counsel also contacted 200 former employees of SCANA and its lead contractors on the Nuclear Project, including Westinghouse, and conducted 69 interviews with potential witnesses. These interviews provided valuable insight and background that aided Lead

Counsel in their investigation and formulating the theory of the case. Indeed, Lead Plaintiffs relied on the accounts of two such former Westinghouse employees who worked on the Nuclear Project in supporting the allegations of the Complaint.

26. Lead Counsel also retained a preeminent economic consulting firm, Global Economics Group, to provide expert analysis relating to market efficiency, loss causation, and damages. The work performed by Global Economics Group provided considerable aid to Lead Counsel in drafting the Complaint.

27. On March 30, 2018, Lead Plaintiffs filed the Consolidated Class Action Complaint for Violations of the Federal Securities Laws (the “Complaint”) asserting claims against all Defendants under Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) and Rule 10b-5 promulgated thereunder, and against the Individual Defendants under Section 20(a) of the Exchange Act. ECF No. 72. The Complaint, totaling 183 pages plus an 88 page appendix of alleged misstatements, alleged that Defendants misrepresented the status and their oversight of the Nuclear Project, including by assuring investors that the Nuclear Project was on schedule and on budget, making significant progress towards completion, and was being managed prudently and transparently by Defendants.

28. According to the Complaint, these statements were false and misleading because Defendants allegedly knew from the start of the Class Period that the Nuclear Project was not realistically going to be completed by 2020, as planned, allegedly due in large part to Defendants’ deficient oversight. The Complaint further alleged that the price of SCANA common stock was artificially inflated as a result of Defendants’ allegedly false and misleading statements and omissions and declined when the truth was revealed through a series of partial corrective disclosures on December 27, 2017, February 14, 2017, February 16, 2017, March 22,

2017, March 23, 2017, July 27, 2017, August 2, 2017, August 4, 2017, August 9, 2017, August 10, 2017, September 7, 2017, September 21, 2017, September 26, 2017, September 29, 2017, October 19, 2017, October 26-27, 2017, October 31, 2017 and December 20, 2017.<sup>4</sup>

**D. Continued Informal Discovery Following Filing of Complaint**

29. Lead Plaintiffs continued their investigation, obtaining and reviewing voluminous additional documents through the aforementioned FOIA requests after the filing of the Complaint and before the Court's March 29, 2019 Order and Opinion sustaining the Complaint. To secure these documents, Lead Counsel had multiple meet and confer negotiations with the ORS and Santee Cooper. In total, including the documents discussed above, Lead Plaintiffs received and reviewed 244,233 documents (totaling 1,836,743 pages) prior to the start of formal discovery. Notably, Lead Plaintiffs used many of these newly obtained documents to further support their arguments in opposition to Defendants' subsequent motions to dismiss.

**E. Defendants' Motions to Dismiss the Complaint**

30. On June 4, 2018, Defendants SCANA, together with Harold Stowe, Maybank Hagood, and James Roquemore, and Defendants Marsh, Addison, and Byrne, all filed four separate motions to dismiss the Complaint. *See* ECF Nos. 92-95. Defendants argued, in large part, that the majority of the statements were forward-looking statements about the expected schedule and cost projections of the Nuclear Project, protected by the PSLRA safe-harbor; the challenged statements were inactionable statements of opinion or immaterial puffery; Defendants had no duty to disclose Bechtel's purported opinions that there were risks and uncertainties with

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<sup>4</sup> The alleged corrective disclosures and resultant declines in SCANA stock price were subsequently refined by Lead Plaintiffs' economic expert, upon further analysis as the case proceeded, as reflected in the proposed Plan of Allocation for the proceeds of the Settlement, set forth in the Notice. *See* Declaration of Alexander P. Villanova Regarding: (A) Mailing of the Notice and Claim Form; (B) Publication of the Summary Notice; and (C) Report on Requests for Exclusion, dated April 21, 2020 ("Villanova Decl."), Ex. 3 - A, submitted herewith.

the Nuclear Project; Lead Plaintiffs failed to plead scienter with the heightened particularity required by Rule 9(b) and the PSLRA; and the Complaint failed to plead loss causation because none of the alleged disclosures corrected Defendants' alleged misstatements.

31. On August 9, 2018, Lead Plaintiffs filed their omnibus opposition to Defendants' four separate motions to dismiss. ECF No. 105. Lead Counsel made every effort to coordinate and streamline their drafting of Lead Plaintiffs' motion to dismiss opposition brief. For example, because BLB&G took the lead in drafting the majority of the amended complaint, BLB&G was primarily responsible for drafting the facts, scienter, and loss causation sections of Lead Plaintiffs' opposition brief, while Labaton Sucharow was primarily responsible for researching and drafting the sections addressing Defendants' various falsity, materiality, safe harbor, and other actionability legal arguments, which accounted for the majority of the opposition brief. Lead Counsel took a similarly coordinated and collaborative approach to briefing throughout their litigation of this case.

32. In their opposition, Lead Plaintiffs argued, *inter alia*, that: the Complaint sufficiently pled the falsity of Defendants' statements and omissions related to the Nuclear Project, including that Defendants had a duty to disclose Bechtel's adverse findings and other negative internal information known to Defendants; Defendants' statements were not inactionable opinions, but instead misrepresentations of existing facts concerning the status and their oversight of the Nuclear Project; even if certain statements were opinions, they were actionable in that they lacked a reasonable basis when made and misleadingly omitted contradictory, material facts, including Bechtel's findings; Defendants' omissions of such facts were material; Defendants' statements touting the Nuclear Project's progress and Defendants' purported "prudent" and "transparent" oversight and omissions were material, rather than mere



puffery; Defendants' statements, particularly those concerning the projected completion dates, costs, and eligibility for federal nuclear production tax credits of the Nuclear Project, were not forward-looking, and even if any were forward-looking, they were not protected by the PSLRA safe harbor because Defendants' risk warnings did not provide meaningful cautionary language; Defendants did not adequately disclose the risks and problems associated with the Nuclear Project under the truth-on-the-market or bespeaks caution defenses; Defendants' statements were made with the requisite level of scienter, contrary to Defendants' non-culpable explanations that, for example, they reasonably relied on their lead contractors' schedule and budget estimates; and Lead Plaintiffs adequately pled loss causation because each of the alleged corrective disclosures revealed new information about Defendants' fraud.

33. On September 18-19, 2018, Defendants filed their reply memoranda of law in further support of their motions to dismiss. ECF Nos. 121-24. Lead Plaintiffs carefully reviewed these submissions and evaluated whether a sur-reply was necessary before concluding that the arguments could be addressed at oral argument.

**F. The Court Denies Defendants' Motion to Dismiss**

34. On March 4, 2019, Lead Counsel participated in oral argument before the Court on Defendants' motions to dismiss. ECF No. 141. On March 29, 2019, the Court issued an Order and Opinion denying Defendants' motions to dismiss, except that the Court granted the motions to the narrow extent they sought dismissal based on claims for violation of Item 303. *See In re SCANA Corp. Sec. Litig.*, No. 3:17-2616-MBS, 2019 WL 1427443 (D.S.C. Mar. 29, 2019). Regarding falsity, among other things, the Court agreed with Lead Plaintiffs that the Complaint adequately alleged that Defendants misrepresented SCANA's ability to complete the Nuclear Project by the end of 2020, stating that the "statements were contradicted by Bechtel's investigation, Westinghouse's monthly progress reports that detailed recurring problems . . . as

well as Westinghouse's own documented failure to make timely progress in construction of the Project." *Id.* at \*7. The Court also found that the Complaint adequately alleged that "Defendants falsely assured investors of transparency regarding the Project, misrepresented their involvement in and oversight of the Project, recklessly refused to implement Bechtel's and Santee Cooper's recommendations, and then misrepresented the state of those affairs to investors." *Id.* at \*8.

35. Additionally, in rejecting Defendants' arguments that certain statements are inactionable opinion or puffery as a matter of law, the Court found that in the Complaint, Lead Plaintiffs "plausibly allege that the identified misstatements expressed certainty rather than an uncertain view of a fact, and thus cannot be described as opinions or puffery." *Id.* at \*9.

36. On scienter, the Court sustained Lead Plaintiffs' scienter allegations, finding that the Complaint "plausibly demonstrates that Individual Defendants acted at least recklessly and possibly deliberately." *Id.* at \*11. Among other things, the Court found that "the failure to disclose the Bechtel Reports and other information regarding the viability of the Project are strong evidence of scienter" and that Lead Plaintiffs' "plausibly allege Defendants knew that the monthly progress rate at the Project never tipped 0.8%, which means that there was no material improvement in progress throughout the class period." *Id.* The Court also ruled that "the court cannot say that the facts as a whole more plausibly suggest that Defendants acted innocently or negligently, rather than with intent or sever recklessness." *Id.*

37. The Court also found that the allegations adequately pled loss causation, dismissing Defendants' argument that the alleged corrective disclosures failed to reveal the truth about any alleged misrepresentations. In particular, the Court held that "Plaintiffs plausibly allege specific public disclosures and subsequent reductions in the value of SCANA's stock as the result of 'the relevant truth . . . leak[ing] out.'" *Id.* at \*12.

38. The Court sustained the Complaint's Section 20(a) control person liability claims against the Individual Defendants. *Id.*

39. However, the Court granted Defendants' motions to dismiss in part with respect to Lead Plaintiffs' claim under Item 303 of SEC Regulation S-K that SCANA failed to disclose a materially adverse trend or uncertainty regarding the Nuclear Project. Specifically, the Court held that, based on other authorities within the Fourth Circuit, "failure to comply with Item 303 does not give rise to liability under Section 10(b) or Rule 10b-5," thereby dismissing this claim on legal grounds. *Id.* at \*11.

40. The Court's comprehensive analysis focused on the key issues in the Action and provided the Parties with valuable insight into the issues that allowed them to continue to assess honestly the merits of their respective cases.

41. Defendants answered the Complaint on June 14, 2019. ECF Nos. 153-156. The Parties then proceeded into formal discovery. Defendants expressed their position that the Court's order on Defendants' motions to dismiss had to take all the allegations in the Complaint as true. Defendants contended that the evidence revealed through the discovery process would absolve them from liability here.

#### **G. Discovery**

42. Following the Court's Order and Opinion on Defendants' motions to dismiss, on May 21, 2019 the Parties met and conferred concerning a proposed plan of discovery. On May 31, 2019, the Parties filed their Joint Rule 26(f) Proposed Discovery Plan and Additional Information Required by Local Civil Rule 26.03. ECF No. 148. The Parties also submitted a Joint Stipulation and Scheduling Order on May 31, 2019. ECF No. 149. On June 6, 2019, the Court issued a "Scheduling Order" (ECF No. 151), that set forth deadlines related to fact and merits discovery, class certification, among others. The Scheduling Order was later amended,

upon motion of the Parties, by a “First Amended Scheduling Order”, on August 13, 2019. ECF No. 181.

43. As described further below, Lead Counsel conducted extensive discovery in litigating this Action, including: the review of documents; defending, and/or otherwise participating in seven depositions in connection with class certification; drafting and responding to interrogatories and discovery requests; extensive meet and confer negotiations between the Parties with respect to Lead Plaintiffs’ document requests to Defendants and consulting with Lead Counsel’s expert in the preparation of expert reports.

44. As discussed above, Lead Plaintiffs received and reviewed over 1,500 documents (totaling over 16,500 pages) through FOIA and other informal investigatory requests prior to filing their Complaint. After filing the Complaint, Lead Plaintiffs received and reviewed an additional 230,778 documents (totaling nearly 1.7 million pages) through FOIA requests in 2019. In total, Lead Plaintiffs received and reviewed 244,233 documents (totaling 1,836,743 pages) through FOIA and other informal requests prior to the start of formal discovery. Further, as part of its investigation, Lead Plaintiffs also obtained and reviewed numerous deposition and hearing transcripts of testimony from current and former employees and third-party witnesses in related proceedings against SCANA, including from the regulatory action brought by the ORS and other entities before the PSC.

45. Once formal discovery began in June 2019, Lead Plaintiffs served on Defendants initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and numerous document requests. Lead Plaintiffs subsequently engaged in multiple meet and confers with Defendants related to these document requests. Simultaneously, Lead Counsel responded to Defendants’ document requests and interrogatories, including by making document productions

on Lead Plaintiffs' behalves, and participated in meet and confers regarding Defendants' discovery requests. In connection with class certification, Lead Counsel defended two separate 30(b)(6) depositions of representatives from each of the co-lead Plaintiffs, West Virginia IMB and Blue Sky, and also defended the deposition of Lead Plaintiffs' class certification expert, Chad Coffman. In addition, Lead Counsel participated in four depositions of representatives from Lead Plaintiffs' investment managers.

### **1. Formal Document Discovery**

46. Developing the substantial body of evidence needed to prove the alleged violations of the federal securities laws required Lead Plaintiffs to undertake robust document discovery efforts. Lead Counsel ultimately obtained and analyzed approximately 565,507 documents, totaling 5,215,238 pages, in connection with formal discovery.

#### **(a) Lead Plaintiffs' Document Discovery Directed to Defendants**

47. Pursuant to the Court's Scheduling Order, formal discovery began on June 9, 2019. Shortly thereafter, on June 14, 2019, Lead Plaintiffs served their first request for the production of documents on all Defendants ("Lead Plaintiffs' First RFP"), which consisted of 58 document requests.

48. On July 15, 2019, each of the Defendants served their objections and responses to Lead Plaintiffs' First RFP. Throughout July and August 2019, the Parties negotiated the scope of Defendants' document production in response to Lead Plaintiffs' First RFP through multiple telephonic meet and confer sessions and email communications. For example, during a telephonic meet and confer on July 2, 2019, Defendants informed Lead Plaintiffs that Defendants had made extensive prior document productions in multiple related criminal, regulatory, and civil proceedings against SCANA that purportedly overlapped substantially with Lead Plaintiffs' document requests. Defendants then raised the possibility of re-producing these prior document

productions to Lead Plaintiffs to satisfy a majority of the requests in Lead Plaintiffs' First RFP. On July 22, 2019, in response to Lead Plaintiffs' request, Defendants provided Lead Plaintiffs with extensive additional information regarding Defendants' prior document productions, including, notably, to the SEC and to the U.S. Attorney's Office for the District of South Carolina ("USAO") in response to document subpoenas served in the Department of Justice's ("DOJ") criminal investigation, which Lead Plaintiffs subsequently analyzed.

49. On August 1, 2019, the Parties met and conferred again regarding Defendants' document production efforts, including SCANA's and Defendant Addison's responses and objections to Lead Plaintiffs' First RFP. During the call, the Parties also continued their discussions regarding Defendants' proposal to respond to a majority of the requests in Lead Plaintiffs' First RFP by re-producing its most inclusive prior document productions in related actions against SCANA. Lead Plaintiffs requested certain additional information regarding these prior document productions and agreed in principle to Defendants' proposal, subject to these follow-up requests. On August 5, 2019, the Parties additionally met and conferred regarding Defendant Byrne's and Marsh's responses and objections to Lead Plaintiffs' First RFP, including their prior productions in related government proceedings.

50. Following these meet and confers, in August 2019, the Parties continued their discussions regarding the scope of Defendants' document productions in response to Lead Plaintiffs' First RFP. For example, on August 22, 2019, in response to Lead Plaintiffs' follow-up requests on the meet and confers, Defendants provided by email additional information regarding SCANA's prior document productions and other issues related to certain requests in Lead Plaintiffs' First RFP. Shortly thereafter, on August 29, 2019, the Parties reached agreement on Defendants' proposal that they could respond to most of Lead Plaintiffs' document requests by

producing those documents that Defendants produced to the DOJ in its related criminal investigation, subject to Lead Plaintiffs' reservation of rights to make additional requests after receiving and reviewing this initial production.

51. On September 9, 2019, Defendants made their initial document production, consisting of 565,507 documents, totaling 5,215,238 pages, which were previously produced to the USAO as part of the DOJ's criminal investigation into SCANA. Lead Counsel and their staff attorneys subsequently worked to review and synthesize these documents in preparation for later briefing and depositions. These documents, consisted of, *inter alia*: internal communications between SCANA employees, including Defendants, regarding the Nuclear Project, the Bechtel reports, and Westinghouse's bankruptcy; communications with Santee Cooper, Westinghouse, and other contractors and sub-contractors working on the Nuclear Project concerning the Nuclear Project's progress, schedule, budget, and related issues; documents and communications regarding SCANA's submissions concerning the Nuclear Project to the ORS and PSC; Nuclear Project meeting minutes and related presentations and reports; internal reports and analyses by SCANA, Santee Cooper, and the lead contractors, notably Westinghouse, related to completion of the Nuclear Project; and personnel files and similar documents related to the Nuclear Project, including employee surveys and feedback related to the Nuclear Project.

**(b) Lead Plaintiffs' Review of Documents and Transcripts in Related Actions**

52. Lead Counsel obtained and reviewed numerous hearing transcripts and deposition transcripts of current and former SCANA employees and officers and third-party witnesses taken in related proceedings against SCANA.

53. In November 2018, Lead Counsel observed the live broadcast of the three-week hearing before the PSC and prepared daily summaries of the proceedings and testimony.

Approximately 38 witnesses testified in this proceeding, including Defendants Stephen Byrne and Jimmy Addison.

54. Lead Counsel also revised the daily hearing transcripts of the PSC hearing and created digests of the testimony of relevant witnesses. Lead Counsel also reviewed the 180 exhibits used throughout the PSC hearing, including all documents and testimony referenced in filings with the PSC during the hearing.

55. Further, Lead Counsel reviewed numerous deposition transcripts (and related document exhibits) of Defendants Jimmy Addison, Stephen Byrne, and Kevin Marsh, as well as other relevant SCANA employees, which were taken in the ORS proceeding and other, related ratepayer actions.

56. Finally, Lead Counsel analyzed numerous additional transcripts of testimony by SCANA employees before the PSC taken during 2015 to 2018 regarding SCE&G's rate increase requests and created digests of relevant testimony.

**(c) Defendants' Document Discovery**

57. Concurrent with Lead Plaintiffs' efforts to obtain and review documents relevant to their case, on June 25, 2019, Defendants served on Lead Plaintiffs their first request for production of documents, consisting of 27 document requests concerning, *inter alia*, Lead Plaintiffs' investment practices, investment managers, trading history, and knowledge of SCANA and SCANA securities. Defendants served a second set of document requests on Lead Plaintiffs on July 3, 2019. Lead Counsel thereafter drafted their responses and objections to Defendants' document requests, and engaged in a meet and confer process that included numerous telephonic meet and confers and calls (including on July 30, 2019 and August 2, 2019), emails, and letters, as well as substantial attorney time. Ultimately—while simultaneously continuing to negotiate with Defendants concerning the scope of their document production and



then beginning to review that initial document production so as to maintain the aggressive discovery schedule—Lead Plaintiffs produced over 2,120 documents, totaling 146,963 pages, each of which required Lead Counsel’s review for relevance and privilege.

58. Defendants also served Lead Plaintiffs with two sets of interrogatory requests, one on June 25, 2019 and another on August 27, 2019. Lead Plaintiffs served responses and objections to Defendants’ interrogatories on July 25, 2019 (which Lead Plaintiffs subsequently amended on August 12, 2019) and September 26, 2019, respectively.

## **2. Document Review**

59. As Lead Counsel received documents in response to Lead Plaintiffs’ informal discovery (*e.g.*, FOIA) requests from the ORS, Santee Cooper and other sources, and document requests to Defendants, they needed to review and analyze those documents. In doing so, Lead Counsel looked for ways to keep costs to a minimum, as well as to streamline their review and analysis. In that regard, BLB&G electronically hosted the document productions, and Lead Counsel employed an analytics technology called Relativity Active Learning (“RAL”). Using RAL, attorney coding decisions (for instance, whether the documents are “relevant” or “not relevant”) are applied to certain documents, ingested by the active learning model, and then applied by the system in order to identify and prioritize more relevant documents to the reviewers as the review progresses. When reviewing the documents identified by RAL as the more relevant documents, the attorneys were tasked with making several analytical determinations as to the documents’ importance and relevance. Specifically, they applied coding to thousands of documents covering a variety of important case-related topics and determined whether the documents were “hot,” “highly relevant,” “relevant,” “not useful,” “irrelevant,” and “adverse.”

60. In addition to identifying and coding relevant documents, Lead Counsel used the documents to construct organizational charts that categorized SCANA personnel in order to determine who would possess information relevant to Lead Plaintiffs' claims and to prioritize witnesses for eventual depositions. Lead Counsel also constructed timelines and linked documents to Defendants' Class Period representations and the alleged corrective disclosures.

61. In addition to reviewing the relevant documents identified by RAL, attorneys ran targeted searches using key individuals' names or other keywords related to important case issues to identify and review additional relevant documents.

62. Lead Counsel also drafted chronologies and prepared compilations of key documents related to the Nuclear Project for purposes of, *inter alia*, drafting the Complaint, opposing Defendants' motions to dismiss, developing its discovery and litigation strategy, and preparing for the two mediations, including locating and compiling: all monthly project review meeting minutes during the Class Period, as well as related communications, correspondence, and attachments; important documents related to Bechtel's assessment of the Nuclear Project; and important documents and communications related to SCANA's internal analysis of the Nuclear Project's schedule and costs performed by the Company's estimate at completion team.

63. In Lead Counsel's judgment, maintaining an aggressive discovery schedule was important to the successful prosecution of the Action. However, particularly given the volume of documents, Lead Counsel's ability to do so required the assistance of staff attorneys to review documents and help prepare for depositions and mediation. These attorneys were valued and integral members of the team, crucial in identifying key documents for purposes of drafting the Complaint, opposing Defendants' motions to dismiss, drafting mediation statements, and developing the litigation strategy and theories. Among other things, these attorneys also assisted

with the review of deposition transcripts of Individual Defendants and other key witnesses in related actions against SCANA, conducted critical analyses of the documents (including drafting chronologies and memoranda regarding key issues in the case, as discussed above), identified possible deposition witnesses, and prepared deposition kits. They prepared chronologies, compendiums of key players, master exhibit lists and other such compilations of key documents, and analyses of hot documents, which they continually updated and refined as the team's knowledge of issues expanded.

64. Lead Counsel often asked for follow-up research into particular topics of interest that staff attorneys presented throughout their review. Through regular meetings and discussions, Lead Counsel ensured that these attorneys understood the developing nature of the evidence and focused their review on the key issues and events in the case.

65. Throughout their review, the attorneys also analyzed the documents for several other issues related to the adequacy and scope of the document productions, including the documents obtained by Lead Counsel through their informal discovery efforts (in particular, their FOIA requests to the ORS and Santee Cooper). For example, the attorneys also reviewed the productions to determine whether they substantively tracked what had been agreed to be produced in response to document and FOIA requests.

66. Finally, the attorney review team prepared meaningful work product, including chronologies, compendiums of key players, master exhibit lists and other such compilations of key documents, and analyses of hot documents, which they continually updated and refined as the team's knowledge of issues expanded. At all the times, the staff attorneys were under the direct supervision of the attorneys at Lead Counsel who had principal oversight and day-to-day management of the Action.

67. The attorneys who undertook discovery in this Action have significant credentials and experience and have engaged in substantive work at Lead Counsel for years. In this case and others they have served as valuable members of Lead Counsel's litigation teams, and several have worked with us on multiple cases.

**H. Lead Plaintiffs' Motion for Class Certification  
and Class Certification Discovery**

68. On June 28, 2019, Lead Plaintiffs filed their motion to certify the class, appoint class representatives, and appoint class counsel, along with an expert report in support of their motion from Chad Coffman, addressing market efficiency and common damages methodologies. ECF Nos. 165-66. Following Lead Plaintiffs' motion for class certification, Defendants noticed and took the depositions of seven individuals, including representatives of each of the Lead Plaintiffs pursuant to Rule 30(b)(6), four representatives from Lead Plaintiffs' relevant investment managers, and Lead Plaintiffs' expert, Mr. Coffman.

69. On August 18, 2019, Defendants deposed Lead Plaintiffs' representative Craig Slaughter, Executive Director and Chief Investment Officer of West Virginia IMB. Defendants focused on topics specifically concerning West Virginia IMB's investment management practices, its investments in SCANA securities, and its knowledge of the present Action, and attempted to establish that Lead Plaintiff was an inadequate class representative.

70. On September 13, 2019, Defendants took the deposition of Harmen Nieuwenhuis, Lead Plaintiffs' representative from Blue Sky, and focused on issues similar to those explored with Mr. Slaughter.

71. On September 25, 2019, Defendants filed their memorandum of law in opposition to Lead Plaintiffs' motion for class certification, along with an expert report from Christopher James, Ph.D. ECF Nos. 195. Defendants raised several arguments in opposition to class

certification, including that: (i) Lead Plaintiffs' investment managers, who used algorithmic trading models to make their investment decisions, allegedly did not rely on the integrity of the market price because they would have purchased SCANA securities even if they had known of the fraud; (ii) Lead Plaintiffs could not represent the class because they allegedly learned of the fraud before the Class Period ended in December 2017, but still continued to purchase SCANA stock; and (iii) the Class Period was too long and should end on (a) July 31, 2017, when SCANA announced its abandonment of the Nuclear Project, which Defendants argued completely cured the alleged misrepresentations, or (b) alternatively, on September 27, 2017, when, *inter alia*, news articles disclosed the existence of, and Defendants' failure to disclose, the first Bechtel report.

72. Defendants' opposition brief relied heavily on Dr. James' expert report for Defendants' central argument—that the proposed Class Period was too long. ECF No. 195-9. Dr. James argued, *inter alia*, that the Class Period defined by Lead Plaintiffs was: (i) inconsistent with an efficient market; and (ii) gave rise to inevitable conflicts of interest between purchasers who bought SCANA stock before the abandonment of the Nuclear Project and those who purchased afterwards.

#### **I. The Parties Agree to Settle the Action**

73. Lead Plaintiffs achieved the Settlement through fair, honest, and vigorous negotiations, and with the guidance and input of experienced and informed counsel and the Mediator. *See generally* Declaration of Layn R. Phillips, dated April 19, 2020, submitted herewith as Ex. 4

74. In the Spring of 2019, the Parties agreed to participate in a settlement mediation and to retain retired U.S. District Court Judge Layn Phillips as the Mediator. The Parties participated in a full-day mediation on May 17, 2019. In advance of the mediation, the Parties

exchanged and submitted to the Mediator detailed mediation opening and reply statements. No agreement was reached at that time.

75. The Parties eventually agreed to a second mediation, which was held on October 2, 2019. Two rounds of mediation statements were again exchanged and submitted to Judge Phillips in advance of the second mediation. A resolution was ultimately reached at the end of the second mediation. The Parties finalized and executed a Term Sheet on October 3, 2019.

76. On December 20, 2019, following extensive, arm's-length negotiations, the Parties executed the Stipulation, which embodies the final terms and conditions of the Parties' agreement to settle all claims asserted in the Action, and related claims, in exchange for payment of \$192,500,000, subject to the approval of the Court. On January 7, 2020, Lead Plaintiffs filed a motion for preliminary approval of the Settlement, which included the Stipulation and Agreement of Settlement as an exhibit. *See* ECF Nos. 214, 214-2.

77. On February 11, 2020, the Court issued an order preliminarily approving the Settlement and providing for notice of the Settlement to the Settlement Class (the "Preliminary Approval Order"). ECF No. 219. Among other things, the Preliminary Approval Order: (i) preliminarily approved the Settlement, as embodied in the Stipulation, subject to further consideration at the Settlement Hearing; (ii) directed that notice of the Settlement be mailed to Settlement Class Members and be published in the *Wall Street Journal* and disseminated using *PR Newswire*; (iii) scheduled the Settlement Hearing for June 17, 2019 at 2:00 p.m.; and (iv) established the procedures and deadlines for Settlement Class Members to submit claims, request exclusion, and file objections to the Settlement, Plan of Allocation, or Lead Counsel's fee and expense application. *Id.* at ¶¶ 4, 5, 7, 14-20.

### III. RISKS OF CONTINUED LITIGATION

78. As summarized below, Lead Counsel respectfully submit that there was significant risk in prosecuting, and continuing to prosecute, this Action. From the time that Lead Counsel agreed to take on the case, settlement was by no means inevitable and certainly not at the high level ultimately achieved. While Lead Plaintiffs prevailed on Defendants' motions to dismiss, the benefits of the Settlement must be weighed against the risks presented by continued litigation of the Action, including, as discussed below, the serious risks of establishing Defendants' liability and damages.

#### A. Lead Plaintiffs Faced Substantial Risks in Proving Defendants' Liability

79. Here, Defendants would have vigorously contested their liability with respect to every element of Lead Plaintiffs' claims. Even though Lead Plaintiffs prevailed with respect to the motions to dismiss, a substantial risk existed that the Court would find that Lead Plaintiffs failed to establish liability or damages as a matter of law at summary judgment, that Defendants would succeed in a *Daubert* challenge to Lead Plaintiffs' expert's analysis, or—if the Court were to permit the claims to proceed to trial—that a jury (or appeals court) would rule against Lead Plaintiffs.

80. While Lead Plaintiffs and Lead Counsel believe they advanced strong claims on the merits, they nonetheless acknowledge that Defendants' arguments posed very credible threats to Lead Plaintiffs' ability to ultimately succeed. Defendants would hold Lead Plaintiffs to their burden of proof on all elements of securities fraud, and establishing the Settlement Class's claims would require the jury to make complicated assessments of credibility on several complex and hotly contested factual disagreements. For instance, proving securities fraud required that Lead Plaintiffs demonstrate that Defendants had an intent to deceive or otherwise acted with severe recklessness nearing such intent. While Lead Counsel believe they could marshal

considerable evidence in support of this requirement, there is no way to know how the Court on summary judgment, or a jury at trial, would decide.

### **1. Falsity, Materiality, and Actionability**

81. Lead Plaintiffs would have faced substantial challenges in proving that Defendants' statements were materially false and misleading when made. Indeed, there were significant risks associated with proving the actionability of many of Defendants' statements. In particular, many of Defendants' statements, including those concerning the projected completion dates, costs, and eligibility for federal nuclear production tax credits of the Nuclear Project, were arguably forward-looking statements of the type that are immune under the PSLRA safe harbor. Many of the alleged misstatements were at risk of being found to be forward-looking because they inherently dealt with SCANA's future projections, including when the Nuclear Project was going to be completed, whether this would be in time for SCANA to qualify for the critical nuclear tax credits, and how much the total cost of completion would be at that time.

82. Moreover, Defendants would have also vigorously argued that these forward-looking statements were accompanied by meaningful cautionary language regarding the Nuclear Project's risks, including specific risk warnings concerning the Nuclear Project's schedule and costs that repeatedly appeared in the Company's press releases, quarterly and annual SEC filings, and in the Company's regulatory submissions. According to Defendants, such extensive risk disclosures rendered non-actionable Defendants' failure to disclose Bechtel's independent adverse assessment of the Nuclear Project, which is at the heart of the Complaint's allegations. Further, Defendants would have continued to argue that such forward-looking statements were also protected by the PSLRA safe harbor because they were not made with actual knowledge of their falsity, for the reasons set forth in the scienter section below.



83. Defendants would have also continued to argue that other allegedly false statements, such as those regarding the Nuclear Project's positive progress and Defendants' purported "transparency" and "prudent" oversight of the Nuclear Project, were equally non-actionable statements of opinion or non-actionable puffery. In order to establish that an opinion is actionable, Defendants argued that Lead Plaintiffs would have had to establish that the Individual Defendant offering the opinion did not actually believe that that the statement was false at the time the statement was made. *See Omnicare, Inc. v. Laborers Dist. Council Const. Indus. Pension Fund*, 135 S. Ct. 1318 (2015).

84. Defendants would likely have continued to argue that Lead Plaintiffs would not be able to establish that the Individual Defendants did not actually believe that their opinion statements were false or that Defendants lacked any reasonable basis for opining that, *inter alia*, progress was being made on the Nuclear Project for numerous reasons, including because Defendants reasonably relied on the assurances of substantial progress on the project and the schedules and costs estimates provided by Westinghouse, the lead contractor on the Nuclear Project. Accordingly, Lead Plaintiffs would have to overcome significant hurdles in proving that Defendants did not actually believe, or lacked any reasonable basis, for opining that progress was being made on the Nuclear Project and that they were prudently managing the Nuclear Project's construction.

85. Moreover, Defendants would have continued to advance their arguments that the omissions of Bechtel's adverse findings were non-actionable because, *inter alia*, Defendants had no duty to disclose what SCANA understood at that time to be the preliminary, speculative opinions of a third party who had limited information and data about the Nuclear Project. Further, Defendants would have continued to contend that they had no duty to disclose Bechtel's

adverse findings because they were contradicted by the information provided to Defendants by Westinghouse, which had assumed the risk of cost overruns on the Nuclear Project by entering into a contractual amendment with SCANA (the “EPC Amendment”) at the start of the Class Period. In particular, Defendants also would have continued to argue that this EPC Amendment had addressed many of the management and other issues that Bechtel had identified in its assessment, including by bringing a new contractor onto the project (Fluor), thereby rendering Bechtel’s adverse findings obsolete. Defendants also would have continued to highlight that Bechtel’s conclusions were unreliable because it was motivated in part by its own agenda to secure a place as a contractor on the Nuclear Project. Finally, Defendants also would have continued to maintain that they had no duty to disclose the Bechtel reports because they were attorney-client privileged work product, given that Bechtel was retained by SCANA’s outside counsel to assess the Nuclear Project for litigation purposes against Westinghouse and the other contractors. Accordingly, Lead Counsel faced substantial risks in establishing the falsity and actionability of Defendants’ statements and omissions.

## **2. Scierter**

86. Lead Plaintiffs would also have also faced significant challenges in proving that Defendants made the alleged false statements with the intent to mislead investors or were severely reckless in disregarding their statements’ falsity. For example, as discussed above, Defendants have contended that the Individual Defendants reasonably relied on the schedule, cost estimates, and other positive information about the Nuclear Project’s progress provided to SCANA by Westinghouse, its lead contractor on the Nuclear Project. Further, Defendants also have and would have continued to argue that they believed in good faith that the EPC Amendment entered into between SCANA and Westinghouse, just days before the start of the Class Period, fixed many of the problems with the Nuclear Project identified to SCANA by

Bechtel in its assessment. Thus, in order to prove scienter, Lead Plaintiffs would have to establish, *inter alia*, that Defendants knew that Westinghouse did not reasonably believe that it could complete the Nuclear Project on schedule and on budget, contrary to its continued representations to SCANA.

87. Moreover, Defendants would also have continued to challenge the accounts of two former Westinghouse employees relied on in the Complaint as support for Defendants' knowledge of the schedule delays and cost overruns at the Nuclear Project. Specifically, Defendants would have continued to maintain that these statements were mere opinions of Westinghouse employees, who had their own agendas with respect to the Nuclear Project, and thus cannot be relied on to support the Defendants' scienter. Likewise, Defendants would likely attempt to discredit the testimony of a key SCANA whistleblower relied on in the Complaint to support Defendants' knowledge of the Nuclear Project's failures and intent to defraud investors, as unreliable and motivated by her own personal issues. Accordingly, for all these reasons, proving scienter would have posed a significant risk if the litigation were to proceed.

### **3. Loss Causation**

88. Lead Counsel expect that Defendants would have vigorously persisted in arguing that much (if not all) of the declines in SCANA's stock prices were not attributable to risks allegedly concealed by Defendants' false and misleading statements and omissions. In order to prove damages from those statements, a class representative bears the burden of establishing "loss causation"—that defendants' false and misleading statements caused their alleged loss. *See Dura Pharm., Inc. v. Broudo*, 544 U.S. 336, 345-46 (2005) (plaintiffs bear the burden of proving "that the defendant's misrepresentations 'caused the loss for which the plaintiff seeks to recover'" (quoting 15 U.S.C. § 78u-4(b)(4))). Lead Plaintiffs attempted to meet this burden through their allegations that Defendants' fraud was gradually revealed to the investing public

through a series of partial corrective events that materialized risks concealed by Defendants' alleged fraud. Lead Plaintiffs' damages expert estimated maximum class-wide aggregate damages of approximately \$1.5 billion based on 18 alleged corrective events.

89. In response, however, Defendants would have continued to argue that the alleged corrective disclosures did not correct the alleged misstatements and omissions for a variety of reasons, including because many of the allegedly concealed risks about the Nuclear Project were previously disclosed and known to the market. Notably, Defendants would have maintained their primary loss causation argument, that the Court should end the Class Period no later than July 31, 2017, when SCANA announced its abandonment of the Nuclear Project—nearly five months before the end of the alleged Class Period. Defendants would continue to contend that by that date (if not earlier), the risks related to the completion of the Nuclear Project were fully disclosed by the abandonment announcement and, thus, any misstatements related to the project's status and oversight were completely corrected.

90. Specifically, on July 31, 2017, SCANA announced that it “expected that the cost of completing the Nuclear Project would ‘materially exceed’ prior estimates by Westinghouse,” that “the reactors would not be complete in time to receive the planned tax credits,” and there were “significant challenges” to completing the Nuclear Project. Therefore, Defendants would have a compelling argument that this disclosure effectively severed the causal link between Defendants' misstatements and omissions and Lead Plaintiffs' alleged injuries because it fully disclosed all of the relevant concealed information regarding the Nuclear Project's progress, schedule, and costs and Defendants' poor oversight and lack of transparency.

91. In the alternative, Defendants argued, and would have continued to do so, that at a minimum, the Class Period should end no later than September 27, 2017, when the market

learned of the existence of Bechtel's original report and its adverse findings, as well as Defendants' attempts to cover up this report. According to Defendants, such information fully disclosed to investors the alleged fraud, which centers on Defendants' failure to disclose Bechtel's adverse findings that contradicted Defendants' public statements. If this argument were successful, it would eliminate numerous other subsequent corrective disclosures that Lead Plaintiffs had alleged.

92. If Defendants prevailed on these arguments at class certification, summary judgment, or trial, maximum recoverable damages would have been significantly reduced. Indeed, according to Defendants, if the Class Period concluded on July 31, 2017 and certain earlier corrective disclosures contested by Defendants for various other reasons were also dismissed, maximum recoverable damages could have been as low as \$200 million.

93. Lead Plaintiffs would also face significant challenges in establishing loss causation due to Defendants' arguments regarding the purported lack of significant stock price reaction when the allegedly undisclosed risks related to the Nuclear Project were first revealed to the public. Specifically, with respect to the first alleged corrective disclosure in December 2017, Defendants would continue to advance the argument that SCANA's price did not react in a statistically significant way after Toshiba (Westinghouse's parent company) disclosed a multi-billion dollar impairment related to its nuclear construction business on December 27, 2016.

94. Defendants had contended that news outlets such as Bloomberg and the *Wall Street Journal* connected the anticipated write-down directly to the allegedly undisclosed risks facing the Nuclear Project and SCANA's recent schedule revision and cost increases. Yet, according to Defendants, SCANA's stock price did not react to the disclosure of this information in a statistically significant way on December 28, 2016. Accordingly, although Lead Plaintiffs

had credible responses to these and other loss causation arguments advanced by Defendants, Lead Plaintiffs faced a significant risk that it would not be able to establish loss causation.

**B. Risks of Prevailing at Class Certification**

95. While Lead Counsel believed that Defendants' substantive arguments in opposition to class certification did not pose a serious issue, there was substantial risk that the Court (or the 4th Circuit on a Rule 23(f) interlocutory appeal) would narrow the Class Period. As previously noted, Defendants argued that the Class Period should end on July 31, 2017 – almost five months earlier than Lead Plaintiffs sought – when SCANA announced the abandonment of the Nuclear Project, or, in the alternative, no later than September 27, 2017, when the market learned of the existence of the original Bechtel report and Defendants' failure to disclose it.

96. Had the Court accepted Defendants' arguments that the Class Period should end on July 31, 2017 and earlier alleged corrective disclosures be dismissed, damages in the case would have been reduced by more than 86%, which would have substantially reduced the value of the case. If the Court accepted Defendants' alternative argument that the Class Period should end on September 27, 2017—which was compelling given that the disclosure revealed new information about Defendants' knowledge and concealment of Bechtel's original adverse findings, which were at the heart of Lead Plaintiffs' claims—that also would have eliminated numerous subsequent corrective disclosures and thus greatly reduced recoverable damages in the case.

**C. Risk of Appeal**

97. Finally, even if Lead Plaintiffs prevailed at summary judgment and at trial, Defendants would likely have appealed the judgment—leading to many additional months, if not years, of further litigation. On appeal, Defendants would have renewed their numerous

arguments as to why Lead Plaintiffs had failed to establish liability and damages, thereby exposing Lead Plaintiffs to the risk of having any favorable judgment reversed or reduced below the Settlement Amount.

98. Based on all the factors summarized above, Lead Plaintiffs and Lead Counsel respectfully submit that it was in the best interest of the Settlement Class to accept the certain and substantial benefit conferred by the Settlement, instead of incurring the significant risk that the Settlement Class could recover a lesser amount, or nothing at all, after several additional years of arduous litigation.

**D. General Risks in Prosecuting Securities Actions on a Contingent Basis**

99. Securities class actions are increasingly dismissed at the class certification stage, in connection with *Daubert* motions, or at summary judgment. For example, class certification has been denied in several recent securities class actions. *See, e.g., Ohio Pub. Emps. Ret. Sys. v. Fed. Home Loan Mortg. Corp.*, No. 4:08CV0160, 2018 WL 3861840, at \*20 (N.D. Ohio Aug. 14, 2018); *In re Finisar Corp. Sec. Litig.*, No. 5:11-CV-01252-EJD, 2017 WL 6026244, at \*9 (N.D. Cal. Dec. 5, 2017); *Gordon v. Sonar Cap. Mgmt. LLC*, No. 11-9665, 2015 WL 1283636 (S.D.N.Y. Mar. 19, 2015); *Sicav v. James Jun Wang*, No. 12-6682, 2015 WL 268855 (S.D.N.Y. Jan. 21, 2015).

100. Even when class certification has been granted, courts have shortened the class period based on similar arguments offered by Defendants here. *See, e.g., W. Va. Pipe Trades Health & Welfare v. Medtronic, Inc.*, 325 F.R.D. 280, 291-95 (D. Minn. 2018). As noted above, if the Class Period were shortened, damages would be significantly reduced.

101. Courts also frequently dismiss securities class actions at the summary judgment stage. *See, e.g., In re Barclays Bank PLC Sec. Litig.*, No. 09-1989, 2017 WL 4082305, at \*25 (S.D.N.Y. Sept. 13, 2017) (summary judgment granted on September 13, 2017 after eight years

of litigation); *Omnicom Grp., Inc. Sec. Litig.*, 541 F. Supp. 2d 546, 554-55 (S.D.N.Y. 2008), *aff'd* 597 F.3d 501 (2d Cir. 2010) (summary judgment granted after six years of litigation and millions of dollars spent by plaintiffs' counsel); *see also In re Xerox Corp. Sec. Litig.*, 935 F. Supp. 2d 448, 496 (D. Conn. 2013), *aff'd* 766 F.3d 172 (2d Cir. 2014). And even cases that have survived summary judgment have been dismissed prior to trial in connection with *Daubert* motions. *See Bricklayers and Trowel Trades Int'l Pension Fund v. Credit Suisse First Boston*, 853 F. Supp. 2d 181 (D. Mass. 2012), *aff'd* 752 F.3d 82 (1st Cir. 2014) (granting summary judgment *sua sponte* in favor of defendants after finding that plaintiffs' expert was unreliable).

102. Even when securities class action plaintiffs are successful in having a class certified, have prevailed at summary judgment, have overcome *Daubert* motions and have gone to trial, there are still very real risks that there will be no recovery or substantially less of a recovery for class members. For example, in *In re BankAtlantic Bancorp, Inc.*, No. 07-61542, 2011 WL 1585605 (S.D. Fl. Apr. 25, 2011), a jury rendered a verdict in plaintiffs' favor on liability in 2010 but, the following year, the district court granted defendants' motion for judgment as a matter of law and entered judgment in favor of the defendants on all claims. In 2012, the Eleventh Circuit affirmed the district court's ruling, finding that there was insufficient evidence to support a finding of loss causation. 688 F.3d 713 (11th Cir. 2012).

103. There is also the increasing risk that an intervening change in the law can result in the dismissal of a case after significant effort has been expended. The Supreme Court has heard several securities cases in recent years, often announcing holdings that dramatically changed the law in the midst of long-running cases. *See Omnicare, Inc. v. Laborers Dist. Council Constr. Indus. Pension Fund*, 135 S. Ct. 1318 (2015); *Halliburton Co. v. Erica P. John Fund, Inc.*, 134 S. Ct. 2398 (2014); *Comcast Corp. v. Behrand*, 133 S. Ct. 1426 (2013); *Morrison v. Nat'l Austl.*



*Bank Ltd.*, 561 U.S. 247 (2010). As a result, many cases have been lost after the plaintiffs have invested thousands of hours in briefing and discovery. For example, in *In re Vivendi Univ., S.A. Sec. Litig.*, 765 F. Supp. 2d 512, 524, 533 (S.D.N.Y. 2011), after a verdict for class plaintiffs finding Vivendi acted recklessly with respect to 57 statements, the district court granted judgment for defendants following a change in the law announced in *Morrison*.

104. Likewise, likely appeals of any judgment lead to many additional months, if not years, of further litigation, exposing plaintiffs to risks of having any favorable judgment reversed or reduced. This risk is very real in securities fraud class actions, as there are numerous instances across the country where jury verdicts for plaintiffs in securities class actions were overturned after appeal. *See, e.g., Glickenhau & Co. v. Household Int'l, Inc.*, 787 F.3d 408 (7th Cir. 2015) (reversing and remanding jury verdict of \$2.46 billion after 13 years of litigation); *Robbins v. Koger Props., Inc.*, 116 F.3d 1441 (11th Cir. 1997) (reversing \$81 million jury verdict after 19-day trial and dismissing case with prejudice); *Anixter v. Home-Stake Prod. Co.*, 77 F.3d 1215 (10th Cir. 1996) (overturning plaintiffs' verdict obtained after two decades of litigation); *In re Apple Comp. Sec. Litig.*, No. 84-20148, 1991 WL 238298 (N.D. Cal. Sept. 6, 1991) (\$100 million jury verdict vacated on post-trial motions).

105. In sum, Lead Counsel respectfully submit that securities class actions face serious risks of dismissal and non-recovery at all stages of litigation, and this Action is no different.

#### **IV. LEAD PLAINTIFFS' COMPLIANCE WITH THE COURT'S ORDERS REQUIRING ISSUANCE OF SETTLEMENT NOTICE**

106. The Preliminary Approval Order directed that the Notice of (I) Pendency of Class Action and Proposed Settlement; (II) Settlement Fairness Hearing; and (III) Motion for an Award of Attorneys' Fees and Payment of Litigation Expenses (the "Notice") be disseminated to the Settlement Class; set May 27, 2020 as the deadline for Settlement Class Members to submit

objections to the Settlement, the Plan of Allocation, and/or the Fee and Expense Application; set May 27, 2020 as the deadline for Settlement Class Members to request exclusion from the Settlement Class, and scheduled the final approval hearing for June 17, 2020. ECF No. 219.

107. The Preliminary Approval Order authorized Lead Counsel to retain Epiq Systems (“Epiq”) as the Claims Administrator for the Settlement. *Id.* at ¶ 7. In accordance with the Preliminary Approval Order, and the Court’s related order concerning the Notice Date (ECF No. 225) Epiq has: (i) mailed the Court-approved Notice and Claim Form (together, the “Notice Packet”) to potential Settlement Class Members who have been identified through reasonable effort; (ii) posted the Notice and Claim Form on the website developed for this Settlement, [www.SCANASecuritiesLitigation.com](http://www.SCANASecuritiesLitigation.com); and (iii) published the Summary Notice in the *Wall Street Journal* and transmitted it over the *PR Newswire*.<sup>5</sup>

108. The Notice sets forth a description of the terms of the Settlement and the proposed Plan of Allocation and provides potential Settlement Class Members with, among other things, an explanation of their right to object to any aspect of the Settlement, the Plan of Allocation, and/or Lead Counsel’s request for an award of attorneys’ fees and payment of Litigation Expenses, the manner for submitting a Claim Form in order to be eligible to receive a payment from the Settlement, and their right to request exclusion from the Settlement Class. *See generally* Ex. 3 - A. The Notice also informs Settlement Class Members of Lead Counsel’s intention to apply for an award of attorneys’ fees in an amount not to exceed 14% of the Settlement Fund, and for payment of Litigation Expenses incurred in connection with the institution, prosecution and resolution of the Action, as well as Lead Plaintiffs’ PSLRA award, in an amount not to exceed \$1,200,000.

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<sup>5</sup> Epiq’s efforts are detailed in the Villanova Declaration, attached as Exhibit 3 hereto.

109. As set forth in the Villanova Declaration, Epiq disseminated 21,771 copies of the Notice Packet to potential Settlement Class Members and nominees by first-class mail by March 25, 2020. Villanova Decl. at ¶¶ 2-6. As of April 21, 2020, a total of 25,215 Notice Packets have been mailed to potential Settlement Class Members and nominees. *Id.* at ¶ 9. Epiq also caused, in accordance with the Court's Orders, the Summary Notice to be published in *Wall Street Journal* and to be transmitted via *PR Newswire* on April 8, 2020. *Id.* at ¶ 10.

110. Contemporaneously with the mailing of the Notice Packet, Epiq also created a case website to provide Settlement Class Members and other interested parties with information concerning the Settlement and the important dates and deadlines in connection therewith, as well as access to downloadable copies of the Notice, Claim Form, Stipulation, and Preliminary Approval Order. *See id.* at ¶ 14. The Notice Packet has also been posted on Lead Counsel's firm websites.

111. As noted above, the Court-ordered deadline for Settlement Class Members to request exclusion or file objections to the Settlement, the Plan of Allocation and/or the Fee and Expense Application is May 27, 2020. To date, no objections to the Settlement, Plan of Allocation or Fee and Expense Application have been received, and no requests for exclusion have been received. Lead Plaintiffs and Lead Counsel will address any objections in their reply papers to be filed with the Court on June 10, 2020.

## **V. ALLOCATION OF THE PROCEEDS OF THE SETTLEMENT**

112. Pursuant to the Preliminary Approval Order, and as set forth in the Notice, all Settlement Class Members who want to participate in the distribution of the Net Settlement Fund (*i.e.*, the Settlement Fund less any (a) Taxes, (b) Notice and Administration Costs, (c) Litigation Expenses awarded by the Court, (d) attorneys' fees awarded by the Court; and (e) other costs or fees approved by the Court) are to submit a Claim Form by mail or online, using the case

website, by no later than July 25, 2020. As set forth in the Notice, the Net Settlement Fund will be distributed among Settlement Class Members who submit eligible claims according to the plan of allocation approved by the Court.

113. Lead Counsel developed the proposed plan of allocation for the Net Settlement Fund (the “Plan of Allocation”) in consultation with Lead Plaintiffs’ economic and damages expert. Lead Counsel believe that the Plan of Allocation provides a fair and reasonable method to equitably allocate the Net Settlement Fund among Settlement Class Members who suffered losses as result of the conduct alleged in the Complaint.

114. The Plan of Allocation is set forth in the Notice. *See Villanova Decl., Ex. A at ¶¶ 55-77.* As described in the Notice, calculations under the Plan of Allocation are not intended to be estimates of, nor indicative of, the amounts that Settlement Class Members might have been able to recover at trial or estimates of the amounts that will be paid to Authorized Claimants pursuant to the Settlement. *Id.* at ¶ 55. Instead, the calculations under the plan are a method to weigh the claims of Settlement Class Members against one another for the purposes of making *pro rata* allocations of the Net Settlement Fund.

115. In developing the Plan of Allocation, Lead Plaintiffs’ expert calculated the estimated amount of artificial inflation in the per share closing price of publicly traded SCANA common stock that allegedly was proximately caused by Defendants’ alleged false and misleading statements and omissions. Notice ¶ 57. In calculating the estimated artificial inflation, Lead Plaintiffs’ expert considered price changes in publicly traded SCANA common stock in reaction to certain public announcements allegedly revealing the truth concerning Defendants’ alleged misrepresentations and omissions, adjusting for price changes that were attributable to market or industry forces. *Id.*

116. The Plan of Allocation calculates a “Recognized Loss Amount” or “Recognized Gain Amount” for each purchase or acquisition of publicly traded SCANA common stock during the Class Period that is listed in the Claim Form and for which adequate documentation is provided by the claimant. Notice ¶ 61. The calculation of Recognized Loss Amounts under the Plan will depend on when the claimant purchased and/or sold the shares, whether the claimant held the shares through the statutory 90-day look-back period, *see* 15 U.S.C. § 78u-4(e), and the value of the shares when the claimant purchased, sold, or held them. Claimants who purchased publicly traded SCANA common stock during the Class Period but did not hold the securities through at least one of the dates where artificial inflation was allegedly removed from the price of the securities by a corrective disclosure will have no Recognized Loss Amount as to those transactions because any loss they suffered would not have been caused by the disclosure of the alleged fraud. Notice ¶ 59.

117. Under the Plan of Allocation, claimants’ Recognized Loss Amounts will be netted against their Recognized Gain Amounts, if any, to determine the claimants’ “Recognized Claims,” and the Net Settlement Fund will be allocated *pro rata* to Authorized Claimants based on the relative size of their Recognized Claims. Notice ¶¶ 63, 72-73.

118. In sum, the Plan of Allocation was designed to fairly and rationally allocate the proceeds of the Net Settlement Fund among Settlement Class Members based on the losses they suffered on transactions in SCANA common stock that were attributable to the conduct alleged in the Complaint. Accordingly, Lead Counsel respectfully submit that the Plan of Allocation is fair and reasonable and should be approved by the Court.

119. As noted above, as of April 21, 2020 more than 25,000 copies of the Notice, which contains the Plan of Allocation and advises Settlement Class Members of their right to

object to the proposed Plan of Allocation, have been sent to potential Settlement Class Members and nominees. *See Villanova Decl.* at ¶ 9. To date, no objections to the proposed Plan of Allocation have been received.

## **VI. THE FEE AND EXPENSE APPLICATION**

120. In addition to seeking final approval of the Settlement and Plan of Allocation, Lead Counsel are applying to the Court, on behalf of Plaintiffs' Counsel, for an award of attorneys' fees of 14% of the Settlement Fund (the "Fee Application"). Lead Counsel also request payment of Litigation Expenses incurred in connection with the prosecution of the Action from the Settlement Fund in the amount of \$729,303.12. Lead Counsel further request an award to Lead Plaintiffs in the total amount of \$41,832.21, directly related to their representation of the Settlement Class, in accordance with the PSLRA, 15 U.S.C. § 78u-4(a)(4). The legal authorities supporting the requested fee and expenses are discussed in Lead Counsel's Fee Memorandum. The primary factual bases for the requested fee and expenses are summarized below.

### **A. The Fee Application**

121. For Plaintiffs' Counsel's efforts on behalf of the Settlement Class, Lead Counsel are applying for a fee award to be paid from the Settlement Fund on a percentage basis. Only Lead Counsel, BLB&G and Labaton Sucharow, and Liaison Counsel, Motley Rice LLC, will be paid from the fee award. Based on the quality of the result achieved, the extent and quality of the work performed, the significant risks of the litigation, and the fully contingent nature of the representation, Lead Counsel respectfully submit that the requested fee award is reasonable and should be approved. As discussed in the Fee Memorandum, a 14% fee award is fair and reasonable for attorneys' fees in common fund cases such as this and is within the range of percentages awarded in securities class actions in this Circuit with comparable settlements.

**1. Lead Plaintiffs Have Authorized and Support the Fee and Expense Application**

122. Lead Plaintiff West Virginia IMB is a sophisticated institutional investor that closely supervised and monitored the prosecution and settlement of the Action. *See* Declaration of Craig Slaughter, Ex. 2, at ¶¶ 2-6. West Virginia IMB has evaluated the Fee and Expense Application and fully supports the requests. *Id.* at ¶ 8. Accordingly, Lead Plaintiff West Virginia IMB's endorsement of Lead Counsel's fee and expense request demonstrates its reasonableness and should be given weight in the Court's consideration of the fee award.

123. Lead Plaintiff Big Sky is a sophisticated institutional investor that closely supervised and monitored the prosecution and settlement of the Action. *See* Declaration of Harmen Nieuwenhuis, Ex. 1, at ¶¶ 2-7. Blue Sky has evaluated the Fee and Expense Application and fully supports the requests. *Id.* at ¶ 9. Accordingly, Lead Plaintiff Blue Sky's endorsement of Lead Counsel's fee and expense request demonstrates its reasonableness and should be given weight in the Court's consideration of the fee award.

**2. The Significant Time and Labor Devoted to the Action by Plaintiffs' Counsel**

124. The work undertaken by Plaintiffs' Counsel in investigating and prosecuting this case and arriving at the Settlement in the face of substantial risks has been time-consuming and challenging. As set forth above, the Action settled only after counsel overcame multiple legal and factual challenges, extensive informal and formal fact discovery that was ongoing at the time of settlement, including the analysis of more than 1.8 million pages of documents obtained through informal discovery efforts, as well as over 5.2 million of pages of documents obtained from Defendants through formal discovery, which Lead Counsel had begun to analyze at the time of settlement, and defended or otherwise participated in seven depositions in connection with class certification.

125. Throughout this case, Lead Counsel devoted substantial time to its prosecution. While we personally devoted significant time to the case, other experienced attorneys at our firms were also involved, with more junior attorneys and paralegals working on matters appropriate to their skill and experience level. Throughout the litigation, Lead Counsel maintained an appropriate level of staffing that avoided unnecessary duplication of effort and ensured the efficient prosecution of this litigation. At all times throughout the pendency of the Action, Lead Counsel's efforts were driven and focused on advancing the litigation to bring about the most successful outcome for the Settlement Class, whether through settlement or trial.

126. The time and labor expended by Plaintiffs' Counsel in pursuing this Action and achieving the Settlement strongly demonstrate the reasonableness of the requested fee. Attached hereto as Exhibits 5 to 7 are declarations from Plaintiffs' Counsel in support of the Fee and Expense Application (the "Fee and Expense Declarations"). Each of the Fee and Expense Declarations includes a schedule summarizing the lodestar of the firm and the litigation expenses it incurred, delineated by category. The Fee and Expense Declarations indicate the amount of time spent on the Action by the attorneys and professional support staff of each firm from the inception of the Action through March 31, 2020, and the lodestar calculations based on their current hourly rates. For attorneys or professional support staff who are no longer employed by a firm, the lodestar calculations are based upon the hourly rates for such person in his or her final year of employment. The hourly rates of Plaintiffs' Counsel range from \$775 to \$1,300 for partners, \$725 to \$775 for of-counsel, \$450 to \$700 for associates, \$335 to \$410 for staff attorneys, \$225 to \$375 for paralegals/managing clerk, and \$175 to \$600 for investigators/litigation support staff. These declarations were prepared from daily time records



regularly maintained and prepared by the respective firms, which are available at the request of the Court.

127. As set forth in Exhibit 8, Plaintiffs' Counsel expended a total of 41,189.6 hours in the investigation, prosecution, and resolution of the Action through March 31, 2020. The resulting total lodestar for this time is \$19,859,952.00; however, additional time will necessarily be dedicated to seeking approval of the Settlement and its administration.

128. The requested 14% fee equals \$26.95 million, before accrued interest, and therefore, under the lodestar approach, is approximately 1.36 times the value of Plaintiffs' Counsel's lodestar. As discussed in the Fee Memorandum, this requested multiplier is within, and indeed at the lower end of, the range of multipliers typically awarded by Courts in this Circuit in cases involving significant contingency fee risk and settlements of similar magnitude. *See* Fee Memorandum at §III.A.

### **3. The Quality of Plaintiffs' Counsel's Representation**

129. Lead Counsel believe that the best test of the quality of the representation provided is the quality of the results achieved for the class members whom counsel were appointed to represent. Here, for the reasons previously detailed above, Lead Counsel respectfully submit that the Settlement is a very favorable result for the Settlement Class. Reached after years of dedicated effort, the Settlement is the result of Plaintiffs' Counsel's hard work, persistence and skill in a case that presented significant litigation risks.

130. Moreover, as demonstrated by the firm resumes included as Exhibits 6 - C and 7 - C hereto, Lead Counsel are among the most experienced and skilled law firms in the securities litigation field, and each firm has a long and successful track record representing investors in such cases. We believe Lead Counsel's experience and ability added valuable leverage in the settlement negotiations.

#### **4. Standing and Caliber of Defendants' Counsel**

131. The quality of the work performed by Plaintiffs' Counsel in attaining the Settlement should be evaluated in light of the quality of their opposition. Defendants were represented by vigorous and extremely able counsel from many prestigious defense law firms, including McGuireWoods LLP, counsel for Dominion Energy and Defendants SCANA, Stowe, Hagood, and Roquemore; Cadwalader, Wickersham & Taft LLP, counsel for Defendant Marsh; Alston & Bird, counsel for Defendant Addison; and Wilmer Cutler Pickering Hale and Dorr, LLP, counsel for Defendant Byrne. In the face of this skillful and well-financed opposition, Lead Counsel were nonetheless able to develop a case that was sufficiently strong to persuade Defendants and their counsel to settle the case on terms that will benefit the Settlement Class.

#### **5. The Risks of Litigation and the Need to Ensure the Availability of Competent Counsel in High-Risk Contingent Cases**

132. The prosecution of these claims was undertaken entirely on a contingent-fee basis, and the considerable risks assumed by Lead Counsel in bringing this Action to a successful conclusion are described above. Those risks are relevant to the Court's evaluation of an award of attorneys' fees. Here, the risks assumed by Counsel, and the time and expenses incurred by Plaintiffs' Counsel without any payment, were extensive.

133. From the outset, Lead Counsel understood that they were embarking on a complex, expensive, lengthy, and hard-fought litigation with no guarantee of ever being compensated for the substantial investment of time and the outlay of money that vigorous prosecution of the case would require. In undertaking that responsibility, Lead Counsel were obligated to ensure that sufficient resources (in terms of attorney and support staff time) were dedicated to the litigation, and that Lead Counsel would further advance all of the costs necessary to pursue the case vigorously on a fully contingent basis, including funds to

compensate vendors and consultants and to cover the considerable out-of-pocket costs that a case such as this typically demands. Because complex shareholder litigation generally proceeds for several years before reaching a conclusion, the financial burden on contingent-fee counsel is far greater than on a firm that is paid on an ongoing basis. Indeed, Lead Counsel have received no compensation during the course of this Action, yet they have incurred \$729,303.12 in expenses in prosecuting this Action for the benefit of SCANA investors.

134. Plaintiffs' Counsel's persistent efforts in the face of significant risks and uncertainties have resulted in a significant and certain recovery for the Settlement Class. In light of this recovery and Plaintiffs' Counsel's investment of time and resources over the course of the litigation, Lead Counsel believe the requested attorneys' fee is fair and reasonable and should be approved.

#### **6. The Reaction of the Settlement Class to the Fee Application**

135. As noted above, as of April 21, 2020, 25,215 Notice Packets have been mailed to potential Settlement Class Members and nominees advising them that Lead Counsel would apply for attorneys' fees in an amount not to exceed 14% of the Settlement Fund. *See Villanova Decl.* at ¶ 9 and Ex. A (Notice at ¶¶ 5, 78). In addition, the Court-approved Summary Notice has been published in the *Wall Street Journal* and transmitted over the *PR Newswire*. *Id.* ¶ 10. To date, no objections to the request for attorneys' fees have been received.

136. In sum, Lead Counsel accepted this case on a contingency basis, committed significant resources to it, and prosecuted it without any compensation or guarantee of success. Based on the favorable result obtained, the quality of the work performed, the risks of the Action, and the contingent nature of the representation, Lead Counsel respectfully submit that the requested fee is fair and reasonable.

**B. The Litigation Expense Application**

137. Lead Counsel also seek payment of \$729,303.12 in Litigation Expenses that were reasonably incurred in connection with the prosecution of the Action (the “Expense Application”).

138. From the outset of the Action, Lead Counsel have been cognizant of the fact that they might not recover any of their expenses and, further, that if there were to be payment of expenses, it would not occur until the Action was successfully resolved, often a period lasting several years. Lead Counsel also understood that, even assuming that the case was ultimately successful, payment of expenses would not necessarily compensate them for the lost use of funds advanced by them to prosecute the Action. Consequently, counsel were motivated to take steps to minimize expenses whenever practicable without jeopardizing the vigorous and efficient prosecution of the case.

139. Plaintiffs’ Counsel have incurred a total of \$729,303.12 in litigation expenses in connection with the prosecution of the Action. The expenses are summarized in Exhibit 9, which was prepared based on the Fee and Expense Declarations submitted by each firm and identifies each category of expense, *e.g.*, expert fees, on-line legal and factual research, travel costs, telephone and duplicating expenses, and the amount incurred for each category. As attested to in each firm’s Fee and Expense Declaration (Exhibits 5 to 7 hereto), these expenses are reflected on the books and records maintained by each Plaintiffs’ Counsel firm. These books and records are prepared from expense vouchers, check records, and other source materials and are an accurate record of the expenses incurred. Importantly, these expenses were recorded separately by Plaintiffs’ Counsel and are not duplicated among the respective firms’ hourly rates.

140. Of the total amount of expenses, \$296,351.08, or approximately 41%, was expended for the retention of consulting experts. As noted above, Lead Counsel worked

extensively with their expert on issues related to market efficiency, loss causation, and damages. This work was instrumental in Lead Counsel's appraisal of the claims, moving for class certification, and ultimately bringing about the favorable result achieved.

141. Another significant category of expenses was for document management and litigation support, which total \$140,053.40, or approximately 19% of the total amount of expenses.

142. The costs of mediation totaled \$50,697.50, or approximately 7% of the total expenses.

143. The combined costs of on-line legal and factual research were \$68,569.26, or approximately 9% of the total expenses. The costs of court reporting totaled \$34,784.26, or approximately 5% of total expenses.

144. Plaintiffs' Counsel also incurred \$56,015.50 in out-of-town travel costs, or approximately 8% of the total expenses, for travel in connection with court appearances and depositions in the Action. As detailed in the Fee and Expense Declarations, Lead Counsel have capped these travel costs in various ways, including limiting airfare to coach rates and capping expenses for meals and hotels.

145. The other expenses for which Plaintiffs' Counsel seek payment are the types of expenses that are necessarily incurred in litigation and regularly charged to clients. These expenses include, among others, filing fees, copying/printing costs (in-house and through outside vendors), long distance telephone charges, and postage and delivery expenses.

146. Additionally, pursuant to the PSLRA, 15 U.S.C. § 78u-4(a)(4), Lead Plaintiffs are seeking reimbursement related directly to their representation of the Settlement Class, based on the time that employees of West Virginia IMB and Blue Sky dedicated to the Action, including

being deposited and participating in settlement negotiations, and out-of-pocket travel expenses incurred. Such payments are expressly authorized and anticipated by the PSLRA, as discussed in the Fee Memorandum, §V.

147. As set forth in the Slaughter Declaration, attached hereto as Exhibit 2, West Virginia IMB seeks an award of \$34,048.82, as reimbursement for the time it dedicated to the Action (\$27,650.70 in connection with 201.2 hours) and \$6,398.12 in out-of-pocket expenses related to its attendance at both mediations. As set forth in the Nieuwenhuis Declaration attached hereto as Exhibit 1, Blue Sky seeks a total of \$7,783.39 in reimbursement for its time, which is based on 147 hours.

148. The Notice informed potential Settlement Class Members that Lead Counsel would be seeking payment of expenses in an amount not to exceed \$1,200,000, including reimbursement to the Lead Plaintiffs directly related to their representation of the Settlement Class, as authorized by the PSLRA. *See* Ex. 3 - A at ¶¶ 5, 78. The aggregate amount requested, \$771,135.33, which includes \$729,303.12 for litigation expenses incurred by Plaintiffs' Counsel and \$41,832.21 in PSLRA reimbursement to the Lead Plaintiffs, is well below the \$1.2 million cap.

149. The expenses incurred by Plaintiffs' Counsel and Lead Plaintiffs were reasonable and necessary to represent the Settlement Class and achieve the Settlement. Accordingly, Lead Counsel respectfully submit that the expenses should be paid in full from the Settlement Fund.

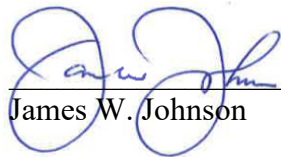
## **VII. MISCELLANEOUS EXHIBITS**

150. Attached hereto as Exhibit 10 is a true and correct copy of the unreported Order Awarding Lead Counsel's Attorneys' Fees and Expenses, *City of Ann Arbor Emps.' Ret. Sys. v. Sonoco Prods. Co.*, No. 4:08-cv-02348-TLW-KDW (D.S.C. Sept. 7, 2012), ECF No. 225 (Wooten, J.).

**VIII. CONCLUSION**

151. For all the reasons stated above, Lead Plaintiffs and Lead Counsel respectfully submit that the Settlement and the Plan of Allocation should be approved as fair, reasonable, and adequate. Lead Counsel further submit that the requested fee of 14% of the Settlement Fund should be approved as fair and reasonable, the request for payment of Plaintiffs' Counsel's litigation expenses in the amount of \$729,303.12 should be approved; and Lead Plaintiffs' request for \$41,832.21 should be approved.

We declare, under penalty of perjury, that the foregoing is true and correct. Executed this 22nd day of April, 2020.

  
James W. Johnson

\_\_\_\_\_  
John C. Browne

### VIII. CONCLUSION

151. For all the reasons stated above, Lead Plaintiffs and Lead Counsel respectfully submit that the Settlement and the Plan of Allocation should be approved as fair, reasonable, and adequate. Lead Counsel further submit that the requested fee of 14% of the Settlement Fund should be approved as fair and reasonable, the request for payment of Plaintiffs' Counsel's litigation expenses in the amount of \$729,303.12 should be approved; and Lead Plaintiffs' request for \$41,832.21 should be approved.

We declare, under penalty of perjury, that the foregoing is true and correct. Executed this 22nd day of April, 2020.

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James W. Johnson



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John C. Browne



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 22, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record.

*/s/ Marlon E. Kimpson*

\_\_\_\_\_  
MARLON E. KIMPSON (D.S.C. Bar No. 7487)

# **Exhibit 1**

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(COLUMBIA DIVISION)**

*In re SCANA Corporation Securities  
Litigation*

Civil Action No. 3:17-CV-2616-MBS

CLASS ACTION

**DECLARATION OF HARMEN NIEUWENHUIS ON BEHALF OF BLUE SKY IN  
SUPPORT OF: (I) LEAD PLAINTIFFS' MOTION FOR FINAL APPROVAL OF  
SETTLEMENT AND PLAN OF ALLOCATION; AND (II) LEAD COUNSEL'S MOTION  
FOR ATTORNEYS' FEES AND LITIGATION EXPENSES**

I, Harmen Nieuwenhuis, hereby declare under penalty of perjury as follows:

1. I respectfully submit this Declaration on behalf of Stichting Blue Sky Global Equity Active Low Volatility Fund and Stichting Blue Sky Active Large Cap Equity USA Fund (collectively, "Blue Sky"), one of the Court-appointed Lead Plaintiffs in this securities class action (the "Action"), in support of (i) Lead Plaintiffs' motion for final approval of the proposed Settlement and Plan of Allocation; and (ii) Lead Counsel's motion for attorneys' fees and Litigation Expenses.<sup>1</sup>

2. I am the General Counsel of BSG Fund Management BV and am authorized to execute this Declaration on behalf of BSG Fund Management BV, acting as the legally authorized representative of Blue Sky. I have personal knowledge of the statements herein and, if called upon as a witness, could and would competently testify thereto.

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<sup>1</sup> Unless otherwise defined in this Declaration, all capitalized terms have the meanings set out in the Stipulation and Agreement of Settlement, dated December 20, 2019 (ECF No. 214-2).

3. Blue Sky are investment funds administered by Blue Sky Group. Founded in 1999, Blue Sky Group is a pension administrator based in the Netherlands that manages approximately \$19 billion in assets on behalf of approximately 103,000 participants.

**I. Blue Sky's Oversight of the Action**

4. From the outset of the litigation, Blue Sky, an institutional investor, has been committed to vigorously prosecuting this case and to maximizing the recovery for the proposed class. Further, Blue Sky has understood that, as a class representative, it owed a fiduciary duty to all members of the proposed class to provide fair and adequate representation and worked with counsel to prosecute the case vigorously, consistent with good faith and meritorious advocacy.

5. On January 23, 2018, the Court issued an Order appointing Blue Sky and the West Virginia Investment Management Board ("West Virginia IMB") as co-"Lead Plaintiffs" in the Action pursuant to the Private Securities Litigation Reform Act of 1995 ("PSLRA"), and approved Bernstein Litowitz Berger & Grossmann LLP ("BLB&G") and Labaton Sucharow LLP as "Lead Counsel" in the Action.

6. On behalf of Blue Sky, I had regular communications with attorneys from BLB&G throughout the litigation. Blue Sky, through my active and continuous involvement, closely supervised, carefully monitored, and was actively involved in all material aspects of the prosecution and resolution of the Action. Blue Sky received periodic status reports from BLB&G on case developments and participated in regular discussions with attorneys from BLB&G concerning the prosecution of the Action, the strengths of and risks to the claims, and potential settlement. In particular, throughout the course of this Action, I, as well as my colleagues at BSG Fund Management BV: (a) regularly communicated with BLB&G by email and telephone calls regarding the posture and progress of the case; (b) reviewed all significant

pleadings and briefs filed in the Action; (c) assisted in searching for and producing documents and information requested by Defendants in the course of discovery; (d) participated in the mediation process and consulted with BLB&G concerning the settlement negotiations as they progressed; and (e) evaluated and approved the proposed Settlement.

7. In addition, I was deposed by counsel for Defendants in this Action on September 13, 2019. I spent a substantial amount of time preparing for, traveling to, and appearing at that deposition. In addition, I was advised of the settlement negotiations and the mediation process, and conferred with BLB&G regarding the Parties' respective positions.

## **II. Blue Sky Strongly Endorses Approval of the Settlement**

8. Based on its involvement throughout the prosecution and resolution of the claims asserted in the Action, Blue Sky believes that the proposed Settlement is fair, reasonable, and adequate to the Settlement Class. Blue Sky believes that the proposed Settlement represents an outstanding recovery for the Settlement Class, particularly in light of the substantial risks and uncertainties of a trial and continued litigation in this case. Therefore, Blue Sky strongly endorses approval of the Settlement by the Court.

## **III. Blue Sky Supports Lead Counsel's Motion for Attorneys' Fees and Litigation Expenses**

9. While it is understood that the ultimate determination of Lead Counsel's request for attorneys' fees and expenses rests with the Court, Blue Sky believes that Lead Counsel's request for an award of attorneys' fees in the amount of 14% of the Settlement Fund is extremely reasonable in light of the result achieved in the Action, the risks undertaken, and the quality of the work performed by Plaintiffs' Counsel on behalf of Lead Plaintiffs and the Settlement Class. Blue Sky has evaluated the fee request by considering the substantial recovery obtained for the Settlement Class in this Action, the risks of the Action, and its observations of the high-quality

work performed by Plaintiffs' Counsel throughout the litigation, and has authorized this fee request to the Court for its ultimate determination.

10. Blue Sky further believes that Plaintiffs' Counsel's Litigation Expenses are reasonable and represent costs and expenses necessary for the prosecution and resolution of the claims in the Action. Based on the foregoing, and consistent with its obligation to the Settlement Class to obtain the best result at the most efficient cost, Blue Sky fully supports Lead Counsel's motion for attorneys' fees and Litigation Expenses.

11. Blue Sky understands that reimbursement of a lead plaintiff's reasonable costs and expenses is authorized under the PSLRA. For this reason, in connection with Lead Counsel's request for payment of Litigation Expenses, Blue Sky seeks reimbursement for the costs and expenses that it incurred directly relating to its representation of the Settlement Class in the Action including out-of-pocket costs it incurred in travel and boarding.

12. One of my responsibilities as the General Counsel for BSG Fund Management BV is to monitor outside litigation matters for Blue Sky, including Blue Sky's activities in securities class actions where (as here) it has been appointed lead plaintiff.

13. The time that I devoted to the representation of the Settlement Class in this Action was time that I otherwise would have expected to spend on other work for Blue Sky and, thus, represented a cost to Blue Sky. Blue Sky seeks reimbursement in the amount of \$ 7783.39 for my time incurred on this litigation (147 hours at \$ 52.95 hour<sup>2</sup>).

Personnel	Hours <sup>3</sup>	Rate	Total
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<sup>2</sup> The hourly rate used for purposes of this request is based on my annual salary.

<sup>3</sup> While Blue Sky devoted a significant amount of time to this Action, its request for reimbursement of costs is based on a very conservative estimate of the amount of time we spent on this litigation.


Harmen Nieuwenhuis	147	52.95 \$	7783.39 \$
<b>TOTAL</b>	147	52.95 \$	7783.39 \$

#### IV. Conclusion

14. In conclusion, Blue Sky, which was closely involved throughout the prosecution and settlement of the Action, strongly endorses the Settlement as fair, reasonable, and adequate, and believes it represents a favorable recovery for the Settlement Class in light of the risks of continued litigation. Blue Sky further supports Lead Counsel's motion for attorneys' fees and payment of Plaintiffs' Counsel's Litigation Expenses and believes that it represents fair and reasonable compensation for counsel in light of the recovery obtained for the Settlement Class, the substantial work conducted, and the litigation risks. And finally, Blue Sky requests reimbursement for its expenses under the PSLRA as set forth above. Accordingly, Blue Sky respectfully requests that the Court approve (i) Lead Plaintiffs' motion for final approval of the proposed Settlement and Plan of Allocation; and (ii) Lead Counsel's motion for attorneys' fees and Litigation Expenses.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I have authority to execute this Declaration on behalf of Blue Sky.

Executed this 21<sup>th</sup> day of April, 2020.

**DocuSigned by:**  
  
C09568012192468...

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Harmen Nieuwenhuis  
General Counsel  
*BSG Fund Management B.V., acting as the  
legally authorized representative of Blue Sky*

#1372839



# **Exhibit 2**

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(COLUMBIA DIVISION)**

*In re SCANA Corporation Securities  
Litigation*

Civil Action No. 3:17-CV-2616-MBS

CLASS ACTION

**DECLARATION OF CRAIG SLAUGHTER ON BEHALF OF WEST VIRGINIA  
INVESTMENT MANAGEMENT BOARD SUPPORT OF: (I) LEAD PLAINTIFFS'  
MOTION FOR FINAL APPROVAL OF SETTLEMENT AND PLAN OF  
ALLOCATION; AND (II) LEAD COUNSEL'S MOTION FOR ATTORNEYS' FEES  
AND LITIGATION EXPENSES**

I, Craig Slaughter, declare as follows, under penalty of perjury:

1. I respectfully submit this declaration, on behalf of the West Virginia Investment Management Board (“West Virginia IMB”), one of the Court-appointed Lead Plaintiffs in this securities class action (the “Action”), in support of (i) Lead Plaintiffs’ motion for final approval of the proposed Settlement and Plan of Allocation, and (ii) Lead Counsel’s motion for attorneys’ fees and Litigation Expenses.<sup>1</sup>

2. I am the Executive Director and Chief Investment Officer at West Virginia IMB and am authorized to make this declaration on behalf of the West Virginia IMB. I, and my colleague Deborah Sink, the General Counsel, have been the primary West Virginia IMB personnel directly involved in monitoring and overseeing the prosecution of the Action, as well as the negotiations leading to the Settlement. The matters testified to herein are based on my personal knowledge and/or discussions with outside counsel, Labaton Sucharow LLP (“Labaton Sucharow”), and with other West Virginia IMB employees.

3. The West Virginia IMB serves as the principal long-term investment management organization for the State of West Virginia and is responsible for and serves as the fiduciary for the investments of all of the State’s defined benefit retirement plans. The West Virginia IMB manages over \$17 billion in assets.

**West Virginia IMB’s Oversight of the Action on Behalf of the Settlement Class**

4. From the outset of the litigation, the West Virginia IMB, an institutional investor, has been committed to vigorously prosecuting this case and to maximizing the recovery for the proposed class. Further, the West Virginia IMB has understood that, as a class representative, it owed a fiduciary duty to all members of the proposed class to provide fair and adequate

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<sup>1</sup> Unless otherwise defined in this Declaration, all capitalized terms have the meanings set out in the Stipulation and Agreement of Settlement dated December 20, 2019 (ECF No. 214-2).

representation and worked with counsel to prosecute the case vigorously, consistent with good faith and meritorious advocacy.

5. On January 23, 2018, the Court issued an Order appointing the West Virginia IMB and Stichting Blue Sky Global Equity Active Low Volatility Fund and Stichting Blue Sky Active Large Cap Equity USA Fund's ("Blue Sky"), as co-"Lead Plaintiffs" in the Action pursuant to the Private Securities Litigation Reform Act of 1995 ("PSLRA"), and approved Labaton Sucharow and Bernstein Litowitz Berger & Grossman LLP as "Lead Counsel" in the Action.

6. On behalf of the West Virginia IMB, I, as well as my colleagues at the West Virginia IMB, have monitored the progress of the litigation and the prosecution of the litigation by counsel. My office has: (i) received, reviewed, and responded to periodic updates and other correspondence from counsel regarding the case; (ii) participated in discussions with counsel regarding litigation strategy and significant developments in the litigation; (iii) worked with counsel to respond to discovery requests; and (iv) reviewed pleadings, legal briefs, and other material documents throughout the case. Additionally, Ms. Sink and I attended both the May and October 2019 mediation sessions that preceded the proposed Settlement, consulted with Labaton Sucharow concerning the settlement negotiations as they progressed (including through numerous in-person meetings and telephonic conferences), received the Parties' meditation statements and multiple memoranda and email communications from Labaton Sucharow concerning the mediation and settlement efforts as they developed, and evaluated and approved the proposed Settlement. In addition, Mr. Slaughter was deposed by counsel for Defendants in this Action on August 8, 2019 and spent a substantial amount of time preparing for and appearing at the deposition.

**The West Virginia IMB Endorses Approval of the Settlement**

7. Based on its involvement throughout the prosecution and resolution of the Action, the West Virginia IMB believes that the proposed Settlement is fair, reasonable, and adequate and in the best interest of the Settlement Class. The West Virginia IMB believes that the proposed Settlement represents an excellent recovery for the Settlement Class, and it endorses approval of the Settlement by the Court.

**The West Virginia IMB Supports Lead Counsel's Motion for an Award of Attorneys' Fees and Payment of Expenses**

8. The West Virginia IMB also believes that Lead Counsel's request for an award of attorneys' fees in the amount of 14% of the Settlement Fund is fair and reasonable. The West Virginia IMB has evaluated Lead Counsel's fee request in light of the efficient work performed, the risks and challenges in the litigation, as well as the recovery obtained for the Settlement Class. The West Virginia IMB understands that Lead Counsel will also devote additional time in the future to administering the Settlement. The West Virginia IMB further believes that the litigation expenses requested by counsel are reasonable, and represent the costs and expenses that were necessary for the successful prosecution and resolution of this case. Based on the foregoing, the West Virginia IMB fully supports Lead Counsel's motion for attorneys' fees and payment of litigation expenses.

9. In connection with Lead Counsel's request for litigation expenses, the West Virginia IMB seeks reimbursement for the time that it dedicated to the representation of the proposed class, which was time that ordinarily would have been dedicated to the work of the West Virginia IMB. The West Virginia IMB also seeks reimbursement for out of pocket expenses it incurred in connection with traveling to the May 17, 2019 and October 2, 2019 mediation sessions.

10. One of my responsibilities at the West Virginia IMB involves work on outside litigation for matters involving the West Virginia IMB, including supervising the West Virginia IMB's activities in securities class actions. As discussed above, I, and others from my office, participated in the prosecution of the Action. Below is a table listing the West Virginia IMB personnel who contributed to the litigation, together with a conservative estimate of the time that they spent and their effective hourly rates (which are based on the annual salaries of the respective personnel):

<b>Personnel</b>	<b>Hours</b>	<b>Rate</b>	<b>Total</b>
Craig Slaughter - Executive Director and Chief Investment Officer	79.70	\$167.63-\$187.77 <sup>2</sup>	\$14,567.81
Deborah Sink - General Counsel and Policy Compliance Officer	109.50	\$106.98-\$117.48 <sup>3</sup>	\$12,379.47
Rebecca King- Enterprise Information Architect	12.00	\$57.28-\$58.74 <sup>4</sup>	\$703.42
<b>TOTALS</b>	<b>201.20</b>		<b>\$27,650.70</b>

11. Accordingly, the West Virginia IMB seeks a total of \$27,650.70 for the 201.20 hours it dedicated to representing the proposed class throughout the litigation.

12. Below are tables for the out-of-pocket expenses incurred in connection with traveling to the May 17, 2019 and October 2, 2019 mediation sessions.

<b>Deborah Sink</b>	
<b>Expense Category</b>	<b>Total</b>

<sup>2</sup> Between 2018 and 2020, Mr. Slaughter's hourly rate increased with a yearly salary increase.

<sup>3</sup> Between 2018 and 2020, Ms. Sink's hourly rate increased with a yearly salary increase.

<sup>4</sup> Between 2018 and 2019, Ms. King's hourly rate increased with a yearly salary increase.

<b>Deborah Sink</b>	
<b>Expense Category</b>	<b>Total</b>
Airfare, Ground Transportation, Parking, Luggage - May 2019: \$573.64 - October 2019: \$658.74	\$1,232.38
Lodging/Meals - May 2019: \$948.95 - October 2019: \$1351.42	\$2,300.37
<b>Total</b>	<b>\$3,532.75</b>

<b>Craig Slaughter</b>	
<b>Expense Category</b>	<b>Total</b>
Airfare, Ground Transportation, Parking, Luggage - May 2019: \$577.45 - October 2019: \$502.41	\$1,079.86
Lodging/Meals - May 2019: \$501.27 October 2019: \$1,284.24	\$1,785.51
<b>Total</b>	<b>\$2,865.37</b>
<b>Combined Total</b>	<b>\$6,398.12</b>

13. Accordingly, the West Virginia IMB seeks a total of \$6,398.12 for out-of-pocket expenses incurred in connection with the May and October 2019 mediation sessions.

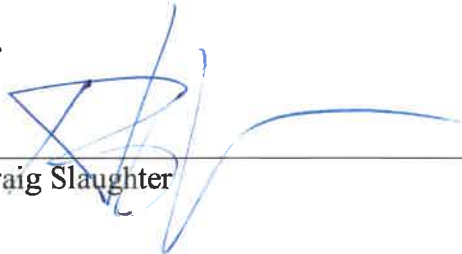
### **Conclusion**

14. In conclusion, the West Virginia IMB was closely involved throughout the prosecution and settlement of the claims in the Action and strongly endorses the Settlement as fair, reasonable, and adequate, and believes it represents an excellent recovery for the Settlement Class. The West Virginia IMB further supports Lead Counsel's attorneys' fee and expense request, in light of the work performed, the recovery obtained for the Settlement Class, and the

attendant litigation risks. The West Virginia IMB seeks \$27,650.70 as reimbursement for the time it dedicated and \$6,398.12 for the out-of-pocket expenses it incurred, for a total of \$34,048.82.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15<sup>th</sup> day of April, 2020.

  
\_\_\_\_\_

Craig Slaughter

*Executive Director and Chief Investment Officer on behalf  
of the West Virginia Investment Management Board*



# **Exhibit 3**

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(COLUMBIA DIVISION)**

*In re SCANA Corporation Securities  
Litigation*

Civil Action No. 3:17-CV-2616-MBS

**DECLARATION OF ALEXANDER P. VILLANOVA REGARDING: (A) MAILING OF  
THE NOTICE AND CLAIM FORM; (B) PUBLICATION OF THE SUMMARY  
NOTICE; AND (C) REPORT ON REQUESTS FOR EXCLUSION**

I, Alexander P. Villanova, declare and state as follows:

1. I am a Senior Project Manager employed by Epiq Class Action & Claims Solutions, Inc. (“Epiq”). Pursuant to the Court’s February 11, 2020, Order Preliminarily Approving Settlement and Authorizing Dissemination of Notice of Settlement (ECF No. 219) (“Preliminary Approval Order”), Epiq was authorized to act as the Claims Administrator in connection with the Settlement of the above-captioned class action.<sup>1</sup> The following statements are based on my personal knowledge and information provided by other Epiq employees working under my supervision and, if called on to do so, I could and would testify competently thereto.

**DISSEMINATION OF THE NOTICE PACKET**

2. Pursuant to the Preliminary Approval Order, and the Court’s related order concerning the Notice Date (ECF No. 225), Epiq mailed the Notice of (I) Pendency of Class Action and Proposed Settlement; (II) Settlement Fairness Hearing; and (III) Motion for an Award of Attorneys’ Fees and Litigation and Expenses (the “Notice”) and the Proof of Claim

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<sup>1</sup> Unless otherwise defined herein, all capitalized terms shall have the same meaning as set forth in the Stipulation and Agreement of Settlement dated as of December 20, 2019 (ECF No. 214-2) (the “Stipulation”).

and Release Form (the “Claim Form”) (collectively, the Notice and Claim Form are referred to as the “Notice Packet”), to potential Settlement Class Members. A copy of the Notice Packet is attached hereto as Exhibit A.

3. On February 11, 2020, Epiq received an Excel file from Lead Counsel, which Lead Counsel had received from SCANA’s transfer agent, containing the names and addresses of 180,091 purchasers of SCANA common stock who were potential Settlement Class Members and held SCANA stock as record holders. Epiq extracted these records from the file and, after clean-up and de-duplication, there remained 20,501 unique names and addresses.

4. In accordance with the Order granting Lead Plaintiffs’ Consent Motion for Interim Notice Date Extension (ECF No. 225), the Notice Date was extended to March 27, 2020. In advance of this date, Epiq formatted the Notice Packet, caused it to be printed and personalized with the name and address of each known potential Settlement Class Member or nominee, posted the Notice Packets for first-class mail, postage prepaid, and mailed 20,501 Notice Packets on March 25, 2020.

5. As in most class actions of this nature, the large majority of potential Settlement Class Members are beneficial purchasers whose securities are held in “street name” – *i.e.*, the securities are purchased by brokerage firms, banks, institutions and other third-party nominees in the name of the nominee, on behalf of the beneficial purchasers. Epiq maintains and updates an internal list of the largest and most common banks, brokers and other nominees. At the time of the initial mailing, Epiq’s internal broker list contained 1,270 mailing records. On March 25, 2020, Epiq caused Notice Packets to be mailed to the 1,270 mailing records contained in its internal broker list.

6. In total, 21,771 copies of the Notice Packet were mailed to potential Settlement Class Members and nominees by first-class mail on March 25, 2020.

7. The Notice also directed those who purchased or otherwise acquired publicly traded SCANA common stock during the Class Period for the beneficial interest of a person or organization other than themselves to either: (i) request, within seven (7) calendar days of receipt of the Notice, additional copies of the Notice Packet from the Claims Administrator, and send a copy of the Notice Packet to such beneficial owners, no later than seven (7) calendar days after receipt of the copies of the Notice Packet; or (ii) provide Epiq with the names, addresses, and email addresses (if available) of such beneficial owners no later than seven (7) calendar days after such nominees' receipt of the Notice.

8. Through April 21, 2020, Epiq mailed 3,372 Notice Packets to potential members of the Settlement Class whose names and addresses were received from individuals, entities or nominees requesting that Notice Packets be mailed to such persons, and mailed another 72 Notice Packets to nominees who requested Notice Packets to forward to their customers. Each of the requests was responded to in a timely manner, and Epiq will continue to timely respond to any additional requests received.

9. Through April 21, 2020, an aggregate of 25,215 Notice Packets have been disseminated to potential Settlement Class Members and nominees by first-class mail.

**PUBLICATION OF THE SUMMARY NOTICE**

10. In accordance with paragraph 7(d) of the Preliminary Approval Order, Epiq caused the Summary Notice of (I) Pendency of Class Action and Proposed Settlement, (II) Settlement Fairness Hearing; and (III) Motion for an Award of Attorneys' Fees and Litigation Expenses (the "Summary Notice") to be published once in the national edition of the

*Wall Street Journal* and to be transmitted over the *PR Newswire* on April 8, 2020. Attached as Exhibit B is a Confirmation of Publication attesting to the publication of the Summary Notice in the *Wall Street Journal* and a screen shot attesting to the transmittal of the Summary Notice over the *PR Newswire*.

### **CALL CENTER SERVICES**

11. Epiq reserved a toll-free phone number for the Settlement, 1-833-947-1420, which was set forth in the Notice, the Claim Form, the published Summary Notice, and on the Settlement website.

12. The toll-free number connects callers with an Interactive Voice Recording (“IVR”). The IVR provides callers with pre-recorded information, including a brief summary about the Action and the option to request a copy of the Notice. The toll-free telephone line with pre-recorded information is available 24 hours a day, 7 days a week.

13. Epiq made the IVR available on March 25, 2020, the same date Epiq began mailing the Notice Packets.

### **WEBSITE**

14. Epiq established and is maintaining a website dedicated to this Settlement ([www.SCANASecuritiesLitigation.com](http://www.SCANASecuritiesLitigation.com)) to provide additional information to Settlement Class Members. Users of the website can download copies of the Notice, the Claim Form, the Stipulation, the Preliminary Approval Order, and the Complaint, among other relevant documents. The web address was set forth in the published Summary Notice, the Notice, and on the Claim Form. The website was operational beginning on March 25, 2020, and is accessible 24 hours a day, 7 days a week. Epiq will continue operating, maintaining and, as appropriate, updating the website until the conclusion of this administration.

**EXCLUSION REQUESTS**

15. Pursuant to the Preliminary Approval Order, Settlement Class Members who wish to be excluded from the Settlement Class are required to request exclusion in writing so that the request is received by May 27, 2020. This deadline has not yet passed. As of the date of this Declaration, Epiq has received no requests for exclusion.

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

Executed on April 21, 2020, at Beaverton, Oregon.



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Alexander P. Villanova

# **Exhibit A**

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(COLUMBIA DIVISION)

In re SCANA Corporation Securities Litigation

Civil Action No. 3:17-CV-2616-MBS

CLASS ACTION

**NOTICE OF (I) PENDENCY OF CLASS ACTION AND PROPOSED SETTLEMENT;  
(II) SETTLEMENT FAIRNESS HEARING; AND (III) MOTION FOR AN AWARD OF  
ATTORNEYS’ FEES AND LITIGATION EXPENSES**

***A Federal Court authorized this Notice. This is not a solicitation from a lawyer.***

**NOTICE OF PENDENCY OF CLASS ACTION:** Please be advised that your rights may be affected by the above-captioned securities class action (the “Action”) pending in the United States District Court for the District of South Carolina (Columbia Division) (the “Court”), if, during the period from October 27, 2015 through December 20, 2017, inclusive (the “Class Period”), you purchased or otherwise acquired publicly traded SCANA Corporation (“SCANA” or the “Company”) common stock and were damaged thereby.<sup>1</sup>

**NOTICE OF SETTLEMENT:** Please also be advised that the Court-appointed Lead Plaintiffs the West Virginia Investment Management Board (“West Virginia IMB”) and Stichting Blue Sky Global Equity Active Low Volatility Fund and Stichting Blue Sky Active Large Cap Equity USA Fund (collectively, “Blue Sky” and, together with West Virginia IMB, “Lead Plaintiffs”), on behalf of themselves and the Settlement Class (as defined in ¶ 27 below), have reached a proposed settlement of the Action for \$192,500,000, with \$160,000,000 being paid in cash and \$32,500,000 being paid in cash or shares of freely-tradable Dominion Energy, Inc. (“Dominion Energy”) common stock (the “Settlement”) at the option of SCANA.<sup>2</sup>

**PLEASE READ THIS NOTICE CAREFULLY. This Notice explains important rights you may have, including the possible receipt of a payment from the Settlement. If you are a member of the Settlement Class, your legal rights will be affected whether or not you act.**

**If you have any questions about this Notice, the proposed Settlement, or your eligibility to participate in the Settlement, please DO NOT contact the Court, the Office of the Clerk of the Court, Defendants, Dominion Energy, or their counsel. All questions should be directed to Lead Counsel or the Claims Administrator (see ¶ 93 below).**

1. **Description of the Action and the Settlement Class:** This Notice relates to a proposed Settlement of claims in a pending securities class action brought by investors alleging, among other things, that defendant SCANA and defendants Kevin B. Marsh, Jimmy E. Addison, Stephen A. Byrne, Harold C. Stowe, D. Maybank Haygood, and James W. Roquemore (collectively, the “Individual Defendants” and, together with SCANA, “Defendants”) violated the federal securities laws by making false and misleading statements regarding SCANA’s business. A more detailed description of the Action is set forth in ¶¶ 11-26 below. The proposed Settlement, if approved by the Court, will settle claims of the Settlement Class, as defined in ¶ 27 below.

<sup>1</sup> All capitalized terms used in this Notice that are not otherwise defined herein shall have the meanings ascribed to them in the Stipulation and Agreement of Settlement, dated December 20, 2019 (the “Stipulation”), which is available at [www.SCANASecuritiesLitigation.com](http://www.SCANASecuritiesLitigation.com).

<sup>2</sup> Dominion Energy merged with SCANA effective January 2, 2019, upon which SCANA common stock was converted into Dominion Energy common stock.



2. **Statement of the Settlement Class's Recovery:** Subject to Court approval, Lead Plaintiffs, on behalf of themselves and the Settlement Class, have agreed to settle the Action in exchange for \$192,500,000, with \$160,000,000 being paid in cash (the "Cash Settlement Amount") and \$32,500,000 being paid in cash or shares of freely-tradable Dominion Energy common stock (the "Settlement Shares" and, together with the Cash Settlement Amount, the "Settlement Amount") at the option of SCANA. The Net Settlement Fund (*i.e.*, the Settlement Amount plus any and all interest earned thereon (the "Settlement Fund") less (i) any Taxes; (ii) any Notice and Administration Costs; (iii) any Litigation Expenses awarded by the Court; (iv) any attorneys' fees awarded by the Court; and (v) any other costs or fees approved by the Court) will be distributed in accordance with a plan of allocation that is approved by the Court. The proposed plan of allocation (the "Plan of Allocation") is set forth in ¶¶ 55-77 below. The Plan of Allocation will determine how the Net Settlement Fund shall be allocated among members of the Settlement Class.

3. **Estimate of Average Amount of Recovery Per Share:** Based on Lead Plaintiffs' damages expert's estimate of the number of shares of publicly traded SCANA common stock purchased during the Class Period that may have been affected by the conduct at issue in the Action, and assuming that all Settlement Class Members elect to participate in the Settlement, the estimated average recovery (before the deduction of any Court-approved fees, expenses, and costs as described herein) is \$1.18 per affected share of SCANA common stock. Settlement Class Members should note, however, that the foregoing average recovery per share is only an estimate. Some Settlement Class Members may recover more or less than this estimated amount depending on, among other factors, when and at what prices they purchased/acquired or sold their SCANA stock, and the total number and value of valid Claim Forms submitted. Distributions to Settlement Class Members will be made based on the Plan of Allocation set forth herein (*see* ¶¶ 55-77 below) or such other plan of allocation as may be ordered by the Court.

4. **Average Amount of Damages Per Share:** The Parties do not agree on the average amount of damages per share that would be recoverable if Lead Plaintiffs were to prevail in the Action. Among other things, Defendants do not agree with the assertion that they violated the federal securities laws or that any damages were suffered by any members of the Settlement Class as a result of their conduct.

5. **Attorneys' Fees and Expenses Sought:** Court-appointed Lead Counsel, Bernstein Litowitz Berger & Grossmann LLP and Labaton Sucharow LLP, with Liaison Counsel Motley Rice LLC (together, "Plaintiffs' Counsel"), have been prosecuting the Action on a wholly contingent basis since its inception in 2017, have not received any payment of attorneys' fees for their representation of the Settlement Class, and have advanced the funds to pay expenses necessarily incurred to prosecute the Action. Lead Counsel will apply to the Court for an award of attorneys' fees for all Plaintiffs' Counsel in an amount not to exceed 14% of the Settlement Fund (in combination of cash and stock in the same proportion that the Cash Settlement Amount and the Settlement Shares comprise the Settlement Amount). In addition, Lead Counsel will apply for payment of Litigation Expenses incurred in connection with the institution, prosecution, and resolution of the Action in an amount not to exceed \$1,200,000, which may include an application for reimbursement of the reasonable costs and expenses incurred by Lead Plaintiffs directly related to their representation of the Settlement Class, pursuant to the Private Securities Litigation Reform Act of 1995 ("PSLRA"). Any fees and expenses awarded by the Court will be paid from the Settlement Fund. No other attorneys will share in the fee awarded by the Court. Settlement Class Members are not personally liable for any such fees or expenses. The estimated average cost for such fees and expenses, if the Court approves Lead Counsel's fee and expense application, is \$0.17 per affected share of SCANA common stock.

6. **Identification of Attorneys' Representatives:** Lead Plaintiffs and the Settlement Class are represented by John C. Browne, Esq. of Bernstein Litowitz Berger & Grossmann LLP, 1251 Avenue of the Americas, 44th Floor, New York, NY 10020, 1-800-380-8496, settlements@blbglaw.com, and James W. Johnson, Esq. of Labaton Sucharow LLP, 140 Broadway, New York, NY 10005, 1-888-219-6877, settlementquestions@labaton.com.

7. **Reasons for the Settlement:** Lead Plaintiffs' principal reason for entering into the Settlement is the substantial and certain recovery for the Settlement Class without the risk or the delays inherent in further litigation. Moreover, the substantial recovery provided under the Settlement must be considered against the significant risk that a smaller recovery—or indeed no recovery at all—might be achieved after contested motions, a trial of the Action, and the likely appeals that would follow a trial. This process could be expected to last several years. Defendants, who deny that they have committed any act or omission giving rise to liability under the federal securities laws, are entering into the Settlement solely to eliminate the uncertainty, burden, and expense of further protracted litigation.

## YOUR LEGAL RIGHTS AND OPTIONS IN THE SETTLEMENT

<b>SUBMIT A CLAIM FORM NO LATER THAN JULY 25, 2020.</b>	This is the only way to be eligible to receive a payment from the Net Settlement Fund. If you are a Settlement Class Member and you remain in the Settlement Class, you will be bound by the Settlement as approved by the Court and you will give up any Released Plaintiffs' Claims (defined in ¶ 36 below) that you have against Defendants and the other Defendants' Releasees (defined in ¶ 37 below), so it is in your interest to submit a Claim Form.
<b>EXCLUDE YOURSELF FROM THE SETTLEMENT CLASS BY SUBMITTING A WRITTEN REQUEST FOR EXCLUSION SO THAT IT IS RECEIVED NO LATER THAN MAY 27, 2020.</b>	If you exclude yourself from the Settlement Class, you will not be eligible to receive any payment from the Net Settlement Fund. This is the only option that allows you ever to be part of any other lawsuit against any of the Defendants or the other Defendants' Releasees concerning the Released Plaintiffs' Claims.
<b>OBJECT TO THE SETTLEMENT BY SUBMITTING A WRITTEN OBJECTION SO THAT IT IS RECEIVED NO LATER THAN MAY 27, 2020.</b>	If you do not like the proposed Settlement, the proposed Plan of Allocation, or the request for attorneys' fees and payment of Litigation Expenses, you may write to the Court and explain why you do not like them. You cannot object to the Settlement, the Plan of Allocation, or the fee and expense request unless you are a Settlement Class Member and do not exclude yourself from the Settlement Class.
<b>GO TO A HEARING ON JUNE 17, 2020 AT 2:00 P.M., AND FILE A NOTICE OF INTENTION TO APPEAR SO THAT IT IS RECEIVED NO LATER THAN MAY 27, 2020.</b>	Filing a written objection and notice of intention to appear by May 27, 2020 allows you to speak in Court, at the discretion of the Court, about the fairness of the proposed Settlement, the Plan of Allocation, and/or the request for attorneys' fees and payment of Litigation Expenses. If you submit a written objection, you may (but you do not have to) attend the hearing and, at the discretion of the Court, speak to the Court about your objection.
<b>DO NOTHING.</b>	If you are a member of the Settlement Class and you do not submit a valid Claim Form, you will not be eligible to receive any payment from the Net Settlement Fund. You will, however, remain a member of the Settlement Class, which means that you give up your right to sue about the claims that are resolved by the Settlement and you will be bound by any judgments or orders entered by the Court in the Action.

## WHAT THIS NOTICE CONTAINS

Why Did I Get This Notice?	Page 4
What Is This Case About?	Page 4
How Do I Know If I Am Affected By The Settlement? Who Is Included In The Class?	Page 6
What Are Lead Plaintiffs' Reasons For The Settlement?	Page 7
What Might Happen If There Were No Settlement?	Page 7
How Are Settlement Class Members Affected By The Action And The Settlement?	Page 7
How Do I Participate In The Settlement? What Do I Need To Do?	Page 9

How Much Will My Payment Be?	Page 9
What Payment Are The Attorneys For The Settlement Class Seeking? How Will The Lawyers Be Paid?	Page 14
What If I Do Not Want To Be A Member Of The Settlement Class? How Do I Exclude Myself?	Page 14
When And Where Will The Court Decide Whether To Approve The Settlement? Do I Have To Come To The Hearing? May I Speak At The Hearing If I Don't Like The Settlement?	Page 14
What If I Bought Shares On Someone Else's Behalf?	Page 16
Can I See The Court File? Whom Should I Contact If I Have Questions?	Page 16

## WHY DID I GET THIS NOTICE?

8. The Court directed that this Notice be mailed to you because you or someone in your family or an investment account for which you serve as a custodian may have purchased or otherwise acquired publicly traded SCANA common stock during the Class Period. The Court has directed us to send you this Notice because, as a potential Settlement Class Member, you have a right to know about your options before the Court rules on the proposed Settlement. Additionally, you have the right to understand how this class action lawsuit may generally affect your legal rights. If the Court approves the Settlement and the Plan of Allocation (or some other plan of allocation), the Claims Administrator selected by Lead Plaintiffs and approved by the Court will make payments pursuant to the Settlement after any objections and appeals are resolved.

9. The purpose of this Notice is to inform you of the existence of this case, that it is a class action, how you might be affected, and how to exclude yourself from the Settlement Class if you wish to do so. It is also being sent to inform you of the terms of the proposed Settlement and of a hearing to be held by the Court to consider the fairness, reasonableness, and adequacy of the Settlement, the proposed Plan of Allocation, and the motion by Lead Counsel for an award of attorneys' fees and payment of Litigation Expenses (the "Settlement Fairness Hearing"). See ¶¶ 83-84 below for details about the Settlement Fairness Hearing, including the date and location of the hearing.

10. The issuance of this Notice is not an expression of any opinion by the Court concerning the merits of any claim in the Action, and the Court still has to decide whether to approve the Settlement. If the Court approves the Settlement and a plan of allocation, then payments to Authorized Claimants will be made after any appeals are resolved and after the completion of all claims processing. Please be patient, as this process can take some time to complete.

## WHAT IS THIS CASE ABOUT?

11. SCANA is an electric and gas utility company which, in 2008, began constructing two nuclear reactors at the V.C. Summer nuclear generating station near Jenkinsville, South Carolina (the "Nuclear Project"). In this Action, Lead Plaintiffs allege that SCANA and the Individual Defendants made a series of alleged misstatements and omissions during the Class Period (from October 27, 2015 through December 20, 2017, inclusive) regarding the progress and oversight of the Nuclear Project, and that the Class suffered damages when the truth regarding the Nuclear Project was publicly disclosed.

12. Beginning in September 2017, certain related class actions (*Norman v. SCANA Corporation et al.*, No. 3:17-CV2616-MBS; *Evans v. SCANA Corporation et al.*, No. 3:17-cv-02683-MBS; *Fox v. SCANA Corporation et al.*, No. 3:17-cv-03063-MBS, and *West Palm Beach Firefighters' Pension Fund v. SCANA Corporation et al.*, No. 3:17-cv-03141-MBS) were filed in the United States District Court for the District of South Carolina (the "Court") alleging violations of the federal securities laws.

13. By Order dated January 23, 2018, the Court: (i) consolidated the related actions into this lead Action, to be captioned "In re SCANA Corporation Securities Litigation" and maintained under File No. 3:17-CV-2616-MBS; (ii) appointed West Virginia IMB and Blue Sky as Lead Plaintiffs; and (iii) approved Bernstein Litowitz Berger & Grossmann LLP and Labaton Sucharow LLP as Lead Counsel.

14. On March 30, 2018, Lead Plaintiffs filed the Consolidated Class Action Complaint for Violations of the Federal Securities Laws (the “Complaint”) asserting claims against all Defendants under Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) and Rule 10b-5 promulgated thereunder, and against the Individual Defendants under Section 20(a) of the Exchange Act. The Complaint alleged that Defendants misrepresented the status and their oversight of the Nuclear Project, including by assuring investors that the Nuclear Project was on schedule and on budget, making significant progress towards completion, and was being managed prudently and transparently by Defendants. According to the Complaint, such statements were false and misleading because Defendants allegedly knew from the start of the Class Period that the Nuclear Project was not realistically going to be completed by 2020, as planned, allegedly due in large part to Defendants’ deficient oversight. The Complaint further alleged that the price of SCANA common stock was artificially inflated as a result of Defendants’ allegedly false and misleading statements and omissions and declined when the truth was revealed through a series of partial corrective disclosures.

15. On June 4, 2018, Defendant SCANA, together with the Director Defendants (Stowe, Haygood, and Roquemore, and collectively with SCANA, the “SCANA Defendants”), and Defendants Marsh, Addison, and Byrne filed four separate motions to dismiss the Complaint. On August 9, 2018, Lead Plaintiffs filed their omnibus memorandum of law in opposition to the motions to dismiss, and, on September 18-19, 2018, Defendants filed their replies.

16. On March 4, 2019, the Court heard oral argument on Defendants’ motions to dismiss.

17. On March 29, 2019, the Court entered its Opinion and Order denying Defendants’ motions to dismiss the Complaint, except that the Court granted the motions to the extent they sought dismissal based on claims for violation of Item 303 (the “MTD Opinion”).

18. On June 4, 2019, the SCANA Defendants and Defendants Marsh, Addison, and Byrne each filed Answers to the Complaint.

19. On June 28, 2019, Lead Plaintiffs filed their motion for class certification and appointment of class counsel, which was accompanied by a report from Lead Plaintiffs’ expert on market efficiency and common damages methodologies, Chad Coffman. On September 25, 2019, Defendants filed their opposition to Lead Plaintiffs’ motion for class certification and appointment of class counsel, which was accompanied by a report from Defendants’ expert, Christopher James, Ph.D., in response to Mr. Coffman’s expert report.

20. Beginning no later than January 2018, and prior to the start of formal discovery in the Action, Lead Plaintiffs engaged in extensive investigation and discovery efforts to support the allegations in the Complaint and to prepare for depositions and formal discovery. For example, Lead Plaintiffs issued several requests for documents to South Carolina regulators, South Carolina newspapers, and Santee Cooper, South Carolina’s state-owned electric and water utility that was SCANA’s junior partner on the Nuclear Project, pursuant to the South Carolina Freedom of Information Act (“FOIA”). Prior to filing the Complaint on March 30, 2018, Lead Plaintiffs received and reviewed 1,513 documents (totaling 16,560 pages), and used information from these documents in support of the allegations in the Complaint. Lead Plaintiffs then received and reviewed another 230,778 documents (totaling 1,694,008 pages) in 2019, the majority of which were produced following the issuance of the Court’s March 29, 2019 MTD Opinion sustaining the Complaint. In total, Lead Plaintiffs received and reviewed 244,233 documents (totaling 1,836,743 pages) prior to the start of formal discovery. In addition, as part of their investigation for the allegations in the Complaint, Lead Plaintiffs contacted 200 former employees of SCANA and its lead contractors on the Nuclear Project and interviewed 69 of them (two of whom were relied on in the Complaint).

21. Formal discovery in the Action commenced in June 2019. Defendants produced 565,507 documents, totaling 5,215,238 pages, to Lead Plaintiffs, and Lead Plaintiffs produced 2,120 documents, totaling 146,963 pages, to Defendants. In addition, Lead Plaintiffs’ four relevant non-party investment managers, who purchased and/or sold SCANA common stock on Lead Plaintiffs’ behalves during the Class Period, produced 677 documents, totaling 11,260 pages. In total, 568,304 documents, totaling 5,373,561 pages, were produced by the Parties and third parties in formal discovery.

22. In connection with Lead Plaintiffs’ June 28, 2019 class certification motion, Defendants deposed, and Lead Plaintiffs defended the depositions of, a representative from West Virginia IMB and a representative from Blue Sky, as well as Lead Plaintiffs’ expert Chad Coffman. Defendants also deposed, and Lead Plaintiffs cross-examined, representatives from each of the Lead Plaintiffs’ four relevant non-party investment managers. Further, Defendants served, and Lead Plaintiffs responded to, extensive interrogatories to Lead Plaintiffs. Finally, the Parties met and conferred over numerous disputed discovery issues over several months.

23. The Parties began exploring the possibility of a settlement in February 2019. Specifically, the Parties agreed to engage in private mediation and subsequently retained retired United States District Court Judge Layn R. Phillips to act as mediator in the case (the “Mediator”). On May 17, 2019, Lead Counsel and Defendants’ Counsel, among others, participated in a full-day mediation session before the Mediator. In advance of that session, the Parties submitted detailed opening and reply mediation statements to the Mediator, together with numerous supporting exhibits, which addressed both liability and damages issues. The session ended without any agreement being reached.

24. The Parties continued discussions with the Mediator following the May 2019 mediation, exploring the possibility of a settlement. The Parties participated in a second mediation session before the Mediator on October 2, 2019. In advance of that session, the Parties submitted supplemental opening and reply mediation statements and further exhibits. At the conclusion of that mediation session, the Parties reached an agreement in principle to settle the Action, which was memorialized in a term sheet executed and finalized on October 3, 2019 (the “Term Sheet”). The Term Sheet set forth, among other things, the Parties’ agreement to settle and release the claims asserted against Defendants in the Action in return for a payment of \$192,500,000—with \$160,000,000 paid in cash and \$32,500,000 being paid in cash or shares of freely-tradable Dominion Energy common stock at the option of SCANA—subject to certain terms and conditions and the execution of a customary “long form” stipulation and agreement of settlement and related papers.

25. On December 20, 2019, the Parties entered into the Stipulation which sets forth the terms and conditions of the Settlement. The Stipulation is available at [www.SCANASecuritiesLitigation.com](http://www.SCANASecuritiesLitigation.com).

26. On February 11, 2020, the Court preliminarily approved the Settlement, authorized this Notice to be disseminated to potential Settlement Class Members, and scheduled the Settlement Fairness Hearing to consider whether to grant final approval to the Settlement.

### HOW DO I KNOW IF I AM AFFECTED BY THE SETTLEMENT? WHO IS INCLUDED IN THE SETTLEMENT CLASS?

27. If you are a member of the Settlement Class, you are subject to the Settlement, unless you timely request to be excluded. The Settlement Class consists of:

all persons and entities who or which purchased or otherwise acquired publicly traded SCANA common stock during the period from October 27, 2015 through December 20, 2017, inclusive, and were damaged thereby.

Excluded from the Settlement Class are: (i) Defendants and Dominion Energy; (ii) the Immediate Family members of the Individual Defendants; (iii) the Officers and Directors of SCANA during the Class Period and their Immediate Family members; (iv) any parents, subsidiaries, or affiliates of SCANA; (v) any firm, trust, corporation, or other entity in which any Defendant has, or had during the Class Period, a controlling interest; and (vi) the legal representatives, affiliates, heirs, successors-in-interest, or assigns of any such excluded person or entity. Also excluded from the Settlement Class are any persons or entities who or which exclude themselves by submitting a request for exclusion in accordance with the requirements set forth in this Notice. *See* “What If I Do Not Want To Be A Member Of The Settlement Class? How Do I Exclude Myself,” on page 14 below.

**PLEASE NOTE: RECEIPT OF THIS NOTICE DOES NOT MEAN THAT YOU ARE A SETTLEMENT CLASS MEMBER OR THAT YOU WILL BE ENTITLED TO A PAYMENT FROM THE SETTLEMENT. IF YOU ARE A SETTLEMENT CLASS MEMBER AND YOU WISH TO BE ELIGIBLE TO RECEIVE A PAYMENT FROM THE SETTLEMENT, YOU ARE REQUIRED TO SUBMIT THE CLAIM FORM THAT IS BEING DISTRIBUTED WITH THIS NOTICE AND THE REQUIRED SUPPORTING DOCUMENTATION AS SET FORTH THEREIN NO LATER THAN JULY 25, 2020.**



## WHAT ARE LEAD PLAINTIFFS' REASONS FOR THE SETTLEMENT?

28. Lead Plaintiffs and Lead Counsel believe that the claims asserted against Defendants have merit. They recognize, however, the expense and length of continued proceedings necessary to pursue their claims against Defendants through summary judgment, trial, and appeals, as well as the very substantial risks they would face in establishing liability and damages. For example, Lead Plaintiffs would have faced substantial challenges in proving that certain of Defendants' statements, including those concerning the projected completion date, costs, eligibility for federal nuclear production tax credits, and progress of the Nuclear Project were forward-looking statements that are immune under the safe harbor provisions of the federal securities laws. Defendants contended that these statements were accompanied by meaningful cautionary language that rendered non-actionable Defendants' failure to disclose the independent, adverse assessment of the Nuclear Project by Bechtel Corporation ("Bechtel"), which is at the heart of Lead Plaintiffs' allegations. Defendants also contended that other allegedly false statements, *e.g.*, those regarding the Nuclear Project's supposedly positive progress were equally non-actionable statements of opinion on the grounds that, *inter alia*, Lead Plaintiffs would not be able to demonstrate that Defendants lacked any reasonable basis for opining that progress was being made on the Nuclear Project. Moreover, Lead Plaintiffs would have faced challenges in proving that Defendants made the alleged false statements with the intent to mislead investors or were reckless in making the statements. For example, Defendants contend that the Individual Defendants reasonably relied on the schedule and cost estimates provided to SCANA by Westinghouse, its lead contractor on the Nuclear Project, and further believed in good faith that the "EPC Amendment" entered into between SCANA and Westinghouse, just days before the start of the Class Period, fixed many of the problems with the Nuclear Project identified by Bechtel in its report to SCANA.

29. Lead Plaintiffs would have also faced significant hurdles in proving "loss causation"—that the alleged misstatements were the cause of investors' losses—and in proving damages with respect to at least some of the alleged corrective disclosures. For example, Defendants have argued that the Court should end the Class Period on July 31, 2017—nearly five months before the end of the alleged Class Period—on the grounds that by that date, the risks related to the completion of the Nuclear Project were completely disclosed.

30. In light of these risks, the amount of the Settlement, and the immediacy of recovery to the Settlement Class, Lead Plaintiffs and Lead Counsel believe that the proposed Settlement is fair, reasonable, and adequate, and in the best interests of the Settlement Class. Lead Plaintiffs and Lead Counsel believe that the Settlement provides a substantial benefit to the Settlement Class, namely \$192,500,000 (in cash and, potentially, shares of Dominion Energy common stock at the option of SCANA, less the various deductions described in this Notice), as compared to the risk that the claims in the Action would produce a smaller recovery, or no recovery, after summary judgment, trial, and appeals, possibly years in the future.

31. Defendants have denied the claims asserted against them in the Action and deny that the Settlement Class was harmed or suffered any damages as a result of the conduct alleged in the Action. Defendants have agreed to the Settlement solely to eliminate the burden and expense of continued litigation. Accordingly, the Settlement may not be construed as an admission of any wrongdoing by Defendants.

## WHAT MIGHT HAPPEN IF THERE WERE NO SETTLEMENT?

32. If there were no Settlement and Lead Plaintiffs failed to establish any essential legal or factual element of their claims against Defendants, neither Lead Plaintiffs nor the other members of the Settlement Class would recover anything from Defendants. Also, if Defendants were successful in proving any of their defenses, either at summary judgment, at trial, or on appeal, the Settlement Class could recover substantially less than the amount provided in the Settlement, or nothing at all.

## HOW ARE SETTLEMENT CLASS MEMBERS AFFECTED BY THE ACTION AND THE SETTLEMENT?

33. As a Settlement Class Member, you are represented by Lead Plaintiffs and Lead Counsel, unless you enter an appearance through counsel of your own choice at your own expense. You are not required to retain your own counsel, but if you choose to do so, such counsel must file a notice of appearance on your behalf and must serve copies of his or her appearance on the attorneys listed in the section entitled, "When And Where Will The Court Decide Whether To Approve The Settlement?," on page 14 below.

34. If you are a Settlement Class Member and do not wish to remain a Settlement Class Member, you may exclude yourself from the Settlement Class by following the instructions in the section entitled, “What If I Do Not Want To Be A Member Of The Settlement Class? How Do I Exclude Myself?,” on page 14 below.

35. If you are a Settlement Class Member and you do not exclude yourself from the Settlement Class, you will be bound by any orders issued by the Court. If the Settlement is approved, the Court will enter a judgment (the “Judgment”). The Judgment will dismiss with prejudice the claims against Defendants and will provide that, upon the Effective Date of the Settlement, Lead Plaintiffs and each of the other Settlement Class Members, on behalf of themselves, and their respective heirs, executors, administrators, trustees, predecessors, successors, and assigns in their capacities as such only, will have, fully, finally, and forever compromised, settled, released, resolved, relinquished, waived, and discharged each and every Released Plaintiffs’ Claim (as defined in ¶ 36 below) against Defendants and the other Defendants’ Releasees (as defined in ¶ 37 below), and will forever be barred and enjoined from prosecuting any or all of the Released Plaintiffs’ Claims against any of the Defendants’ Releasees.

36. “Released Plaintiffs’ Claims” means all claims and causes of action of every nature and description, whether known claims or Unknown Claims, whether arising under federal, state, common, or foreign law, that Lead Plaintiffs or any other member of the Settlement Class (i) asserted in the Complaint, or (ii) could have asserted in the Action or any other forum that arise out of or are based upon the allegations, transactions, facts, matters or occurrences, representations, or omissions involved, set forth, or referred to in the Complaint and that relate to the purchase of SCANA common stock during the Class Period. Released Plaintiffs’ Claims do not cover, include, or release: (i) any claims asserted in any ERISA or derivative action, including, without limitation, the claims asserted in *In re: SCANA Corporation Derivative Litigation*, No. 3:17-cv-03166-MBS (D.S.C.), *Crangle v. Marsh et al.*, No. 2017-CP-40-05791 (S.C. Ct. Comm. Pls., Richland Cty.), *Todd v. Marsh et al.*, No. 2017-CP-40-06621 (S.C. Ct. Comm. Pls., Richland Cty.), *In re SCANA Corporation Public Shareholder Litigation*, Lead Case No. 3:18-cv-00505-MBS (D.S.C.), or *KBC Asset Management LV v. Marsh et al.*, No. 3:19-cv-1457-MBS (D.S.C.), or any cases consolidated into those actions; (ii) any claims by any governmental entity that arise out of any governmental investigation of Defendants relating to the conduct alleged in the Action, including, without limitation, the claims asserted in *Request of the Office of Regulatory Staff for Rate Relief to South Carolina Electric & Gas Company’s Rates Pursuant to S.C. Code Ann. § 58-27-920*, S.C. PSC Dkt. No. 2017-305-E; (iii) any claims asserted in any ratepayer action, including, without limitation, the claims asserted in *Timothy Glibowski v. SCANA Corp.*, No. 9:18-273-TLW (D.S.C.), *Lightsey et al. v. South Carolina Electric & Gas Co. et al.*, Case No. 2017-CP-25-00355 (S.C. Ct. Comm. Pls., Hampton Cty.), *Cleckley v. SCE&G*, No. 2017-CP-40-04833 (S.C. Ct. Comm. Pls., Richland Cty.), *Cook v. S.C. Pub. Serv. Auth.*, No. 2017-CP-25-00348 (S.C. Ct. Comm. Pls., Hampton Cty.), *Goodman v. SCANA Corp.*, No. 2017-CP-20-00300 (S.C. Ct. Comm. Pls., Fairfield Cty.), *Luquire v. Marsh et al.*, No. 5:19-cv-2516-TLW (D.S.C.), or any cases consolidated into those actions; (iv) any claims asserted in *Fairfield Co. v. South Carolina Electric & Gas Co.*, No. 2017-CP-20-458 (S.C. Ct. Comm. Pls., Fairfield Cty.), *Fluor Enterprises, Inc. v. South Carolina Electric & Gas Company*, No. 2018-CP-0343 (S.C. Ct. Comm. Pls., Fairfield Cty.), or *Friends of the Earth and Sierra Club v. South Carolina Electric & Gas Company*, S.C. PSC Dkt. No. 2017-207-E, or any cases consolidated into those actions; (v) any claims relating to the enforcement of the Settlement; and (vi) any claims of any person or entity who or which submits a request for exclusion that is accepted by the Court.

37. “Defendants’ Releasees” means Defendants, Dominion Energy, and the current and former parents, affiliates, subsidiaries, officers, directors, agents, successors, predecessors, assigns, assignees, partnerships, partners, trustees, trusts, employees, Immediate Family Members, insurers, reinsurers, and attorneys of any Defendant or Dominion Energy. Defendants’ Releasees do not include outside or independent auditors or accountants of any Defendant or of Dominion Energy, and for the avoidance of doubt, this Settlement does not settle or release any claims against any outside or independent auditor or accountant of any Defendant or of Dominion Energy.

38. “Unknown Claims” means any Released Plaintiffs’ Claims which any Lead Plaintiff or any other Settlement Class Member does not know or suspect to exist in his, her, or its favor at the time of the release of such claims, and any Released Defendants’ Claims which any Defendant or any other Defendants’ Releasee does not know or suspect to exist in his, her, or its favor at the time of the release of such claims, which, if known by him, her, or it, might have affected his, her, or its decision(s) with respect to this Settlement. With respect to any and all Released Claims, the Parties stipulate and agree that, upon the Effective Date of the Settlement, Lead Plaintiffs and Defendants shall expressly waive, and each of the other Settlement Class Members and each of the other Defendants’ Releasees shall be deemed to have waived, and by operation of the Judgment or the Alternate Judgment, if applicable, shall have expressly waived, any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States, or principle of common law or foreign law, which is similar, comparable, or equivalent to California Civil Code §1542, which provides:

A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

Lead Plaintiffs and Defendants acknowledge, and each of the other Settlement Class Members and each of the other Defendants' Releasees shall be deemed by operation of law to have acknowledged, that the foregoing waiver was separately bargained for and a key element of the Settlement.

39. The Judgment will also provide that, upon the Effective Date of the Settlement, Defendants and each of the other Defendants' Releasees, on behalf of themselves, and their respective heirs, executors, administrators, trustees, predecessors, successors, and assigns in their capacities as such only, will have, fully, finally, and forever compromised, settled, released, resolved, relinquished, waived, and discharged each and every Released Defendants' Claim (as defined in ¶ 40 below) against Lead Plaintiffs and the other Plaintiffs' Releasees (as defined in ¶ 41 below), and will forever be barred and enjoined from prosecuting any or all of the Released Defendants' Claims against any of the Plaintiffs' Releasees.

40. "Released Defendants' Claims" means all claims and causes of action of every nature and description, whether known claims or Unknown Claims, whether arising under federal, state, common, or foreign law, that arise out of or relate in any way to the institution, prosecution, or settlement of the claims asserted against Defendants. Released Defendants' Claims do not cover, include, or release: (i) any claims relating to the enforcement of the Settlement, and (ii) any claims against any person or entity who or which submits a request for exclusion that is accepted by the Court.

41. "Plaintiffs' Releasees" means Lead Plaintiffs, all other Settlement Class Members, and their respective current and former parents, affiliates, subsidiaries, officers, directors, agents, successors, predecessors, assigns, assignees, partnerships, partners, trustees, trusts, employees, Immediate Family Members, insurers, reinsurers, and attorneys.

## HOW DO I PARTICIPATE IN THE SETTLEMENT? WHAT DO I NEED TO DO?

42. To be eligible for a payment from the Settlement, you must be a member of the Settlement Class and you must timely complete and return the Claim Form with adequate supporting documentation **postmarked or submitted electronically no later than July 25, 2020**. A Claim Form is included with this Notice, or you may obtain one from the website maintained by the Claims Administrator for the Settlement, [www.SCANASecuritiesLitigation.com](http://www.SCANASecuritiesLitigation.com). You may also request that a Claim Form be mailed to you by calling the Claims Administrator toll free at 1-833-947-1420 or by emailing the Claims Administrator at [info@SCANASecuritiesLitigation.com](mailto:info@SCANASecuritiesLitigation.com). Please retain all records of your ownership of and transactions in SCANA common stock, as they will be needed to document your Claim. The Parties and Claims Administrator do not have information about your transactions in SCANA common stock.

43. If you request exclusion from the Settlement Class or do not submit a timely and valid Claim Form, you will not be eligible to share in the Net Settlement Fund.

## HOW MUCH WILL MY PAYMENT BE?

44. At this time, it is not possible to make any determination as to how much any individual Settlement Class Member may receive from the Settlement.

45. Pursuant to the Settlement, Defendants have agreed to pay or caused to be paid a total of \$192,500,000, with: (i) \$160,000,000 being paid in cash and (ii) \$32,500,000 being paid in cash or shares of freely-tradable Dominion Energy common stock at the option of SCANA.<sup>3</sup>

<sup>3</sup> The Settlement Shares to be issued will be valued as of the date of entry of the Judgment, in accordance with the terms of the Stipulation. The Settlement Shares, less any Settlement Shares awarded to Plaintiffs' Counsel as attorneys' fees, are referred to as the "Class Settlement Shares." Pursuant to the Stipulation, Lead Counsel has the right to decide, in its sole discretion, whether to: (i) distribute the Class Settlement Shares to Settlement Class Members who submit claims that are approved for payment by the Court ("Authorized Claimants") or (ii) sell all or any portion of the Class Settlement Shares and distribute the net cash proceeds from the sale of the shares to Authorized Claimants. Please Note: After the date on which such shares are valued, the value of the Class Settlement Shares may fluctuate. No representation can be made as to what the value of the Class Settlement Shares will be at the time the shares are distributed or, if applicable, sold for the benefit of Settlement Class Members.



46. The “Settlement Amount” (that is, the Cash Settlement Amount plus the Settlement Shares), plus any interest earned thereon, is referred to as the “Settlement Fund.” If the Settlement is approved by the Court and the Effective Date occurs, the “Net Settlement Fund” (that is, the Settlement Fund (including, as applicable, the net cash proceeds from the sale of any Class Settlement Shares, as well as accrued interest thereon, or the Class Settlement Shares themselves) less: (i) any Taxes; (ii) any Notice and Administration Costs; (iii) any Litigation Expenses awarded by the Court; (iv) any attorneys’ fees awarded by the Court; and (v) any other costs or fees approved by the Court) will be distributed to Settlement Class Members who submit valid Claim Forms, in accordance with the proposed Plan of Allocation or such other plan of allocation as the Court may approve.

47. The Net Settlement Fund will not be distributed unless and until the Court has approved the Settlement and a plan of allocation, and the time for any petition for rehearing, appeal, or review, whether by certiorari or otherwise, has expired.

48. Neither Defendants nor any other person or entity that paid any portion of the Settlement Amount on their behalf are entitled to get back any portion of the Settlement Fund once the Court’s order or judgment approving the Settlement becomes Final. Defendants shall not have any liability, obligation, or responsibility for the administration of the Settlement, the disbursement of the Net Settlement Fund, or the Plan of Allocation.

49. Approval of the Settlement is independent from approval of a plan of allocation. Any determination with respect to a plan of allocation will not affect the Settlement, if approved.

50. Unless the Court otherwise orders, any Settlement Class Member who fails to submit a Claim Form on or before July 25, 2020 shall be fully and forever barred from receiving payments pursuant to the Settlement but will in all other respects remain a member of the Settlement Class and be subject to the provisions of the Stipulation, including the terms of any Judgment entered and the releases given. This means that each Settlement Class Member releases the Released Plaintiffs’ Claims (as defined in ¶ 36 above) against the Defendants’ Releasees (as defined in ¶ 37 above) and will be barred and enjoined from prosecuting any of the Released Plaintiffs’ Claims against any of the Defendants’ Releasees whether or not such Settlement Class Member submits a Claim Form.

51. Participants in, and beneficiaries of, a SCANA employee benefit plan covered by ERISA (“ERISA Plan”) should NOT include any information relating to their transactions in SCANA common stock held through the ERISA Plan in any Claim Form that they submit in this Action. They should include ONLY those shares that they purchased or acquired outside of the ERISA Plan. Claims based on any ERISA Plan’s purchases or acquisitions of SCANA common stock during the Class Period may be made by the plan’s trustees.

52. The Court has reserved jurisdiction to allow, disallow, or adjust on equitable grounds the Claim of any Settlement Class Member.

53. Each Claimant shall be deemed to have submitted to the jurisdiction of the Court with respect to his, her, or its Claim Form.

54. Only Settlement Class Members, *i.e.*, persons and entities who purchased or otherwise acquired publicly traded SCANA common stock during the Class Period and were damaged as a result of such purchases or acquisitions, will be eligible to share in the distribution of the Net Settlement Fund. Persons and entities that are excluded from the Settlement Class by definition or that exclude themselves from the Settlement Class pursuant to request will not be eligible for a payment and should not submit Claim Forms. The only security that is included in the Settlement is publicly traded SCANA common stock.

### **PROPOSED PLAN OF ALLOCATION**

55. The objective of the Plan of Allocation is to equitably distribute the Net Settlement Fund to those Settlement Class Members who suffered economic losses as a result of the alleged violations of the federal securities laws. The calculations made pursuant to the Plan of Allocation are not intended to be estimates of, nor indicative of, the amounts that Settlement Class Members might have been able to recover after a trial. Nor are the calculations pursuant to the Plan of Allocation intended to be estimates of the amounts that will be paid to Authorized Claimants pursuant to the Settlement. The computations under the Plan of Allocation are only a method to weigh the claims of Claimants against one another for the purposes of making *pro rata* allocations of the Net Settlement Fund.

56. In developing the Plan of Allocation, Lead Plaintiffs' damages expert calculated the estimated amount of artificial inflation in the per share closing price of publicly traded SCANA common stock which allegedly was proximately caused by Defendants' alleged materially false and misleading statements and omissions.

57. In calculating the estimated artificial inflation, Lead Plaintiffs' damages expert considered price changes in publicly traded SCANA common stock in reaction to certain public announcements allegedly revealing the truth concerning Defendants' alleged misrepresentations and omissions, adjusting for price changes that were attributable to market or industry forces. The estimated artificial inflation in publicly traded SCANA common stock is stated in Table A attached to the end of this Notice.

58. In order to have recoverable damages in the Action, the disclosure of the allegedly misrepresented information must be the cause of the decline in the price of SCANA common stock. In this case, Lead Plaintiffs allege that Defendants made false statements and omitted material facts during the Class Period (from October 27, 2015 through December 20, 2017, inclusive), which had the effect of artificially inflating the price of publicly traded SCANA common stock. Lead Plaintiffs further allege that corrective information was released to the market during the Class Period that partially removed the artificial inflation from the price of SCANA common stock on: December 27-28, 2016; February 14, 2017; February 16-17, 2017; March 22-23, 2017; July 28, 2017; August 3-4, 2017; August 10, 2017; September 7, 2017; September 22, 2017; September 27, 2017; September 29, 2017; October 19, 2017<sup>4</sup>; October 27, 2017; October 31, 2017; and December 21, 2017.

59. Recognized Loss Amounts are based primarily on the difference in the amount of alleged artificial inflation in the respective prices of SCANA common stock at the time of purchase or acquisition and at the time of sale or the difference between the actual purchase price and sale price. Accordingly, in order to have a Recognized Loss Amount under the Plan of Allocation, a Settlement Class Member who or which purchased or otherwise acquired publicly traded SCANA common stock prior to the first corrective disclosure, which occurred prior to the opening of the financial markets on December 27, 2016, must have held his, her, or its shares of SCANA common stock through at least the open of trading on December 27, 2016. A Settlement Class Member who or which purchased or otherwise acquired publicly traded SCANA common stock from December 27, 2016 through and including the close of trading on December 20, 2017, must have held those shares through at least one of the later dates where new corrective information was released to the market and partially removed the artificial inflation from the price of SCANA common stock.

60. It is also alleged that Defendants' alleged misrepresentations resulted in additional artificial inflation entering the price of SCANA common stock on February 15, 2017; July 31, 2017; and August 1, 2017.

#### **CALCULATION OF RECOGNIZED LOSS AMOUNTS AND RECOGNIZED GAIN AMOUNTS**

61. Based on the formula stated below, a "Recognized Loss Amount" or "Recognized Gain Amount" will be calculated for each purchase or acquisition of publicly traded SCANA common stock during the Class Period that is listed on the Claim Form and for which adequate documentation is provided. If a Recognized Loss Amount or Recognized Gain Amount calculates to a negative number or zero under the formula below, that number will be zero.

62. For each share of publicly traded SCANA common stock purchased or otherwise acquired during the period from October 27, 2015 through and including the close of trading on December 20, 2017, and:

- (i) Sold before December 27, 2016, the Recognized Loss Amount will be \$0.00 and the Recognized Gain Amount will be \$0.00;
- (ii) Sold at a loss<sup>5</sup> from December 27, 2016 through and including December 20, 2017, a Recognized Loss Amount will be calculated, which will be *the lesser of*: (i) the amount of artificial inflation per share on the date of purchase/acquisition as stated in Table A minus the amount of artificial inflation per share on the date of sale as stated in Table A; or (ii) the purchase/acquisition price minus the sale price;

<sup>4</sup> For purposes of this Plan of Allocation, the Claims Administrator will assume that any shares purchased/acquired or sold on October 19, 2017, at any price less than \$48.97 per share occurred after the allegedly corrective information was absorbed by the market, and that any shares purchased/acquired or sold on October 19, 2017, at any price equal to or greater than \$48.97 per share occurred before the allegedly corrective information was absorbed by the market. If a Claimant provides documentation with the time stamp for the trade, any trade made prior to 1:09 PM Eastern time will be considered as having occurred before the information was disclosed to the market, and any trade at or after 1:09 PM Eastern time will be considered to have occurred after the information was disclosed to the market.

<sup>5</sup> "Sold at a loss" means the purchase/acquisition price is greater than the sale price.

- (iii) Sold for a gain<sup>6</sup> from December 27, 2016 through and including December 20, 2017, a Recognized Gain Amount will be calculated, which will be *the lesser of*: (i) the amount of artificial inflation per share on the date of sale as stated in Table A minus the amount of artificial inflation per share on the date of purchase/acquisition as stated in Table A; or (ii) the sale price minus the purchase/acquisition price;
- (iv) Sold from December 21, 2017 through and including the close of trading on March 20, 2018, a Recognized Loss Amount will be calculated, which will be *the least of*: (i) the amount of artificial inflation per share on the date of purchase/acquisition as stated in Table A; (ii) the purchase/acquisition price minus the average closing price between December 21, 2017 and the date of sale as stated in Table B attached to the end of this Notice; or (iii) the purchase/acquisition price minus the sale price; or
- (v) Held as of the close of trading on March 20, 2018, a Recognized Loss Amount will be calculated, which will be *the lesser of*: (i) the amount of artificial inflation per share on the date of purchase/acquisition as stated in Table A; or (ii) the purchase/acquisition price *minus* \$40.29.<sup>7</sup>

### ADDITIONAL PROVISIONS

63. **Calculation of Claimant’s “Recognized Claim”:** A Claimant’s “Recognized Claim” will be the sum of his, her, or its Recognized Loss Amounts as calculated in ¶ 62 above *minus* the sum of his, her, or its Recognized Gain Amounts as calculated in ¶ 62 above. If a Recognized Claim calculates to a negative number or zero, that number will be zero.

64. **FIFO Matching:** If a Settlement Class Member made more than one purchase/acquisition or sale of SCANA common stock during the Class Period, all purchases/acquisitions and sales will be matched on a First In, First Out (“FIFO”) basis. Class Period sales will be matched first against any holdings at the beginning of the Class Period, and then against purchases/acquisitions in chronological order, beginning with the earliest purchase/acquisition made during the Class Period.

65. **Purchase/Sale Prices:** For the purposes of calculations in ¶ 62 above, “purchase/acquisition price” means the actual price paid, excluding any fees, commissions, and taxes, and “sale price” means the actual amount received, not deducting any fees, commissions, and taxes.

66. **Purchase/Sale Dates:** Purchases or acquisitions and sales of SCANA common stock will be deemed to have occurred on the “contract” or “trade” date as opposed to the “settlement” or “payment” date. The receipt or grant by gift, inheritance, or operation of law of SCANA common stock during the Class Period will not be deemed a purchase, acquisition, or sale of SCANA common stock for the calculation of a Claimant’s Recognized Loss Amount, nor will the receipt or grant be deemed an assignment of any claim relating to the purchase/acquisition/sale of SCANA common stock unless: (i) the donor or decedent purchased or otherwise acquired or sold such SCANA common stock during the Class Period; (ii) the instrument of gift or assignment specifically provides that it is intended to transfer such rights; and (iii) no Claim was submitted by or on behalf of the donor, on behalf of the decedent, or by anyone else with respect to such shares of SCANA common stock.

67. **Short Sales:** The date of covering a “short sale” is deemed to be the date of purchase or acquisition of the SCANA common stock. The date of a “short sale” is deemed to be the date of sale of the SCANA common stock. In accordance with the Plan of Allocation, however, the Recognized Loss Amount on “short sales” and the purchases covering “short sales” is zero.

68. In the event that a Claimant has an opening short position in SCANA common stock, the earliest purchases or acquisitions of SCANA common stock during the Class Period will be matched against such opening short position, and not be entitled to a recovery, until that short position is fully covered.

69. **Common Stock Purchased/Sold Through the Exercise of Options:** Option contracts are not securities eligible to participate in the Settlement. With respect to SCANA common stock purchased or sold through the exercise of an option, the purchase/sale date of the security is the exercise date of the option and the purchase/sale price is the exercise price of the option.

<sup>6</sup> “Sold for a gain” means the purchase/acquisition price is less than or equal to the sale price.

<sup>7</sup> Pursuant to Section 21D(e)(1) of the Exchange Act, “in any private action arising under this title in which the plaintiff seeks to establish damages by reference to the market price of a security, the award of damages to the plaintiff shall not exceed the difference between the purchase or sale price paid or received, as appropriate, by the plaintiff for the subject security and the mean trading price of that security during the 90-day period beginning on the date on which the information correcting the misstatement or omission that is the basis for the action is disseminated to the market.” Consistent with the requirements of the Exchange Act, Recognized Loss Amounts are reduced to an appropriate extent by taking into account the closing prices of SCANA common stock during the “90-day look-back period,” December 21, 2017 through and including March 20, 2018. The mean (average) closing price for SCANA common stock during this 90-day look back period was \$40.29.

70. **Market Gains and Losses:** The Claims Administrator will determine if the Claimant had a “Market Gain” or a “Market Loss” with respect to his, her, or its overall transactions in publicly traded SCANA common stock during the Class Period. For purposes of making this calculation, the Claims Administrator will determine the difference between: (i) the Claimant’s Total Purchase Amount<sup>8</sup> and (ii) the sum of the Claimant’s Total Sales Proceeds<sup>9</sup> and the Claimant’s Holding Value.<sup>10</sup> If the Claimant’s Total Purchase Amount minus the sum of the Claimant’s Total Sales Proceeds and the Holding Value is a positive number, that number will be the Claimant’s Market Loss; if the number is a negative number or zero, that number will be the Claimant’s Market Gain.

71. If a Claimant had a Market Gain with respect to his, her, or its overall transactions in publicly traded SCANA common stock during the Class Period, the value of the Claimant’s Recognized Claim will be zero, and the Claimant will in any event be bound by the Settlement. If a Claimant suffered an overall Market Loss with respect to his, her, or its overall transactions in publicly traded SCANA common stock during the Class Period but that Market Loss was less than the Claimant’s Recognized Claim, then the Claimant’s Recognized Claim will be limited to the amount of the Market Loss.

72. **Determination of Distribution Amount:** If the sum total of Recognized Claims of all Authorized Claimants who are entitled to receive payment out of the Net Settlement Fund is greater than the Net Settlement Fund, each Authorized Claimant will receive his, her, or its *pro rata* share of the Net Settlement Fund. The *pro rata* share will be the Authorized Claimant’s Recognized Claim divided by the total of Recognized Claims of all Authorized Claimants, multiplied by the total amount in the Net Settlement Fund.

73. If the Net Settlement Fund exceeds the sum total amount of the Recognized Claims of all Authorized Claimants entitled to receive payment out of the Net Settlement Fund, the excess amount in the Net Settlement Fund will be distributed *pro rata* to all Authorized Claimants entitled to receive payment.

74. No cash payments for less than \$10.00 will be made in the initial distribution of the Net Settlement Fund. In the event of a distribution of Class Settlement Shares, no fractional Class Settlement Shares will be issued.

75. After the initial distribution of the Net Settlement Fund, the Claims Administrator will make reasonable and diligent efforts to have Authorized Claimants cash their distribution checks (and, as applicable, claim their Class Settlement Shares). To the extent any monies (and/or Class Settlement Shares) remain in the Net Settlement Fund nine (9) months after the initial distribution, if Lead Counsel, in consultation with the Claims Administrator, determine that it is cost-effective to do so, the Claims Administrator will conduct a redistribution of the funds (and/or Class Settlement Shares) remaining after payment of any Taxes and unpaid fees and expenses incurred in administering the Settlement, including for such redistribution, to Authorized Claimants who have cashed their initial distributions (and claimed their initial Class Settlement Shares), in an equitable and economical manner. Additional redistributions to Authorized Claimants who have cashed their prior checks (and claimed their prior Class Settlement Shares) may occur thereafter if Lead Counsel, in consultation with the Claims Administrator, determine that additional redistributions, after the deduction of any additional Taxes, fees, and expenses incurred in administering the Settlement, including for such redistributions, would be cost-effective. At such time as it is determined that the redistribution of funds and/or Class Settlement Shares remaining in the Net Settlement Fund is not cost-effective, the remaining balance will be contributed to non-sectarian, not-for-profit organization(s), to be recommended by Lead Counsel and approved by the Court.

76. Payment pursuant to the Plan of Allocation, or such other plan of allocation as may be approved by the Court, will be conclusive against all Authorized Claimants. No person or entity shall have any claim against Lead Plaintiffs, Plaintiffs’ Counsel, Lead Plaintiffs’ damages or consulting experts, Defendants, Defendants’ Counsel, or any of the other Plaintiffs’ Releasees or Defendants’ Releasees, or the Claims Administrator or other agent designated by Lead Counsel arising from distributions made substantially in accordance with the Stipulation, the Plan of Allocation approved by the Court, or further Orders of the Court. Lead Plaintiffs, Defendants, and all other Defendants’ Releasees, shall have no responsibility or liability whatsoever for the investment or distribution of the Settlement Fund or the Net Settlement Fund; the Plan of Allocation; the determination, administration, calculation, or payment of any Claim or nonperformance of the Claims Administrator; the payment or withholding of Taxes; or any losses incurred in connection therewith.

<sup>8</sup> The “Total Purchase Amount” is the total amount the Claimant paid (excluding any fees, commissions, and taxes) for all shares of publicly traded SCANA common stock purchased/acquired during the Class Period.

<sup>9</sup> The Claims Administrator will match any sales of publicly traded SCANA common stock during the Class Period first against the Claimant’s opening position in SCANA common stock (the proceeds of those sales will not be considered for purposes of calculating market gains or losses). The total amount received (not deducting any fees, commissions, and taxes) for sales of the remaining shares of publicly traded SCANA common stock sold during the Class Period is the “Total Sales Proceeds.”

<sup>10</sup> The Claims Administrator will ascribe a “Holding Value” of \$37.39 to each share of publicly traded SCANA common stock purchased/acquired during the Class Period that was still held as of the close of trading on December 20, 2017.



77. The Plan of Allocation stated herein is the plan that is being proposed to the Court for its approval by Lead Plaintiffs after consultation with their damages expert. The Court may approve this plan as proposed or it may modify the Plan of Allocation without further notice to the Settlement Class. Any Orders regarding any modification of the Plan of Allocation will be posted on the Settlement website, [www.SCANASecuritiesLitigation.com](http://www.SCANASecuritiesLitigation.com).

**WHAT PAYMENT ARE THE ATTORNEYS FOR THE SETTLEMENT CLASS SEEKING?  
HOW WILL THE LAWYERS BE PAID?**

78. Plaintiffs' Counsel have not received any payment for their services in pursuing claims against Defendants on behalf of the Settlement Class, nor have Plaintiffs' Counsel been paid for their litigation expenses. Before final approval of the Settlement, Lead Counsel will apply to the Court for an award of attorneys' fees for all Plaintiffs' Counsel in an amount not to exceed 14% of the Settlement Fund (in combination of cash and stock in the same proportion that the Cash Settlement Amount and the Settlement Shares comprise the Settlement Amount). At the same time, Lead Counsel also intends to apply for payment of Litigation Expenses incurred by Plaintiffs' Counsel in an amount not to exceed \$1,200,000, which may include an application for reimbursement of the reasonable costs and expenses incurred by Lead Plaintiffs directly related to their representation of the Settlement Class, pursuant to the PSLRA. The Court will determine the amount of any award of attorneys' fees or Litigation Expenses. Such sums as may be approved by the Court will be paid from the Settlement Fund. Settlement Class Members are not personally liable for any such fees or expenses.

**WHAT IF I DO NOT WANT TO BE A MEMBER OF THE SETTLEMENT CLASS?  
HOW DO I EXCLUDE MYSELF?**

79. Each Settlement Class Member will be bound by all determinations and judgments in this lawsuit, whether favorable or unfavorable, unless such person or entity mails or delivers a written Request for Exclusion from the Settlement Class, addressed to SCANA Securities Litigation, EXCLUSIONS, c/o Epiq, P.O. Box 4850, Portland, OR 97208-4850. The Request for Exclusion must be **received no later than May 27, 2020**. You will not be able to exclude yourself from the Settlement Class after that date. Each Request for Exclusion must: (i) state the name, address, and telephone number of the person or entity requesting exclusion, and in the case of entities, the name and telephone number of the appropriate contact person; (ii) state that such person or entity "requests exclusion from the Settlement Class in *In re SCANA Corporation Securities Litigation*, Civil Action No. 3:17-CV-2616-MBS"; (iii) state the number of shares of publicly traded SCANA common stock that the person or entity requesting exclusion (A) owned as of the opening of trading on October 27, 2015 and (B) purchased/acquired and/or sold during the Class Period (*i.e.*, from October 27, 2015 through December 20, 2017, inclusive), as well as the dates, number of shares, and prices of each such purchase/acquisition and sale; and (iv) be signed by the person or entity requesting exclusion or an authorized representative. A Request for Exclusion that does not provide all the information called for in this paragraph and is not received within the time stated above will be invalid and will not be allowed. Lead Counsel may request that the person or entity requesting exclusion submit documentation sufficient to prove his, her, or its holdings and trading in SCANA common stock as called for above.

80. If you do not want to be part of the Settlement Class, you must follow these instructions for exclusion even if you have pending, or later file, another lawsuit, arbitration, or other proceeding relating to any Released Plaintiffs' Claim against any of the Defendants' Releasees.

81. If you ask to be excluded from the Settlement Class, you will not be eligible to receive any payment out of the Net Settlement Fund.

82. SCANA has the right to terminate the Settlement if valid requests for exclusion are received from persons and entities entitled to be members of the Settlement Class in an amount that exceeds an amount agreed to by Lead Plaintiffs and Defendants.

**WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?  
DO I HAVE TO COME TO THE HEARING?  
MAY I SPEAK AT THE HEARING IF I DON'T LIKE THE SETTLEMENT?**

83. **Settlement Class Members do not need to attend the Settlement Fairness Hearing. The Court will consider any submission made in accordance with the provisions below even if a Settlement Class Member does not attend the hearing. You can participate in the Settlement without attending the Settlement Fairness Hearing.** Please Note: The date and time of the Settlement Fairness Hearing may change without further written notice to the Settlement Class. You should monitor the Court's docket and the Settlement website, [www.SCANASecuritiesLitigation.com](http://www.SCANASecuritiesLitigation.com), before making plans to attend the Settlement Fairness Hearing. You may also confirm the date and time of the Settlement Fairness Hearing by contacting Lead Counsel.

84. The Settlement Fairness Hearing will be held on **June 17, 2020 at 2:00 p.m.**, before the Honorable Margaret B. Seymour at the United States District Court for the District of South Carolina, Courtroom 6 of the Matthew J. Perry, Jr. Courthouse, 901 Richland Street, Columbia, SC 29201, to determine, among other things: (i) whether the proposed Settlement on the terms and conditions provided for in the Stipulation is fair, reasonable, and adequate to the Settlement Class, and should be finally approved by the Court; (ii) whether, for purposes of the Settlement only, the Action should be certified as a class action on behalf of the Settlement Class, Lead Plaintiffs should be certified as Class Representatives for the Settlement Class, and Lead Counsel should be appointed as Class Counsel for the Settlement Class; (iii) whether the Action should be dismissed with prejudice against Defendants and the Releases specified and described in the Stipulation (and in this Notice) should be granted; (iv) whether the terms and conditions of the issuance of the Settlement Shares pursuant to an exemption from registration requirements under Section 3(a)(10) of the Securities Act are fair to all persons and entities to whom the shares will be issued; (v) whether the proposed Plan of Allocation should be approved as fair and reasonable; (vi) whether Lead Counsel's application for an award of attorneys' fees and Litigation Expenses should be approved; and (vii) any other matters that may properly be brought before the Court in connection with the Settlement. The Court reserves the right to certify the Settlement Class; approve the Settlement, the Plan of Allocation, and Lead Counsel's motion for an award of attorneys' fees and Litigation Expenses; and/or consider any other matter related to the Settlement at or after the Settlement Fairness Hearing without further notice to the members of the Settlement Class.

85. Any Settlement Class Member who or which does not request exclusion may object to the Settlement, the proposed Plan of Allocation, or Lead Counsel's motion for attorneys' fees and Litigation Expenses. Objections must be in writing. You must file any written objection, together with copies of all other papers and briefs supporting the objection, with the Clerk's Office at the United States District Court for the District of South Carolina (Columbia Division) at the address set forth below **on or before May 27, 2020**. You must also serve the papers on Lead Counsel and on designated representative counsel for Defendants at the addresses set forth below so that the papers are **received on or before May 27, 2020**.

**Clerk's Office**

United States District Court  
District of South Carolina  
(Columbia Division)  
Clerk of the Court  
Matthew J. Perry, Jr.  
Courthouse  
901 Richland Street,  
Columbia, SC 29201

**Lead Counsel**

Bernstein Litowitz Berger &  
Grossmann LLP  
John C. Browne, Esq.  
1251 Avenue of the Americas,  
44th Floor  
New York, NY 10020  
  
Labaton Sucharow LLP  
James W. Johnson, Esq.  
140 Broadway  
New York, NY 10005

**Representative Counsel  
for Defendants**

McGuireWoods LLP  
Brian E. Pumphrey, Esq.  
800 East Canal Street  
Richmond, VA 23219

86. Any objection must clearly identify the case name and action number, *In re SCANA Corporation Securities Litigation*, Civil Action No. 3:17-CV-2616-MBS, and it must: (i) state the name, address, and telephone number of the person or entity objecting and must be signed by the objector; (ii) state with specificity the grounds for the Settlement Class Member's objection, including any legal and evidentiary support the Settlement Class Member wishes to bring to the Court's attention and whether the objection applies only to the objector, to a specific subset of the Settlement Class, or to the entire Settlement Class; and (iii) include documents sufficient to prove membership in the Settlement Class, including documents showing the number of shares of publicly traded SCANA common stock that the objecting Settlement Class Member (A) owned as of the opening of trading on October 27, 2015 and (B) purchased/acquired and/or sold during the Class Period (*i.e.*, from October 27, 2015 through December 20, 2017, inclusive), as well as the dates, number of shares, and prices of each such purchase/acquisition and sale. Documentation establishing membership in the Settlement Class must consist of copies of brokerage confirmation slips or monthly brokerage account statements, or an authorized statement from the objector's broker containing the transactional and holding information found in a broker confirmation slip or account statement. You may not object to the Settlement, the Plan of Allocation, or Lead Counsel's motion for attorneys' fees and Litigation Expenses if you exclude yourself from the Settlement Class or if you are not a member of the Settlement Class.

87. You may file a written objection without having to appear at the Settlement Fairness Hearing. You may not, however, appear at the Settlement Fairness Hearing to present your objection unless you first file and serve a written objection in accordance with the procedures described above, unless the Court orders otherwise.

88. If you wish to be heard orally at the hearing in opposition to the approval of the Settlement, the Plan of Allocation, or Lead Counsel's motion for an award of attorneys' fees and Litigation Expenses, assuming you timely file and serve a written objection as described above, you must also file a notice of appearance with the Clerk's Office and serve it on Lead Counsel and on designated representative counsel for Defendants at the addresses set forth in ¶ 85 above so that it is **received on or before May 27, 2020**. Persons who intend to object and desire to present evidence at the Settlement Fairness Hearing must include in their written objection or notice of appearance the identity of any witnesses they may call to testify and exhibits they intend to introduce into evidence at the hearing. Such persons may be heard orally at the discretion of the Court.

89. You are not required to hire an attorney to represent you in making written objections or in appearing at the Settlement Fairness Hearing. However, if you decide to hire an attorney, it will be at your own expense, and that attorney must file a notice of appearance with the Court and serve it on Lead Counsel and Defendants' Counsel at the addresses set forth in ¶ 85 above so that the notice is **received on or before May 27, 2020**.

90. The Settlement Fairness Hearing may be adjourned by the Court without further written notice to the Settlement Class. If you intend to attend the Settlement Fairness Hearing, you should confirm the date and time with Lead Counsel.

**91. Unless the Court orders otherwise, any Settlement Class Member who does not object in the manner described above will be deemed to have waived any objection and shall be forever foreclosed from making any objection to the proposed Settlement, the proposed Plan of Allocation, or Lead Counsel's motion for an award of attorneys' fees and Litigation Expenses. Settlement Class Members do not need to appear at the Settlement Fairness Hearing or take any other action to indicate their approval.**

#### WHAT IF I BOUGHT SHARES ON SOMEONE ELSE'S BEHALF?

92. If you purchased or otherwise acquired any shares of publicly traded SCANA common stock during the period from October 27, 2015 through December 20, 2017, inclusive, for the beneficial interest of persons or organizations other than yourself, you must either (i) within seven (7) calendar days of receipt of this Notice, request from the Claims Administrator sufficient copies of the Notice and Claim Form (the "Notice Packet") to forward to all such beneficial owners and within seven (7) calendar days of receipt of those Notice Packets forward them to all such beneficial owners; or (ii) within seven (7) calendar days of receipt of this Notice, provide a list of the names, addresses, and email addresses (if available) of all such beneficial owners to SCANA Securities Litigation, c/o Epiq, P.O. Box 4850, Portland, OR 97208-4850. If you choose the second option, the Claims Administrator will send a copy of the Notice Packet to the beneficial owners. Upon full compliance with these directions, such nominees may seek reimbursement of their reasonable expenses actually incurred, by providing the Claims Administrator with proper documentation supporting the expenses for which reimbursement is sought. Copies of this Notice and the Claim Form may also be obtained from the Settlement website, [www.SCANASecuritiesLitigation.com](http://www.SCANASecuritiesLitigation.com), by calling the Claims Administrator toll-free at 1-833-947-1420, or by emailing the Claims Administrator at [info@SCANASecuritiesLitigation.com](mailto:info@SCANASecuritiesLitigation.com).

#### CAN I SEE THE COURT FILE? WHOM SHOULD I CONTACT IF I HAVE QUESTIONS?

93. This Notice contains only a summary of the terms of the proposed Settlement. For more detailed information about the matters involved in this Action, you are referred to the papers on file in the Action, including the Stipulation, which may be inspected during regular office hours at the Office of the Clerk, United States District Court for the District of South Carolina (Columbia Division), Matthew J. Perry, Jr. Courthouse, 901 Richland Street, Columbia, SC 29201. Additionally, copies of the Stipulation and any related orders entered by the Court will be posted on the Settlement website, [www.SCANASecuritiesLitigation.com](http://www.SCANASecuritiesLitigation.com).

All inquiries concerning this Notice and the Claim Form should be directed to:

SCANA Securities Litigation  
 c/o Epiq  
 P.O. Box 4850  
 Portland, OR 97208-4850  
 1-833-947-1420  
[info@SCANASecuritiesLitigation.com](mailto:info@SCANASecuritiesLitigation.com)  
[www.SCANASecuritiesLitigation.com](http://www.SCANASecuritiesLitigation.com)

John C. Browne, Esq.  
Bernstein Litowitz Berger & Grossmann LLP  
1251 Avenue of the Americas, 44th Floor  
New York, NY 10020  
1-800-380-8496  
settlements@blbglaw.com

James W. Johnson, Esq.  
Labaton Sucharow LLP  
140 Broadway  
New York, NY 10005  
1-888-219-6877  
settlementquestions@labaton.com

**DO NOT CALL OR WRITE THE COURT, THE OFFICE OF THE CLERK OF THE COURT, DEFENDANTS, DOMINION ENERGY, OR THEIR COUNSEL REGARDING THIS NOTICE.**

Dated: March 25, 2020

By Order of the Court  
United States District Court  
District of South Carolina  
(Columbia Division)

**TABLE A**

**Estimated Artificial Inflation with Respect to Transactions in Publicly Traded SCANA Common Stock from October 27, 2015 through and including December 20, 2017**

<b>Transaction Date Range</b>	<b>Artificial Inflation Per Share</b>
October 27, 2015 – December 26, 2016	\$27.47
December 27, 2016	\$27.14
December 28, 2016 – February 13, 2017	\$26.28
February 14, 2017	\$23.59
February 15, 2017	\$24.41
February 16, 2017	\$23.51
February 17, 2017 – March 21, 2017	\$21.79
March 22, 2017	\$21.00
March 23, 2017 – July 27, 2017	\$20.15
July 28, 2017 – July 30, 2017	\$15.85
July 31, 2017	\$18.75
August 1, 2017 – August 2, 2017	\$21.66
August 3, 2017	\$19.56
August 4, 2017 – August 9, 2017	\$18.22
August 10, 2017 – September 6, 2017	\$17.33
September 7, 2017 – September 21, 2017	\$16.44
September 22, 2017 – September 26, 2017	\$14.94
September 27, 2017 – September 28, 2017	\$11.35
September 29, 2017 – October 19, 2017 (prior to 1:09 PM Eastern time)	\$8.93
October 19, 2017 (at or after 1:09 PM Eastern time) – October 26, 2017	\$8.06
October 27, 2017 – October 30, 2017	\$6.46
October 31, 2017 – December 20, 2017	\$3.71



TABLE B

**90-Day Look-Back Table for Publicly Traded SCANA Common Stock  
(Closing Price and Average Closing Price: December 21, 2017 – March 20, 2018)**

<b>Date</b>	<b>Closing Price</b>	<b>Average Closing Price Between December 21, 2017 and Date Shown</b>		<b>Date</b>	<b>Closing Price</b>	<b>Average Closing Price Between December 21, 2017 and Date Shown</b>
12/21/2017	\$37.39	\$37.39		2/6/2018	\$37.62	\$41.77
12/22/2017	\$39.01	\$38.20		2/7/2018	\$36.66	\$41.61
12/26/2017	\$39.09	\$38.50		2/8/2018	\$35.60	\$41.43
12/27/2017	\$39.48	\$38.74		2/9/2018	\$36.30	\$41.28
12/28/2017	\$39.72	\$38.94		2/12/2018	\$35.66	\$41.11
12/29/2017	\$39.78	\$39.08		2/13/2018	\$36.02	\$40.97
1/2/2018	\$38.87	\$39.05		2/14/2018	\$36.48	\$40.85
1/3/2018	\$47.65	\$40.12		2/15/2018	\$37.21	\$40.76
1/4/2018	\$46.33	\$40.81		2/16/2018	\$37.71	\$40.68
1/5/2018	\$45.02	\$41.23		2/20/2018	\$36.94	\$40.58
1/8/2018	\$45.52	\$41.62		2/21/2018	\$36.29	\$40.48
1/9/2018	\$44.80	\$41.89		2/22/2018	\$39.93	\$40.47
1/10/2018	\$44.26	\$42.07		2/23/2018	\$39.29	\$40.44
1/11/2018	\$44.51	\$42.25		2/26/2018	\$39.98	\$40.43
1/12/2018	\$44.05	\$42.37		2/27/2018	\$39.93	\$40.42
1/16/2018	\$42.31	\$42.36		2/28/2018	\$39.67	\$40.40
1/17/2018	\$42.53	\$42.37		3/1/2018	\$39.76	\$40.39
1/18/2018	\$42.47	\$42.38		3/2/2018	\$39.65	\$40.37
1/19/2018	\$43.35	\$42.43		3/5/2018	\$40.73	\$40.38
1/22/2018	\$43.36	\$42.48		3/6/2018	\$40.96	\$40.39
1/23/2018	\$41.16	\$42.41		3/7/2018	\$41.64	\$40.42
1/24/2018	\$40.72	\$42.34		3/8/2018	\$41.20	\$40.43
1/25/2018	\$42.00	\$42.32		3/9/2018	\$39.13	\$40.41
1/26/2018	\$43.43	\$42.37		3/12/2018	\$39.08	\$40.38
1/29/2018	\$43.31	\$42.40		3/13/2018	\$39.00	\$40.36
1/30/2018	\$40.74	\$42.34		3/14/2018	\$39.42	\$40.34
1/31/2018	\$40.64	\$42.28		3/15/2018	\$40.38	\$40.34
2/1/2018	\$39.07	\$42.16		3/16/2018	\$40.21	\$40.34
2/2/2018	\$39.17	\$42.06		3/19/2018	\$39.12	\$40.32
2/5/2018	\$37.44	\$41.91		3/20/2018	\$38.68	\$40.29

SCANA Securities Litigation  
Toll-Free Number: 1-833-947-1420  
Email: [info@SCANASecuritiesLitigation.com](mailto:info@SCANASecuritiesLitigation.com)  
Website: [www.SCANASecuritiesLitigation.com](http://www.SCANASecuritiesLitigation.com)

**PROOF OF CLAIM AND RELEASE FORM**

To be eligible to receive a share of the Net Settlement Fund in connection with the Settlement of this Action, you must complete and sign this Proof of Claim and Release Form (“Claim Form”) and either submit it online using the Settlement website, [www.SCANASecuritiesLitigation.com](http://www.SCANASecuritiesLitigation.com), **no later than July 25, 2020** or mail it by first-class mail to the address below, with supporting documentation, **postmarked no later than July 25, 2020**.

**Mail to:**

**SCANA Securities Litigation  
c/o Epiq  
P.O. Box 4850  
Portland, OR 97208-4850**

Failure to submit your Claim Form by the date specified will subject your Claim to rejection and may preclude you from being eligible to receive a payment from the Settlement.

**Do not mail or deliver your Claim Form to the Court, Lead Counsel, Defendants’ Counsel, or any of the Parties to the Action. Submit your Claim Form only to the Claims Administrator as set forth above.**

<b><u>TABLE OF CONTENTS</u></b>	<b><u>PAGE #</u></b>
<b>PART I – CLAIMANT INFORMATION .....</b>	<b>2</b>
<b>PART II – GENERAL INSTRUCTIONS .....</b>	<b>3–5</b>
<b>PART III – SCHEDULE OF TRANSACTIONS IN SCANA COMMON STOCK (NYSE: SCG, CUSIP: 80589M102) .....</b>	<b>6</b>
<b>PART IV – RELEASE OF CLAIMS AND SIGNATURE.....</b>	<b>7–8</b>

**PART I - CLAIMANT INFORMATION**

The Claims Administrator will use this information for all communications regarding this Claim Form. If this information changes, you **MUST** notify the Claims Administrator in writing at the address above. Complete names of all persons and entities must be provided.

Beneficial Owner's Name

First Name	MI	Last Name
<input type="text"/>	<input type="text"/>	<input type="text"/>

Joint Beneficial Owner's Name (if applicable)

First Name	MI	Last Name
<input type="text"/>	<input type="text"/>	<input type="text"/>

If this claim is submitted for an IRA, and if you would like any check that you MAY be eligible to receive made payable to the IRA, please include "IRA" in the "Last Name" box above (e.g., Jones IRA).

Entity Name (if the Beneficial Owner is not an individual)

Name of Representative, if applicable (executor, administrator, trustee, c/o, etc.), if different from Beneficial Owner

Last 4 digits of Social Security Number or Taxpayer Identification Number

Street Address

City

State/Province Zip Code

Foreign Postal Code (if applicable)

Foreign Country (if applicable)

Telephone Number (Day)

 -  - 

Telephone Number (Evening)

 -  - 

Email Address (email address is not required, but if you provide it you authorize the Claims Administrator to use it in providing you with information relevant to this claim)

Account Number (where securities were traded)<sup>1</sup>

**Type of Beneficial Owner:**

Specify one of the following:

- |  |                                      |   |  |
|--|--------------------------------------|---|--|
| <input type="checkbox"/> Individual(s) | <input type="checkbox"/> Corporation | <input type="checkbox"/> UGMA Custodian | <input type="checkbox"/> IRA/401K                |
| <input type="checkbox"/> Partnership   | <input type="checkbox"/> Estate      | <input type="checkbox"/> Trust          | <input type="checkbox"/> Other (describe: _____) |

<sup>1</sup> If the account number is unknown, you may leave blank. If filing for more than one account for the same legal entity you may write "multiple." Please see Paragraph 9 of the General Instructions below for more information on when to file separate Claim Forms for multiple accounts.

## PART II – GENERAL INSTRUCTIONS

1. It is important that you completely read the Notice of (I) Pendency of Class Action and Proposed Settlement; (II) Settlement Fairness Hearing; and (III) Motion for an Award of Attorneys’ Fees and Litigation Expenses (the “Notice”) that accompanies this Claim Form, including the Plan of Allocation of the Net Settlement Fund set forth in the Notice. The Notice describes the proposed Settlement, how Settlement Class Members are affected by the Settlement, and the manner in which the Net Settlement Fund will be distributed if the Settlement and Plan of Allocation are approved by the Court. The Notice also contains the definitions of many of the defined terms (which are indicated by initial capital letters) used in this Claim Form. By signing and submitting this Claim Form, you will be certifying that you have read the Notice, including the terms of the releases described therein and provided for herein.

2. By submitting this Claim Form, you will be making a request to receive a payment from the Settlement described in the Notice. **IF YOU ARE NOT A SETTLEMENT CLASS MEMBER** (*see* the definition of the Settlement Class on page 6 of the Notice, which sets forth who is included in and who is excluded from the Settlement Class), **OR IF YOU, OR SOMEONE ACTING ON YOUR BEHALF, SUBMITTED A REQUEST FOR EXCLUSION FROM THE SETTLEMENT CLASS, DO NOT SUBMIT A CLAIM FORM. YOU MAY NOT, DIRECTLY OR INDIRECTLY, PARTICIPATE IN THE SETTLEMENT IF YOU ARE NOT A SETTLEMENT CLASS MEMBER.** **THUS, IF YOU ARE EXCLUDED FROM THE SETTLEMENT CLASS, ANY CLAIM FORM THAT YOU SUBMIT, OR THAT MAY BE SUBMITTED ON YOUR BEHALF, WILL NOT BE ACCEPTED.**

3. **Submission of this Claim Form does not guarantee that you will be eligible to receive a payment from the Settlement. The distribution of the Net Settlement Fund will be governed by the Plan of Allocation set forth in the Notice, if it is approved by the Court, or by such other plan of allocation as the Court approves.**

4. Use the Schedule of Transactions in Part III of this Claim Form to supply all required details of your transaction(s) in, and holdings of, SCANA common stock. On this schedule, provide all of the requested information with respect to your holdings, purchases, acquisitions, and sales of SCANA common stock (including free transfers and deliveries), whether such transactions resulted in a profit or a loss. **Failure to report all transaction and holding information during the requested time period may result in the rejection of your Claim.**

5. **Please note:** Only publicly traded SCANA common stock purchased or otherwise acquired during the Class Period (*i.e.*, from October 27, 2015 through December 20, 2017, inclusive) is eligible under the Settlement. However, sales of SCANA common stock during the period from December 21, 2017 through and including March 20, 2018, will be used for purposes of calculating your Claim under the Plan of Allocation. Therefore, in order for the Claims Administrator to be able to balance your Claim, the requested purchase/acquisition information during this period must also be provided.

6. You are required to submit genuine and sufficient documentation for all of your transactions in and holdings of SCANA common stock set forth in the Schedule of Transactions in Part III of this Claim Form. Documentation may consist of copies of brokerage confirmation slips or monthly brokerage account statements, or an authorized statement from your broker containing the transactional and holding information found in a broker confirmation slip or account statement. The Parties and the Claims Administrator do not independently have information about your investments in SCANA common stock. **IF SUCH DOCUMENTS ARE NOT IN YOUR POSSESSION, PLEASE OBTAIN COPIES OF THE DOCUMENTS OR EQUIVALENT DOCUMENTS FROM YOUR BROKER. FAILURE TO SUPPLY THIS DOCUMENTATION MAY RESULT IN THE REJECTION OF YOUR CLAIM. DO NOT SEND ORIGINAL DOCUMENTS. Please keep a copy of all documents that you send to the Claims Administrator. Also, do not highlight any portion of the Claim Form or any supporting documents.**

7. For shares of SCANA common stock purchased or sold on October 19, 2017, the calculation of Recognized Loss Amounts and Recognized Gain Amounts under the Plan of Allocation may depend on the time of day that the transaction occurred. If the documentation that you submit with your Claim Form does not state the time of day of the transaction on October 19, 2017, the following assumptions will be made: (a) for shares purchased or sold at any price equal to or greater than \$48.97 per share, it will be assumed that the trade occurred prior to 1:09 PM Eastern time and (b) for shares purchased or sold at any price less than \$48.97 per share, it will be assumed that the trade occurred at or after 1:09 PM Eastern time.

8. Use Part I of this Claim Form entitled “CLAIMANT INFORMATION” to identify the beneficial owner(s) of SCANA common stock. The complete name(s) of the beneficial owner(s) must be entered. If you held the SCANA common stock in your own name, you were the beneficial owner as well as the record owner. If, however, your shares of SCANA common stock were registered in the name of a third party, such as a nominee or brokerage firm, you were the beneficial owner of these shares, but the third party was the record owner. The beneficial owner, not the record owner, must sign this Claim Form to be eligible to participate in the Settlement. If there were joint beneficial owners each must sign this Claim Form and their names must appear as “Claimants” in Part I of this Claim Form.

9. **One Claim should be submitted for each separate legal entity.** Separate Claim Forms should be submitted for each separate legal entity (e.g., a claim from joint owners should not include separate transactions of just one of the joint owners, and an individual should not combine his or her IRA transactions with transactions made solely in the individual's name). Conversely, a single Claim Form should be submitted on behalf of one legal entity including all transactions made by that entity on one Claim Form, no matter how many separate accounts that entity has (e.g., a corporation with multiple brokerage accounts should include all transactions made in all accounts on one Claim Form).

10. Agents, executors, administrators, guardians, and trustees must complete and sign the Claim Form on behalf of persons represented by them, and they must:

- (a) expressly state the capacity in which they are acting;
- (b) identify the name, account number, Social Security Number (or Taxpayer Identification Number), address, and telephone number of the beneficial owner of (or other person or entity on whose behalf they are acting with respect to) the SCANA common stock; and
- (c) furnish herewith evidence of their authority to bind to the Claim Form the person or entity on whose behalf they are acting. (Authority to complete and sign a Claim Form cannot be established by stockbrokers demonstrating only that they have discretionary authority to trade securities in another person's accounts.)

11. By submitting a signed Claim Form, you will be swearing that you:

- (a) own(ed) the SCANA common stock you have listed in the Claim Form; or
- (b) are expressly authorized to act on behalf of the owner thereof.

12. The proceeds of the proposed Settlement, if approved, may include, at the option of SCANA, shares of Dominion Energy, Inc. common stock (the "Settlement Shares"). The Settlement Shares, less any Settlement Shares awarded to Plaintiffs' Counsel as attorneys' fees, are referred to as the "Class Settlement Shares." If Settlement Shares are issued, Lead Counsel has the right to decide, in its sole discretion, whether to: (i) sell all or any portion of the Class Settlement Shares and distribute the net cash proceeds from the sale of the shares to Claimants who submit claims that are approved for payment by the Court ("Authorized Claimants") or (ii) distribute the Class Settlement Shares to Authorized Claimants. If distributed, the Class Settlement Shares will be posted electronically to the accounts of Authorized Claimants on the Direct Registration System ("DRS") maintained by Dominion Energy's transfer agent. A supplemental request for information required to electronically post the Class Settlement Shares to an account on the DRS will be sent to Claimants if shares are to be distributed. Failure to provide the information requested may lead to forfeiture of the Class Settlement Shares to which you might otherwise be eligible.

13. By submitting a signed Claim Form, you will be swearing to the truth of the statements contained therein and the genuineness of the documents attached thereto, subject to penalties of perjury under the laws of the United States of America. The making of false statements, or the submission of forged or fraudulent documentation, will result in the rejection of your Claim and may subject you to civil liability or criminal prosecution.

14. If the Court approves the Settlement, payments to eligible Authorized Claimants pursuant to the Plan of Allocation (or such other plan of allocation as the Court approves) will be made after any appeals are resolved, and after the completion of all claims processing. The claims process will take substantial time to complete fully and fairly. Please be patient.

15. **PLEASE NOTE:** As set forth in the Plan of Allocation, each Authorized Claimant shall receive his, her, or its *pro rata* share of the Net Settlement Fund. No cash payments for less than \$10.00 will be made. In the event of a distribution of Settlement Shares, no fractional Settlement Shares will be issued.

16. If you have questions concerning the Claim Form, or need additional copies of the Claim Form or the Notice, you may contact the Claims Administrator, Epiq, at the above address, by email at [info@SCANASecuritiesLitigation.com](mailto:info@SCANASecuritiesLitigation.com), or by toll-free phone at 1-833-947-1420, or you can visit the Settlement website, [www.SCANASecuritiesLitigation.com](http://www.SCANASecuritiesLitigation.com), where copies of the Claim Form and Notice are available for downloading.

17. NOTICE REGARDING ELECTRONIC FILES: Certain Claimants with large numbers of transactions may request, or may be requested, to submit information regarding their transactions in electronic files. To obtain the **mandatory** electronic filing requirements and file layout, you may visit the Settlement website at [www.SCANASecuritiesLitigation.com](http://www.SCANASecuritiesLitigation.com) or you may email the Claims Administrator's electronic filing department at [info@SCANASecuritiesLitigation.com](mailto:info@SCANASecuritiesLitigation.com). **Any file not in accordance with the required electronic filing format will be subject to rejection.** Only one Claim should be submitted for each separate legal entity (*see* ¶ 9 above) and the **complete** name of the beneficial owner of the securities must be entered where called for (*see* ¶ 8 above). No electronic files will be considered to have been submitted unless the Claims Administrator issues an email to that effect. **Do not assume that your file has been received until you receive this email. If you do not receive such an email within 10 days of your submission, you should contact the electronic filing department at [info@SCANASecuritiesLitigation.com](mailto:info@SCANASecuritiesLitigation.com) to inquire about your file and confirm it was received.**

**IMPORTANT: PLEASE NOTE**

**YOUR CLAIM IS NOT DEEMED FILED UNTIL YOU RECEIVE AN ACKNOWLEDGEMENT POSTCARD. THE CLAIMS ADMINISTRATOR WILL ACKNOWLEDGE RECEIPT OF YOUR CLAIM FORM BY MAIL, WITHIN 60 DAYS OF YOUR SUBMISSION. IF YOU DO NOT RECEIVE AN ACKNOWLEDGEMENT POSTCARD WITHIN 60 DAYS, CONTACT THE CLAIMS ADMINISTRATOR TOLL FREE AT 1-833-947-1420 OR BY EMAIL AT [INFO@SCANASECURITIESLITIGATION.COM](mailto:INFO@SCANASECURITIESLITIGATION.COM).**





**PART IV - RELEASE OF CLAIMS AND SIGNATURE****YOU MUST ALSO READ THE RELEASE AND CERTIFICATION BELOW AND SIGN ON PAGE 8 OF THIS CLAIM FORM.**

I (we) hereby acknowledge that, pursuant to the terms set forth in the Stipulation, without further action by anyone, upon the Effective Date of the Settlement, I (we), on behalf of myself (ourselves) and my (our) (the Claimant(s)) heirs, executors, administrators, trustees, predecessors, successors, and assigns in their capacities as such only, shall be deemed to have, and by operation of law and of the judgment shall have, fully, finally, and forever compromised, settled, released, resolved, relinquished, waived, and discharged each and every Released Plaintiffs' Claim against Defendants and the other Defendants' Releasees, and shall forever be barred and enjoined from prosecuting any or all of the Released Plaintiffs' Claims against any of the Defendants' Releasees.

**CERTIFICATION**

By signing and submitting this Claim Form, the Claimant(s) or the person(s) who represent(s) the Claimant(s) agree(s) to the release above and certifies (certify) as follows:

1. that I (we) have read the Notice and this Claim Form, including the releases provided for in the Settlement and the terms of the Plan of Allocation;
2. that the Claimant(s) is a (are) Settlement Class Member(s), as defined in the Notice, and is (are) not excluded by definition from the Settlement Class as set forth in the Notice;
3. that the Claimant(s) did **not** submit a request for exclusion from the Settlement Class;
4. that I (we) own(ed) the SCANA common stock identified in the Claim Form and have not assigned the claim against any of the Defendants or any of the other Defendants' Releasees to another, or that, in signing and submitting this Claim Form, I (we) have the authority to act on behalf of the owner(s) thereof;
5. that the Claimant(s) has (have) not submitted any other claim covering the same purchases of SCANA common stock and knows (know) of no other person having done so on the Claimant's (Claimants') behalf;
6. that the Claimant(s) submit(s) to the jurisdiction of the Court with respect to Claimant's (Claimants') Claim and for purposes of enforcing the releases set forth herein;
7. that I (we) agree to furnish such additional information with respect to this Claim Form as Lead Counsel, the Claims Administrator, or the Court may require;
8. that the Claimant(s) waive(s) the right to trial by jury, to the extent it exists, and agree(s) to the determination by the Court of the validity or amount of this Claim, and waives any right of appeal or review with respect to such determination;
9. that I (we) acknowledge that the Claimant(s) will be bound by and subject to the terms of any judgment(s) that may be entered in the Action; and
10. that the Claimant(s) is (are) NOT subject to backup withholding under the provisions of Section 3406(a)(1)(C) of the Internal Revenue Code because: (i) the Claimant(s) is (are) exempt from backup withholding or (ii) the Claimant(s) has (have) not been notified by the IRS that he, she, or it is subject to backup withholding as a result of a failure to report all interest or dividends or (iii) the IRS has notified the Claimant(s) that he, she, or it is no longer subject to backup withholding. **If the IRS has notified the Claimant(s) that he, she, it, or they is (are) subject to backup withholding, please strike out the language in the preceding sentence indicating that the claim is not subject to backup withholding in the certification above.**



UNDER THE PENALTIES OF PERJURY, I (WE) CERTIFY THAT ALL OF THE INFORMATION PROVIDED BY ME (US) ON THIS CLAIM FORM IS TRUE, CORRECT, AND COMPLETE, AND THAT THE DOCUMENTS SUBMITTED HEREWITH ARE TRUE AND CORRECT COPIES OF WHAT THEY PURPORT TO BE.

Signature of Claimant

Date  -  -   
MM DD YY

Print Claimant name here

Signature of joint Claimant, if any

Date  -  -   
MM DD YY

Print joint Claimant name here

***If the Claimant is other than an individual, or is not the person completing this form, the following also must be provided:***

Signature of person signing on behalf of Claimant

Date  -  -   
MM DD YY

Print name of person signing on behalf of Claimant here

Capacity of person signing on behalf of Claimant, if other than an individual, *e.g.*, executor, president, trustee, custodian, etc. (Must provide evidence of authority to act on behalf of Claimant – see ¶ 10 on page 7 of this Claim Form.)

**REMINDER CHECKLIST**

1. Sign the above release and certification. If this Claim Form is being made on behalf of joint Claimants, then both must sign.
2. Attach only *copies* of acceptable supporting documentation as these documents will not be returned to you.
3. Do not highlight any portion of the Claim Form or any supporting documents.
4. Keep copies of the completed Claim Form and documentation for your own records.
5. The Claims Administrator will acknowledge receipt of your Claim Form by mail, within 60 days of your submission. Your claim is not deemed filed until you receive an acknowledgement postcard. **If you do not receive an acknowledgement postcard within 60 days, please call the Claims Administrator toll free at 1-833-947-1420.**
6. If your address changes in the future, or if this Claim Form was sent to an old or incorrect address, you must send the Claims Administrator written notification of your new address. If you change your name, inform the Claims Administrator.
7. If you have any questions or concerns regarding your claim, contact the Claims Administrator at the address below, by email at [info@SCANASecuritiesLitigation.com](mailto:info@SCANASecuritiesLitigation.com), or by toll-free phone at 1-833-947-1420, or you may visit [www.SCANASecuritiesLitigation.com](http://www.SCANASecuritiesLitigation.com). **DO NOT** call Defendants, Dominion Energy, or their counsel with questions regarding your claim.

**THIS CLAIM FORM MUST BE SUBMITTED ONLINE USING THE SETTLEMENT WEBSITE, [WWW.SCANASECURITIESLITIGATION.COM](http://WWW.SCANASECURITIESLITIGATION.COM), NO LATER THAN JULY 25, 2020, OR MAILED TO THE CLAIMS ADMINISTRATOR BY FIRST-CLASS MAIL, *POSTMARKED NO LATER THAN JULY 25, 2020*, ADDRESSED AS FOLLOWS:**

**SCANA Securities Litigation  
c/o Epiq  
P.O. Box 4850  
Portland OR 97208-4850**

A Claim Form received by the Claims Administrator via mail shall be deemed to have been submitted when posted, if a postmark date on or before July 25, 2020 is indicated on the envelope and it is mailed First Class, and addressed in accordance with the above instructions. In all other cases, a Claim Form shall be deemed to have been submitted when actually received by the Claims Administrator.

You should be aware that it will take a significant amount of time to fully process all of the Claim Forms. Please be patient and notify the Claims Administrator of any change of address.

# **Exhibit B**

# CONFIRMATION OF PUBLICATION

IN THE MATTER OF: *SCANA Securities*

I, Kathleen Komraus, hereby certify that

- (a) I am the Media & Design Manager at Epiq Class Action & Claims Solutions, a noticing administrator, and;
- (b) The Notice of which the annexed is a copy was published in the following publications on the following dates:

*4.8.2020 – Wall Street Journal*  
*4.8.2020 – PR Newswire*

x Kathleen Komraus  
(Signature)

Media & Design Manager  
(Title)



BUSINESS NEWS

# Amazon Suspends Service Competing With UPS, FedEx

By PAUL ZIOBRO

**Amazon.com Inc.** will halt a delivery service for non-Amazon packages, according to people familiar with the matter, as it re-evaluates the nascent offering that competes directly with **FedEx Corp.** and **United Parcel Service Inc.**

Amazon told shippers the service, known as Amazon Shipping, will be paused starting in June. It was available in just a handful of U.S. cities.

Under the program, Amazon drivers would pick up packages from businesses and deliver them to consumers, rather than have orders shipped from Amazon warehouses.

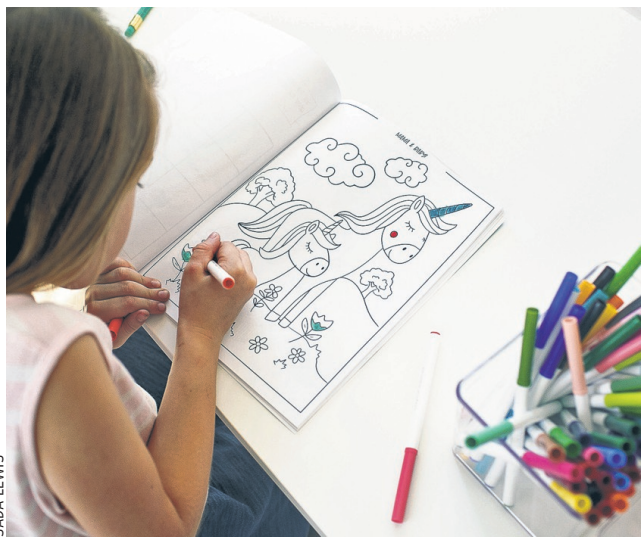
“We understand this is a change to your business, and we did not take this decision lightly,” Amazon said in a note to shippers reviewed by The Wall Street Journal. “We will work with you over the next several weeks so there is as little disruption to your business as possible.”

Amazon is suspending the service because it needs its people and capacity to handle a surge in its own customers’ orders, according to a person familiar with the matter. The company has said it wants to hire 100,000 warehouse workers and is focusing on shipping essential items during the coronavirus outbreak.

Amazon had sought to woo shippers to the service by offering simpler rates, including the elimination of many fees and surcharges that other carriers add on to pad their revenues. It tested the program in London and Los Angeles, but didn’t make it widely available in the U.S.

Amazon remains a force in the shipping industry, with over 30,000 vehicles, 20,000 trailers and dozens of aircraft that move packages across the country.

In addition to its own delivery drivers, Amazon hands off a significant chunk of its home deliveries to UPS and the U.S. Postal Service.



The bulk of Modern Kid Press’s titles are sold via Amazon.

# Couple Cashes In on Children’s Workbooks

By JEFFREY A. TRACHTENBERG

Until a few weeks ago, the publishing company that Reagan Lewis and Sada Lewis ran from the dining room and guest bedroom of their San Antonio home was a modest operation.

Now, it has become a booming business as orders for the children’s workbooks they sell started flooding in via Amazon. Demand hasn’t let up.

School closures due to the coronavirus pandemic have left parents looking for ways to educate and entertain their young children at home. Sales at Modern Kid Press, an imprint of the Lewis family’s **Paper Peony Press** company, jumped 500% in March compared with the previous year, said Mr. Lewis. He declined to give unit sales, but on a recent day, the company had five books on Amazon’s Top 100 bestseller list.

**Sales at Modern Kid Press jumped 500% in March compared with a year earlier.**

“We have had books dip in and out of the Top 100, but this is crazy,” said Ms. Lewis.

Many of Modern Kid Press’s titles, priced at \$5.99 or \$6.99, teach basics like math, reading or handwriting. Its top sellers include “Preschool Math Workbook for Toddlers Ages 2-4” and “Learn to Read: A Magical Sight Words and Phonics Activity Workbook for Beginning Readers Ages 5-7.”

The category, as a whole, has been on fire. Sales of juvenile, nonfiction education books were up 157% to 1.5 million units for the four weeks ended March 28, compared with the same period in 2019, according to NPD BookScan, which tracks book sales.

Other books aimed at homebound learning are also prominent on the Amazon bestseller list, including Crystal Radke’s “My First Learn to Write Workbook: Practice for Kids with Pen Control, Line Tracing, Letters, and More!” and Brittany Lynch’s “My Kin-

dergarten Workbook: 101 Games and Activities to Support Kindergarten Skills.”

More traditional children’s books are performing well, too. Both “Brown Bear, Brown Bear, What Do You See?” by Bill Martin Jr. and Eric Carle, and Deborah Diesen’s “The Pout-Pout Fish,” were on the list on Monday.

The bulk of Modern Kid’s sales come via Amazon, which also distributes the books directly to consumers. Amazon prints the majority of the titles, said Mr. Lewis, but he also uses outside printers.

Mr. Lewis says he wants to produce even more workbooks to meet the demand, but “there are only so many hours in the day.”

Mr. Lewis and his wife were certified public accountants before starting their company, which publishes a variety of books, in 2017. He focuses on the business side, including sales, marketing and advertising spending, while she oversees the company’s product and branding efforts. The Lewises create the books with authors and illustrators.

The business is a family affair, and the couple deals with many of the same issues their customers are facing as they juggle working from home and schooling for their two daughters, a 7-year-old and a 4-year-old. When he said he would have to delay an interview with a reporter, Mr. Lewis, 34 years old, explained he would be watching the children for a few hours. “It’s been crazy trying to home-school the kids and run the biz!” he wrote in an email.

Pre-pandemic, Mr. Lewis did much of his work in local coffee shops. Now work happens in the couple’s home in the Hollywood Park neighborhood of San Antonio.

The couple are the company’s only full-time employees; others, including designers, illustrators and authors, are independent contractors. “We run lean and put everything into the product and marketing,” says Mr. Lewis. “That’s how we can compete with the big guys.”

Still, given the surge in demand, Mr. Lewis says he is looking to hire more illustrators and marketing help.

THE WALL STREET JOURNAL.

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CLASS ACTION

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(COLUMBIA DIVISION)

In re SCANA Corporation Securities Litigation

Civil Action No. 3:17-CV-2616-MBS  
CLASS ACTION

SUMMARY NOTICE OF (I) PENDENCY OF CLASS ACTION AND PROPOSED SETTLEMENT; (II) SETTLEMENT FAIRNESS HEARING; AND (III) MOTION FOR AN AWARD OF ATTORNEYS’ FEES AND LITIGATION EXPENSES

To: All persons and entities who or which purchased or otherwise acquired publicly traded SCANA Corporation (“SCANA”) common stock during the period from October 27, 2015 through December 20, 2017, inclusive, and were damaged thereby (the “Settlement Class”):

PLEASE READ THIS NOTICE CAREFULLY, YOUR RIGHTS WILL BE AFFECTED BY A CLASS ACTION LAWSUIT PENDING IN THIS COURT.

YOU ARE HEREBY NOTIFIED, pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of the United States District Court for the District of South Carolina (Columbia Division) (the “Court”), that the above-captioned securities class action (the “Action”) is pending in the Court.

YOU ARE ALSO NOTIFIED that Lead Plaintiffs in the Action, on behalf of themselves and the Settlement Class, have reached a proposed settlement of the Action for \$192,500,000, with \$160,000,000 paid in cash and \$32,500,000 being paid in cash or shares of freely-tradable Dominion Energy, Inc. (“Dominion Energy”) common stock (the “Settlement”) at the option of SCANA.<sup>2</sup> If approved, the Settlement will resolve all claims in the Action.

A hearing will be held on **June 17, 2020 at 2:00 p.m.**, before the Honorable Margaret B. Seymour at the United States District Court for the District of South Carolina, Courtroom 6 of the Matthew J. Perry, Jr. Courthouse, 901 Richland Street, Columbia, SC 29201, to determine: (i) whether the proposed Settlement should be approved as fair, reasonable, and adequate; (ii) whether, for purposes of the proposed Settlement only, the Action should be certified as a class action on behalf of the Settlement Class, Lead Plaintiffs should be certified as Class Representatives for the Settlement Class, and Lead Counsel should be appointed as Class Counsel for the Settlement Class; (iii) whether the Action should be dismissed with prejudice against Defendants, and the Releases specified and described in the Stipulation and Agreement of Settlement dated December 20, 2019 (and in the Notice) should be granted; (iv) whether the terms and conditions of the issuance of the Settlement Shares pursuant to an exemption from registration requirements under Section 3(a)(10) of the Securities Act are fair to all persons and entities to whom the shares will be issued; (v) whether the proposed Plan of Allocation should be approved as fair and reasonable; and (vi) whether Lead Counsel’s application for an award of attorneys’ fees and expenses should be approved.

If you are a member of the Settlement Class, your rights will be affected by the pending Action and the Settlement, and you may be entitled to share in the Net Settlement Fund. If you have not yet received the Notice and Claim Form, you may obtain copies of these documents by contacting the Claims Administrator at: SCANA Securities Litigation, c/o Epiq, P.O. Box 4850, Portland, OR 97208-4850, 1-833-947-1420, [info@SCANASecuritiesLitigation.com](mailto:info@SCANASecuritiesLitigation.com). Copies of the Notice and Claim Form can also be downloaded from the Settlement website, [www.SCANASecuritiesLitigation.com](http://www.SCANASecuritiesLitigation.com).

If you are a member of the Settlement Class, in order to be eligible to receive a payment under the proposed Settlement, you must submit a Claim Form *postmarked or submitted electronically no later than July 25, 2020*. If you are a

Settlement Class Member and do not submit a proper Claim Form, you will not be eligible to receive a payment from the Settlement, but you will nevertheless be bound by any judgments or orders entered by the Court in the Action.

If you are a member of the Settlement Class and wish to exclude yourself from the Settlement Class, you must submit a request for exclusion such that it is **received no later than May 27, 2020**, in accordance with the instructions set forth in the Notice. If you properly exclude yourself from the Settlement Class, you will not be bound by any judgments or orders entered by the Court in the Action and you will not be eligible to receive a payment from the Settlement.

Any objections to the proposed Settlement, the proposed Plan of Allocation, or Lead Counsel’s motion for attorneys’ fees and expenses must be filed with the Court and delivered to Lead Counsel and designated representative counsel for Defendants such that they are **received no later than May 27, 2020**, in accordance with the instructions set forth in the Notice.

**Please do not contact the Court, the Office of the Clerk of the Court, Defendants, Dominion Energy, or their counsel regarding this notice. All questions about this notice, the proposed Settlement, or your eligibility to participate in the Settlement should be directed to the Claims Administrator or Lead Counsel.**

Requests for the Notice and Claim Form should be made to:

SCANA Securities Litigation  
c/o Epiq  
P.O. Box 4850  
Portland, OR 97208-4850  
1-833-947-1420  
[info@SCANASecuritiesLitigation.com](mailto:info@SCANASecuritiesLitigation.com)  
[www.SCANASecuritiesLitigation.com](http://www.SCANASecuritiesLitigation.com)

Inquiries, other than requests for the Notice and Claim Form, should be made to Lead Counsel:

John C. Browne, Esq.  
Bernstein Litowitz Berger & Grossmann LLP  
1251 Avenue of the Americas, 44th Floor  
New York, NY 10020  
1-800-380-8496  
[settlements@blbgllaw.com](mailto:settlements@blbgllaw.com)

James W. Johnson, Esq.  
Labaton Sucharow LLP  
140 Broadway  
New York, NY 10005  
1-888-219-6877  
[settlementquestions@labaton.com](mailto:settlementquestions@labaton.com)

By Order of the Court

<sup>1</sup> Certain persons and entities are excluded from the Settlement Class by definition, as set forth in the full printed Notice of (I) Pendency of Class Action and Proposed Settlement; (II) Settlement Fairness Hearing; and (III) Motion for an Award of Attorneys’ Fees and Litigation Expenses (the “Notice”).

<sup>2</sup> Dominion Energy merged with SCANA effective January 2, 2019, upon which SCANA common stock was converted into Dominion Energy common stock.

CLASS ACTION

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Mark Smilovits, Individually and on Behalf of All Others Similarly Situated,	)	No. 2:12-cv-00555-DGC
	)	CLASS ACTION
Plaintiff,	)	
vs.	)	
First Solar, Inc., Michael J. Ahearn, Robert J. Gillette, Mark R. Widmar, Jens Meyerhoff, James Zhu, Bruce Sohn and David Eaglesham,	)	
	)	
Defendants.	)	

SUMMARY NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION

TO: ALL PERSONS AND ENTITIES THAT PURCHASED OR OTHERWISE ACQUIRED THE PUBLICLY-TRADED SECURITIES OF FIRST SOLAR, INC. (“FIRST SOLAR”) DURING THE PERIOD BETWEEN APRIL 30, 2008 AND FEBRUARY 28, 2012, INCLUSIVE (THE “CLASS PERIOD”)

THIS NOTICE WAS AUTHORIZED BY THE COURT. IT IS NOT A LAWYER SOLICITATION. PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY.

YOU ARE HEREBY NOTIFIED that a hearing will be held on June 30, 2020, at 1:30 p.m., before the Honorable David G. Campbell at the Sandra Day O’Connor United States Courthouse, 401 West Washington Street, Phoenix, AZ 85003-2156, in Courtroom 603, to determine whether: (1) the proposed settlement (the “Settlement”) of the above-captioned action as set forth in the Stipulation of Settlement (“Stipulation”) for \$350,000,000.00 in cash should be approved by the Court as fair, reasonable and adequate; (2) the Judgment as provided under the Stipulation should be entered dismissing the Litigation with prejudice; (3) to award Lead Counsel attorneys’ fees and costs, charges and expenses out of the Settlement Fund (as defined in the Notice of Proposed Settlement of Class Action (“Notice”), which is discussed below) and, if so, in what amount; (4) to pay Lead Plaintiffs for their costs and expenses in representing the Class out of the Settlement Fund and, if so, in what amount; and (5) the Plan of Allocation should be approved by the Court as fair, reasonable and adequate.

IF YOU PURCHASED OR ACQUIRED FIRST SOLAR PUBLICLY-TRADED SECURITIES BETWEEN APRIL 30, 2008 AND FEBRUARY 28, 2012, INCLUSIVE, YOUR RIGHTS MAY BE AFFECTED BY THE SETTLEMENT OF THIS LITIGATION.

To share in the distribution of the Settlement Fund, you must establish your rights by submitting a Proof of Claim and Release form by mail (**postmarked no later than July 1, 2020**) or electronically (**no later than July 1, 2020**). Your failure to submit your Proof of Claim and Release by July 1, 2020, will subject your claim to rejection and preclude your receiving any of the recovery in connection with the Settlement of this Litigation. If you are a Member of the Class and did not timely and validly request exclusion therefrom in accordance with the requirements set forth by the Court in connection with the Notice of Pendency of Class Action, you will be bound by the Settlement and any judgment and release entered in the Litigation, including, but not limited to, the Judgment, whether or not you submit a Proof of Claim and Release.

If you have not received a copy of the Notice, which more completely describes the Settlement and your rights thereunder (including your right to object to the Settlement), and a Proof of Claim and Release, you may obtain these documents, as well as a copy of the Stipulation and other settlement documents, online at [www.FSLRSecuritiesLitigation.com](http://www.FSLRSecuritiesLitigation.com), or by writing to:

First Solar Securities Litigation  
c/o Gilardi & Co. LLC  
P.O. Box 43336  
Providence, RI 02940-3336

Inquiries should NOT be directed to Defendants, the Court, or the Clerk of the Court.

Inquiries, other than requests for the Notice or for a Proof of Claim and Release, may be made to a representative of Lead Counsel:

ROBBINS GELLER RUDMAN & DOWD LLP  
Rick Nelson  
c/o Shareholder Relations  
655 West Broadway, Suite 1900  
San Diego, CA 92101  
Telephone: 1-800-449-4900

IF YOU ARE A CLASS MEMBER, YOU HAVE THE RIGHT TO OBJECT TO THE SETTLEMENT, THE PLAN OF ALLOCATION, THE REQUEST BY LEAD COUNSEL FOR AN AWARD OF ATTORNEYS’ FEES AND EXPENSES AND/OR THE AWARDS TO LEAD PLAINTIFFS PURSUANT TO 15 U.S.C. §78u-4(a)(4) IN CONNECTION WITH THEIR REPRESENTATION OF THE CLASS. ANY OBJECTIONS MUST BE FILED WITH THE COURT AND SENT TO LEAD COUNSEL AND DEFENDANTS’ COUNSEL BY JUNE 9, 2020, IN THE MANNER AND FORM EXPLAINED IN THE NOTICE.

DATED: MARCH 2, 2020

BY ORDER OF THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

<sup>1</sup> The Stipulation can be viewed and/or obtained at [www.FSLRSecuritiesLitigation.com](http://www.FSLRSecuritiesLitigation.com). Capitalized terms not otherwise defined herein have the meaning given to them in the Stipulation.

THE WALL STREET JOURNAL.

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CALL DR. GREEN 310-600-5052

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Infusion 51a, an impact investment fund investing in healthcare, is undergoing a \$20M capital raise to support growth of their current portfolio while also considering an investment in Covid testing. If you are accredited and interested in investing, Please Email: [jeff@infusion51a.com](mailto:jeff@infusion51a.com) Or Call At: 312.265.6700

Private Investor

is looking to acquire Staffing & Information Technology firms. If interested, please contact Rick at [rick89875@gmail.com](mailto:rick89875@gmail.com) ~ 510-256-0344 ~

# Bernstein Litowitz Berger & Grossmann LLP and Labaton Sucharow LLP Announce Pendency of Class Action and Proposed Settlement Involving the Publicly Traded Common Stock of SCANA Corporation

NEWS PROVIDED BY

**Bernstein Litowitz Berger & Grossmann LLP and Labaton Sucharow LLP →**

Apr 08, 2020, 08:00 ET

COLUMBIA, S.C., April 8, 2020 /PRNewswire/ --

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(COLUMBIA DIVISION)**

*In re SCANA Corporation Securities Litigation*

Civil Action No. 3:17-CV-2616-MBS

CLASS ACTION

**SUMMARY NOTICE OF (I) PENDENCY OF CLASS ACTION AND PROPOSED SETTLEMENT; (II) SETTLEMENT FAIRNESS HEARING; AND (III) MOTION FOR AN AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES**

**To: All persons and entities who or which purchased or otherwise acquired publicly traded SCANA Corporation ("SCANA") common stock during the period from October 27, 2015 through December 20, 2017, inclusive, and were damaged thereby (the "Settlement Class"):**

**PLEASE READ THIS NOTICE CAREFULLY, YOUR RIGHTS WILL BE AFFECTED BY A CLASS ACTION LAWSUIT PENDING IN THIS COURT.**

YOU ARE HEREBY NOTIFIED, pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of the United States District Court for the District of South Carolina (Columbia Division) (the "Court"), that the above-captioned securities class action (the "Action") is pending in the Court.

YOU ARE ALSO NOTIFIED that Lead Plaintiffs in the Action, on behalf of themselves and the Settlement Class, have reached a proposed settlement of the Action for \$192,500,000, with \$160,000,000 paid in cash and \$32,500,000 being paid in cash or shares of freely-tradable Dominion Energy, Inc. ("Dominion Energy") common stock (the "Settlement") at the option of SCANA.<sup>2</sup> If approved, the Settlement will resolve all claims in the Action.



A hearing will be held on **June 17, 2020 at 2:00 p.m.**, before the Honorable Margaret B. Seymour at the United States District Court for the District of South Carolina, Courtroom 6 of the Matthew J. Perry, Jr. Courthouse, 901 Richland Street, Columbia, SC 29201, to determine: (i) whether the proposed Settlement should be approved as fair, reasonable, and adequate; (ii) whether, for purposes of the proposed Settlement only, the Action should be certified as a class action on behalf of the Settlement Class, Lead Plaintiffs should be certified as Class Representatives for the Settlement Class, and Lead Counsel should be appointed as Class Counsel for the Settlement Class; (iii) whether the Action should be dismissed with prejudice against Defendants, and the Releases specified and described in the Stipulation and Agreement of Settlement dated December 20, 2019 (and in the Notice) should be granted; (iv) whether the terms and conditions of the issuance of the Settlement Shares pursuant to an exemption from registration requirements under Section 3(a)(10) of the Securities Act are fair to all persons and entities to whom the shares will be issued; (v) whether the proposed Plan of Allocation should be approved as fair and reasonable; and (vi) whether Lead Counsel's application for an award of attorneys' fees and expenses should be approved.

**If you are a member of the Settlement Class, your rights will be affected by the pending Action and the Settlement, and you may be entitled to share in the Net Settlement Fund.** If you have not yet received the Notice and Claim Form, you may obtain copies of these documents by contacting the Claims Administrator at: SCANA Securities Litigation, c/o Epiq, P.O. Box 4850, Portland, OR 97208-4850, 1-833-947-1420, [info@SCANASecuritiesLitigation.com](mailto:info@SCANASecuritiesLitigation.com). Copies of the Notice and Claim Form can also be downloaded from the Settlement website, [www.SCANASecuritiesLitigation.com](http://www.SCANASecuritiesLitigation.com).

If you are a member of the Settlement Class, in order to be eligible to receive a payment under the proposed Settlement, you must submit a Claim Form **postmarked or submitted electronically no later than July 25, 2020**. If you are a Settlement Class Member and do not submit a proper Claim Form, you will not be eligible to receive a payment from the Settlement, but you will nevertheless be bound by any judgments or orders entered by the Court in the Action.

If you are a member of the Settlement Class and wish to exclude yourself from the Settlement Class, you must submit a request for exclusion such that it is **received no later than May 27, 2020**, in accordance with the instructions set forth in the Notice. If you properly exclude yourself from the Settlement Class, you will not be bound by any judgments or orders entered by the Court in the Action and you will not be eligible to receive a payment from the Settlement.

Any objections to the proposed Settlement, the proposed Plan of Allocation, or Lead Counsel's motion for attorneys' fees and expenses must be filed with the Court and delivered to Lead Counsel and designated representative counsel for Defendants such that they are **received no later than May 27, 2020**, in accordance with the instructions set forth in the Notice.

**Please do not contact the Court, the Office of the Clerk of the Court, Defendants, Dominion Energy, or their counsel regarding this notice. All questions about this notice, the proposed Settlement, or your eligibility to participate in the Settlement should be directed to the Claims Administrator or Lead Counsel.**

Requests for the Notice and Claim Form should be made to:

SCANA Securities Litigation  
c/o Epiq  
P.O. Box 4850  
Portland, OR 97208-4850

1-833-947-1420

info@SCANASecuritiesLitigation.com

www.SCANASecuritiesLitigation.com

Inquiries, other than requests for the Notice and Claim Form, should be made to Lead Counsel:

John C. Browne, Esq.  
Bernstein Litowitz Berger & Grossmann LLP  
1251 Avenue of the Americas, 44th Floor  
New York, NY 10020  
1-800-380-8496  
settlements@blbglaw.com

James W. Johnson, Esq.  
Labaton Sucharow LLP  
140 Broadway  
New York, NY 10005  
1-888-219-6877  
settlementquestions@labaton.com

By Order of the Court

<sup>1</sup> Certain persons and entities are excluded from the Settlement Class by definition, as set forth in the full printed Notice of (I) Pendency of Class Action and Proposed Settlement; (II) Settlement Fairness Hearing; and (III) Motion for an Award of Attorneys' Fees and Litigation Expenses (the "Notice").

<sup>2</sup> Dominion Energy merged with SCANA effective January 2, 2019, upon which SCANA common stock was converted into Dominion Energy common stock.

SOURCE Bernstein Litowitz Berger & Grossmann LLP and Labaton Sucharow LLP



# **Exhibit 4**

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(COLUMBIA DIVISION)**

*In re SCANA Corporation Securities  
Litigation*

Civil Action No. 3:17-CV-2616-MBS

CLASS ACTION

**DECLARATION OF LAYN R. PHILLIPS IN SUPPORT OF  
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

I, LAYN R. PHILLIPS, declare:

1. I submit this Declaration in my capacity as the mediator in the above-captioned securities class action (“Action”) and in connection with the proposed settlement of claims asserted in the Action (the “Settlement”). I make this Declaration based on personal knowledge and am competent to so testify.<sup>1</sup>

**I. BACKGROUND AND QUALIFICATIONS**

2. I am a former United States District Judge, a former United States Attorney, and a former litigation partner with the firm of Irell & Manella LLP. I currently serve as a mediator and arbitrator with my own alternative dispute resolution company, Phillips ADR Enterprises

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<sup>1</sup> While the mediation process is confidential, the Parties have authorized me to inform the Court of the matters set forth herein in support of final approval of the Settlement. The entire mediation process is subject to a confidentiality agreement and Federal Rule of Evidence 408. In short, no statement made during the course of the mediation or any materials generated for the purpose of the mediation may be offered into evidence, disseminated, published in any way, or otherwise publicly disclosed. By making this Declaration, neither I nor the parties waive the provisions of the confidentiality agreement or the protections of Rule 408.

(“PADRE”), which is based in Corona Del Mar, California.

3. I earned my Bachelor of Science in Economics as well as my J.D. from the University of Tulsa. I also completed two years of L.L.M. work at Georgetown University Law Center in the area of economic regulation of industry. After serving as an antitrust prosecutor and an Assistant United States Attorney in Los Angeles, California, I was nominated by President Reagan to serve as a United States Attorney in Oklahoma, where I served for approximately four years. Thereafter, I was nominated by President Reagan to serve as a United States District Judge for the Western District of Oklahoma. While on the bench, I presided over more than 140 federal trials and sat by designation in the United States Court of Appeals for the Tenth Circuit. I also presided over cases in Texas, New Mexico, and Colorado.

4. I left the federal bench in 1991 and joined Irell & Manella where, for 23 years, I specialized in alternative dispute resolution, complex civil litigation, and internal investigations. In 2014, I left Irell & Manella to found my own company, PADRE, which provides mediation and other alternative dispute resolution services.

5. Over the past 25 years, I have served as a mediator and arbitrator in connection with numerous large, complex cases, including securities cases such as this one.

## **II. THE ARM’S-LENGTH SETTLEMENT NEGOTIATIONS**

6. On May 17, 2019, counsel for Lead Plaintiffs, Defendants, and other interested parties participated in a full-day mediation session before me in New York City. The participants included (i) attorneys from Lead Counsel, Bernstein Litowitz Berger & Grossmann LLP and Labaton Sucharow LLP, and Liaison Counsel for Lead Plaintiffs and the class, Motley Rice LLC; (ii) representatives of Lead Plaintiff West Virginia Investment Management Board; (iii) counsel for Defendants, including attorneys from McGuireWoods LLP, counsel for SCANA Corporation

(“SCANA”) and certain Individual Defendants; Cadwalader, Wickersham & Taft LLP, counsel for Defendant Kevin Marsh; Wilmer Cutler Pickering Hale & Dorr LLP, counsel for Defendant Stephen Byrne; and Alston & Bird LLP, counsel for Defendant Jimmy E. Addison; and (iv) representatives of and counsel for various Defendants’ insurance carriers.

7. In advance of this mediation session, the Parties exchanged and submitted detailed mediation statements and supporting exhibits addressing liability, loss causation, and damages. During the mediation, counsel for Lead Plaintiffs and the Defendants presented arguments regarding their clients’ positions. The work that went into the mediation statements and competing presentations and arguments was substantial.

8. During the mediation session, I engaged in extensive discussions with counsel on both sides in an effort to find common ground between the Parties’ respective positions. During these discussions, I challenged each side separately to address the weaknesses in each of their positions and arguments. In addition to vigorously arguing their respective positions, the Parties exchanged rounds of settlement demands and offers. However, the Parties were not able to reach any agreement during the mediation session.

9. In the months following the May 17, 2019 mediation session, I engaged in extensive discussions with counsel for Lead Plaintiffs and Defendants in a continued effort to find common ground between the Parties’ respective positions.

10. On October 2, 2019, counsel for Lead Plaintiffs and Defendants participated in a second mediation session before me in New York City. The participants again included (i) Lead Counsel; (ii) representatives of Lead Plaintiffs; (iii) counsel for Defendants; and (iv) representatives of Defendants’ insurance carriers.

11. In advance of the second mediation session, the Parties each exchanged and submitted additional supplemental mediation statements. The supplemental mediation statements further set out the relative merits of each Party's positions.

12. Throughout the full-day mediation session on October 2, 2019, I again engaged in extensive discussions with counsel and the representatives of Lead Plaintiffs and Defendants in a continued effort to find common ground between the Parties' respective positions. By the evening of October 2, 2019, after a full day's mediation, the Parties agreed in principal to resolve the claims against Defendants in exchange for a payment of \$192,500,000—with \$160,000,000 paid in cash and \$32,500,000 paid in freely-tradable Dominion Energy, Inc. ("Dominion Energy")<sup>2</sup> common stock, or cash at the option of SCANA.

13. The mediation process was an extremely hard-fought negotiation from beginning to end and was conducted by experienced and able counsel on both sides. Throughout the mediation process, the negotiations between the Parties were vigorous and conducted at arm's-length and in good faith. Because the Parties submitted their mediation statements and arguments in the context of a confidential mediation process pursuant to Federal Rule of Evidence 408 and subject to the PADRE confidentiality agreement, I cannot reveal their content. I can say, however, that the arguments and positions asserted by all involved were the product of substantial work, they were complex and highly adversarial and reflected a detailed and in-depth understanding of the strengths and weaknesses of the claims and defenses at issue in this case.

### **III. CONCLUSION**

14. Based on my experience as a litigator, a former United States District Judge, and a mediator, I believe that the Settlement represents a recovery and outcome that is reasonable and fair for the Settlement Class and all Parties involved. I further believe it was in the best interests

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<sup>2</sup> I am informed that Dominion Energy merged with Defendant SCANA effective January 2, 2019, upon which SCANA common stock was converted into Dominion Energy common stock.

of the Parties that they avoid the burdens and risks associated with taking a case of this size and complexity to trial. I support the Court's approval of the Settlement in all respects.

15. Lastly, the advocacy on both sides of the case was excellent. All counsel displayed the highest level of professionalism in zealously and capably representing their respective clients.

16. I declare under penalty of perjury that the foregoing facts are true and correct and that this Declaration was executed this 19th day of April, 2020.



---

LAYN R. PHILLIPS  
Former U.S. District Judge

# **Exhibit 5**

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(COLUMBIA DIVISION)**

*In re SCANA Corporation Securities  
Litigation*

Civil Action No. 3:17-CV-2616-MBS

CLASS ACTION

**DECLARATION OF JOHN C. BROWNE IN SUPPORT OF LEAD COUNSEL’S  
MOTION FOR ATTORNEYS’ FEES AND LITIGATION EXPENSES  
FILED ON BEHALF OF BERNSTEIN LITOWITZ BERGER & GROSSMANN LLP**

I, John C. Browne, hereby declare under penalty of perjury as follows:

1. I am a partner of the law firm of Bernstein Litowitz Berger & Grossmann LLP (“BLB&G”).<sup>1</sup> My firm serves as co-Lead Counsel for Lead Plaintiffs and the Settlement Class in the above-captioned action (the “Action”). I submit this declaration in support of Lead Counsel’s application for an award of attorneys’ fees in connection with services rendered in the Action, as well as for payment of litigation expenses incurred in connection with the Action. I have personal knowledge of the facts set forth herein and, if called upon, could and would testify thereto.

2. My firm, as one of the Lead Counsel firms, was involved in all aspects of the prosecution and settlement of the Action, as set forth in the Joint Declaration of John C. Browne and James W. Johnson in Support of (I) Lead Plaintiffs’ Motion for Final Approval of Class Action Settlement and Plan Of Allocation; and (II) Lead Counsel’s Motion for an Award of Attorneys’ Fees and Payment of Litigation Expenses, submitted herewith.

---

<sup>1</sup> Unless otherwise defined in this Declaration, all capitalized terms have the meanings set out in the Stipulation and Agreement of Settlement, dated December 20, 2019 (ECF No. 214-2).



3. The schedule attached hereto as Exhibit A is a detailed summary indicating the amount of time spent by attorneys and professional support staff employees of my firm who, from inception of the Action through and including March 31, 2020, devoted ten or more hours to the Action, and the lodestar calculation for those individuals based on my firm's current hourly rates. For personnel who are no longer employed by my firm, the lodestar calculation is based upon the hourly rates for such personnel in his or her final year of employment by my firm. The schedule was prepared from contemporaneous daily time records regularly prepared and maintained by my firm. No time expended on the application for fees and expenses has been included.

4. The hourly rates shown in Exhibit A are the current rates set by the firm for each individual. The hourly rates are comparable to rates accepted by courts for lodestar cross-checks in other securities class action litigation fee applications.

5. After the deductions noted above, the total number of hours expended on this Action by my firm from its inception through and including March 31, 2020, is 23,467.50. The total lodestar for my firm for that period is \$10,691,973.75.

6. My firm's lodestar figures are based upon the firm's hourly rates, which do not include expense items. Expense items are recorded separately, and these amounts are not duplicated in my firm's hourly rates

7. As detailed in Exhibit B, my firm is seeking payment for a total of \$369,094.81 in expenses incurred from inception of the Action through and including April 15, 2020.

8. The Litigation Expenses reflected in Exhibit B are the actual expenses or reflect "caps" based on the application of the following criteria:

(a) Out-of-town travel – airfare is at coach rates; hotel charges per night are

capped at \$350 for higher-cost cities and \$250 for lower-cost cities (the relevant cities and how they are categorized are reflected on Exhibit B); and meals are capped at \$20 per person for breakfast, \$25 per person for lunch, and \$50 per person for dinner.

(b) Out-of-Office Working Meals – capped at \$25 per person for lunch and \$50 per person for dinner.

(c) In-Office Working Meals – capped at \$20 per person for lunch and \$30 per person for dinner.

(d) Internal Copying – charged at \$0.10 per page.

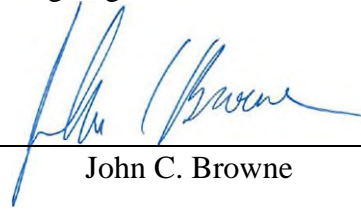
(e) On-Line Research – charges reflected are for out-of-pocket payments to the vendors for research done in connection with this Action. On-line research is billed to each case based on a set charge by the vendor. There are no administrative charges by my firm included in these figures.

(f) Document Hosting & Management – BLB&G seeks \$79,991.76 for the costs associated with establishing and maintaining the internal document database that was used to process and review documents produced by Defendants and non-parties in this Action. BLB&G charges a rate of \$3 per gigabyte of data per month and \$15 per user to recover the costs associated with maintaining its document database management system, which includes the costs to BLB&G of necessary software licenses and hardware. The amount sought includes the costs of maintaining the database through December 20, 2019, when the parties executed the Stipulation, and then through the date of the filing of the within motion for final approval of the Settlement and motion for approval of fees and expenses. BLB&G has conducted a review of market rates charged for the similar services performed by third-party document management vendors and found that its rate was at least 80% below the market rates charged by these vendors, resulting in a savings to the Settlement Class. In addition to the costs of maintaining the document database, BLB&G has incurred charges for the services of a third-party vendor that was engaged to conduct unitization and objective metadata coding on a large production set received by Lead Plaintiffs.

9. With respect to the standing of my firm, attached hereto as Exhibit C is a firm résumé, which includes information about my firm and biographical information concerning the firm's attorneys.

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

Executed on April 22, 2020.



---

John C. Browne

# EXHIBIT A

**EXHIBIT A**

*In re SCANA Corporation Securities Litigation*  
Civil Action No. 3:17-CV-2616-MBS

**BERNSTEIN LITOWITZ BERGER & GROSSMANN LLP****TIME REPORT**

Inception through and including March 31, 2020

<b>NAME</b>	<b>HOURS</b>	<b>HOURLY RATE</b>	<b>LODESTAR</b>
<b>Partners</b>			
Max Berger	141.50	\$1,300	\$183,950.00
Michael Blatchley	15.50	\$850	\$13,175.00
John Browne	1,059.00	\$1,000	\$1,059,000.00
Avi Josefson	40.50	\$950	\$38,475.00
Lauren A. Ormsbee	1,259.00	\$850	\$1,070,150.00
Gerald Silk	57.50	\$1,100	\$63,250.00
Jeroen Van Kwawegen	26.75	\$1,000	\$26,750.00
<b>Of Counsel</b>			
Kurt Hunciker	428.75	\$775	\$332,281.25
<b>Senior Counsel</b>			
John Mills	237.50	\$750	\$178,125.00
<b>Associates</b>			
Kate Aufses	313.00	\$475	\$148,675.00
Michael Mathai	281.50	\$575	\$161,862.50
Ross Shikowitz	158.50	\$600	\$95,100.00
Catherine Van Kampen	18.50	\$700	\$12,950.00
<b>Staff Attorneys</b>			
Nidal Abdeljawad	2,154.00	\$350	\$753,900.00
Eric Blanco	1,897.50	\$375	\$711,562.50
Girolamo Brunetto	14.00	\$395	\$5,530.00
Ryan Candee	1,017.25	\$395	\$401,813.75
Brian Chau	394.00	\$395	\$155,630.00
Uju Chukwuanu	1,745.00	\$375	\$654,375.00
Lauren Cormier	1,582.25	\$375	\$593,343.75
Michael D'Arcy	1,719.50	\$395	\$679,202.50
George Dumas	1,689.00	\$395	\$667,155.00
Mavis Fowler-Williams	995.25	\$395	\$393,123.75
Jeff Powell	1,522.00	\$395	\$601,190.00
Justin Ratliff	1,320.25	\$350	\$462,087.50
Prashantha Ratnayake	1,249.75	\$395	\$493,651.25
Kit Wong	80.50	\$395	\$31,797.50

<b>Financial Analysts</b>			
Nick DeFilippis	21.00	\$600	\$12,600.00
Sam Jones	10.75	\$350	\$3,762.50
Matthew McGlade	53.25	\$375	\$19,968.75
Sharon Safran	52.25	\$335	\$17,503.75
Tanjila Sultana	32.00	\$375	\$12,000.00
Adam Weinschel	76.00	\$525	\$39,900.00
<b>Investigators</b>			
Amy Bitkower	45.75	\$550	\$25,162.50
Joelle (Sfeir) Landino	262.25	\$375	\$98,343.75
Andrew Thompson	18.00	\$375	\$6,750.00
<b>Litigation Support</b>			
Roberto Santamarina	137.25	\$375	\$51,468.75
Jessica M. Wilson	37.00	\$295	\$10,915.00
<b>Managing Clerk</b>			
Mahiri Buffong	15.75	\$350	\$5,512.50
Errol Hall	20.00	\$310	\$6,200.00
<b>Paralegals</b>			
Jesse Axman	82.25	\$255	\$20,973.75
Yvette Badillo	710.00	\$300	\$213,000.00
Jose Echegaray	332.25	\$350	\$116,287.50
Matthew Mahady	47.25	\$350	\$16,537.50
Ruben Montilla	77.50	\$255	\$19,762.50
Gary Weston	19.25	\$375	\$7,218.75
<b>TOTALS</b>	<b>23,467.50</b>		<b>\$10,691,973.75</b>

## EXHIBIT B

**EXHIBIT B**

*In re SCANA Corporation Securities Litigation*  
Civil Action No. 3:17-CV-2616-MBS

**BERNSTEIN LITOWITZ BERGER & GROSSMANN LLP****EXPENSE REPORT**

Inception through and including April 15, 2020

<b>CATEGORY</b>	<b>AMOUNT</b>
Court Fees	\$45.00
Service of Process	\$1,407.50
PSLRA Notice Costs	\$1,295.00
On Line Legal Research	\$30,383.38
Document Management/Litigation Support	\$79,991.76
On Line Factual Research	\$14,995.96
Telephone	\$27.80
Postage & Express Mail	\$427.39
Local Transportation	\$7,538.01
Internal Copying/Printing	\$2,984.40
Outside Copying	\$6,107.28
Out of Town Travel*	\$21,743.87
Working Meals	\$7,779.37
Court Reporting & Transcripts	\$10,242.65
Special Publications	\$142.41
Experts	\$155,385.53
Mediation Fees	\$28,597.50
<b>TOTAL EXPENSES:</b>	<b>\$369,094.81</b>

\* Out of Town Travel includes lodging for BLB&G attorneys in the following higher-cost cities capped at \$350 per night: Chicago, IL and West Palm Beach, FL; and the following lower-cost cities capped at \$250 per night: Charleston, SC, Columbia, SC, Charleston, WV, Charlotte, NC, and Los Angeles, CA. Out of Town Travel also includes an estimate of \$1,790.00 for one attorney to travel to the Settlement Fairness Hearing, in the event in-person attendance is required. If attendance is not required, these estimated costs will not be paid to BLB&G. This category of expenses also includes charges for travel to New York, NY (a higher-cost city) by a representative of Lead Plaintiff Blue Sky in connection with his deposition in this Action.



## EXHIBIT C

**EXHIBIT C**

*In re SCANA Corporation Securities Litigation*  
Civil Action No. 3:17-CV-2616-MBS

**BERNSTEIN LITOWITZ BERGER & GROSSMANN LLP**

**FIRM RESUME**



Bernstein Litowitz Berger & Grossmann LLP

Attorneys at Law

# Firm Resume

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## TABLE OF CONTENTS

FIRM OVERVIEW .....	1
More Top Securities Recoveries .....	1
Giving Shareholders a Voice and Changing Business Practices for the Better .....	2
Advocacy for Victims of Corporate Wrongdoing.....	2
PRACTICE AREAS.....	4
Securities Fraud Litigation.....	4
Corporate Governance and Shareholders’ Rights.....	4
Employment Discrimination and Civil Rights.....	4
General Commercial Litigation and Alternative Dispute Resolution .....	5
Distressed Debt and Bankruptcy Creditor Negotiation.....	5
Consumer Advocacy.....	5
THE COURTS SPEAK.....	6
RECENT ACTIONS & SIGNIFICANT RECOVERIES .....	7
Securities Class Actions.....	7
Corporate Governance and Shareholders’ Rights.....	13
Employment Discrimination and Civil Rights.....	18
CLIENTS AND FEES .....	19
IN THE PUBLIC INTEREST .....	20
Bernstein Litowitz Berger & Grossmann Public Interest Law Fellows .....	20
Firm sponsorship of Her Justice .....	20
The Paul M. Bernstein Memorial Scholarship.....	20
Firm sponsorship of City Year New York.....	20
Max W. Berger Pre-Law Program.....	20
New York Says Thank You Foundation.....	20
OUR ATTORNEYS .....	21
Members .....	21
Max W. Berger .....	21
Gerald H. Silk .....	23
John C. Browne .....	24
Avi Josefson .....	25
Jeroen van Kwawegen .....	25
Michael D. Blatchley .....	26
Lauren McMillen Ormsbee.....	27
Of Counsel.....	28
Kurt Hunciker .....	28
Senior Counsel.....	28
John J. Mills.....	28
Associates .....	29
Kate Aufses.....	29
Michael Mathai.....	29
Ross Shikowitz .....	30
Catherine E. van Kampen .....	30
Staff Attorneys.....	31
Nidal Abdeljawad .....	31
Eric Blanco .....	31
Girolamo Brunetto.....	31
Ryan Candee.....	32
Brian Chau.....	32
Uju Chukwuonu.....	32
Lauren Cormier .....	32



Michael D'arcy .....	33
George Doumas .....	33
Mavis Fowler-Williams .....	33
Robert Jeffrey Powell .....	33
Justin Ratliff .....	34
Prashantha Ratnayake .....	34
Kit Wong .....	34

Since our founding in 1983, Bernstein Litowitz Berger & Grossmann LLP has obtained many of the largest monetary recoveries in history – over \$33 billion on behalf of investors. Unique among our peers, the firm has obtained the largest settlements ever agreed to by public companies related to securities fraud, including three of the ten largest in history. Working with our clients, we have also used the litigation process to achieve precedent-setting reforms which have increased market transparency, held wrongdoers accountable and improved corporate business practices in groundbreaking ways.

## FIRM OVERVIEW

Bernstein Litowitz Berger & Grossmann LLP (“BLB&G”), a national law firm with offices located in New York, California, Louisiana and Illinois, prosecutes class and private actions on behalf of individual and institutional clients. The firm’s litigation practice areas include securities class and direct actions in federal and state courts; corporate governance and shareholder rights litigation, including claims for breach of fiduciary duty and proxy violations; mergers and acquisitions and transactional litigation; alternative dispute resolution; distressed debt and bankruptcy; civil rights and employment discrimination; consumer class actions and antitrust. We also handle, on behalf of major institutional clients and lenders, more general complex commercial litigation involving allegations of breach of contract, accountants’ liability, breach of fiduciary duty, fraud, and negligence.

We are the nation’s leading firm in representing institutional investors in securities fraud class action litigation. The firm’s institutional client base includes the New York State Common Retirement Fund; the California Public Employees’ Retirement System (CalPERS); the Ontario Teachers’ Pension Plan Board (the largest public pension funds in North America); the Los Angeles County Employees Retirement Association (LACERA); the Chicago Municipal, Police and Labor Retirement Systems; the Teacher Retirement System of Texas; the Arkansas Teacher Retirement System; Forsta AP-fonden (“AP1”); Fjarde AP-fonden (“AP4”); the Florida State Board of Administration; the Public Employees’ Retirement System of Mississippi; the New York State Teachers’ Retirement System; the Ohio Public Employees Retirement System; the State Teachers Retirement System of Ohio; the Oregon Public Employees Retirement System; the Virginia Retirement System; the Louisiana School, State, Teachers and Municipal Police Retirement Systems; the Public School Teachers’ Pension and Retirement Fund of Chicago; the New Jersey Division of Investment of the Department of the Treasury; TIAA-CREF and other private institutions; as well as numerous other public and Taft-Hartley pension entities.

## MORE TOP SECURITIES RECOVERIES

Since its founding in 1983, Bernstein Litowitz Berger & Grossmann LLP has litigated some of the most complex cases in history and has obtained over \$33 billion on behalf of investors. Unique among its peers, the firm has negotiated the largest settlements ever agreed to by public companies related to securities fraud, and obtained many of the largest securities recoveries in history (including 6 of the top 13):

- *In re WorldCom, Inc. Securities Litigation* – \$6.19 billion recovery
- *In re Cendant Corporation Securities Litigation* – \$3.3 billion recovery
- *In re Bank of America Corp. Securities, Derivative, and Employee Retirement Income Security Act (ERISA) Litigation* – \$2.43 billion recovery
- *In re Nortel Networks Corporation Securities Litigation* (“Nortel II”) – \$1.07 billion recovery
- *In re Merck & Co., Inc. Securities Litigation* – \$1.06 billion recovery
- *In re McKesson HBOC, Inc. Securities Litigation* – \$1.05 billion recovery\*

\*Source: ISS Securities Class Action Services

For over a decade, ISS Securities Class Action Services has compiled and published data on securities litigation recoveries and the law firms prosecuting the cases. BLB&G has been at or near the top of their rankings every year – often with the highest total recoveries, the highest settlement average, or both.

BLB&G also eclipses all competitors on ISS SCAS’s “Top 100 Settlements of All Time” report, having recovered nearly 40% of all the settlement dollars represented in the report (over \$25 billion), and having prosecuted over a third of all the cases on the list (35 of 100).

## GIVING SHAREHOLDERS A VOICE AND CHANGING BUSINESS PRACTICES FOR THE BETTER

BLB&G was among the first law firms ever to obtain meaningful corporate governance reforms through litigation. In courts throughout the country, we prosecute shareholder class and derivative actions, asserting claims for breach of fiduciary duty and proxy violations wherever the conduct of corporate officers and/or directors, as well as M&A transactions, seek to deprive shareholders of fair value, undermine shareholder voting rights, or allow management to profit at the expense of shareholders.

We have prosecuted seminal cases establishing precedents which have increased market transparency, held wrongdoers accountable, addressed issues in the boardroom and executive suite, challenged unfair deals, and improved corporate business practices in groundbreaking ways.

From setting new standards of director independence, to restructuring board practices in the wake of persistent illegal conduct; from challenging the improper use of defensive measures and deal protections for management’s benefit, to confronting stock options backdating abuses and other self-dealing by executives; we have confronted a variety of questionable, unethical and proliferating corporate practices. Seeking to reform faulty management structures and address breaches of fiduciary duty by corporate officers and directors, we have obtained unprecedented victories on behalf of shareholders seeking to improve governance and protect the shareholder franchise.

## ADVOCACY FOR VICTIMS OF CORPORATE WRONGDOING

While BLB&G is widely recognized as one of the leading law firms worldwide advising institutional investors on issues related to corporate governance, shareholder rights, and securities litigation, we have also prosecuted some of the most significant employment discrimination, civil rights and consumer protection cases on record. Equally important, the firm has advanced novel and socially beneficial principles by developing important new law in the areas in which we litigate.



The firm served as co-lead counsel on behalf of Texaco's African-American employees in *Roberts v. Texaco Inc.*, which resulted in a recovery of \$176 million, the largest settlement ever in a race discrimination case. The creation of a Task Force to oversee Texaco's human resources activities for five years was unprecedented and served as a model for public companies going forward.

In the consumer field, the firm has gained a nationwide reputation for vigorously protecting the rights of individuals and for achieving exceptional settlements. In several instances, the firm has obtained recoveries for consumer classes that represented the entirety of the class's losses – an extraordinary result in consumer class cases.



## PRACTICE AREAS

### SECURITIES FRAUD LITIGATION

Securities fraud litigation is the cornerstone of the firm's litigation practice. Since its founding, the firm has had the distinction of having tried and prosecuted many of the most high-profile securities fraud class actions in history, recovering billions of dollars and obtaining unprecedented corporate governance reforms on behalf of our clients. BLB&G continues to play a leading role in major securities litigation pending in federal and state courts, and the firm remains one of the nation's leaders in representing institutional investors in securities fraud class and derivative litigation.

The firm also pursues direct actions in securities fraud cases when appropriate. By selectively opting out of certain securities class actions, we seek to resolve our clients' claims efficiently and for substantial multiples of what they might otherwise recover from related class action settlements.

The attorneys in the securities fraud litigation practice group have extensive experience in the laws that regulate the securities markets and in the disclosure requirements of corporations that issue publicly traded securities. Many of the attorneys in this practice group also have accounting backgrounds. The group has access to state-of-the-art, online financial wire services and databases, which enable it to instantaneously investigate any potential securities fraud action involving a public company's debt and equity securities.

### CORPORATE GOVERNANCE AND SHAREHOLDERS' RIGHTS

The Corporate Governance and Shareholders' Rights Practice Group prosecutes derivative actions, claims for breach of fiduciary duty, and proxy violations on behalf of individual and institutional investors in state and federal courts throughout the country. The group has obtained unprecedented victories on behalf of shareholders seeking to improve corporate governance and protect the shareholder franchise, prosecuting actions challenging numerous highly publicized corporate transactions which violated fair process and fair price, and the applicability of the business judgment rule. We have also addressed issues of corporate waste, shareholder voting rights claims, workplace harassment, and executive compensation. As a result of the firm's high-profile and widely recognized capabilities, the corporate governance practice group is increasingly in demand by institutional investors who are exercising a more assertive voice with corporate boards regarding corporate governance issues and the board's accountability to shareholders.

The firm is actively involved in litigating numerous cases in this area of law, an area that has become increasingly important in light of efforts by various market participants to buy companies from their public shareholders "on the cheap."

### EMPLOYMENT DISCRIMINATION AND CIVIL RIGHTS

The Employment Discrimination and Civil Rights Practice Group prosecutes class and multi-plaintiff actions, and other high-impact litigation against employers and other societal institutions that violate federal or state employment, anti-discrimination, and civil rights laws. The practice group represents diverse clients on a wide range of issues including Title VII actions: race, gender, sexual orientation and age discrimination suits; sexual harassment, and "glass ceiling" cases in which otherwise qualified employees are passed over for promotions to managerial or executive positions.

Bernstein Litowitz Berger & Grossmann LLP is committed to effecting positive social change in the workplace and in society. The practice group has the necessary financial and human resources to ensure that the class action approach to discrimination and civil rights issues is successful. This



litigation method serves to empower employees and other civil rights victims, who are usually discouraged from pursuing litigation because of personal financial limitations, and offers the potential for effecting the greatest positive change for the greatest number of people affected by discriminatory practice in the workplace.

## GENERAL COMMERCIAL LITIGATION AND ALTERNATIVE DISPUTE RESOLUTION

The General Commercial Litigation practice group provides contingency fee representation in complex business litigation and has obtained substantial recoveries on behalf of investors, corporations, bankruptcy trustees, creditor committees and other business entities. We have faced down powerful and well-funded law firms and defendants – and consistently prevailed. However, not every dispute is best resolved through the courts. In such cases, BLB&G Alternative Dispute practitioners offer clients an accomplished team and a creative venue in which to resolve conflicts outside of the litigation process. BLB&G has extensive experience – and a marked record of successes – in ADR practice. For example, in the wake of the credit crisis, we successfully represented numerous former executives of a major financial institution in arbitrations relating to claims for compensation. Our attorneys have led complex business-to-business arbitrations and mediations domestically and abroad representing clients before all the major arbitration tribunals, including the American Arbitration Association (AAA), FINRA, JAMS, International Chamber of Commerce (ICC) and the London Court of International Arbitration.

## DISTRESSED DEBT AND BANKRUPTCY CREDITOR NEGOTIATION

The BLB&G Distressed Debt and Bankruptcy Creditor Negotiation Group has obtained billions of dollars through litigation on behalf of bondholders and creditors of distressed and bankrupt companies, as well as through third-party litigation brought by bankruptcy trustees and creditors' committees against auditors, appraisers, lawyers, officers and directors, and other defendants who may have contributed to client losses. As counsel, we advise institutions and individuals nationwide in developing strategies and tactics to recover assets presumed lost as a result of bankruptcy. Our record in this practice area is characterized by extensive trial experience in addition to completion of successful settlements.

## CONSUMER ADVOCACY

The Consumer Advocacy Practice Group at Bernstein Litowitz Berger & Grossmann LLP prosecutes cases across the entire spectrum of consumer rights, consumer fraud, and consumer protection issues. The firm represents victimized consumers in state and federal courts nationwide in individual and class action lawsuits that seek to provide consumers and purchasers of defective products with a means to recover their damages. The attorneys in this group are well versed in the vast array of laws and regulations that govern consumer interests and are aggressive, effective, court-tested litigators. The Consumer Practice Advocacy Group has recovered hundreds of millions of dollars for millions of consumers throughout the country. Most notably, in a number of cases, the firm has obtained recoveries for the class that were the entirety of the potential damages suffered by the consumer. For example, in actions against MCI and Empire Blue Cross, the firm recovered all of the damages suffered by the class. The group achieved its successes by advancing innovative claims and theories of liabilities, such as obtaining decisions in Pennsylvania and Illinois appellate courts that adopted a new theory of consumer damages in mass marketing cases. Bernstein Litowitz Berger & Grossmann LLP is, thus, able to lead the way in protecting the rights of consumers.



## THE COURTS SPEAK

Throughout the firm’s history, many courts have recognized the professional excellence and diligence of the firm and its members. A few examples are set forth below.

### ***IN RE WORLD COM, INC. SECURITIES LITIGATION***

**THE HONORABLE DENISE COTE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK**

*“I have the utmost confidence in plaintiffs’ counsel...they have been doing a superb job.... The Class is extraordinarily well represented in this litigation.”*

*“The magnitude of this settlement is attributable in significant part to Lead Counsel’s advocacy and energy.... The quality of the representation given by Lead Counsel...has been superb...and is unsurpassed in this Court’s experience with plaintiffs’ counsel in securities litigation.”*

*“Lead Counsel has been energetic and creative. . . . Its negotiations with the Citigroup Defendants have resulted in a settlement of historic proportions.”*

### ***IN RE CLARENT CORPORATION SECURITIES LITIGATION***

**THE HONORABLE CHARLES R. BREYER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA**

*“It was the best tried case I’ve witnessed in my years on the bench . . .”*

*“[A]n extraordinarily civilized way of presenting the issues to you [the jury]. . . . We’ve all been treated to great civility and the highest professional ethics in the presentation of the case....”*

*“These trial lawyers are some of the best I’ve ever seen.”*

### ***LANDRY’S RESTAURANTS, INC. SHAREHOLDER LITIGATION***

**VICE CHANCELLOR J. TRAVIS LASTER OF THE DELAWARE COURT OF CHANCERY**

*“I do want to make a comment again about the excellent efforts . . . put into this case. . . . This case, I think, shows precisely the type of benefits that you can achieve for stockholders and how representative litigation can be a very important part of our corporate governance system . . . you hold up this case as an example of what to do.”*

### ***MCCALL V. SCOTT (COLUMBIA/HCA DERIVATIVE LITIGATION)***

**THE HONORABLE THOMAS A. HIGGINS OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE**

*“Counsel’s excellent qualifications and reputations are well documented in the record, and they have litigated this complex case adeptly and tenaciously throughout the six years it has been pending. They assumed an enormous risk and have shown great patience by taking this case on a contingent basis, and despite an early setback they have persevered and brought about not only a large cash settlement but sweeping corporate reforms that may be invaluable to the beneficiaries.”*

## RECENT ACTIONS & SIGNIFICANT RECOVERIES

Bernstein Litowitz Berger & Grossmann LLP is counsel in many diverse nationwide class and individual actions and has obtained many of the largest and most significant recoveries in history. Some examples from our practice groups include:

### SECURITIES CLASS ACTIONS

**CASE:** *IN RE WORLDCom, INC. SECURITIES LITIGATION*

**COURT:** United States District Court for the Southern District of New York

**HIGHLIGHTS:** \$6.19 billion securities fraud class action recovery – the second largest in history; unprecedented recoveries from Director Defendants.

**CASE SUMMARY:** Investors suffered massive losses in the wake of the financial fraud and subsequent bankruptcy of former telecom giant WorldCom, Inc. This litigation alleged that WorldCom and others disseminated false and misleading statements to the investing public regarding its earnings and financial condition in violation of the federal securities and other laws. It further alleged a nefarious relationship between Citigroup subsidiary Salomon Smith Barney and WorldCom, carried out primarily by Salomon employees involved in providing investment banking services to WorldCom, and by WorldCom’s former CEO and CFO. As Court-appointed Co-Lead Counsel representing Lead Plaintiff the **New York State Common Retirement Fund**, we obtained unprecedented settlements totaling more than \$6 billion from the Investment Bank Defendants who underwrote WorldCom bonds, including a \$2.575 billion cash settlement to settle all claims against the Citigroup Defendants. On the eve of trial, the 13 remaining “Underwriter Defendants,” including J.P. Morgan Chase, Deutsche Bank and Bank of America, agreed to pay settlements totaling nearly \$3.5 billion to resolve all claims against them. Additionally, the day before trial was scheduled to begin, all of the former WorldCom Director Defendants had agreed to pay over \$60 million to settle the claims against them. An unprecedented first for outside directors, \$24.75 million of that amount came out of the pockets of the individuals – 20% of their collective net worth. *The Wall Street Journal*, in its coverage, profiled the settlement as literally having “shaken Wall Street, the audit profession and corporate boardrooms.” After four weeks of trial, Arthur Andersen, WorldCom’s former auditor, settled for \$65 million. Subsequent settlements were reached with the former executives of WorldCom, and then with Andersen, bringing the total obtained for the Class to over \$6.19 billion.

**CASE:** *IN RE CENDANT CORPORATION SECURITIES LITIGATION*

**COURT:** United States District Court for the District of New Jersey

**HIGHLIGHTS:** \$3.3 billion securities fraud class action recovery – the third largest in history; significant corporate governance reforms obtained.

**CASE SUMMARY:** The firm was Co-Lead Counsel in this class action against Cendant Corporation, its officers and directors and Ernst & Young (E&Y), its auditors, for their role in disseminating materially false and misleading financial statements concerning the company’s revenues, earnings and expenses for its 1997 fiscal year. As a result of company-wide accounting irregularities, Cendant restated its financial results for its 1995, 1996 and 1997 fiscal years and all fiscal quarters therein. Cendant agreed to settle the action for \$2.8 billion to adopt some of the most extensive corporate governance changes in history. E&Y settled for \$335 million. These settlements remain the largest sums ever recovered from a public company and a public accounting firm through securities class action litigation. BLB&G represented Lead Plaintiffs **CalPERS** – the **California Public Employees’ Retirement System**, the **New York State Common Retirement Fund** and the **New York City Pension Funds**, the three largest public pension funds in America, in this action.



**CASE:** *IN RE BANK OF AMERICA CORP. SECURITIES, DERIVATIVE, AND EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA) LITIGATION*

**COURT:** **United States District Court for the Southern District of New York**

**HIGHLIGHTS:** \$2.425 billion in cash; significant corporate governance reforms to resolve all claims. This recovery is by far the largest shareholder recovery related to the subprime meltdown and credit crisis; the single largest securities class action settlement ever resolving a Section 14(a) claim – the federal securities provision designed to protect investors against misstatements in connection with a proxy solicitation; the largest ever funded by a single corporate defendant for violations of the federal securities laws; the single largest settlement of a securities class action in which there was neither a financial restatement involved nor a criminal conviction related to the alleged misconduct; and one of the 10 largest securities class action recoveries in history.

**DESCRIPTION:** The firm represented Co-Lead Plaintiffs the **State Teachers Retirement System of Ohio**, the **Ohio Public Employees Retirement System**, and the **Teacher Retirement System of Texas** in this securities class action filed on behalf of shareholders of Bank of America Corporation (“BAC”) arising from BAC’s 2009 acquisition of Merrill Lynch & Co., Inc. The action alleges that BAC, Merrill Lynch, and certain of the companies’ current and former officers and directors violated the federal securities laws by making a series of materially false statements and omissions in connection with the acquisition. These violations included the alleged failure to disclose information regarding billions of dollars of losses which Merrill had suffered before the BAC shareholder vote on the proposed acquisition, as well as an undisclosed agreement allowing Merrill to pay billions in bonuses before the acquisition closed despite these losses. Not privy to these material facts, BAC shareholders voted to approve the acquisition.

**CASE:** *IN RE NORTEL NETWORKS CORPORATION SECURITIES LITIGATION (“NORTEL II”)*

**COURT:** **United States District Court for the Southern District of New York**

**HIGHLIGHTS:** Over \$1.07 billion in cash and common stock recovered for the class.

**DESCRIPTION:** This securities fraud class action charged Nortel Networks Corporation and certain of its officers and directors with violations of the Securities Exchange Act of 1934, alleging that the Defendants knowingly or recklessly made false and misleading statements with respect to Nortel’s financial results during the relevant period. BLB&G clients the **Ontario Teachers’ Pension Plan Board** and the **Treasury of the State of New Jersey and its Division of Investment** were appointed as Co-Lead Plaintiffs for the Class in one of two related actions (Nortel II), and BLB&G was appointed Lead Counsel for the Class. In a historic settlement, Nortel agreed to pay \$2.4 billion in cash and Nortel common stock (all figures in US dollars) to resolve both matters. Nortel later announced that its insurers had agreed to pay \$228.5 million toward the settlement, bringing the total amount of the global settlement to approximately \$2.7 billion, and the total amount of the Nortel II settlement to over \$1.07 billion.

**CASE:** *IN RE MERCK & Co., INC. SECURITIES LITIGATION*

**COURT:** **United States District Court, District of New Jersey**

**HIGHLIGHTS:** \$1.06 billion recovery for the class.

**DESCRIPTION:** This case arises out of misrepresentations and omissions concerning life-threatening risks posed by the “blockbuster” Cox-2 painkiller Vioxx, which Merck withdrew from the market in 2004. In January 2016, BLB&G achieved a \$1.062 billion settlement on the eve of trial after more than 12 years of hard-fought litigation that included a successful decision at the United States Supreme Court. This settlement is the second largest recovery ever obtained in the Third Circuit, one of the top 11 securities recoveries of all time, and the largest securities recovery ever achieved against a pharmaceutical company. BLB&G represented Lead Plaintiff the **Public Employees’ Retirement System of Mississippi**.



**CASE:** *IN RE MCKESSON HBOC, INC. SECURITIES LITIGATION*

**COURT:** United States District Court for the Northern District of California

**HIGHLIGHTS:** \$1.05 billion recovery for the class.

**DESCRIPTION:** This securities fraud litigation was filed on behalf of purchasers of HBOC, McKesson and McKesson HBOC securities, alleging that Defendants misled the investing public concerning HBOC's and McKesson HBOC's financial results. On behalf of Lead Plaintiff the **New York State Common Retirement Fund**, BLB&G obtained a \$960 million settlement from the company; \$72.5 million in cash from Arthur Andersen; and, on the eve of trial, a \$10 million settlement from Bear Stearns & Co. Inc., with total recoveries reaching more than \$1 billion.

**CASE:** *IN RE LEHMAN BROTHERS EQUITY/DEBT SECURITIES LITIGATION*

**COURT:** United States District Court for the Southern District of New York

**HIGHLIGHTS:** \$735 million in total recoveries.

**DESCRIPTION:** Representing the **Government of Guam Retirement Fund**, BLB&G successfully prosecuted this securities class action arising from Lehman Brothers Holdings Inc.'s issuance of billions of dollars in offerings of debt and equity securities that were sold using offering materials that contained untrue statements and missing material information.

After four years of intense litigation, Lead Plaintiffs achieved a total of \$735 million in recoveries consisting of: a \$426 million settlement with underwriters of Lehman securities offerings; a \$90 million settlement with former Lehman directors and officers; a \$99 million settlement that resolves claims against Ernst & Young, Lehman's former auditor (considered one of the top 10 auditor settlements ever achieved); and a \$120 million settlement that resolves claims against UBS Financial Services, Inc. This recovery is truly remarkable not only because of the difficulty in recovering assets when the issuer defendant is bankrupt, but also because no financial results were restated, and that the auditors never disavowed the statements.

**CASE:** *HEALTHSOUTH CORPORATION BONDHOLDER LITIGATION*

**COURT:** United States District Court for the Northern District of Alabama

**HIGHLIGHTS:** \$804.5 million in total recoveries.

**DESCRIPTION:** In this litigation, BLB&G was the appointed Co-Lead Counsel for the bond holder class, representing Lead Plaintiff the **Retirement Systems of Alabama**. This action arose from allegations that Birmingham, Alabama based HealthSouth Corporation overstated its earnings at the direction of its founder and former CEO Richard Scrushy. Subsequent revelations disclosed that the overstatement actually exceeded over \$2.4 billion, virtually wiping out all of HealthSouth's reported profits for the prior five years. A total recovery of \$804.5 million was obtained in this litigation through a series of settlements, including an approximately \$445 million settlement for shareholders and bondholders, a \$100 million in cash settlement from UBS AG, UBS Warburg LLC, and individual UBS Defendants (collectively, "UBS"), and \$33.5 million in cash from the company's auditor. The total settlement for injured HealthSouth bond purchasers exceeded \$230 million, recouping over a third of bond purchaser damages.



**CASE:** *IN RE CITIGROUP, INC. BOND ACTION LITIGATION*

**COURT:** **United States District Court for the Southern District of New York**

**HIGHLIGHTS:** \$730 million cash recovery; second largest recovery in a litigation arising from the financial crisis.

**DESCRIPTION:** In the years prior to the collapse of the subprime mortgage market, Citigroup issued 48 offerings of preferred stock and bonds. This securities fraud class action was filed on behalf of purchasers of Citigroup bonds and preferred stock alleging that these offerings contained material misrepresentations and omissions regarding Citigroup’s exposure to billions of dollars in mortgage-related assets, the loss reserves for its portfolio of high-risk residential mortgage loans, and the credit quality of the risky assets it held in off-balance sheet entities known as “structured investment vehicles.” After protracted litigation lasting four years, we obtained a \$730 million cash recovery – the second largest securities class action recovery in a litigation arising from the financial crisis, and the second largest recovery ever in a securities class action brought on behalf of purchasers of debt securities. As Lead Bond Counsel for the Class, BLB&G represented Lead Bond Plaintiffs **Minneapolis Firefighters’ Relief Association, Louisiana Municipal Police Employees’ Retirement System, and Louisiana Sheriffs’ Pension and Relief Fund.**

**CASE:** *IN RE WASHINGTON PUBLIC POWER SUPPLY SYSTEM LITIGATION*

**COURT:** **United States District Court for the District of Arizona**

**HIGHLIGHTS:** Over \$750 million – the largest securities fraud settlement ever achieved at the time.

**DESCRIPTION:** BLB&G was appointed Chair of the Executive Committee responsible for litigating the action on behalf of the class in this action. The case was litigated for over seven years, and involved an estimated 200 million pages of documents produced in discovery; the depositions of 285 fact witnesses and 34 expert witnesses; more than 25,000 introduced exhibits; six published district court opinions; seven appeals or attempted appeals to the Ninth Circuit; and a three-month jury trial, which resulted in a settlement of over \$750 million – then the largest securities fraud settlement ever achieved.

**CASE:** *IN RE SCHERING-PLOUGH CORPORATION/ENHANCE SECURITIES LITIGATION; IN RE MERCK & CO., INC. VYTORIN/ZETIA SECURITIES LITIGATION*

**COURT:** **United States District Court for the District of New Jersey**

**HIGHLIGHTS:** \$688 million in combined settlements (Schering-Plough settled for \$473 million; Merck settled for \$215 million) in this coordinated securities fraud litigations filed on behalf of investors in Merck and Schering-Plough.

**DESCRIPTION:** After nearly five years of intense litigation, just days before trial, BLB&G resolved the two actions against Merck and Schering-Plough, which stemmed from claims that Merck and Schering artificially inflated their market value by concealing material information and making false and misleading statements regarding their blockbuster anti-cholesterol drugs Zetia and Vytarin. Specifically, we alleged that the companies knew that their “ENHANCE” clinical trial of Vytarin (a combination of Zetia and a generic) demonstrated that Vytarin was no more effective than the cheaper generic at reducing artery thickness. The companies nonetheless championed the “benefits” of their drugs, attracting billions of dollars of capital. When public pressure to release the results of the ENHANCE trial became too great, the companies reluctantly announced these negative results, which we alleged led to sharp declines in the value of the companies’ securities, resulting in significant losses to investors. The combined \$688 million in settlements (Schering-Plough settled for \$473 million; Merck settled for \$215 million) is the second largest securities recovery ever in the Third Circuit, among the top 25 settlements of all time, and among the ten largest recoveries ever in a case where there was no financial restatement. BLB&G represented Lead Plaintiffs **Arkansas Teacher Retirement System, the Public Employees’ Retirement System of Mississippi, and the Louisiana Municipal Police Employees’ Retirement System.**



**CASE:** *IN RE LUCENT TECHNOLOGIES, INC. SECURITIES LITIGATION*

**COURT:** United States District Court for the District of New Jersey

**HIGHLIGHTS:** \$667 million in total recoveries; the appointment of BLB&G as Co-Lead Counsel is especially noteworthy as it marked the first time since the 1995 passage of the Private Securities Litigation Reform Act that a court reopened the lead plaintiff or lead counsel selection process to account for changed circumstances, new issues and possible conflicts between new and old allegations.

**DESCRIPTION:** BLB&G served as Co-Lead Counsel in this securities class action, representing Lead Plaintiffs the **Parnassus Fund, Teamsters Locals 175 & 505 D&P Pension Trust, Anchorage Police and Fire Retirement System** and the **Louisiana School Employees' Retirement System**. The complaint accused Lucent of making false and misleading statements to the investing public concerning its publicly reported financial results and failing to disclose the serious problems in its optical networking business. When the truth was disclosed, Lucent admitted that it had improperly recognized revenue of nearly \$679 million in fiscal 2000. The settlement obtained in this case is valued at approximately \$667 million, and is composed of cash, stock and warrants.

**CASE:** *IN RE WACHOVIA PREFERRED SECURITIES AND BOND/NOTES LITIGATION*

**COURT:** United States District Court for the Southern District of New York

**HIGHLIGHTS:** \$627 million recovery – among the 20 largest securities class action recoveries in history; third largest recovery obtained in an action arising from the subprime mortgage crisis.

**DESCRIPTION:** This securities class action was filed on behalf of investors in certain Wachovia bonds and preferred securities against Wachovia Corp., certain former officers and directors, various underwriters, and its auditor, KPMG LLP. The case alleges that Wachovia provided offering materials that misrepresented and omitted material facts concerning the nature and quality of Wachovia's multi-billion dollar option-ARM (adjustable rate mortgage) "Pick-A-Pay" mortgage loan portfolio, and that Wachovia's loan loss reserves were materially inadequate. According to the Complaint, these undisclosed problems threatened the viability of the financial institution, requiring it to be "bailed out" during the financial crisis before it was acquired by Wells Fargo. The combined \$627 million recovery obtained in the action is among the 20 largest securities class action recoveries in history, the largest settlement ever in a class action case asserting only claims under the Securities Act of 1933, and one of a handful of securities class action recoveries obtained where there were no parallel civil or criminal actions brought by government authorities. The firm represented Co-Lead Plaintiffs **Orange County Employees Retirement System** and **Louisiana Sheriffs' Pension and Relief Fund** in this action.

**CASE:** *BEAR STEARNS MORTGAGE PASS-THROUGH LITIGATION*

**COURT:** United States District Court for the Southern District of New York

**HIGHLIGHTS:** \$500 million recovery - the largest recovery ever on behalf of purchasers of residential mortgage-backed securities.

**DESCRIPTION:** BLB&G served as Co-Lead Counsel in this securities action, representing Lead Plaintiffs the **Public Employees' Retirement System of Mississippi**. The case alleged that Bear Stearns & Company, Inc.'s sold mortgage pass-through certificates using false and misleading offering documents. The offering documents contained false and misleading statements related to, among other things, (1) the underwriting guidelines used to originate the mortgage loans underlying the certificates; and (2) the accuracy of the appraisals for the properties underlying the certificates. After six years of hard-fought litigation and extensive arm's-length negotiations, the \$500 million recovery is the largest settlement in a U.S. class action against a bank that packaged and sold mortgage securities at the center of the 2008 financial crisis.





**CASE:** *GARY HEFLER ET AL. V. WELLS FARGO & COMPANY ET AL*

**COURT:** United States District Court for the Northern District of California

**HIGHLIGHTS:** \$480 million recovery - the fourth largest securities settlement ever achieved in the Ninth Circuit and the 31st largest securities settlement ever in the United States.

**DESCRIPTION:** BLB&G served as Lead Counsel for the Court-appointed Lead Plaintiff Union Asset Management Holding, AG in this action, which alleged that Wells Fargo and certain current and former officers and directors of Wells Fargo made a series of materially false statements and omissions in connection with Wells Fargo's secret creation of fake or unauthorized client accounts in order to hit performance-based compensation goals. After years of presenting a business driven by legitimate growth prospects, U.S. regulators revealed in September 2016 that Wells Fargo employees were secretly opening millions of potentially unauthorized accounts for existing Wells Fargo customers. The Complaint alleged that these accounts were opened in order to hit performance targets and inflate the "cross-sell" metrics that investors used to measure Wells Fargo's financial health and anticipated growth. When the market learned the truth about Wells Fargo's violation of its customers' trust and failure to disclose reliable information to its investors, the price of Wells Fargo's stock dropped, causing substantial investor losses.

**CASE:** *OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM V. FREDDIE MAC*

**COURT:** United States District Court for the Southern District of Ohio

**HIGHLIGHTS:** \$410 million settlement.

**DESCRIPTION:** This securities fraud class action was filed on behalf of the **Ohio Public Employees Retirement System** and the **State Teachers Retirement System of Ohio** alleging that Federal Home Loan Mortgage Corporation ("Freddie Mac") and certain of its current and former officers issued false and misleading statements in connection with the company's previously reported financial results. Specifically, the Complaint alleged that the Defendants misrepresented the company's operations and financial results by having engaged in numerous improper transactions and accounting machinations that violated fundamental GAAP precepts in order to artificially smooth the company's earnings and to hide earnings volatility. In connection with these improprieties, Freddie Mac restated more than \$5 billion in earnings. A settlement of \$410 million was reached in the case just as deposition discovery had begun and document review was complete.

**CASE:** *IN RE REFCO, INC. SECURITIES LITIGATION*

**COURT:** United States District Court for the Southern District of New York

**HIGHLIGHTS:** Over \$407 million in total recoveries.

**DESCRIPTION:** The lawsuit arises from the revelation that Refco, a once prominent brokerage, had for years secreted hundreds of millions of dollars of uncollectible receivables with a related entity controlled by Phillip Bennett, the company's Chairman and Chief Executive Officer. This revelation caused the stunning collapse of the company a mere two months after its initial public offering of common stock. As a result, Refco filed one of the largest bankruptcies in U.S. history. Settlements have been obtained from multiple company and individual defendants, resulting in a total recovery for the class of over \$407 million. BLB&G represented Co-Lead Plaintiff **RH Capital Associates LLC**.

## CORPORATE GOVERNANCE AND SHAREHOLDERS' RIGHTS

**CASE:** *CITY OF MONROE EMPLOYEES' RETIREMENT SYSTEM, DERIVATIVELY ON BEHALF OF TWENTY-FIRST CENTURY FOX, INC. V. RUPERT MURDOCH, ET AL.*

**COURT:** Delaware Court of Chancery

**HIGHLIGHTS:** Landmark derivative litigation establishes unprecedented, independent Board-level council to ensure employees are protected from workplace harassment while recouping \$90 million for the company's coffers.

**DESCRIPTION:** Before the birth of the #metoo movement, BLB&G led the prosecution of an unprecedented shareholder derivative litigation against Fox News parent 21st Century Fox, Inc. arising from the systemic sexual and workplace harassment at the embattled network. After nearly 18 months of litigation, discovery and negotiation related to the shocking misconduct and the Board's extensive alleged governance failures, the parties unveil a landmark settlement with two key components: 1) the first ever Board-level watchdog of its kind – the “Fox News Workplace Professionalism and Inclusion Council” of experts (WPIC) – majority independent of the Murdochs, the Company and Board; and 2) one of the largest financial recoveries – \$90 million – ever obtained in a pure corporate board oversight dispute. The WPIC is expected to serve as a model for public companies in all industries. The firm represented 21<sup>st</sup> Century Fox shareholder the **City of Monroe (Michigan) Employees' Retirement System**.

**CASE:** *IN RE ALLERGAN, INC. PROXY VIOLATION SECURITIES LITIGATION*

**COURT:** United States District Court for the Central District of California

**HIGHLIGHTS:** Litigation recovered over \$250 million for investors in challenging unprecedented insider trading scheme by billionaire hedge fund manager Bill Ackman.

**DESCRIPTION:** As alleged in groundbreaking litigation, billionaire hedge fund manager Bill Ackman and his Pershing Square Capital Management fund secretly acquire a near 10% stake in pharmaceutical concern Allergan, Inc. as part of an unprecedented insider trading scheme by Ackman and Valeant Pharmaceuticals International, Inc. What Ackman knew – but investors did not – was that in the ensuing weeks, Valeant would be launching a hostile bid to acquire Allergan shares at a far higher price. Ackman enjoys a massive instantaneous profit upon public news of the proposed acquisition, and the scheme works for both parties as he kicks back hundreds of millions of his insider-trading proceeds to Valeant after Allergan agreed to be bought by a rival bidder. After a ferocious three-year legal battle over this attempt to circumvent the spirit of the U.S. securities laws, BLB&G obtains a \$250 million settlement for Allergan investors, and creates precedent to prevent similar such schemes in the future. The Plaintiffs in this action were the **State Teachers Retirement System of Ohio**, the **Iowa Public Employees Retirement System**, and **Patrick T. Johnson**.

**CASE:** **UNITEDHEALTH GROUP, INC. SHAREHOLDER DERIVATIVE LITIGATION**

**COURT:** **United States District Court for the District of Minnesota**

**HIGHLIGHTS:** Litigation recovered over \$920 million in ill-gotten compensation directly from former officers for their roles in illegally backdating stock options, while the company agreed to far-reaching reforms aimed at curbing future executive compensation abuses.

**DESCRIPTION:** This shareholder derivative action filed against certain current and former executive officers and members of the Board of Directors of UnitedHealth Group, Inc. alleged that the Defendants obtained, approved and/or acquiesced in the issuance of stock options to senior executives that were unlawfully backdated to provide the recipients with windfall compensation at the direct expense of UnitedHealth and its shareholders. The firm recovered over \$920 million in ill-gotten compensation directly from the former officer Defendants – the largest derivative recovery in history. As feature coverage in *The New York Times* indicated, “investors everywhere should applaud [the UnitedHealth settlement].... [T]he recovery sets a standard of behavior for other companies and boards when performance pay is later shown to have been based on ephemeral earnings.” The Plaintiffs in this action were the **St. Paul Teachers’ Retirement Fund Association**, the **Public Employees’ Retirement System of Mississippi**, the **Jacksonville Police & Fire Pension Fund**, the **Louisiana Sheriffs’ Pension & Relief Fund**, the **Louisiana Municipal Police Employees’ Retirement System** and **Fire & Police Pension Association of Colorado**.

**CASE:** **CAREMARK MERGER LITIGATION**

**COURT:** **Delaware Court of Chancery – New Castle County**

**HIGHLIGHTS:** Landmark Court ruling orders Caremark’s board to disclose previously withheld information, enjoins shareholder vote on CVS merger offer, and grants statutory appraisal rights to Caremark shareholders. The litigation ultimately forced CVS to raise offer by \$7.50 per share, equal to more than \$3.3 billion in additional consideration to Caremark shareholders.

**DESCRIPTION:** Commenced on behalf of the **Louisiana Municipal Police Employees’ Retirement System** and other shareholders of Caremark RX, Inc. (“Caremark”), this shareholder class action accused the company’s directors of violating their fiduciary duties by approving and endorsing a proposed merger with CVS Corporation (“CVS”), all the while refusing to fairly consider an alternative transaction proposed by another bidder. In a landmark decision, the Court ordered the Defendants to disclose material information that had previously been withheld, enjoined the shareholder vote on the CVS transaction until the additional disclosures occurred, and granted statutory appraisal rights to Caremark’s shareholders—forcing CVS to increase the consideration offered to shareholders by \$7.50 per share in cash (over \$3 billion in total).

**CASE:** **IN RE PFIZER INC. SHAREHOLDER DERIVATIVE LITIGATION**

**COURT:** **United States District Court for the Southern District of New York**

**HIGHLIGHTS:** Landmark settlement in which Defendants agreed to create a new Regulatory and Compliance Committee of the Pfizer Board that will be supported by a dedicated \$75 million fund.

**DESCRIPTION:** In the wake of Pfizer’s agreement to pay \$2.3 billion as part of a settlement with the U.S. Department of Justice to resolve civil and criminal charges relating to the illegal marketing of at least 13 of the company’s most important drugs (the largest such fine ever imposed), this shareholder derivative action was filed against Pfizer’s senior management and Board alleging they breached their fiduciary duties to Pfizer by, among other things, allowing unlawful promotion of drugs to continue after receiving numerous “red flags” that Pfizer’s improper drug marketing was systemic and widespread. The suit was brought by Court-appointed Lead Plaintiffs **Louisiana Sheriffs’ Pension and Relief Fund** and **Skandia Life Insurance Company, Ltd.** In an unprecedented settlement reached by the parties, the Defendants agreed to create a new Regulatory

and Compliance Committee of the Pfizer Board of Directors (the “Regulatory Committee”) to oversee and monitor Pfizer’s compliance and drug marketing practices and to review the compensation policies for Pfizer’s drug sales related employees.

**CASE:** *MILLER ET AL. V. IAC/INTERACTIVECORP ET AL.*

**COURT:** Delaware Court of Chancery

**HIGHLIGHTS:** Litigation shuts down efforts by controlling shareholders to obtain “dynastic control” of the company through improper stock class issuances, setting valuable precedent and sending strong message to boards and management in all sectors that such moves will not go unchallenged.

**DESCRIPTION:** BLB&G obtained this landmark victory for shareholder rights against IAC/InterActiveCorp and its controlling shareholder and chairman, Barry Diller. For decades, activist corporate founders and controllers seek ways to entrench their position atop the corporate hierarchy by granting themselves and other insiders “supervoting rights.” Diller lays out a proposal to introduce a new class of non-voting stock to entrench “dynastic control” of IAC within the Diller family. BLB&G litigation on behalf of IAC shareholders ends in capitulation with the Defendants effectively conceding the case by abandoning the proposal. This becomes critical corporate governance precedent, given trend of public companies to introduce “low” and “no-vote” share classes, which diminish shareholder rights, insulate management from accountability, and can distort managerial incentives by providing controllers voting power out of line with their actual economic interests in public companies.

**CASE:** *IN RE DELPHI FINANCIAL GROUP SHAREHOLDER LITIGATION*

**COURT:** Delaware Court of Chancery – New Castle County

**HIGHLIGHTS:** Dominant shareholder is blocked from collecting a payoff at the expense of minority investors.

**DESCRIPTION:** As the Delphi Financial Group prepared to be acquired by Tokio Marine Holdings Inc., the conduct of Delphi’s founder and controlling shareholder drew the scrutiny of BLB&G and its institutional investor clients for improperly using the transaction to expropriate at least \$55 million at the expense of the public shareholders. BLB&G aggressively litigated this action and obtained a settlement of \$49 million for Delphi’s public shareholders. The settlement fund is equal to about 90% of recoverable Class damages – a virtually unprecedented recovery.

**CASE:** *QUALCOMM BOOKS & RECORDS LITIGATION*

**COURT:** Delaware Court of Chancery – New Castle County

**HIGHLIGHTS:** Novel use of “books and records” litigation enhances disclosure of political spending and transparency.

**DESCRIPTION:** The U.S. Supreme Court’s controversial 2010 opinion in *Citizens United v. FEC* made it easier for corporate directors and executives to secretly use company funds – shareholder assets – to support personally favored political candidates or causes. BLB&G prosecuted the first-ever “books and records” litigation to obtain disclosure of corporate political spending at our client’s portfolio company – technology giant Qualcomm Inc. – in response to Qualcomm’s refusal to share the information. As a result of the lawsuit, Qualcomm adopted a policy that provides its shareholders with comprehensive disclosures regarding the company’s political activities and places Qualcomm as a standard-bearer for other companies.



**CASE:** *IN RE NEWS CORP. SHAREHOLDER DERIVATIVE LITIGATION*

**COURT:** Delaware Court of Chancery – Kent County

**HIGHLIGHTS:** An unprecedented settlement in which News Corp. recoups \$139 million and enacts significant corporate governance reforms that combat self-dealing in the boardroom.

**DESCRIPTION:** Following News Corp.’s 2011 acquisition of a company owned by News Corp. Chairman and CEO Rupert Murdoch’s daughter, and the phone-hacking scandal within its British newspaper division, we filed a derivative litigation on behalf of the company because of institutional shareholder concern with the conduct of News Corp.’s management. We ultimately obtained an unprecedented settlement in which News Corp. recouped \$139 million for the company coffers, and agreed to enact corporate governance enhancements to strengthen its compliance structure, the independence and functioning of its board, and the compensation and clawback policies for management.

**CASE:** *IN RE ACS SHAREHOLDER LITIGATION (XEROX)*

**COURT:** Delaware Court of Chancery – New Castle County

**HIGHLIGHTS:** BLB&G challenged an attempt by ACS CEO to extract a premium on his stock not shared with the company’s public shareholders in a sale of ACS to Xerox. On the eve of trial, BLB&G obtained a \$69 million recovery, with a substantial portion of the settlement personally funded by the CEO.

**DESCRIPTION:** Filed on behalf of the **New Orleans Employees’ Retirement System** and similarly situated shareholders of Affiliated Computer Service, Inc., this action alleged that members of the Board of Directors of ACS breached their fiduciary duties by approving a merger with Xerox Corporation which would allow Darwin Deason, ACS’s founder and Chairman and largest stockholder, to extract hundreds of millions of dollars of value that rightfully belongs to ACS’s public shareholders for himself. Per the agreement, Deason’s consideration amounted to over a 50% premium when compared to the consideration paid to ACS’s public stockholders. The ACS Board further breached its fiduciary duties by agreeing to certain deal protections in the merger agreement that essentially locked up the transaction between ACS and Xerox. After seeking a preliminary injunction to enjoin the deal and engaging in intense discovery and litigation in preparation for a looming trial date, Plaintiffs reached a global settlement with Defendants for \$69 million. In the settlement, Deason agreed to pay \$12.8 million, while ACS agreed to pay the remaining \$56.1 million.

**CASE:** *IN RE DOLLAR GENERAL CORPORATION SHAREHOLDER LITIGATION*

**COURT:** Sixth Circuit Court for Davidson County, Tennessee; Twentieth Judicial District, Nashville

**HIGHLIGHTS:** Holding Board accountable for accepting below-value “going private” offer.

**DESCRIPTION:** A Nashville, Tennessee corporation that operates retail stores selling discounted household goods, in early March 2007, Dollar General announced that its Board of Directors had approved the acquisition of the company by the private equity firm Kohlberg Kravis Roberts & Co. (“KKR”). BLB&G, as Co-Lead Counsel for the **City of Miami General Employees’ & Sanitation Employees’ Retirement Trust**, filed a class action complaint alleging that the “going private” offer was approved as a result of breaches of fiduciary duty by the board and that the price offered by KKR did not reflect the fair value of Dollar General’s publicly-held shares. On the eve of the summary judgment hearing, KKR agreed to pay a \$40 million settlement in favor of the shareholders, with a potential for \$17 million more for the Class.



**CASE:** *LANDRY'S RESTAURANTS, INC. SHAREHOLDER LITIGATION*

**COURT:** Delaware Court of Chancery – New Castle County

**HIGHLIGHTS:** Protecting shareholders from predatory CEO's multiple attempts to take control of Landry's Restaurants through improper means. Our litigation forced the CEO to increase his buyout offer by four times the price offered and obtained an additional \$14.5 million cash payment for the class.

**DESCRIPTION:** In this derivative and shareholder class action, shareholders alleged that Tilman J. Fertitta – chairman, CEO and largest shareholder of Landry's Restaurants, Inc. – and its Board of Directors stripped public shareholders of their controlling interest in the company for no premium and severely devalued remaining public shares in breach of their fiduciary duties. BLB&G's prosecution of the action on behalf of Plaintiff **Louisiana Municipal Police Employees' Retirement System** resulted in recoveries that included the creation of a settlement fund composed of \$14.5 million in cash, as well as significant corporate governance reforms and an increase in consideration to shareholders of the purchase price valued at \$65 million.



## EMPLOYMENT DISCRIMINATION AND CIVIL RIGHTS

**CASE:** *ROBERTS V. TEXACO, INC.*

**COURT:** United States District Court for the Southern District of New York

**HIGHLIGHTS:** BLB&G recovered \$170 million on behalf of Texaco’s African-American employees and engineered the creation of an independent “Equality and Tolerance Task Force” at the company.

**DESCRIPTION:** Six highly qualified African-American employees filed a class action complaint against Texaco Inc. alleging that the company failed to promote African-American employees to upper level jobs and failed to compensate them fairly in relation to Caucasian employees in similar positions. BLB&G’s prosecution of the action revealed that African-Americans were significantly under-represented in high level management jobs and that Caucasian employees were promoted more frequently and at far higher rates for comparable positions within the company. The case settled for over \$170 million, and Texaco agreed to a Task Force to monitor its diversity programs for five years – a settlement described as the most significant race discrimination settlement in history.

**CASE:** *ECOA - GMAC/NMAC/FORD/TOYOTA/CHRYSLER - CONSUMER FINANCE DISCRIMINATION LITIGATION*

**COURT:** Multiple jurisdictions

**HIGHLIGHTS:** Landmark litigation in which financing arms of major auto manufacturers are compelled to cease discriminatory “kick-back” arrangements with dealers, leading to historic changes to auto financing practices nationwide.

**DESCRIPTION:** The cases involve allegations that the lending practices of General Motors Acceptance Corporation, Nissan Motor Acceptance Corporation, Ford Motor Credit, Toyota Motor Credit and DaimlerChrysler Financial cause African-American and Hispanic car buyers to pay millions of dollars more for car loans than similarly situated white buyers. At issue is a discriminatory kickback system under which minorities typically pay about 50% more in dealer mark-up which is shared by auto dealers with the Defendants.

**NMAC:** The United States District Court for the Middle District of Tennessee granted final approval of the settlement of the class action against Nissan Motor Acceptance Corporation (“NMAC”) in which NMAC agreed to offer pre-approved loans to hundreds of thousands of current and potential African-American and Hispanic NMAC customers, and limit how much it raises the interest charged to car buyers above the company’s minimum acceptable rate.

**GMAC:** The United States District Court for the Middle District of Tennessee granted final approval of a settlement of the litigation against General Motors Acceptance Corporation (“GMAC”) in which GMAC agreed to take the historic step of imposing a 2.5% markup cap on loans with terms up to 60 months, and a cap of 2% on extended term loans. GMAC also agreed to institute a substantial credit pre-approval program designed to provide special financing rates to minority car buyers with special rate financing.

**DAIMLERCHRYSLER:** The United States District Court for the District of New Jersey granted final approval of the settlement in which DaimlerChrysler agreed to implement substantial changes to the company’s practices, including limiting the maximum amount of mark-up dealers may charge customers to between 1.25% and 2.5% depending upon the length of the customer’s loan. In addition, the company agreed to send out pre-approved credit offers of no-markup loans to African-American and Hispanic consumers, and contribute \$1.8 million to provide consumer education and assistance programs on credit financing.

**FORD MOTOR CREDIT:** The United States District Court for the Southern District of New York granted final approval of a settlement in which Ford Credit agreed to make contract disclosures informing consumers that the customer’s Annual Percentage Rate (“APR”) may be negotiated and that sellers may assign their contracts and retain rights to receive a portion of the finance charge.



## CLIENTS AND FEES

We are firm believers in the contingency fee as a socially useful, productive and satisfying basis of compensation for legal services, particularly in litigation. Wherever appropriate, even with our corporate clients, we will encourage retention where our fee is contingent on the outcome of the litigation. This way, it is not the number of hours worked that will determine our fee, but rather the result achieved for our client.

Our clients include many large and well known financial and lending institutions and pension funds, as well as privately-held companies that are attracted to our firm because of our reputation, expertise and fee structure. Most of the firm's clients are referred by other clients, law firms and lawyers, bankers, investors and accountants. A considerable number of clients have been referred to the firm by former adversaries. We have always maintained a high level of independence and discretion in the cases we decide to prosecute. As a result, the level of personal satisfaction and commitment to our work is high.



## IN THE PUBLIC INTEREST

Bernstein Litowitz Berger & Grossmann LLP is guided by two principles: excellence in legal work and a belief that the law should serve a socially useful and dynamic purpose. Attorneys at the firm are active in academic, community and *pro bono* activities, as well as participating as speakers and contributors to professional organizations. In addition, the firm endows a public interest law fellowship and sponsors an academic scholarship at Columbia Law School.

**BERNSTEIN LITOWITZ BERGER & GROSSMANN PUBLIC INTEREST LAW FELLOWS COLUMBIA LAW SCHOOL** – BLB&G is committed to fighting discrimination and effecting positive social change. In support of this commitment, the firm donated funds to Columbia Law School to create the Bernstein Litowitz Berger & Grossmann Public Interest Law Fellowship. This newly endowed fund at Columbia Law School will provide Fellows with 100% of the funding needed to make payments on their law school tuition loans so long as such graduates remain in the public interest law field. The BLB&G Fellows are able to begin their careers free of any school debt if they make a long-term commitment to public interest law.

### FIRM SPONSORSHIP OF HER JUSTICE

**NEW YORK, NY** – BLB&G is a sponsor of Her Justice, a non-profit organization in New York City dedicated to providing *pro bono* legal representation to indigent women, principally battered women, in connection with the myriad legal problems they face. The organization trains and supports the efforts of New York lawyers who provide *pro bono* counsel to these women. Several members and associates of the firm volunteer their time to help women who need divorces from abusive spouses, or representation on issues such as child support, custody and visitation. To read more about Her Justice, visit the organization's website at [www.herjustice.org](http://www.herjustice.org).

### THE PAUL M. BERNSTEIN MEMORIAL SCHOLARSHIP

**COLUMBIA LAW SCHOOL** – Paul M. Bernstein was the founding senior partner of the firm. Mr. Bernstein led a distinguished career as a lawyer and teacher and was deeply committed to the professional and personal development of young lawyers. The Paul M. Bernstein Memorial Scholarship Fund is a gift of the firm and the family and friends of Paul M. Bernstein, and is awarded annually to one or more second-year students selected for their academic excellence in their first year, professional responsibility, financial need and contributions to the community.

### FIRM SPONSORSHIP OF CITY YEAR NEW YORK

**NEW YORK, NY** – BLB&G is also an active supporter of City Year New York, a division of AmeriCorps. The program was founded in 1988 as a means of encouraging young people to devote time to public service and unites a diverse group of volunteers for a demanding year of full-time community service, leadership development and civic engagement. Through their service, corps members experience a rite of passage that can inspire a lifetime of citizenship and build a stronger democracy.

### MAX W. BERGER PRE-LAW PROGRAM

**BARUCH COLLEGE** – In order to encourage outstanding minority undergraduates to pursue a meaningful career in the legal profession, the Max W. Berger Pre-Law Program was established at Baruch College. Providing workshops, seminars, counseling and mentoring to Baruch students, the program facilitates and guides them through the law school research and application process, as well as placing them in appropriate internships and other pre-law working environments.

### NEW YORK SAYS THANK YOU FOUNDATION

**NEW YORK, NY** – Founded in response to the outpouring of love shown to New York City by volunteers from all over the country in the wake of the 9/11 attacks, The New York Says Thank You Foundation sends volunteers from New York City to help rebuild communities around the country affected by disasters. BLB&G is a corporate sponsor of NYSTY and its goals are a heartfelt reflection of the firm's focus on community and activism.

## OUR ATTORNEYS

### MEMBERS

**MAX W. BERGER**, the firm’s senior founding partner, supervises BLB&G’s litigation practice and prosecutes class and individual actions on behalf of the firm’s clients.

Max has litigated many of the firm’s most high-profile and significant cases, and has negotiated seven of the largest securities fraud settlements in history, each in excess of a billion dollars: Cendant (\$3.3 billion); *Citigroup–WorldCom* (\$2.575 billion); *Bank of America/Merrill Lynch* (\$2.4 billion); *JPMorgan Chase–WorldCom* (\$2 billion); *Nortel* (\$1.07 billion); *Merck* (\$1.06 billion); and *McKesson* (\$1.05 billion). In addition, he has prosecuted seminal cases establishing precedents which have increased market integrity and transparency; held corporate wrongdoers accountable; and improved corporate business practices in groundbreaking ways.

Most recently, before the #metoo movement came alive, on behalf of an institutional investor client, he handled the prosecution of an unprecedented shareholder derivative litigation against Fox News parent 21st Century Fox, Inc. arising from the systemic sexual and workplace harassment at the embattled network. After nearly 18 months of litigation, discovery and negotiation related to the shocking misconduct and the Board’s extensive alleged governance failures, the parties unveiled a landmark settlement with two key components: 1) the first ever Board-level watchdog of its kind – the “Fox News Workplace Professionalism and Inclusion Council” of experts (WPIC) – majority independent of the Murdochs, the Company and Board; and 2) one of the largest financial recoveries – \$90 million – ever obtained in a pure corporate board oversight dispute. The WPIC is expected to serve as a model for public companies in all industries.

Max’s work has garnered him extensive media attention, and he has been the subject of feature articles in a variety of major media publications. Unique among his peers, *The New York Times* highlighted his remarkable track record in an October 2012 profile entitled “Investors’ Billion-Dollar Fraud Fighter,” which also discussed his role in the *Bank of America/Merrill Lynch Merger* litigation. In 2011, Max was twice profiled by *The American Lawyer* for his role in negotiating a \$627 million recovery on behalf of investors in the *In re Wachovia Corp. Securities Litigation*, and a \$516 million recovery in *In re Lehman Brothers Equity/Debt Securities Litigation*. Previously, Max’s role in the *WorldCom* case generated extensive media coverage including feature articles in *BusinessWeek* and *The American Lawyer*. For his outstanding efforts on behalf of WorldCom investors, *The National Law Journal* profiled Max (one of only eleven attorneys selected nationwide) in its annual 2005 “Winning Attorneys” section. He was subsequently featured in a 2006 *New York Times* article, “A Class-Action Shuffle,” which assessed the evolving landscape of the securities litigation arena.

#### One of the “100 Most Influential Lawyers in America”

Widely recognized as the “Dean” of the US plaintiff securities bar for his remarkable career and his professional excellence, Max has a distinguished and unparalleled list of honors to his name.

He was selected one of the “100 Most Influential Lawyers in America” by *The National Law Journal* for being “front and center” in holding Wall Street banks accountable and obtaining over \$5 billion in cases arising from the subprime meltdown, and for his work as a “master negotiator” in obtaining numerous multi-billion dollar recoveries for investors.

Described as a “standard-bearer” for the profession in a career spanning over 40 years, he was the recipient of *Chambers USA*’s award for Outstanding Contribution to the Legal Profession. In presenting this prestigious honor, *Chambers* recognized Max’s “numerous headline-grabbing successes,” as well as his unique stature among colleagues – “warmly lauded by his peers, who are nevertheless loath to find him on the other side of the table.”

*Benchmark Litigation* recently inducted him into its exclusive “Hall of Fame” in recognition of his career achievements and impact on the field of securities litigation.

Upon its tenth anniversary, *Lawdragon* named Max a “Lawdragon Legend” for his accomplishments.

*Law360* published a special feature discussing his life and career as a “Titan of the Plaintiffs Bar,” named him one of only six litigators selected nationally as a “Legal MVP,” and selected him as one of “10 Legal Superstars” nationally for his work in securities litigation.

Since their various inception, Max has been recognized as a litigation “star” and leading lawyer in his field by *Chambers USA* and the *Legal 500 US Guide*, as well as being named one of the “500 Leading Lawyers in America” and “100 Securities Litigators You Need to Know” by *Lawdragon* magazine. Further, *The Best Lawyers in America*® guide has named Max a leading lawyer in his field.

Max has lectured extensively for many professional organizations, and is the author and co-author of numerous articles on developments in the securities laws and their implications for public policy. He was chosen, along with several of his BLB&G partners, to author the first chapter – “Plaintiffs’ Perspective” – of Lexis/Nexis’s seminal industry guide *Litigating Securities Class Actions*. An esteemed voice on all sides of the legal and financial markets, in 2008 the SEC and Treasury called on Max to provide guidance on regulatory changes being considered as the accounting profession was experiencing tectonic shifts shortly before the financial crisis.

Max also serves the academic community in numerous capacities. A long-time member of the Board of Trustees of Baruch College, he served as the President of the Baruch College Fund from 2015-2019 and now serves as its Chairman. A member of the Dean’s Council to Columbia Law School, he has taught Profession of Law, an ethics course at Columbia Law School, and serves on the Advisory Board of Columbia Law School’s Center on Corporate Governance. In May 2006, he was presented with the Distinguished Alumnus Award for his contributions to Baruch College, and in February 2011, Max received Columbia Law School’s most prestigious and highest honor, “The Medal for Excellence.” This award is presented annually to Columbia Law School alumni who exemplify the qualities of character, intellect, and social and professional responsibility that the Law School seeks to instill in its students. As a recipient of this award, Max was profiled in the Fall 2011 issue of *Columbia Law School Magazine*.

Max is currently a member of the New York State, New York City and American Bar Associations, and is a member of the Federal Bar Council. He is also a member of the American Law Institute and an Advisor to its Restatement Third: Economic Torts project. In addition, Max is a member of the Board of Trustees of The Supreme Court Historical Society.

In 1997, Max was honored for his outstanding contribution to the public interest by Trial Lawyers for Public Justice, where he was a “Trial Lawyer of the Year” Finalist for his work in *Roberts, et al. v. Texaco*, the celebrated race discrimination case, on behalf of Texaco’s African-American employees.

Among numerous charitable and volunteer works, Max is a significant and long-time contributor to Her Justice, a non-profit organization in New York City dedicated to providing pro bono legal representation to indigent women, principally battered women, in connection with the many legal problems they face. He is also an active supporter of City Year New York, a division of



AmeriCorps, dedicated to encouraging young people to devote time to public service. In July 2005, he was named City Year New York's "Idealist of the Year," for his commitment to, service for, and work in the community. He and his wife, Dale, have also established the Dale and Max Berger Public Interest Law Fellowship at Columbia Law School and the Max Berger Pre-Law Program at Baruch College.

EDUCATION: Baruch College-City University of New York, B.B.A., Accounting, 1968; President of the student body and recipient of numerous awards. Columbia Law School, J.D., 1971, Editor of the *Columbia Survey of Human Rights Law*.

BAR ADMISSIONS: New York; U.S. District Courts for the Eastern and Southern Districts of New York; U.S. Court of Appeals for the Second Circuit; U.S. Supreme Court.

**GERALD H. SILK'S** practice focuses on representing institutional investors on matters involving federal and state securities laws, accountants' liability, and the fiduciary duties of corporate officials, as well as general commercial and corporate litigation. He also advises creditors on their rights with respect to pursuing affirmative claims against officers and directors, as well as professionals both inside and outside the bankruptcy context.

Jerry is a member of the firm's Management Committee. He also oversees the firm's New Matter department in which he, along with a group of attorneys, financial analysts and investigators, counsels institutional clients on potential legal claims. In December 2014, Jerry was recognized by *The National Law Journal* in its inaugural list of "Litigation Trailblazers & Pioneers" — one of several lawyers in the country who have changed the practice of litigation through the use of innovative legal strategies — in no small part for the critical role he has played in helping the firm's investor clients recover billions of dollars in litigation arising from the financial crisis, among other matters.

In addition, *Lawdragon* magazine, which has named Jerry one of the "100 Securities Litigators You Need to Know," one of the "500 Leading Lawyers in America" and one of America's top 500 "rising stars" in the legal profession, also recently profiled him as part of its "Lawyer Limelight" special series, discussing subprime litigation, his passion for plaintiffs' work and the trends he expects to see in the market. Recognized as one of an elite group of notable practitioners by *Chambers USA*, he is also named as a "Litigation Star" by *Benchmark*, is recommended by the *Legal 500 USA* guide in the field of plaintiffs' securities litigation, and has been selected as a New York *Super Lawyer* every year since 2006.

In the wake of the financial crisis, he advised the firm's institutional investor clients on their rights with respect to claims involving transactions in residential mortgage-backed securities (RMBS) and collateralized debt obligations (CDOs). His work representing Cambridge Place Investment Management Inc. on claims under Massachusetts state law against numerous investment banks arising from the purchase of billions of dollars of RMBS was featured in a 2010 *New York Times* article by Gretchen Morgenson titled, "Mortgage Investors Turn to State Courts for Relief."

Jerry also represented the New York State Teachers' Retirement System in a securities litigation against the General Motors Company arising from a series of misrepresentations concerning the quality, safety, and reliability of the Company's cars, which resulted in a \$300 million settlement. He was also a member of the litigation team responsible for the successful prosecution of *In re Cendant Corporation Securities Litigation* in the District of New Jersey, which was resolved for \$3.2 billion. In addition, he is actively involved in the firm's prosecution of highly successful M&A litigation, representing shareholders in widely publicized lawsuits, including the litigation arising from the proposed acquisition of Caremark Rx, Inc. by CVS Corporation — which led to an increase of approximately \$3.5 billion in the consideration offered to shareholders.



A graduate of the Wharton School of Business, University of Pennsylvania and Brooklyn Law School, in 1995-96, Jerry served as a law clerk to the Hon. Steven M. Gold, U.S.M.J., in the United States District Court for the Eastern District of New York.

Jerry lectures to institutional investors at conferences throughout the country, and has written or substantially contributed to several articles on developments in securities and corporate law, including "Improving Multi-Jurisdictional, Merger-Related Litigation," American Bar Association (February 2011); "The Compensation Game," *Lawdragon*, Fall 2006; "Institutional Investors as Lead Plaintiffs: Is There A New And Changing Landscape?," *75 St. John's Law Review* 31 (Winter 2001); "The Duty To Supervise, Poser, Broker-Dealer Law and Regulation," 3rd Ed. 2000, Chapter 15; "Derivative Litigation In New York after Marx v. Akers," *New York Business Law Journal*, Vol. 1, No. 1 (Fall 1997).

He has also been a commentator for the business media on television and in print. Among other outlets, he has appeared on NBC's *Today*, and CNBC's *Power Lunch*, *Morning Call*, and *Squawkbox* programs, as well as being featured in *The New York Times*, *Financial Times*, *Bloomberg*, *The National Law Journal*, and the *New York Law Journal*.

EDUCATION: Wharton School of the University of Pennsylvania, B.S., Economics, 1991. Brooklyn Law School, J.D., *cum laude*, 1995.

BAR ADMISSIONS: New York; U.S. District Courts for the Southern and Eastern Districts of New York.

**JOHN C. BROWNE**'s practice focuses on the prosecution of securities fraud class actions. He represents the firm's institutional investor clients in jurisdictions throughout the country and has been a member of the trial teams of some of the most high-profile securities fraud class actions in history.

John was Lead Counsel in the *In re Citigroup, Inc. Bond Action Litigation*, which resulted in a \$730 million cash recovery – the second largest recovery ever achieved for a class of purchasers of debt securities. It is also the second largest civil settlement arising out of the subprime meltdown and financial crisis. John was also a member of the team representing the New York State Common Retirement Fund in *In re WorldCom, Inc. Securities Litigation*, which culminated in a five-week trial against Arthur Andersen LLP and a recovery for investors of over \$6.19 billion – one of the largest securities fraud recoveries in history.

Other notable litigations in which John served as Lead Counsel on behalf of shareholders include *In re Refco Securities Litigation*, which resulted in a \$407 million settlement, *In re the Reserve Fund Securities and Derivative Litigation*, which settled for more than \$54 million, *In re King Pharmaceuticals Litigation*, which settled for \$38.25 million, *In re RAIT Financial Trust Securities Litigation*, which settled for \$32 million, and *In re SFBC Securities Litigation*, which settled for \$28.5 million.

Most recently, John served as lead counsel in the *In re BNY Mellon Foreign Exchange Securities Litigation*, which settled for \$180 million; *In re State Street Corporation Securities Litigation*, which settled for \$60 million; and the *Anadarko Petroleum Corporation Securities Litigation*, which settled for \$12.5 million. John also represents the firm's institutional investor clients in the appellate courts, and has argued appeals in the Second Circuit, Third Circuit and, most recently, the Fifth Circuit, where he successfully argued the appeal in the *In re Amedisys Securities Litigation*.

In recognition of his achievements and legal excellence, *Law360* has twice named John a "Class Action MVP" (one of only four litigators selected nationally), and he was selected by legal publication *Lawdragon* to its exclusive list as one of the "500 Leading Lawyers in America." He





is ranked a New York *Super Lawyer* by Thomson Reuters, and is recommended by *Legal 500* for his work in securities litigation.

Prior to joining BLB&G, John was an attorney at Latham & Watkins, where he had a wide range of experience in commercial litigation, including defending corporate officers and directors in securities class actions and derivative suits, and representing major corporate clients in state and federal court litigations and arbitrations.

John has been a panelist at various continuing legal education programs offered by the American Law Institute (“ALI”) and has authored and co-authored numerous articles relating to securities litigation.

EDUCATION: James Madison University, B.A., Economics, *magna cum laude*, 1994. Cornell Law School, J.D., *cum laude*, 1998; Editor of the *Cornell Law Review*.

BAR ADMISSIONS: New York; U.S. District Court for the Southern District of New York; U.S. Courts of Appeals for the Second, Third and Fifth Circuits.

**AVI JOSEFSON** prosecutes securities fraud litigation for the firm’s institutional investor clients, and has participated in many of the firm’s significant representations, including *In re SCOR Holding (Switzerland) AG Securities Litigation*, which resulted in a recovery worth in excess of \$143 million for investors. He was also a member of the team that litigated the *In re OM Group, Inc. Securities Litigation*, which resulted in a settlement of \$92.4 million.

As a member of the firm’s new matter department, Avi counsels institutional clients on potential legal claims. He has presented argument in several federal and state courts, including an appeal he argued before the Delaware Supreme Court.

Avi is also actively involved in the M&A litigation practice, and represented shareholders in the litigation arising from the proposed acquisitions of Ceridian Corporation and Anheuser-Busch. A member of the firm’s subprime litigation team, he has participated in securities fraud actions arising from the collapse of subprime mortgage lender American Home Mortgage and the actions against Lehman Brothers, Citigroup and Merrill Lynch, arising from those banks’ multi-billion dollar loss from mortgage-backed investments. Avi has prosecuted actions against Deutsche Bank and Morgan Stanley arising from their sale of mortgage-backed securities, and is advising U.S. and foreign institutions concerning similar claims arising from investments in mortgage-backed securities.

Avi practices in the firm’s Chicago and New York offices.

EDUCATION: Brandeis University, B.A., *cum laude*, 1997. Northwestern University, J.D., 2000; *Dean’s List*; Justice Stevens Public Interest Fellowship (1999); Public Interest Law Initiative Fellowship (2000).

BAR ADMISSIONS: Illinois, New York; U.S. District Courts for the Southern District of New York and the Northern District of Illinois.

**JEROEN VAN KWAWEGEN** is one of America’s top shareholder litigators and serves as the co-head of the firm’s Department of Governance, focusing on the fiduciary duties of boards of directors and senior executives, including in the context of mergers and acquisitions, shareholder voting rights and shareholder activism, and board oversight. He is also the head of the firm’s European client development efforts and devotes a significant part of his practice to initial case evaluation and counseling the firm’s European institutional investor clients in all shareholder litigation matters, including securities class actions and fiduciary duty matters. Jeroen is one of the partners who oversees the firm’s Global Securities and Litigation Monitoring Team, which



monitors securities class and group actions around the world, and advises institutional clients on potential avenues for recovering damages in those actions.

Jeroen has been widely recognized within the legal industry for his accomplishments. Most recently, *Lawdragon* named Jeroen one of the “500 Leading Lawyers” in America in 2019 – the only shareholder litigator from Europe to receive that professional recognition. Jeroen has also been lauded by *The National Law Journal* as a “Plaintiffs’ Lawyers Trailblazer,” including him among the top 26 practitioners in the nation “who continue to make their mark in various aspects of legal work on the Plaintiffs’ side.” He has also been recognized as a leading practitioner in his field by *Legal 500* and *Super Lawyers*, and was named a New York “Rising Star” by Thomson Reuters.

Jeroen has served as lead counsel in securities class actions and in class and derivative actions involving breaches of fiduciary duty by boards of directors and senior executives in courts across the United States. Over the course of his career, Jeroen has recovered hundreds of millions of dollars for investors, improving corporate governance practices at numerous companies, and vindicating fundamental shareholder voting and franchise rights, including *Public Employees’ Ret. Sys. of Mississippi v. Merrill Lynch & Co.* (U.S. District Court for the Southern District of New York), *In re Pfizer Inc. Shareholder Derivative Litigation* (U.S. District Court for the Southern District of New York), *In re Starz Stockholder Litigation* (Delaware Chancery Court), and *Teamsters Local 443 Health Servs. & Ins. Plan v. Darden Restaurants, Inc.* (Florida Circuit Court).

Among other cases, Jeroen is currently prosecuting *In re Scana Corp. Securities Litigation* (U.S. District Court of South Carolina), *In re Symantec Corp. Securities Litigation* (U.S. District Court for the Northern District of California), *In re Qualcomm Inc. Securities Litigation* (U.S. District Court for the Southern District of California), *In re NVIDIA Corp. Securities Litigation* (U.S. District Court for the Northern District of California), *In re DXC Technology Co. Securities Litigation* (U.S. District Court for the Eastern District of Virginia), and *In re Synchrony Financial Corp. Securities Litigation* (U.S. District Court of Connecticut). In addition, Jeroen is prosecuting *In re Straight Path Communications Shareholder Litig.* (Delaware Chancery Court), *In re BGC Partners, Inc. Derivative Litigation* (Delaware Chancery Court), *In re Appraisal of Columbia Pipeline Group, Inc.* (Delaware Chancery Court), and *In re Sinclair Broadcast Corp. Derivative Litigation* (U.S. District Court of Maryland).

Jeroen is a frequent speaker at industry events on a wide range of corporate governance and securities related issues, and co-authored “Of Babies and Bathwater: Deterring Frivolous Stockholder Suits Without Closing the Courthouse Doors to Legitimate Claims” that was published in the *Delaware Journal of Corporate Law* (DJCL), Vol. 40, 2015.

Before joining BLB&G, Jeroen was a litigator at Latham & Watkins (New York) and Schut & Grosheide (Amsterdam).

EDUCATION: University of Amsterdam School of Law, LLM, 1998. Columbia University Law School, J.D., 2003; Harlan Fiske Stone Scholar.

BAR ADMISSIONS: New York; U.S. Courts of Appeals for the Second and Third Circuits; U.S. District Courts for the Eastern and Southern Districts of New York; U.S. District Court for the District of Colorado.

**MICHAEL D. BLATCHLEY**’s practice focuses on securities fraud litigation. He is currently a member of the firm’s new matter department in which he, along with a team of attorneys, financial analysts, forensic accountants, and investigators, counsels the firm’s clients on their legal claims.

Michael has also served as a member of the litigation teams responsible for prosecuting a number of the firm’s significant cases. For example, Michael was a key member of the team that



recovered \$150 million for investors in *In re JPMorgan Chase & Co. Securities Litigation*, a securities fraud class action arising out of misrepresentations and omissions concerning JPMorgan's Chief Investment Office, the company's risk management systems, and the trading activities of the so-called "London Whale." He was also a member of the litigation team in *In re Medtronic, Inc. Securities Litigation*, an action arising out of allegations that Medtronic promoted the Infuse bone graft for dangerous "off-label" uses, which resulted in an \$85 million recovery for investors. In addition, Michael prosecuted a number of cases related to the financial crisis, including several actions arising out of wrongdoing related to the issuance of residential mortgage-backed securities and other complex financial products.

Most recently, he was a member of the team that achieved a \$250 million recovery for investors in *In re Allergan, Inc. Proxy Violation Securities Litigation*, a precedent-setting case alleging unlawful insider trading by hedge fund billionaire Bill Ackman.

Michael was recently named to *Benchmark Litigation's* "40 & Under Hot List," which recognizes him as one the nation's most accomplished partners age 40 years and under.

While attending Brooklyn Law School, Michael held a judicial internship position for the Honorable David G. Trager, United States District Judge for the Eastern District of New York. In addition, he worked as an intern at The Legal Aid Society's Harlem Community Law Office, as well as at Brooklyn Law School's Second Look and Workers' Rights Clinics, and provided legal assistance to victims of Hurricane Katrina in New Orleans, Louisiana.

EDUCATION: University of Wisconsin, B.A., 2000. Brooklyn Law School, J.D., *cum laude*, 2007; Edward V. Sparer Public Interest Law Fellowship, William Payson Richardson Memorial Prize, Richard Elliott Blyn Memorial Prize, Editor for the *Brooklyn Law Review*, Moot Court Honor Society.

BAR ADMISSIONS: New York, New Jersey; U.S. District Courts for the Southern District of New York and the District of New Jersey; U.S. Court of Appeals for the Ninth Circuit.

**LAUREN MCMILLEN ORMSBEE** practices out of BLB&G's New York office, focusing on complex commercial and securities litigation.

Representing institutional and private investors in a variety of class and direct actions involving securities fraud and other fiduciary violations, she has successfully prosecuted multiple major litigations obtaining hundreds of millions of dollars in recoveries on behalf of the firm's clients.

Lauren has been an integral part of trial teams in numerous major actions, including: *In re HealthSouth Bondholder Litigation*, which obtained \$230 million for the HealthSouth bondholder Class; *In re Wilmington Trust Securities Litigation*, in which a \$210 million recovery was obtained for Wilmington Trust investors; *In re New Century Securities Litigation*, which resulted in \$125 million for its investors after the mortgage originator became one of the first casualties of the subprime crisis; *In re State Street Corporation Securities Litigation*, which obtained \$60 million in the wake of a series of alleged misrepresentations about the company's own internal portfolio; *Levy v. GT Advanced Technologies Inc.*, which resulted in a \$36.7 million recovery for GTAT investors; *In re Ambac Financial Group Securities Litigation*, which obtained \$33 million from the now-bankrupt insurer; *In re Altisource Portfolio Solutions, S.A. Securities Litigation*, which obtained \$32 million from the mortgage loan servicer; *In re Goldman Sachs Mortgage Pass-Through Litigation*, which obtained \$26.6 million for the benefit of the class of RMBS purchasers; and *Barron v. Union Bancaire Privée*, which recovered \$8.9 million on behalf of the class of investors harmed by investments with Bernard Madoff, among others.

A graduate of the University of Pennsylvania Law School, where she was an editor of the *Law Review*, following law school Lauren served as a law clerk for the Honorable Colleen McMahon of the Southern District of New York. Prior to joining the firm in 2007, she was a litigation





associate at Paul, Weiss, Rifkind, Wharton & Garrison LLP, where she had extensive experience in securities litigation and complex commercial litigation.

EDUCATION: Duke University, B.A., History, 1996. University of Pennsylvania Law School, J.D., *cum laude*, 2000; Research Editor for the *University of Pennsylvania Law Review*.

BAR ADMISSIONS: New York; U. S. District Courts for the Eastern and Southern Districts of New York; U.S. Courts of Appeals for the Second and Third Circuits.

## Of Counsel

**KURT HUNCIKER**, was formerly of counsel to the firm. Mr. Hunciker's practice was concentrated in complex business and securities litigation. Prior to joining BLB&G, Mr. Hunciker represented clients in a number of class actions and other actions brought under the federal securities laws and the Racketeer Influenced and Corrupt Organizations Act. He has also represented clients in actions brought under intellectual property laws, federal antitrust laws, and the common law governing business relationships.

Mr. Hunciker served as a member of the trial team for the *In re WorldCom, Inc. Securities Litigation* and, more recently, teams that prosecuted various litigations arising from the financial crisis, including *In re Citigroup, Inc. Bond Litigation*, *In re Wachovia Preferred Securities and Bond/Notes Litigation*, *In re MBIA Inc. Securities Litigation* and, *In re Ambac Financial Group, Inc. Securities Litigation*. Mr. Hunciker also was a member of the team that prosecuted the *In re Schering-Plough Corp./Enhance Securities Litigation* and *In re Merck & Co., Inc. Vytarin/Zetia Securities Litigation*.

EDUCATION: Stanford University, B.A.; Phi Beta Kappa. Harvard Law School, J.D., Founding Editor of the *Harvard Environmental Law Review*.

BAR ADMISSIONS: New York; U.S. District Courts for the Eastern and Southern Districts of New York; U.S. Courts of Appeals for the Second, Fourth and Ninth Circuits.

## SENIOR COUNSEL

**JOHN J. MILLS'** practice focuses on negotiating, documenting, and obtaining court approval of the firm's securities, merger, and derivative settlements. Over the past decade, John was actively involved in finalizing the following settlements, among others: *In re Wachovia Preferred Sec. and Bond/Notes Litig.* (S.D.N.Y.) (\$627 million settlement); *In re Wilmington Trust Sec. Litig.* (D. Del.) (\$210 million settlement); *In re Freeport-McMoRan Copper & Gold Inc. Derivative Litig.* (Del. Ch.) (\$153.75 million settlement); *Medina, et al. v. Clovis Oncology, Inc., et al.* (D. Colo.) (\$142 million settlement); *In re News Corp. S'holder Litig.* (Del. Ch.) (\$139 million recovery and corporate governance enhancements); *In re Mut. Funds Invest. Litig.* (MFS, Invesco, and Pilgrim Baxter Sub-Tracks) (D. Md.) (\$127.036 million total recovery); *Fresno County Employees' Ret. Ass'n, et al. v. comScore, Inc., et al.* (S.D.N.Y.) (\$110 million settlement); *In re El Paso Corp. S'holder Litig.* (Del. Ch.) (\$110 million settlement); *In re Starz Stockholder Litig.* (Del. Ch.) (\$92.5 million settlement); and *The Dep't of the Treasury of the State of New Jersey and its Div. of Invest. v. Cliffs Natural Res. Inc., et al.* (N.D. Ohio) (\$85 million settlement).



John received his J.D. from Brooklyn Law School, *cum laude*, where he was a Carswell Merit Scholar recipient and a member of *The Brooklyn Journal of International Law*. He received his B.A. from Duke University.

EDUCATION: Duke University, B.A., 1997. Brooklyn Law School, J.D., *cum laude*, 2000; Member of *The Brooklyn Journal of International Law*; Carswell Merit Scholar recipient.

BAR ADMISSIONS: New York; U.S. District Courts for the Eastern and Southern Districts of New York.

## ASSOCIATES

**KATE AUFSES** prosecutes securities fraud, corporate governance and shareholder rights litigation out of the firm's New York office. She is currently a member of the teams prosecuting securities class actions against Facebook, Inc., Frontier Communications Corporation and Volkswagen AG – which recently resulted in a recovery of \$48 million for Volkswagen investors, among others.

In addition to her direct litigation responsibilities, Kate is also a member of the firm's Global Securities and Litigation Monitoring Team, which monitors global equities traded in non-U.S. jurisdictions on prospective and pending international securities matters, and provides critical analysis of options to recover losses incurred on securities purchased in non-U.S. markets.

Prior to joining the firm, Kate was an associate at Hughes Hubbard & Reed, where she worked on complex commercial litigation. Prior to graduating law school, she also served as a judicial intern for the Honorable Jack B. Weinstein.

EDUCATION: Kenyon College, B.A., English, *magna cum laude*, 2008. University of Cambridge, MPhil, American Literature, 2009. University of Cambridge, MPhil, History of Art, 2010. University of Michigan Law School, J.D., 2015; Managing Symposium Editor, *Michigan Journal of Law Reform*.

BAR ADMISSIONS: New York; U.S. District Courts for the Eastern and Southern Districts of New York.

**MICHAEL MATHAI**'s practice focuses on securities fraud, corporate governance and shareholder rights litigation.

Prior to joining the firm, Michael was a litigation associate at O'Melveny & Myers LLP, where he represented financial services and other companies in securities class action, shareholder rights, antitrust, and commercial litigation matters in state and federal court. He also gained considerable experience representing companies and individuals in investigations and inquiries by regulatory bodies including the SEC, DOJ, FTC, and FINRA.

He is currently a member of the teams prosecuting securities class actions against Wells Fargo & Company, Signet Jewelers Limited, CenturyLink, Inc., and Henry Schein, Inc., among others.

EDUCATION: Harvard University, A.B., *cum laude*, 2006, Economics. London School of Economics and Political Science, 2008, M.Sc., Economics. Columbia Law School, J.D., 2012; Harlan Fiske Stone Scholar.

BAR ADMISSION: New York.

**ROSS SHIKOWITZ** (former associate) focused his practice on securities litigation. He was a member of the firm’s new matter department, in which he, as part of a team of attorneys, financial analysts, and investigators, counsels institutional clients on potential legal claims.

Ross had also served as a member of the litigation teams responsible for successfully prosecuting a number of the firm’s significant cases involving wrongdoing related to the securitization and sale of residential mortgage-backed securities (“RMBS”) and had recovered hundreds of millions of dollars on behalf of injured investors. He successfully represented Allstate Insurance Co., Metropolitan Life Insurance Company, Teachers Insurance and Annuity Association of America, Bayerische Landesbank, Dexia SA/NV, Sealink Funding Limited, and Landesbank Baden-Württemberg against various issuers of RMBS in both state and federal courts.

Ross served as a member of the litigation team prosecuting the securities fraud class action against Volkswagen AG, which recently resulted in a recovery of \$48 million for Volkswagen investors and arose out of Volkswagen’s illegal use of defeat devices in millions of purportedly clean diesel cars to cheat emissions standards worldwide. He also served as a member of the team litigating the securities class action concerning GT Advanced Technologies Inc., which alleges that defendants knew that the company’s \$578 million deal to supply Apple, Inc. with product was an onerous and massively one-sided agreement that allowed GT executives to sell millions worth of stock. The case concerning GT has resulted in \$36.7 million in recoveries to date.

For his accomplishments, Ross was consistently named by *Super Lawyers* as a New York “Rising Star” in the area of securities litigation.

While in law school, Ross was a research assistant to Brooklyn Law School Professor of Law Emeritus Norman Poser, a widely respected expert in international and domestic securities regulation. He also served as a judicial intern to the Honorable Brian M. Cogan of the Eastern District of New York, and as a legal intern for the Major Narcotics Investigations Bureau of the Kings County District Attorney’s Office.

EDUCATION: Brooklyn Law School, J.D., 2010, *magna cum laude*, Notes/Comments Editor, *Brooklyn Law Review*; Moot Court Honor Society; Order of Barristers Certificate; CALI Excellence for the Future Award in Products Liability, Professional Responsibility. Indiana University-Bloomington, M.M, Music, 2005. Skidmore College, B.A., Music, 2003, *cum laude*.

BAR ADMISSIONS: New York; U.S. District Court, Southern District of New York; U.S. District Court, Eastern District of New York.

**CATHERINE E. VAN KAMPEN**’s practice concentrates on class action settlement administration. She has extensive experience in complex litigation and litigation management, having overseen attorney teams in many of the firm’s most high-profile cases. Fluent in Dutch, she has served as the lead investigator and led discovery efforts in actions involving international corporations and financial institutions headquartered in Belgium and the Netherlands.

Prior to joining BLB&G, Catherine focused on complex litigation initiated by institutional investors and the Federal Government. She has worked on litigation and investigations related to regulatory enforcement actions, corporate governance and compliance matters as well as conducted extensive discovery in English and Dutch in cross-border litigation.

A committed humanitarian, Catherine was honored as the 2018 Ambassador Medalist at the New Jersey Governor’s Jefferson Awards for Outstanding Public Service for her international humanitarian and *pro bono* work with refugees. The Jefferson Awards, issued by the Jefferson Awards Foundation that was founded by Jacqueline Kennedy Onassis, are awarded by state governors and are considered America’s highest honor for public service bestowed by the United



States Senate. Catherine was also honored in Princeton, New Jersey by her high school alma mater, Stuart Country Day School, in its 2018 Distinguished Alumnae Gallery for her humanitarian and *pro bono* efforts on behalf of women and children afflicted by war in Iraq and Syria.

Catherine clerked for the Honorable Mary M. McVeigh in the Superior Court of New Jersey where she was also trained as a court-certified mediator. While in law school she was a legal intern at the Center for Social Justice's Immigration Law Clinic at Seton Hall University School of Law.

EDUCATION: Indiana University, B.A., Political Science, 1988. Seton Hall University School of Law, J.D., 1998.

BAR ADMISSIONS: New York, New Jersey.

LANGUAGES: Dutch, German.

## STAFF ATTORNEYS

**NIDAL ABDELJAWAD** has worked on several matters at BLB&G, including *In re SCANA Corporation Securities Litigation* and *Hefler et al. v. Wells Fargo & Company et al.*

Prior to joining the firm, Nidal was an assistant project manager and contract attorney on several complex litigations.

EDUCATION: Pace University, B.A., *cum laude*, 2003. New York Law School, J.D., 2010.

BAR ADMISSIONS: New York, New Jersey.

**ERIC BLANCO** has worked on several matters at BLB&G, including *In re SCANA Corporation Securities Litigation*, *Hefler et al. v. Wells Fargo & Company et al.* and *Fresno County Employees' Retirement Association v. comScore, Inc.* Eric also worked with BLB&G on behalf of co-counsel on *In re MF Global Holdings Limited Securities Litigation*.

Prior to joining the firm in 2017, Eric was a staff attorney at Bleichmar, Fonti & Auld LLP and Labaton Sucharow LLP, where he worked on complex securities fraud litigations.

EDUCATION: Boston College, B.A., *cum laude*. Fordham University School of Law, J.D.

BAR ADMISSIONS: New York.

**GIROLAMO BRUNETTO** has worked on numerous matters at BLB&G, including *In re Altisource Portfolio Solutions, S.A., Securities Litigation*, *In re Genworth Financial Inc. Securities Litigation*, *In re Facebook, Inc., IPO Securities and Derivative Litigation* and *In re JPMorgan Chase & Co. Securities Litigation*. Girolamo also works on the settlement of class actions and other complex litigation and the administration of class action settlements.

Prior to joining the firm in 2014, Girolamo was a volunteer assistant attorney general in the Investor Protection Bureau at the New York State Office of the Attorney General.

EDUCATION: University of Florida, B.S.B.A. and B.A., *cum laude*, May 2007. New York Law School, J.D., *cum laude*, 2011.



BAR ADMISSIONS: New York.

**RYAN CANDEE** has worked on numerous matters at BLB&G, including *In re Salix Pharmaceuticals, Ltd. Securities Litigation*, *In re Allergan, Inc. Proxy Violation Securities Litigation*, *West Palm Beach Police Pension Fund v. DFC Global Corp.*, *General Motors Securities Litigation*, *In re Bank of New York Mellon Corp. Forex Transactions Litigation*, *In re State Street Corporation Securities Litigation*, *SMART Technologies, Inc. Shareholder Litigation* and *In re Citigroup Inc. Bond Litigation*.

Prior to joining the firm in 2011, Ryan was an associate at Dorsey & Whitney and a staff attorney at Kaplan Fox & Kilsheimer LLP.

EDUCATION: University of Minnesota, B.A., 1994. New York University School of Law, J.D., 2002.

BAR ADMISSIONS: New York.

**BRIAN CHAU** has worked on numerous matters at BLB&G, including *City of Sunrise General Employees' Retirement Plan v. FleetCor Technologies, Inc., et al*, *In re Akorn, Inc., Securities Litigation*, *In re SCANA Corporation Securities Litigation*, *St. Paul Teachers' Retirement Fund Association v. HeartWare International, Inc.*, *Hefler et al. v. Wells Fargo & Company et al.*, *In re Salix Pharmaceuticals, Ltd. Securities Litigation*, *In re Genworth Financial Inc. Securities Litigation*, *In re Facebook, Inc., IPO Securities and Derivative Litigation*, *In re MF Global Holdings Limited Securities Litigation*, *SMART Technologies, Inc. Shareholder Litigation* and *In re Bank of America Securities Litigation*.

Prior to joining the firm in 2010, Brian was an associate at Conway & Conway where he worked on securities litigation on behalf of individual investors.

EDUCATION: New York University, Stern School of Business, B.S., 2003. Fordham University School of Law, J.D., 2006.

BAR ADMISSIONS: New York.

**UJU CHUKWUANU** has worked on several matters at BLB&G, including *Lehigh County Employees' Retirement System v. Novo Nordisk A/S et al* and *In re SCANA Corporation Securities Litigation*.

Prior to joining the firm, Uju was an attorney at Lehman Brothers Holdings Inc. (in Estate), where she worked on litigation involving disputed collateral and derivatives portfolio valuations.

EDUCATION: University of Nigeria, Enugu Campus, LL.B., Honors, *cum laude*, 2001. Nigerian Law School Abuja, Nigeria, B.L., Honors, 2002. The University of Texas School of Law at Austin, LL.M., 2009.

BAR ADMISSIONS: New York.

**LAUREN CORMIER** has worked on numerous cases at BLB&G, including *In re Wilmington Trust Securities Litigation*, *In re MF Global Holdings Limited Securities Litigation* and *In re Merck & Co., Inc. Securities Litigation (VIOXX-related)*.



Prior to joining the Firm in 2013, Lauren was a staff attorney at Brower Piven where she worked on securities litigation.

EDUCATION: University of Richmond, B.A., *cum laude*, 2002. St. John' s University School of Law, J.D., 2010.

BAR ADMISSIONS: New York.

**MICHAEL D'ARCY** has worked on *In re SCANA Corporation Securities Litigation*.

Prior to joining the firm, Michael was a contract attorney where he worked on complex litigations. Previously, Michael was a staff attorney at Labaton Sucharow where he worked on class action litigation involving residential and commercial mortgage backed securities.

EDUCATION: Hunter College, B.A., *summa cum laude*, Phi Beta Kappa, 1992. New York Law School, J.D., 1996.

BAR ADMISSIONS: New York.

**GEORGE DOUMAS** has worked on numerous matters at BLB&G, including *City of Sunrise General Employees' Retirement Plan v. FleetCor Technologies, Inc., et al*, *In re SCANA Corporation Securities Litigation*, *St. Paul Teachers' Retirement Fund Association v. HeartWare International, Inc.*, *Hefler et al. v. Wells Fargo & Company et al.*, *In re NII Holdings, Inc. Securities Litigation*, *General Motors Securities Litigation*, *In re Bank of New York Mellon Corp. Forex Transactions Litigation*, *JPMorgan Mortgage Pass-Through Litigation*, *In re Citigroup Inc. Bond Litigation*, *In re Huron Consulting Group, Inc. Securities Litigation* and *In re Bristol-Myers Squibb Co. Securities Litigation*.

Prior to joining the firm in 2008, George was a contract attorney for several law firms, where he worked on investigations relating to subprime mortgages and collateralized debt obligations, and other complex litigation. George began his career representing clients in civil and bankruptcy matters.

EDUCATION: St. John' s University, B.S., Accounting, 1994. Southern New England School of Law, J.D., 1997.

BAR ADMISSIONS: Maryland, Massachusetts.

**MAVIS FOWLER-WILLIAMS** has worked on several matters at BLB&G, including *In re SCANA Corporation Securities Litigation* and *Hefler et al. v. Wells Fargo & Company et al.*

Prior to joining the firm, Mavis worked as a contract attorney on numerous complex litigations, including securities matters. Previously, Mavis was a senior attorney with several organizations, including Partner at Anderson Kill Olick & Oshinsky.

EDUCATION: Columbia University, School of Engineering and Applied Science, B.S., 1983. Columbia University, School of Law, J.D., 1987.

BAR ADMISSIONS: New York.

**ROBERT JEFFREY POWELL** has worked on numerous matters at BLB&G, including *Hefler et al. v. Wells Fargo & Company et al.*, *Bach v. Amedisys, Inc.*, *Fernandez, et al v. UBS AG, et al* (" *UBS Puerto Rico Bonds* " ), *In re Salix Pharmaceuticals, Ltd. Securities Litigation*, *In re Green*





*Mountain Coffee Roasters, Inc. Securities Litigation, In re Genworth Financial Inc. Securities Litigation, In re Bank of New York Mellon Corp. Forex Transactions Litigation, Bear Stearns Mortgage Pass-Through Litigation, Cambridge Place Investment Management Inc. v. Morgan Stanley & Co., Inc., et al., SMART Technologies, Inc. Shareholder Litigation and In re Citigroup Inc. Bond Litigation.*

Prior to joining the firm in 2011, Jeff was a litigation associate at Pillsbury Winthrop LLP and Constantine Cannon LLP.

EDUCATION: University of the South, B.A., *magna cum laude*, 1992; Phi Beta Kappa. Harvard Law School, J.D., 2001.

BAR ADMISSIONS: New York.

**JUSTIN RATLIFF** has worked on several matters at BLB&G, including *Lord Abbett Affiliated Fund, Inc., et al v. Navient Corporation, et al* and *In re SCANA Corporation Securities Litigation*.

Prior to joining the firm, Justin was an attorney at Selendy & Gay PLLC. Previously, Justin was an associate at Meloni & McCaffrey.

EDUCATION: North Carolina State University, B.A., 2009. North Carolina Central University, J.D., 2014.

BAR ADMISSIONS: New York.

**PRASHANTHA RATNAYAKE** has worked on numerous matters at BLB&G, including *In re SCANA Corporation Securities Litigation, In re Salix Pharmaceuticals, Ltd. Securities Litigation, In re Kinder Morgan Energy Partnership, L.P. Derivative Litigation* and *In re Wilmington Trust Securities Litigation*.

Prior to joining the firm in 2014, Prash was a contract attorney at Quinn Emmanuel Urquhart & Sullivan, LLP and Cohen Milstein Sellers & Toll PLLC.

EDUCATION: Sri Lanka Law College (School of Law) Attorneys-at-Law, December 1993. Benjamin N. Cardozo School of Law, LL.M., January 2002.

BAR ADMISSIONS: New York.

**KIT WONG** has worked on numerous matters at BLB&G, including *In re SCANA Corporation Securities Litigation, In re Allergan, Inc. Proxy Violation Securities Litigation, In re Wilmington Trust Securities Litigation* and *In re Merck & Co., Inc. Securities Litigation (VIOXX-related)*.

Prior to joining the firm in 2012, Kit was staff attorney at Labaton Sucharow LLP.

EDUCATION: City College of New York, B.A., *magna cum laude*, 1994; Phi Beta Kappa. New York Law School, J.D., 1999.

BAR ADMISSIONS: New York.

# **Exhibit 6**



**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(COLUMBIA DIVISION)**

*In re SCANA Corporation Securities  
Litigation*

Civil Action No. 3:17-CV-2616-MBS

CLASS ACTION

**DECLARATION OF JAMES W. JOHNSON IN SUPPORT OF LEAD COUNSEL’S  
MOTION FOR ATTORNEYS’ FEES AND LITIGATION EXPENSES  
FILED ON BEHALF OF LABATON SUCHAROW LLP**

I, James W. Johnson, hereby declare under penalty of perjury as follows:

1. I am a partner of the law firm of Labaton Sucharow LLP (“Labaton Sucharow”).<sup>1</sup> My firm serves as Lead Counsel for Lead Plaintiffs and the Settlement Class in the above-captioned action (the “Action”). I submit this declaration in support of Lead Counsel’s application for an award of attorneys’ fees in connection with services rendered in the Action, as well as for payment of litigation expenses incurred in connection with the Action. I have personal knowledge of the facts set forth herein and, if called upon, could and would testify thereto.

2. My firm, as one of the Lead Counsel firms, was involved in all aspects of the prosecution and settlement of the Action, as set forth in the Joint Declaration of John C. Browne and James W. Johnson in Support of (I) Lead Plaintiffs’ Motion for Final Approval of Class Action Settlement and Plan of Allocation and (II) Lead Counsel’s Motion for Award of Attorneys’ Fees and Litigation Expenses, submitted herewith.

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<sup>1</sup> Unless otherwise defined in this Declaration, all capitalized terms have the meanings set out in the Stipulation and Agreement of Settlement, dated December 20, 2019 (ECF No. 214-2).

3. The schedule attached hereto as Exhibit A is a detailed summary indicating the amount of time spent by attorneys and professional support staff employees of my firm who, from inception of the Action through and including March 31, 2020, devoted ten or more hours to the Action, and the lodestar calculation for those individuals based on my firm's current hourly rates. For personnel who are no longer employed by my firm, the lodestar calculation is based upon the hourly rates for such personnel in his or her final year of employment by my firm. The schedule was prepared from daily time records regularly prepared and maintained by my firm. No time expended on the application for fees and expenses has been included.

4. The hourly rates shown in Exhibit A are the current rates set by the firm for each individual. The hourly rates are comparable to rates accepted by courts for lodestar cross-checks in other securities class action litigation fee applications.

5. After the deduction noted above, the total number of hours expended on this Action by my firm from its inception through and including March 31, 2020, is 16,697.1. The total lodestar for my firm for that period is \$8,540,972.00.

6. My firm's lodestar figures are based upon the firm's hourly rates, which do not include expense items. Expense items are recorded separately, and these amounts are not duplicated in my firm's hourly rates.

7. As detailed in Exhibit B, my firm is seeking payment for a total of \$334,246.34 in expenses incurred from inception of the Action through and including April 15, 2020.

8. The Litigation Expenses reflected in Exhibit B are the actual expenses or reflect "caps" based on the application of the following criteria:

(a) Out-of-town travel – airfare is at coach rates; hotel charges per night are capped at \$350 for higher-cost cities and \$250 for lower-cost cities (the relevant cities and how they are categorized are reflected on Exhibit B); and meals are capped at \$25 per

person for breakfast, \$35 per person for lunch, \$75 per person for dinner, and at cost for in-room hotel meals.

(b) Out-of-Office Working Meals – capped at \$25 per person for breakfast, \$35 per person for lunch, and \$75 per person for dinner.

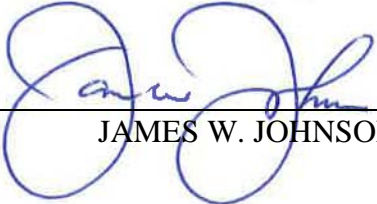
(c) In-Office Working Meals – capped at \$20 per person for lunch and \$30 per person for dinner.

(d) Internal Copying/Printing – charged at \$0.20 per page for black & white copies, and \$0.40 per page for color copies.

(e) On-Line Research – charges reflected are for out-of-pocket payments to the vendors for research done in connection with this Action. On-line research is billed to each case based on a set charge by the vendor. There are no administrative charges by my firm included in these figures.

9. With respect to the standing of my firm, attached hereto as Exhibit C is a firm résumé, which includes information about my firm and biographical information concerning its partners and of counsel.

I declare, under penalty of perjury, that the foregoing facts are true and correct. Executed on April 22, 2020.

  
\_\_\_\_\_  
JAMES W. JOHNSON

## **Exhibit A**

**EXHIBIT A**

*In re SCANA Corporation Securities Litigation*  
Civil Action No. 3:17-CV-2616-MBS

**LABATON SUCHAROW LLP****TIME REPORT**

Inception through and including March 31, 2020

<b>NAME</b>	<b>HOURS</b>	<b>HOURLY RATE</b>	<b>LODESTAR</b>
<b>Partners</b>			
Keller, C.	121.0	\$1,100	\$133,100.00
Johnson, J.	1,017.5	\$1,075	\$1,093,812.50
Zeiss, N.	54.1	\$950	\$51,395.00
Rogers, M.	329.5	\$895	\$294,902.50
Vasilchenko, I.	1,747.7	\$800	\$1,398,160.00
McConville, F.	171.1	\$775	\$132,602.50
<b>Of Counsel</b>			
Rosenberg, E.	68.5	\$775	\$53,087.50
McGovern, J.	50.0	\$775	\$38,750.00
Esmay, J.	23.8	\$725	\$17,255.00
<b>Associates</b>			
Cividini, D.	218.6	\$625	\$136,625.00
Schmidt, M.	215.1	\$500	\$107,550.00
Christie, J.	964.4	\$475	\$458,090.00
Halloran, J.	160.9	\$475	\$76,427.50
Hane, C.	457.6	\$465	\$212,784.00
Leggio, P.	1,741.0	\$450	\$783,450.00
<b>Staff Attorneys</b>			
Gill, C.	1,055.7	\$410	\$432,837.00
Pospischil, D.	882.3	\$410	\$361,743.00
Dolinger, L.	875.7	\$410	\$359,037.00
Whitfield, L.	874.7	\$410	\$358,627.00
Davis, O.	677.1	\$390	\$264,069.00

<b>NAME</b>	<b>HOURS</b>	<b>HOURLY RATE</b>	<b>LODESTAR</b>
Kussin, T.	142.5	\$390	\$55,575.00
Patrikios, P.	1,166.6	\$360	\$419,976.00
Haque, N.	2,416.5	\$335	\$809,527.50
<b>Research Analysts</b>			
Ahn, E.	21.9	\$340	\$7,446.00
Rivera, E.	21.0	\$290	\$6,090.00
O'Neill, G.	37.7	\$175	\$6,597.50
<b>Investigators</b>			
Pontrelli, J.	252.5	\$550	\$138,875.00
Wroblewski, R.	31.0	\$450	\$13,950.00
Crowley, M.	171.4	\$435	\$74,559.00
<b>Paralegals</b>			
Mundo, S.	556.3	\$335	\$186,360.50
Schneider, P.	51.7	\$335	\$17,319.50
Boria, C.	33.2	\$335	\$11,122.00
Chan-Lee, E.	29.0	\$335	\$9,715.00
Rogers, D.	21.7	\$335	\$7,269.50
Molloy, M.	26.0	\$325	\$8,450.00
Alayo, J.	11.8	\$325	\$3,835.00
<b>TOTALS</b>	<b>16,697.1</b>		<b>\$8,540,972.00</b>

## **Exhibit B**

**EXHIBIT B**

*In re SCANA Corporation Securities Litigation*  
Civil Action No. 3:17-CV-2616-MBS

**LABATON SUCHAROW LLP****EXPENSE REPORT**

Inception through and including April 15, 2020

<b>CATEGORY</b>	<b>AMOUNT</b>
On-Line Legal/Factual Research	\$21,676.15
Long Distance Telephone/Conference Calls	\$678.48
Postage/Express Mail/Hand Delivery Charges	\$1,020.45
Local Work-Related Transportation	\$8,593.07
Copying/Printing Costs	\$33,746.50
Out of Town Travel*	\$30,473.58
Local Work-Related Meals	\$5,066.27
Court Reporting & Transcripts	\$10,824.65
Experts - Damages/Loss Causation	\$139,885.55
Filing Fees	\$120.00
Litigation Support	\$60,061.64
Mediation	\$22,100.00
<b>TOTAL EXPENSES:</b>	<b>\$334,246.34</b>

\* Travel includes lodging for Labaton Sucharow employees in the following higher-cost cities capped at \$350 per night: New York, NY; Vancouver, BC; Palm Beach, FL and Arlington, VA and the following lower-cost cities capped at \$250 per night: Charleston, WV and Columbia, SC. It also includes an estimate of \$1,790.00 for one attorney to travel to the Settlement Fairness Hearing, in the event in-person attendance is required. If attendance is not required, these estimated costs will not be paid to Labaton Sucharow.



## **Exhibit C**

**EXHIBIT C**

*In re SCANA Corporation Securities Litigation*  
Civil Action No. 3:17-CV-2616-MBS

**LABATON SUCHAROW LLP**

**FIRM RESUME**



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# Firm Resume

## Securities Class Action Litigation

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New York, NY | Wilmington, DE | Washington, D.C.

[www.labaton.com](http://www.labaton.com)



## Table of Contents

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About the Firm .....	1
Notable Successes .....	2
Lead Counsel Appointments in Ongoing Litigation .....	6
Innovative Legal Strategy .....	7
Appellate Advocacy and Trial Experience .....	8
Our Clients .....	9
Awards and Accolades.....	10
Community Involvement .....	11
Firm Commitments .....	11
Individual Attorney Commitments .....	12
Commitment to Diversity.....	13
Securities Litigation Attorneys.....	14

## About the Firm

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Founded in 1963, Labaton Sucharow LLP has earned a reputation as one of the leading plaintiffs' firms in the United States. We have recovered more than \$12 billion and secured corporate governance reforms on behalf of the nation's largest institutional investors, including public pension and Taft-Hartley funds, hedge funds, investment banks, and other financial institutions. These recoveries include more than \$1 billion in *In re American International Group, Inc. Securities Litigation*, \$671 million in *In re HealthSouth Securities Litigation*, \$624 million in *In re Countrywide Financial Corporation Securities Litigation*, and \$473 million in *In re Schering-Plough/ENHANCE Securities Litigation*.

As a leader in the field of complex litigation, the Firm has successfully conducted class, mass, and derivative actions in the following areas: securities; antitrust; financial products and services; corporate governance and shareholder rights; mergers and acquisitions; derivative; REITs and limited partnerships; consumer protection; and whistleblower representation.

Along with securing newsworthy recoveries, the Firm has a track record for successfully prosecuting complex cases from discovery to trial to verdict. In court, as *Law360* has noted, our attorneys are known for "fighting defendants tooth and nail." Our appellate experience includes winning appeals that increased settlement value for clients, and securing a landmark 2013 U.S. Supreme Court victory benefitting all investors by reducing barriers to the certification of securities class action cases.

Our Firm is equipped to deliver results with a robust infrastructure of more than 60 full-time attorneys, a dynamic professional staff, and innovative technological resources. Labaton Sucharow attorneys are skilled in every stage of business litigation and have challenged corporations from every sector of the financial markets. Our professional staff includes paralegals, financial analysts, e-discovery specialists, a certified public accountant, a certified fraud examiner, and a forensic accountant. With seven investigators, including former members of federal and state law enforcement, we have one of the largest in-house investigative teams in the securities bar. Managed by a law enforcement veteran who spent 12 years with the FBI, our internal investigative group provides us with information that is often key to the success of our cases.

Outside of the courtroom, the Firm is known for its leadership and participation in investor protection organizations, such as the Council for Institutional Investors, World Federation of Investors, National Association of Shareholder and Consumer Attorneys, as well as serving as a patron of the John L. Weinberg Center for Corporate Governance of the University of Delaware. The Firm shares these groups' commitment to a market that operates with greater transparency, fairness, and accountability.

Labaton Sucharow has been consistently ranked as a top-tier firm in leading industry publications such as *Chambers & Partners USA*, *The Legal 500*, and *Benchmark Litigation*. For the past decade, the Firm was listed on *The National Law Journal's* Plaintiffs' Hot List and was inducted to the Hall of Fame for successive honors. The Firm has also been featured as one of *Law360's* Most Feared Plaintiffs Firms and Class Action and Securities Law Practice Groups of the Year.

Visit [www.labaton.com](http://www.labaton.com) for more information about our Firm.

## Securities Class Action Litigation

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Labaton Sucharow is a leader in securities litigation and a trusted advisor to more than 300 institutional investors. Since the passage of the Private Securities Litigation Reform Act of 1995 (PSLRA), the Firm has recovered more than \$9 billion in the aggregate for injured investors through securities class actions prosecuted throughout the United States and against numerous public corporations and other corporate wrongdoers.

These notable recoveries would not be possible without our exhaustive case evaluation process. The Firm has developed a proprietary system for portfolio monitoring and reporting on domestic and international securities litigation, and currently provides these services to more than 300 institutional investors, which manage collective assets of more than \$2 trillion. The Firm's in-house licensed investigators also gather crucial details to support our cases, whereas other firms rely on outside vendors, or conduct no confidential investigation at all.

As a result of our thorough case evaluation process, our securities litigators can focus solely on cases with strong merits. The benefits of our selective approach are reflected in the low dismissal rate of the securities cases we pursue, which is well below the industry average. Over the past decade, we have successfully prosecuted headline-making class actions against AIG, Countrywide, Fannie Mae, and Bear Stearns, among others.

### Notable Successes

Labaton Sucharow has achieved notable successes in financial and securities class actions on behalf of investors, including the following:

- ***In re American International Group, Inc. Securities Litigation, No. 04-cv-8141 (S.D.N.Y.)***

In one of the most complex and challenging securities cases in history, Labaton Sucharow secured more than \$1 billion in recoveries on behalf of lead plaintiff Ohio Public Employees' Retirement System in a case arising from allegations of bid rigging and accounting fraud. To achieve this remarkable recovery, the Firm took over 100 depositions and briefed 22 motions to dismiss. The settlement entailed a \$725 million settlement with American International Group (AIG), \$97.5 million settlement with AIG's auditors, \$115 million settlement with former AIG officers and related defendants, and an additional \$72 million settlement with General Reinsurance Corporation, which was approved by the Second Circuit on September 11, 2013.

- ***In re Countrywide Financial Corp. Securities Litigation, No. 07-cv-05295 (C.D. Cal.)***

Labaton Sucharow, as lead counsel for the New York State Common Retirement Fund and the five New York City public pension funds, sued one of the nation's largest issuers of mortgage loans for credit risk misrepresentations. The Firm's focused investigation and discovery efforts uncovered incriminating evidence that led to a \$624 million settlement for investors. On February 25, 2011, the court granted final approval to the settlement, which is one of the top 20 securities class action settlements in the history of the PSLRA.

- ***In re HealthSouth Corp. Securities Litigation, No. 03-cv-01500 (N.D. Ala.)***

Labaton Sucharow served as co-lead counsel to New Mexico State Investment Council in a case stemming from one of the largest frauds ever perpetrated in the healthcare industry. Recovering \$671 million for the class, the settlement is one of the top 15 securities class action settlements of all

time. In early 2006, lead plaintiffs negotiated a settlement of \$445 million with defendant HealthSouth. On June 12, 2009, the court also granted final approval to a \$109 million settlement with defendant Ernst & Young LLP. In addition, on July 26, 2010, the court granted final approval to a \$117 million partial settlement with the remaining principal defendants in the case, UBS AG, UBS Warburg LLC, Howard Capek, Benjamin Lorello, and William McGahan.

- ***In re Schering-Plough/ENHANCE Securities Litigation, No. 08-cv-00397 (D. N.J.)***

As co-lead counsel, Labaton Sucharow obtained a \$473 million settlement on behalf of co-lead plaintiff Massachusetts Pension Reserves Investment Management Board. After five years of litigation, and three weeks before trial, the settlement was approved on October 1, 2013. This recovery is one of the largest securities fraud class action settlements against a pharmaceutical company. The Special Masters' Report noted, "**the outstanding result achieved for the class is the direct product of outstanding skill and perseverance by Co-Lead Counsel...no one else...could have produced the result here—no government agency or corporate litigant to lead the charge and the Settlement Fund is the product solely of the efforts of Plaintiffs' Counsel.**"

- ***In re Waste Management, Inc. Securities Litigation, No. H-99-2183 (S.D. Tex.)***

In 2002, the court approved an extraordinary settlement that provided for recovery of \$457 million in cash, plus an array of far-reaching corporate governance measures. Labaton Sucharow represented lead plaintiff Connecticut Retirement Plans and Trust Funds. At that time, this settlement was the largest common fund settlement of a securities action achieved in any court within the Fifth Circuit and the third largest achieved in any federal court in the nation. Judge Harmon noted, among other things, that Labaton Sucharow "**obtained an outstanding result by virtue of the quality of the work and vigorous representation of the class.**"

- ***In re General Motors Corp. Securities Litigation, No. 06-cv-1749 (E.D. Mich.)***

As co-lead counsel in a case against automotive giant, General Motors (GM), and Deloitte & Touche LLP (Deloitte), its auditor, Labaton Sucharow obtained a settlement of \$303 million—one of the largest settlements ever secured in the early stages of a securities fraud case. Lead plaintiff Deka Investment GmbH alleged that GM, its officers, and its outside auditor overstated GM's income by billions of dollars, and GM's operating cash flows by tens of billions of dollars, through a series of accounting manipulations. The final settlement, approved on July 21, 2008, consisted of a cash payment of \$277 million by GM and \$26 million in cash from Deloitte.

- ***Arkansas Teacher Retirement System v. State Street Corp., No. 11-cv-10230 (D. Mass)***

Labaton Sucharow served as lead counsel for the plaintiff Arkansas Teacher Retirement System (ATRS) in this securities class action against Boston-based financial services company, State Street Corporation (State Street). On November 2, 2016, the court granted final approval of the \$300 million settlement with State Street. The plaintiffs claimed that State Street, as custodian bank to a number of public pension funds, including ATRS, was responsible for foreign exchange (FX) trading in connection with its clients global trading. Over a period of many years, State Street systematically overcharged those pension fund clients, including Arkansas, for those FX trades.

- ***Wyatt v. El Paso Corp., No. H-02-2717 (S.D. Tex.)***

Labaton Sucharow secured a \$285 million class action settlement against the El Paso Corporation on behalf of co-lead plaintiff, an individual. The case involved a securities fraud stemming from the company's inflated earnings statements, which cost shareholders hundreds of millions of dollars during a four-year span. On March 6, 2007, the court approved the settlement and also commended the

efficiency with which the case had been prosecuted, particularly in light of the complexity of the allegations and the legal issues.

- ***In re Bear Stearns Cos., Inc. Securities, Derivative & ERISA Litigation, No. 08-cv-2793 (S.D.N.Y.)***

Labaton Sucharow served as co-lead counsel, representing lead plaintiff, the State of Michigan Retirement Systems, and the class. The action alleged that Bear Stearns and certain officers and directors made misstatements and omissions in connection with Bear Stearns' financial condition, including losses in the value of its mortgage-backed assets and Bear Stearns' risk profile and liquidity. The action further claimed that Bear Stearns' outside auditor, Deloitte & Touche LLP, made misstatements and omissions in connection with its audits of Bear Stearns' financial statements for fiscal years 2006 and 2007. Our prosecution of this action required us to develop a detailed understanding of the arcane world of packaging and selling subprime mortgages. Our complaint has been called a "tutorial" for plaintiffs and defendants alike in this fast-evolving area. After surviving motions to dismiss, on November 9, 2012, the court granted final approval to settlements with the Bear Stearns defendants for \$275 million and with Deloitte for \$19.9 million.

- ***In re Massey Energy Co. Securities Litigation, No. 10-CV-00689 (S.D. W.Va.)***

As co-lead counsel representing the Commonwealth of Massachusetts Pension Reserves Investment Trust, Labaton Sucharow achieved a \$265 million all-cash settlement in a case arising from one of the most notorious mining disasters in U.S. history. On June 4, 2014, the settlement was reached with Alpha Natural Resources, Massey's parent company. Investors alleged that Massey falsely told investors it had embarked on safety improvement initiatives and presented a new corporate image following a deadly fire at one of its coal mines in 2006. After another devastating explosion which killed 29 miners in 2010, Massey's market capitalization dropped by more than \$3 billion. Judge Irene C. Berger noted that "**Class counsel has done an expert job of representing all of the class members to reach an excellent resolution and maximize recovery for the class.**"

- ***Eastwood Enterprises, LLC v. Farha (WellCare Securities Litigation), No. 07-cv-1940 (M.D. Fla.)***

On behalf of The New Mexico State Investment Council and the Public Employees Retirement Association of New Mexico, Labaton Sucharow served as co-lead counsel and negotiated a \$200 million settlement over allegations that WellCare Health Plans, Inc., a Florida-based managed healthcare service provider, disguised its profitability by overcharging state Medicaid programs. Under the terms of the settlement approved by the court on May 4, 2011, WellCare agreed to pay an additional \$25 million in cash if, at any time in the next three years, WellCare was acquired or otherwise experienced a change in control at a share price of \$30 or more after adjustments for dilution or stock splits.

- ***In re Bristol-Myers Squibb Securities Litigation, No. 00-cv-1990 (D.N.J.)***

Labaton Sucharow served as lead counsel representing the lead plaintiff, union-owned LongView Collective Investment Fund of the Amalgamated Bank, against drug company Bristol-Myers Squibb (BMS). Lead plaintiff claimed that the company's press release touting its new blood pressure medication, Vanlev, left out critical information, other results from the clinical trials indicated that Vanlev appeared to have life-threatening side effects. The FDA expressed serious concerns about these side effects, and BMS released a statement that it was withdrawing the drug's FDA application, resulting in the company's stock price falling and losing nearly 30 percent of its value in a single day. After a five year battle, we won relief on two critical fronts. First, we secured a \$185 million recovery for shareholders, and second, we negotiated major reforms to the company's drug development



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process that will have a significant impact on consumers and medical professionals across the globe. Due to our advocacy, BMS must now disclose the results of clinical studies on all of its drugs marketed in any country.

- ***In re Fannie Mae 2008 Securities Litigation, No. 08-cv-7831 (S.D.N.Y.)***

As co-lead counsel representing co-lead plaintiff Boston Retirement System, Labaton Sucharow secured a \$170 million settlement on March 3, 2015 with Fannie Mae. Lead plaintiffs alleged that Fannie Mae and certain of its current and former senior officers violated federal securities laws, by making false and misleading statements concerning the company's internal controls and risk management with respect to Alt-A and subprime mortgages. Lead plaintiffs also alleged that defendants made misstatements with respect to Fannie Mae's core capital, deferred tax assets, other-than-temporary losses, and loss reserves. This settlement is a significant feat, particularly following the unfavorable result in a similar case for investors of Fannie Mae's sibling company, Freddie Mac. Labaton Sucharow successfully argued that investors' losses were caused by Fannie Mae's misrepresentations and poor risk management, rather than by the financial crisis.

- ***In re Broadcom Corp. Class Action Litigation, No. 06-cv-05036 (C.D. Cal.)***

Labaton Sucharow served as lead counsel on behalf of lead plaintiff New Mexico State Investment Council in a case stemming from Broadcom Corp.'s \$2.2 billion restatement of its historic financial statements for 1998 - 2005. In August 2010, the court granted final approval of a \$160.5 million settlement with Broadcom and two individual defendants to resolve this matter, the second largest up-front cash settlement ever recovered from a company accused of options backdating. Following a Ninth Circuit ruling confirming that outside auditors are subject to the same pleading standards as all other defendants, the district court denied Broadcom's auditor Ernst & Young's motion to dismiss on the ground of loss causation. This ruling is a major victory for the class and a landmark decision by the court—the first of its kind in a case arising from stock-options backdating. In October 2012, the court approved a \$13 million settlement with Ernst & Young.

- ***In re Satyam Computer Services Ltd. Securities Litigation, No. 09-md-2027 (S.D.N.Y.)***

Satyam, referred to as "India's Enron," engaged in one of the most egregious frauds on record. In a case that rivals the Enron and Bernie Madoff scandals, the Firm represented lead plaintiff UK-based Mineworkers' Pension Scheme, which alleged that Satyam Computer Services Ltd., related entities, its auditors, and certain directors and officers made materially false and misleading statements to the investing public about the company's earnings and assets, artificially inflating the price of Satyam securities. On September 13, 2011, the court granted final approval to a settlement with Satyam of \$125 million and a settlement with the company's auditor, PricewaterhouseCoopers, in the amount of \$25.5 million. Judge Barbara S. Jones commended lead counsel during the final approval hearing noting that the "**...quality of representation which I found to be very high...**"

- ***In re Mercury Interactive Corp. Securities Litigation, No. 05-cv-3395 (N.D. Cal.)***

Labaton Sucharow served as co-lead counsel on behalf of co-lead plaintiff Steamship Trade Association/International Longshoremen's Association Pension Fund, which alleged Mercury backdated option grants used to compensate employees and officers of the company. Mercury's former CEO, CFO, and General Counsel actively participated in and benefited from the options backdating scheme, which came at the expense of the company's shareholders and the investing public. On September 25, 2008, the court granted final approval of the \$117.5 million settlement.

- ***In re Oppenheimer Champion Fund Securities Fraud Class Actions, No. 09-cv-525 (D. Colo.) and In re Core Bond Fund, No. 09-cv-1186 (D. Colo.)***

Labaton Sucharow served as lead counsel and represented individuals and the proposed class in two related securities class actions brought against OppenheimerFunds, Inc., among others, and certain officers and trustees of two funds—Oppenheimer Core Bond Fund and Oppenheimer Champion Income Fund. The lawsuits alleged that the investment policies followed by the funds resulted in investor losses when the funds suffered drops in net asset value although the funds were presented as safe and conservative investments to consumers. In May 2011, the Firm achieved settlements amounting to \$100 million: \$52.5 million in *In re Oppenheimer Champion Fund Securities Fraud Class Actions*, and a \$47.5 million settlement in *In re Core Bond Fund*.

- ***In re Computer Sciences Corporation Securities Litigation, No. 11-cv-610 (E.D. Va.)***

As lead counsel representing Ontario Teachers' Pension Plan Board, Labaton Sucharow secured a \$97.5 million settlement in this "rocket docket" case involving accounting fraud. The settlement was the third largest all cash recovery in a securities class action in the Fourth Circuit and the second largest all cash recovery in such a case in the Eastern District of Virginia. The plaintiffs alleged that IT consulting and outsourcing company Computer Sciences Corporation (CSC) fraudulently inflated its stock price by misrepresenting and omitting the truth about the state of its most visible contract and the state of its internal controls. In particular, the plaintiffs alleged that CSC assured the market that it was performing on a \$5.4 billion contract with the UK National Health Services when CSC internally knew that it could not deliver on the contract, departed from the terms of the contract, and as a result, was not properly accounting for the contract. Judge T.S. Ellis, III stated, "**I have no doubt—that the work product I saw was always of the highest quality for both sides.**"

## Lead Counsel Appointments in Ongoing Litigation

Labaton Sucharow's institutional investor clients are regularly chosen by federal judges to serve as lead plaintiffs in prominent securities litigations brought under the PSLRA. Dozens of public pension funds and union funds have selected Labaton Sucharow to represent them in federal securities class actions and advise them as securities litigation/investigation counsel. Our recent notable lead and co-lead counsel appointments include the following:

- ***In re AT&T/DirectTV Now Securities Litigation, No. 19-cv-2892 (S.D.N.Y.)***

Labaton Sucharow represents Steamfitters Local 449 Pension Plan in this securities class action against AT&T and multiple executives and directors of the company alleging wide-ranging fraud, abusive sales tactics, and misleading statements to the market concerning its streaming service, DirecTV Now.

- ***In re PG&E Corporation Securities Litigation, No. 18-cv-03509 (N.D. Cal.)***

Labaton Sucharow represents the Public Employees Retirement Association of New Mexico in a securities class action lawsuit against PG&E related to wildfires that devastated Northern California in 2017.

- ***In re SCANA Corporation Securities Litigation, No. 17-cv-2616 (D.S.C.)***

Labaton Sucharow represents the West Virginia Investment Management Board against SCANA Corporation and certain of the company's senior executives in this securities class action alleging false and misleading statements about the construction of two new nuclear power plants.

- **Murphy v. Precision Castparts Corp., No. 16-cv-00521 (D. Or.)**

Labaton Sucharow represents Oklahoma Firefighters Pension and Retirement System in this securities class action against Precision Castparts Corp., an aviation parts manufacturing conglomerate that produces complex metal parts primarily marketed to industrial and aerospace customers.

- **In re Goldman Sachs Group, Inc. Securities Litigation, No. 10-cv-03461 (S.D.N.Y.)**

Labaton Sucharow represents Arkansas Teacher Retirement System in this high-profile litigation based on the scandals involving Goldman Sachs' sales of the Abacus CDO.

## Innovative Legal Strategy

Bringing successful litigation against corporate behemoths during a time of financial turmoil presents many challenges, but Labaton Sucharow has kept pace with the evolving financial markets and with corporate wrongdoer's novel approaches to committing fraud.

Our Firm's innovative litigation strategies on behalf of clients include the following:

- **Mortgage-Related Litigation**

In *In re Countrywide Financial Corporation Securities Litigation*, No. 07-cv-5295 (C.D. Cal.), our client's claims involved complex and data-intensive arguments relating to the mortgage securitization process and the market for residential mortgage-backed securities (RMBS) in the United States. To prove that defendants made false and misleading statements concerning Countrywide's business as an issuer of residential mortgages, Labaton Sucharow utilized both in-house and external expert analysis. This included state-of-the-art statistical analysis of loan level data associated with the creditworthiness of individual mortgage loans. The Firm recovered \$624 million on behalf of investors.

Building on its experience in this area, the Firm has pursued claims on behalf of individual purchasers of RMBS against a variety of investment banks for misrepresentations in the offering documents associated with individual RMBS deals.

- **Options Backdating**

In 2005, Labaton Sucharow took a pioneering role in identifying options-backdating practices as both damaging to investors and susceptible to securities fraud claims, bringing a case, *In re Mercury Interactive Securities Litigation*, No. 05-cv-3395 (N.D. Cal.), that spawned many other plaintiff recoveries.

Leveraging its experience, the Firm went on to secure other significant options backdating settlements, in, for example, *In re Broadcom Corp. Class Action Litigation*, No. 06-cv-5036 (C.D. Cal.), and in *In re Take-Two Interactive Securities Litigation*, No. 06-cv-0803 (S.D.N.Y.). Moreover, in *Take-Two*, Labaton Sucharow was able to prompt the SEC to reverse its initial position and agree to distribute a disgorgement fund to investors, including class members. The SEC had originally planned for the fund to be distributed to the U.S. Treasury. As a result, investors received a very significant percentage of their recoverable damages.

- **Foreign Exchange Transactions Litigation**

The Firm has pursued or is pursuing claims for state pension funds against BNY Mellon and State Street Bank, the two largest custodian banks in the world. For more than a decade, these banks failed

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to disclose that they were overcharging their custodial clients for foreign exchange transactions. Given the number of individual transactions this practice affected, the damages caused to our clients and the class were significant. Our claims, involving complex statistical analysis, as well as *qui tam* jurisprudence, were filed ahead of major actions by federal and state authorities related to similar allegations commenced in 2011. Our team favorably resolved the BNY Mellon matter in 2012. The case against State Street Bank resulted in a \$300 million recovery.

## Appellate Advocacy and Trial Experience

When it is in the best interest of our clients, Labaton Sucharow repeatedly has demonstrated our willingness and ability to litigate these complex cases all the way to trial, a skill unmatched by many firms in the plaintiffs bar.

Labaton Sucharow is one of the few firms in the plaintiffs securities bar to have prevailed in a case before the U.S. Supreme Court. In *Amgen Inc. v. Connecticut Retirement Plans and Trust Funds*, 568 U.S. 455 (2013), the Firm persuaded the court to reject efforts to thwart the certification of a class of investors seeking monetary damages in a securities class action. This represents a significant victory for all plaintiffs in securities class actions.

In *In re Real Estate Associates Limited Partnership Litigation*, Labaton Sucharow's advocacy significantly increased the settlement value for shareholders. The defendants were unwilling to settle for an amount the Firm and its clients viewed as fair, which led to a six-week trial. The Firm and co-counsel ultimately obtained a landmark \$184 million jury verdict. The jury supported the plaintiffs' position that the defendants knowingly violated the federal securities laws, and that the general partner had breached his fiduciary duties to shareholders. The \$184 million award was one of the largest jury verdicts returned in any PSLRA action and one in which the class, consisting of 18,000 investors, recovered 100 percent of their damages.

## Our Clients

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Labaton Sucharow represents and advises the following institutional investor clients, among others:

- Arkansas Teacher Retirement System
- Baltimore County Retirement System
- Boston Retirement System
- California State Teachers' Retirement System
- Chicago Teachers' Pension Fund
- City of New Orleans Employees' Retirement System
- Connecticut Retirement Plans & Trust Funds
- Division of Investment of the New Jersey Department of the Treasury
- Genesee County Employees' Retirement System
- Illinois Municipal Retirement Fund
- Indiana Public Retirement System
- Los Angeles County Employees Retirement Association
- Macomb County Employees Retirement System
- Metropolitan Atlanta Rapid Transit Authority
- Michigan Retirement Systems
- New York State Common Retirement Fund
- Norfolk County Retirement System
- Office of the Ohio Attorney General and several of its Retirement Systems
- Oklahoma Firefighters Pension and Retirement System
- Plymouth County Retirement System
- Office of the New Mexico Attorney General and several of its Retirement Systems
- Public Employees' Retirement System of Mississippi
- Public Employee Retirement System of Idaho
- Rhode Island State Investment Commission
- Santa Barbara County Employees' Retirement System
- State of Oregon Public Employees' Retirement System
- State of Wisconsin Investment Board
- Utah Retirement Systems
- Virginia Retirement System
- West Virginia Investment Management Board

## Awards and Accolades

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Industry publications and peer rankings consistently recognize the Firm as a respected leader in securities litigation.

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### Chambers & Partners USA

Leading Plaintiffs Securities Litigation Firm (2009-2019)

“effective and greatly respected...a bench of partners who are highly esteemed by competitors and adversaries alike”

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### The Legal 500

Leading Plaintiffs Securities Litigation Firm and also recognized in Antitrust (2010-2019) and M&A Litigation (2013, 2015-2019)

“'Superb' and 'at the top of its game.' The Firm's team of 'hard-working lawyers, who push themselves to thoroughly investigate the facts' and conduct 'very diligent research.'”

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### Benchmark Litigation

Recommended in Securities Litigation Nationwide and in New York State (2012-2020); and Noted for Corporate Governance and Shareholder Rights Litigation in the Delaware Court of Chancery (2016-2020), Top 10 Plaintiffs Firm in the United States (2017-2020)

“clearly living up to its stated mission 'reputation matters'...consistently earning mention as a respected litigation-focused firm fighting for the rights of institutional investors”

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### Law360

Most Feared Plaintiffs Firm (2013-2015); Class Action Practice Group of the Year (2012 and 2014-2018); and Securities Practice Group of the Year (2018)

“known for thoroughly investigating claims and conducting due diligence before filing suit, and for fighting defendants tooth and nail in court”

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### The National Law Journal

Winner of the Elite Trial Lawyers Award in Securities Law (2015, 2019), Hall of Fame Honoree, and Top Plaintiffs' Firm on the annual Hot List (2006-2016)

“definitely at the top of their field on the plaintiffs' side”

## Community Involvement

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To demonstrate our deep commitment to the community, Labaton Sucharow has devoted significant resources to pro bono legal work and public and community service.

### Firm Commitments

#### Immigration Justice Campaign

Labaton Sucharow has partnered with the Immigration Justice Campaign to represent immigrants in their asylum proceedings.

#### Brooklyn Law School Securities Arbitration Clinic

Labaton Sucharow partnered with Brooklyn Law School to establish a securities arbitration clinic. The program, which ran for five years, assisted defrauded individual investors who could not otherwise afford to pay for legal counsel and provided students with real-world experience in securities arbitration and litigation. Former Partners Mark S. Arisohn and Joel H. Bernstein led the program as adjunct professors.

#### Change for Kids

Labaton Sucharow supports Change for Kids (CFK) as a Strategic Partner of P.S. 182 in East Harlem. One school at a time, CFK rallies communities to provide a broad range of essential educational opportunities at under-resourced public elementary schools. By creating inspiring learning environments at our partner schools, CFK enables students to discover their unique strengths and develop the confidence to achieve.

#### The Lawyers' Committee for Civil Rights Under Law Edward Labaton, Member, Board of Directors

The Firm is a long-time supporter of The Lawyers' Committee for Civil Rights Under Law, a nonpartisan, nonprofit organization formed in 1963 at the request of President John F. Kennedy. The Lawyers' Committee involves the private bar in providing legal services to address racial discrimination.

Labaton Sucharow attorneys have contributed on the federal level to U.S. Supreme Court nominee analyses (analyzing nominees for their views on such topics as ethnic equality, corporate diversity, and gender discrimination) and national voters' rights initiatives.

#### Sidney Hillman Foundation

Labaton Sucharow supports the Sidney Hillman Foundation. Created in honor of the first president of the Amalgamated Clothing Workers of America, Sidney Hillman, the foundation supports investigative and progressive journalism by awarding monthly and yearly prizes. Partner Thomas A. Dubbs is frequently invited to present these awards.

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## Individual Attorney Commitments

Labaton Sucharow attorneys give of themselves in many ways, both by volunteering and in leadership positions in charitable organizations. A few of the awards our attorneys have received or organizations they are involved in are:

- Awarded “Champion of Justice” by the Alliance for Justice, a national nonprofit association of over 100 organizations which represent a broad array of groups “committed to progressive values and the creation of an equitable, just, and free society.”
- Pro bono representation of mentally ill tenants facing eviction, appointed as guardian ad litem in several housing court actions.
- Recipient of a Volunteer and Leadership Award from a tenants' advocacy organization for work defending the rights of city residents and preserving their fundamental sense of public safety and home.
- Board Member of the Ovarian Cancer Research Fund—the largest private funding agency of its kind supporting research into a method of early detection and, ultimately, a cure for ovarian cancer.

Our attorneys have also contributed to or continue to volunteer with the following charitable organizations, among others:

- American Heart Association
- Big Brothers/Big Sisters of New York City
- Boys and Girls Club of America
- Carter Burden Center for the Aging
- City Harvest
- City Meals-on-Wheels
- Coalition for the Homeless
- Cycle for Survival
- Cystic Fibrosis Foundation
- Dana Farber Cancer Institute
- Food Bank for New York City
- Fresh Air Fund
- Habitat for Humanity
- Lawyers Committee for Civil Rights
- Legal Aid Society
- Mentoring USA
- National Lung Cancer Partnership
- National MS Society
- National Parkinson Foundation
- New York Cares
- New York Common Pantry
- Peggy Browning Fund
- Sanctuary for Families
- Sandy Hook School Support Fund
- Save the Children
- Special Olympics
- Toys for Tots
- Williams Syndrome Association



## Commitment to Diversity

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Recognizing that business does not always offer equal opportunities for advancement and collaboration to women, Labaton Sucharow launched its Women’s Networking and Mentoring Initiative in 2007.

Led by Firm partners and co-chairs Serena P. Hallowell and Carol C. Villegas, the Women’s Initiative reflects our commitment to the advancement of women professionals. The goal of the Initiative is to bring professional women together to collectively advance women’s influence in business. Each event showcases a successful woman role model as a guest speaker. We actively discuss our respective business initiatives and hear the guest speaker’s strategies for success. Labaton Sucharow mentors young women inside and outside of the firm and promotes their professional achievements. The Firm also is a member of the National Association of Women Lawyers (NAWL). For more information regarding Labaton Sucharow’s Women’s Initiative, please visit [www.labaton.com/en/about/women/Womens-Initiative.cfm](http://www.labaton.com/en/about/women/Womens-Initiative.cfm).

Further demonstrating our commitment to diversity in the legal profession and within our Firm, in 2006, we established the Labaton Sucharow Minority Scholarship and Internship. The annual award—a grant and a summer associate position—is presented to a first-year minority student who is enrolled at a metropolitan New York law school and who has demonstrated academic excellence, community commitment, and personal integrity.

Labaton Sucharow has also instituted a diversity internship which brings two Hunter College students to work at the Firm each summer. These interns rotate through various departments, shadowing Firm partners and getting a feel for the inner workings of the Firm.

## Securities Litigation Attorneys

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Our team of securities class action litigators includes:

### Partners

Christopher J. Keller (Chairman)  
Lawrence A. Sucharow (Chairman Emeritus)  
Eric J. Belfi  
Michael P. Canty  
Marisa N. DeMato  
Thomas A. Dubbs  
Christine M. Fox  
Jonathan Gardner  
David J. Goldsmith  
Serena P. Hallowell  
Thomas G. Hoffman, Jr.  
James W. Johnson  
Edward Labaton  
Francis P. McConville  
Domenico Minerva  
Corban S. Rhodes  
Michael H. Rogers  
Ira A. Schochet  
David J. Schwartz  
Irina Vasilchenko  
Carol C. Villegas  
Ned Weinberger  
Mark S. Willis  
Nicole M. Zeiss

### Of Counsel

Rachel A. Avan  
Mark Bogen  
Jeffrey A. Dubbin  
Joseph H. Einstein  
John J. Esmay  
Derrick Farrell  
Alfred L. Fatale III  
Mark Goldman  
Lara Goldstone  
James McGovern  
Mark D. Richardson  
Elizabeth Rosenberg

Detailed biographies of the team's qualifications and accomplishments follow.

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**Christopher J. Keller, Chairman**  
[ckeller@labaton.com](mailto:ckeller@labaton.com)

Christopher J. Keller focuses on complex securities litigation. His clients are institutional investors, including some of the world's largest public and private pension funds with tens of billions of dollars under management.

Described by *The Legal 500* as a "sharp and tenacious advocate" who "has his pulse on the trends," Chris has been instrumental in the Firm's appointments as lead counsel in some of the largest securities matters arising out of the financial crisis, such as actions against Countrywide (\$624 million settlement), Bear Stearns (\$275 million settlement with Bear Stearns Companies, plus a \$19.9 million settlement with Deloitte & Touche LLP, Bear Stearns' outside auditor), Fannie Mae (\$170 million settlement), and Goldman Sachs.

Chris has also been integral in the prosecution of traditional fraud cases such as *In re Schering-Plough Corporation / ENHANCE Securities Litigation*; *In re Massey Energy Co. Securities Litigation*, where the Firm obtained a \$265 million all-cash settlement with Alpha Natural Resources, Massey's parent company; as well as *In re Satyam Computer Services, Ltd. Securities Litigation*, where the Firm obtained a settlement of more than \$150 million. Chris was also a principal litigator on the trial team of *In re Real Estate Associates Limited Partnership Litigation*. The six-week jury trial resulted in a \$184 million plaintiffs' verdict, one of the largest jury verdicts since the passage of the Private Securities Litigation Reform Act.

In addition to his active caseload, Chris holds a variety of leadership positions within the Firm, including serving on the Firm's Executive Committee. In response to the evolving needs of clients, Chris also established, and currently leads, the Case Development Group, which is composed of attorneys, in-house investigators, financial analysts, and forensic accountants. The group is responsible for evaluating clients' financial losses and analyzing their potential legal claims both in and outside of the U.S. and tracking trends that are of potential concern to investors.

Educating institutional investors is a significant element of Chris' advocacy efforts for shareholder rights. He is regularly called upon for presentations on developing trends in the law and new case theories at annual meetings and seminars for institutional investors.

He is a member of several professional groups, including the New York State Bar Association and the New York County Lawyers' Association. In 2017, he was elected to the New York City Bar Fund Board of Directors. The City Bar Fund is the nonprofit 501(c)(3) arm of the New York City Bar Association aimed at engaging and supporting the legal profession in advancing social justice."

He is admitted to practice in the States of New York and Ohio, as well as before the Supreme Court of the United States, and the United States District Courts for the Southern and Eastern Districts of New York, the Eastern District of Wisconsin, and the District of Colorado.

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**Lawrence A. Sucharow, Chairman Emeritus**  
[lsucharow@labaton.com](mailto:lsucharow@labaton.com)

With more than four decades of experience, Lawrence A. Sucharow is an internationally recognized trial lawyer and a leader of the class action bar. Under his guidance, the Firm has grown into and earned its position as one of the top plaintiffs securities and antitrust class action firms in the world. As Chairman Emeritus, Larry focuses on counseling the Firm's large institutional clients, developing creative and compelling strategies to advance and protect clients' interests, and the prosecution and resolution of many of the Firm's leading cases.

Over the course of his career, Larry has prosecuted hundreds of cases and the Firm has recovered billions in groundbreaking securities, antitrust, business transaction, product liability, and other class actions. In fact, a landmark case tried in 2002—*In re Real Estate Associates Limited Partnership Litigation*—was the very first securities action successfully tried to a jury verdict following the enactment of the Private Securities Litigation

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Reform Act (PSLRA). Experience such as this has made Larry uniquely qualified to evaluate and successfully prosecute class actions.

Other representative matters include: *In re CNL Resorts, Inc. Securities Litigation* (\$225 million settlement); *In re Paine Webber Incorporated Limited Partnerships Litigation* (\$200 million settlement); *In re Prudential Securities Incorporated Limited Partnerships Litigation* (\$110 million partial settlement); *In re Prudential Bache Energy Income Partnerships Securities Litigation* (\$91 million settlement) and *Shea v. New York Life Insurance Company* (over \$92 million settlement).

Larry's consumer protection experience includes leading the national litigation against the tobacco companies in *Castano v. American Tobacco Co.*, as well as litigating *In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation*. Currently, he plays a key role in *In re Takata Airbag Products Liability Litigation* and a nationwide consumer class action against Volkswagen Group of America, Inc., arising out of the wide-scale fraud concerning Volkswagen's "Clean Diesel" vehicles. Larry further conceptualized the establishment of two Dutch foundations, or "Stichtingen" to pursue settlement of claims against Volkswagen on behalf of injured car owners and investors in Europe.

In recognition of his career accomplishments and standing in the securities bar at the Bar, Larry was selected by *Law360* as one the 10 Most Admired Securities Attorneys in the United States and as a Titan of the Plaintiffs Bar. Further, he is one of a small handful of plaintiffs' securities lawyers in the United States recognized by *Chambers & Partners USA*, *The Legal 500*, *Benchmark Litigation*, and *Lawdragon 500* for his successes in securities litigation. Referred to as a "legend" by his peers in *Benchmark Litigation*, *Chambers* describes him as an "an immensely respected plaintiff advocate" and a "renowned figure in the securities plaintiff world...[that] has handled some of the most high-profile litigation in this field." According to *The Legal 500*, clients characterize Larry as a "a strong and passionate advocate with a desire to win." In addition, Brooklyn Law School honored Larry with the 2012 Alumni of the Year Award for his notable achievements in the field.

In 2018, Larry was appointed to serve on Brooklyn Law School's Board of Trustees. He has served a two-year term as President of the National Association of Shareholder and Consumer Attorneys, a membership organization of approximately 100 law firms that practice complex civil litigation including class actions. A longtime supporter of the Federal Bar Council, Larry serves as a trustee of the Federal Bar Council Foundation. He is a member of the Federal Bar Council's Committee on Second Circuit Courts, and the Federal Courts Committee of the New York County Lawyers' Association. He is also a member of the Securities Law Committee of the New Jersey State Bar Association and was the Founding Chairman of the Class Action Committee of the Commercial and Federal Litigation Section of the New York State Bar Association, a position he held from 1988-1994. In addition, Larry serves on the Advocacy Committee of the World Federation of Investors Corporation, a worldwide umbrella organization of national shareholder associations. In 2019, Larry was honored with the National Law Journal's Elite Trial Lawyers Lifetime Achievement Award. In May 2013, Larry was elected Vice Chair of the International Financial Litigation Network, a network of law firms from 15 countries seeking international solutions to cross-border financial problems.

Larry is admitted to practice in the States of New York, New Jersey, and Arizona as well as before the Supreme Court of the United States, the United States Court of Appeals for the Second Circuit, and the United States District Courts for the Southern and Eastern Districts of New York, and the District of New Jersey.

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**Eric J. Belfi, Partner**  
[ebelfi@labaton.com](mailto:ebelfi@labaton.com)

Representing many of the world's leading pension funds and other institutional investors, Eric J. Belfi is an accomplished litigator with experience in a broad range of commercial matters. Eric focuses on domestic and international securities and shareholder litigation, as well as direct actions on behalf of governmental entities. He serves as a member of the Firm's Executive Committee.

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As an integral member of the Firm's Case Development Group, Eric has brought numerous high-profile domestic securities cases that resulted from the credit crisis, including the prosecution against Goldman Sachs. In *In re Goldman Sachs Group, Inc. Securities Litigation*, he played a significant role in the investigation and drafting of the operative complaint. Eric was also actively involved in securing a combined settlement of \$18.4 million in *In re Colonial BancGroup, Inc. Securities Litigation*, regarding material misstatements and omissions in SEC filings by Colonial BancGroup and certain underwriters.

Along with his domestic securities litigation practice, Eric leads the Firm's Non-U.S. Securities Litigation Practice, which is dedicated exclusively to analyzing potential claims in non-U.S. jurisdictions and advising on the risk and benefits of litigation in those forums. The practice, one of the first of its kind, also serves as liaison counsel to institutional investors in such cases, where appropriate. Currently, Eric represents nearly 30 institutional investors in over a dozen non-U.S. cases against companies including SNC-Lavalin Group Inc. in Canada, Vivendi Universal, S.A. in France, OZ Minerals Ltd. in Australia, Lloyds Banking Group in the UK, and Olympus Corporation in Japan.

Eric's international experience also includes securing settlements on behalf of non-U.S. clients including the UK-based Mineworkers' Pension Scheme in *In re Satyam Computer Securities Services Ltd. Securities Litigation*, an action related to one of the largest securities fraud in India which resulted in \$150.5 million in collective settlements. Representing two of Europe's leading pension funds, Deka Investment GmbH and Deka International S.A., Luxembourg, in *In re General Motors Corp. Securities Litigation*, Eric was integral in securing a \$303 million settlement in a case regarding multiple accounting manipulations and overstatements by General Motors.

Additionally, Eric oversees the Financial Products and Services Litigation Practice, focusing on individual actions against malfeasant investment bankers, including cases against custodial banks that allegedly committed deceptive practices relating to certain foreign currency transactions. Most recently, he served as lead counsel to Arkansas Teacher Retirement System in a class action against State Street Corporation and certain affiliated entities alleging misleading actions in connection with foreign currency exchange trades, which resulted in a \$300 million recovery. He has also represented the Commonwealth of Virginia in its False Claims Act case against Bank of New York Mellon, Inc.

Eric's M&A and derivative experience includes noteworthy cases such as *In re Medco Health Solutions Inc. Shareholders Litigation*, in which he was integrally involved in the negotiation of the settlement that included a significant reduction in the termination fee.

Eric's prior experience included serving as an Assistant Attorney General for the State of New York and as an Assistant District Attorney for the County of Westchester. As a prosecutor, Eric investigated and prosecuted white-collar criminal cases, including many securities law violations. He presented hundreds of cases to the grand jury and obtained numerous felony convictions after jury trials.

Eric is a member of the National Association of Public Pension Attorneys (NAPPA) Securities Litigation Working Group. He has spoken on the topics of shareholder litigation and U.S.-style class actions in European countries and has discussed socially responsible investments for public pension funds.

Eric is admitted to practice in the State of New York, as well as before the United States Court of Appeals for the Tenth Circuit, and the United States District Courts for the Southern and Eastern Districts of New York, the Eastern District of Michigan, the District of Colorado, the District of Nebraska, and the Eastern District of Wisconsin.

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**Michael P. Canty, Partner**  
[mcanty@labaton.com](mailto:mcanty@labaton.com)

Michael P. Canty prosecutes complex fraud cases on behalf of institutional investors and consumers. Upon joining Labaton, Michael successfully prosecuted a number of high profile securities matters involving

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technology companies including cases against AMD, a multi-national semiconductor company and Ubiquiti Networks, Inc., a global software company. In both cases Michael played a pivotal role in securing favorable settlements for investors. Recommended by *The Legal 500* in the field of securities litigation, Michael also is an accomplished litigator with more than a decade of trial experience in matters relating to national security, white collar crime, and cybercrime. He currently serves as General Counsel to the Firm.

Prior to joining Labaton Sucharow, Michael was a federal prosecutor in the United States Attorney's Office for the Eastern District of New York, where he served as the Deputy Chief of the Office's General Crimes Section. Michael also served in the Office's National Security and Cybercrimes Section. During his time as lead prosecutor, Michael investigated and prosecuted complex and high-profile white collar, national security, and cybercrime offenses. He also served as an Assistant District Attorney for the Nassau County District Attorney's Office, where he handled complex state criminal offenses and served in the Office's Homicide Unit.

Michael has extensive trial experience both from his days as a prosecutor in New York City for the United States Department of Justice and during his six years as an Assistant District Attorney. He served as trial counsel in more than 35 matters, many of which related to violent crime, white collar and terrorism related offenses. He played a pivotal role in *United States v. Abid Naseer*, where he prosecuted and convicted an al-Qaeda operative who conspired to carry out attacks in the United States and Europe. Michael also led the investigation in *United States v. Marcos Alonso Zea*, a case in which he successfully prosecuted a citizen for attempting to join a terrorist organization in the Arabian Peninsula and for providing material support intended for planned attacks.

Michael also has a depth of experience investigating and prosecuting cases involving the distribution of prescription opioids. In January 2012, Michael was assigned to the U.S. Attorney's Office Prescription Drug Initiative to mount a comprehensive response to what the United States Department of Health and Human Services' Center for Disease Control and Prevention has called an epidemic increase in the abuse of so-called opioid analgesics. As a member of the initiative, in *United States v. Conway* and *United States v. Deslouches* Michael successfully prosecuted medical professionals who were illegally prescribing opioids. In *United States v. Moss et al.* he was responsible for dismantling one of the largest oxycodone rings operating in the New York metropolitan area at the time. In addition to prosecuting these cases, Michael spoke regularly to the community on the dangers of opioid abuse as part of the Office's community outreach.

Additionally, Michael has extensive experience in investigating and prosecuting data breach cases

Before becoming a prosecutor, Michael worked as a Congressional Staff Member for the United States House of Representatives. He primarily served as a liaison between the Majority Leader's Office and the Government Reform and Oversight Committee. During his time with the House of Representatives, Michael managed congressional oversight of the United States Postal Service and reviewed and analyzed counter-narcotics legislation as it related to national security matters.

Michael is admitted to practice in the State of New York as well as before the United States Courts of Appeals for the Second Circuit, and the United States District Court for the Eastern District of New York.

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**Marisa N. DeMato, Partner**  
[mdemato@labaton.com](mailto:mdemato@labaton.com)

With more than 15 years of securities litigation experience, Marisa N. DeMato advises leading pension funds and other institutional investors in the United States and Canada on issues related to corporate fraud in the U.S. securities markets and represents them in complex civil actions. Her work focuses on counseling clients on best practices in corporate governance of publicly traded companies and advising institutional investors on monitoring the well-being of their investments. Marisa also advises and counsels municipalities and health plans on issues related to U.S. antitrust law and potential violations.

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Recently, Marisa represented Seattle City Employees' Retirement System and helped reach a \$90 million derivative settlement and historic corporate governance changes with Twenty-First Century Fox, Inc., regarding allegations surrounding workplace harassment incidents at Fox News. Marisa also represented the Oklahoma Firefighters Pension and Retirement System in securing an \$11 million settlement with Rent-A-Center, Inc. to resolve claims that the company made false and misleading statements regarding its point of sale information management system. She also served as legal adviser to the West Palm Beach Police Pension Fund in *In re Walgreen Co. Derivative Litigation*, which secured significant corporate governance reforms and required Walgreens to extend its Drug Enforcement Agency commitments as part of the settlement related to the company's violation of the U.S. Controlled Substances Act.

Prior to joining Labaton Sucharow, Marisa worked for a nationally recognized securities litigation firm and devoted a substantial portion of her time to litigating securities fraud, derivative, mergers and acquisitions, and consumer fraud. Over the course of those eight years she represented numerous pension funds, municipalities, and individual investors throughout the United States and was an integral member of the legal teams that helped secure multimillion dollar settlements, including *In re Managed Care Litigation* (\$135 million recovery); *Cornwell v. Credit Suisse Group* (\$70 million recovery); *Michael v. SFBC International, Inc.* (\$28.5 million recovery); *Ross v. Career Education Corporation* (\$27.5 million recovery); and *Village of Dolton v. Taser International Inc.* (\$20 million recovery).

Marisa has spoken on shareholder litigation-related matters, frequently lecturing on topics pertaining to securities fraud litigation, fiduciary responsibility, and corporate governance issues. Most recently, she testified before the Texas House of Representatives Pensions Committee to address the changing legal landscape public pensions have faced since the Supreme Court's Morrison decision and highlighted the best practices for non-U.S. investment recovery. During the 2008 financial crisis, Marisa spoke widely on the subprime mortgage crisis and its disastrous effect on the pension fund community at regional and national conferences, and addressed the crisis' global implications and related fraud to institutional investors internationally in Italy, France, and the United Kingdom. Marisa has also presented on issues pertaining to the federal regulatory response to the 2008 crisis, including implications of the Dodd-Frank legislation and the national debate on executive compensation and proxy access for shareholders.

Marisa is an active member of the National Association of Public Pension Attorneys (NAPPA) and the National Association of Securities Professionals (NASP). She is also a member of the Federal Bar Council, an organization of lawyers dedicated to promoting excellence in federal practice and fellowship among federal practitioners.

Marisa has also become one of the leading advocates for institutional investing in women and minority-owned investment firms. In 2018, she served as co-chair of the Firm's first annual Women's Initiative forum focusing on institutional investing in women and minority-owned investment firms. Marisa was instrumental in the development and execution of the programming for the inaugural event, which featured two all-female panels, and was praised by attendees for offering an insightful discussion on how pension funds and other institutional investors can provide opportunities for women and minority-owned firms.

In the spring of 2006, Marisa was selected over 250,000 applicants to appear on the sixth season of *The Apprentice*, which aired on January 7, 2007, on NBC. As a result of her role on *The Apprentice*, Marisa has appeared in numerous news media outlets, such as *The Wall Street Journal*, *People* magazine, and various national legal journals.

Marisa is admitted to practice in the State of Florida and the District of Columbia as well as before the United States District Courts for the Northern, Middle, and Southern Districts of Florida.



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**Thomas A. Dubbs, Partner**  
tdubbs@labaton.com

Thomas A. Dubbs focuses on the representation of institutional investors in domestic and multinational securities cases. Recognized as a leading securities class action attorney, Tom has been named as a top litigator by *Chambers & Partners* for nine consecutive years.

Tom has served or is currently serving as lead or co-lead counsel in some of the most important federal securities class actions in recent years, including those against American International Group, Goldman Sachs, the Bear Stearns Companies, Facebook, Fannie Mae, Broadcom, and WellCare. Tom has also played an integral role in securing significant settlements in several high-profile cases including: *In re American International Group, Inc. Securities Litigation* (settlements totaling more than \$1 billion); *In re Bear Stearns Companies, Inc. Securities Litigation* (\$275 million settlement with Bear Stearns Companies, plus a \$19.9 million settlement with Deloitte & Touche LLP, Bear Stearns' outside auditor); *In re HealthSouth Securities Litigation* (\$671 million settlement); *Eastwood Enterprises LLC v. Farha et al. (WellCare Securities Litigation)* (over \$200 million settlement); *In re Fannie Mae 2008 Securities Litigation* (\$170 million settlement); *In re Broadcom Corp. Securities Litigation* (\$160.5 million settlement with Broadcom, plus \$13 million settlement with Ernst & Young LLP, Broadcom's outside auditor); *In re St. Paul Travelers Securities Litigation* (\$144.5 million settlement); *In re Amgen Inc. Securities Litigation* (\$95 million settlement); and *In re Vesta Insurance Group, Inc. Securities Litigation* (\$79 million settlement).

Representing an affiliate of the Amalgamated Bank, the largest labor-owned bank in the United States, a team led by Tom successfully litigated a class action against Bristol-Myers Squibb, which resulted in a settlement of \$185 million as well as major corporate governance reforms. He has argued before the United States Supreme Court and has argued 10 appeals dealing with securities or commodities issues before the United States Courts of Appeals.

Due to his reputation in securities law, Tom frequently lectures to institutional investors and other groups such as the Government Finance Officers Association, the National Conference on Public Employee Retirement Systems, and the Council of Institutional Investors. He is a prolific author of articles related to his field, and he recently penned "Textualism and Transnational Securities Law: A Reappraisal of Justice Scalia's Analysis in *Morrison v. National Australia Bank*," *Southwestern Journal of International Law* (2014). He has also written several columns in UK-wide publications regarding securities class action and corporate governance.

Prior to joining Labaton Sucharow, Tom was Senior Vice President & Senior Litigation Counsel for Kidder, Peabody & Co. Incorporated, where he represented the company in many class actions, including the First Executive and Orange County litigation and was first chair in many securities trials. Before joining Kidder, Tom was head of the litigation department at Hall, McNicol, Hamilton & Clark, where he was the principal partner representing Thomson McKinnon Securities Inc. in many matters, including the Petro Lewis and Baldwin-United class actions.

In addition to his *Chambers & Partners* recognition, Tom was named a Leading Lawyer by *The Legal 500*, and inducted into its Hall of Fame, an honor presented to only three other plaintiffs securities litigation lawyers "who have received constant praise by their clients for continued excellence." *Law360* also named him an "MVP of the Year" for distinction in class action litigation in 2012 and 2015, and he has been recognized by *The National Law Journal*, *Lawdragon 500*, and *Benchmark Litigation* as a Securities Litigation Star. Tom has received a rating of AV Preeminent from the publishers of the Martindale-Hubbell directory.

Tom serves as a FINRA Arbitrator and is an Advisory Board Member for the Institute for Transnational Arbitration. He is a member of the New York State Bar Association, the Association of the Bar of the City of New York, the American Law Institute, and he is a Patron of the American Society of International Law. He was previously a member of the Members Consultative Group for the Principles of the Law of Aggregate Litigation and the Department of State Advisory Committee on Private International Law. Tom also serves on the Board of Directors for The Sidney Hillman Foundation.



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Tom is admitted to practice in the State of New York as well as before the Supreme Court of the United States, the United States Courts of Appeals for the Second, Third, Fourth, Ninth, and Eleventh Circuits, and the United States District Court for the Southern District of New York.

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**Christine M. Fox, Partner**  
[cfox@labaton.com](mailto:cfox@labaton.com)

With more than 20 years of securities litigation experience, Christine M. Fox prosecutes complex securities fraud cases on behalf of institutional investors. Christine is actively involved in litigating matters against Molina Healthcare, Hain Celestial, Avon, Adient, AT&T, and Apple.

Christine has played a pivotal role in securing favorable settle for investors in class actions against Barrick Gold Corporation, one of the largest gold mining companies in the world (\$140 million recovery); CVS Caremark, the nation's largest pharmacy retail chain (\$48 million recovery); Nu Skin Enterprises, a multilevel marketing company (\$47 million recovery); and Intuitive Surgical, a manufacturer of robotic-assisted technologies for surgery (\$42.5 million recovery).

Prior to joining the Firm, Christine worked at a national litigation firm focusing on securities, antitrust, and consumer litigation in state and federal courts. She played a significant role in securing class action recoveries in a number of high-profile securities cases, including *In re Merrill Lynch & Co., Inc. Research Reports Securities Litigation* (\$475 million recovery); *In re Informix Corp. Securities Litigation* (\$136.5 million recovery); *In re Alcatel Alstom Securities Litigation* (\$75 million recovery); and *In re Ambac Financial Group, Inc. Securities Litigation* (\$33 million recovery).

Christine received her J.D. from the University of Michigan Law School and her B.A. from Cornell University. She is a member of the American Bar Association, the New York State Bar Association, and the Puerto Rican Bar Association. Christine is actively involved in Labaton Sucharow's pro bono immigration program and recently reunited a father and child separated at the border. She is currently working on their asylum application.

Christine is conversant in Spanish.

Christine is admitted to the practice in the State of New York as well as before the United States District Courts for the Southern and Eastern Districts of New York.

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**Jonathan Gardner, Partner**  
[jgardner@labaton.com](mailto:jgardner@labaton.com)

Jonathan Gardner serves as Head of Litigation for the Firm. With more than 28 years of experience, Jonathan oversees all of the Firm's litigation matters, including prosecuting complex securities fraud cases on behalf of institutional investors. He has played an integral role in securing some of the largest class action recoveries against corporate offenders since the global financial crisis.

A *Benchmark Litigation* "Star" acknowledged by his peers as "engaged and strategic," Jonathan was also named an MVP by *Law360* for securing hard-earned successes in high-stakes litigation and complex global matters. Recently, he led the Firm's team in the investigation and prosecution of *In re Barrick Gold Securities Litigation*, which resulted in a \$140 million recovery. Jonathan has also served as the lead attorney in several cases resulting in significant recoveries for injured class members, including: *In re Hewlett-Packard Company Securities Litigation*, resulting in a \$57 million recovery; *Public Employees' Retirement System of Mississippi v. Endo International PLC*, resulting in \$50 million recovery; *Medoff v. CVS Caremark Corporation*, resulting in a \$48 million recovery; *In re Nu Skin Enterprises, Inc., Securities Litigation*, resulting in a \$47 million recovery; *In re Intuitive Surgical Securities Litigation*, resulting in a \$42.5 million recovery; *In re Carter's Inc. Securities Litigation*, resulting in a \$23.3 million recovery against Carter's and certain of its officers as well as PricewaterhouseCoopers, its auditing firm; *In re Aeropostale Inc. Securities Litigation*, resulting in a \$15 million

recovery; *In re Lender Processing Services Inc.*, involving claims of fraudulent mortgage processing which resulted in a \$13.1 million recovery; and *In re K-12, Inc. Securities Litigation*, resulting in a \$6.75 million recovery.

Recommended and described by *The Legal 500* as having the "ability to master the nuances of securities class actions," Jonathan has led the Firm's representation of investors in many recent high-profile cases including *Rubin v. MF Global Ltd.*, which involved allegations of material misstatements and omissions in a Registration Statement and Prospectus issued in connection with MF Global's IPO in 2007. In November 2011, the case resulted in a recovery of \$90 million for investors. Jonathan also represented lead plaintiff City of Edinburgh Council as Administering Authority of the Lothian Pension Fund in *In re Lehman Brothers Equity/Debt Securities Litigation*, which resulted in settlements exceeding \$600 million against Lehman Brothers' former officers and directors, Lehman's former public accounting firm as well the banks that underwrote Lehman Brothers' offerings. In representing lead plaintiff Massachusetts Bricklayers and Masons Trust Funds in an action against Deutsche Bank, Jonathan secured a \$32.5 million recovery for a class of investors injured by the bank's conduct in connection with certain residential mortgage-backed securities.

Jonathan has also been responsible for prosecuting several of the Firm's options backdating cases, including *In re Monster Worldwide, Inc. Securities Litigation* (\$47.5 million settlement); *In re SafeNet, Inc. Securities Litigation* (\$25 million settlement); *In re Semtech Securities Litigation* (\$20 million settlement); and *In re MRV Communications, Inc. Securities Litigation* (\$10 million settlement). He also was instrumental in *In re Mercury Interactive Corp. Securities Litigation*, which settled for \$117.5 million, one of the largest settlements or judgments in a securities fraud litigation based on options backdating. Jonathan also represented the Successor Liquidating Trustee of Lipper Convertibles, a convertible bond hedge fund, in actions against the fund's former independent auditor and a member of the fund's general partner as well as numerous former limited partners who received excess distributions. He successfully recovered over \$5.2 million for the Successor Liquidating Trustee from the limited partners and \$29.9 million from the former auditor.

He is a member of the Federal Bar Council, New York State Bar Association, and the Association of the Bar of the City of New York.

Jonathan is admitted to practice in the State of New York as well as before the United States Court of Appeals for the First, Sixth, Ninth, and Eleventh Circuits, and the United States District Courts for the Southern and Eastern Districts of New York, and the Eastern District of Wisconsin.

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**David J. Goldsmith, Partner**  
[dgoldsmith@labaton.com](mailto:dgoldsmith@labaton.com)

David J. Goldsmith has nearly 20 years of experience representing public and private institutional investors in a variety of securities and class action litigations. He has twice been recommended by *The Legal 500* as part of the Firm's recognition as a top-tier plaintiffs firm in securities class action litigation.

A principal litigator at the Firm, David is responsible for the Firm's appellate practice, and has briefed and argued multiple appeals in the federal Courts of Appeals. He is presently litigating appeals in the Second and Ninth Circuits in significant securities class actions brought against *Petróleo Brasileiro S.A. — Petrobras* and *Molina Healthcare, Inc.* In the Supreme Court of the United States, David recently acted as co-counsel for AARP and AARP Foundation as *amici curiae* in *China Agritech, Inc. v. Resh*, 138 S. Ct. 1800 (2018), and as co-counsel for a group of federal jurisdiction and securities law scholars as *amici curiae* in *Cyan, Inc. v. Beaver County Employees Retirement Fund*, 138 S. Ct. 1061 (2018).

As a trial lawyer, David was an integral member of the team representing the Arkansas Teacher Retirement System in a significant action alleging unfair and deceptive practices by State Street Bank in connection with foreign currency exchange trades executed for its custodial clients. The resulting \$300 million settlement is the largest class action settlement ever reached under the Massachusetts consumer protection statute, and one of the largest class action settlements reached in the First Circuit. David also represented the New York State

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Common Retirement Fund and New York City pension funds as lead plaintiffs in the landmark *In re Countrywide Financial Corp. Securities Litigation*, which settled for \$624 million. He has successfully represented state and county pension funds in class actions in California state court arising from the IPOs of technology companies, and recovered tens of millions of dollars for a large German bank and a major Irish special-purpose vehicle in individual actions alleging fraud in connection with the sale of residential mortgage-backed securities. David's representation of a hedge fund and individual investors as lead plaintiffs in an action concerning the well-publicized collapse of four Regions Morgan Keegan mutual funds led to a \$62 million settlement.

David regularly advises the Genesee County (Michigan) Employees' Retirement Commission with respect to potential securities, shareholder, and antitrust claims, and represents the System in a major action charging a conspiracy by some of the world's largest banks to manipulate the U.S. Dollar ISDAfix benchmark interest rate. This case was featured in Law360's selection of the Firm as a Class Action Group of the Year for 2017.

In 2016, David participated in a panel moderated by Prof. Arthur Miller at the 22nd Annual Symposium of the Institute for Law and Economic Policy, discussing changes in Rule 23 since the 1966 Amendments. David is an active member of several professional organizations, including The National Association of Shareholder & Consumer Attorneys (NASCAT), a membership organization of approximately 100 law firms that practice complex civil litigation including class actions, the American Association for Justice, New York State Bar Association, and the Association of the Bar of the City of New York.

During law school, David was Managing Editor of the *Cardozo Arts & Entertainment Law Journal* and served as a judicial intern to the Honorable Michael B. Mukasey, then a United States District Judge for the Southern District of New York.

For many years, David has been a member of AmorArtis, a renowned choral organization with a diverse repertoire.

He is admitted to practice in the States of New York and New Jersey as well as before the United States Courts of Appeals for the First, Second, Fourth, Fifth, Eighth, and Ninth Circuits, and the United States District Courts for the Southern and Eastern Districts of New York, the District of New Jersey, the District of Colorado, and the Western District of Michigan.

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**Serena P. Hollowell, Partner**  
[shallowell@labaton.com](mailto:shallowell@labaton.com)

Serena P. Hollowell leads the Direct Action Litigation Practice and focuses on complex litigation, prosecuting securities fraud cases on behalf of some of the world's largest institutional investors, including pension funds, hedge funds, mutual funds, asset managers, and other large institutional investors. Serena also regularly advises and/or represents institutional investors who are seeking counsel on evaluating recovery opportunities in connection with fraud-related conduct. In addition to her active caseload, Serena serves as Co-Chair of the Firm's Women's Networking and Mentoring Initiative and is actively involved in the Firm's summer associate and lateral hiring programs.

Recently, Serena was recognized as a 2019 MVP in Securities by *Law360*, a "Trailblazer" by *The National Law Journal*, a Future Star by *Benchmark Litigation*, and as one of the leading lawyers in America by *Lawdragon*. She has also been recommended by *The Legal 500* in securities litigation, and named a Rising Star by *Law360*.

Currently she is prosecuting cases against Valeant Pharmaceuticals and Endo International, among others. Recently, in Endo, the parties have announced an agreement in principle to settle the matter. Also, in Valeant, Serena leads a team that won a significant motion in the District of New Jersey, when the court sustained claims arising under the NJ RICO Act in direct actions filed against Valeant.

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Serena was part of a highly skilled team that reached a \$140 million settlement against one of the world's largest gold mining companies in *In re Barrick Gold Securities Litigation*. Playing a principal role in prosecuting *In re Computer Sciences Corporation Securities Litigation* in a "rocket docket" jurisdiction, she helped secure a settlement of \$97.5 million on behalf of lead plaintiff Ontario Teachers' Pension Plan Board, the third largest all cash settlement in the Fourth Circuit at the time. She was also instrumental in securing a \$48 million recovery in *Medoff v. CVS Caremark Corporation*, as well as a \$41.5 million settlement in *In re NII Holdings, Inc. Securities Litigation*. Serena also has broad appellate and trial experience.

Serena received a J.D. from Boston University School of Law, where she served as the Note Editor for the *Journal of Science & Technology Law*. She earned a B.A. in Political Science from Occidental College.

Serena is a member of the New York City Bar Association, where she serves on the Securities Litigation Committee, the Federal Bar Council, the South Asian Bar Association, the National Association of Public Pension Attorneys (NAPPA), and the National Association of Women Lawyers (NAWL). Her pro bono work includes representing immigrant detainees in removal proceedings for the American Immigrant Representation Project and devoting time to the Securities Arbitration Clinic at Brooklyn Law School.

She is conversational in Urdu/Hindi.

Serena is admitted to practice in the State of New York, as well as before the United States Courts of Appeals for the First, Ninth, and Eleventh Circuits, and the United States District Courts for the Southern and Eastern Districts of New York.

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**Thomas G. Hoffman, Jr., Partner**  
[thoffman@labaton.com](mailto:thoffman@labaton.com)

Thomas G. Hoffman, Jr. focuses on representing institutional investors in complex securities actions.

Thomas was instrumental in securing a \$1 billion recovery in the eight-year litigation against AIG and related defendants. He also was a key member of the Labaton Sucharow team that recovered \$170 million for investors in *In re 2008 Fannie Mae Securities Litigation*. Currently, Thomas is prosecuting cases against BP and Allstate.

Thomas received a J.D. from UCLA School of Law, where he was Editor-in-Chief of the *UCLA Entertainment Law Review*, and he served as a Moot Court Executive Board Member. In addition, he was a judicial extern to the Honorable William J. Rea, United States District Court for the Central District of California. Thomas earned a B.F.A., with honors, from New York University.

Thomas is admitted to practice in the State of New York as well as before the United States District Courts for the Southern and Eastern Districts of New York.

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**James W. Johnson, Partner**  
[jjohnson@labaton.com](mailto:jjohnson@labaton.com)

James W. Johnson focuses on complex securities fraud cases. In representing investors who have been victimized by securities fraud and breaches of fiduciary responsibility, Jim's advocacy has resulted in record recoveries for wronged investors. Currently, he is prosecuting high-profile cases against financial industry leader Goldman Sachs in *In re Goldman Sachs Group, Inc., Securities Litigation*, and SCANA, an energy-based holding company, in *In re SCANA Securities Litigation*. In addition to his active caseload, Jim holds a variety of leadership positions within the Firm, including serving on the Firm's Executive Committee. He also serves as the Firm's Executive Partner overseeing firmwide issues.

A recognized leader in his field, Jim has successfully litigated a number of complex securities and RICO class actions including: *In re Bear Stearns Companies, Inc. Securities Litigation* (\$275 million settlement with Bear

Stearns Companies, plus a \$19.9 million settlement with Deloitte & Touche LLP, Bear Stearns' outside auditor); *In re HealthSouth Corp. Securities Litigation* (\$671 million settlement); *Eastwood Enterprises LLC v. Farha et al.* (WellCare Securities Litigation) (\$200 million settlement); *In re Bristol Myers Squibb Co. Securities Litigation* (\$185 million settlement), in which the court also approved significant corporate governance reforms and recognized plaintiff's counsel as "extremely skilled and efficient"; *In re Amgen Inc. Securities Litigation* (\$95 million settlement); *In re National Health Laboratories, Inc. Securities Litigation*, which resulted in a recovery of \$80 million in the federal action and a related state court derivative action; and *In re Vesta Insurance Group, Inc. Securities Litigation* (\$79 million settlement).

In *County of Suffolk v. Long Island Lighting Co.*, Jim represented the plaintiff in a RICO class action, securing a jury verdict after a two-month trial that resulted in a \$400 million settlement. The Second Circuit quoted the trial judge, Honorable Jack B. Weinstein, as stating "counsel [has] done a superb job [and] tried this case as well as I have ever seen any case tried." On behalf of the Chugach Native Americans, he also assisted in prosecuting environmental damage claims resulting from the Exxon Valdez oil spill.

Jim is a member of the American Bar Association and the Association of the Bar of the City of New York, where he served on the Federal Courts Committee, and he is a Fellow in the Litigation Council of America.

Jim has received a rating of AV Preeminent from the publishers of the Martindale-Hubbell directory.

He is admitted to practice in the States of New York and Illinois as well as before the Supreme Court of the United States, the United States Courts of Appeals for the Second, Third, Fourth, Fifth, Seventh, and Eleventh Circuits, and the United States District Courts for the Southern, Eastern, and Northern Districts of New York, and the Northern District of Illinois.

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**Edward Labaton, Partner**  
[elabaton@labaton.com](mailto:elabaton@labaton.com)

An accomplished trial lawyer and partner with the Firm, Edward Labaton has devoted 50 years of practice to representing a full range of clients in class action and complex litigation matters in state and federal court. He is the recipient of the Alliance for Justice's 2015 Champion of Justice Award, given to outstanding individuals whose life and work exemplifies the principle of equal justice.

Ed has played a leading role as plaintiffs' class counsel in a number of successfully prosecuted, high-profile cases, involving companies such as PepsiCo, Dun & Bradstreet, Financial Corporation of America, ZZZZ Best, Revlon, GAF Co., American Brands, Petro Lewis and Jim Walter, as well as several Big Eight (now Four) accounting firms. He has also argued appeals in state and federal courts, achieving results with important precedential value.

Ed has been President of the Institute for Law and Economic Policy (ILEP) since its founding in 1996. Each year, ILEP co-sponsors at least one symposium with a major law school dealing with issues relating to the civil justice system. In 2010, he was appointed to the newly formed Advisory Board of George Washington University's Center for Law, Economics, & Finance (C-LEAF), a think tank within the Law School, for the study and debate of major issues in economic and financial law confronting the United States and the globe. Ed is an Honorary Lifetime Member of the Lawyers' Committee for Civil Rights under Law, a member of the American Law Institute, and a life member of the ABA Foundation. In addition, he has served on the Executive Committee and has been an officer of the Ovarian Cancer Research Fund since its inception in 1996.

Ed is the past Chairman of the Federal Courts Committee of the New York County Lawyers Association, and was a member of the Board of Directors of that organization. He is an active member of the Association of the Bar of the City of New York, where he was Chair of the Senior Lawyers' Committee and served on its Task Force on the Role of Lawyers in Corporate Governance. He has also served on its Federal Courts, Federal Legislation, Securities Regulation, International Human Rights, and Corporation Law Committees. He also served as Chair of the Legal Referral Service Committee, a joint committee of the New York County Lawyers'

Association and the Association of the Bar of the City of New York. He has been an active member of the American Bar Association, the Federal Bar Council, and the New York State Bar Association, where he has served as a member of the House of Delegates.

For more than 30 years, he has lectured on many topics including federal civil litigation, securities litigation, and corporate governance.

He is admitted to practice in the State of New York as well as before the Supreme Court of the United States, the United States Courts of Appeals for the Second, Fifth, Sixth, Seventh, Ninth, Tenth, and Eleventh Circuits, and the United States District Courts for the Southern and Eastern Districts of New York, and the Central District of Illinois.

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**Francis P. McConville, Partner**  
[fmconville@labaton.com](mailto:fmconville@labaton.com)

Francis P. McConville focuses on prosecuting complex securities fraud cases on behalf of institutional investor clients. As a lead member of the Firm's Case Development Group, he focuses on the identification, investigation, and development of potential actions to recover investment losses resulting from violations of the federal securities laws and various actions to vindicate shareholder rights in response to corporate and fiduciary misconduct.

Most recently, Francis has played a key role in filing several matters on behalf of the Firm including, *In re PG&E Corporation Securities Litigation*; *In re SCANA Corporation Securities Litigation*; *Steamfitters Local 449 Pension Plan v. Skechers U.S.A., Inc.*; and *In re Nielsen Holdings PLC Securities Litigation*.

Prior to joining Labaton Sucharow, Francis was a litigation associate at a national law firm primarily focused on securities and consumer class action litigation. Francis has represented institutional and individual clients in federal and state court across the country in class action securities litigation and shareholder disputes, along with a variety of commercial litigation matters. He assisted in the prosecution of several matters, including *Kiken v. Lumber Liquidators Holdings, Inc.* (\$42 million recovery); *Hayes v. MagnaChip Semiconductor Corp.* (\$23.5 million recovery); and *In re Galena Biopharma, Inc. Securities Litigation* (\$20 million recovery).

Francis received his J.D. from New York Law School, *magna cum laude*, where he served as Associate Managing Editor of the *New York Law School Law Review*, worked in the Urban Law Clinic, named a John Marshall Harlan Scholar, and received a Public Service Certificate. He earned his B.A. from the University of Notre Dame.

He is admitted to practice in the State of New York as well as in the United States District Courts for the Southern and Eastern Districts of New York, the District of Colorado, and the Eastern District of Michigan.

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**Domenico Minerva, Partner**  
[dminerva@labaton.com](mailto:dminerva@labaton.com)

Domenico "Nico" Minerva advises leading pension funds and other institutional investors on issues related to corporate fraud in the U.S. securities markets. A former financial advisor, his work focuses on securities, antitrust, and consumer class action litigation and shareholder derivative litigation, representing Taft-Hartley and public pension funds across the country.

Nico's extensive experience litigating securities cases includes those against global securities systems company Tyco and co-defendant PricewaterhouseCoopers (*In re Tyco International Ltd., Securities Litigation*), which resulted in a \$3.2 billion settlement, achieving the largest single defendant settlement in post-PSLRA history. He also has counseled companies and institutional investors on corporate governance reform.



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Nico has also done substantial work in antitrust class actions in pay-for-delay or "product hopping" cases in which pharmaceutical companies allegedly obstructed generic competitors in order to preserve monopoly profits on patented drugs, including *Mylan Pharmaceuticals Inc. v. Warner Chilcott Public Limited Co.*, *In re Lidoderm Antitrust Litigation*, *In re Solodyn (MinocyclineHydrochloride) Antitrust Litigation*, *In re Niaspan Antitrust Litigation*, *In re Aggrenox Antitrust Litigation*, and *Sergeants Benevolent Association Health & Welfare Fund et al. v. Actavis PLC et al.* In an anticompetitive antitrust matter, *The Infirmity LLC vs. National Football League Inc et al.*, Nico played a part in challenging an exclusivity agreement between the NFL and DirectTV over the service's "NFL Sunday Ticket" package, and he litigated on behalf of indirect purchasers of potatoes in a case alleging that growers conspired to control and suppress the nation's potato supply *In re Fresh and Process Potatoes Antitrust Litigation*.

On behalf of consumers, Nico represented a plaintiff in *In Re ConAgra Foods Inc.* over its claims that Wesson-brand vegetable oils are 100 percent natural.

An accomplished speaker, Nico has given numerous presentations to investors on a variety of topics of interest regarding corporate fraud, wrongdoing, and waste. He is also an active member of the National Association of Public Pension Plan Attorneys (NAPPA).

Nico obtained his J.D. from Tulane University Law School, where he also completed a two-year externship with the Honorable Kurt D. Engelhardt of the United States District Court for the Eastern District of Louisiana. He earned his B.S. in Business Administration from the University of Florida.

Nico is admitted to practice in the States of New York and Delaware, as well as the United States District Courts for the Eastern and Southern Districts of New York.

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**Corban S. Rhodes, Partner**  
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Corban S. Rhodes focuses on prosecuting complex securities fraud cases on behalf of institutional investors, as well as consumer data privacy litigation.

Currently, Corban represents shareholders litigating fraud-based claims against TerraVia (formerly Solazyme) and Alexion Pharmaceuticals. He has successfully litigated dozens of cases against most of the largest Wall Street banks in connection with their underwriting and securitization of mortgage-backed securities leading up to the financial crisis.

Recognized as a "Rising Star" in Consumer Protection Law by *Law360*, Corban is also pursuing a number of matters involving consumer data privacy, including cases of intentional misuse or misappropriation of consumer data, and cases of negligence or other malfeasance leading to data breaches, including *In re Facebook Biometric Information Privacy Litigation* and *Schwartz v. Yahoo Inc.*

Before joining Labaton Sucharow, Corban was an associate at Sidley Austin LLP where he practiced complex commercial litigation and securities regulation and served as the lead associate on behalf of large financial institutions in several investigations by regulatory and enforcement agencies related to the financial crisis.

In 2008, Corban received a Thurgood Marshall Award for his pro bono representation on a habeas petition of a capital punishment sentence. He also later co-authored "Parmalat Judge: Fraud by Former Executives of Bankrupt Company Bars Trustee's Claims Against Auditors," published by the American Bar Association.

Corban received a J.D., *cum laude*, from Fordham University School of Law, where he received the 2007 Lawrence J. McKay Advocacy Award for excellence in oral advocacy and was a board member of the Fordham Moot Court team. He earned his B.A., *magna cum laude*, in History from Boston College.

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Corban serves on the Securities Litigation Committee of the New York City Bar Association. Additionally, *Super Lawyers*, a Thomson Reuters publication, recognized Corban as a New York Metro "Rising Star," noting his experience and contribution to the securities litigation field.

Corban is admitted to practice in the State of New York, as well as before the United States Court of Appeals for the Second Circuit and the United States District Courts for Southern District of New York and the Central District of California.

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**Michael H. Rogers, Partner**  
[mrogers@labaton.com](mailto:mrogers@labaton.com)

Michael H. Rogers focuses on prosecuting complex securities fraud cases on behalf of institutional investors. Currently, Mike is actively involved in prosecuting *In re Goldman Sachs, Inc. Securities Litigation*; *3226701 Canada, Inc. v. Qualcomm, Inc.*; *In re SCANA Securities Litigation*, *Murphy v. Precision Castparts Corp.*; and *Vancouver Asset Alumni Holdings, Inc. v. Daimler AG*.

Since joining Labaton Sucharow, Mike has been a member of the lead counsel teams in federal class actions against Countrywide Financial Corp. (\$624 million settlement), HealthSouth Corp. (\$671 million settlement), State Street (\$300 million settlement), Mercury Interactive Corp. (\$117.5 million settlement), and Computer Sciences Corp. (\$97.5 million settlement).

Prior to joining Labaton Sucharow, Mike was an attorney at Kasowitz, Benson, Torres & Friedman LLP, where he practiced securities and antitrust litigation, representing international banking institutions bringing federal securities and other claims against major banks, auditing firms, ratings agencies and individuals in complex multidistrict litigation. He also represented an international chemical shipping firm in arbitration of antitrust and other claims against conspirator ship owners.

Mike began his career as an attorney at Sullivan & Cromwell, where he was part of Microsoft's defense team in the remedies phase of the Department of Justice antitrust action against the company.

Mike received a J.D., *magna cum laude*, from the Benjamin N. Cardozo School of Law, Yeshiva University, where he was a member of the *Cardozo Law Review*. He earned a B.A., *magna cum laude*, in Literature-Writing from Columbia University.

Mike is proficient in Spanish.

He is admitted to practice in the State of New York as well as before the United States Court of Appeals for the Second and Ninth Circuits, and the United States District Courts for the Southern and Eastern Districts of New York.

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**Ira A. Schochet, Partner**  
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A seasoned litigator with three decades of experience, Ira A. Schochet focuses on class actions involving securities fraud. Ira has played a lead role in securing multimillion dollar recoveries in high-profile cases such as those against Countrywide Financial Corporation (\$624 million), Weatherford International Ltd (\$120 million), Massey Energy Company (\$265 million), Caterpillar Inc. (\$23 million), Autoliv Inc. (\$22.5 million), and Fifth Street Financial Corp. (\$14 million).

A longtime leader in the securities class action bar, Ira represented one of the first institutional investors acting as a lead plaintiff in a post-Private Securities Litigation Reform Act case and ultimately obtained one of the first rulings interpreting the statute's intent provision in a manner favorable to investors in *STI Classic Funds, et al. v. Bollinger Industries, Inc.* His efforts are regularly recognized by the courts, including in *Kamarasy v. Coopers & Lybrand*, where the court remarked on "the superior quality of the representation provided to the class." In



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approving the settlement he achieved in *In re InterMune Securities Litigation*, the court complimented Ira's ability to secure a significant recovery for the class in a very efficient manner, shielding the class from prolonged litigation and substantial risk.

Ira has also played a key role in groundbreaking cases in the field of merger and derivative litigation. In *In re Freeport-McMoRan Copper & Gold Inc. Derivative Litigation*, he achieved the second largest derivative settlement in the Delaware Court of Chancery history, a \$153.75 million settlement with an unprecedented provision of direct payments to stockholders by means of a special dividend. In another first-of-its-kind case, Ira was featured in *The AmLaw Litigation Daily* as Litigator of the Week for his work in *In re El Paso Corporation Shareholder Litigation*. The action alleged breach of fiduciary duties in connection with a merger transaction, including specific reference to wrongdoing by a conflicted financial advisory consultant, and resulted in a \$110 million recovery for a class of shareholders and a waiver by the consultant of its fee.

From 2009-2011, Ira served as President of the National Association of Shareholder and Consumer Attorneys (NASCAT), a membership organization of approximately 100 law firms that practice class action and complex civil litigation. During this time, he represented the plaintiffs' securities bar in meetings with members of Congress, the Administration, and the SEC.

From 1996 through 2012, Ira served as Chairman of the Class Action Committee of the Commercial and Federal Litigation Section of the New York State Bar Association. During his tenure, he has served on the Executive Committee of the Section and authored important papers on issues relating to class action procedure including revisions proposed by both houses of Congress and the Advisory Committee on Civil Procedure of the United States Judicial Conference. Examples include: "Proposed Changes in Federal Class Action Procedure"; "Opting Out On Opting In," and "The Interstate Class Action Jurisdiction Act of 1999."

He also has lectured extensively on securities litigation at continuing legal education seminars. He has also been awarded an AV Preeminent rating, the highest distinction, from the publishers of the Martindale-Hubbell directory.

He is admitted to practice in the State of New York as well as before the United States Court of Appeals for the Second, Fifth, Ninth, and Tenth Circuits, and the United States District Courts for the Southern and Eastern Districts of New York, the Central District of Illinois, the Northern District of Texas, and the Western District of Michigan.

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**David J. Schwartz, Partner**  
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David J. Schwartz's practice focuses on event driven and special situation litigation using legal strategies to enhance clients' investment return.

His extensive experience includes prosecuting as well as defending against securities and corporate governance actions for an array of institutional clients including hedge funds, merger arbitrage investors, pension funds, mutual funds, and asset management companies. He played a pivotal role in several securities class action cases, including against real estate service provider Altisource Portfolio Solutions, where he helped achieve a \$32 million cash settlement, and investment management firm Virtus Investment Partners, which resulted in a \$22 million settlement. David has also done substantial work in mergers and acquisitions appraisal litigation, and direct action/opt-out litigation.

David was recently named a Future Star by *Benchmark Litigation* and to *Benchmark's* "40 & Under Hot List," which recognizes him as one the nation's most accomplished partners age 40 years and under.

David obtained his J.D. from Fordham University School of Law, where he served on the *Urban Law Journal*. He received his B.A. in economics, with honors, from the University of Chicago.

David is admitted to practice in the State of New York as well as before the United States District Court for the Southern District of New York.

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**Irina Vasilchenko, Partner**  
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Irina Vasilchenko focuses on prosecuting complex securities fraud cases on behalf of institutional investors.

Currently, Irina is actively involved in prosecuting *In re Goldman Sachs Group, Inc. Securities Litigation*, *In re SCANA Corporation Securities Litigation*, *In re Acuity Brands, Inc. Securities Litigation*, and *Vancouver Alumni Asset Holdings, Inc. v. Daimler AG*. Since joining Labaton Sucharow, she has been part of the Firm's teams in *In re Massey Energy Co. Securities Litigation*, where the Firm obtained a \$265 million all-cash settlement with Alpha Natural Resources, Massey's parent company; *In re Fannie Mae 2008 Securities Litigation* (\$170 million settlement); *In re Amgen Inc. Securities Litigation* (\$95 million settlement); and *In re Hewlett-Packard Company Securities Litigation* (\$57 million settlement).

Prior to joining Labaton Sucharow, Irina was an associate in the general litigation practice group at Ropes & Gray LLP, where she focused on securities litigation.

Irina maintains a commitment to pro bono legal service including, most recently, representing an indigent defendant in a criminal appeal case before the New York First Appellate Division, in association with the Office of the Appellate Defender. As part of this representation, she argued the appeal before the First Department panel. Irina is a member of the New York City Bar Association's Women in the Courts Task Force. She also leads Labaton Sucharow's Associate Training Program.

Irina received a J.D., *magna cum laude*, from Boston University School of Law, where she was an editor of the *Boston University Law Review* and was the G. Joseph Tauro Distinguished Scholar (2005), the Paul L. Liacos Distinguished Scholar (2006), and the Edward F. Hennessey Scholar (2007). Irina earned a B.A. in Comparative Literature with Distinction, *summa cum laude* and Phi Beta Kappa, from Yale University.

She is fluent in Russian and proficient in Spanish.

Irina is admitted to practice in the State of New York and the State of Massachusetts as well as before the United States District Courts for the Southern and Eastern Districts of New York.

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**Carol C. Villegas, Partner**  
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Carol C. Villegas Carol C. Villegas focuses on prosecuting complex securities fraud cases on behalf of institutional investors. Leading one of the Firm's litigation teams, she currently oversees litigation against AT&T, Marriott, Nielsen Holdings, Skechers, U.S.A., Inc., Shanda Games, and Danske Bank. In addition to her litigation responsibilities, Carol holds a variety of leadership positions within the Firm, including serving on the Firm's Executive Committee and serving as Co-Chair of the Firm's Women's Networking and Mentoring Initiative and as the Firm's Chief Compliance Officer.

Carol's skillful handling of discovery work, her development of innovative case theories in complex cases, and her adept ability during oral argument earned her recent accolades from the New York Law Journal as a Top Woman in Law. She has also been recognized as a Future Star Star by *Benchmark Litigation* and a Next Generation Lawyer by *The Legal 500*, where clients praised her for helping them "better understand the process and how to value a case."

Carol played a pivotal role in securing favorable settlements for investors from AMD, a multi-national semiconductor company, Liquidity Services, an online auction marketplace, Aeropostale, a leader in the international retail apparel industry, ViroPharma Inc., a biopharmaceutical company, and Vocera, a healthcare

communications provider. She also recently helped revive a securities class action against LifeLock after arguing an appeal before the Ninth Circuit. A true advocate for her clients, Carol's argument in the case against Vocera resulted in a ruling from the bench, denying defendants' motion to dismiss in that case.

Prior to joining Labaton Sucharow, Carol served as the Assistant District Attorney in the Supreme Court Bureau for the Richmond County District Attorney's office, where she took several cases to trial. She began her career as an associate at King & Spalding LLP, where she worked as a federal litigator.

Carol received a J.D. from New York University School of Law, and she was the recipient of The Irving H. Jurow Achievement Award for the Study of Law and selected to receive the Association of the Bar of the City of New York Minority Fellowship. Carol served as the Staff Editor, and later the Notes Editor, of the *Environmental Law Journal*. She earned a B.A., with honors, in English and Politics from New York University.

Carol is a member of the National Association of Public Pension Attorneys (NAPPA), the National Association of Women Lawyers (NAWL), the Hispanic National Bar Association, the Association of the Bar of the City of New York, and a member of the Executive Council for the New York State Bar Association's Committee on Women in the Law.

She is fluent in Spanish.

She is admitted to practice in the State of New York, as well as before the United States Court of Appeals for the First, Second, Ninth, Tenth, and Eleventh Circuits, and the United States District Courts for the Southern and Eastern Districts of New York, the District of Colorado, and the Eastern District of Wisconsin.

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**Ned Weinberger, Partner**  
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Ned Weinberger is Chair of the Firm's Corporate Governance and Shareholder Rights Litigation Practice. An experienced advocate of shareholder rights, Ned focuses on representing investors in corporate governance and transactional matters, including class action and derivative litigation. Ned was recognized by *Chambers & Partners USA* in the Delaware Court of Chancery and was named "Up and Coming," noting his impressive range of practice areas. He was also recently named a "Leading Lawyer" by *The Legal 500* and a Future Star by *Benchmark Litigation*.

Ned is currently prosecuting, among other matters, *In re Straight Path Communications Inc. Consolidated Stockholder Litigation*, which alleges breaches of fiduciary duty by the controlling stockholder of Straight Path Communications, Howard Jonas, in connection with the company's proposed sale to Verizon Communications Inc. He recently led a class and derivative action on behalf of stockholders of Providence Service Corporation—*Haverhill Retirement System v. Kerley*—that challenged an acquisition financing arrangement involving Providence's board chairman and his hedge fund. The case settled for \$10 million.

Ned was part of a team that achieved a \$12 million recovery on behalf of stockholders of ArthroCare Corporation in a case alleging breaches of fiduciary duty by the ArthroCare board of directors and other defendants in connection with Smith & Nephew, Inc.'s acquisition of ArthroCare. Other recent successes on behalf of stockholders include *In re Vaalco Energy Inc. Consolidated Stockholder Litigation*, which resulted in the invalidation of charter and bylaw provisions that interfered with stockholders' fundamental right to remove directors without cause.

Prior to joining Labaton Sucharow, Ned was a litigation associate at Grant & Eisenhofer P.A. where he gained substantial experience in all aspects of investor protection, including representing shareholders in matters relating to securities fraud, mergers and acquisitions, and alternative entities. Representative of Ned's experience in the Delaware Court of Chancery is *In re Barnes & Noble Stockholders Derivative Litigation*, in which Ned assisted in obtaining approximately \$29 million in settlements on behalf of Barnes & Noble investors. Ned was also part of the litigation team in *In re Clear Channel Outdoor Holdings, Inc. Shareholder*

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*Litigation*, the settlement of which provided numerous benefits for Clear Channel Outdoor Holdings and its shareholders, including, among other things, a \$200 million cash dividend to the company's shareholders.

Ned received his J.D. from the Louis D. Brandeis School of Law at the University of Louisville where he served on the *Journal of Law and Education*. He earned his B.A. in English Literature, *cum laude*, at Miami University.

Ned is admitted to practice in the States of Delaware, Pennsylvania, and New York as well as before the United States District Court for the District of Delaware.

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**Mark S. Willis, Partner**  
[mwillis@labaton.com](mailto:mwillis@labaton.com)

With nearly three decades of experience, Mark S. Willis' practice focuses on domestic and international securities litigation. Mark advises leading pension funds, investment managers, and other institutional investors from around the world on their legal remedies when impacted by securities fraud and corporate governance breaches. Mark represents clients in U.S. litigation and maintains a significant practice advising clients of their legal rights abroad to pursue securities-related claims. He has been recognized in securities litigation by *The Legal 500*.

Mark represents institutions from the United Kingdom, Spain, the Netherlands, Denmark, Germany, Belgium, Canada, Japan, and the United States in a novel lawsuit in Texas against BP plc to salvage claims that were dismissed from the U.S. class action because the claimants' BP shares were purchased abroad (thus running afoul of the Supreme Court's *Morrison* rule that precludes a U.S. legal remedy for such shares). These previously dismissed claims have now been sustained and are being pursued under English law in a Texas federal court.

Mark also represents the Utah Retirement Systems in a shareholder action against the DeVry Education Group, and he represented the Arkansas Public Employees Retirement System in a shareholder action against The Bancorp (which settled for \$17.5 million), and Caisse de dépôt et placement du Québec, one of Canada's largest institutional investors, in a U.S. shareholder class action against Liquidity Services (which settled for \$17 million).

In the *Converium* class action, Mark represented a Greek institution in a nearly four-year battle that eventually became the first U.S. class action settled on two continents. This trans-Atlantic result saw part of the \$145 million recovery approved by a federal court in New York, and the rest by the Amsterdam Court of Appeal. The Dutch portion was resolved using the Netherlands then newly enacted Act on Collective Settlement of Mass Claims. In doing so, the Dutch Court issued a landmark decision that substantially broadened its jurisdictional reach, extending jurisdiction for the first time to a scenario in which the claims were not brought under Dutch law, the alleged wrongdoing took place outside the Netherlands, and none of the potentially liable parties were domiciled in the Netherlands.

In the corporate governance arena, Mark has represented both U.S. and overseas investors. In a shareholder derivative action against Abbott Laboratories' directors, he charged the defendants with mismanagement and fiduciary breaches for causing or allowing the company to engage in a 10-year off-label marketing scheme, which had resulted in a \$1.6 billion payment pursuant to a Justice Department investigation—at the time the second largest in history for a pharmaceutical company. In the derivative action, the company agreed to implement sweeping corporate governance reforms, including an extensive compensation clawback provision going beyond the requirements under the Dodd-Frank Act, as well as the restructuring of a board committee and enhancing the role of the Lead Director. In the *Parmalat* case, known as the "Enron of Europe" due to the size and scope of the fraud, Mark represented a group of European institutions and eventually recovered nearly \$100 million and negotiated governance reforms with two large European banks who, as part of the settlement, agreed to endorse their future adherence to key corporate governance principles designed to advance investor protection and to minimize the likelihood of future deceptive transactions. Securing

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governance reforms from a defendant that was not an issuer was a first at that time in a shareholder fraud class action.

Mark has also represented clients in opt-out actions. In one, brought on behalf of the Utah Retirement Systems, Mark negotiated a settlement that was nearly four times more than what its client would have received had it participated in the class action.

On non-U.S. actions Mark has advised clients, and represented their interests as liaison counsel, in more than 30 cases against companies such as Volkswagen, Olympus, the Royal Bank of Scotland, the Lloyds Banking Group, and Petrobras, and in jurisdictions ranging from the UK to Japan to Australia to Brazil to Germany.

Mark has written on corporate, securities, and investor protection issues—often with an international focus—in industry publications such as *International Law News*, *Professional Investor*, *European Lawyer*, and *Investment & Pensions Europe*. He has also authored several chapters in international law treatises on European corporate law and on the listing and subsequent disclosure obligations for issuers listing on European stock exchanges. He also speaks at conferences and at client forums on investor protection through the U.S. federal securities laws, corporate governance measures, and the impact on shareholders of non-U.S. investor remedies.

He is admitted to practice in the State of Massachusetts and the District of Columbia, as well as the U.S. District Court for the District of Columbia.

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**Nicole M. Zeiss, Partner**  
[nzeiss@labaton.com](mailto:nzeiss@labaton.com)

A litigator with nearly two decades of experience, Nicole M. Zeiss leads the Settlement Group at Labaton Sucharow, analyzing the fairness and adequacy of the procedures used in class action settlements. Her practice focuses on negotiating and documenting complex class action settlements and obtaining the required court approval of the settlements, notice procedures, and payments of attorneys' fees.

Over the past decade, Nicole was actively involved in finalizing settlements with Massey Energy Company (\$265 million), Fannie Mae (\$170 million), and Schering-Plough (\$473 million), among many others.

Nicole was part of the Labaton Sucharow team that successfully litigated the \$185 million settlement in *In re Bristol-Myers Squibb Securities Litigation*, and she played a significant role in *In re Monster Worldwide, Inc. Securities Litigation* (\$47.5 million settlement). Nicole also litigated on behalf of investors who have been damaged by fraud in the telecommunications, hedge fund, and banking industries.

Prior to joining Labaton Sucharow, Nicole practiced in the area of poverty law at MFY Legal Services. She also worked at Gaynor & Bass practicing general complex civil litigation, particularly representing the rights of freelance writers seeking copyright enforcement.

Nicole maintains a commitment to pro bono legal services by continuing to assist mentally ill clients in a variety of matters—from eviction proceedings to trust administration.

She received a J.D. from the Benjamin N. Cardozo School of Law, Yeshiva University and earned a B.A. in Philosophy from Barnard College. Nicole is a member of the Association of the Bar of the City of New York.

She is admitted to practice in the State of New York as well as before the United States Court of Appeals for the Second and Ninth Circuits, and the United States District Courts for the Southern and Eastern Districts of New York, and the District of Colorado.

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**Rachel A. Avan, Of Counsel**  
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Rachel A. Avan prosecutes complex securities fraud cases on behalf of institutional investors. She focuses on advising institutional investor clients regarding fraud-related losses on securities, and on the investigation and development of U.S. and non-U.S. securities fraud class, group, and individual actions. Rachel manages the Firm's Non-U.S. Securities Litigation Practice, which is dedicated to analyzing the merits, risks, and benefits of potential claims outside the United States. She has played a key role in ensuring that the Firm's clients receive substantial recoveries through non-U.S. securities litigation. In addition to her litigation responsibilities, Rachel serves as the Firm's Compliance Officer.

In evaluating new and potential matters, Rachel draws on her extensive experience as a securities litigator. She was an active member of the team prosecuting the securities fraud class action against Satyam Computer Services, Inc., in *In re Satyam Computer Services Ltd. Securities Litigation*, dubbed "India's Enron." That case achieved a \$150.5 million settlement for investors from the company and its auditors. She also had an instrumental part in the pleadings in a number of class actions including, *In re Barrick Gold Securities Litigation* (\$140 million settlement); *Freedman v. Nu Skin Enterprises, Inc.* (\$47 million recovery); and *Iron Workers District Council of New England Pension Fund v. NII Holdings, Inc.* (\$41.5 million recovery).

Rachel has spearheaded the filing of more than 75 motions for lead plaintiff appointment in U.S. securities class actions including, *In re Facebook, Inc. IPO Securities & Derivative Litigation*; *In re Computer Sciences Corporation Securities Litigation*; *In re Petrobras Securities Litigation*; *In re Spectrum Pharmaceuticals, Inc. Securities Litigation*; *Weston v. RCS Capital Corporation*; and *Cummins v. Virtus Investment Partners Inc.*

In addition to her securities class action litigation experience, Rachel also played a role in prosecuting several of the Firm's derivative matters, including *In re Barnes & Noble Stockholder Derivative Litigation*; *In re Coca-Cola Enterprises Inc. Shareholders Litigation*; and *In re The Student Loan Corporation Litigation*.

Rachel brings to the Firm valuable insight into corporate matters, having served as an associate at a corporate law firm, where she counseled domestic and international public companies regarding compliance with federal and state securities laws. Her analysis of corporate securities filings is also informed by her previous work assisting with the preparation of responses to inquiries by the U.S. Securities and Exchange Commission and the Financial Industry Regulatory Authority.

Before attending Benjamin N. Cardozo School of Law, Rachel enjoyed a career in editing for a Boston-based publishing company. She also earned a Master of Arts in English and American Literature from Boston University.

Since 2015, Rachel has been recognized as a New York Metro "Rising Star" in securities litigation by *Super Lawyers*, a Thomson Reuters publication.

She is proficient in Hebrew.

Rachel is admitted to practice in the States of New York and Connecticut as well as before the United States District Court for the Southern District of New York.

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**Mark Bogen, Of Counsel**  
mbogen@labaton.com

Mark Bogen advises leading pension funds and other institutional investors on issues related to corporate fraud in domestic and international securities markets. His work focuses on securities, antitrust, and consumer class action litigation, representing Taft-Hartley and public pension funds across the country.



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Among his many efforts to protect his clients' interests and maximize shareholder value, Mark recently helped bring claims against and secure a settlement with Abbott Laboratories' directors, whereby the company agreed to implement sweeping corporate governance reforms, including an extensive compensation clawback provision going beyond the requirements under the Dodd-Frank Act.

Mark has written weekly legal columns for the *Sun-Sentinel*, one of the largest daily newspapers circulated in Florida. He has been legal counsel to the American Association of Professional Athletes, an association of over 4,000 retired professional athletes. He has also served as an Assistant State Attorney and as a Special Assistant to the State Attorney's Office in the State of Florida.

Mark obtained his J.D. from Loyola University School of Law. He received his B.A. in Political Science from the University of Illinois.

He is admitted to practice in the States of Illinois and Florida.

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**Jeffrey A. Dubbin, Of Counsel**  
[jdubbin@labaton.com](mailto:jdubbin@labaton.com)

Jeffrey A. Dubbin focuses on prosecuting complex securities fraud cases on behalf of institutional investors.

Jeff joined Labaton Sucharow following clerkships with the Honorable Marilyn L. Huff and the Honorable Larry Alan Burns in the U.S. District Court for the Southern District of California. Prior to that, he worked as legal counsel for the investment management firm Matrix Capital Management.

Jeff received his J.D. from the University of Pennsylvania Law School and received his B.A., *magna cum laude*, from Harvard University.

He is admitted to practice in the States of New York and California.

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**Joseph H. Einstein, Of Counsel**  
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A seasoned litigator, Joseph H. Einstein represents clients in complex corporate disputes, employment matters, and general commercial litigation. He has litigated major cases in the state and federal courts and has argued many appeals, including appearing before the United States Supreme Court.

His experience encompasses extensive work in the computer software field including licensing and consulting agreements. Joe also counsels and advises business entities in a broad variety of transactions.

Joe serves as an official mediator for the United States District Court for the Southern District of New York. He is an arbitrator for the American Arbitration Association and FINRA. Joe is a former member of the New York State Bar Association Committee on Civil Practice Law and Rules and the Council on Judicial Administration of the Association of the Bar of the City of New York. He currently is a member of the Arbitration Committee of the Association of the Bar of the City of New York.

During Joe's time at New York University School of Law, he was a Pomeroy and Hirschman Foundation Scholar, and served as an Associate Editor of the *Law Review*.

Joe has been awarded an AV Preeminent rating, the highest distinction, from the publishers of the Martindale-Hubbell directory.

He is admitted to practice in the State of New York as well as before the Supreme Court of the United States, the United States Courts of Appeals for the First and Second Circuits, and the United States District Courts for the Southern and Eastern Districts of New York.

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**John J. Esmay, Of Counsel**  
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John J. Esmay focuses on prosecuting complex securities fraud cases on behalf of institutional investors.

Prior to joining Labaton Sucharow, John was an associate at a white collar defense firm where he assisted in all aspects of complex litigation including securities fraud, banking regulation violations, and other regulatory matters. John successfully defended a disciplinary hearing brought by the Financial Industry Regulatory Authority's (FINRA) enforcement division for allegations of insider trading and securities fraud. John helped reach a successful conclusion of a criminal prosecution of a trader for one of the nation's largest financial institutions involved in a major bid-rigging scheme. He was also instrumental in clearing charges and settling a regulatory matter against a healthcare provider brought by the New York State Office of the Attorney General.

Prior to his white collar defense experience, John was an associate at Hogan Lovells US LLP and litigated many large complex civil matters including securities fraud cases, antitrust violations, and intellectual property disputes.

John also previously worked as a judicial clerk for the Honorable William H. Pauley III in the Southern District of New York. He received his J.D., *magna cum laude*, from Brooklyn Law School and his B.S. from Pomona College.

John is admitted to practice in the State of New York.

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**Derrick Farrell, Of Counsel**  
[dfarrell@labaton.com](mailto:dfarrell@labaton.com)

Derrick Farrell focuses on representing shareholders in appraisal, class, and derivative actions. He has substantial trial experience as both a petitioner and a respondent on a number of high profile matters, including: *In re Appraisal of Ancestry.com, Inc.*, C.A. No. 8173-VCG, *IQ Holdings, Inc. v. Am. Commercial Lines Inc.*, Case No. 6369-VCL, and *In re Cogent, Inc. S'holder Litig.*, C.A. No. 5780-VCP. He has also argued before the Delaware Supreme Court on multiple occasions.

Prior to joining Labaton Sucharow, Derrick started his career as an associate at Latham & Watkins LLP, where he gained substantial insight into the inner workings of corporate boards and the role of investment bankers in a sale process. He has guest lectured at Harvard University and co-authored numerous articles including articles published by the Harvard Law School Forum on Corporate Governance and Financial Regulation and PLI.

Derrick graduated from Texas A&M University (B.S., Biomedical Science) and the Georgetown University Law Center (J.D. cum laude). At Georgetown Mr. Farrell served as an advocate and coach to the Barrister's Council (Moot Court Team) and was Magister of Phi Delta Phi. Following his graduation Derrick clerked for the Honorable Donald F. Parsons, Jr., Vice Chancellor, Court of Chancery of the State of Delaware.

Derrick is licensed to practice law in the States of Delaware and Massachusetts and is admitted to practice before the U.S. District Court for the District of Delaware.

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**Alfred L. Fatale III, Of Counsel**  
[afatale@labaton.com](mailto:afatale@labaton.com)

Alfred L. Fatale III focuses on prosecuting complex securities fraud cases on behalf of institutional and individual investors.



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Alfred represents investors in cases related to the protection of the financial markets in trial and appellate courts throughout the country. In particular, he is leading the firm's efforts in litigating securities claims against several companies in state courts following the U.S. Supreme Court's decision in *Cyan, Inc. v. Beaver County Employees Retirement Fund*. This includes prosecuting *In re ADT Inc. Shareholder Litigation*, a case alleging that the offering documents for ADT's \$1.47 billion IPO misrepresented the competition the company was facing from do-it-yourself home security products.

He recently secured an \$11 million settlement for investors in *In re CPI Card Group Inc., Securities Litigation*, a class action brought by an individual retail investor against a debit and credit card manufacturer that allegedly misrepresented demand for its products prior to the company's IPO.

Alfred is also actively involved in *Murphy v. Precision Castparts Corp.*, a case against a major aerospace parts manufacturer that allegedly misled investors about its market share and demand for its products, and *Boston Retirement System v. Alexion Pharmaceuticals Inc.*, a class action arising from the company's conduct in connection with sales of Soliris – a drug that costs between \$500,000 and \$700,000 a year.

Prior to joining Labaton Sucharow, Alfred was an associate at Fried, Frank, Harris, Shriver & Jacobson LLP, where he advised and represented financial institutions, investors, officers, and directors in a broad range of complex disputes and litigations including cases involving violations of federal securities law and business torts.

Alfred earned his J.D. from Cornell Law School, where he was a member of the *Cornell Law Review*, as well as the Moot Court Board. He also served as a judicial extern under the Honorable Robert C. Mulvey. He received his B.A., *summa cum laude*, from Montclair State University.

Alfred is an active member of the American Bar Association, Federal Bar Council, New York State Bar Association, New York County Bar Association, and New York City Bar Association.

Alfred is admitted to practice in the State of New York as well as before the United States Court of Appeals for the Second Circuit, and the United States District Courts for the Southern and Eastern Districts of New York.

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**Mark Goldman, Of Counsel**  
[mgoldman@labaton.com](mailto:mgoldman@labaton.com)

Mark S. Goldman has 30 years of experience in commercial litigation, primarily litigating class actions involving securities fraud, consumer fraud, and violations of federal and state antitrust laws.

Mr. Goldman has extensive experience in data protection and consumer litigation, including representing numerous victims of identity theft seeking to hold accountable companies that failed to protect the safety of private data maintained on their networks, including *In re Community Health Systems, Inc. Customer Data Security Breach Litigation*, No. 15-cv-222 (N.D. Ala.), *In re Anthem, Inc. Data Breach Litigation*, No. 15-md-02617 (N.D. Cal.), *In re Intuit Data Litigation*, No. 15-cv-1778 (N.D. Cal.), and *In re Medical Informatics Engineering, Inc. Customer Data Security Breach Litigation*, MDL No. 2667 (N.D. Ind.).

In the antitrust field, Mr. Goldman litigated several cases that led to recoveries exceeding \$1 billion each, for the benefit of the consumers and small businesses he represented, including *In re Air Cargo Antitrust Litigation*, No. 06-md-1775 (E.D.N.Y.), *In re Vitamins Antitrust Litigation*, MDL No. 1285 (D.D.C.), *In re NASDAQ Antitrust Litigation*, No. 94-cv-3996 (S.D.N.Y.), and *In re Brand Name Prescription Drugs Antitrust Litigation*, No. 94-c-897 (N.D. Ill.).

In the area of securities litigation, Mr. Goldman played a prominent role in class actions brought under the antifraud provisions of the Securities Exchange Act of 1934, including *In re Nuskin Enterprises, Inc. Securities*

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*Litigation*, No. 14-cv-0033 (D. Utah), *In re Spectrum Pharmaceuticals, Inc. Securities Litigation*, No. 13-cv-0433 (D. Nev.), and *In re OmniVision Technologies, Inc. Securities Litigation*, No. 11-cv-05235 (N.D. Cal.).

Mr. Goldman also prosecuted a number of insider trading cases brought against company insiders who, in violation of Section 16(b) of the Securities Exchange Act of 1934, engaged in short swing trading. Mr. Goldman has also served as co-lead counsel in a number of class actions brought against life insurance companies, challenging the manner in which premiums are charged during the first year of coverage.

Mr. Goldman is a member of the Philadelphia Bar Association. Mr. Goldman has been awarded an AV Preeminent rating, the highest distinction, from the publishers of the Martindale-Hubbell directory.

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**Lara Goldstone, Of Counsel**  
[lgoldstone@labaton.com](mailto:lgoldstone@labaton.com)

Lara Goldstone advises pension funds and other institutional investors on issues related to corporate fraud in the U.S. securities markets. Before joining Labaton Sucharow, Lara worked as a legal intern in the Larimer County District Attorney's Office and the Jefferson County District Attorney's Office.

Prior to her legal career, Lara worked at Industrial Labs where she worked closely with Federal Drug Administration standards and regulations. In addition, she was a teacher in Irvine, California.

Lara received a J.D. from University of Denver Sturm College of Law, where she was a judge of The Providence Foundation of Law & Leadership Mock Trial and a competitor of the Daniel S. Hoffman Trial Advocacy Competition. She earned a B.A. from The George Washington University where she was a recipient of a Presidential Scholarship for academic excellence.

Lara is admitted to practice in the State of Colorado.

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**James McGovern, Of Counsel**  
[jmcgovern@labaton.com](mailto:jmcgovern@labaton.com)

James McGovern advises leading pension funds and other institutional investors on issues related to corporate fraud in domestic and international securities markets. His work focuses primarily on securities litigation and corporate governance, representing Taft-Hartley, public pension funds, and other institutional investors across the country in domestic securities actions. He also advises clients as to their potential claims tied to securities-related actions in foreign jurisdictions.

James has worked on a number of large securities class action matters, including *In re Worldcom, Inc. Securities Litigation*, the second-largest securities class action settlement since the passage of the PSLRA (\$6.1 billion recovery); *In re Parmalat Securities Litigation* (\$90 million recovery); *In re American Home Mortgage Securities Litigation* (amount of the opt-out client's recovery is confidential); *In re The Bancorp Inc. Securities Litigation* (\$17.5 million recovery); *In re Pozen Securities Litigation* (\$11.2 million recovery); *In re Cabletron Systems, Inc. Securities Litigation* (\$10.5 million settlement); and *In re UICI Securities Litigation* (\$6.5 million recovery).

In the corporate governance arena, James helped bring claims against Abbott Laboratories' directors, on account of their mismanagement and breach of fiduciary duties for allowing the company to engage in a 10-year off-label marketing scheme. Upon settlement of this action, the company agreed to implement sweeping corporate governance reforms, including an extensive compensation clawback provision going beyond the requirements under the Dodd-Frank Act.

Following the unprecedented takeover of Fannie Mae and Freddie Mac by the federal government in 2008, James was retained by a group of individual and institutional investors to seek recovery of the massive losses

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they had incurred when the value of their shares in these companies was essentially destroyed. He brought and continues to litigate a complex takings class action against the federal government for depriving Fannie Mae and Freddie Mac shareholders of their property interests in violation of the Fifth Amendment of the U.S. Constitution, and causing damages in the tens of billions of dollars.

James also has addressed members of several public pension associations, including the Texas Association of Public Employee Retirement Systems and the Michigan Association of Public Employee Retirement Systems, where he discussed how institutional investors could guard their assets against the risks of corporate fraud and poor corporate governance.

Prior to focusing his practice on plaintiffs' securities litigation, James was an attorney at Latham & Watkins where he worked on complex litigation and FIFRA arbitrations, as well as matters relating to corporate bankruptcy and project finance. At that time, he co-authored two articles on issues related to bankruptcy filings: *Special Issues In Partnership and Limited Liability Company Bankruptcies* and *When Things Go Bad: The Ramifications of a Bankruptcy Filing*.

James earned his J.D., *magna cum laude*, from Georgetown University Law Center. He received his B.A. and M.B.A. from American University, where he was awarded a Presidential Scholarship and graduated with high honors.

He is admitted to practice in the State of Vermont and the District of Columbia.

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**Mark D. Richardson, Of Counsel**  
[mrichardson@labaton.com](mailto:mrichardson@labaton.com)

Mark D. Richardson focuses on representing shareholders in derivative litigation and corporate governance matters.

Prior to joining Labaton Sucharow, Mark was an associate at Schulte Roth & Zabel LLP, where he focused on complex commercial litigation within the financial services industry. He advised and represented clients in class action litigation, expedited bankruptcy proceedings and arbitrations, fraudulent transfer actions, proxy fights, internal investigations, employment disputes, breaches of contract, enforcement of non-competes, data theft, and misappropriation of trade secrets.

Mark has contributed to several publications over the years. In 2016, he was the recipient of the Distinguished Legal Writing award by the Burton Awards for Legal Achievement for an article published in the New York Law Journal, "Options When a Competitor Raids the Company."

Mark earned his J.D. from Emory University School of Law, where he served as the President of the Student Bar Association. He now teaches as an Adjunct Professor in Emory's Kessler-Eidson Program for Trial Techniques. He received his B.S. from Cornell University.

Mark is admitted to practice in the States of New York and Pennsylvania, as well as before the United States Court of Appeals for the Second Circuit, and the U.S. District Court of the Southern and Eastern Districts of New York.

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**Elizabeth Rosenberg, Of Counsel**  
[erosenberg@labaton.com](mailto:erosenberg@labaton.com)

Elizabeth Rosenberg focuses on prosecuting complex securities fraud cases on behalf of institutional investors, with a focus on obtaining court approval of class action settlements, notice procedures, and payment of attorneys' fees.

Prior to joining Labaton Sucharow, Elizabeth was an associate at Whatley Drake & Kallas LLP, where she litigated securities and consumer fraud class actions. Elizabeth began her career as an associate at Milberg LLP where she practiced securities litigation and was also involved in the pro bono representation of individuals seeking to obtain relief from the World Trade Center Victims' Compensation Fund.

Elizabeth received her J.D. from Brooklyn Law School. She obtained her B.A. in Psychology from the University of Michigan.

Elizabeth is admitted to practice in the State of New York and the District Courts for the Southern and Eastern Districts of New York.

# **Exhibit 7**

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(COLUMBIA DIVISION)

*In re SCANA Corporation Securities  
Litigation*

Civil Action No. 3:17-CV-2616-MBS

CLASS ACTION

**DECLARATION OF MARLON E. KIMPSON IN SUPPORT OF LEAD COUNSEL'S  
MOTION FOR ATTORNEYS' FEES AND LITIGATION EXPENSES  
FILED ON BEHALF OF MOTLEY RICE LLC**

I, Marlon E. Kimpson, hereby declare under penalty of perjury as follows:

1. I am a member of the law firm of Motley Rice LLC ("Motley Rice").<sup>1</sup> My firm serves as Liaison Counsel for Lead Plaintiffs and the Settlement Class in the above-captioned action (the "Action"). I submit this declaration in support of Lead Counsel's application for an award of attorneys' fees in connection with services rendered in the Action, as well as for payment of litigation expenses incurred in connection with the Action. I have personal knowledge of the facts set forth herein and, if called upon, could and would testify thereto.

2. My firm, as Liaison Counsel, actively participated in the prosecution of the claims on behalf of Lead Plaintiffs and the Settlement Class. In that capacity, we worked with Court-appointed Lead Counsel, Bernstein Litowitz Berger & Grossman LLP and Labaton Sucharow LLP, on all aspects of litigation, including preparing for and participating in court hearings; reviewing pleadings, briefs, and communications with the Court; advising Lead

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<sup>1</sup> Unless otherwise defined in this Declaration, all capitalized terms have the meanings set out in the Stipulation and Agreement of Settlement, dated December 20, 2019 (ECF No. 214-2).

Counsel regarding local practice, procedure, and requirements; and serving as the principal contact between Lead Plaintiffs and the Court.

3. The schedule attached hereto as Exhibit A is a detailed summary indicating the amount of time spent by attorneys and professional support staff employees of my firm who, from inception of the Action through and including March 31, 2020, devoted ten or more hours to the Action, and the lodestar calculation for those individuals based on my firm's current hourly rates. For personnel who are no longer employed by my firm, the lodestar calculation is based upon the hourly rates for such personnel in his or her final year of employment by my firm. The schedule was prepared from contemporaneous daily time records regularly prepared and maintained by my firm. No time expended on the application for fees and expenses has been included.

4. The hourly rates shown in Exhibit A are the current rates set by the firm for each individual. The hourly rates are the same as, or comparable to, the rates submitted by my firm and accepted by courts for lodestar cross-checks in other securities class action litigation fee applications.

5. After the deduction noted above, the total number of hours expended on this Action by my firm from its inception through and including March 31, 2020, is 1,025. The total lodestar for my firm for that period is \$672,006.25.

6. My firm's lodestar figures are based upon the firm's hourly rates, which do not include expense items. Expense items are recorded separately, and these amounts are not duplicated in my firm's hourly rates

7. As detailed in Exhibit B, my firm is seeking payment for a total of \$25,961.97 in expenses incurred from inception of the Action through and including April 15, 2020.

8. The Litigation Expenses reflected in Exhibit B are the actual expenses or reflect “caps” based on the application of the following criteria:

(a) Out-of-town travel – airfare is at coach rates; hotel charges per night are capped at \$350 for higher-cost cities and \$250 for lower-cost cities (the relevant cities and how they are categorized are reflected on Exhibit B); and meals are capped at \$20 per person for breakfast, \$25 per person for lunch, and \$50 per person for dinner.

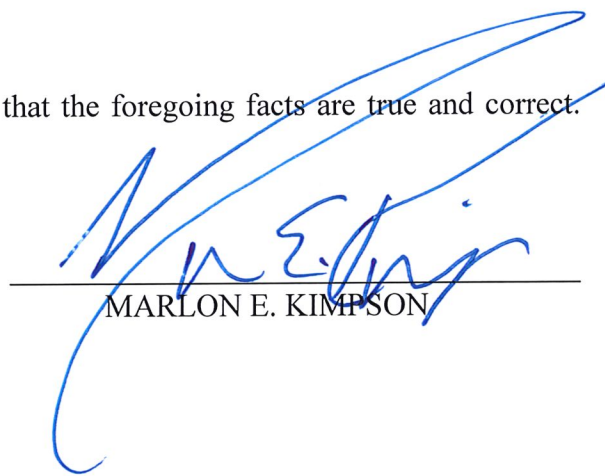
(b) Internal Copying – charged at \$0.10 per page.

(c) On-Line Research – charges reflected are for out-of-pocket payments to the vendors for research done in connection with this Action. On-line research is billed to each case based on a set charge by the vendor. There are no administrative charges by my firm included in these figures.

9. With respect to the standing of my firm, attached hereto as Exhibit C is a firm résumé, which includes information about my firm and biographical information concerning the firm’s attorneys.

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

Executed on April 22, 2020.



MARLON E. KIMPSON



## **Exhibit A**

**EXHIBIT A**

*In re SCANA Corporation Securities Litigation*  
Civil Action No. 3:17-CV-2616-MBS

**MOTLEY RICE LLC****TIME REPORT**

Inception through and including March 31, 2020

<b>NAME</b>	<b>HOURS</b>	<b>HOURLY RATE</b>	<b>LODESTAR</b>
<b>Members</b>			
Kimpson, Marlon	124.75	\$900.00	\$112,275.00
Littlejohn, Joshua C	248.50	\$775.00	\$192,587.50
Narwold, Bill	10.25	\$1,100.00	\$11,275.00
Norton, Bill S.	252.25	\$775.00	\$195,493.75
<b>Senior Counsel</b>			
Ritter, Ann Kimmel	20.50	\$925.00	\$18,962.50
<b>Associates</b>			
Arnold, Andrew P.	30.50	\$600.00	\$18,300.00
Camputaro, Elizabeth A.	62.75	\$500.00	\$31,375.00
Moriarty, Christopher F.	17.50	\$600.00	\$10,500.00
<b>Paralegals</b>			
Ashby, Lisa	19.00	\$250.00	\$4,750.00
Blackiston, Victoria	17.00	\$350.00	\$5,950.00
Kinard, Caroline	24.00	\$225.00	\$5,400.00
McLaughlin, Lora L.	15.75	\$375.00	\$5,906.25
Shaarda, Lynn	57.75	\$325.00	\$18,768.75
Weil, Katherine M	124.50	\$325.00	\$40,462.50
<b>TOTALS</b>	<b>1,025.00</b>		<b>\$672,006.25</b>

## **Exhibit B**

**EXHIBIT B**

*In re SCANA Corporation Securities Litigation*  
Civil Action No. 3:17-CV-2616-MBS

**MOTLEY RICE LLC****EXPENSE REPORT**

Inception through and including April 15, 2020

<b>CATEGORY</b>	<b>AMOUNT</b>
On-Line Legal/Factual Research	\$1,513.77
Long Distance Telephone/Conference Calls	\$4.20
Postage/Express Mail/Hand Delivery Charges	\$150.89
Copying/Printing Costs	\$371.20
Out of Town Travel*	\$3,798.05
Court Reporting & Transcripts	\$13,716.96
Filing/Service Fees	\$5,267.00
Experts	\$1,080.00
Global Economics Group, LLC	\$1,080.00
Miscellaneous	\$59.90
<b>TOTAL EXPENSES:</b>	<b>\$25,961.97</b>

\*Travel includes lodging for a Motley Rice attorney in the following higher-cost city capped at \$350 per night: New York, NY.

## **Exhibit C**

**EXHIBIT C**

*In re SCANA Corporation Securities Litigation*  
Civil Action No. 3:17-CV-2616-MBS

**MOTLEY RICE LLC**

**FIRM RESUME**

## FIRM RESUME



## FIRM OVERVIEW



Motley Rice attorneys have been at the forefront of some of the most significant and monumental civil actions over the last 30 years. Our experience in complex trial litigation includes class actions and individual cases involving securities and consumer fraud, occupational disease and toxic tort, medical drugs and devices, environmental damage, terrorist attacks and human rights abuses.

### **Tobacco Master Settlement Agreement**

In the 1990s, Motley Rice attorneys and more than half of the states' attorneys general took on the tobacco industry. Armed with evidence acquired from whistleblowers, individual smokers' cases and tobacco liability class actions, the attorneys led the campaign in the courtroom and at the negotiation table to recoup state healthcare funds and exact marketing restrictions from cigarette manufacturers. The effort resulted in significant restrictions on cigarette marketing to children and culminated in the \$246 billion Master Settlement Agreement, the largest civil settlement in U.S. history.

### **Asbestos Litigation**

From the beginning, our lawyers were integral to the story of how "a few trial lawyers and their asbestos-afflicted clients came out . . . to challenge giant asbestos corporations and uncover the greatest and longest business cover-up of an epidemic disease, caused by a product, in American history."<sup>1</sup> In addition to representing thousands of workers and family members impacted by asbestos, Motley Rice has represented numerous public entities, and litigated claims alleging various insurers of asbestos defendants engaged in unfair settlement practices in connection with the resolution of underlying asbestos personal injury claims. This litigation resulted in, among other things, an eleven-state settlement with Travelers Insurance Company.

### **Anti-Terrorism and Human Rights**

In *In re Terrorist Attacks on September 11, 2001*, Motley Rice attorneys brought a landmark lawsuit against the alleged private and state sponsors of al Qaeda and Osama bin Laden in an action filed on behalf of more than 6,500 family members, survivors, and those killed on 9/11—including the representation of more than 900 firefighters and their families. In prosecuting this action, Motley Rice has undertaken a global investigation into terrorism financing.

Our attorneys also initiated the *In re September 11 Litigation* and negotiated settlements for 56 families that opted out of the Victim Compensation Fund that far exceeded existing precedents at the time for wrongful death cases against the airline industry.

### **BP PLC Oil Spill Litigation**

In April 2010, the Deepwater Horizon disaster spilled approximately 4.9 million gallons of oil into the water, killed 11 oil rig workers, devastated the Gulf's natural resources and profoundly harmed the economic and emotional well-being of hundreds of thousands of people. The Deepwater Horizon Economic and Property Damages Settlement is the largest civil class action settlement in U.S. history. Motley Rice co-founder

Joseph Rice is a Plaintiffs' Steering Committee member and served as one of the primary negotiators of that Settlement and the Medical Benefits Settlement. In addition, Rice led negotiations in the \$1.028 billion settlement between the PSC and Halliburton Energy Services for its alleged role in the oil spill. Motley Rice attorneys continue to hold leadership roles in the litigation and are currently working to ensure that all qualifying oil spill victims are fairly compensated.

### **Volkswagen 'Clean Diesel' Litigation**

In 2015, Volkswagen Group's admission that it had programmed more than 11 million vehicles to cheat emissions tests and bypass standards sparked worldwide outrage. Motley Rice co-founder Joe Rice served as one of the lead negotiators in the nearly \$15 billion settlement deal reached in 2016 for U.S. owners and lessees of 2.0-liter TDI vehicles, the largest auto-related consumer class action settlement in U.S. history. Rice and other Motley Rice attorneys also helped recover up to \$4.4 billion with regards to affected 3.0-liter vehicles.

### **Transvaginal Mesh Litigation**

Motley Rice attorneys represent thousands of women and have played a leading role in litigation alleging debilitating and life-altering complications caused by defective transvaginal mesh devices. In 2014, Joe Rice, with co-counsel, negotiated the original settlement deal reached in *In re American Medical Systems, Inc., Pelvic Repair Systems Products Liability Litigation* that numerous subsequent settlements with the manufacturer were modeled after.

### **Opioid Litigation**

Motley Rice is at the forefront of national litigation involving opioid manufacturers and distributors for alleged deceptive marketing and other business practices that contributed to the opioid crisis. Firm co-founder Joe Rice one of three co-leads for the National Prescription Opiate Litigation coordinated in the Northern District of Ohio. Also holding leadership positions in the MDL are Motley Rice attorneys Linda Singer (DC, NY), co-chair of the Manufacturer/Marketing Committee and Lou Bograd (DC, KY), co-chair of the Law & Briefing Committee. Singer, the former Attorney General for the District of Columbia, continues to serve as lead counsel for the first jurisdictions to file complaints in the most recent wave of litigation against pharmaceutical companies regarding the opioid crisis—the City of Chicago and Santa Clara County. The firm also represents multiple state Attorneys General, local governments and other public entities in state-filed matters related to the opioid epidemic, which is reported to claim 175 American lives each day.



## LITIGATION PROFILES *Motley Rice has held leadership roles in numerous cases. Highlights include:*

### DEFECTIVE DRUGS AND DEVICES

Plaintiffs' Steering Committee *In re Proton-Pump Inhibitor Prods. Liability Litigation* (No. II), D.N.J.

Plaintiffs' Steering Committee *In re Zimmer NexGen Knee Implant Products Liability Litigation*, N.D. III.

Plaintiffs' Steering Committee and Co-lead Counsel *In re Ethicon Physiomesh Flexible Composite Hernia Mesh Products Liability Litigation*, MDL 2782

Lead Counsel; Plaintiffs' Executive Committee *Essure Permanent Sterilization Device California State Court Consolidation*

Lead counsel in *In re Atrium Medical Corp. C-QUR Mesh Products Liability Litigation*, MDL No. 2753

Plaintiffs' Steering Committee, Co-lead Counsel and Liaison Counsel in *In re Davol/ C.R. Bard Hernia Mesh* (PC-2017-1929)

Plaintiffs' Steering Committee *In re Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2738

Co-lead counsel *In re Zofran (Ondansetron) Products Liability Litigation*, MDL No. 2657

Plaintiffs' Executive Committee in *In re Viagra (Sildenafil Citrate) and Cialis (Tadalafil) Products Liability Litigation*, MDL 2691

Plaintiffs' Leadership Counsel of *In re Bard IVC Filters Products Liability Litigation*, MDL 2641

Plaintiffs' Steering Committee of *In re Lipitor® (Atorvastatin Calcium) Marketing, Sales Practices and Products Liability Litigation*, MDL 2502.

Co-lead plaintiffs' counsel and liaison counsel *In re Kugel Mesh Hernia Patch Products Liability Litigation*, MDL No. 07-1842 (D.R.I.), Rhode Island federal court's first consolidated MDL, on behalf of thousands of people alleging injury by the hernia repair patch manufactured by Davol, Inc., as well as liaison counsel for the nearly 2,000 lawsuits consolidated in Rhode Island state court.

Co-lead coordinating counsel of *In re Ethicon, Inc., Pelvic Repair Systems Products Liability Litigation*, MDL 2327 (S.D.W.Va.)

Co-lead counsel in the *In re American Medical Systems, Inc., Pelvic Repair Systems Products Liability Litigation*, MDL 2325 (S.D.W.Va.)

Co-liaison counsel *In re C.R. Bard, Inc., Pelvic Repair Systems Products Liability Litigation*, MDL 2187 (S.D.W.Va.)

Co-lead counsel *In re Boston Scientific Corp., Pelvic Repair Systems Products Liability Litigation*, MDL 2326, (S.D.W.Va.)

Co-liaison counsel *In re Pelvic Mesh Litigation/Bard*, No. L-6339-10 in New Jersey state court.

State court liaison counsel of *In re Bard Litigation* in Massachusetts and Delaware

Co-lead counsel of the *Mirena MDL* (S.D.N.Y.)

Co-lead counsel in the *In re Mirena Product Liability* state court consolidation in New Jersey

Plaintiffs' Steering Committee of *In re Power Morcellator Products Liability Litigation*, MDL No. 2652

Plaintiffs' Steering Committee of *In re Zoloft (Sertraline Hydrochloride) Products Liability Litigation*, MDL 2342

Plaintiffs' Steering Committee of *In re NuvaRing Products Liability Litigation*, MDL 1964

Plaintiffs' Steering Committee of *In re DePuy Orthopaedics, Inc. ASR Hip Implant Products Liability Litigation*, MDL 2197

Plaintiffs' Steering Committee of *In re DePuy Orthopaedics, Inc. Pinnacle Hip Implant Products Liability Litigation*, MDL 2244

*In re A.H. Robins Co., Inc., "Dalkon Shield" IUD Products Liability Litigation* (No. II), MDL 631

Plaintiffs' Steering Committee of *In re Medtronic, inc., Sprint Fidelis Leads Products Liability Litigation*, MDL 1905

Plaintiffs' Steering Committee of *In re Trasyol Products Liability Litigation*, MDL 1928

Plaintiffs' Steering Committee of *In re Levaquin Products Liability Litigation*, MDL 1943

Plaintiffs' Steering Committee and co-lead counsel of *In re Digitek Products Liability Litigation*, MDL 1968

Plaintiffs' Steering Committee of *In re Avandia Marketing, Sales Practices and Products Liability Litigation*, MDL 1871

Plaintiffs' Steering Committee of *In re Hydrocort Marketing and Sales Practice Litigation*, MDL 2087

Plaintiffs' Steering Committee of *In re Zicam Cold Remedy Marketing, Sales Practices and Products Liability Litigation*, MDL 2096

Plaintiffs' Steering Committee and co-lead counsel of *In re Human Tissue Products Liability Litigation*, MDL 1763

*In re Temporomandibular Joint (TMJ) Implants Products Liability Litigation*, MDL 1001

*In re Abbott Laboratories Omniflox Products Liability Litigation*, MDL 1004

Plaintiffs' Steering Committee and liaison counsel of *In re Showa Denko K.K. L-tryptophan Products Liability Action*, MDL No. 865

### CONSUMER PROTECTION, CATASTROPHIC INJURY AND WRONGFUL DEATH

Plaintiffs' Steering Committee of *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2672 CRB (JSC)

Plaintiffs' Steering Committee of *In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability Litigation*, No. 17-md-02777-EMC (N.D. Calif.)

Plaintiffs' Executive Committee of *In re General Motors LLC Ignition Switch Litigation*, MDL 2543



Co-liaison counsel in ***In re 21st Century Oncology Customer Data Security Breach Litigation***, Case No. 8:16-md-2737-MSS-AEP (M.D. Fla.)

***Hoover, et al. v. NFL, et al.***, MDL #2:12-cv-05209-AB (E.D. Pa.).

Lead counsel in ***Charleston Firefighter Litigation v. Sofa Super Store, Inc., et al.***, No. 07-CP-10-3186 (Ct. of Common Pleas, Ninth Jud. Cir.), consolidated complex litigation involving the families of nine firefighters who died in a furniture store disaster.

***Clifton Chesnut, a minor v. Waupaca Elevator Company, Inc., et al.***, No. 2013-CP-10-2060 (Ct. of Common Pleas, Ninth Jud. Cir.).

***Veronica Lynne Tario v. SOCO, Holding, LLC et al.***, No. 2013-cv-26-2499 (Ct. of Common Pleas, Fifteenth Jud. Cir.).

***Satterfield et al. v. Napa Home & Garden Inc., et al.***, No. 7:11-1514-JMC (D.S.C.).

Plaintiffs' Steering Committee and multiple plaintiffs' counsel, ***In re San Juan DuPont Plaza Hotel Fire Litigation***, MDL 721 (D.P.R.).

***Strother v. John Wieland Homes and Neighborhoods of the Carolinas, et al.***, No. 09-CO-29-1783 (Ct. of Common Pleas, Sixth Jud. Cir.), an individual catastrophic personal injury/premise liability case involving life-altering brain injury.

Plaintiffs' Steering Committee and Discovery Committee in ***In re Bridgestone/Firestone, Inc. Tires Products Liability Litigation***, MDL 1373 (00-MD-1373-SEB; S.D. Indiana)

***In re Ford Motor Co. E-350 Van Products Liability Litigation*** (No. II), MDL 1687

Class counsel in ***Carol Lee Whitfield, et al., v. Sangamo Weston***, No. 6:84-3184 (D.S.C.), a PCB personal injury and property damage class action settled while pending before U.S. District Court for the District of South Carolina, Greenville Division.

***In re Graniteville Train Derailment***, No. 2006-CP-02-1032 (Ct. of Common Pleas, Second Jud. Cir.). served in a leadership role for both individual and class action cases in connection with the January 2005 railroad derailment and chemical spill in Graniteville, S.C.

## SECURITIES FRAUD

Co-lead counsel in ***In re 3M Co. Securities Litigation***, No. 2:19-cv-15982 (D.N.J.)

Lead counsel in ***Takata v. Riot Blockchain, Inc., et al.***, No. 3:18-cv-02293 (D.N.J.)

Co-lead counsel in ***Parchmann v. MetLife, Inc. et al.***, No. 1:18-cv-00780-SJ-RLM (E.D.N.Y.)

Co-lead counsel in class action ***Bennett v. Sprint Nextel Corporation***, No. 2:09-cv-02122-EFM-KMH (D. Kan.), representing the PACE Industry Union-Management Pension Fund (PIUMPF) and several other institutional investors.

Co-class counsel in ***Alaska Electrical Pension Fund v. Pharmacia Corp.***, No. 03-1519 (D.N.J.). federal securities fraud litigation alleging that the defendants misrepresented clinical trial results of Celebrex® to make its safety profile appear better than rival drugs.

Lead counsel in ***In re Barrick Gold Securities Litigation***, No. 1:13-cv-03851 (RPP) (S.D.N.Y.)

Lead counsel in ***Hefler v. Wells Fargo & Co.***, No. 16-cv-05479-JST (N.D. Cal.)

Co-lead counsel in ***Ross v. Career Education Corp.*** No. 1:12-cv-00276 (N.D. Ill.).

Co-lead counsel representing a group of institutional shareholders ***In re Allion Healthcare, Inc. Shareholders Litigation***, No. 5022-cc (Del. Ch.).

Co-lead counsel representing investors in ***Robert Freedman v. St. Jude Medical, Inc.***, No. 0:2012cv03070 (D. Minn.).

Co-lead counsel representing investors in ***In re Hewlett-Packard Co. Securities Litigation***, No. SACV 11-1404 AG (RNBx) (C.D. Cal.).

Co-lead counsel in ***In re UBS AG Securities Litigation***, No.07 Cov. 11225 (RJS) (S.D.N.Y.).

Co-lead counsel representing institutional investors in ***Hill v. State Street Corporation***, No. 09-cv-12146-NG (D. Mass.).

Sole lead counsel representing lead plaintiffs in ***City of Brockton Retirement System v. Avon Products, Inc.***, No. 11 Civ. 4665 (PGG) (S.D.N.Y.).

Co-lead counsel on behalf of stockholders in ***Marsden v. Select Medical Corporation***, No. 04-cv-4020 (E.D. Pa.).

Co-lead counsel on behalf of a class of investors in ***South Ferry LP #2 v. Killinger***, No. C04-1599C-(W.D. Wash.) (regarding Washington Mutual).

Sole lead counsel representing the lead plaintiff in class action, ***In re NPS Pharmaceuticals, Inc. Securities Litigation***, No. 2:06-cv-00570-PGC-PMW (D. Utah), concerning the drug PREOS.

Co-lead counsel for co-lead plaintiffs Drywall Acoustic Lathing and Insulation Local 675 Pension Fund and Metzler Investment GmbH in ***In re Molson Coors Brewing Co. Securities Litigation***, No. 1:05-cv-00294 (D. Del.).

Co-lead plaintiffs' counsel in shareholder class action ***In re The DirecTV Group, Inc. Shareholder Litigation***, No. 4581-VCP (Del. Ch.).

Sole lead counsel in ***Manville Personal Injury Settlement Trust v. Gemunder***, No. 10-CI-01212 (Ky. Cir. Ct.) (regarding Omnicare, Inc.), a shareholder derivative complaint stemming from federal investigations into three kickback schemes.

Co-lead plaintiffs' counsel in ***City of Sterling Heights General Employees' Retirement System v. Hospira, Inc.***, No. 11 C 8332 (N.D. Ill.), a securities fraud class action.

Co-lead counsel in ***In re Rehabcare Group, Inc. Shareholders Litigation***, No. 6197-VCL (Del. Ch.), merger litigation involving the acquisition of healthcare provider RehabCare Group, Inc., by Kindred Healthcare, Inc.

Class counsel in *Brown v. Charles Schwab & Co.*, No. 2:07-cv-03852-DCN (D.S.C.), one of the first cases to interpret the civil liabilities provision of the Uniform Securities Act of 2002.

Co-lead counsel in securities class action settlement *In re MBNA Corporation Securities Litigation*, No. 05-CV-00272-GMS (D.Del.).

Lead counsel for lead plaintiffs in a securities class action involving a group of shareholders who purchased publicly-traded Dell securities in *In re Dell, Inc. Securities Litigation*, No. A-06-CA-726-SS (W.D. Tex.).

Co-lead counsel in *Minneapolis Firefighters' Relief Association v. Medtronic, Inc.*, No. 08-6324 (PAM/AJB) (D. Minn.), representing a class of investors who purchased Medtronic common stock.

Co-lead counsel in *In re Synovus Financial Corporation*, No. 1:09-cv-01811 (N.D. Ga.), for co-lead plaintiff Sheet Metal Workers' National Pension Fund, investors in Georgia bank Synovus Financial Corp.

Plaintiffs' Steering Committee and plaintiffs' liaison counsel, *In re Policy Management Systems Corporation*, No. 3:93-0807-JFA (D.S.C.).

Sole lead counsel, *In re Coventry Health Care, Inc. Securities Litigation*, No. 7905-CS (Del. Ch. ), a shareholder class action challenging the \$7.2 billion acquisition of Coventry Health Care, Inc., by Aetna, Inc.

Co-lead counsel in Louisiana class action *In re The Shaw Group, Inc. Shareholders Litigation*, No. 614399 (19th Jud. Dist. La.).

Co-lead counsel, *In re Atheros Communications Inc. Shareholder Litigation*, No. 6124-VCN (Del. Ch.), merger litigation involving Qualcomm Incorporated's proposed acquisition of Atheros Communications, Inc.

## ANTITRUST/COMPETITION LAW

Plaintiffs' Steering Committee of *In re Digoxin & Doxycycline Antitrust Litigation*, 16 md 2724 (E.D. Pa.)

Interim Co-Lead Counsel of *In re Solodyn Antitrust Litigation*, 14 cv 2503 (D. Mass.)

Interim Co-Lead Counsel in antitrust class action *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*, MDL No. 2542 (S.D.N.Y.).

Appointed to the Executive Committee in antitrust class action *In re Lidoderm Antitrust Litigation*, MDL No. 2521 (N.D.Cal.).

Interim Liaison Counsel *In Re Aggrenox Antitrust Litigation*, MDL No. 2516 (D.Conn.).

Co-lead counsel in antitrust class action *In re Loestrin 24 Fe Antitrust Litigation*, MDL 2472 (D.R.I.).

Co-lead counsel in antitrust class action *In re Suboxone (Bupreorphine Hydrochloride and Naloxone) Antitrust Litigation*, MDL 2445 (E.D. Pa.).

Co-lead counsel in antitrust class action *In re Niaspan Antitrust Litigation*, MDL 2460 (E.D. Pa.).

Co-lead counsel in antitrust class action *In re Effexor XR Antitrust Litigation*, No. 11-cv-05590 (D.N.J.).

Co-lead counsel for the end-payor antitrust class action *In re Actos Antitrust Litigation*, (S.D.N.Y.).

Co-lead counsel in antitrust class action *In re Lipitor Antitrust Litigation*, MDL 2332 (D.N.J.).

## TOXIC TORTS AND OCCUPATIONAL DISEASE

Liaison Counsel for *In re Aqueous Film-Forming Foams Products Liability Litigation* (MDL No. 2:18-mn-2873-RMG, D.S.C.) regarding a fire suppressant that is part of the PFAS chemical group that allegedly contaminated groundwater and harmed people.

Plaintiffs' Executive Committee in the Flint, MI lead contamination class action: *In re Flint Water Cases*, No. 5:16-cv-10444 (E.D. Mich.).

Plaintiffs' Steering Committee of *In re Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico on April 20, 2010*, MDL 2179, (E.D. La.), and lead settlement negotiators of the two class action settlements reached with BP, one of which is the largest civil class action settlement in U.S. history.

Lead trial counsel in *The People of the State of California v. Atlantic Richfield Company, et al.* No. 1-00-CV-788657 (Santa Clara Cnty. Super. Ct.) Resulting in 2014 verdict holding Sherwin-Williams Company, ConAgra Grocery Products and NL Industries Inc. liable for creating a public nuisance and ordered abatement of lead paint from homes within 10 California cities and counties.

*Bongani Nkala & Others v. Harmony Gold Mining Company Limited & Others*, No. 48226/12 (South Gauteng High Court, Johannesburg). Motley Rice has been retained as a consultant by South African human rights lawyer Richard Spoor in his effort to take on leading global gold producers and seek justice for tens of thousands of exploited gold mine workers suffering from silicosis.

*Travelers Statutory Direct Action Settlement* (Bankr. Court, S.D.N.Y.), an eleven-state asbestos settlement with Travelers Insurance.

Chair, Plaintiffs' Steering Committee and liaison counsel for plaintiffs, *In re Asbestos Products Liability Litigation*, MDL 875 (E.D. Pa.).

Plaintiffs' Steering Committee and coordinating counsel, *Linscomb v. Pittsburgh Corning Corporation*, No. 1:90cv-05000 (E.D. Tex.), a national class action on behalf of asbestos victims nationwide.

*Michelle McMunn, et al. vs. Babcock & Wilcox Power Generation Group, Inc., et al.*, Civil Action No. 10-143 2:10-cv-00143-DSC-RCM

Lead plaintiffs' counsel in *Bates v. Tenco Services Inc.*, 132 F.R.D. 160 (D.S.C. 1990), a jet fuel pollution case involving the consolidated property damage and personal injury claims of multiple plaintiffs in the Gold Cup Springs subdivision.

Executive committee member in *In re Asbestos School Litigation*, No. 94-1494 (E.D. Pa.), a national school asbestos class action.





Lead plaintiffs' counsel in **Central Wesleyan College v. W.R. Grace & Co.**, No. 2:87-1860-8 (D.S.C.), a national asbestos property damage class action.

Lead plaintiffs' counsel in **In re Raymark Asbestos Exposure Cases**, No. 87-1016-K (D. Kan.), a national asbestos personal injury class action in which 19,684 claims were resolved.

Co-lead plaintiffs' counsel in **Cimino v. Pittsburgh Corning Corporation**, No. 1:85-CV-00676 (E.D. Tex.), an asbestos personal injury class action on behalf of approximately 2,300 plaintiffs.

Co-lead plaintiffs' counsel in **Chatham v. AC&S, et al.**, a consolidated asbestos personal injury action involving 300 plaintiffs in the Circuit Court of Harris County, Texas.

Co-lead plaintiffs' counsel in **Abrams v. GAF Corporation**, No. 88-5422(1) (Jackson Cty., Miss.), a consolidated asbestos personal action involving more than 6,000 plaintiffs.

Co-liaison plaintiffs' counsel in 3,000 asbestos personal injury cases in the Third Judicial Circuit of Illinois, Madison County, Illinois.

Co-lead plaintiffs' counsel in a consolidated asbestos personal injury action involving 540 plaintiffs pending in the Superior Court of Alameda County, California.

Counsel in numerous consolidated asbestos trials including 87 consolidated cases in Danville, Illinois; 300 consolidated cases in U.S. District Court, Western District of New York, Rochester, New York; 42 consolidated cases in State Court in Mississippi; and 315 consolidated cases in the Circuit Court of Kanawha County, West Virginia.

Plaintiffs' lead counsel in **In re Kansas Asbestos Cases** in U.S. District Court for the District of Kansas, **In re Madison County Illinois Asbestos Litigation**

Plaintiffs' lead counsel in **In re Wayne County Michigan Asbestos Cases**.

**John Schumacher v. Amtico, et al.**, No. 2:10-1627 (E.D.Pa.), the first federal court mesothelioma case to go to trial before Eduardo C. Robreno, the judge who oversees the entire Federal Asbestos MDL, **In re Asbestos Products Liability Litigation**, MDL 875.

Plaintiffs' Steering Committee of **In re Welding Fume Products Liability Litigation**, MDL 1535

### ANTI-TERRORISM AND HUMAN RIGHTS

Lead counsel in **In re Thomas E. Burnett, Sr., et al. v. Al Baraka Investment & Development Corp., et al.**, Case No. 03-CV-9849 (GBD); **In re Terrorist Attacks on September 11, 2001**, 03 MDL 1570 (S.D.N.Y.), a landmark lawsuit against the alleged sponsors of al Qaeda and Osama bin Laden in an action filed on behalf of more than 6,500 family members, survivors, and those killed on 9/11.

**Linde et al. v. Arab Bank PLC**, No. 1:04-cv-02799 (E.D.N.Y.) and **Almog v. Arab Bank, PLC**, No. 1:04-cv-05564-NG-VVP (E.D.N.Y.), one of the first lawsuits brought against an international bank for its alleged role in financing terrorism.

**Mark McDonald, et al. vs. The Socialist People's Libyan Arab Jamahiriya, et al.**; No. 06-CV-0729-JR (DC 04/21/06), a high-profile case involving Libya's longtime alleged sponsorship of IRA acts of terror.

**Cummock, et al. v. Socialist People's Libyan Arab Jamahiriya, et al.**, No. 96-CV-1029 (D.D.C.). Victoria Cummock, Motley Rice's client, sought full accountability and a public trial as the only opt-out of the no-fault Pan Am 103/Lockerbie settlement.

**Krishanthi, et al. vs. Rajaratnam, et al.**; No. 09-CV-5395(D.N.J.), terrorist financing litigation against alleged financiers of the Tamil Tigers terrorist organization in Sri Lanka.

Plaintiffs' Steering Committee and lead counsel for Verizon plaintiffs in **In re National Security Agency Telecommunications Records Litigation**, MDL 1791

**Ng v. Central Falls Detention Facility Corporation, et al.**, No. 09-53 (D. R.I.), a human rights case that alleged the defendants subjected a Chinese immigration detainee to extreme physical and mental abuse and torture while in U.S. custody.

**Harris, et al. v. Socialist People's Libyan Arab Jamahiriya, et al.**, No. 1:06-cv-00732-RWR (D.D.C.), a case filed against Libya involving the 1986 bombing of Berlin's LaBelle Discotheque.

### AVIATION DISASTERS AND PASSENGER RIGHTS

Plaintiffs' liaison counsel in **In re September 11 Litigation**, No. 21-MC-97-AKH (S.D.N.Y), representing 56 of the 96 families that opted out of the no-fault federal September 11 Victim Compensation Fund in liability and damages cases claims against the airlines and aviation security companies for their alleged failure to implement basic security measures.

**Amanda Tuxworth v. Delta Air Lines, Inc.**, No. 2:10-cv-03212-RMG (D.S.C), an aviation passenger rights case involving a Delta passenger.

**Chris Turner, Individually and as Personal Representative of The Estate of Tracy Turner v. Ramo LLC, a Florida Limited Liability Company**, No. 11-14066 (Ct. of Appeals, 11th Cir.), an aviation case involving fraudulent transfer allegations in connection with a fatal plane crash.

Counsel for victims of **Asiana Airlines Flight 214**

Counsel for families of victims of **Malaysia Airlines Flight MH370**

### BANKRUPTCIES

Claimants' committee in **In re A.H. Robins**, a Chapter 11 Reorganization involving Dalkon Shield victims nationwide

Claimants Committee in the **Camall Chapter 11**, the first bankruptcy associated with the Fen-Phen litigation

**Motley Rice attorneys currently serve as a member of the trust advisory committee for several of the asbestos bankruptcy trusts formed under 524(g) of the federal bankruptcy code:**

**AC&S, Inc. Bankr.**, No. 02-12687 (D. Del.)  
**Armstrong World Industries, Inc., Bankr.** No. 00-4471 (D. Del.)  
**Babcock & Wilcox Co. Bankr.**, No. 00-10992 (E.D. La.)  
**Celotex Corp. Bankr.**, Nos. 90-10016-8B1, 90-10017-8B1 (M.D. Fla.)  
**Dresser II Bankr.**, No. 03-35592 (W.D. PA.)  
**Federal Mogul Bankr.**, No. 01-10578 (D. Del.)  
**G-I Holdings Bankr.**, Nos. 01-30135 and 01-38790 (D.N.J.)  
**Johns-Manville Corp.**, No.82-B11656 through 82 B 11676 (S.D.N.Y., E.D.N.Y.)  
**Kaiser Aluminum Corp. Bankr.**, No.02-10429 (D. Del.)  
**Keene Bankr.**, No. 93B 46090,96 CV 3492 (S.D.N.Y.)  
**MH Detrick Bankr.**, No. 98 B 01004 (N.D. Ill.)  
**Owens Corning Corp. Bankr.**, No. 00-03837 (D. Del.)  
**Rock Wool Bankr.**, Nos. CV-99-J-I589-S.BK -96-08295-TBB-11 (N.D. Ala.)  
**Rutland Fire Clay Bankr.**, No. 99-11390 (D. Vt.)  
**Shook & Fletcher Bankr.**, No. 02-02771-BGc-11 (N.D. Ala.)  
**United States Gypsum Corp. Bankr.**, No. 01-2094 (D. Del.)  
**W.R. Grace Co. Bankr.**, No.s 01-1139, 01-1140 (D. Del.)

**Motley Rice attorneys have served as lead or co-lead trial counsel on behalf of The Asbestos Claims Committee:**

**Armstrong World Industries, Inc., Bankr.** No. 00-4471 (D. Del.) (estimation trial and plan confirmation trial)  
**Federal Mogul Bankr.**, No. 01-10578 (D. Del.) (estimation trial and plan confirmation trial)  
**Owens Corning Corp. Bankr.**, No. 00-03837 (D. Del.) (estimation trial and substantive consolidation trial)  
**Pittsburgh Corning Corp. Bankr.**, No. 00-22876 (W.D. Pa.) (plan confirmation trial)  
**W.R. Grace Co. Bankr.**, Nos. 01-1139, 01-1140 (D. Del.) (estimation trial and plan confirmation trial)

**Motley Rice attorneys have served on The Asbestos Claims Committee involved in the formation and confirmation of various asbestos bankruptcy trusts.**

**AC&S Bankr.**, No. 02-12687 (D. Del.)  
**Babcock & Wilcox Bankr.**, No. 00-10992 (E.D. La.)  
**Celotex Bankr.**, Nos. 90-10016-8B1, 90-10017-8B1 (M.D. Fla.)  
**Combustion Engineering Bankr.**, D. Del. No. 03-10495 (D. Del.)  
**Congoleum Corp. Bankr.**, No.03-51524 (D.N.J.)  
**Durabla Corp. Bankr.**, No. 09-14415 (D. Del.)  
**Federal Mogul Bankr.**, No. 01-10578 (D. Del.)  
**G-I Holdings Bankr.**, Nos. 01-30135 and 01-38790 (D. N.J.)  
**Johns-Manville Corp.**, No.82-B11656 through 82 B 11676 (E.D.N.Y.)  
**Keene Bankr.**, No. 93B 46090,96 CV 3492 (S.D.N.Y.)  
**MH Detrick Bankr.**, No. 98 B 01004 (N.D. Ill.)  
**North American Refractories Corp. Bankr.**, No. 02-20198 (W.D. Pa.)  
**Owens Corning Corp. Bankr.**, No. 00-03837 (D. Del.)  
**Pittsburgh Corning Corp. Bankr.**, No. 00-22876 (W.D. Pa.)  
**Rock Wool Bankr.**, Nos. CV-99-J-I589-S.BK-96-08295-TBB-11 (N.D. Ala.)  
**Rutland Fire Clay Bankr.**, No. 99-11390 (D. Vt.)  
**Shook and Fletcher Bankr.**, No. 02-02771-BGc-11 (N.D. Ala.)  
**United States Gypsum Corp. Bankr.**, No. 01-2094 (D. Del.)  
**W.R. Grace Co. Bankr.**, No.s 01-1139, 01-1140 (D. Del.)



## ACCOLADES FOR THE FIRM

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### *Law360*

- 2018 **Practice Group of the Year**  
*Consumer Protection*
- 2013 2015 **"Most Feared Plaintiffs Firm"**

### *The National Law Journal*

- 2014 2015 **"Elite Trial Lawyers"**  
\*2019 *\*Bankruptcy Law*
- 2006 2012 2013 2014 **The Plaintiffs' Hot List**  
2015 2016

### *U.S. News – Best Lawyers®*

- 2010 2011 2012 2013 **"Best Law Firm"**  
2014 2015 2016 2017 *Mass Tort Litigation/class actions–plaintiffs*  
2018 2019 2020

### *The Legal 500 United States*

- 2007 2009 2011 2012 **The Legal 500 United States**
- 2013 2014 2015 2016 **Litigation editions**  
2017 2018 2019 *mass tort and class action:  
plaintiff representation–toxic tort*

### *International Securities Services*

- 2009 2010 2011 2014 **Securities Class Action Services**  
2015 2016 2017 **Top 50**

*For full methodologies and selection criteria, visit [www.motleyrice.com/award-methodology](http://www.motleyrice.com/award-methodology)*

Please remember that every case is different. Although they endorse certain lawyers, *The Legal 500 United States* and *Chambers USA* and other similar organizations listed above are not Motley Rice clients. Any result we achieve for one client in one matter does not necessarily indicate similar results can be obtained for other clients.

## OUR LEGACY

### Ronald L. Motley (1944–2013)

#### EDUCATION:

J.D., University of South Carolina School of Law, 1971

B.A., University of South Carolina, 1966

Ron Motley fought for greater justice, accountability and recourse, and has been widely recognized as one of the most accomplished and skilled trial lawyers in the U.S. During a career that spanned more than four decades, his persuasiveness before a jury and ability to break new legal and evidentiary ground brought to justice two once-invincible giant industries whose malfeasance took the lives of millions of Americans— asbestos and tobacco. Armed with a combination of legal and trial skills, personal charisma, nose-to-the-grindstone hard work and record of success, Ron built Motley Rice into one of the nation's largest plaintiffs' law firms.

Noted for his role in spearheading the historic litigation against the tobacco industry, Ron served as lead trial counsel for 26 State Attorneys General in the lawsuits. His efforts to uncover corporate and scientific wrongdoing resulted in the Master Settlement Agreement, the largest civil settlement in U.S. history and in which the tobacco industry agreed to reimburse states for smoking-related health care costs.

Through his pioneering discovery and collaboration, Ron revealed asbestos manufacturers and the harmful and disabling effects of occupational, environmental and household asbestos exposure. He represented thousands of asbestos victims and achieved numerous trial breakthroughs, including the class actions and mass consolidations of *Cimino, et al. v. Raymark, et al.* (U.S.D.C. TX); *Abate, et al. v. ACandS, et al.* (Baltimore); and *In re Asbestos Personal Injury Cases* (Mississippi).

In 2002, Ron once again advanced cutting-edge litigation as lead counsel for the 9/11 Families United to Bankrupt Terrorism with a lawsuit filed by more than 6,500 family members, survivors and those who lost their lives in the Sept. 11, 2001, terrorist attacks. The suit seeks justice and ultimately bankruptcy for al Qaeda's financiers, including many individuals, banks, corporations and charities that provided resources and monetary aid. He also served as lead counsel in numerous individual aviation security liability and damages cases under the *In re September 11 Litigation* filed against the aviation and aviation security industries by victims' families devastated by the security failures of 9/11.

Ron brought the landmark case of *Oran Almog v. Arab Bank* against the alleged financial sponsors of Hamas and other terrorist organizations in Israel and was a firm leader in the BP Deepwater Horizon litigation and claims efforts involving people and businesses in Gulf Coast communities suffering as a result of the oil spill. Two settlements were reached with BP, one of which is the largest civil class action settlement in U.S. history.

Recognized as an AV<sup>®</sup>-rated attorney by Martindale-Hubbell<sup>®</sup>, Ron served on the AAJ Board of Governors from 1977 to 2012 and was chair of its Asbestos Litigation Group from 1978 to 2012. In 2002, Ron founded the Mark Elliott Motley Foundation, Inc., in loving memory of his son to help meet the health, education and welfare needs of children and young adults in the Charleston, S.C. community.

#### PUBLICATIONS:

- Ron authored or co-authored more than two dozen publications, including:
- "Decades of Deception: Secrets of Lead, Asbestos and Tobacco" (*Trial Magazine*, October 1999)
- "Asbestos Disease Among Railroad Workers: 'Legacy of the Laggin' Wagon'" (*Trial Magazine*, December 1981)
- "Asbestos and Lung Cancer" (*New York State Journal of Medicine*, June 1980; Volume 80: No.7, New York State Medical Association, New York)
- "Occupational Disease and Products Liability Claims" (*South Carolina Trial Lawyers Bulletin*, September and October 1976)

#### FEATURED IN:

- Shackelford, Susan. "Major Leaguer" (*South Carolina Super Lawyers*, April 2008)
- Senior, Jennifer. "A Nation Unto Himself" (*The New York Times*, March 2004)
- Freedman, Michael. "Turning Lead into Gold," (*Forbes*, May 2001)
- Zegart, Dan. *Civil Warriors: The Legal Siege on the Tobacco Industry* (Delacorte Press, 2000)
- Ansen, David. "Smoke Gets in Your Eyes" (*Newsweek*, 1999)
- Mann, Michael & Roth, Eric. "The Insider" (Blue Lion Entertainment, November 5, 1999)
- Brenner, Marie. "The Man Who Knew Too Much" (*Vanity Fair*, May 1996)
- Reisig, Robin. "The Man Who Took on Manville" (*The American Lawyer*, January 1983)

#### AWARDS AND ACCOLADES:

Ron won widespread honors for his ability to win justice for his clients and for his seminal impact on the course of civil litigation. For his trial achievements, *BusinessWeek* characterized Ron's courtroom skills as "dazzling" and *The National Law Journal* ranked him, "One of the most influential lawyers in America."

#### South Carolina Association for Justice

**2013** Founders' Award

#### American Association for Justice

**2010** Lifetime Achievement Award

**2007** David S. Shrager President's Award

**1998** Harry M. Philo Trial Lawyer of the Year

## TEAM BIOGRAPHIES

### THE FIRM'S MEMBERS

#### Joseph F. Rice

LICENSED IN: DC, SC

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court

U.S. Court of Appeals for the Second, Third, Fourth and Fifth Circuits

U.S. District Court for the District of Nebraska and the District of South Carolina

EDUCATION:

J.D., University of South Carolina School of Law, 1979

B.S., University of South Carolina, 1976

Motley Rice co-founder Joe Rice is recognized as a skillful and innovative negotiator of complex litigation settlements, having served as the lead negotiator in some of the largest civil actions our courts have seen in the last 20 years. *Corporate Legal Times* reported that national defense counsel and legal scholars described Joe as one of the nation's "five most feared and respected plaintiffs' lawyers in corporate America." As the article notes, "For all his talents as a shrewd negotiator ... Rice has earned most of his respect from playing fair and remaining humble."

Joe was recognized by some of the nation's best-regarded defense lawyers as being "the smartest dealmaker they ever sat across the table from," *Thomson Reuters* has reported. Professor Samuel Issacharoff of the New York University School of Law, a well-known professor and expert in class actions and complex litigation, has commented that he is "the best strategic thinker on the end stages of litigation that I've ever seen."

Since beginning to practice law in 1979, Joe has continued to reinforce his reputation as a skillful negotiator, including through his involvement structuring some of the most significant resolutions of asbestos liabilities on behalf of those injured by asbestos-related products. He negotiates for the firm's clients at all levels, including securities and consumer fraud, anti-terrorism, human rights, environmental, medical drugs and devices, as well as catastrophic injury and wrongful death cases.

Most recently, Joe was appointed co-lead counsel in the National Prescription Opiate Litigation MDL aimed at combatting the alleged over-distribution and deceptive marketing of opioids. Motley Rice represents roughly 40 state Attorneys General and municipalities, including the first jurisdictions to file cases in the current wave of litigation. In addition, Joe was appointed to the Plaintiffs' Steering Committee for *In re Chrysler-Dodge-Jeep Ecodiesel Marketing, Sales Practices, and Products Liability Litigation*. Previously, Joe served as one of the lead negotiators in the \$15 billion Volkswagen Diesel Emissions Fraud class action settlement for 2.0-liter vehicles, the largest auto-related consumer class action settlement in U.S. history, as well as the 3.0-liter settlement. He also has led negotiations on behalf of thousands of women in the transvaginal mesh litigation that has five MDLs pending in the state of West Virginia. Joe is a member of the Plaintiffs' Steering Committee for the Lipitor® multidistrict litigation and the Plaintiffs' Executive Committee for *In re General Motors LLC Ignition Switch Litigation*.

#### **The Trial Lawyer Magazine**

**2012** inducted into Trial Lawyer Hall of Fame

**2011** *The Roundtable: America's 100 Most Influential Trial Lawyers*

#### **The Best Lawyers in America®**

**1993–2013** mass tort litigation/class actions – plaintiffs, personal injury litigation – plaintiffs product liability litigation – plaintiffs

#### **Best Lawyers®**

**2012** Charleston, SC "Lawyer of the Year" mass tort litigation/class actions – plaintiffs

**2010** Charleston, SC "Lawyer of the Year" personal injury

#### **Benchmark Plaintiff**

**2012–2013** National "Litigation Star": civil rights/human rights, mass tort/product liability, securities

**2012–2013** South Carolina "Litigation Star": human rights, product liability, securities, toxic tort

#### **SC Lawyers Weekly**

**2011** Leadership in Law Award

#### **The Legal 500 United States**

**2011–2013** Mass tort and class action: plaintiff representation – toxic tort

#### **Chambers USA**

**2007, 2010–2012** Product liability and mass torts: plaintiffs. "...An accomplished trial lawyer and a formidable opponent."

**2008–2013** *South Carolina Super Lawyers®* list

**2008** *Top 10 South Carolina Super Lawyers* list

**2008, 2009, 2011, 2012** *Top 25 South Carolina Super Lawyers* list

#### **The Lawdragon™ 500**

**2005–2012** *Leading Lawyers in America* list – plaintiffs'

#### **National Association of Attorneys General**

**1998** President's Award—for his "courage, legal skills and dedication to our children and the public health of our nation."

#### **The Campaign for Tobacco-Free Kids**

**1999** Youth Advocates of the Year Award

#### **ASSOCIATIONS:**

**American Association for Justice**

**South Carolina Association for Justice**

**American Bar Association**

**South Carolina Bar Association**

**Civil Justice Foundation**

**Inner Circle of Advocates**

**International Academy of Trial Lawyers**



Other notable litigation and cases that have benefited from Joe's involvement include:

#### **BP OIL SPILL:**

Joe served as a co-lead negotiator for the Plaintiffs' Steering Committee in reaching the two settlements with BP, one of which is the largest civil class action settlement in U.S. history. The Economic and Property Damages Rule 23 Class Action Settlement is estimated to make payments totaling between \$7.8 billion and \$18 billion to class members. Joe was also one of the lead negotiators of the \$1.028 billion settlement reached between the Plaintiffs' Steering Committee and Halliburton Energy Services, Inc., for Halliburton's role in the disaster.

#### **9/11:**

Joe held a crucial role in executing strategic mediations and/or resolutions on behalf of 56 families of 9/11 victims who opted out of the government-created September 11 Victim Compensation Fund. In addition to providing answers, accountability and recourse to victims' families, the resulting settlements with multiple defendants shattered a settlement matrix developed and utilized for decades. The litigation also helped provide public access to evidence uncovered for the trial.

#### **TOBACCO:**

As lead private counsel for 26 jurisdictions, including numerous State Attorneys General, Joe was integral to the crafting and negotiating of the landmark Master Settlement Agreement, in which the tobacco industry agreed to reimburse states for smoking-related health costs. This remains the largest civil settlement in U.S. history.

#### **ASBESTOS:**

Joe held leadership and negotiating roles involving the bankruptcies of several large organizations, including AWI, Federal Mogul, Johns Manville, Celotex, Garlock, W.R. Grace, Babcock & Wilcox, U.S. Gypsum, Owens Corning and Pittsburgh Corning. He has also worked on numerous Trust Advisory Committees. Today, he maintains a critical role in settlements involving asbestos manufacturers emerging from bankruptcy and has been recognized for his work in structuring significant resolutions in complex personal injury litigation for asbestos liabilities on behalf of victims injured by asbestos-related products. Joe has served as co-chair of Perrin Conferences' Asbestos Litigation Conference, the largest national asbestos-focused conference.

Joe is often sought by investment funds for guidance on litigation strategies to increase shareholder value, enhance corporate governance reforms and recover assets. He was an integral part of the shareholder derivative action against Omnicare, Inc., *Manville Personal Injury Settlement Trust v. Gemunder*, which resulted in a significant settlement for shareholders as well as new corporate governance policies for the corporation.

Joe serves on the Board of Advisors for Emory University's Institute for Complex Litigation and Mass Claims, which facilitates bipartisan discussion of ways to improve the civil

justice system through the hosting of judicial seminars, bar conferences, academic programs, and research. In 1999 and 2000, he served on the faculty at Duke University School of Law as a Senior Lecturing Fellow, and taught classes on the art of negotiating at the University of South Carolina School of Law, Duke University School of Law and Charleston School of Law.

In 2013, he and the firm created the Ronald L. Motley Scholarship Fund at The University of South Carolina School of Law in memory and honor of co-founding member and friend, Ron Motley.

#### **AWARDS AND ACCOLADES:**

##### **South Carolina Association for Justice**

**2018** Founders' Award

##### ***The Best Lawyers in America***<sup>®</sup>

**2013** "Lawyer of the Year" Charleston, SC: mass tort litigation/class actions – plaintiffs

**2007–2020** Mass tort litigation/class actions plaintiffs

##### ***South Carolina Super Lawyers***<sup>®</sup> list

**2008–2019** Class action/mass torts; Securities litigation; General litigation

##### **Lawdragon**

**2019** *Lawdragon 500* Leading Plaintiff Financial Lawyers

**2016, 2018–2019** *500 Leading Lawyers in America*: Plaintiffs' litigation

##### **Chambers USA**

**2019** Product Liability: Plaintiffs – Nationwide, Band 1

**2016, 2018** Product Liability: Plaintiffs – Nationwide, Band 2

##### **Law360**

**2015** "Product Liability MVP"

##### **Benchmark Litigation**

**2012–2013** National "Litigation Star": mass tort/product liability

**2012–2016** South Carolina "Litigation Star": environmental, mass tort/product liability

##### ***The Legal 500 United States***, Litigation edition

**2011–2012, 2014–2019** Dispute resolution – product liability, mass tort and class action – toxic tort – plaintiff

##### **The National Trial Lawyers**

**2020** Elite Trial Lawyers Lifetime Achievement Award

**2010** Top 100 Trial Lawyers<sup>™</sup> – South Carolina

##### **SC Lawyers Weekly**

**2018** Hall of Fame honoree

**2012** Leadership in Law Award

##### **National Association of Attorneys General**

**1998** President's Award

##### **University of South Carolina School of Law Alumni Association**

**2011** Platinum Compleat Lawyer Award

##### **MUSC Children's Hospital**

**2010** Johnnie Dodds Award: in honor of his longtime support of the annual Bulls Bay Golf Challenge Fundraiser and continued work on behalf of our community's children



### University of South Carolina

**2011** Garnet Award: in recognition of Joe and his family for their passion for and devotion to Gamecock athletics

### SC Junior Golf Association Programs

**2011** Tom Fazio Service to Golf Award: in recognition of promotional efforts

### COMMUNITY INVOLVEMENT:

**Dee Norton Lowcountry Children's Center**, Co-chair for inaugural Campaign for the Next Child

**First Tee of Greater Charleston**, Board of Advisors

### ASSOCIATIONS:

**American Association for Justice**

**American Bar Association**

**American Inns of Court**

**American Constitution Society for Law and Policy**

**South Carolina Association for Justice**

\* Although they endorse this lawyer, neither *The Legal 500 United States* nor Professor Samuel Issacharoff are Motley Rice clients. Any result this endorsed lawyer may achieve on behalf of one client in one matter does not necessarily indicate similar results can be obtained for other clients.

### John A. Baden IV

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the Second and Fifth Circuits, U.S. Bankruptcy Court for the Southern District of New York and Western District of North Carolina

EDUCATION:

J.D., University of South Carolina School of Law, 2002

B.A., College of Charleston, 1996

John Baden represents clients harmed by asbestos exposure in individual and mass tort forums, as well as in complex asbestos bankruptcies, handling complete case management and settlement negotiations for individuals and families suffering from mesothelioma and other asbestos-related diseases.

Most recently, John advocated for consumers throughout Takata Corp.'s Chapter 11 bankruptcy process and helped negotiate the structure of the resulting bankruptcy agreement for personal injury claimants. John also handles the negotiation and complex case resolution of asbestos bankruptcies, including development of structured settlements with viable asbestos manufacturers and those emerging from bankruptcy. His work with the bankruptcy courts and settlement trusts aims to hold asbestos companies accountable and provide due compensation to asbestos victims. John has lectured on asbestos bankruptcy issues at a number of legal seminars.

John is involved in the settlement negotiations of medical drug and device MDLs, including the transvaginal mesh litigation *In re American Medical Systems, Inc., Pelvic Repair Systems Products Liability Litigation*, MDL 2325. He continues to be involved in negotiations related to additional TVM manufacturers. John

also played a role in settlement negotiations for *In re Avandia Marketing, Sales Practices and Products Liability Litigation*, MDL 1871.

John has additionally been actively involved with the firm's representation of people and businesses in Gulf Coast communities suffering as a result of the BP Deepwater Horizon oil spill. He held a central role in the negotiation process involving the two settlements reached with BP, one of which is the largest civil class action settlement in U.S. history.

John began his legal career as a litigation trial paralegal for Ron Motley in 1997, working with the State Attorneys General on the landmark tobacco litigation primarily in Florida, Mississippi and Texas. He also supported occupational litigation in several states, including the exigent trial dockets of Georgia and West Virginia. John served as a judicial intern for Judge Sol Blatt, Jr., of the U.S. District Court of South Carolina and Judge Jasper M. Cureton of the South Carolina Court of Appeals.

### ASSOCIATIONS:

**American Association for Justice**

**South Carolina Association for Justice**

### Kimberly Barone Baden

LICENSED IN: CA, SC

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the Third Circuit  
U.S. District Court for the Central, Northern and Southern Districts of California and District of South Carolina

EDUCATION:

J.D., California Western School of Law, 1999

B.A. *cum laude*, Clemson University, 1996

As a strong advocate for the most defenseless members of society, Kimberly Barone Baden seeks accountability and compensation for victims of corporate misconduct, medical negligence and harmful medical drugs. She manages mass tort pharmaceutical litigation through complex personal injury and economic damages cases.

Kimberly represents children with birth defects allegedly caused by antidepressants, including Zoloft®, Effexor® and Wellbutrin®; as well as Zofran® which is used to prevent pregnancy-related nausea and vomiting. She previously litigated against GlaxoSmithKline in the Paxil® birth defect litigation. She serves as co-lead counsel for *In re Zofran (Ondansetron) Products Liability Litigation* MDL 2657 and is on the Plaintiffs' Executive Committee for *In re Viagra (Sildenafil Citrate) Products Liability Litigation* MDL 2691 and on the Plaintiffs' Steering Committee *In re Zoloft (sertraline hydrochloride) Products Liability Litigation* MDL 2342. She also manages the firm's pharmaceutical litigation regarding Crestor®, Lipitor®, Actos®, Risperdal®, incretin mimetics, and dialysis products GranuFlo® Powder and NaturaLyte® Liquid acid concentrates.

Kimberly also represents elderly victims of abuse and neglect, litigating cases for nursing home and assisted living facility residents.

Kimberly has spoken at numerous seminars, legal gatherings, CLEs and conferences across the U.S., including the American Association for Justice, Mass Torts Made Perfect and the National Business Institute. She has addressed a broad range of topics related to pharmaceutical drugs and elder law litigation, focusing on MDL procedures, birth defects, nursing home litigation, discovery, trial strategy and mediation. Kimberly is currently the Treasurer of the American Association for Justice's Section on Toxic, Environmental and Pharmaceutical Torts.

Prior to joining Motley Rice, Kimberly worked on the Fen-Phen diet drug litigation and served as an attorney with the California District Attorney's Office in San Diego. Kimberly is recognized as an AV® rated attorney by Martindale-Hubbell®.

#### **AWARDS AND ACCOLADES:**

**South Carolina Super Lawyers® Rising Stars** list  
2013–2014 Personal injury plaintiff: products; elder law

**The Best Lawyers in America®**  
2020 Charleston, S.C. Personal injury litigation – plaintiffs

#### **ASSOCIATIONS:**

**American Association for Justice**, Treasurer – Section on Toxic, Environmental and Pharmaceutical torts

**American Bar Association**

**South Carolina Association for Justice**

#### **Frederick C. Baker**

LICENSED IN: NY, SC

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the First, Second, Third, Fourth, Fifth, Tenth, Eleventh and District of Columbia Circuits

U.S. District Court for the Southern District of New York and the District of South Carolina

EDUCATION:

J.D. / LL.M., Duke University School of Law, 1993

B.A., University of North Carolina at Chapel Hill, 1985

A veteran litigator with strong roots in complex litigation, Fred Baker works on a broad range of environmental, medical costs recovery, consumer and products liability cases and holds numerous leadership roles within the firm. He represents individuals, institutional investors, and governmental entities in a wide variety of cases.

Fred leads the firm's tobacco litigation, and was a member of the legal team that litigated the groundbreaking tobacco litigation on behalf of several State Attorneys General. Fred has also participated in the litigation of individual tobacco cases, entity tobacco cases and a tobacco class action.

In addition to his tobacco casework, Fred is part of the opioid litigation team which represents dozens of states, cities, towns, counties and townships in litigation targeting the alleged misrepresentation of harmful and addictive opioids by manufacturers and distributors.

Fred was also a key member of the firm's representation of people and businesses in Gulf Coast communities suffering as a result of the BP Deepwater Horizon oil spill. He held a central

role in the negotiation process involving the two settlements reached with BP, one of which is the largest civil class action settlement in U.S. history. In addition, his environmental experience also includes representing a state government in a case against poultry integrators that alleged poultry waste polluted natural resources.

Fred has served as counsel in a number of class actions, including the two class action settlements arising out of the 2005 Graniteville train derailment chlorine spill. He was also closely involved in the litigation surrounding the statutory direct action settlement reached in the Manville bankruptcy court and a related West Virginia unfair trade practices insurance class action.

Fred began practicing with Motley Rice attorneys in 1994 and chairs the firm's attorney hiring committee.

#### **AWARDS AND ACCOLADES:**

**Lawdragon**

2019 *Lawdragon* 500 Leading Plaintiff Financial Lawyers

**South Carolina Lawyers Weekly**

2016 Leadership in Law Award

**The Best Lawyers in America®**

2020 Charleston, S.C. Mass tort litigation / class actions – plaintiffs

#### **Esther E. Berezofsky**

LICENSED IN: NJ, PA

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court; U.S. Court of Appeals for the Third Circuit; U.S. District Court for the District of New Jersey, the Eastern District of Pennsylvania, the Eastern and Western

Districts of Michigan, and the Northern District of New York

EDUCATION:

J.D., Rutgers University School of Law, 1987

M.A., Wayne State University, 1982

B.A., Wayne State University, 1980

A trial lawyer with more than 30 years of experience litigating complex mass torts, Esther Berezofsky has devoted her career to representing communities impacted by environmental contamination and fighting for the rights of consumers, individuals and families impacted by fraud and misconduct across a range of litigation areas.

Esther focuses her practice on protecting the rights and seeking accountability for people harmed by toxic chemical exposure—environmental and occupational—as well as patients who suffer life-altering complications caused by dangerous and defective medical drugs and devices.

Prior to becoming an attorney, Esther practiced as a clinical psychologist and consultant for a national network of law firms on post-traumatic stress and community trauma arising out of environmental disasters such as Three Mile Island, Pa., and Times Beach, Mo. She currently serves on the Executive Committee as class counsel for residents exposed to lead contaminated water in the Flint water crisis litigation, in addition to litigating



similar cases in Fresno, Calif. She also represents residents in Kent County, Mich., Hoosick Falls, N.Y. and Petersburg, N.Y. in PFAS litigation against corporations such as 3M, Wolverine, St. Gobain and others accused of manufacturing and wrongfully disposing of PFAS chemicals. She was lead counsel for a cancer cluster of children in Toms River, N.J, the story of which is memorialized in the Pulitzer prize winning book: *Toms River: A Story of Science and Salvation*.

In addition to her environmental and toxic exposure work, Esther has held numerous leadership positions and represented clients in MDLs and other litigations involving medical drugs and devices including Medtronic Pain and Insulin Pumps, DePuy ASR, Pinnacle and Stryker Hip Implant cases, Benicar, Risperdal, Xarelto, Hormone Replacement Therapy (HRT), Ortho Evra, Rezulin, PPA, Invokana, Taxotere, among others.

She also represents plaintiffs in consumer class actions alleging fraudulent student loan schemes and consumers in pay day lending cases. She has also litigated rent-to-own and option ARM fraudulent mortgage claims, among other consumer protection cases.

Prior to joining Motley Rice, Esther founded Berezofsky Law Group in New Jersey where she pursued complex consumer mass torts. Prior to that, she was a name partner in a plaintiffs' law firm in Philadelphia for more than two decades. She has been active in the legal community has held leadership roles at several law firms in Philadelphia and New Jersey.

Active in the legal community, Esther previously served as Board President of Public Justice, a national public interest law firm, and continues to serve on its Board of Directors. She also sits on the Board of Governors of the New Jersey Association of Justice and was awarded the Gold Medal for Distinguished Service in 2008.

She is a frequent speaker and lecturer on matters related to environmental contamination and toxic exposure, product liability and mass torts. She served as an adjunct professor on trial advocacy at Rutgers Law School, her alma mater in 2014. While completing her legal studies at Rutgers Law, Esther served as an articles editor for the *Rutgers Law Journal*.

#### SELECTED PUBLICATIONS:

- Post- Traumatic Stress Disorder and the Technological Disaster, 18 *Rutgers Law Journal* 623 (1987), reprinted in *BNA Toxic Law Reporter*, Vol. 2 No. 11 (August 12, 1987)
- Toxic Tort Litigation the Future Impact of Current Legislation, *Trial Magazine* (October 1988), reprinted in *The Superfund Report*, Mealey Publications (December 1988)
- New Jersey Mass Torts & Class Action Treatise, Chapter 5 *Environmental Torts* 2016
- Legal and Liability Considerations in Asbestos, Chapter in *The Hazardous Fiber*, CRC Press, Inc. *Trial Magazine* (January 2012)

#### ASSOCIATIONS:

**American Association for Justice**, Chair, Section on Toxic Environmental and Pharmaceutical Executive Committee  
**Public Justice**, Past President and current member of the Board of Directors  
**New Jersey Association of Justice**, Board of Governors

#### AWARDS AND ACCOLADES:

**Super Lawyers®**

**2007–2018** New Jersey Super Lawyers® list

**New Jersey Association for Justice**

**2008** Gold Medal for Distinguished Service

\*Motley Rice LLC, a South Carolina Limited Liability Company, is engaged in the New Jersey practice of law through Motley Rice New Jersey LLC. Esther Berezofsky attorney responsible for New Jersey practice.

#### Louis M. Bograd

LICENSED IN: DC, KY

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court; U.S. Court of Appeals for the First, Third, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, and D.C. Circuits; U.S. District Court for the District of Columbia

EDUCATION:

J.D., Yale Law School, 1984

A.B., Princeton University, 1981

Louis Bograd is a nationally recognized authority on issues of federal preemption, drug and device litigation, and jurisdiction. He has devoted much of his professional career to litigating appeals on complex issues involving products liability, Medicaid lien reimbursements, constitutional rights, and civil liberties. At Motley Rice, Lou continues his focus on appellate issues and mass torts, further enhancing the firm's active and growing complex litigation practice. Lou serves as co-chair of the Law & Briefing Committee for the National Prescription Opiate Litigation MDL, which is focused on combatting the alleged deceptive marketing and overdistribution of opioids.

Prior to joining Motley Rice, Lou served as an appellate advocate and Chief Litigation Counsel for the Center for Constitutional Litigation where he led work in mass torts, the Class Action Fairness Act, and dispositive motions concerning consumer protection and products liability. Lou argued for plaintiffs before the U.S. Supreme Court regarding federal preemption of claims against generic drug manufacturers in *Pliva, Inc. v. Mensing* and has also participated in numerous other Supreme Court cases as counsel for petitioners, respondents, and amici curiae.

Lou has spoken on various legal topics at many seminars, CLE programs, and legal conferences across the country sponsored by, among others, the American Association for Justice, state trial lawyers associations, and Mass Torts Made Perfect. Lou has also presented at judicial education programs sponsored by the Pound Institute, the Brookings Institution, the American Enterprise Institute, the Northwestern University School of Law, and the George Mason University School of Law.



Lou's legal career began at Arnold & Porter LLP in Washington, D.C., where he managed and directed work on transfusion-associated HIV/AIDS cases on behalf of the American Red Cross. He subsequently served on the American Civil Liberties Union Foundation's national legal staff and as the legal director of the Alliance for Justice. Lou has also taught advanced torts and products liability law as an Adjunct Professor at the University of Kentucky College of Law.

#### SELECTED PUBLICATIONS:

- Louis M. Bograd & Andre M. Mura, *Buckman Stops Here! Limits on Preemption of State Tort Claims Involving Allegations of Fraud on the PTO or the FDA*, 41 Rutgers L. J. 309 (2009)
- Louis M. Bograd, *Be Careful What You Wish For: Drugmakers, the First Amendment, and Preemption*, 51 TRIAL 24 (Nov. 2015)
- Louis M. Bograd, *Preemption's Uncertain Path*, 47 TRIAL 20 (Nov. 2011)
- Louis M. Bograd, *W(h)ither Preemption?*, 45 TRIAL 24 (Nov. 2009)
- Louis M. Bograd, *Taking on Big Pharma- and the FDA*, 43 TRIAL 30 (Mar. 2007)

#### ASSOCIATIONS:

**American Association for Justice** Chair, Preemption Litigation Group; Member, Legal Affairs Committee

#### Michael M. Buchman

LICENSED IN: CT, NY

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court

U.S. Court of Appeals for the Second Circuit

U.S. District Court for the Districts of Connecticut and

Southern and Eastern Districts of New York

U.S. Court of International Trade

EDUCATION:

LL.M., International Antitrust and Trade Law, Fordham University School of Law, 1993

J.D., The John Marshall Law School, 1992

B.A. *cum laude*, Alfred University, 1988

Michael Buchman has more than 20 years of experience, primarily litigating antitrust, consumer protection and privacy class actions in trial and appellate courts. Michael has a diverse antitrust background, having represented as lead or co-lead counsel a variety of plaintiff clients, from Fortune 500 companies to individual consumers, in complex cases covering matters such as restraint of trade, price-fixing, generic drug antitrust issues and anticompetitive "reverse payment" agreements between brand name pharmaceutical companies and generic companies. Michael leads Motley Rice's antitrust team.

Michael represents the largest retailer class representative in the \$6.2 billion case *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, MDL 1720.\* He also has more than 18 years of experience representing consumers,

union health and welfare plans, and health insurers in "generic drug" litigation, including serving as interim co-lead counsel for end-payor multidistrict litigation *In re Zetia Antitrust Litigation*. He represents clients in additional generic drug litigation, including: *In re Augmentin Antitrust Litigation*, *In re Buspirone Antitrust Litigation*, *In re Ciprofloxacin Antitrust Litigation*, *In re Flonase Antitrust Litigation*, *In re K-Dur Antitrust Litigation*, *In re Relafen Antitrust Litigation*, *In re Tamoxifen Antitrust Litigation*, *In re Toprol XL Antitrust Litigation* and *In re Wellbutrin SR Antitrust Litigation*. He also has experience litigating a large aviation antitrust matter, as well as aviation crash, emergency evacuation and other aviation cases in federal and state court.

Prior to joining Motley Rice, Michael served as an Assistant Attorney General in the New York State Attorney General's Office, Antitrust Bureau. He was also a managing partner of the antitrust department at a New York-based class action law firm. He played an active role in resolving two of the largest U.S. multi-billion dollar antitrust settlements since the Sherman Act was enacted, *In re NASDAQ Market-Makers Antitrust Litigation* and *In re Visa Check/Mastermoney Antitrust Litigation*, as well as litigated numerous multi-million dollar antitrust cases. Michael completed the intensive two-week National Institute for Trial Advocacy National Trial Training program in Boulder, Colo., in 2002. An avid writer, he has authored and co-authored articles on procedure and competition law, including a *Task Force on Dealer Terminations* for The Association of the Bar of the City of New York, Committee on Antitrust and Trade Regulation, entitled *Dealer Termination in New York dated June 1, 1998 and What's in a Name - the Diversity Death-Knell for Underwriters of Lloyd's of London and their Names; Humm v. Lombard World Trade, Inc.*, Vol. 4, Issue 10 *International Insurance Law Review* 314 (1996).

Michael is active in his community, serving as a member of the Flood and Erosion Committee for the Town of Westport, Ct., and as *pro bono* counsel in actions involving the misappropriation of perpetual care monies. He has also coached youth ice hockey teams at Chelsea Piers in New York City.

#### AWARDS AND ACCOLADES:

**Lawdragon**

**2019** *Lawdragon* 500 Leading Plaintiff Financial Lawyers

**New York Metro Super Lawyers®** list

**2014–2019** Antitrust litigation

**The Best Lawyers in America®**

**2017–2020** New York, NY Mass tort litigation/class actions – plaintiffs



## **Samuel B. Cothran Jr.** **General Counsel**

LICENSED IN: NC, SC

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the Western District of North Carolina  
and District of South Carolina

EDUCATION:

J.D., *cum laude*, University of South Carolina School of Law,  
1998

M.B.A., Duke University, 1994

B.S., *summa cum laude*, University of South Carolina, 1981

Sam Cothran creatively addresses the many challenges and opportunities inherent in the cutting-edge practice of a dynamic, multi-jurisdictional law firm. As leader of Motley Rice's legal department, Sam directs and advises the firm's management on diverse in-house legal matters regarding governmental compliance, contracts and legal defense, as well as labor and employment, marketing, financial and operational issues.

After working for an international accounting firm as a certified public accountant and for several Fortune 1,000 companies as a financial manager, Sam attended law school to complement his background in business management and finance and joined Motley Rice attorneys shortly after graduation.

Recognized as a BV® rated attorney by Martindale-Hubbell®, Sam is the author of *Dischargeability of Consumer Credit Card Debt in Bankruptcy After Anastas v. American Savings Bank*, 48 S.C.L. Rev. 915 (1997). As a law student, Sam served as Managing Editor of the *South Carolina Law Review*. He was named a Carolina Legal Scholar and awarded both the Order of the Coif and Order of the Wig and Robe.

Sam is active in his community, serving on the board of Directors for the Dee Norton Lowcountry Children's Center.

### **ASSOCIATIONS:**

**American Bar Association**

**Association of Professional Responsibility Lawyers**

**American Institute of Certified Public Accountants**

**South Carolina Association of Certified Public Accountants**

## **Kevin R. Dean**

LICENSED IN: GA, MS, SC

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the Third, Fourth, Fifth and Eleventh Circuits, U.S. District Court for the Middle, Northern and Southern Districts of Georgia, Central District of Illinois, Northern and Southern Districts of Mississippi and District of South Carolina

EDUCATION:

J.D., Samford University Cumberland School of Law, 1991

B.A., Valdosta State University, 1989

Focusing his litigation efforts on catastrophic injury, products liability, and wrongful death cases, Kevin Dean represents victims and families affected by hazardous consumer products, occupational and industrial accidents, fires, premise injuries and other incidents of negligence.

Kevin currently represents people allegedly harmed by defective Takata airbags, Volkswagen's diesel emissions fraud, and GM's misconduct regarding its defective vehicles in *In re General Motors LLC Ignition Switch Litigation*. He has litigated numerous vehicle defect cases, including against "the Big Three" automotive manufacturers in cases involving defective brakes, door locks, door latches, seat belts and roll overs. He served as trial co-counsel in *Guzman v. Ford* (2001), the first case brought to trial regarding a defective outside door latch handle, as well as in the vehicle rollover case *Hayward v. Ford* (2005). He was also a member of the plaintiffs' litigation team in the defective seat belt case, *Malone v. General Motors Corporation* (1998) prior to joining Motley Rice.

Committed to occupational safety, Kevin recently secured a jury verdict against SAR Automation, L.P. for \$8.8 million in the wrongful death of a worker who fell at a Boeing facility leaving behind a widow and two small children.\*

He has been involved in several investigations of catastrophic fire cases, including reaching a multi-million dollar settlement for the surviving children of a couple who were tragically killed in a house fire allegedly caused by electrical wiring in a defective golf cart. Kevin also served as lead plaintiffs' counsel in *In re Charleston Firefighter Litigation*, a wrongful death and negligence case against Sofa Super Store, contractors and multiple furniture manufacturers on behalf of the families of the nine firefighters lost in the June 2007 warehouse fire in Charleston, S.C.

Since the 2010 explosion of the Deepwater Horizon, Kevin has been helping people and businesses pursuing litigation, as well as those needing help filing and negotiating their claims. He served as a member of the oil spill MDL's GCCF Jurisdiction & Court Oversight Workgroup and works with victims on claims through the programs established by the two settlements reached with BP.

Kevin's experience also includes the health insurance fraud and post-claims underwriting case *Clark v. Security Life Insurance Company*, the largest civil RICO case in Georgia history, and *Wiggins v. Parsons Nursery*, one of the largest environmental and health contamination cases in South Carolina. Kevin also served as a County Commissioner on the Early County Georgia Board of Commissioners and still holds the honor of having been the youngest elected commissioner in county history.

Kevin frequently appears in local and national broadcast and print media discussing legal matters of workplace safety, fire prevention and other products liability, as well as specific casework and efforts for changes and improvements in various industries. Recognized as an AV® rated attorney Martindale-Hubbell®, Kevin co-authored "Dangerous Doors and Loose Latches," published in *Trial Magazine* (2004) for the American Association for Justice, and authored "The Right to Jury Trial in ERISA Civil Enforcement Actions" published in *The American Journal of Trial Advocacy* (1989).

**AWARDS AND ACCOLADES:****The Best Lawyers in America®**

**2017–2020** Charleston, S.C. Personal injury litigation – plaintiffs;  
Product Liability Litigation – plaintiffs

**South Carolina Super Lawyers® list**

**2015–2019** Personal injury–general: plaintiff; Personal injury–  
products: plaintiff; Personal injury–medical malpractice:  
plaintiff

**Benchmark Plaintiff**

**2012–2013** National “Litigation Star”: mass torts/product  
liability

**2012–2013** South Carolina “Litigation Star”: product liability

**ASSOCIATIONS:****American Association for Justice****Georgia Trial Lawyers Association**

**South Carolina Association for Justice**, Board of Governors–  
Circuit 9; Tort & Negligence Chair

**Southern Trial Lawyers Association**

**Attorneys Information Exchange Group**, Board of Directors

**Michael E. Elsner**

LICENSED IN: NY, SC, VA

ADMITTED TO PRACTICE BEFORE:

U.S District Court for the Eastern and Southern Districts of  
New York

EDUCATION:

J.D., University of Memphis Cecil C. Humphreys School of Law,  
1997

B.A., John Carroll University, 1993

Michael Elsner litigates complex civil matters on behalf of people and businesses victimized by commercial malfeasance, violations of human rights, acts of terrorism, occupational disease and environmental disasters. He manages large-scale cross-border litigation and conducts detailed factual investigations.

Michael’s understanding of the complex legal challenges in international litigation is critical to uncovering admissible evidence and developing opportunities for client recovery. He tracks historical corporate conduct and uncovers illicit finances, money laundering and terrorist financing through a maze of international banking and financial regulations. His investigations have aided victims of human rights abuses and plaintiffs harmed by financial crimes. Through these efforts he has held global institutions and organizations accountable.

Michael is leading the firm in its role as consultant to South African human rights lawyer Richard Spoor, seeking justice for tens of thousands of gold miners who are suffering from silicosis. Few class actions have been brought in South Africa, and this is the first of its kind for sick workers. Michael was a lead negotiator of the settlement agreement reached for sick gold miners and their dependents. If the settlement is approved, it will generate an unprecedented means of recovery and help ensure meaningful access to justice for the indigent and rural workers who are dying from this entirely preventable yet incurable disease.

Michael was lead plaintiffs’ counsel in the historic litigation, *Linde et al. v. Arab Bank*, a suit brought by victims of terrorist attacks in Israel that alleged Arab Bank played a role in financing Hamas and other Israeli terrorist organizations. This litigation marked the first time a financial institution was brought to trial under the Anti-Terrorism Act. The case resolved through a confidential settlement. Michael was also co-lead counsel in a parallel suit, representing thousands of non-U.S. citizens, *Jesner v. Arab Bank*, which was heard by the U.S. Supreme Court under the Alien Tort Statute regarding violations of customary international law by foreign corporations.

He also plays a leading role with Motley Rice’s team of attorneys in representing states and municipalities against the opioid industry, including manufacturers, distributors and pharmacies. This litigation alleges opioid companies created and fueled the opioid epidemic that claims thousands of Americans every year, through deceptive marketing and over distribution of highly addictive opioids.

As a leading member of the firm’s antiterrorism and human rights practice, Michael represents U.S. military service members and contractors who were injured by EFP roadside bombs while serving in Iraq. He also leads the worldwide investigation for liability evidence in the 9/11 Families United to Bankrupt Terrorism civil action against al Qaeda’s alleged financiers and supporters. In this capacity, Michael meets with U.S. and foreign intelligence officers, witnesses, and informants, who have already helped him gather more than two million pages of documents in numerous languages identifying the activities of al Qaeda and its financiers. He is a member of the Plaintiffs’ Steering Committee for this multidistrict litigation filed on behalf of more than 6,500 families and survivors of the 9/11 attacks. He also served as a member of the Plaintiffs’ Committee in *In re September 11th Litigation*, a suit brought against the airline industry alleging that it failed to detect and prevent the attacks.

Michael’s work with financial transaction litigation includes commercial, securities fraud and shareholder derivative cases such as his extensive work on behalf of domestic and foreign investors in *In re Vivendi Universal, S.A. Securities Litigation*.

Michael began his career with the Manville Personal Injury Trust and then practiced complex civil litigation in New York in the areas of toxic torts, security, personal injury, bankruptcy, and whistleblower protections prior to joining Motley Rice attorneys in 2002.

Sharing his experience and insight as a lecturer and consultant, Michael has discussed anti-terrorism and human rights litigation on several national and international news outlets, including CNN, MSNBC, NPR and the BBC, as well as international anti-money laundering and anti-terrorism industry conferences.

**AWARDS AND ACCOLADES:****Public Justice Foundation**

**2016** Trial Lawyers of the Year

**Benchmark Litigation**

**2016–2017** South Carolina “Litigation Star”: personal Injury,  
product Liability, general commercial, professional liability



### **South Carolina Lawyers Weekly**

**2014** Leadership in Law Award

### **Lawdragon**

**2019** *Lawdragon 500* Leading Plaintiff Financial Lawyers

**2014–2015** *Lawdragon 500* Leading Lawyers in America

**2010** *Lawdragon*™ 3,000

### **ASSOCIATIONS:**

**American Association for Justice**

**American Bar Association**

**New York Bar Association**

**South Carolina Bar Association**, International Law Committee

**Virginia Bar Association**

**National Crime Victims Bar Association**

**Public Justice Foundation**

### **John M. Eubanks**

LICENSED IN: MD, SC

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court, U.S. Court of Appeals for the Second, Third, Fourth, Fifth and Eleventh Circuits

EDUCATION:

J.D., Georgetown University Law Center, 2003

B.S., Georgetown University, 1996

With extensive experience investigating terrorist organizations and terrorist financing in the Middle East, John Eubanks represents victims, survivors and their families in litigation designed to bankrupt the financiers of terror, crippling their ability to recruit, train, supply and dispatch terrorist operatives.

John is substantially involved in the firm's litigation on behalf of foreign terror victims and victims of international human rights abuses. He was a key member of the litigation team prosecuting *Linde et al. v. Arab Bank Plc*, the first litigation against a financial institution brought to trial under the Anti-Terrorism Act. In this historic litigation, John also played an integral role in pursuing Alien Tort Statute claims that were argued before the U.S. Supreme Court for a separate class of plaintiffs against Arab Bank.

John is also a member of the team pursuing a civil action against al Qaeda's alleged financiers and supporters arising out of the 9/11 terrorist attacks. He has pursued litigation against Libya for allegedly providing material resources to the Provisional Irish Republican Army, resulting in the death and injury of citizens of the United States and United Kingdom. John plays a key role in *Krishanthi, et al. v. Rajaratnam*, a case brought under the Alien Tort Statute involving allegations of American-sourced financing for dozens of terrorist attacks in Sri Lanka carried out by the Liberation Tigers of Tamil Eelam. He was also extensively involved in an Alien Tort Statute case on behalf of young boys allegedly kidnapped for enslavement as camel jockeys in the United Arab Emirates.

Prior to joining Motley Rice in 2004, John served as counsel in a case brought under the Anti-Terrorism Act against various charitable organizations and political groups in the U.S. for

supplying Hamas with material support and financial resources in the groundbreaking *Boim v. Quranic Literacy Institute*.

John has drafted various "friend of the court" briefs to the Supreme Court on issues related to anti-terrorism and customary international law on behalf of a broad range of individuals and organizations.

John has also handled multiple personal injury and wrongful death cases involving tour bus and commercial truck crashes, both domestic and international. In 2010, a tour bus operated by Boston-based Grand Circle Travel crashed near Aswan, Egypt, killing eight passengers and injuring numerous others. John and the Motley Rice litigation team filed suit on behalf of seven of the victims of the crash against the tour operator and negotiated a settlement for our clients in 2015.\*

A former independent terrorism consultant for the Washington, D.C.-based think tank, The Investigative Project on Terrorism, John served as a liaison and researcher working with the FBI, INS, and U.S. Customs on terrorism financing investigations related to Hamas and the Palestinian Islamic Jihad terrorist organizations.

John is a published author on counterterrorism and security and was a central contributor to the non-fiction work *American Jihad: The Terrorists Living Among Us* (Free Press 2002), which details the activities of organizations and individuals within the U.S. who provide material support and/or resources to Middle Eastern and Islamic terrorist organizations abroad.

John lives in Mount Pleasant, S.C., with his wife and two children, and serves as a deacon in his church.

### **AWARDS AND ACCOLADES:**

#### **Lawdragon**

**2019** *Lawdragon 500* Leading Plaintiff Financial Lawyers

#### **Public Justice Foundation**

**2016** *Trial Lawyers of the Year*

### **ASSOCIATIONS:**

**American Association for Justice**

**American Bar Association**, Section of International Law

**South Carolina Association for Justice**

**Charleston County Bar Association**

### **Nathan D. Finch**

LICENSED IN: DC, VA

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the Third, Fourth, Fifth, Sixth, Tenth and Eleventh Circuits, U.S. District Court for the District of Columbia, the Eastern District of Virginia, and the Western District of Wisconsin

EDUCATION:

J.D., University of Virginia School of Law, 1992

B.A., University of Virginia, 1989

With a diverse background in complex civil litigation, Nate Finch brings almost twenty years of trial experience and strong negotiation skills to Motley Rice. He represents clients in various asbestos, toxic tort, commercial, securities fraud and other complex cases.



Nate has served as the lead trial attorney for his clients in many federal and state courts and is sought after by co-counsel for advice on challenging cases and complex legal matters. His thorough knowledge of asbestos and medical issues is an asset to the firm's occupational disease and toxic tort clients. He has obtained plaintiffs' verdicts in cases against asbestos product manufacturer defendants and cigarette makers. He has extensive experience trying cases involving a wide variety of asbestos-containing products, including gaskets, automotive brakes, floor tiles, joint compounds, and various forms of insulation. He also has years of experience representing individuals, companies and creditors' committees in personal injury litigation, mass torts products liability litigation, securities and financial fraud litigation and an array of other complex litigation cases ranging from single plaintiffs' products liability cases to high-stakes business disputes.

Prior to joining Motley Rice, Nate was a partner for more than ten years in a Washington, D.C.-based law firm and frequently collaborated with Motley Rice attorneys in trials and negotiations to resolve large asbestos product manufacturers' bankruptcies. He tried numerous cases in federal district courts focusing on the medical and scientific factors associated with asbestos-related diseases and asbestos exposure. During this time, he also tried and helped to resolve in favor of his clients five asbestos bankruptcy cases, each having more than \$1 billion at stake. In addition, Nate worked closely with Motley Rice attorneys on behalf of investors in *In re MBNA Securities Litigation* and *In re Vivendi Universal, S.A. Securities Litigation*.

Nate's understanding of the factual and legal challenges inherent in complex cases, combined with his trial experience, has positioned him as a considerable resource within many practice areas. A frequently invited speaker regarding a variety of legal matters, he has spoken at many asbestos litigation and bankruptcy conferences and has been a guest lecturer at the Georgetown University, George Washington University, George Mason University and the University of Baltimore law schools on topics relating to civil procedure, mass tort litigation and the differences between litigating in Article III and Article I courts. He has been an invited speaker at several judicial conferences on the topic of asbestos litigation.

Recognized as a Martindale Hubbell® AV® rated attorney, Nate has served his community for many years through volunteer activities coordinated by Greater D.C. Cares, an organization committed to connecting volunteers with community service groups. Nate was a member of the *Virginia Law Review* and the Order of the Coif, and is a former scholarship track and cross country athlete at UVA.

## AWARDS AND ACCOLADES:

### American Association for Justice

**2013** Wiedemann & Wysocki Award

### Benchmark Litigation

**2013–2017** Washington, D.C. "Litigation Star": bankruptcy, general commercial, product liability, securities, white collar crime

### Washington, D.C., Super Lawyers® list

**2012–2017, 2019** Personal injury – products: plaintiff; Personal injury – general: plaintiff; Securities litigation

### Chambers USA

**2009–2010** "Top Lawyer": bankruptcy and restructuring

## ASSOCIATIONS:

**American Association for Justice**

**The Barristers**

## Fidelma L. Fitzpatrick

LICENSED IN: DC, MA, NY, RI

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court; U.S. Court of Appeals for the First, Seventh and Eleventh Circuits; U.S. District Court for the District of Columbia, District of Massachusetts, District of Rhode Island and Eastern District of Wisconsin

EDUCATION:

J.D., *cum laude*, American University, 1994

B.A., Canisius College, 1991

Fidelma Fitzpatrick represents people and communities in toxic tort and environmental matters, including property damage and personal injury claims. Her experience with complex civil litigation has led her to represent other victims of corporate malfeasance, including hundreds of women allegedly injured by medical devices such as Essure® and pelvic mesh/sling products.

In addition to her toxic tort and medical casework, Fidelma also represents states, cities, counties and townships in litigation against the opioid industry, including manufacturers, distributors and pharmacies. The litigation alleges the companies engaged in deceptive marketing and over distribution of highly addictive opioids to create and fuel the opioid crisis that claims thousands of American lives every year.

In 2017, Fidelma was appointed Lead Counsel of the Plaintiffs' Executive Committee for the coordinated Essure® litigation in California against Bayer Corp. She also represents hundreds of women allegedly harmed by pelvic mesh/sling products in filed cases against defendants that include American Medical Systems, Boston Scientific, C.R. Bard, Inc., and Ethicon. In 2012, Fidelma was appointed co-lead counsel of the pelvic mesh MDL *In re American Medical Systems, Inc., Pelvic Repair Systems Products Liability Litigation* pending in the Southern District of West Virginia. She also holds leadership roles in pelvic mesh state court litigations, including serving as liaison counsel in the American Medical Systems cases consolidated in Delaware and the Boston Scientific cases consolidated in Massachusetts.

Fidelma was co-lead trial counsel in the billion dollar lead paint pigment case, *The People of California v. Atlantic Richfield Company et al.*, in which Motley Rice represented cities and counties, including San Francisco, Santa Clara, Los Angeles and San Diego, in litigation against national lead paint pigment manufacturers. In January 2014, the court ruled Sherwin-Williams Company, NL Industries, Inc., and ConAgra Grocery Products Company created a public nuisance by actively promoting lead for use in homes despite knowing that it was highly toxic. The



California Court of Appeals, 6th appellate District, later affirmed the majority of the ruling, and remanded the case to the Santa Clara Superior Court to decide how much defendants should pay to establish an abatement fund that will be used to clear toxic lead paint from homes in plaintiffs' jurisdictions that were constructed prior to 1951. In 2018, U.S. Supreme Court declined to review the litigation, effectively exhausting defense appeals and ensuring that an abatement fund for the removal of toxic lead paint from pre-1951 California homes will be established. This will help protect the health and safety of thousands of California children.

Fidelda held a central role in the state of Rhode Island's trial against former corporate manufacturers of lead paint pigment. She continues to manage cases seeking to hold the lead paint pigment industry accountable for the childhood lead poisoning crisis and provide restitution and compensation to affected children and families. As a result of her work for lead poisoning victims, the Wisconsin State Supreme Court became the first to recognize the legal rights of poisoned children to sue lead paint pigment manufacturers. She also played a lead role in representing the community of Tallevast, Florida, in a lawsuit against Lockheed Martin Corporation involving the pollution of the community's groundwater with PCE and TCE.

Fidelda began working with Motley Rice attorneys in 1997 on the Massachusetts, New York and Rhode Island lawsuits against the tobacco industry. She serves on the Board of Regents at Canisius College and frequently speaks on environmental and mass tort topics at conferences for federal and state court judges, attorneys, academic professionals and law students.

#### **PUBLISHED WORKS:**

"Painting Over Long-Standing Precedent: How the Rhode Island Supreme Court Misapplied Public Nuisance Law in *State v. Lead Industries Association*" *Roger Williams University Law Review* (Summer 2010)

"Access to Justice: The Use of Contingent Fee Arrangements by Public Officials to Vindicate Public Rights" *Cardozo J.L. & Gender* (Spring 2008)

"Negligence in the Paint: The Case for Applying the Risk Contribution Doctrine to Lead Litigation" in *Pace Environmental Law Review* (Fall 2008)

#### **AWARDS AND ACCOLADES:**

##### **Law360**

**2019 MVP**— Product Liability

##### **National Law Journal**

**2019** Elite Women of the Plaintiffs' Bar

**2018** Plaintiffs' Lawyers Trailblazers

**2015** Outstanding Women Lawyers

##### **The Lawdragon**

**2014–2019** *500 Leading Lawyers in America*: Plaintiffs' litigation

##### **The Legal 500 United States**

**2013, 2014, 2018** Dispute resolution – product liability, mass tort and class action – toxic tort – plaintiff

#### **The National Trial Lawyers**

**2010–2013** Top 100 Trial Lawyers™ – Rhode Island

#### **Rhode Island Super Lawyers®** list

**2008, 2010–2018** Environmental litigation; Personal injury – products: plaintiff; Class action/mass torts

#### **The Best Lawyers in America®**

**2008–2020** Mass tort litigation/class actions – plaintiffs

#### **Rhode Island Lawyers Weekly**

**2006** Rhode Island Lawyer of the Year

#### **Public Justice Foundation**

**2014** Trial Lawyers of the Year

**2006** Finalist: Trial Lawyers of the Year award

#### **ASSOCIATIONS:**

##### **American Association for Justice**

##### **American Bar Association**

##### **American Civil Liberties Union**, Volunteer attorney

##### **Public Justice Foundation**, Rhode Island State Coordinator

##### **Rhode Island Association for Justice**

##### **Rhode Island Women's Bar Association**

\* Please remember that every case is different. Although it endorses this lawyer, *The Legal 500 United States* is not a Motley Rice client. Any result we achieve for one client in one matter does not necessarily indicate similar results can be obtained for other clients.

#### **Jodi Westbrook Flowers**

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court; U.S. Court of Appeals for the Second, Fourth, and District of Columbia Circuits; U.S. District Court for the District of South Carolina

EDUCATION:

J.D., University of South Carolina School of Law, Carolina Legal Scholar, 1993

B.A. *magna cum laude*, College of Charleston, 1989

A veteran of the courtroom, Jodi Westbrook Flowers seeks to protect the health, safety and rights of consumers, families, investors, workers, and victims of crime and terrorism. Jodi has litigated a wide range of cases involving tobacco, asbestos, lead pigment, aviation disasters, consumer fraud, cybersecurity and product defects, as well as terrorist financing and human rights violations. She also represents public entities seeking to hold opioid manufacturers and distributors accountable for allegedly deceptive marketing and distribution practices that contributed to the nation's opioid crisis.

In the vehicle defect multidistrict litigation, *In re General Motors LLC Ignition Switch Litigation*, Jodi works on cases related to economic loss due to faulty ignition switches installed in more than 14 million recalled GM vehicles. Previously, she worked to demonstrate the necessary minimum contacts within the U.S. for the exercise of personal jurisdiction over Bridgestone Corporation in the class action for damages allegedly caused by vehicle and tire defects, *In*

*re Bridgestone/Firestone, Inc., ATX, ATX II and Wilderness Tire Products Liability Litigation*, Case No. 00-MDL-1373-SEB (S.D.Ind.). She also led a team at Motley Rice in the Volkswagen Diesel Emissions Fraud class action litigation, working on behalf of defrauded consumers in the \$15 billion settlement deal for 2.0-liter vehicles. The settlement was the largest auto-related consumer class action in U.S. history, and among the fastest reached of its kind. Jodi represents clients who have raised similar allegations against Fiat Chrysler Automobiles, claiming the automaker installed emissions cheating software in thousands of 3.0-liter diesel vehicles, in *In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practice and Products Liability Litigation*.

Jodi serves as co-liaison counsel and represents victims in the 21st Century Oncology data breach multidistrict litigation. She also represents consumers and businesses impacted by security flaws believed to affect virtually all Intel Corp., computer processors.

Jodi handles a variety of cases regarding the state-sponsorship of international terrorism, as well as human rights litigation involving violations of international law and human rights abuses. Jodi now leads the legal team founded by Ron Motley that brought the groundbreaking litigation against the financiers and material supporters of al Qaeda. Representing thousands of family members and survivors of Sept. 11, 2001, in a pioneering civil action to hold al Qaeda's sponsors accountable and cut off the terror support pipeline, she serves on the Plaintiffs' Executive Committee for the *In re Terrorist Attacks on September 11, 2001* litigation consolidated by the Multidistrict Litigation Panel. She aided 9/11 victims and families in their years-long push to pass the Justice Against Sponsors of Terrorism Act, which became law in 2016.

Jodi is currently involved in processing claims for the new Victims' Compensation Fund for first responders, area residents, and anyone whose health may have been affected by exposure to environmental toxins released in the terrorist attacks. She was also an integral member of the Motley Rice aviation security litigation team seeking accountability and change in aviation security following the 9/11 attacks. In addition, Jodi also represents international terror victims who have filed claims through the U.S. Victims of State Sponsored Terrorism Fund.

Jodi also played a key role in *Linde et al. v. Arab Bank PLC*, filed by victims of terrorist bombings in Israel against Arab Bank for allegedly financing Hamas and other Israeli terrorist organizations. This case marked the first time that a financial institution has been brought to trial under the Anti-Terrorism Act. Jodi also helped lead a parallel suit for thousands of non-U.S. citizens, *Jesner v. Arab Bank*, which was heard by the U.S. Supreme Court regarding violations of customary international law by foreign corporations under the Alien Tort Statute.

She served as the lead negotiator in *Cummock, et al. v. Socialist People's Libyan Arab Jamahiriya, et al.*, the last hold-out of the individual cases against Libya for the Lockerbie bombing of Pan Am Flight 103, and continues to seek justice for victims of

Libyan sponsored terrorism during Qadhafi's reign. Jodi also authored an *amicus* brief, supporting section 1502 of the Dodd-Frank Act, regarding the trade regulation of conflict minerals in the Democratic Republic of the Congo. She was also an integral member of a team that sought recourse for young victims of human trafficking and child enslavement for use as camel jockeys, and filed a federal civil complaint against several leaders in the United Arab Emirates for their alleged role.

Jodi has worked on environmental contamination cases in the Virgin Islands involving leaking gas tanks, and she represented clients in advancing their Deepwater Horizon oil spill claims through the programs established by the two settlements reached with BP. Jodi has served on numerous MDL Executive Committees and subcommittees, and holds several leadership positions within the firm.

Jodi began her career applying restitution and fraud theories to the litigation against the tobacco industry which resulted in the historic Master Settlement Agreement between the state attorneys general and the tobacco industry. She developed expert and whistleblower testimony and synthesized millions of pages of documents for trial. She prepared the false-marketing and child targeting case against the tobacco industry which resulted in restrictions on cartoon ads and the retirement of Joe Camel.

Jodi has been interviewed by various media outlets, including U.S. and foreign television, radio and print media. She provides pro bono work on a variety of global, national and community issues and helped establish the firm's Charitable Contributions Committee. She served as a member of the American Bar Association's Center for Human Rights Advisory Council from 2014 to 2016, and currently serves on the board of the PanAm 103 Lockerbie Legacy Foundation.

#### **PUBLISHED WORKS:**

"Remarks on the GJIL Symposium on Corporate Responsibility and the Alien Tort Statute," *Georgetown Journal of International Law*, Volume 43-Issue 4, Summer 2012. (43 Geo. J. Int'l. L. 1601)

#### **AWARDS AND ACCOLADES:**

##### **National Law Journal**

**2020** Elite Women of the Plaintiffs' Bar

**2018** Plaintiffs' Lawyers Trailblazers

##### **The National Trial Lawyers**

**2020** Top 100 Trial Lawyers™: South Carolina

##### **The Best Lawyers in America®**

**2015–2020** Mass tort litigation/class actions – plaintiff

##### **Lawdragon**

**2019** *Lawdragon* 500 Leading Plaintiff Financial Lawyers

**2010–2019** *500 Leading Lawyers in America*: Plaintiffs' litigation

##### **Public Justice Foundation**

**2016** Trial Lawyers of the Year



**The Legal 500 United States**, Litigation edition

**2016–2018** Dispute resolution – product liability, mass tort and class action – toxic tort – plaintiff

**Benchmark Plaintiff**

**2014** Top 150 Plaintiff Women in Litigation: South Carolina

**2012–2013** National “Litigation Star”: civil rights/human rights and mass tort/product liability

**2012–2014** South Carolina “Litigation Star”: environmental, human rights, mass tort and securities

**ASSOCIATIONS:**

**American Association for Justice**

**South Carolina Association for Justice**

**American Bar Association**, SIL–International Human Rights Committee

**South Carolina Bar Association**, SC Women Lawyers

**Charleston Bar Association**

**Daughters of the American Revolution**

**The Fellows of the American Bar Foundation**

\*Although it endorses this lawyer, *The Legal 500 United States* is not a Motley Rice client.

**Vincent L. Greene IV**

LICENSED IN: RI

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the District of Rhode Island

EDUCATION:

J.D., George Washington University Law School, 1998

B.A., College of the Holy Cross, 1995

Vin Greene works on behalf of victims of lead poisoning, asbestos-related diseases and defective medical products. He represents children and families poisoned by exposure to lead paint and pigments in trials, negotiations and settlements, including achieving a rare jury verdict and compensatory damages in 2015 for a Rhode Island woman who suffered cognitive defects due to lead exposure as a child. Vin’s legal efforts led to his critical role in defeating tort reform legislation in Rhode Island, utilizing testimony, analysis and grassroots outreach to push passage of a bill that helped prevent childhood lead poisoning without infringing on victims’ rights. For his numerous efforts and accomplishments, the Childhood Lead Action Project honored him with its Beyond the Call of Duty Award in 2001.

Currently, Vin represents workers and families suffering from mesothelioma and other asbestos-related diseases as a result of occupational, environmental or household exposure to asbestos. He has managed asbestos cases and negotiations on behalf of hundreds of individuals, including arguing before the Supreme Courts of Ohio and Rhode Island, as well as Ohio Appellate Courts.

In addition to his toxic exposure casework, Vin litigates on behalf of patients who suffered severe health complications caused by allegedly defective mesh products, including Composix® Kugel® Mesh patches and other hernia mesh products, as well as transvaginal mesh.

Active in the legal community, Vin served in 2015 as President of the Rhode Island Association for Justice. He is the current Treasurer for the Rhode Island Center for Justice, a non-profit law center advocating for workers’ rights and other public interest issues. Vin began working with Motley Rice attorneys in 1997 on the landmark litigation against the tobacco industry and medical malpractice cases. Named a Motley Rice member in 2008, Vin is recognized as an AV® rated attorney by Martindale-Hubbell®.

**AWARDS AND ACCOLADES:**

**The Best Lawyers in America®**

**2017–2020** Product liability litigation – plaintiffs

**Rhode Island Super Lawyers® lists**

**2014–2018** Personal injury – products: plaintiff; Class action/mass torts; Environmental litigation

**Benchmark Plaintiff**

**2012–2014** Rhode Island “Litigation Star”: environmental, medical malpractice, toxic tort

**The Legal 500 United States, Litigation edition**

**2010** Mass tort and class action: plaintiff representation – toxic tort

**ASSOCIATIONS:**

**American Association for Justice**

**American Civil Liberties Union**

**Rhode Island Association for Justice**, Past President

**Rhode Island Center for Justice**, Treasurer

**John E. Herrick**

LICENSED IN: MD, SC

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the Central District of Illinois, District of Maryland, Northern District of Ohio, District of South Carolina, Eastern and Southern Districts of Texas, Eastern and Western Districts of Wisconsin

EDUCATION:

J.D., University of South Carolina School of Law, 1988

B.A., University of South Carolina, 1983

John Herrick has spent more than 30 years representing victims of asbestos exposure suffering from mesothelioma and other asbestos-related diseases. As a leader of the firm’s occupational disease practice, John continues to fight for the rights of those harmed by asbestos and other occupational diseases and assists in managing the firm’s asbestos litigation teams. A senior trial lawyer with years of courtroom experience, John represents individuals and families against defendants which manufactured and sold defective and unreasonably dangerous asbestos-containing products and equipment, as well as premise owners and contractors who specified and installed those products.

John has litigated asbestos cases resulting from occupational, environmental and household exposure, receiving verdicts in hundreds of matters. He also represents maritime workers who suffered asbestos exposure caused by manufacturers and suppliers, ship owners, shipbuilders and vessel designers.



In addition, John was lead trial counsel in a welding fume verdict for the plaintiff on behalf of a welder who developed manganism from exposure to welding fumes. He won the first affirmed jury verdict in the United States for a domestic, asbestos- exposed mesothelioma victim in the Marie Granski case and achieved the first verdict in the United States against SCAPA US, the former manufacturer of asbestos-containing dryer felts. John also worked as lead trial counsel in the Harlow trial group, cited as a top 100 case of the year by *The National Law Journal*, and litigated a personal injury case against a tobacco company for a plaintiff harmed by the use of asbestos in cigarette filters.

John is recognized as an AV<sup>®</sup> rated attorney by Martindale-Hubbell<sup>®</sup> and frequently serves as a guest speaker at asbestos litigation-related seminars.

#### **AWARDS AND ACCOLADES:**

##### **The Best Lawyers in America<sup>®</sup>**

**2018** "Lawyer of the Year" Charleston, SC: Product liability litigation – plaintiffs

**2015–2020** Product liability litigation – plaintiffs

##### **The Legal 500 United States**

**2007, 2009–2012, 2015, 2018** Dispute resolution – product liability, mass tort and class action – toxic tort – plaintiff

#### **ASSOCIATIONS:**

**American Association for Justice**

**American Bar Association**

**American Board of Trial Advocates**

**South Carolina Association for Justice**

#### **T. David Hoyle**

LICENSED IN: DC, FL, GA, SC

ADMITTED TO PRACTICE BEFORE:

Georgia Supreme Court; U.S. Court of Appeals for the Fourth and Eleventh Circuits; Georgia Court of Appeals; U.S. District Court for the Middle, Northern and Southern Districts of Florida, Middle and Northern Districts of Georgia, Western District of Michigan, District of Nebraska, District of South Carolina, and the Western District of Wisconsin

EDUCATION:

J.D., *cum laude*, University of South Carolina School of Law, 2005

B.A., Wofford College, 2002

David Hoyle works to change corporate conduct through the civil justice system, representing victims of corporate wrongdoing and negligence in litigation ranging from catastrophic incidents to toxic torts and environmental contamination.

David plays a leading role in litigation involving per- and poly-fluoroalkyl substances or PFAS. These man-made chemicals are "forever chemicals" which do not biodegrade and are extremely persistent in the environment. David is litigating cases involving people in the Grand Rapids, Mich., area whose private wells and drinking water are contaminated with PFAS. He also represents governmental entities litigating PFAS claims against multiple manufacturing defendants who allegedly caused widespread

contamination. He is a member of the Discovery Subcommittee of the Plaintiffs' Executive Committee in MDL 2873 involving aqueous film-forming foam (AFFF) products which contained PFAS.

David also focuses on complex personal injury cases involving catastrophic burns, brain injury, loss of limb and paralysis, as well as wrongful death cases resulting from negligence, fires, industrial accidents and defective products. Additionally, he represents victims suffering from mesothelioma and other asbestos-related diseases as well as Canadian provincial workers' compensation boards bringing U.S. civil actions.

David previously represented people and businesses affected by the 2010 BP Deepwater Horizon oil spill. His toxic tort practice also includes representing people diagnosed with irreversible lung disease as a result of occupational exposures to toxic flavoring and other chemicals, people diagnosed with certain blood cancers as a result of occupational exposures to diesel exhaust, and people who have developed non-Hodgkin's Lymphoma as a result of exposure to glyphosate contained within the weed killer Roundup.

An AV<sup>®</sup> rated attorney in Martindale-Hubbell<sup>®</sup>, David has handled all aspects of litigation, from initial client meetings to jury trials and appellate oral arguments. He has also negotiated the resolution of numerous cases with a focus on the clients' goals. Following the conviction of a South Carolina child predator, David litigated the claims of victims against the predator's former employer, Pinewood Preparatory School, negotiating a resolution that includes the implementation of a new Child Protection Policy that includes the enforcement of stricter procedures and a decade of outside monitoring. David also litigated the claims of a rape victim against the owner of a self storage facility and negotiated a resolution that included the business changing its security practices.

David has presented at seminars on a diverse range of topics, such as NFL concussion litigation, the economic loss rule in environmental cases, trends in federal practice, ethical issues involving social media and asbestos disease awareness. He is the author of "Seal of Disapproval: International Implications of South Carolina's Notary Statute," 3 S.C.J.Int'l. L. & Bus. 1 (2006).

David is active in his community, having served on the Board of Directors for the Lowcountry Autism Foundation and volunteering for more than 10 years with the Lowcountry AIDS Legal Clinic. He is a former member of the Ecclesiastical Court of The Episcopal Church in South Carolina, and is an appointed member of The Episcopal Church Province IV Court of Review. David helped lead efforts to establish the Elizabeth B. and Larry T. McGehee Endowed Scholarship Fund at Wofford College in 2007.

#### **AWARDS AND ACCOLADES:**

**South Carolina Super Lawyers<sup>®</sup> Rising Stars** list

**2012–2019** Personal injury–general: plaintiff; Civil rights; Environmental litigation

**Charleston Business Magazine**

**2017** "Legal Elite of the Lowcountry"



### The National Trial Lawyers

2012 Top 100 Trial Lawyers™ – South Carolina

### ASSOCIATIONS:

American Association for Justice  
South Carolina Association for Justice

### James M. Hughes, Ph.D.

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court, U.S. Court of Appeals for the First, Second, Fourth, Fifth, Eighth, and Eleventh Circuits, U.S. District Court for the District of South Carolina

EDUCATION:

J.D., University of South Carolina School of Law, 1993

Ph.D., University of Illinois, Chicago, 1983

M.A., University of Illinois, Chicago, 1976

B.A., University of Minnesota, 1975

Jim Hughes develops strategic legal arguments, drafts and argues motions, and litigates cases involving securities fraud.

Jim has also represented industrial workers exposed to silica and asbestos in the workplace, arguing before appellate courts in Illinois and Minnesota on behalf of occupational disease victims. He has shared his experience with silica litigation and product identification at several national conferences, addressing the plaintiff's perspective and other pertinent issues.

A published author on several legal and academic themes, Jim's law review article, "Informing South Carolina Capital Juries About Parole" (44 S.C. Law Review 383, 1993) was cited in 2000 by U.S. Supreme Court Justice John Paul Stevens in his dissenting opinion in *Ramdass v. Angelone*. His reported opinions include *Ison v. E.I. DuPont de Nemours & Co.* (Del. 1999), *In re Minnesota Asbestos Litigation* (Minn., 1996), *W.R. Grace & Co. v. CSR Ltd.*, (Ill. App. Ct. 1996) and *In re Tutu Wells Contamination Litigation* (D.V.I. 1995).

A former professor of philosophy, Jim began his legal career with the plaintiffs' bar after clerkships with the South Carolina Office of Appellate Defense and a business, employment and intellectual property defense firm. He is recognized as an AV® rated attorney by Martindale-Hubbell®.

### AWARDS AND ACCOLADES:

Lawdragon

2019 Lawdragon 500 Leading Plaintiff Financial Lawyers

### ASSOCIATIONS:

American Association for Justice  
South Carolina Association for Justice

### John D. Hurst

LICENSED IN: NC, PA, SC, WV

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the Eastern, Middle and Western Districts of North Carolina, Northern District of Ohio, District of South Carolina, and the Northern and Southern Districts of West Virginia

EDUCATION:

J.D., University of North Carolina, School of Law, 2006

B.A. *highest distinction*, University of North Carolina, Chapel Hill, 2002

John Hurst works to hold corporations accountable for the harm they do to individuals and society, developing and executing case strategies in toxic tort, occupational disease, catastrophic injury, and product liability cases.

John represents workers and their family members injured by occupational, environmental or household exposure to asbestos, including numerous mesothelioma victims. A central member of the West Virginia team, he also manages large, complex multi-party litigation and works extensively in federal, state, and bankruptcy court at both trial and appellate levels. John litigates legal issues under product, premises, and employer liability theories.

John represents merchant mariners with Jones Act claims against their shipowner employers in the federal asbestos MDL-875 and in the Northern District of Ohio and has presented on this topic. In 2014, John was a key member of a trial team that obtained a compensatory and punitive damages verdict in Massachusetts federal court against a manufacturer of asbestos-containing fireproofing.

Recognized as an AV® rated attorney Martindale-Hubbell®, John's experience goes beyond occupational disease litigation. He represented victims of a 2009 explosion at the ConAgra facility in Garner, N.C., and negotiated the resolution of those claims against industrial contractors.

John published the first academic analysis of credit counseling agencies, "Protecting Consumers from Consumer Credit Counseling," 9 N.C. Banking Inst. 159 (2005), and co-authored "Premises Liability Update: Employee Cases," for Emerging Trends in Asbestos Litigation, (March 9-11, 2009), and "The Changing Landscape of Single Sex Education," *School Law Bulletin* (2006).

### AWARDS AND ACCOLADES:

West Virginia Super Lawyers® Rising Stars list

2014-2019 Personal injury – general: plaintiff; Personal injury – products: plaintiff; Class action/mass torts

### ASSOCIATIONS:

American Association for Justice  
American Bar Association  
Charleston County Bar Association  
South Carolina Association for Justice

## Mathew P. Jasinski

LICENSED IN: CT, NY

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court; U.S. Court of Appeals for the First, Second, and Third Circuits; U.S. District Court for the District of Connecticut and Southern District of New York

EDUCATION:

J.D. *with high honors*, University of Connecticut School of Law, 2006

B.A. *summa cum laude*, University of Connecticut, 2003

Mathew Jasinski represents consumers, businesses, and governmental entities in class action and complex cases involving consumer protection, unfair trade practices, commercial, environmental and securities litigation. He also represents whistleblowers in *qui tam* cases under the False Claims Act.

Mathew's litigation experience includes all aspects of trial work, from case investigation to appeal. He has represented plaintiffs in class actions involving such claims as breach of contract and unfair trade practices. He has experience in complex commercial cases regarding claims of fraud and breach of fiduciary duty and has represented an institutional investor in its efforts to satisfy a judgment obtained against the operator of a Ponzi scheme. Mathew obtained a seven-figure arbitration award in a case involving secondary liability for an investment advisor's conduct under the Uniform Securities Act. Please remember that every case is different. Any result we achieve for one client in one matter does not necessarily indicate similar results can be obtained for other clients.

Mathew also serves the firm's appellate group, having argued cases in the U.S. Courts of Appeals for the First and Second Circuits, the Connecticut Appellate Court, and the Connecticut Supreme Court. He also has worked on numerous appeals before other state and federal appellate courts across the country.

Prior to joining Motley Rice in 2009, Mathew practiced complex commercial and business litigation at a large defense firm. He began his legal career as a law clerk for Justice David M. Borden (ret.) of the Connecticut Supreme Court. During law school, Mathew served as executive editor of the *Connecticut Law Review* and judging director of the Connecticut Moot Court Board. He placed first in various moot court and mock court competitions, including the Boston region mock trial competition of the American Association for Justice. As an undergraduate, Mathew served on the board of associate directors for the University of Connecticut's honors program and was recognized with the Donald L. McCullough Award for his student leadership.

Mathew continues to demonstrate civic leadership in the local Hartford community. He is vice chairman of the board of directors for the Hartford Symphony Orchestra, a deacon of the Asylum Hill Congregational Church, and a commissioner of the Hartford Parking Authority. Previously, Mathew served on the city's Charter Revision Commission and its Young Professionals Task Force, an organization focused on engaging young professionals and positioning them for future business and community leadership.

## PUBLISHED WORKS:

"On the Causes and Consequences of and Remedies for Interstate Malapportionment of the U.S. House of Representatives" (Jasinski and Ladewig, *Perspectives on Politics*, Vol. 6, Issue 1, March 2008)

"Hybrid Class Actions: Bridging the Gap Between the Process Due and the Process that Functions" (Jasinski and Narwold), *The Brief*, Fall 2009

## AWARDS AND ACCOLADES:

**Lawdragon**

**2019** Lawdragon 500 Leading Plaintiff Financial Lawyers

**Connecticut Law Tribune**

**2018** "New Leaders in Law"

**Connecticut Super Lawyers® Rising Stars** list

**2013-2018** Business litigation; Class action/mass torts; Appellate

**Hartford Business Journal**

**2009** "Forty Under 40"

## ASSOCIATIONS:

**American Association for Justice**

**American Bar Association**

**Connecticut Bar Association**

**Oliver Ellsworth Inn of Court**

**Phi Beta Kappa**

\* For full Super Lawyers selection methodology visit: [www.superlawyers.com/about/selection\\_process.html](http://www.superlawyers.com/about/selection_process.html)

For current year CT data visit: [www.superlawyers.com/connecticut/selection\\_details.html](http://www.superlawyers.com/connecticut/selection_details.html)

## Anne McGinness Kearse

LICENSED IN: DC, SC, WV

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the Eastern District of New York, Eastern and Western Districts of Pennsylvania, District of South Carolina and the Southern District of West Virginia

EDUCATION:

J.D. *cum laude*, University of South Carolina School of Law, 1998

B.S., Syracuse University, 1983

With more than two decades of experience in complex litigation, Anne brings a passion for justice to each case, working for her clients and seeking to bring those responsible to account. Through litigation, including mass torts, class actions and individual cases, Anne pursues the implementation of better safety practices and corporate governance measures for those corporations, as well as just compensation for victims of toxic exposure, extreme and life-altering injuries, workplace injuries and diseases, severe burns, brain damage, loss of limb and paralysis, and wrongful death resulting from negligence and defective products.



She works closely with victims and their families, often meeting with them in their homes for consultations. She strives to provide each client with personalized attention and individual justice, whether the case is part of a class action or stands alone.

Anne often collaborates with other attorneys, including estate and probate counsel, in order to approach each case from a team perspective. She also consults with experts to provide input on cases.

She is a member of the firm's litigation team currently representing dozens of states, cities, towns, counties and townships targeting the alleged misrepresentation of highly addictive opioids by manufacturers and distributors, a suspected cause of the opioid epidemic plaguing communities nationwide.

Anne represents workers diagnosed with the devastating disease mesothelioma caused by asbestos exposure in the chemical, electric power generation, steel or construction industries. She also represents victims of household exposure—children and spouses who developed mesothelioma or other asbestos-related diseases after being exposed to asbestos fibers that a family member unwittingly brought home from work on clothes or belongings. Anne has tried several noteworthy asbestos cases, including *Cox vs. A&I Company*, West Virginia's first household asbestos exposure case, and the 2002 West Virginia Consolidated Asbestos Trial against Union Carbide in which unsafe working conditions were found at its plants throughout the state. In addition to maintaining an active trial schedule, Anne represents Canadian Workers' Compensation Boards in U.S. courts to recoup benefits they paid Canadian asbestos victims.

Devoted to worker safety and health in all forms, Anne also represents and has secured settlements for flavoring workers who suffered respiratory ailments and other diseases caused by toxic chemical exposure. She also recently secured a jury verdict against SAR Automation, L.P. for \$8.8 million\* for the wrongful death of a worker who fell at a Boeing facility and left behind a widow and two small children.

As a law clerk, Anne supported the team representing the State Attorneys General in the historic lawsuit against Big Tobacco, which resulted in the largest civil settlement in U.S. history. Shortly after, she was a member of the trial team that litigated *Falise v. American Tobacco Company*.

Well-versed in navigating complex litigation, Anne holds several leadership positions within the firm, managing legal teams associated with occupational disease, toxic exposure and severe personal injury. Anne has written several articles of interest to the plaintiffs' bar and frequently speaks on asbestos litigation, general product liability, legal ethics and tort reform at seminars across the country. She has been published on major legal issues, including *forum non conveniens* and defective products abroad, corporate misconduct, medicolegal aspects of asbestos litigation and mass tort litigation. Anne co-authored the 12th chapter of the book, "Pathology of Asbestos-Associated Diseases" (*Medicolegal Aspects of Asbestos-*

*Related Diseases: A Plaintiff's Attorney's Perspective*, 3rd ed., 2014). Edited by Victor L. Roggli, MD; Tim D. Oury, MD, PhD; and Thomas A. Sporn, MD, this publication is a comprehensive asbestos reference book used by both physicians and attorneys.

Anne served as the 2016–2017 President of the Public Justice Foundation, a charitable organization focused on protecting people and the environment and increasing access to justice. She has been on the Board of Directors since 2010. In 2011, Anne served on the Executive Board for a local chapter of Safe Kids USA, advocating for childhood injury prevention. She also currently serves as a Section Councilor in the Law Section of the American Public Health Association.

#### AWARDS AND ACCOLADES:

##### **South Carolina Lawyers Weekly**

**2020** Leadership in Law Award

##### **The Best Lawyers in America®**

**2016** Charleston, S.C. "Lawyer of the Year": Mass tort litigation/class actions – plaintiffs

**2011–2020** Mass tort litigation/class actions – plaintiffs

##### **University of South Carolina School of Law Alumni Association**

**2018** Compleat Lawyer Award

**1998** Bronze Compleat Award

##### **The National Trial Lawyers**

**2010** Top 100 Trial Lawyers™: South Carolina

##### **The Legal 500 United States**

**2007, 2009–2012, 2016, 2018** Dispute resolution – product liability, mass tort and class action – toxic tort – plaintiff

##### **South Carolina Super Lawyers® list**

**2013–2019** Class action/mass torts; Personal injury – products: plaintiff; Personal injury – general: plaintiff

##### **Benchmark Plaintiff**

**2013** National "Litigation Star": mass tort/product liability – plaintiffs

**2012–2014** South Carolina "Litigation Star": mass tort/product liability – plaintiffs

**2014** *Top 150 Women in Litigation* list: South Carolina: mass tort/product liability – plaintiffs

#### ASSOCIATIONS:

**Public Justice Foundation**, Board of Directors

**American Association for Justice**, Chair – Committee on Asbestos Education

**American Bar Association**

**South Carolina Association for Justice**, Board of Governors  
**Litigation Counsel of America Trial Lawyer Honorary Society**

**Order of the Coif**

**Order of the Wig and Robe**

**John Belton O'Neal Inn of Court**

**American Inns of Court**, James L. Petigru Chapter

**Pound Civil Justice Institute**, Supporting Fellow

\* Prior results do not guarantee a similar outcome. Although it endorses this lawyer, The Legal 500 United States is not a Motley Rice client.



## Marlon E. Kimpson

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the District of South Carolina, Eastern District of Michigan

EDUCATION:

J.D., University of South Carolina School of Law, 1999

B.A., Morehouse College, 1991

Marlon Kimpson represents victims of corporate malfeasance, from investors in securities fraud cases to people injured or killed in catastrophic incidents. Building upon the firm's relationships with unions and governmental entities, Marlon represents individuals, state and municipality pension funds, multi-employer plans, unions and other institutional investors in securities fraud class actions and mergers and acquisition cases to help recover assets and improve corporate governance.

Marlon has worked on shareholder derivative litigation and on mergers and acquisitions cases that include: *In re Atheros Communications, Inc., Shareholder Litigation*; *In re Celera Corporation Shareholder Litigation*; *In re RehabCare Group, Inc. Shareholders Litigation*; *In re Coventry Healthcare, Inc., Shareholder Litigation*; and *In re Big Lots, Inc., Shareholder Litigation*. He also represents World Acceptance shareholders and in 2017 helped secure a proposed settlement to resolve claims that the corporation misled investors about its lending practices and its compliance with federal law in *Epstein v. World Acceptance Corp. et al.*, Civil Action No. 6:14-cv-01606-MGL. More recently, Marlon has taken an active role as local counsel for institutional investors in *In re SCANA Corporation Securities Litigation*, 3:17-cv-02616-MBS, a complex securities fraud matter related to alleged misrepresentations and omissions concerning the design, construction, and abandonment of SCANA's nuclear construction project in South Carolina.

In addition to securities fraud litigation, Marlon is part of the opioid crisis team working with dozens of jurisdictions in litigation alleging deceptive marketing of highly addictive opioids by drug manufacturers and distributors. The firm's representation includes the City of Chicago and Santa Clara County, two of the first jurisdictions to file in the current wave of opioid litigation. He has also represented victims of catastrophic personal injury, asbestos exposure, and aviation disasters. He has litigated commercial and charter aviation cases with clients, defendants and accidents involving multiple countries. He has also represented people and businesses that need help filing their claims under the new claims programs established by the two Deepwater Horizon BP oil spill settlements.

Marlon currently serves as South Carolina State Senator of District 42, representing citizens of Charleston and Dorchester Counties. A frequent speaker, Marlon has presented at seminars and conferences across the country, including the Public Funds Summit, the National Association of State Treasurers, the South Carolina Black Lawyers' Association, the National Conference on Public Employee Retirement Systems (NCPERS) and the National Association of Securities Professionals (NASP).

After five years in commercial banking, Marlon entered the field of law and served as a law clerk to Judge Matthew J. Perry of the U.S. District Court of South Carolina. His legal work and volunteer service also earned him the University of South Carolina School of Law bronze Compleat Award. Martindale-Hubbell® recognizes Marlon as a BV® rated attorney.

Marlon is active in his community and formerly served on the Board of Directors for the Peggy Browning Fund. He has also held leadership roles with the University of South Carolina Board of Visitors, the Charleston Black Lawyers Association and the South Carolina Election Commission. In 2017, the American Association of Justice Minority Caucus awarded Marlon with its Johnnie L. Cochran, Jr. Soaring Eagle Award reserved for lawyers of color who have made outstanding contributions to the legal profession and paved the way for others. In 2018, Marlon was chosen as a Leadership in Law Honoree by *South Carolina Lawyers Weekly*. He is a lifetime member of the NAACP and a member of Sigma Pi Phi Boulé and Omega Psi Phi fraternity.

## AWARDS AND ACCOLADES:

### Lawdragon

2019 Lawdragon 500 Leading Plaintiff Financial Lawyers

### American Association of Justice

2017 Johnnie L. Cochran, Jr. Soaring Eagle Award

### The Best Lawyers in America®

2015–2020 Mass tort litigation/class actions – plaintiffs

### Benchmark Plaintiff

2012 National "Litigation Star": mass tort/product liability

2012–2014 South Carolina "Litigation Star": environmental, mass tort, securities

### Coastal Conservation League

2016 Coastal Stewardship Award

### United Food and Commercial Workers

2016 Legislative Activist of the Year

## ASSOCIATIONS:

### American Association for Justice

### South Carolina Association for Justice

### National Association of Public Pension Attorneys

### American Bar Association

### National Bar Association



## Daniel R. Lapinski

LICENSED IN: NJ, NY, PA

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court; U.S. Court of Appeals for the First, Third, Fourth, Sixth and Tenth Circuits; Supreme Court of New Jersey; Supreme Court of New York, First Judicial Department; Supreme Court of Pennsylvania, Western District; U.S. District Court for the Eastern and Middle Districts of Pennsylvania, District of New Jersey, and Eastern and Southern Districts of New York

EDUCATION:

J.D., Seton Hall University School of Law, 1999

B.A., Rutgers University, 1990

Daniel Lapinski has nearly 20 years of litigation experience, with a focus on mass tort litigation and complex consumer actions in state, federal and appellate courts.

Dan represents victims of child sexual abuse who seek to hold abusers and abuse enablers accountable in civil court under "window" laws. Newly enacted in many states and pending in others, these laws extend the number of years available for victims to file a child sexual abuse claim by opening a statute of limitations window for a finite period of time.

As a mass tort attorney, Dan represents victims harmed by dangerous pharmaceutical products and defective medical devices. His perspective and approach to litigation is shaped by his previous experience as a surgical representative for a major medical device manufacturer.

Dan plays an active role in numerous mass tort cases, including as a member of the Plaintiffs' Steering Committees for the following multidistrict litigations, among others:

- *In re Proton-Pump Inhibitor Prods. Liability Litigation (No. II)*, D.N.J.
- *In re Johnson & Johnson Talcum Powder Products Liability Litigation*, D.N.J.
- *In re Zimmer NexGen Knee Implant Products Liability Litigation*, N.D. Ill.

Additionally, Dan has successfully argued preemption issues before federal appellate courts, and has represented clients in class actions regarding shareholder derivatives, alleged deceptive marketing of vehicles and pharmaceutical products, and alleged negligence contributing to a massive apartment fire, in cases including:

- *DeMarco v. AvalonBay Communities, Inc.*, D.N.J.
- *D.C.G. & T., et al., v. Knight, et al.*, E.D. Va.
- *In re Ford Explorer Cases*, Cal. Sacramento Cnty. Super. Ct.
- *Alexander v. Solvay Pharmaceuticals, Inc.*, Cal. Los Angeles Cnty. Super. Ct.
- *Slaughter v. Unilever United States, Inc.*, D.N.J.

Prior to joining Motley Rice, Dan served among the leadership of the mass tort and class action team of a New Jersey law firm.

Dan is a frequent speaker on the local and national levels regarding mass tort and class action litigations, including presenting at the New Jersey State Bar annual conference, and serving as a panelist for both Harris Martin Publishing

and the American Association of Justice. He has also been a regular speaker at New Jersey Association for Justice's Annual Boardwalk Seminar.

Outside of the courtroom, Dan has served as a board member for the MYAA Baseball program, in addition to coaching various youth baseball and soccer teams.

## ASSOCIATIONS:

American Association for Justice  
New Jersey Association for Justice  
New Jersey State Bar Association

\*Motley Rice LLC, a South Carolina Limited Liability Company, is engaged in the New Jersey practice of law through Motley Rice New Jersey LLC. Esther Berezofsky attorney responsible for New Jersey practice.

## James W. Ledlie

LICENSED IN: DC, SC, WV

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the Fourth and Eleventh Circuits, U.S. District Court for the District of South Carolina

EDUCATION:

J.D., University of South Carolina School of Law, 2000

B.A., Wofford College, 1996

A trial lawyer, James Ledlie has spent the past 20 years advocating for clients throughout the country while furthering complex litigation related to public health, worker safety and other issues.

His practice spans litigation areas including asbestos, tobacco, defective consumer products, pharmaceuticals and faulty medical devices. He is also a member of Motley Rice's litigation team representing dozens of states, cities, towns, counties and townships targeting the alleged misrepresentation of highly addictive opioids by manufacturers and distributors, a suspected cause of the opioid epidemic. He also represents workers and families who suffered serious injury or death due to defective products or unsafe working conditions.

Understanding that lawyers must be counselors as well as advocates, James meets with clients and their families to help them figure out the best path forward.

As a United States Army veteran having served in the Judge Advocate General Corps (JAG), James is honored to have represented thousands of veterans during his career. In this capacity, James played a leading role in *In re KBR, Inc., Burn Pit Litigation*, filed for veterans and contract workers who have developed cancers and other chronic illnesses after being exposed to allegedly toxic open-air burn pits while serving in Iraq and Afghanistan. James also represents veterans and families dealing with mesothelioma and other asbestos-related diseases.

James has devoted a significant portion of his career to trial work. As co-lead counsel in *Donna Brown v. Philip Morris USA et al*, James recently helped secure a \$17.2 million\* jury verdict in 2015 for a client who suffered debilitating, life-altering effects

to her health after being targeted by misleading advertising related to nicotine during her teen years. James was also a key member of the team that negotiated the historic \$100 million aggregate settlement reached in 2015 with Lorillard Tobacco Company, Philip Morris USA, and R.J. Reynolds Tobacco Company, resolving roughly 400 Engle-progeny tobacco cases filed in the Florida federal district court. Both were recognized by *South Carolina Lawyers Weekly* as two of the top five largest verdicts and settlements in South Carolina for 2015.\*

James has represented businesses that suffered losses as a result of the Deepwater Horizon oil spill in the Gulf of Mexico. He has also represented whistleblowers in qui tam actions alleging fraud against the federal government, in addition to representing numerous provincial workers' compensation boards and private Canadian citizens in U.S. civil actions brought against U.S. manufacturers of dangerous products sold in Canada.

Prior to joining Motley Rice, James, a South Carolina native, was a Law Clerk to the Honorable John C. Few, then a South Carolina Circuit Court Judge and now a Justice on South Carolina's Supreme Court. He also clerked for the Honorable G. Ross Anderson, Jr., of the U.S. District Court for the District of South Carolina.

He has been profiled by the Centers for Disease Control and Prevention for his work using the court system to impact public health. He has also been awarded the American Association for Justice's F. Scott Baldwin award for an outstanding trial verdict in the interests of public justice.

James is committed to sharing the knowledge he has gained and has spoken at numerous legal conferences, medical conferences and continuing education seminars on asbestos litigation, trial advocacy, jury selection and professionalism. He is recognized as an AV® rated attorney by Martindale-Hubbell®. James is equally committed to making a positive impact outside the courtroom, including being involved in local charities and community improvement initiatives.

#### AWARDS AND ACCOLADES:

##### American Association for Justice

**2010** F. Scott Baldwin Award: in honor of his significant contribution to the New Lawyers Division and the attainment of outstanding trial verdicts

##### The National Trial Lawyers

**2016** Top 100 Trial Lawyers™– South Carolina

**2012–2013** *South Carolina Super Lawyers® Rising Stars* list

#### ASSOCIATIONS:

**American Association for Justice**, former New Lawyers Division Board of Governors member

**South Carolina Association for Justice**, former Board of Governors member

**South Carolina Bar Association**, Past Chairman – Torts and Insurance Practice Section

**Charleston Bar Association**

**Public Justice Foundation**

#### Gregg S. Levin

LICENSED IN: DC, MA, SC

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the First, Second, Third, Fifth, Ninth and Eleventh Circuits

U.S. District Court for the District of Colorado, District of Massachusetts, and the Eastern District of Michigan

EDUCATION:

J.D., Vanderbilt University School of Law, 1987

B.A. *magna cum laude*, University of Rochester, 1984

With more than three decades of legal experience, Gregg Levin represents domestic and foreign institutional investors and union pension funds in corporate governance, directorial misconduct and securities fraud matters. His investigative, research and writing skills have supported Motley Rice as lead or co-lead counsel in numerous securities and shareholder derivative cases against Dell, Inc., UBS AG and Cintas Corporation. Gregg manages complaint and brief writing for class action deal cases, shareholder derivative suits and securities fraud class actions.

Prior to joining Motley Rice, Gregg was an associate with Grant & Eisenhofer in Delaware, where he represented institutional investors in securities fraud actions and shareholder derivative actions in federal and state courts across the country, including the WorldCom, Telxon and Global Crossing cases. He also served as corporate counsel to a Delaware Valley-based retail corporation from 1996-2003, where he handled corporate compliance matters and internal investigations.

In 2019, Gregg was appointed as a Vice President of the Institute for Law and Economic Policy, a foundation whose goals include supplementing the resource-limited SEC by educating the public on the importance of private securities fraud litigation in maintaining corporate accountability. Since its inception in the 1990s, the institute has presented and published papers that have been cited in more than 60 federal cases, including several in the U.S. Supreme Court. Appearing in the media to discuss a variety of securities matters, Gregg has also presented in educational forums, including at the Ethics and Transparency in Corporate America Webinar held by the National Association of State Treasurers.

#### PUBLISHED WORKS:

Gregg is a published author on corporate governance and accountability issues, having written significant portions of the treatise *Shareholder Activism Handbook* (Aspen Publishers, November 2005), as well as several other articles of interest to institutional investors, including:

- "In re Cox Communications: A Suggested Step in the Wrong Direction" (*Bank and Corporate Governance Law Reporter*, September 2005)
- "Does Corporate Governance Matter to Investment Returns?" (*Corporate Accountability Report*, September 23, 2005)
- "In re Walt Disney Co. Deriv. Litig. and the Duty of Good Faith under Delaware Corporate Law" (*Bank and Corporate Governance Law Reporter*, September 2006)



- “Proxy Access Takes Center Stage: The Second Circuit’s Decision in American Federation of State County and Municipal Employees, Employees Pension Plan v. American International Group, Inc.” (*Bloomberg Law Reports*, February 5, 2007)
- “Investor Litigation in the U.S. -- The System is Working” (*Securities Reform Act Litigation Reporter*, February 2007)

## AWARDS AND ACCOLADES:

### Lawdragon

2019 *Lawdragon* 500 Leading Plaintiff Financial Lawyers

### Joshua Littlejohn

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the Third Circuit; U.S. District Court for the District of Colorado, District of South Carolina

EDUCATION:

J.D., Charleston School of Law, 2007

B.A., University of North Carolina at Asheville, 1999

With a broad base of experience in complex litigation—including securities fraud, corporate governance, whistleblower cases under Dodd-Frank and the False Claims Act and catastrophic injury cases—Josh Littlejohn plays a key role on the Motley Rice securities litigation team, particularly cases involving healthcare.

Josh represents public pension funds, unions and institutional investors in both federal and state courts. He also represents people with catastrophic injuries, victims of medical malpractice and corporate whistleblowers. Josh works directly with clients and has been involved in all aspects of the litigation process, including case evaluation, fact and expert discovery, resolution and trial.

Among other complex securities matters, Josh has been involved in litigation against Wells Fargo; 3D Systems Corporation; St. Jude Medical, Inc.; Pharmacia Corporation and NPS Pharmaceuticals. Josh has also been involved in the groundbreaking securities fraud litigation against NASDAQ and the New York Stock Exchange, among other defendants, related to high frequency trading or “HFT.” Along with other Motley Rice lawyers, Josh is currently South Carolina liaison counsel in a securities fraud class action on behalf of investors against SCANA Corporation related to its failed nuclear reactor project.

Josh is currently a leading member of the team litigating on behalf of former corporate insiders at Greer Laboratories, Inc. who allege that Greer violated the False Claims Act by causing health care providers to seek reimbursement from Medicare and Medicaid for unlicensed biologic drugs.

Aside from various securities and whistleblower matters, Josh was recently part of the Motley Rice negotiating team that helped secure a resolution with a major U.S. auto manufacturer on behalf of Takata airbag victims. Early in his career at Motley Rice, Josh worked on discovery in mass tort litigation against drug manufacturers, including Merck & Co., Inc., related to the drug Vioxx.

## AWARDS AND ACCOLADES:

### Lawdragon

2019 *Lawdragon* 500 Leading Plaintiff Financial Lawyers

### South Carolina Super Lawyers® Rising Stars list

2013–2017 Securities litigation; Class action/mass torts; General litigation

## ASSOCIATIONS:

### American Bar Association

### South Carolina Association for Justice

### Mimi Y. Liu

LICENSED IN: DC, NY

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court; U.S. Court of Appeals for the Sixth, Eighth and Ninth Circuits; U.S. District Court for the District of Columbia

EDUCATION:

J.D. cum laude, Harvard Law School, 1999

B.Com. with honors, University of Alberta, 1996

Mimi Liu protects public resources and interests through investigations and litigation filed for state attorneys general, governments, and other public entities.

Mimi plays a leading role in representing states in litigation against the manufacturers of opioids alleging deceptive marketing and over-distribution of opioids.

Prior to joining Motley Rice, Mimi represented public clients in consumer protection and civil enforcement matters at a law firm in D.C. In litigation filed for the Mississippi Attorney General, she investigated national credit bureaus accused of violating state and federal laws by failing to maintain accurate credit files, ultimately recovering more than \$7 million\* in relief and other consumer benefits.

She litigated claims of deceptive collection practices regarding consumer credit, auto loan and student loan debt, resulting in \$9 million in relief and statewide injunctive relief in Mississippi. Mimi previously represented the New Hampshire Attorney General in an investigation alleging deceptive marketing of highly addictive opioid drugs, recovering millions of dollars in relief for New Hampshire.

She also represents state attorneys general litigating for consumers alleging harm or economic loss due to deceptive marketing of defective Takata airbags, the largest auto-related recall in U.S. history. Mimi also represents a state attorney general litigating against a large auto lender for alleged unfair and deceptive practices toward subprime consumers and, separately, against a medical device manufacturer for unfair and deceptive practices in the sale and marketing of surgical mesh products.

In addition, Mimi advocated for constitutional civil rights as a senior lawyer for Planned Parenthood Federation of America from 2004 to 2012, arguing cases before numerous state and federal trial and appeals courts.



During her studies at Harvard Law School, Mimi served as executive editor of the *Human Rights Journal* and co-authored the treatise *Gender Asylum Law*. Following law school, Mimi clerked for the Court of Appeals of Alberta and for the Honorable Justice Claire L'Heureux-Dubé of the Supreme Court of Canada.

Active in the legal community, Mimi serves on the board of directors for Public Justice, a national nonprofit legal advocacy organization that pursues high impact lawsuits to combat social and economic injustice, protect the Earth's sustainability, and challenge predatory corporate conduct and government abuses.

### AWARDS AND ACCOLADES:

#### Lawdragon

2019 *Lawdragon* 500 Leading Plaintiff Financial Lawyers

### ASSOCIATIONS:

Public Justice, Board Member

### Robert J. McConnell

LICENSED IN: MA, RI

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the District of Massachusetts, District of Rhode Island

EDUCATION:

J.D., Suffolk University School of Law, 1987

A.B., Brown University, 1979

Bob McConnell's practice concentrates on lead pigment litigation, childhood lead poisoning cases, asbestos and other toxic environmental litigation. He represents victims seeking corporate accountability as a result of personal injury, property damage and economic loss as a result of negligent environmental practices.

Bob was a member of the trial team in the landmark trial on behalf of the state of Rhode Island against corporate defendants from the lead paint industry. He secured the largest lead paint poisoning settlement in Rhode Island on behalf of a child and continues to represent children injured by lead poisoning against property owners, governmental agencies and lead pigment companies. He also played a leading role in a statewide lobbying effort to defeat legislation that would have denied lead-poisoned children and their families the right to seek justice. Through testimony, analysis and grassroots outreach, he helped the Rhode Island legislature pass a bill helping to prevent childhood lead poisoning without infringing on victims' rights.

In addition to his work in Rhode Island, Bob also played a key role in historic lead litigation filed in California for ten cities and counties, including San Francisco, Santa Clara, Los Angeles and San Diego. In January 2014, the Court found that lead paint companies Sherwin-Williams Company, NL Industries, Inc., and ConAgra Grocery Products Company created a public nuisance by concealing the dangers of lead and placed families at risk

by promoting the use of toxic paint in homes. The California Court of Appeals, 6th appellate District, later affirmed the majority of the ruling and remanded the case to the Santa Clara Superior Court to decide how much defendants should pay to establish an abatement fund to clear toxic lead paint from homes in plaintiffs' jurisdictions that were constructed prior to 1951. The U.S. Supreme Court declined to review the decision in 2018, effectively exhausting defense appeals. The SCOTUS decision ensured that an abatement fund will be established to help protect the health and safety of thousands of California children. The case is *The People of California v. ConAgra Grocery Products Company et al.*

In 2005, Bob helped successfully argue the precedent-setting case *Thomas v. Mallett* 285 Wis 2d 236 as part of the Motley Rice trial team applying risk contribution theory to the lead paint industry before the Wisconsin Supreme Court. With more than two decades of experience in asbestos litigation, Bob also represents victims of asbestos exposure suffering from mesothelioma and other asbestos-related diseases. He has personally represented hundreds of asbestos victims in Rhode Island and assisted on large consolidation trials in several states including Maryland, Mississippi and West Virginia.

After beginning his career as a teacher, Bob earned a law degree and clerked for the Honorable Donald F. Shea of the Rhode Island Supreme Court. He joined Motley Rice attorneys on the tobacco litigation team representing multiple state attorneys general, which resulted in the historic Master Settlement Agreement between the states and the tobacco industry.

Highly active in the Rhode Island community, Bob serves on the board of The Institute for the Study and Practice of Nonviolence, an organization that seeks to promote nonviolence among young people in Rhode Island's inner cities. He also is on the board of the Pro Bono Collaborative at Roger Williams Law School.

Bob frequently speaks about lead paint litigation to local and regional groups such as the Rhode Island Bar Association and the Northeast Conference of Attorneys General. He is recognized as an AV® rated attorney by Martindale-Hubbell®. The Roger Williams University School of Law also honored him by naming him a Champion for Justice for 2019.

### AWARDS AND ACCOLADES:

#### *The Best Lawyers in America*®

2009–2020 Mass tort litigation/class actions – plaintiffs

#### *Rhode Island Super Lawyers*® lists

2008–2018 Plaintiff: Class action/mass torts; Environmental litigation; Personal injury: general

#### *Benchmark Plaintiff*

2012–2014 Rhode Island "Litigation Star": environmental and toxic tort

#### *The Legal 500 United States*

2015 Mass tort and class action: plaintiff representation – toxic tort



## ASSOCIATIONS:

**American Association for Justice**  
**American Bar Association**

### **Donald A. Migliori**

LICENSED IN: MA, MN, NY, RI, SC  
 ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the First and Fourth Circuits, U.S.  
 District Court for the District of Rhode Island, District of  
 Massachusetts and Northern, Southern and Eastern Districts  
 of New York

#### EDUCATION:

M.A./J.D., Syracuse University, 1993  
 A.B., Brown University, 1988

Building upon his experience in complex asbestos cases, the historic tobacco lawsuits and 9/11 litigation, Don Migliori is a multifaceted litigator who can navigate both the courtroom and the negotiating table. He represents victims of defective medical devices and drugs, occupational diseases, terrorism, aviation disasters, antitrust, and securities and consumer fraud in mass torts and other cutting-edge litigation that spans the country.

Don serves in leadership roles for a number of multidistrict litigations, including being a key member of Motley Rice's team that represents dozens of cities, towns, counties and townships in the National Prescription Opiate Multidistrict Litigation against opioid manufacturers and distributors. He also played a significant role in negotiations on behalf of tens of thousands of women allegedly harmed by pelvic mesh/sling products and served as co-liaison counsel in the N.J. Bard pelvic mesh litigation in Atlantic County. Hundreds of cases have been filed in federal and state courts against multiple defendants.

He is also co-lead counsel for *In re Ethicon Physiomesher Flexible Composite Hernia Mesh Products Liability Litigation*, a member of the Plaintiffs' Steering Committee for *In re Bard IVC Filters Products Liability Litigation*, as well as the Depuy® Orthopaedics, Inc. ASR™ and Pinnacle® Hip Implant MDLs. Don has litigated against both Ethicon, a Johnson & Johnson subsidiary, and C.R. Bard previously in pelvic mesh litigation and also against C.R. Bard in the Composix® Kugel® hernia mesh multidistrict litigation, *In re Kugel Mesh Hernia Patch Products Liability Litigation*, the first MDL before the federal court of Rhode Island. Don also serves as co-lead plaintiffs' counsel and liaison counsel in the federal MDL, and as liaison counsel for the Composix® Kugel® Mesh lawsuits consolidated in Rhode Island state court on behalf of thousands of individuals alleging injury by the hernia repair patch.

Don played a central role in the extensive discovery, mediations and settlements of more than 50 cases of 9/11 aviation liability and damages against numerous defendants. He represented families of the victims of the September 11, 2001, attacks who opted out of the Victim Compensation Fund to seek greater answers, accountability and recourse, and served as liaison counsel for all wrongful death and personal injury cases in the 9/11 aviation security litigation. Additionally, he manages anti-

terrorism litigation associated with the 9/11 terrorist attacks as a lead attorney of the 9/11 Families United to Bankrupt Terrorism, a groundbreaking case designed to bankrupt the financiers of al Qaeda.

Don contributed his experience in connection with the commencement of and strategy for shareholder derivative litigation brought on behalf Chiquita Brands International, Inc., alleging the defendants breached their fiduciary duties by paying bribes to terrorist organizations in violation of U.S. and Columbian law. He also served as trial counsel for PACE Industry Union-Management Pension Fund in a securities case against Forest Laboratories, Inc., and was involved in the initial liability discovery and trial strategy in an ongoing securities fraud class action involving Household International, Inc.

Don began working with Motley Rice attorneys in 1997 on behalf of the State Attorneys General in the historic lawsuit against Big Tobacco, resulting in the largest civil settlement in U.S. history. He tried several noteworthy asbestos cases on behalf of mesothelioma victims, including the state of Indiana's first contractor liability verdict and first premises liability verdict for wrongful exposure to asbestos. He continues to manage asbestos cases and actively litigates mesothelioma lawsuits and individual tobacco cases in the courtroom.

Don is a frequent speaker at legal seminars across the country and has appeared on numerous television and radio programs, as well as in print media to address legal issues related to terrorist financing, aviation security, class action litigation, premises liability and defective medical devices. A "Distinguished Practitioner in Residence" at Roger Williams University School of Law for the 2010-2011 academic year, Don taught mass torts as an adjunct professor for more than 10 years. Don is an AV® rated attorney by Martindale-Hubbell®.

## AWARDS AND ACCOLADES:

### **Best Lawyers®**

**2020** "Lawyer of the Year" Charleston, SC  
 Mass tort litigation/class actions- plaintiffs

**2011–2020** Mass tort litigation/class actions – plaintiffs

### **Super Lawyers® lists**

**2018–2019** *South Carolina Super Lawyers*: Class action/  
 mass torts; Personal Injury – products: plaintiff; Aviation and  
 aerospace

**2009–2017** *Rhode Island Super Lawyers*

**2012–2013** *Top 10 Rhode Island Super Lawyers lists*

### **The National Trial Lawyers**

**2010–present** Top 100 Trial Lawyers™: Rhode Island

### **Rhode Island Lawyers Weekly**

**2011** Lawyers of the Year

### **Massachusetts Lawyers Weekly**

**2011** Lawyers of the Year

### **Benchmark Plaintiff**

**2012–2014** Rhode Island "Litigation Star": human rights and  
 product liability

**Lawdragon**

**2019** *Lawdragon 500* Leading Plaintiff Financial Lawyers  
**2018–2019** *500 Leading Lawyers in America*: Plaintiffs' litigation  
**2010** *Lawdragon 3,000*

**Providence Business News**

**2005** Forty Under 40

**ASSOCIATIONS:**

**American Association for Justice**, Board of Governors; former Executive Committee member

**American Bar Association**

**Rhode Island Association for Justice**, former President

**The Fellows of the American Bar Foundation**

**William H. Narwold**

LICENSED IN: CT, DC, NY, SC

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court, U.S. Court of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, Eleventh, D.C., and Federal Circuits, U.S. District Court for the District of Connecticut, Eastern District of Michigan, Eastern and Southern Districts of New York, District of South Carolina

EDUCATION:

J.D. cum laude, University of Connecticut School of Law, 1979  
 B.A., Colby College, 1974

Bill Narwold has advocated for corporate accountability and fiduciary responsibility for nearly 40 years, representing consumers, governmental entities, unions and institutional investors. He litigates complex securities fraud, shareholder rights and consumer fraud lawsuits, as well as matters involving unfair trade practices, antitrust violations and whistleblower/qui tam claims.

Bill leads Motley Rice's securities and consumer fraud litigation teams and False Claim Act practice. He is also active in the firm's appellate practice. His experience includes being involved in more than 200 appeals before the U.S. Supreme Court, U.S. Courts of Appeal and multiple state courts.

Prior to joining Motley Rice in 2004, Bill directed corporate, securities, financial, and other complex litigation on behalf of private and commercial clients for 25 years at Cummings & Lockwood in Hartford, Connecticut, including 10 years as managing partner. Prior to his work in private practice, he served as a law clerk for the Honorable Warren W. Eginton of the U.S. District Court, District of Connecticut from 1979-1981.

Bill often acts as an arbitrator and mediator both privately and through the American Arbitration Association. He is a frequent speaker on legal matters, including class actions. Named one of 11 lawyers "who made a difference" by *The Connecticut Law Tribune*, Bill is recognized as an AV<sup>®</sup> rated attorney by Martindale-Hubbell<sup>®</sup>.

Bill has served the Hartford community with past involvements including the Greater Hartford Legal Assistance Foundation, Lawyers for Children America, and as President of the

Connecticut Bar Foundation. For more than twenty years, Bill served as a Director and Chairman of Protein Sciences Corporation, a biopharmaceutical company in Meriden, Connecticut.

**AWARDS AND ACCOLADES:****Lawdragon**

**2019** *Lawdragon 500* Leading Plaintiff Financial Lawyers

**The Best Lawyers in America<sup>®</sup>**

**2013, 2015, 2017, 2019** Hartford, Conn. "Lawyer of the Year":

Litigation–Banking and Finance

**2005–2019** Litigation–Banking and finance, mergers and acquisitions, securities

**Connecticut Super Lawyers<sup>®</sup>** and **New England Super Lawyers<sup>®</sup>** lists

**2009–2018** Securities litigation; Class action/mass torts

**2008** *The Best of the U.S.* list

**Connecticut Bar Foundation**

**2008** Legal Services Leadership Award

**ASSOCIATIONS:**

**American Bar Association**

**Connecticut Bar Foundation**, Past President

**Taxpayers Against Fraud**

**University of Connecticut Law School Foundation**, past Board of Trustees member

**William S. Norton**

LICENSED IN: MA, NY, SC

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court; U.S. Court of Appeals for the First, Second, Third and Fourth Circuits; U.S. District Court for the District of Colorado, Northern District of Illinois, District of Massachusetts, Eastern and Southern Districts of New York, and District of South Carolina

EDUCATION:

J.D., Boston University School of Law, 2004

B.A./B.S. *magna cum laude*, University of South Carolina, 2001

Bill Norton litigates securities fraud, corporate governance, False Claims Act, SEC whistleblower and other complex class-action and commercial litigation. Bill has represented public retirement systems, union pension funds, investment companies, banks, and other institutional and individual investors before federal, state, and appellate courts throughout the country. He also has experience representing whistleblowers who report violations of the law to the U.S. Securities and Exchange Commission under the Dodd-Frank Whistleblower Program, as well as in *qui tam* litigation brought under the False Claims Act.





## FEDERAL SECURITIES FRAUD LITIGATION

Bill is a member of the litigation teams representing institutional investors as lead counsel in litigation involving Alexion Pharmaceuticals, Inc., and Riot Blockchain, Inc. He also played a key role in the following cases:

- *Bennett v. Sprint Nextel Corp.* (\$131 million recovery\*)
- *City of Brockton Retirement System v. Avon Products, Inc.* (\$62 million recovery\*)
- *Hill v. State Street Corporation* (\$60 million recovery\*)
- *City of Sterling Heights General Employees' Retirement System v. Hospira, Inc.* (\$60 million recovery\*)
- *In re Hewlett-Packard Company Securities Litigation* (\$57 million recovery\*)
- *In re Medtronic, Inc. Securities Litigation* (\$43 million recovery\*)
- *Hatamian v. Advanced Micro Devices, Inc.* (\$29.5 million recovery\*)
- *Ross v. Career Education Corporation* (\$27.5 million recovery\*)
- *In re Synovus Financial Corp.* (\$11.75 million recovery\*)

## SHAREHOLDER DERIVATIVE LITIGATION

Bill was a member of the teams that litigated the following cases:

- *Manville Personal Injury Settlement Trust v. Gemunder* (\$16.7 million payment to the company and significant corporate governance reforms\*)
- *In re Walgreen Co. Derivative Litigation* (corporate governance reforms ensuring compliance with Controlled Substances Act\*)

## MERGER AND ACQUISITION LITIGATION

Bill has represented institutional shareholders in litigation concerning corporate mergers and acquisitions, including the following cases:

- *In re Allion Healthcare, Inc. Shareholders Litigation* (\$4 million payment to shareholders\*)
- *In re RehabCare Group, Inc., Shareholders Litigation* (\$2.5 million payment, modification of merger agreement, and additional disclosures to shareholders\*)
- *In re Atheros Communications Shareholder Litigation* (preliminary injunction delaying shareholder vote and requiring additional disclosures to shareholders in \$3.1 billion merger\*)
- *Maric Capital Master Fund, Ltd. v. PLATO Learning, Inc.* (preliminary injunction requiring additional disclosures to shareholders in \$143 million private-equity buyout\*)
- *In re The Shaw Group Shareholders Litigation* (class-wide, opt-in appraisal right and additional disclosures to shareholders in \$3 billion merger\*)

## OTHER SECURITIES, CONSUMER FRAUD, AND COMMERCIAL LITIGATION

Bill has also represented clients in a wide variety of securities, consumer fraud, and commercial litigation, including the following cases:

- Class action on behalf of satellite retailers against EchoStar Corporation, resulting in settlement valued at approximately \$83 million\*
- Class action on behalf of bondholders concerning alleged Ponzi scheme, resulting in \$7.8 million recovery\*

- Class action against DirecTV regarding early cancellation fees
- Litigation on behalf of a German bank concerning investments in mortgage-backed collateralized debt obligations
- Federal and state lawsuits regarding variable life insurance investments funneled to the Madoff Ponzi scheme
- Litigation on behalf of real-estate investors regarding luxury real estate development

Prior to joining Motley Rice, Bill practiced securities and commercial litigation in the New York office of an international law firm. While attending law school, Bill served as an Editor of the *Boston University Law Review* and was a G. Joseph Tauro Distinguished Scholar. He served as a law clerk in the United States Attorney's Office for the District of Massachusetts, represented asylum seekers at Greater Boston Legal Services, and studied law at the University of Oxford. Prior to law school, Bill worked for the United States Attorney's Office for the District of South Carolina and with the Neighborhood Legal Assistance Program of Charleston through a grant program. Bill graduated Phi Beta Kappa from the University of South Carolina Honors College. Bill is recognized as an AV<sup>®</sup>-rated attorney by Martindale-Hubbell<sup>®</sup>.

## AWARDS AND ACCOLADES:

### Lawdragon

**2019** *Lawdragon* 500 Leading Plaintiff Financial Lawyers

### South Carolina Super Lawyers<sup>®</sup> Rising Stars list

**2013-2019** Securities litigation; Class action/mass torts; General litigation

## ASSOCIATIONS:

**Federal Bar Association**

**American Bar Association**

**American Association for Justice**

**New York State Bar Association**

**South Carolina Bar Association**

**Charleston County Bar Association**

## Lance Oliver

LICENSED IN: AL, DC, FL, SC

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the District of Columbia, Fifth and the Eleventh Circuits; U.S. District Court for the District of Columbia, and the Middle and Southern Districts of Florida

EDUCATION:

J.D., Duke University School of Law, 2004

B.A., Samford University, 2001

Lance Oliver is a trial lawyer who litigates class actions, mass torts, and other complex matters. He has experience with all phases of litigation from filing the complaint, trying the case, and pursuing appeals. His practice focuses on securities and consumer fraud class actions, tobacco litigation, and other defective products.

Lance has recently acted as lead trial counsel in a number of *Engle* progeny cases in Florida, representing smokers and their families against tobacco manufacturers. He argued a successful appeal to the Fourth District Court of Appeals in Florida, securing a verdict for a smoker's widow in a wrongful death suit against tobacco

giants Philip Morris and R.J. Reynolds in *Philip Morris USA Inc. et al. v. Marchese*. He also served as counsel in *Berger v. Philip Morris USA Inc.*, which resulted in a verdict for a client who fell victim at a young age to the manufacturer's marketing campaigns targeting children.

Lance has also devoted a substantial amount of time to litigating securities fraud class actions, and has served as co-lead counsel for the class in many securities fraud cases including *Alaska Electrical Pension Fund, et al. v. Pharmacia Corp., et al.*, a securities fraud class action that resulted in a settlement for plaintiffs. More recently, Lance selected the jury as co-trial counsel for the end-payer class in *In re Solodyn (Minocycline Hydrochloride) Antitrust Litigation*, a pay-for-delay antitrust litigation.

Prior to joining Motley Rice in 2007, Lance served as an associate in the Washington, D.C., office of a national law firm, where he worked on complex products liability litigation at both the trial and appellate levels.

Lance is a member of the National Conference on Public Employee Retirement Systems (NCPERS) and the International Foundation of Employee Benefit Plans (IFEBP). After graduating from Duke Law School, he served as a law clerk to the Honorable James Hughes Hancock of the U.S. District Court, Northern District of Alabama. He is recognized as an AV<sup>®</sup> rated attorney by Martindale-Hubbell<sup>®</sup>. He serves on the Board of Directors for the Charleston chapter of the American Lung Association, as well as the Dee Norton Child Advocacy Center.

#### AWARDS AND ACCOLADES:

##### Lawdragon

2019 *Lawdragon* 500 Leading Plaintiff Financial Lawyers

**South Carolina Super Lawyers<sup>®</sup> Rising Stars** list

2013–2018 Securities litigation; Class action/mass torts

**The National Trial Lawyers**

2016 Top 100 Trial Lawyers™ South Carolina

#### ASSOCIATIONS:

American Bar Association

#### Meghan S. B. Oliver

LICENSED IN: DC, SC, VA

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the District of South Carolina

EDUCATION:

J.D., University of Virginia School of Law, 2004

B.A. *with distinction*, University of Virginia, 2000

Meghan Oliver's practice focuses on complex litigation and class actions, including work on securities fraud cases, general commercial litigation, and consumer fraud litigation.

She is actively involved in various class actions, including several against health insurers for drug and equipment overcharges, and one alleging that the Administrative Office of the U.S. Courts charges more for PACER services than is authorized by statute (*Nat'l Veterans Legal Services Program v. United States*, Case No. 16-745-ESH). She also represents large public pension funds, unions, and institutional investors in securities fraud

class actions, including *In re Twitter, Inc. Securities Litigation*, No. 3:16-cv-05315-JST-SK and *In re Qualcomm Inc. Securities Litigation*, No. 17-CV-00121-JAH-WVG.

Additionally, Meghan helps to lead litigation filed for a class consisting of more than a million tax return preparers alleging the IRS charged unauthorized user fees for the issuance and renewal of preparer tax identification numbers, (*Steele v. United States*, Case No. 1:14-cv-1523-RCL).

She has also worked on several antitrust matters in the past, including *In re North Sea Brent Crude Oil Futures Litigation*, *In re Libor-Based Financial Instruments Antitrust Litigation*, and generic drug cases involving "reverse payment" agreements.

Prior to joining Motley Rice, Meghan worked as a business litigation and antitrust associate in Washington, D.C. There, she assisted in the trial of a multidistrict litigation antitrust case and assisted in multiple corporate internal investigations. She is a member of Phi Beta Kappa.

#### AWARDS AND ACCOLADES:

##### Lawdragon

2019 *Lawdragon* 500 Leading Plaintiff Financial Lawyers

#### ASSOCIATIONS:

American Bar Association

#### Jonathan D. Orent

LICENSED IN: MA, RI, WI

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the District of Massachusetts, District of Rhode Island, and the Eastern and Western Districts of Wisconsin

EDUCATION:

J.D., Washington University School of Law, 2004

B.A., University of Rochester, 2001

Jonathan Orent litigates for people alleging harm by defective medical devices and pharmaceutical drugs, including all aspects of discovery and expert development. He represents women suffering from painful side effects associated with pelvic mesh/sling products, hernia patients harmed by mesh repairs, as well as military service members suffering from hearing loss due to allegedly defective earplugs.

Jonathan was appointed lead counsel of hernia mesh litigation *In re Atrium Medical Corp. C-QUR Mesh Products Liability Litigation*, MDL #2753. He serves as co-lead and co-liaison counsel in the largest consolidated hernia mesh litigation in the country, *In re Davol/C.R. Bard Hernia Mesh Multi-Case Management Coordination*. Jonathan previously served as co-liaison counsel in the *In re Bard* Litigation in New Jersey state court and as state court liaison counsel in Massachusetts. He is a member of the litigation team that successfully tried the *Barba* case to a \$100 million verdict in Delaware (later reduced by appeal to \$10 million). Jonathan also led the successful appeal to the Massachusetts Court of Appeals, which allowed key evidence relating to Boston Scientific's alleged knowledge of the potential harm caused by its products. Jonathan is co-chair of the AAJ Hernia Mesh Litigation Group.



In addition to his leadership in hernia mesh litigation, Jonathan is also a member of the Science & Experts Subcommittee for multidistrict litigation filed for U.S. troops who served in Iraq and Afghanistan between 2003 and 2015 and suffered hearing loss or tinnitus after using allegedly defective earplugs manufactured by 3M and its predecessor Aearo Technologies.

Jonathan also represents communities and people facing personal injury, property damage and economic loss as a result of negligence, environmental hazards or groundwater and soil contamination. In 2008, he litigated against a large New England utility company on behalf of more than 100 Tiverton, R.I., residents who claimed they suffered damages resulting from environmental contamination of their residential property. More recently, Jonathan played a role in the settlement of contamination litigation between members of the Tallevast, Fla., community and a major aerospace defense contractor involving property damage and emotional distress claims resulting from the alleged release of trichloroethylene (TCE), perchloroethylene (PCE) and other chemicals into the groundwater.

Jonathan has worked on complex litigation against the lead paint industry on behalf of government entities in California, New York, Rhode Island and Wisconsin, as well as lead poisoning cases for individual children and families against property owners. He also assists with discovery and trial preparation of the firm's asbestos cases.

Prior to joining Motley Rice in 2005, Jonathan served as a law clerk with the Missouri State Public Defender Youth Advocacy Unit and a legal intern for Senator Richard Durbin of Illinois. Recognized as an AV<sup>®</sup> rated attorney Martindale-Hubbell<sup>®</sup>, he has made numerous presentations on a variety of legal matters involving medical device litigation and environmental law. He serves on the Rhode Island Advisory Committee to the U.S. Commission on Civil Rights, a group whose mission is to address key community issues and discrimination matters, such as foreclosure scams and the disparate treatment of minority youth, through research and initiatives. Jonathan is President of AG Bell Rhode Island, as well as a member of the Rhode Island Early Intervention Work Group, a group that reviews early intervention services provided to deaf or hard of hearing children between the ages of 0-3 in Rhode Island.

#### **AWARDS AND ACCOLADES:**

##### ***Rhode Island Super Lawyers***<sup>®</sup> list

**2018** Environmental Litigation; Personal Injury – Product: Plaintiff

##### ***Rhode Island Super Lawyers***<sup>®</sup> ***Rising Stars*** list

**2014–2017** Business litigation; Class action/mass torts; Appellate

#### **ASSOCIATIONS:**

**American Association for Justice**

**American Bar Association**

**Rhode Island Association for Justice**, Board of Governors

#### ***Michael J. Pendell***

LICENSED IN: CT, NY

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the District of Connecticut, Southern and Eastern Districts of New York

EDUCATION:

J.D., *summa cum laude*, Albany Law School, 2007

B.A., *cum laude*, Emerson College, 2000

Michael Pendell focuses his practice on representing people affected by corporate wrongdoing, including whistleblowers, and people harmed by tobacco and dangerous pelvic mesh devices. He also represents pension fund trustees and other institutional investors in securities, consumer fraud, and other complex class actions.

Michael has been involved in the firm's representation of personal injury clients, including representing people allegedly harmed by tobacco products and thousands alleging harm by dangerous medical devices. He serves as trial counsel in the Engle-progeny litigation pending in Florida for smokers and families of deceased smokers against tobacco manufacturers. In transvaginal mesh litigation, he represents women implanted with Ethicon Gynecare Prolift transvaginal mesh devices and who claim serious injuries and complications from the devices.

Michael also has experience representing institutional and individual investors in claims involving common law fraud pursuant to state securities laws. He played a central role on the litigation team that obtained a seven-figure arbitration award in a case involving secondary liability for an investment advisor's conduct under the Uniform Securities Act. Michael also represents clients in complex commercial cases regarding claims of fraud, breach of contract, and tortious interference, as well as representing whistleblowers in multiple cases involving the False Claims Act, including litigation filed against Afognak Native Corp., alleging regulatory violations related to the Small Business Administration.

Michael, along with other Motley Rice attorneys, represented a union pension fund as co-lead counsel in a securities fraud class action to recoup losses against a telecom provider that allegedly provided false information regarding its financial results, causing artificially inflated stock prices that subsequently plummeted when the truth was made known. The settlement is pending court approval.

In addition to his whistleblower and securities casework, Michael is also a part of the firm's team that represents dozens of states, cities, towns, counties and townships in litigation against several pharmaceutical drug manufacturers and distributors for the alleged deceptive marketing and overselling of highly addictive opioid prescription drugs.

Prior to joining Motley Rice, Michael served as an associate with a Connecticut-based law firm, where he first gained experience in both federal and state courts in such areas as commercial and construction litigation, media and administrative law, personal injury defense and labor and employment matters. He previously taught business law to BA and MBA candidates as an adjunct professor at Albertus Magnus College.

Michael served as a legal intern for the Honorable Randolph F. Treece of the U.S. District Court for the Northern District of New York and as a law clerk for the Major Felony Unit of the Albany County District Attorney's Office. He served as the executive editor for the *New York State Bar Association Government Law & Policy Journal* and senior editor for the *Albany Law Review*, which published his 2008 article entitled, "How Far is Too Far? The Spending Clause, the Tenth Amendment, and the Education State's Battle Against Unfunded Mandates."

#### AWARDS AND ACCOLADES:

##### Lawdragon

2019 *Lawdragon 500* Leading Plaintiff Financial Lawyers

##### Connecticut Super Lawyers® Rising Stars list

2013–2018 Securities litigation; Business litigation; Personal injury – products: plaintiff

#### ASSOCIATIONS:

American Association for Justice

Connecticut Bar Association

New York State Bar Association

\* Prior results do not guarantee a similar outcome. For full *Super Lawyers* selection methodology visit: [www.superlawyers.com/about/selection\\_process.html](http://www.superlawyers.com/about/selection_process.html)  
For CT-specific methodology visit: [www.superlawyers.com/connecticut/selection\\_details.html](http://www.superlawyers.com/connecticut/selection_details.html)

#### Michael G. Rousseau

LICENSED IN: CA, MA, RI, WI

EDUCATION:

J.D., Pepperdine University, 1999

B.S., Bentley College, 1996

Michael Rousseau focuses his practice on representing people harmed by defective medical devices, as well as workers and families impacted by mesothelioma and other asbestos-related lung diseases.

Most recently, Michael has played a key role in assisting thousands of women harmed by defective transvaginal mesh, including working on discovery and settlements. Previously, he spent five years heavily involved in Composix® Kugel® Mesh litigation, including defendant liability, discovery and trials. He is also a member of the legal team that successfully advocated for an extension of the risk contribution theory of liability in Wisconsin in 2005, enabling lead-poisoned children and families to seek compensation from former manufacturers of lead paint.

As a law student, Michael provided volunteer representation to autistic children to help them obtain special education services and physical therapy pursuant to the Individuals with Disabilities Education Act (IDEA).

#### ASSOCIATIONS:

American Bar Association

#### Mary F. Schiavo

LICENSED IN: DC, FL, MD, MO, SC

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court

EDUCATION:

J.D., New York University School of Law, 1980 (Root-Tilden Scholar)

M.A., The Ohio State University, 1977 (University Fellow)

B.A. *cum laude*, Harvard University, 1976

A CNN Analyst and former U.S. Department of Transportation Inspector General, Mary Schiavo seeks accountability and industry change from corporations, institutions and the government so that they may meet their obligation to protect the safety and security of the traveling public. With years of experience in transportation litigation, Mary represents victims and their families suffering from negligence of airline, automotive, commercial trucking, motorcoach and rail companies.

A leader of the firm's aviation team, Mary has represented passengers and crew of most major U.S. air crashes, as well as pilots and passengers on private or charter planes. She represents passengers, pilots, flight attendants and select owners and operators. Her experience with major, complex aviation litigation includes more than 50 cases on behalf of the family members of the passengers and crew of all the planes hijacked on Sept. 11, 2001.

Mary has held numerous government appointments under three U.S. Presidents, including that of Inspector General of the U.S. Department of Transportation from 1990 to 1996. Under Mary's direction, the agency investigated air safety, crimes and disasters; secured more than 1,000 criminal convictions; and exposed billions of dollars of fraud, waste and abuse of taxpayer money. She testified before Congress multiple times on transportation safety, security, budgeting and infrastructure. In recognition of her work combating the use of bogus aircraft parts worldwide, Mary was honored by *Aviation Week* with its Aviation Laurel Award in 1992 and 1995 and was inducted into the Aviation Laurel Hall of Fame in 1997.

As an Assistant U.S. Attorney early in her career, Mary litigated civil cases and prosecuted federal white-collar crimes, bank and securities fraud, mail and wire fraud, drug trafficking and counterfeiting. During her appointment, she also served on the U.S. Department of Justice's Organized Crime and Racketeering Strike Force, prosecuting high-profile criminal cases of bank and securities fraud and related mail and wire fraud, including a large investigation of a bank and securities fraud scheme that resulted in the federal takeover of banks, savings and loans throughout the Midwest.

In 1987, Mary was selected as a White House Fellow and assigned to the U.S. Attorney General, where she worked as the Special Assistant for Criminal Affairs. In this role, she reviewed high security prosecutions, prepared Foreign Intelligence Surveillance Act Requests, attended foreign legal summits with the Attorney General and worked on international prisoner and





evidence exchanges. During this time, she also taught trial technique at the U.S. Attorney General's Advocacy Institute and the Federal Bureau of Investigation Academy. Her work earned her an appointment as the Assistant U.S. Secretary of Labor in 1989, where she led the Office of Labor Management Standards, supervising union elections and investigations on election and financial irregularities.

A frequent on-air contributor or consultant for several networks, Mary has appeared on CNN, ABC, CBS, Fox News, NBC, BBC, the History Channel and Discovery Channel. Named by *Glamour* magazine as a 1997 Woman of the Year, 1987 Working Woman of the Year and a Top Ten College Student in 1975, she has spoken about aviation safety on *20/20*, *60 Minutes*, *Good Morning America*, *Larry King Live*, *Nancy Grace*, *Nightline*, *Oprah*, *The O'Reilly Factor*, *Today*, and *Your World with Neil Cavuto*, among others. Mary is the author of *Flying Blind*, *Flying Safe*, a *New York Times* bestseller, and was featured in *Time* magazine for exposing the poor safety and security practices of the airlines and the failures of the federal government to properly regulate the aviation industry. She contributed to *Aviation Security Management* (Volume One, 2008) and *Supply Chain Security* (Volumes One and Two, 2010).

Mary received her pilot's license soon after her driver's license, and later completed private and commercial flight training at The Ohio State University. She returned to The Ohio State University as the McConnell Aviation Chair and professor from 1998-2002 and as the Enarson Professor of Public Policy from 1997-1998. She has also served as a practitioner in residence at the New York University School of Law, and is currently a member of the Board of Directors for the Lowcountry SC chapter of the American Red Cross.

#### **AWARDS AND ACCOLADES:**

##### **The Best Lawyers in America®**

**2017** Charleston, S.C. "Lawyer of the Year": Mass tort litigation/class actions – plaintiffs

**2010–2020** Mass tort litigation/class actions – plaintiffs

##### **National Law Journal**

**2015** Outstanding Women Lawyers

##### **Aviation Week**

**1997** Inducted to the Aviation Laureates Hall of Fame

**1992, 1995** Aviation Laurel Award in recognition of her work combating the use of bogus aircraft parts

##### **Benchmark Plaintiff**

**2014** *Top 150 Women in Litigation* list: South Carolina – mass tort, securities, aviation

**2012–2014** South Carolina "Litigation Star": mass tort, securities, aviation

**2012–2013** National "Litigation Star": mass tort/product liability

#### **ASSOCIATIONS:**

##### **American Association for Justice**

**American Bar Association**, First Female Assembly Delegate, House of Delegates 1986–1989

**International Society of Air Safety Investigators**, affiliate member

##### **International Air and Transportation Safety Bar**

**Association of Plaintiff Interstate Trucking Lawyers of America**, Chair of Legislation

#### **Carmen S. Scott**

LICENSED IN: SC

EDUCATION:

J.D., University of South Carolina School of Law, 1999

B.A., College of Charleston, 1996

With a focus on women's products, Carmen Scott represents victims of harmful medical drugs and devices, medical negligence, and corporate misconduct. She also advocates for human trafficking victims who seek to hold hotel franchises and other corporate entities accountable for allegedly enabling trafficking for profit.

Carmen helps lead Motley Rice's mass tort pharmaceutical litigation by managing complex personal injury and economic recovery damages cases. She has been on the forefront of national litigation, including multidistrict litigation pending in California for thousands of women who developed severe health complications allegedly caused by Bayer Corp.'s contraceptive device Essure®. She previously litigated claims involving NuvaRing®, Yaz® and Yasmin® birth control drugs and devices, and served on the Plaintiffs' Steering Committee in *In re NuvaRing Products Liability Litigation*. She also served as co-lead counsel in *In re Mirena Product Liability* state court consolidation in New Jersey, and as co-chair of the AAJ Mirena® IUD Litigation Group. She served on the Plaintiffs' Steering Committee for the multidistrict litigation *In re Power Morcellator Products Liability Litigation* and currently *In re Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation*. Carmen also represents clients in a variety of drug product matters in state and federal courts, including Zantac®.

Prior to joining Motley Rice in 2005 and concentrating her efforts on the medical practice area, Carmen represented numerous clients in jury trials, working on products liability, personal injury and business cases for both plaintiffs and defendants.

Carmen is a frequent speaker on medical litigation and topics involving women's products, regularly lecturing at both legal seminars and public advocacy events on such issues as plaintiffs' rights in medical negligence and dangerous drug cases. She has been quoted in numerous national media outlets and publications, including *The Associated Press*, *NBC News New York*, *Marie Claire* and *MotherJones*.

A South Carolina native and active in the community, Carmen served as a College of Charleston alumni board member. She also proudly served on the Board of the South Carolina chapter

of Make-A-Wish for many years, fundraising and promoting the organization's mission, and continues to serve as a "wish-granter" for families. She also formerly served as a board member for the nonprofit organization Charleston County Friends of the Library.

#### AWARDS AND ACCOLADES:

##### **The Best Lawyers in America®**

**2018–2020** Charleston, S.C. Personal injury litigation–plaintiffs;  
Product liability litigation–plaintiffs

##### **South Carolina Super Lawyers®** list

**2015–2019** Personal injury plaintiff: products; Class action/  
mass torts

##### **South Carolina Super Lawyers® Rising Stars** list

**2013–2014** Personal injury plaintiff: products; Class action/  
mass torts

##### **Charleston Regional Business Journal**

**2013** Forty Under 40

#### ASSOCIATIONS:

**American Association for Justice**, Exchange Advisory  
Committee

**American Bar Association**

**South Carolina Association for Justice**

**South Carolina Women Lawyers Association**

#### **Linda Singer**

LICENSED IN: DC, NY

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court, U.S. Court of Appeals for the Ninth and  
D.C. Circuits, U.S. District Court for the District of Columbia

EDUCATION:

J.D. *magna cum laude*, Harvard Law School, 1991

B.A. *magna cum laude*, Harvard University, 1988

Linda Singer represents governments, attorneys general and other public entities in high-impact, high-stakes litigation and investigations as head of the firm's Public Client practice area. The former Attorney General of the District of Columbia, Linda's knowledge and experience includes serving in the public, not-for-profit and private sectors.

As AG, Linda gained invaluable insight into the duties of attorneys general and how law firms with the right resources and experience can aid in supporting enforcement efforts. During her tenure in the District of Columbia, she developed and expanded litigation aimed at protecting children, consumers, tenants and victims of domestic violence and gun violence while overseeing a staff of more than 350 lawyers in one of the nation's largest AG offices.

In private practice, Linda has represented clients in numerous consumer protection and financial and health care fraud lawsuits that have resulted in significant settlements and injunctive relief, including mortgage relief settlements for the states of Arizona and Nevada worth more than \$1 billion.\*

At the forefront of healthcare fraud litigation alleging deceptive marketing practices of highly addictive opioids, Linda serves as co-chair of the Manufacturer/Marketing Committee of the *National Prescription Opiate Multidistrict Litigation* and represents dozens of jurisdictions, including states, cities, counties, and townships in suits against opioid manufacturers and distributors. She continues to be lead outside counsel for the City of Chicago and Santa Clara County Counsel, two of the first jurisdictions to file in the current wave of opioid litigation. The opioid epidemic has resulted in tens of thousands of deaths and imposed burdens on public entities' resources and departments that must address the drug addiction, overdose, and other related costs.

She represents Hawaii and the U.S. Virgin Islands in litigation alleging harm or economic loss due to deceptive marketing of Takata airbags, the largest auto-related recall in U.S. history. Linda has also investigated major national credit bureaus accused of violating state and federal law by failing to maintain accurate consumer credit files, and nursing homes accused of defrauding public payors and consumers by failing to maintain enough staff to ensure the health and safety of elderly residents. She has also represented the U.S. Virgin Islands in enforcement litigation against an oil company that abruptly shut down, alleging it failed to fulfill its obligation to operate a refinery in St. Croix as promised in exchange for significant tax breaks. The settlement in that case is valued at more than \$750 million in revenue and environmental cleanup.

Linda helped secure more than \$60 million in relief for consumers whose subprime mortgages were securitized by major Wall Street banks, and repayment for students who alleged they were defrauded by a chain of for-profit colleges. She fought for workers allegedly misclassified as independent contractors by a Fortune 100 company, a move that allegedly deprived workers of legal protections and helped the company avoid contributing to state unemployment and workers' compensation programs.

*Pro bono* work has also been a major part of Linda's practice. She has represented individuals and public clients in cases aimed at preventing gun violence, protecting consumers, and safeguarding the rights of immigrants.

Linda served from 1994 through 2006 as Executive Director of the Appleseed Foundation, a network of public interest law centers in the U.S. and Mexico.

#### AWARDS AND ACCOLADES:

##### **Lawdragon**

**2019** *Lawdragon* 500 Leading Plaintiff Financial Lawyers

##### **The Best Lawyers in America®**

**2019–2020** Mass tort litigation/class actions – plaintiffs

##### **The National Law Journal**

**2017** Litigation Trailblazers

**2010** "Washington's Most Influential Women Lawyers"

##### **Washington D.C. Super Lawyers®** list

**2013–2019** State, local & municipal; Consumer law



## Elizabeth Smith

LICENSED IN: DC, SC

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the District of Columbia Circuit;  
U.S. District Court for the District of South Carolina, and the  
District of Columbia

EDUCATION:

J.D. *cum laude*, University of South Carolina School of Law,  
2000

B.A., Furman University, 1995

Elizabeth represents clients injured by corporate wrongdoing, with an emphasis on anti-terrorism, human rights, tobacco, and public client litigation. Her current practice includes representing government entities in litigation targeting the alleged deceptive marketing and over-distribution of highly addictive opioids, as well as people alleging harm by tobacco products. She also represents the 9/11 Families United to Bankrupt Terrorism multidistrict litigation aiming to bankrupt financiers of al Qaeda and other terrorist groups.

Elizabeth's role in the 9/11-related litigation has included representing numerous families at hearings before the September 11th Victim Compensation Fund with Special Master Kenneth Feinberg and litigating aviation liability cases. She also has experience with personal injury and consumer protection cases, including vehicle defect cases, asbestos litigation, medical device cases, and lead paint poisoning lawsuits, and has managed client relations, research and discovery, and trial preparation for various litigation teams.

As an undergraduate student, Elizabeth completed a Middle East and Africa Foreign Study Program, and traveled from Kenya to Israel. While in law school, she served on the editorial board of the *ABA Real Property, Probate & Trust Journal*. After graduation, Elizabeth was a law clerk for the Honorable Diane S. Goodstein, Circuit Court Judge of the First Judicial Circuit for South Carolina. She is recognized as a BV<sup>®</sup> rated attorney by Martindale-Hubbell<sup>®</sup>.

## AWARDS AND ACCOLADES:

### Lawdragon

2019 *Lawdragon* 500 Leading Plaintiff Financial Lawyers

## ASSOCIATIONS:

American Association for Justice

Federal Bar Association

South Carolina Association for Justice

## W. Christopher Swett

LICENSED IN: DC, MN, SC, WV

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the Fourth Circuit; U.S. District Court for the Northern District of Ohio, District of South Carolina, Southern District of West Virginia, and the Western District of Wisconsin

EDUCATION:

J.D. *cum laude*, University of South Carolina School of Law, 2009

B.A., B.S. *summa cum laude*, The Citadel, 2006

A trial lawyer, Chris Swett goes up against alleged suppliers of asbestos-contaminated talc and manufacturers of cosmetic talcum powder products in litigation filed for consumers suffering from mesothelioma and other asbestos-related diseases.

On behalf of asbestos victims, Chris litigates against manufacturers, property owners and contractors who sold or installed defective asbestos-containing products and exposed workers and families to asbestos.

Chris also litigates on behalf of workers who developed severe lung diseases, or "Popcorn Workers' Lung," after inhaling flavoring chemicals such as diacetyl and acetyl propionyl, among other occupational diseases and hazards. He has additional experience representing victims in cases involving significant injuries caused by hazardous consumer products, fires, premises injuries and other incidents of negligence and misconduct.

Prior to joining Motley Rice, Chris served as a law clerk to the Honorable R. Bryan Harwell of the U.S. District Court for the District of South Carolina. In this capacity, he conducted complex research, prepared proposed orders involving numerous areas of the law, and assisted with various phases of both civil and criminal trials.

A recipient of the Citadel Scholar full academic scholarship and the Citadel Honors Program Gold Seal, Chris was honored with the University of South Carolina School of Law's Cali Award for environmental law. Additionally, he served as Senior Associate Editor for the *Southeastern Environmental Law Journal* and is the author of published pieces concerning environmental law such as *Politics, Money, and Radioactive Waste: The Savannah River Site Conundrum*, 16.2 *Se. Env'tl. L.J.* 391 (2008).

Growing up in rural South Carolina with blue-collar parents, Chris quickly learned the value of hard work and giving back to the community. He has volunteered as a Special Prosecutor for the South Carolina Attorney General's Office; proudly served as class chairman for The Citadel Foundation, helping to raise money for need-based scholarship funding; and is a former member of the Charleston County Library Board of Trustees. Chris is recognized as an AV<sup>®</sup>-rated attorney by Martindale-Hubbell<sup>®</sup>.

## AWARDS AND ACCOLADES:

### The National Trial Lawyers

2013-present Top 100 Trial Lawyers™ – South Carolina

### West Virginia Super Lawyers<sup>®</sup> Rising Stars list

2015-2019 Personal injury – products: plaintiff; Personal injury – general: plaintiff; Class action/mass torts



**ASSOCIATIONS:**

**American Association for Justice**  
**South Carolina Association for Justice**  
**West Virginia Association for Justice**  
**South Carolina Bar Association**  
**Charleston County Bar Association**  
**Order of the Coif**  
**Order of the Wig and Robe**

**Fred Thompson III**

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court, U.S. Court of Appeals for the Fourth Circuit, U.S. District Court for the District of South Carolina  
 EDUCATION:

J.D. with *distinction*, Duke University School of Law, 1979

B.A. *cum laude*, Yale University, 1973

With decades of diverse experience in personal injury, commercial and toxic tort law, Fred Thompson represents people harmed by negligence, product defects or misconduct. As a leader of the medical litigation team, Fred manages cases related to defective medical devices, harmful pharmaceutical drugs, medical malpractice, and nursing home abuse.

Fred is Liaison Counsel for a multidistrict litigation, *In re Aqueous Film-Forming Foams Products Liability Litigation*, MDL No. 2873, alleging severe health complications and environmental harms associated with the use of firefighting Aqueous Film-Forming Foams, which contain toxic PFAS chemicals. He has been appointed to numerous other leadership positions, including:

- Co-lead coordinating counsel for the pelvic mesh lawsuits consolidated in the U.S. District Court for the Southern District of West Virginia
- Plaintiffs' co-lead counsel for the Mirena® IUD multidistrict litigation in the U.S. District Court for the Southern District of New York
- Plaintiffs' co-lead counsel for the federal Digitek® consolidation
- Plaintiffs' Steering Committee member for the Medtronic Sprint Fidelis® defibrillator lead
- Plaintiffs' Steering Committee member for the Avandia® federal multidistrict litigation
- Plaintiffs' Steering Committee member for the Trasylol® federal multidistrict litigation
- Chairman of the American Association for Justice's Digitek® Litigation Group
- Co-chairman of the AAJ Kugel® Mesh Litigation Group

Fred is also active with the firm's consumer fraud, commercial and economic damage litigation. He has represented clients in litigation involving bond issues and securities fraud in federal, state and bankruptcy forums as well as through alternative dispute resolution. Additionally, Fred has practiced commercial transaction work, including contracting, corporate, partnership and limited liability company formation, and capital acquisitions.

Recognized as an AV® rated attorney by Martindale-Hubbell®, Fred frequently speaks on medical litigation topics at legal seminars throughout the country. He co-authored "Composix®

Kugel® Mesh: A Primer" for the Spring 2008 AAJ Section on Toxic, Environmental & Pharmaceutical Torts newsletter. Fred serves his local community as a Board Member for the East Cooper Community Outreach organization.

**AWARDS AND ACCOLADES:**

***The Best Lawyers in America*®**

**2018-2020** Charleston, S.C. Mass tort litigation: class actions-plaintiffs

**ASSOCIATIONS:**

**American Association for Justice**

**SENIOR COUNSEL****David I. Ackerman**

LICENSED IN: DC, NJ, NY

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court; U.S. Court of Appeals for the Second, Fourth, and D.C. Circuits; U.S. Court of Federal Claims; U.S. District Court for the District of Columbia, Northern District of Florida, District of Maryland, District of New Jersey, Southern District of New York and the Eastern District of Wisconsin  
 EDUCATION:

J.D. with honors, The George Washington University Law School, 2002

B.A., Emory University, 1999

David Ackerman is a civil litigator with experience representing clients in complex national and international disputes at both trial and appellate levels. He plays a leading role in litigation filed on behalf of governments, state attorneys general, and other entities in order to advance public health and consumer interests.

David's practice includes pursuing litigation targeting the alleged deceptive marketing and overprescribing of highly addictive painkillers that led to the opioid crisis, which claims thousands of American lives each year.

David's experience brings added understanding of considerations by defendants and companies involved in litigation. Prior to joining Motley Rice, he was a partner based in the Washington, D.C. office of a global law firm where he represented clients in state and federal courts, private arbitrations, and Federal Trade Commission and administrative proceedings. Among other representations at his former firm, David obtained dismissal of tort and contract claims brought against an African nation under the Foreign Sovereign Immunities Act, served as litigation counsel for a nationwide dental management organization, and represented a major insurance company and its former CEO and CFO in a "stock drop" securities class action in the Southern District of New York. David also represented a Medicare provider in more than 6,000 recoupment appeals before the Office of Medicare Hearings and Appeals, and counseled clients who were the subject of Federal Trade Commission investigations regarding their marketing practices.



While in law school, David served as a law clerk in the Federal Trade Commission's Division of Marketing Practices. He began his career at a D.C. law firm as a litigation associate, where he represented clients in marketing practices investigations conducted by the FTC and dozens of state attorneys general, and represented employees of a former Fortune 500 company in DOJ and SEC investigations.

## ASSOCIATIONS:

### American Bar Association

## Susan L. Burke

LICENSED IN: DC, MD

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court; U.S. Courts of Appeal for the First, Third, Fourth, Fifth, Sixth, Ninth, Eleventh and D.C. Circuits; U.S. District Court for the District of Columbia, District of Maryland, Eastern District of Michigan, Eastern District of Pennsylvania, and the Eastern District of Virginia

EDUCATION:

J.D., Catholic University Columbus School of Law, 1987  
B.S.F.S., Georgetown University School of Foreign Service, 1984

Susan Burke applies decades of experience litigating complex mass torts in state, federal and appellate courts to reform broken systems, advocate for our nation's veterans and service members, and address societal problems, such as the opioid crisis.

As a part of Motley Rice's opioid litigation team, Susan contributes to cases filed in state courts for the firm's clients—states, cities, counties, townships and other municipalities—against opioid manufacturers and distributors alleged to have played a role in creating the epidemic.

Prior to joining Motley Rice, Susan served as lead counsel and worked closely with Motley Rice for many years in multidistrict litigation *In re KBR, Inc., Burn Pit Litigation*, filed for veterans and contract workers who developed chronic illnesses after being exposed to toxic open-air burn pits near U.S. military bases in Iraq and Afghanistan. She also served as lead counsel for Iraqi torture victims at Abu Ghraib, negotiating the nation's first multi-million dollar settlement against defense contractors suspected of abuse of prisoners in the Iraq war, in addition to a settlement with former mercenary contractor Blackwater regarding the 2007 Nissor Square massacre and other abuses.

Notably, Susan also handled military abuse litigation as lead counsel for a series of lawsuits that sought to reform apparent deficiencies in the military's prosecution of rape and sexual assault allegations, the source of Academy-award nominated documentary "The Invisible War," in which Susan was profiled.

Outside of her international and military-focused casework, Susan also served as lead counsel in a nationwide fraud case against a medical device manufacturer, in addition to litigating claims of environmental harms against subcontractor AES regarding the dumping of coal ash on beaches in the Dominican Republic.

Susan has been featured in several media publications and programming, including appearances on Real Time with Bill Maher, Nightline, CNN's Amanpour, PBS Newshour, and has been profiled in *The New York Times*, *The Washington Post*, *The Philadelphia Daily News*, and *The Baltimore Sun*, among other news outlets. She has also been recognized and honored several times for her legal accomplishments by publications including the 2013 editions of *Washingtonian Magazine's* Washington's Best Legal Minds, *Self Magazine's* Women Doing Good, and *Baltimore Sun Magazine's* Fifty Women to Watch. In 2013, Louisville, Ky., declared September 23 Susan L. Burke Day in recognition for her work to eradicate rape in the military. That same year, the California Legislative Assembly and the City of Los Angeles also awarded her Certificates of Recognition for her litigation in the public interest.

Recognized in 2015 in *The National Law Journal* as being among the country's Outstanding Women Lawyers, Susan is a dynamic community leader, having held leadership positions and served on the boards of many organizations, including co-founding the West Baltimore Community Commission on Police Misconduct. She served as a Board Member for the social advocacy organization No Boundaries Coalition of Baltimore, in addition to devoting her time to causes such as education for underprivileged youth in Philadelphia and Washington, D.C. as a Board Member for the Philadelphia Academies and the Black Student Fund, respectively. She has a strong interest in promoting women's leadership in politics, including having served as Board Chair of Democratic Women's PAC of Maryland and a Board Member of Emerge Maryland. Additional roles she's held include Boards Memberships for the Maryland Disability Law Center and the Advisory Council for D.C.'s Department of Mental Health.

Susan is also a frequent speaker, panelist and collaborator, offering insight for programs, films, books and art that explore a variety of legal matters, including legal advocacy, prison reform, environmental harms, legal ethics, health care fraud and abuse, sexual assault, torture and war crimes. She is an AV<sup>®</sup> rated attorney by Martindale-Hubbell<sup>®</sup>.

## SELECTED PUBLICATIONS:

- Litigating Outside the Box: Seeking Justice for the Abu Ghraib Torture Victims, *Journal of the Maryland Association for Justice* (Spring 2015)
- Private Antitrust Suits in Health Care: A Review of Major Pending And Recently Decided Actions, *ABA Private Antitrust Litigation News* (Spring 2003)
- Squaring Off on Over-the-Counter Status: WellPoint Versus the Antihistamine Manufacturers, *Update* (September/October 2001)
- Stopping the Unauthorized Sale of Pharmaceuticals: An Argument for Private Enforcement Actions, *Update* (January 2001)
- Malpractice Online, *Daily Deal* (September 26, 2000)
- Self-disclosure Disincentives, *Modern Healthcare* (September 25, 2000)
- Suing HMOs: State Your Case, *Legal Times* (July 31, 2000)

- It's E-inevitable: Online Malpractice, *Legal Times* (June 19, 2000)
- Analysis Has Its Privileges, *Legal Times* (March 22, 1999)
- The Increasing Focus of Public International Law on Private Law Issues, *86th American Society of International Law Proceedings* 456 (1992)
- The Human Right To Participate in Government: Toward an Operational Definition, *82nd American Society of International Law Proceedings* 505 (1988)
- Professional Responsibility, *35 Catholic University Law Review* 1225 (1986)

## AWARDS AND ACCOLADES:

### **National Law Journal**

**2015** Outstanding Women Lawyers

### **National Council of Jewish Women**

**2014** Social Action Award

### **Georgetown University College Democrats**

**2014** Alumna of the Year

### **California Women's Law Center**

**2013** Abby J. Leibman Pursuit of Justice Award

### **Center for Constitutional Rights**

**2006** President's Award

## ASSOCIATIONS:

### **American Association for Justice**

## **David D. Burnett**

LICENSED IN: NY

ADMITTED TO PRACTICE BEFORE: U.S. Court of Appeals for the Second Circuit; U.S. District Courts for the Southern and Eastern Districts of New York

EDUCATION:

J.D., University of Virginia School of Law, 2007

M.A., University of Texas at Austin, 2002

B.A. with high honors and distinction, University of Virginia, 1999

As a part of Motley Rice's opioid litigation team, David Burnett applies more than a decade of experience in plaintiffs-side commercial litigation and finance to investigate complex economic issues in an effort to hold opioid companies responsible for the current epidemic.

His practice includes working on behalf of dozens of clients—states, cities, counties, townships and other municipalities—in the *National Prescription Opiate* multidistrict litigation, and in separate investigations and litigation filed in state courts.

In addition to opioids, David also represents individual and institutional investors in complex securities fraud litigation.

Prior to joining Motley Rice, David served as a vice president of underwriting at Burford Capital, the world's largest litigation finance firm, where he evaluated potential investments in dozens of lawsuits and recovered tens of millions of dollars in entitlements for investors, among other duties. He gained experience in evaluating the cost-benefits of litigation and structuring financing terms commensurate with legal risks.

Prior to Burford, David worked for 11 years as an associate and Of Counsel at Quinn Emanuel, where he represented institutional investors as plaintiffs in litigation and investigations arising from losses on mortgage-backed securities and CDOs following the 2007 financial crisis. He recovered hundreds of millions of dollars\* in dozens of favorable settlements for plaintiffs in residential mortgage-backed securities litigation. David also recently worked as a consultant on SEC compliance matters for a Virginia wealth-management firm.

While completing his law degree, David clerked for a plaintiffs' asbestos firm in Washington, D.C. and an international corporate law firm in New York. During law school David was selected as a Hardy Cross Dillard Fellow, was an editor of the *Journal of Law and Politics*, and was a member of the *Journal of Social Policy and the Law*. He published an article on billboard regulation in the *Journal of Law and Politics*, cited by the Ninth Circuit, and an article on nutrition policy in the *Virginia Journal of Social Policy and the Law*.

Outside of work, David is a member of the Appalachian Mountain Club, the country's oldest outdoor organization, and serves on its Board of Advisors. He is also a competitive cyclist, avid hiker, and drives a racecar on track.

## **James R. Brauchle**

LICENSED IN: SC

EDUCATION:

J.D., Rutgers University School of Law, 2001

B.S., Lemoyne College, 1990

A former U.S. Air Force navigator, Jim Brauchle brings years of flying experience, leadership skills and knowledge of the aviation industry to his litigation work. Jim represents victims of aviation disasters and passenger rights violations in cases against the airline industry. With more than a decade of courtroom experience that includes both bench and jury trials, Jim has handled civil, domestic, and criminal defense cases from pre-trial practice through trial, post-trial motions and appeals. He not only works closely with clients and co-counsel but also with pilots, engineers and experts in such areas as wreckage inspection and flight reconstruction.

Jim had the honor of supporting the firm's work in *Bavis v. United Airlines Corporation et al.*, the last aviation security case to be resolved in the nearly decade-long consolidated litigation, *In re September 11 Litigation*, involving 56 of the 96 families who opted out of the Victim Compensation Fund in an effort to force accountability and generate answers related to the 9/11 terrorist attacks. He is an integral member of the aviation team representing the families of the five Italian tourists who lost their lives when a helicopter tour and small private plane collided in mid-air over the Hudson River on Aug. 8, 2009. Litigating multiple crash cases involving small private planes, he also represents the family of a pilot who was one of six people killed when a Cessna Citation 550 aircraft on a life-saving transplant mission crashed into Lake Michigan shortly after takeoff. He also represents the families of passengers who were killed in the July 7, 2013 DeHavilland DHC-3 Otter charter plane crash in Soldotna, Alaska.



An advocate for the rights of the traveling public, Jim took passenger rights case, *Amanda Tuxworth v. Delta Air Lines, Inc.*, to trial and, after a hung jury that was nine to one in his client's favor, used his negotiation skills to resolve the case in mediation prior to a re-trial. In another passenger rights case alleging negligence, breach of contract and negligent misrepresentation, *Sandie Mallard v. Airtran Airways, Inc.*, he played a central role in achieving a confidential settlement. The U.S. District Court for the Southern District of Florida ruled in favor of his client in *Chris Turner v. Ramo, LLC*, a case involving the crash of an international charter flight. This ruling was upheld by the U.S. Eleventh Circuit Court of Appeals in February 2012. Jim also represented numerous families of those who lost their lives in the 2009 Continental Airlines/Colgan Air Flight 3407 crash, which took the lives of all 49 passengers and crew, as well as one person on the ground.

Prior to joining Motley Rice, Jim worked for nearly a decade as a trial attorney representing clients injured or killed in vehicle collisions. His ability to present complex matters to a jury has served him in previous transportation cases.

Jim served as a navigator in the United States Air Force from 1991 to 2001. He was one of only five people in the entire Air Force simultaneously qualified as a C-141 Special Operations navigator, flight instructor and examiner, and was often selected to fly high visibility missions, both in the United States and abroad. Additionally, he was hand-selected to brief and demonstrate special operations capabilities to the Air Mobility Command's Director of Operations and represented the 437th Air Wing at RODEO 1996, the United States Air Force's airlift flying competition.

Jim is recognized as an AV<sup>®</sup> rated attorney by Martindale-Hubbell<sup>®</sup>.

#### ASSOCIATIONS:

**American Association for Justice**  
**South Carolina Association for Justice**  
**International Society of Air Safety Investigators**, affiliate member

#### **John C. Duane**

LICENSED IN: SC  
 ADMITTED TO PRACTICE BEFORE:  
 U.S. Court of Appeals for the Fourth Circuit, U.S. District Court for the District of South Carolina  
 EDUCATION:

J.D., University of South Carolina School of Law, 1998  
 B.A., College of Charleston, 1994

Former federal prosecutor John Duane applies his experience prosecuting criminal matters to his work representing clients harmed by defective medical devices, implants and drugs, as well as a variety of cases related to negligence, defective products and vehicle incidents.

John works with co-counsel to represent clients in national litigation who have been injured after receiving allegedly defective hip replacement devices, including DePuy<sup>®</sup> ASR<sup>™</sup>, DePuy<sup>®</sup> Pinnacle<sup>®</sup>, Biomet M2a-Magnum<sup>™</sup>, Stryker<sup>®</sup>

Rejuvenate, Wright Medical Conserve<sup>®</sup> and Zimmer Durom<sup>®</sup>. He was actively involved in the *In re Medtronic, Inc. Sprint Fidelis Leads Products Liability Litigation*, a federal MDL involving people who suffered from injuries allegedly caused by heart defibrillator lead wires. He was also an integral part of the litigation involving the drugs Advair<sup>®</sup>/Serevent<sup>®</sup>, Trasylo<sup>®</sup>, Zicam<sup>®</sup> and Fen Phen<sup>®</sup>.

As an Assistant U.S. Attorney for the District of South Carolina, John prosecuted cases in a variety of areas, including financial crimes, wire and mail fraud, corporate fraud and violent crimes. In this role, he also served as the lead trial attorney on several jury trials and trained new prosecutors in caseload management, procedures and trial technique.

Previously, John served as a law clerk to Senior United States District Judge C. Weston Houck, assisting with all phases of civil and criminal trials, including pre-trial and post-trial motions, evidentiary rulings and research in class actions, transportation and design defect cases, shareholder derivative actions and whistleblower actions.

Active in his community, John volunteers as a children's soccer coach and contributes his time to various youth programs at his church.

#### AWARDS AND ACCOLADES:

**2004 Assistant U.S. Attorney of the Year**, Charleston Division

#### ASSOCIATIONS:

**American Association for Justice**  
**American Bar Association**  
**South Carolina Association for Justice**  
**South Carolina Bar Association**  
**Charleston County Bar Association**

#### **Jeanette M. Gilbert**

LICENSED IN: NY, SC  
 ADMITTED TO PRACTICE BEFORE:  
 U.S. District Court for the Eastern and Southern Districts of New York  
 EDUCATION:

J.D., Pace University School of Law, 1984  
 B.A., Hofstra University, 1979

Jan Gilbert has spent her legal career assisting those who cannot speak for themselves due to age or illness. Since joining Motley Rice in 2006, she continues that advocacy through asbestos bankruptcy litigation and management of claims processing. Jan is one of the attorneys responsible for analyzing complex bankruptcy documents and advising clients and co-counsel lawyers on the claims facilities and asbestos personal injury trusts established by the bankruptcy courts for the benefit of asbestos victims.

Prior to her work at Motley Rice, Jan directed the estate department at a New-York based law firm, where she was responsible for the finance management and administration of multi-million dollar estates and trusts. She provided investment and tax analysis to ensure compliance with federal regulations



and reviewed documentation for proper bank and accounting statements. Jan currently utilizes this background to provide legal research for complex securities fraud and shareholder derivative cases with the Motley Rice securities litigation team.

Jan served on the Ethics Committee of the South Carolina Bar from 2010–2013 and has also served a two-year term as the Continuing Legal Education Seminar Committee Chair for the South Carolina Bar. She has also served on several educational and ethics committees with the Nassau County Bar Association of New York, serving as a dean and board member developing programming when Mandatory Continuing Legal Education was instituted in New York. Jan taught courses on legal ethics, legal research and real estate as an adjunct professor at Long Island University. She sat on the executive council of the New York State Conference of Bar Leaders and served as a delegate to New York State Chief Judge Judith Kaye's Institute of Professionalism in the Law.

#### **ASSOCIATIONS:**

**American Association for Justice**  
**New York State Bar Association**  
**South Carolina Bar Association**  
**Charleston County Bar Association**  
**Nassau County Bar Association**

#### **Robert T. Haefele**

LICENSED IN: DC, NJ, NY, PA, SC

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the Second, Third, Fourth and Eleventh Circuits, U.S. District Court for the District of Columbia, District of New Jersey and Southern District of New York

EDUCATION:

J.D., Rutgers University School of Law – Camden, 1989

B.A., Rutgers College, 1986

Robert Haefele has spent more than twenty years practicing in complex civil litigation, including asbestos, tobacco and other mass tort and product liability litigation. His area of primary emphasis involves anti-terrorism and human rights, analyzing and litigating complex, domestic and international matters to meet clients' goals of justice and accountability while simultaneously achieving positive social change.

Robert's current focus is on aiding the more than 6,600 family members and survivors of the 9/11 terrorist attacks Motley Rice represents. He is co-liaison counsel and an active member of the Plaintiffs' Executive Committee for Personal Injury and Death Claims in *In re Terrorist Attacks on September 11, 2001*, U.S.D.C., S.D.N.Y., MDL 1570, lawsuits filed by Motley Rice's clients and others seeking to expose and bankrupt the alleged financiers and other supporters of al Qaeda terrorist activity.

Robert also played a central role in *In re September 11th Litigation*, Case No. 21-MC-97-AKH (S.D.N.Y.), involving more than 50 personal injury and wrongful death clients against the aviation and aviation security industries for their alleged failure to detect and prevent the 9/11 terrorist attacks. For both the

9/11 multidistrict terrorist financing litigation and 9/11 mass consolidations of the aviation security liability cases, Robert has appeared before the court for multiple hearings and oral arguments, directed and engaged in complex formal discovery, and managed informal investigative efforts involving, among other things, aviation security, designation of foreign terrorist individuals and entities, and elaborate webs of financial transactions.

In addition to traditional litigation efforts, Robert has provided substantial *pro bono* and other support to the survivors and families of those killed in the 9/11 attacks. From 2001-2004, he provided *pro bono* representation for more than 30 individuals, preparing and presenting their claims to the September 11th Victim Compensation Fund. Working with Motley Rice clients, legislators and leading experts in various industries, Robert also works to encourage legislative changes to help meet clients' goals of justice, accountability and positive social change. He has represented victims of other terrorist attacks and human rights violations in litigation including *Oran Almog v. Arab Bank*, a landmark lawsuit filed by victims of terrorist bombings in Israel against Arab Bank for its alleged role in financing Hamas and other Israeli terrorist organizations, and *Krishanti v. Rajaratnum et al.*, 09-cv-5395 (D. N.J.), litigation against alleged financiers of the Tamil Tigers terrorist organization in Sri Lanka. He was also part of the litigation filed for non-U.S. citizens, *Jesner v. Arab Bank*. The litigation was heard by the U.S. Supreme Court under the Alien Tort Statute regarding violations of customary international law by foreign corporations.

Representing Motley Rice clients in an array of other complex litigation matters, Robert worked on *World Holdings LLC, v. The Federal Republic of Germany*, a suit filed to collect unpaid pre-WWII German bonds. He has collaborated with members of the firm's securities team, litigating such cases as *In re MBNA Corp. Sec. Litig.*, No. 05-272 (D. Del.), and with the toxic exposure team to litigate cases brought by individuals and businesses suffering as a result of the BP oil spill in *In re Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*.

Prior to joining Motley Rice in 2003, Robert developed a strong co-counsel relationship with Motley Rice attorneys through complex litigation involving corporate wrongdoing, including the State of New Jersey's tobacco lawsuit and other tobacco, asbestos and occupational disease and injury cases. Practicing product liability, toxic and mass tort, and occupational injury law, he represented individuals and union members injured by defective products or toxic substances and authored "The Hidden Truth About Asbestos Disease" in the *New Jersey Law Journal* (December 2002). He clerked with Judge Neil F. Deighan of the Appellate Division of the Superior Court of New Jersey in 1990.

#### **ASSOCIATIONS:**

**American Association for Justice**  
**American Bar Association**  
**New Jersey State Bar Association**, Past Chairman – Product Liability and Toxic Tort Section  
**Public Justice Foundation**



## Scott B. Hall

LICENSED IN: MO, OH, WV

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court; U.S. Court of Appeals for the Eighth, Ninth and Tenth Circuits; U.S. District Courts for the District of Colorado, District of Kansas, and Western District of Missouri

EDUCATION:

J.D., University of Texas at Austin, 1998

L.L.M. with Distinction, University of Nottingham, 1998

B.S.J., University of Kansas, 1993

An advocate for people harmed by toxic exposure, chemical-related cancers and other occupational diseases and smoking-related illnesses, Scott Hall has spent more than 15 years working to hold accountable corporations that put profits before people.

Today, he continues to represent people suffering from work-related illnesses such as lung diseases in cases against the companies that allegedly harmed them.

Scott advocates for workers and consumers harmed by inhaling flavoring chemicals such as diacetyl and acetyl propionyl, which have been associated with severe lung diseases often collectively referred to as "Popcorn Workers' Lung," even though many workers, not just those in microwave popcorn manufacturing, have been affected.

In the early 2000s, Scott successfully represented workers who had developed serious lung diseases after exposure to airborne flavoring chemicals in some of the first cases of their kind.\* Since then, he has tried more than a dozen lawsuits against the flavoring industry that resulted in plaintiffs' verdicts. Additionally, Scott participated in the resolution of more than 100 cases for people who alleged wrongful death or injuries as a result of exposure to dangerous chemical flavorings.\*

His early work in toxic exposure included taking cases to trial as well as settling tobacco cases. His work led to multi-million dollar verdicts in tobacco-related personal injury and wrongful death cases.\* He was also contracted by the Canadian government to represent the Provinces of Newfoundland and Labrador in a cost-recovery action against the tobacco industry. Scott has also taken cases to trial and settled environmental contamination cases, including cases involving air pollution and groundwater pollution by industrial chemicals.

In 1997, Scott wrote one of the first peer-reviewed articles on the regulation of genetically modified organisms (GMO) and their impact on the environment. The article, titled "The Genie in the Bottle: The International Regulation of Genetically Modified Organisms," was published in the Journal of International Wildlife Law & Policy.

\*Prior results do not guarantee future results. Every case is different and must be judged on its own merits. The choice of a lawyer is an important decision and should not be based solely upon advertisements.

## AWARDS AND ACCOLADES:

**Missouri Super Lawyers® Rising Star list**

**2009** Personal injury – products: plaintiff; Environmental litigation

*Selection criteria: [www.superlawyers.com/about/selection\\_process.html](http://www.superlawyers.com/about/selection_process.html)*

## ASSOCIATIONS:

**American Bar Association**

**Missouri Bar Association**

**Kansas City Metropolitan Bar Association**

## Rebecca M. Katz

LICENSED IN: NY

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the Second Circuit; U.S. District Courts for the Southern, Eastern, and Western Districts of New York, and the District of Colorado

EDUCATION:

J.D., Hofstra University School of Law, 1990

B.S., Hofstra University, 1987

As a lead attorney on Motley Rice's whistleblower litigation team, Rebecca Katz represents and protects individual whistleblowers who expose corporate misconduct. Her clients come from all levels of job responsibility in a wide range of industries and she helps them to investigate and report fraud to governmental enforcement agencies including the SEC, DOJ, IRS and CTFC. She has represented senior executives, mid-level managers and staff of multinational banking and financial services and public companies, including financial advisors, clinical researchers, quantitative analysts, engineers, commodities and securities traders.

Rebecca has been at the forefront of this field since the SEC Whistleblower Program was established under the Dodd-Frank Act in 2010 and is recognized in the field of whistleblower representation. She has represented numerous clients in navigating the intricacies of the SEC whistleblower process from filing the initial complaint through the final award process.

For nearly a decade prior to entering private practice, Rebecca served as senior counsel for the SEC's Enforcement Division. In addition to her whistleblower work, Rebecca has more than 20 years of experience litigating complex securities fraud cases, and was a partner and held senior leadership roles at two large New York plaintiffs' litigation firms.

Using her experience as a former SEC attorney and in private practice, Rebecca provides critical, objective legal counsel to those who need knowledge and support to ensure their confidentiality and protection in undertaking the complex and ever-changing whistleblower laws.

Rebecca is a frequent speaker at legal conferences nationwide and provides insight on numerous issues involving the SEC whistleblower program and securities litigation for national and local media outlets, including *The Wall Street Journal*, *The New York Times*, and *Law360*, among others. She is a published author and former faculty member at the Practising Law

Institute's Securities Litigation & Enforcement Institute (both in the United States and United Kingdom) and has also lectured at the Fordham University School of Law's Eugene P. and Delia S. Murphy Conference on Corporate Law – Corporations, Investors and the Securities Markets.

While completing her law degree from Hofstra University School of Law, Rebecca was a member of the *Hofstra Law Review*.

She is an active supporter of several community organizations, including Friends of Firefighters and Komen Race for a Cure.

#### **PUBLISHED WORKS:**

Rebecca M. Katz & James M. Weir, Plaintiffs' Perspective: The SEC's Final Rules for Whistleblowers Offer a Balanced Approach to an Important New Program, *Securities Litigation Report* (July/Aug. 2011)

Rebecca M. Katz & David B. Harrison, The Dodd-Frank Act: New Life for Whistleblowers and the SEC; *Securities Litigation Report* (Sept. 2010)

#### **AWARDS AND ACCOLADES:**

##### **Super Lawyers**

**2008–2010, 2013–2019** New York Metro Super Lawyers – Securities

##### **Best Lawyers®**

**2017–2020** Mass tort litigation / class actions – plaintiffs

##### **Hofstra University, Maurice A. Deane School of Law**

**2019** Outstanding Woman in Law honoree

#### **ASSOCIATIONS:**

**New York City Bar Association**, Securities Litigation Committee

#### **Michael J. Quirk**

LICENSED IN: NY, PA

ADMITTED TO PRACTICE BEFORE:

U.S. Supreme Court; U.S. Courts of Appeals for the First, Third, Fourth, Ninth, and Eleventh Circuits; U.S. District Courts for the District of Columbia, Eastern District of Pennsylvania, and Northern District of New York

EDUCATION:

J.D. *cum laude*, University of Michigan Law School, 1999

M.A. Rutgers University, 1996

B.A. The College of New Jersey, 1992

Michael Quirk practices in the areas of consumer rights, class action, mass tort, and appellate litigation.

He currently represents people and families in Flint, Mich., who were impacted by toxic lead in the city's contaminated water crisis in *In re Flint Water Cases: Carthan v. Snyder*; women injured by defective transvaginal mesh devices in *In re Pelvic Mesh Litigation*; payday loan borrowers in Pennsylvania allegedly paying unjustifiably high interest charges to lenders seeking to evade liability through misuse of Indian tribal immunity in *Williams et al. v. MacFarlane Grp, Inc. et al.*; and student loan borrowers who faced collection actions on a defunct for-profit trade school's

institutional loans alleged to be fraudulent in *Gonzalez et al. v. New Century Financial Services, Inc. as assignee of Med-Com Career Training, Inc. d/b/a Drake College of Business*; among other cases.

Prior to joining Motley Rice, he was a partner in two Philadelphia law firms, where he was lead appellate counsel for prevailing plaintiffs in cases involving expert admissibility on causation of a rare and fatal lymphoma by prescription drugs, liability and qualified immunity in a police-on-police shooting, retaliatory employment discrimination under Title VII, women's breast cancer caused by hormone replacement therapy (HRT) drugs, and enforceability of mandatory arbitration clauses barring class actions in payday lending and other consumer contracts. He also was lead or co-lead trial court counsel for plaintiffs in cases against Wells Fargo, Bank of America, and JPMorgan Chase among others allegedly involving predatory Option Adjustable Rate Mortgage (Option ARM) loans that drained the equity from borrowers' homes, against rent-to-own companies charging allegedly unlawful interest or add-on fees to low-income consumers, and against credit card issuers for allegedly unlawful charges.

Michael also has represented public interest, consumer rights and public health organizations as *amici curiae* in support of consumers and other plaintiffs.

Previously, he was a staff attorney and Equal Justice Works Fellow with Public Justice, P.C., a national public interest law firm, and was Supreme Court Assistance Project Fellow with the Public Citizen Litigation Group, both in Washington, D.C.

A frequent public speaker, Michael has contributed to discussions of class actions and other legal matters. Michael serves as co-chair of the Board of Directors of the National Association of Consumer Advocates, a nationwide, non-profit association of more than 1,500 private and public sector and legal services lawyers, law professors, and law students whose primary focus is representation and protection of consumers.

Public Justice, a national public interest law firm, awarded Michael its Access to Justice Award in 2003 for his work as co-counsel in helping win unanimous U.S. Supreme Court decision in *Sprietsma v. Mercury Marine*, defeating federal preemption and preserving access to justice for a wrongful death claimant.

#### **ASSOCIATIONS:**

**American Association for Justice**

**National Association of Consumer Advocates**, Board of Directors Co-Chair (Board Member since 2015); Issues Committee

#### **AWARDS AND ACCOLADES:**

**Public Justice**

**2003** Access to Justice Award





## **Ann K. Ritter** **Senior Counsel**

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the Third and Eleventh Circuits

EDUCATION:

J.D., University of Tennessee, 1982

B.S., Florida State University, 1980

Ann Ritter is a multi-faceted litigator and negotiator with more than 35 years of experience in complex litigation involving matters as varied as securities, products liability and consumer protection.

Ann is actively involved in the National Prescription Opiate Litigation MDL targeting alleged deceptive marketing and over-distribution that is believed to have fueled the opioid crisis. Ann also joined Motley Rice co-founder Joe Rice in negotiations in the Volkswagen Diesel Emissions Fraud class action for consumers whose vehicles were designed to bypass regulations. The nearly \$15 billion settlement for 2.0-liter vehicles is the largest consumer auto-related consumer class action in U.S. history, and among the fastest reached of its kind. She also engaged in negotiations throughout Takata Corp.'s Chapter 11 bankruptcy process and helped secure a pair of favorable resolutions for current and future personal injury victims.

After playing key roles in many areas of the firm, including occupational diseases and transportation, Ann helped establish the firm's securities fraud practice more than a decade ago, which has since held as many as 49 lead or co-lead positions in litigation.

Ann serves as a frequent speaker on legal topics such as worker safety, shareholder rights and corporate governance. In 2007, she addressed leading German institutional investors as a keynote speaker on the impact of U.S. class actions at the Deutsche Schutzvereinigung für Wertpapierbesitz e. V. Practical Workshop for institutional investors in Frankfurt, Germany. Additionally, Ann has served for many years as the Sheet Metal Workers' International Association (SMWIA) occupational disease counsel, and participated in the early work that led to Sheet Metal Occupational Health Institute Trust (SMO HIT). She also served on the Executive Advisory Council of the International Pleural Mesothelioma Program at Brigham and Women's Hospital at Harvard Medical School.

Ann is the co-author of *Asbestos in Schools*, published by the National School Boards Association. Ann previously served on the Advisory Committee for the Tobacco Deposition and Trial Testimony Archives (DATTA) Project and currently serves on the Executive Committee of the Board of the South Carolina Special Olympics, the Advisory Board of the Medical University of South Carolina Hollings Cancer Center, and the Advisory Board of The University of Mississippi School of Law. She is recognized as a BV® rated attorney by Martindale-Hubbell®.

## **ASSOCIATIONS:**

**South Carolina Association for Justice**

## **Lisa M. Saltzburg**

LICENSED IN: SC, CO

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the Fourth, Fifth and Eleventh Circuits

U.S. District Court for the District of South Carolina

EDUCATION:

J.D., Stanford Law School, 2006

B.A. with high distinction, University of California, Berkeley, 2003

Lisa Saltzburg represents individuals, government entities and institutional clients in complex securities and consumer fraud actions, public client litigation, and a variety of other consumer and commercial matters. Lisa is an integral part of Motley Rice's team of attorneys that represents dozens of states, cities, towns, counties and townships in the National Prescription Opiate Multidistrict Litigation against opioid manufacturers and distributors for alleged deceptive marketing and other business practices that contributed to the opioid crisis.

She is part of the BP Oil Spill litigation team, and helped people and businesses in Gulf Coast communities file claims through the new claims programs established by the two settlements reached with BP. Lisa also serves on the trial team for the Florida *Engle* tobacco litigation.

Prior to joining Motley Rice, Lisa was an associate attorney for a nonprofit advocacy organization, where she worked through law and policy to protect the environmental interests of the Southeast. She drafted briefs and other filings in South Carolina's federal and state courts and worked with administrative agencies to prepare for hearings and mediation sessions. Lisa also served for two years as a judicial clerk for the Honorable Karen J. Williams of the U.S. Court of Appeals for the Fourth Circuit, where she developed valuable legal research and writing skills and gained experience involving a wide range of issues arising in civil and criminal cases.

Lisa held multiple positions in environmental organizations during law school, handling a broad array of constitutional, jurisdictional and environmental issues. She also served as an editor of the *Stanford Law Review* and as an executive editor of the *Stanford Environmental Law Journal*. A member of numerous organizations and societies, including the Stanford Environmental Law Society, Lisa attended the National Institute for Trial Advocacy's week-long Trial Advocacy College at the University of Virginia.

## **AWARDS AND ACCOLADES:**

**South Carolina Super Lawyers® Rising Stars** list

**2016** Securities litigation, Class action/mass torts, Personal injury-products: plaintiff

## Jennie Scudder-Levin

LICENSED IN: CA, SC

EDUCATION:

J.D., Vanderbilt University School of Law, 1989

A.B. *cum laude*, Duke University, 1986

Jennie Scudder-Levin primarily represents clients harmed by environmental contaminants and is involved in the firm's medical device and opioid epidemic litigation.

Jennie has years of litigation experience and previously represented clients in bankruptcy matters, along with institutional investors in securities and consumer fraud litigation prior to joining Motley Rice.

Her current casework includes advocating for thousands of women who have suffered severe adverse effects allegedly caused by the permanent contraceptive device, Essure. She served on the team litigating on behalf of 10 California cities and counties regarding harmful exposure to lead paint and continues that advocacy now on behalf of persons injured by white lead carbonate products in Wisconsin.

Jennie is active in her church and with the firm's charitable and community projects.

## ASSOCIATES AND COUNSEL

### Sara D. Aguiñiga

LICENSED IN: DC

ADMITTED TO PRACTICE BEFORE: Superior Court of the District of Columbia, U.S. Court of Appeals for the District of Columbia

EDUCATION:

J.D. American University Washington College of Law, 2013

B.A. *cum laude*, University of Maryland, Baltimore County, 2006

Sara Aguiñiga protects public funds and interests, including health and consumer rights, through representation of public entities.

Sara's practice includes litigating complex cases in state and federal courts involving alleged health care fraud, deceptive marketing practices associated with highly addictive opioids, and other issues. She currently represents the Cherokee Nation in litigation filed against the U.S. Department of Health and Human Services and other federal agencies related to the False Claims Act. She is also pursuing litigation against an auto-loan company alleged to have engaged in unfair lending practices, and a pro bono immigration case involving an unaccompanied minor.

Prior to joining Motley Rice, Sara served as a bilingual witness specialist at a Washington, D.C. law firm, where she maintained compliance enforcement for confidential cases involving nursing homes, interviewed and prepared potential witnesses for trial in Spanish and English, and represented pro bono clients in state courts.

While pursuing her law degree, Sara helped represent asylum-seekers and advocated for labor rights for migrant workers as a student attorney for the Washington, D.C. Immigration Justice Clinic. She clerked for a Maryland law firm, completing research on immigration law, deportation, asylum and human trafficking, and writing briefs submitted to immigration court and U.S. Citizenship and Immigration Services. She also clerked for the Maryland Office of the Public Defender, interviewing and preparing jailed clients for direct and cross-examinations.

Sara was an avid figure skater and previously competed on the Mexican National Figure Skating Team.

### Andrew P. Arnold

LICENSED IN: NY, SC

EDUCATION:

J.D., with honors, University of North Carolina School of Law, 2013

B.A., with highest honors, University of North Carolina at Chapel Hill, 2002

Andrew Arnold represents institutional investors and individuals in complex securities, corporate governance and shareholder litigation.

He concentrates his practice on investigating and developing securities fraud class actions, shareholder derivative lawsuits, merger and acquisition litigation, and consumer fraud. He joined Motley Rice co-founder Joe Rice in negotiations in the Volkswagen Diesel Emissions Fraud class action for consumers whose vehicles were allegedly designed to bypass regulations. The \$15 billion settlement for 2.0-liter vehicles is the largest consumer auto-related consumer class action in U.S. history, and among the fastest reached of its kind.

Prior to joining Motley Rice, Andrew practiced commercial litigation and investor-state dispute settlement in the Washington, D.C. office of a large international law firm. He was recognized on the 2014 Capital *Pro Bono* High Honor Roll for serving 100 *pro bono* hours in the D.C. area. While attending the University of North Carolina School of Law, Andrew was a member of the *North Carolina Law Review* and served as a judicial intern for the North Carolina Court of Appeals and as a research assistant for Professor Thomas Lee Hazen, a prominent securities regulation scholar.

Andrew also has an extensive background in software development, primarily in the healthcare industry, where he designed and developed software to ensure compliance with government regulations.



## **Brendan C. Austin**

LICENSED IN: CA, DC

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the District of Columbia Circuit

EDUCATION:

J.D., University of San Diego School of Law, 2014

B.A. magna cum laude, Biola University, 2008

Brendan Austin works to combat consumer fraud and protects public resources and interests through litigation filed for clients in the public sector.

Currently, Brendan is part of a team litigating cases against the Takata Corporation and multiple automakers for allegedly using deceptive practices to put dangerous airbags into millions of vehicles in the U.S.

Prior to joining Motley Rice, Brendan practiced at a sizeable D.C. law firm where he focused on investigations and lawsuits involving consumer protection, false claims litigation, and fraudulent and deceptive trade practices for attorneys general and other public sector clients. Among other matters, he was part of a team that represented attorneys general in litigation against several nursing home chains for allegedly using deceptive marketing to increase their profits while failing to provide basic care to their elderly residents.

While pursuing his law degree, Brendan clerked for a law firm in California, completing research for complex litigation involving securities fraud and false claims. He also interned for the University of San Diego Civil Clinic, in addition to assisting with pro bono domestic violence and humanitarian cases at Casa Cornelia Law Center in San Diego.

## **Laura K. Behre**

### **Associate General Counsel**

LICENSED IN: SC

EDUCATION:

J.D., University of South Carolina School of Law, 1996

M.A., University of Virginia, 1993

B.A., Agnes Scott College, 1992

As Associate General Counsel at Motley Rice, Laura Khare manages the firm's legal matters, including employment issues, ethics, marketing, commercial contracts and legal defense. She advises the firm's nearly 65 attorneys on ethical matters, as well as develops appropriate compliance and risk management measures for the firm. In addition, Laura represents a diverse client base, including victims of sexual abuse and environmental contamination.

Laura joined Motley Rice in 2004 after several years as a civil rights attorney for the U.S. Equal Employment Opportunity Commission in Washington, D.C. She began her tenure as a political appointee for President William J. Clinton. In addition, Laura served as Deputy Director of Research at the State Affairs Company, a consulting firm in Arlington, Virginia, and as a legal fellow for the U.S. House of Representatives Judiciary Committee. She began her career as a staff attorney at the South Carolina Court of Appeals.

Laura has served on the Board of Directors for the Dee Norton Lowcountry Children's Center, the Board of Directors for the Next Child Fund and the Charleston County Board of Zoning Appeals. In her spare time, she enjoys participating on local and national political campaigns, including as a volunteer for multiple national Democratic conventions, most recently in 2012 as a member of the convention's script writing team.

### **AWARDS AND ACCOLADES:**

***Charleston Regional Business Journal***

**2008** Forty Under 40

### **ASSOCIATIONS:**

**American Association for Justice**

**Association of Professional Responsibility Lawyers**

**South Carolina Association for Justice**

**South Carolina Women Lawyers' Association**

## **David A. Benner**

LICENSED IN: DC, NY

ADMITTED TO PRACTICE BEFORE: U.S. Court of Appeals for the Second, District of Columbia and Federal Circuits, U.S. District Court for the Southern and Eastern Districts of New York

EDUCATION:

J.D., University of Chicago Law School, 2005

B.A., Haverford College, 2001

David Benner advocates for public clients and is an integral part of a team that has represented city, state and territorial governments in proceedings relating to public health and consumer protection.

David represents dozens of states, cities, towns, counties and townships in multiple bellwether lawsuits and other litigation alleging misrepresentations of the safety and efficacy of addictive opioids.

Prior to joining Motley Rice, David practiced in New York and Washington, D.C., on both the plaintiff and defense side, gaining substantive experience in consumer protection litigation; false claims act litigation; and cases involving intellectual property, securities, and antitrust law. In his public client work, David helped the Attorney General of New Hampshire obtain financial and injunctive relief from the maker of a fentanyl-based opioid for alleged unfair marketing practices; and he helped the Attorney General of Mississippi obtain a settlement over allegedly false statements made by a credit rating agency about its independence and objectivity ahead of the financial crisis of 2008.

Other public service includes voter protection and mobilization efforts as Deputy Voter Protection Director for Organizing for America – Iowa in 2012, in connection with that year's presidential election.

**E. Paige Boggs**

LICENSED IN: DC, IL

ADMITTED TO PRACTICE BEFORE: U.S. District Court for the Northern and Southern Districts of Indiana, and the Northern District of Illinois

EDUCATION:

J.D., Indiana University Robert H. McKinney School of Law, 2009  
B.A., Tulane University, 2005

Paige Boggs represents public entities in complex litigation involving consumer fraud, subprime auto lending and other matters.

Her casework includes representing the Mississippi Attorney General in litigation seeking to hold automotive financing company Santander Consumer USA Holdings Inc., accountable for allegedly fraudulent lending practices.

Prior to joining Motley Rice, Paige served as an Assistant Attorney General and Supervising Attorney for the Illinois Attorney General's Office. While there, she led a coalition of State Attorneys General in combatting health fraud, and co-lead multiple executive committees for multistate investigations and settlements involving public Fortune 500 companies. She also assisted in investigations regarding mortgage servicing abuses and helped draft the National Mortgage Settlement in 2012.

Previously, Paige served as a law clerk for the Consumer Litigation Section of the Indiana Attorney General's Office, where she received the Attorney General's Award for Excellence in Public Service.

**Elizabeth A. Camputaro**

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the Federal and Fourth Circuits; U.S. Court of Appeals for Veterans Claims; U.S. District Court for the District of South Carolina

EDUCATION:

J.D. *magna cum laude*, Charleston School of Law, 2008  
B.A., Columbia College, 2004

Elizabeth Camputaro is part of the team representing county and municipal governments in litigation involving opioid manufacturers and distributors for their alleged deceptive marketing and fraudulent distribution of highly addictive opioids.

In addition, Elizabeth has several years of experience representing institutional investors in complex securities fraud and shareholder derivative matters, including serving on litigation teams in class action suits filed against Medtronic, Inc, State Street Corp., Sprint Nextel Corp., and Advanced Micro Devices.

Prior to joining Motley Rice, Elizabeth served as a judicial law clerk for the Honorable Deadra L. Jefferson, Ninth Judicial Circuit. While in law school, Elizabeth was a member of the Federal Courts Law Review, contributed more than 100 hours of pro bono service, and served as a judicial extern for the Honorable Thomas L. Hughston, Ninth Judicial Circuit.

Active in her community, Elizabeth previously served on the South Carolina Bar Diversity Committee, and has served as an Election Commissioner for Beaufort and Summerville municipalities, Beaufort County Council Library Board Trustee, and international missionary with Project Medishare and One World Health.

**ASSOCIATIONS:**

**American Bar Association**  
**South Carolina Bar Association**  
**Charleston Bar Association**

**Grace P. Chandler**

LICENSED IN: SC

EDUCATION:

J.D. *cum laude*, University of South Carolina School of Law, 2019

B.A., Clemson University, 2015

Grace Chandler advocates for people who have suffered severe, life-altering health complications caused by dangerous and defective medical devices.

Grace's casework includes representing hernia patients alleging harm by mesh repairs involving Atrium Medical Corp.'s C-QUR mesh, Ethicon's Physiomesh Flexible Composite hernia mesh, and C.R. Bard's mesh products made of Marlex polypropylene. She also represents service members and contract workers who served in Iraq and Afghanistan between 2003 and 2015 and later developed hearing loss or tinnitus allegedly caused by faulty earplugs manufactured by 3M and its predecessor Aearo Technologies.

Grace completed a number of legal clerkships for medical malpractice and insurance defense firms in South Carolina prior to joining Motley Rice. As a law student, Grace served as Managing Editor of the *South Carolina Law Review*, and was awarded both the Order of the Coif and the Order of the Wig and Robe in addition to being a CALI Award recipient. She is a former nationally ranked tennis player.

**ASSOCIATIONS:**

South Carolina Association for Justice  
Charleston Bar Association





## Meghan Johnson Carter

LICENSED IN: SC

EDUCATION:

J.D., University of South Carolina School of Law, 2007

B.S., University of North Carolina at Chapel Hill, 2003

Meghan Johnson Carter litigates cases on behalf of victims of allegedly dangerous pharmaceutical drugs and defective medical devices. Meghan has been involved in a variety of cases related to negligence, corporate misconduct and defective products, including cases involving Accutane®, Advair®/Serevent®, Avandia®, Fosamax®, Paxil® and Zicam®. She was appointed Negotiating Plaintiffs' Counsel in the Southern District of West Virginia by the Honorable Joseph R. Goodwin for purposes of settlement coordination and administration in *In re Digitek Products Liability Litigation*, a federal MDL involving people who suffered from digoxin toxicity allegedly caused by recalled Digitek®.

Meghan currently represents clients who have suffered from osteonecrosis and femur fracture cases allegedly related to the osteoporosis drug Fosamax®. Meghan currently represents clients who have been harmed by pelvic mesh/sling products. She has also represented women in national contraceptive litigation involving Mirena®, NuvaRing®, Yaz® and Yasmin®. Other cases she is involved in include Pradaxa®, Talcum Powder and Tylenol® litigation and laparoscopic power morcellation.

Meghan has experience in various other product liability actions. Early in her career, she represented victims and families affected by tragic events caused by hazardous consumer products, premise injuries and other incidents of negligence, including working on *In re Graniteville Train Derailment*.

At the University of South Carolina School of Law, Meghan was a research editor for the *South Carolina Law Review*, the chief justice of the University of South Carolina Moot Court Bar, and a member of the John Belton O'Neill Inns of Court. She was also appointed to the Order of the Wig and Robe and the Order of the Barristers. She received the Sherod H. Eadon Scholarship Award which is awarded to a student who exhibits outstanding ability in trial advocacy.

### ASSOCIATIONS:

**American Association for Justice**

**American Bar Association**

**South Carolina Association for Justice**

**South Carolina Bar Association**

**Charleston County Bar Association**

## Meredith Kay Clark

LICENSED IN: DC, LA, SC

ADMITTED TO PRACTICE BEFORE:

U.S. District Courts for the Eastern and Middle Districts of Louisiana, Northern District of Ohio, District of South Carolina, Western District of Wisconsin, and Southern District of Texas

EDUCATION:

J.D., Elon University School of Law, 2011

B.A., Elon University, 2008

Meredith Clark litigates for people suffering from mesothelioma and other asbestos-related diseases resulting from exposure in the workplace and secondhand exposure at home.

Meredith brings a solid understanding of the legal and factual issues critical to asbestos cases. She has coordinated the drafting and filing of hundreds of motions and responses related to the maritime docket (MARDOC) in *In re Asbestos Products Liability Litigation* (MDL 875), and has assisted on numerous other matters involving toxic exposure.

While attending the Elon University School of Law, Meredith volunteered as a student attorney with the Elon Humanitarian Immigration Law Clinic, where she represented refugees and asylum-seekers in citizenship and immigration hearings before the United States Customs and Immigration Services. She also gained experience as a law clerk for a North Carolina firm where she prepared documentation for social security disability insurance hearings before the Employment Security Commission.

Active in student organizations, Meredith was a Moot Court Board Member, a semi-finalist in the Intramural Moot Court Competition and recipient of the Best Team Brief award. She served as a member of the *Elon Law Review*, President of the Women's Law Association, and Founding Executive Vice President of the Family Law Society. In 2011, Meredith was the recipient of the National Association of Women Lawyers Outstanding Law Student Award.

### ASSOCIATIONS:

**American Association for Justice**

**American Bar Association**

**South Carolina Association for Justice**

**South Carolina Women Lawyers Association**

## Michelle C. Clerkin

LICENSED IN: NJ, NY

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the Southern and Eastern Districts of New York, and the District of New Jersey

EDUCATION:

J.D., Benjamin N. Cardozo School of Law, 2010

B.A., University of Michigan, 2006

Michelle Clerkin represents businesses, consumers, and others in complex antitrust litigation. She actively works to protect the rights of those harmed by violations of the federal and state antitrust laws, including price-fixing and monopolization.

Currently, Michelle is a member of litigation teams representing clients in class actions in federal courts around the country. Her diverse antitrust practice spans the pharmaceutical, financial and consumer product industries, including representing clients as a member of the Plaintiffs' Steering Committee in In re Chicago Board Options Exchange Volatility Index Manipulation Antitrust Litigation, pending in the Northern District of Illinois.

Michelle frequently moderates and speaks on panels concerning antitrust law including the following panels sponsored by the Antitrust Law Section of the New York State Bar Association:

- *Antitrust Plus Factors*, (February 27, 2019)
- *Becoming an Antitrust Attorney*, (February 20, 2019)
- *Why Antitrust?*, (June 20, 2018)
- *Antitrust in High-Speed: Colluding Through Algorithms and Other Technologies*, (January 8, 2018)
- *Becoming an Antitrust Lawyer*, (March 10, 2016)

Prior to joining Motley Rice, Michelle represented clients in complex antitrust, consumer protection, securities and commercial litigation matters, including a number of class actions, at other New York litigation firms.

While completing her legal studies, Michelle interned for the Federal Trade Commission's Northeast Regional Office and the U.S. Court of International Trade.

## AWARDS AND ACCOLADES:

**New York Metro Super Lawyers® Rising Stars** list  
2015–2019 Antitrust

## ASSOCIATIONS:

**American Bar Association**, Section of Antitrust Law  
**New York State Bar Association**, Antitrust Law Section,  
Executive Committee Member

## Dennis A. Costigan

LICENSED IN: MA, RI

EDUCATION:

J.D., Roger Williams University School of Law, 2013

B.A. *cum laude*, University of Rhode Island, 2009

Dennis Costigan litigates for patients suffering from the painful, life-altering injuries associated with allegedly faulty medical devices and works to hold accountable those responsible for inadequate product testing, research and warning.

While in law school, Dennis served as a legal intern with the Rhode Island Department of Health and Human Services performing detailed discovery and research into departmental legislation, including Medicare bankruptcy claims research. He also acquired research and writing experience as an intern at a Rhode Island law firm and as a law clerk for Motley Rice.

Dennis draws from a history of involvement in federal, state and local election campaigns, and was acknowledged with a CALI Excellence for the Future award in Judicial Behavior and Social Change during law school.

## Jessica C. Colombo

LICENSED IN: CT

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the Second Circuit, U.S. District Court for the District of Connecticut

EDUCATION:

J.D. *with high honors*, University of Connecticut School of Law, 2017

B.A. *cum laude*, State University of New York at New Paltz, 2014

Jessica Colombo works to deter misconduct and fraud by representing individuals and institutional investors in complex securities and consumer protection class actions. In addition, Jessica's practice includes representing whistleblowers in cases involving the False Claims Act. She also contributes to the firm's appellate practice.

Prior to joining Motley Rice, Jessica served as a law clerk to the Honorable Bethany J. Alvord of the Connecticut Appellate Court. She gained additional experience in complex consumer fraud and product liability litigation while serving as a Motley Rice law clerk in 2016. She also interned with the U.S. Attorney's Office for the District of Connecticut.

While completing her legal studies, Jessica served as Executive Editor of the *Connecticut Law Review*, a member of the Public Interest Law Group, and a volunteer with the International Refugee Assistance Project. She also represented criminal defendants in the University of Connecticut School of Law Criminal Trial Clinic. She received multiple CALI awards in Lawyering Process, Torts, Estate Plan/Tax Practice, and Trademark Law.

Jessica previously worked as a toll collector for the New York State Thruway Authority, where she was a member of the International Brotherhood of Teamsters, Local 72.

## ASSOCIATIONS:

**American Bar Association**  
**Connecticut Bar Association**



## **Sara O. Couch**

LICENSED IN: FL, SC

ADMITTED TO PRACTICE BEFORE: U.S. District Court for the Middle District of Florida, District of South Carolina

EDUCATION:

J.D., University of North Carolina School of Law, 2013

A.B., Duke University, 2009

Sara Couch contributes to litigation across several of the firm's practice areas, including defective medical devices, toxic exposure, consumer protection, tobacco, and the opioid crisis.

Having been a member of a number of trial teams with the firm, Sara has helped achieve multiple plaintiff verdicts for tobacco victims, in addition to contributing to a multi-million verdict for victims of toxic lead paint exposure.\*

Sara is also part of the opioid litigation team representing dozens of states, cities, towns, counties and townships in litigation targeting the alleged misrepresentation of harmful and addictive prescription opioids by manufacturers and distributors. She has additional experience representing women who've suffered devastating effects allegedly caused by defective medical products including Essure® permanent birth control and transvaginal mesh.

Prior to joining Motley Rice, Sara served as a law clerk with the North Carolina Department of Justice, where she researched and drafted briefs and memoranda regarding the False Claims Act and Stark Law for the North Carolina Medicaid Civil Enforcement Division. She also investigated allegations of healthcare fraud and presented findings to the division.

During law school Sara was a certified student practitioner with the University of North Carolina Civil Litigation Clinic. As a student practitioner, Sara represented clients in administrative hearings, obtaining successful outcomes and needed relief. She also represented several inmates in an action against the North Carolina prison system, conducting depositions and assisting in obtaining a preliminary injunction against the prison.

Sara also volunteered with Legal Aid of North Carolina, assisting advocates for Children's Services with a school-to-prison pipeline project by researching education policy issues, North Carolina case law and education data to be used in education litigation. Sara completed a total of 50 hours of pro bono service while a student at UNC School of Law.

Active in her community, Sara currently serves on the Board of Directors for East Cooper Habitat For Humanity, as well as Slow Food Charleston. Sara also is part of the Roper St. Francis Xavier Society, which supports Roper Rehabilitation Hospital. An avid rower, Sara was a varsity member of the NCAA Division-I Duke University's rowing team and is a classically trained pianist.

## **Natalie Deyneka**

LICENSED IN: SC, WV

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the Southern District of West Virginia

EDUCATION:

J.D. with honors, University of North Carolina School of Law, Chapel Hill, 2015

B.A., University of North Carolina, Chapel Hill, 2010

Through her efforts to help workers and workers' families suffering from asbestos-related diseases, Natalie Deyneka works to hold industries and corporations accountable through the civil justice system while also advocating for health and safety improvements in the workplace.

Natalie is involved in a number of asbestos-related cases, assisting in drafting motions and responses and conducting extensive research.

Before joining Motley Rice, Natalie interned with the Human Rights First Refugee Protection Program in New York and served as a regular volunteer at the Durham Crisis Response Center, focusing on assisting victims of domestic violence and sexual assault.

While at the University of North Carolina School of Law, Natalie served as president of the school's Immigration Law Association and served on the Carolina Student Legal Services' Board of Directors. She also volunteered as co-chair and logistics coordinator with the UNC Law student organization "The Conference on Race, Class, Gender and Ethnicity," where she helped organize a large-scale public conference to address social justice issues. She also served as a research assistant to UNC Law Professors Maxine Eichner and Deborah Weissman.

Natalie is fluent in her native Russian and speaks advanced French.

## **ASSOCIATIONS:**

Charleston County Bar Association

## **Elizabeth Cooke Elsner Counsel**

LICENSED IN: NC, SC

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the Middle, Eastern and Western

Districts of North Carolina and District of South Carolina

EDUCATION:

J.D. *cum laude*, University of South Carolina School of Law, 1999

B.A., University of North Carolina at Chapel Hill, 1995

Liza Elsner's practice ranges from helping clients injured by acts of corporate negligence to seeking improvements in worker and environmental health and safety. She was heavily involved in the firm's consultation work for South African human rights lawyer Richard Spoor in bringing historic litigation: seeking justice for tens of thousands of gold mine workers suffering from silicosis. Few class actions have been brought in South Africa, and the litigation was the first of its kind filed for sick workers in the country's history. A settlement was reached for injured miners and their dependents in May 2018, which if approved by the Court will provide meaningful compensation to thousands of gold mineworkers with silicosis.



Liza was also part of the team representing individual smokers and families of deceased smokers against tobacco manufacturers in the Engle-progeny litigation pending in Florida.

Liza redirected her career to plaintiffs' law after working several years with large defense firms. At Motley Rice, she has represented welders harmed as a result of corporate malfeasance and conducted client relations and trial preparation for welding rod cases. In 2008, Liza was a member of the trial team that obtained the first welding fume plaintiff verdict in Mississippi state court since 2003.

Liza has advocated for domestic violence victims' rights by participating in training programs and *pro bono* litigation. She served as articles editor for the *South Carolina Law Review* while a law student at the University of South Carolina School of Law and is a member of the Order of the Wig and Robe.

#### **AWARDS AND ACCOLADES:**

##### **Public Justice Foundation**

**2016** Trial Lawyers of the Year

#### **Ann E. Rice Ervin**

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the District of South Carolina

EDUCATION:

M.A., New York University, 2012

J.D., University of South Carolina School of Law, 2009

B.A., University of South Carolina, 2006

Ann E. Rice Ervin represents victims faced with unexpected health complications caused by harmful pharmaceutical drugs and defective medical devices. Through the pursuit of complex medical mass tort litigation, Ann works to hold accountable those responsible for corporate wrongdoing and inadequate product warning, research and testing.

Ann's advocacy for the vulnerable includes representing children who developed defects in utero after their mothers took Zofran® to treat pregnancy-related nausea and vomiting. She also represents patients who were diagnosed with melanoma after taking Viagra®, Cialis or other PDE5 Inhibitors to treat erectile dysfunction and pulmonary arterial hypertension, a type of blood pressure condition.

In addition, Ann has played an instrumental role in the firm's handling of pharmaceutical litigation regarding medical drugs Zolofit®, Lipitor® and Actos® as well as dialysis products GranuFlo® Powder and Naturalyte® Liquid acid concentrates.

Ann joined Motley Rice as an associate after first serving for two years as a law clerk for a New York plaintiffs' law firm while simultaneously earning a Master of Arts degree in Bioethics from New York University. As a law clerk, she gained experience conducting legal research and analysis for complex environmental litigation involving landfills, toxic spills, vapor intrusion and water contamination. The combination of her legal skills and knowledge of the bioethics field, specifically as it relates to the world of medicine, is an asset in litigation on behalf of medical clients.

While earning her bioethics degree, Ann interned with the Ethics Committee and Ethics Consultation Service at the Medical University of South Carolina, which she joined in 2012 as a Community Representative to help facilitate discussions among patients, families and hospital staff in an effort to resolve ethical conflicts. She continues to hold this position as a complement to her work in the legal field. In 2011 and 2012, Ann worked as a research assistant on an experimental philosophy study determining the role of bioethics in clinicians' moral reasoning, specifically examining clinicians at three Charleston hospitals. This project was ultimately chosen to be part of Yale University's Experiment Month contest.

During law school, Ann worked as an intern for Washington Governor Christine O. Gregoire. She also served as a summer special project research assistant with Duke University School of Law and focused her research on exploring whether the law imposes barriers or obligations to medical providers who wish to treat illegal immigrants for ethical reasons.

Ann currently serves as a faculty member at the Medical University of South Carolina as part of the distinguished Clinical and Translational Research Ethics Fellowship program, where she regularly speaks. She also has spoken regarding women's leadership in litigation, including being a part of the Women's Panel at Mass Torts Made Perfect. She has volunteered for organizations that include the Palmetto Health Richland Memorial Hospital, Relay-for-Life, Meals on Wheels, The Angel Tree and Project Clean Carolina. She also actively supports the Dee Norton Child Advocacy Center and the Medical University of South Carolina Children's Hospital. An equestrian since 1988 and national level competitor in the hunters/jumpers division since 1994, she has been ranked nationally in her division for the past 20 years.

#### **AWARDS AND ACCOLADES:**

**South Carolina Super Lawyers® Rising Stars** list

**2019** Personal injury-products: plaintiffs

#### **ASSOCIATIONS:**

**American Bar Association**

**American Association for Justice**

**South Carolina Association for Justice**

**Charleston County Bar Association**

**South Carolina Bar Association**



## **Rebecca A. Fonseca**

LICENSED IN: SC

EDUCATION:

J.D., Emory University School of Law, 2016

B.H.S. *magna cum laude*, University of Florida, 2013

Rebecca Fonseca represents communities impacted by groundwater contamination and other toxic exposures allegedly caused by the wrongful disposal of PFAS chemicals.

Rebecca is involved in multidistrict litigation alleging severe health complications and environmental harms associated with the use of firefighting Aqueous Film-Forming Foams (AFFF), which contain PFAS. She also litigates on behalf of Michigan communities against the 3M Company and Wolverine World Wide, Inc, for allegedly causing irreparable damage to the environment and human health through the manufacture and wrongful disposal of PFAS-containing products.

In addition to her toxic exposure casework, Rebecca is also involved in litigation regarding the alleged deceptive marketing and distribution of opioids.

While completing her legal studies, Rebecca served as a managing editor for the Emory Bankruptcy Developments Journal and interned for law firms in Atlanta and Miami where she conducted research related to medical malpractice and insurance claims. She served as a judicial intern to the Honorable Linda Ann Wells of Florida's Third District Court of Appeals, and worked as a compliance intern for a South Carolina health care provider network where she researched and monitored compliance with HIPAA and other federal healthcare regulations.

Rebecca is fluent in Spanish and French.

### **ASSOCIATIONS:**

**Charleston County Bar Association**

**Hispanic National Bar Association**

## **Max N. Gruetzmacher**

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the District of South Carolina

EDUCATION:

J.D., Marquette University Law School, 2008

B.A., University of Wisconsin-Madison, 2004

Max Gruetzmacher focuses his practice on securities and consumer fraud, representing large public pension funds, unions and other institutional investors in securities and consumer fraud class actions and shareholder derivative suits.

Max has represented numerous clients in a variety of complex civil litigation matters. He has substantial experience managing litigation discovery efforts and shaping e-discovery strategy, including drafting and negotiating sophisticated e-discovery protocols. Max is proficient in the use of predictive coding and other advanced analytic technologies and workflows.

Previously, he served as a legal intern during law school for the Wisconsin State Public Defender, Appellate Division, where he aided in appellate criminal defense and handled legal research and appellate brief writing projects.

### **ASSOCIATIONS:**

**South Carolina Bar Association**

**Charleston County Bar Association**

## **John (Rett) E. Guerry III**

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the District of South Carolina

EDUCATION:

J.D., University of South Carolina School of Law, 1993

B.A., College of Charleston, 1990

Charleston native Rett Guerry represents railroad and other industrial workers in personal injury, products liability and Federal Employers Liability Act (FELA) litigation. He currently manages the firm's FELA cases, representing workers in occupational injury lawsuits, including cases of exposure to asbestos, silica and chemical solvents. He is on the forefront of second injury FELA litigation, addressing the development of a second injury or disease in former FELA plaintiffs.

Rett litigates asbestos occupational exposure cases on behalf of individuals suffering from mesothelioma and other asbestos-related diseases. As Plaintiffs' Liaison Counsel for the Fulton County State Court Asbestos Consolidation in Georgia, Rett remains involved with the Fulton County asbestos docket, filing new cases, and working through the consolidation to trial. With more than 12 years of experience in asbestos litigation, his role as a trial lawyer and negotiator emphasizes the product identification aspect of occupational disease law and demonstrates an in-depth knowledge of the medical and scientific aspects of occupational disease.

Familiar with the life of an industrial worker, Rett served as a United States Coast Guard licensed tugboat captain prior to his law career, earning a commendation from the Department of the Navy for Meritorious Service to the Charleston Naval Shipyard during Hurricane Hugo. He is a published writer on maritime law and the author of *Maritime Wrongful Death: A Primer*, a piece published in The University of South Carolina School of Law's *South Carolina Journal of International Law and Business* that explores the potential legal options available to those injured in a maritime setting with specific reference to the High Seas Act, Jones Act, Longshoreman and Harbor Workers' Compensation Act and General Maritime Law.

Recognized as an AV<sup>®</sup> rated attorney in Martindale-Hubbell<sup>®</sup>, Rett is active in the local Charleston community as a member of the Hibernian Society and St. Paul's Lutheran Church. He served as a member of the Board of Directors for the Cougar Club at the College of Charleston from 2000 to 2006.

### **AWARDS AND ACCOLADES:**

**The Legal 500 United States**, Litigation edition

**2017** Mass tort and class action: plaintiff representation – toxic tort

**ASSOCIATIONS:**

**American Association for Justice**  
**American Bar Association**  
**Charleston County Bar Association**  
**South Carolina Association for Justice**

**Jennifer G. Guy**

LICENSED IN: AZ, GA, SC  
 EDUCATION:

J.D., The George Washington University School of Law, 1995  
 B.A., University of Colorado, Boulder, 1991

Jennifer Guy's casework crosses many of the firm's practice areas, including representing people and businesses impacted by environmental negligence, government entities seeking to advance public health interests, and patients who suffered complications caused by defective medical drugs and devices.

Jennifer is part of a team that represents dozens of states, cities, towns, counties and townships in litigation against several pharmaceutical drug manufacturers and distributors for the alleged deceptive marketing of highly addictive opioids. She also represents people and businesses affected by the BP Deepwater Horizon oil spill in the Gulf of Mexico.

As a former small business owner, Jennifer understands the complexities and personal investment involved in small business litigation. Before joining Motley Rice, she spent almost a decade as a consultant for a multi-service small business management company, working with a variety of businesses ranging from nonprofits to national software companies. She worked in product liability law and later as a financial consultant for a global wealth management provider. She also audited and monitored all business activities for compliance with National Association of Securities Dealers (NASD) and Securities and Exchange Commission (SEC) requirements for a privately held bank.

While attending law school, Jennifer was a member of the George Washington International Law Review and served as a law clerk for William T. Newman, Jr., Chief Judge of Virginia's 17th Circuit. She currently volunteers her time as a mentor with the Cherie Blair Foundation, a non-profit seeking to empower women through entrepreneurship and financial independence.

**ASSOCIATIONS:**

**Georgia State Bar Association**  
**American Association for Justice**  
**South Carolina Bar Association**

**Sarah T. Hansel**

LICENSED IN: NJ, NY, PA

ADMITTED TO PRACTICE BEFORE: U.S. District Court for the Eastern District of Pennsylvania and the District of New Jersey  
 EDUCATION:

J.D. *magna cum laude*, New York Law School, 2013  
 B.F.A., New York University, 2008

Sarah Hansel represents clients in complex environmental, consumer, pharmaceutical and medical device litigation. Much of her practice centers on litigating cases in state and federal trial and appellate courts for individuals and communities impacted by toxic environmental exposures.

Sarah is actively involved in the firm's representation of thousands of individuals in Flint, Mich., who were significantly harmed after their drinking water was contaminated with lead and other harmful substances. She has also taken a lead role in the firm's representation of several communities in Kent County, Mich., following the contamination of their drinking water with per- and poly-fluoroalkyl substances. Clients have described her as thoughtful, kind, and hardworking.

Prior to joining Motley Rice, Sarah worked as an associate for a New Jersey law firm where she represented plaintiffs across the country in a variety of complex matters, with an emphasis on environmental litigation and claims against pharmaceutical and medical device manufacturers. At the onset of her legal career, Sarah clerked for the Honorable Joel H. Slomsky, U.S. District Judge for the Eastern District of Pennsylvania. She also worked for an international law firm where she represented Fortune 500 companies in labor, employment, commercial and data breach litigation.

A frequent public speaker, Sarah has contributed to legal conferences and seminars across the country on matters related to employment law and toxic exposure. Active in her community, Sarah currently serves as an appointed Election Board Official in Philadelphia, Vice President of the Philadelphia Young Democrats and was a 2018 Philadelphia New Leaders Council Fellow.

**ASSOCIATIONS:**

**American Association for Justice** 2018 AAJ Leadership Academy

**Public Justice Foundation** Case Development Committee

\*Motley Rice LLC, a South Carolina Limited Liability Company, is engaged in the New Jersey practice of law through Motley Rice New Jersey LLC. Esther Berezofsky attorney responsible for New Jersey practice.



## Andrew D. Harris

LICENSED IN: SC

EDUCATION:

J.D., Charleston School of Law, 2014

B.A., University of North Carolina, Chapel Hill, 2011

Andrew Harris works directly with injured workers and their families regarding asbestos, work-related injuries, and toxic exposure, including guiding clients through complicated bankruptcy trust claims for victims of asbestos-related diseases.

Andrew practiced at a North Carolina firm where he assisted with corporate transactions between Fortune 500 companies prior to joining Motley Rice.

He gained early experience through a number of legal clerkships at firms in the Charleston, S.C., area, assisting with malpractice defense cases, property transactions, and various mass tort multidistrict litigations, and donated his time during law school helping others through the Charleston Pro Bono Legal Services.

### ASSOCIATIONS:

Charleston County Bar Association

## Lee M. Heath

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE: U.S. District Court for the District of South Carolina

EDUCATION:

J.D., University of South Carolina School of Law, 2005

M.S., Medical University of South Carolina, 1997

B.S., College of Charleston, 1995

Lee Heath represents victims who have suffered catastrophic injuries caused by vehicle defects, commercial and industrial equipment, work site injuries, vehicle accidents, medical malpractice as well as victims affected by corporate misconduct and consumer fraud.

Her casework includes furthering litigation for people allegedly harmed by defective airbags manufactured by Takata and others. She represents people who have been harmed by shrapnel from exploding airbags, as well as those injured when an airbag failed to deploy. She is also involved in cases where the airbag deployed in a manner that caused unexpected injuries, including leg injuries from knee airbags in Toyota and Lexus vehicles. Additionally, she represents consumers in a class action for owners of Volkswagen and Audi vehicles who allege they were victims of odometer fraud, and illegally sold pre-production vehicles that the manufacturers claimed were certified pre-owned. She also represents Volkswagen and Audi owners who experienced engine damage allegedly caused by timing chain tensioner defects.

Prior to joining Motley Rice, Lee worked on cases related to construction defects at a South Carolina firm. She also contributed to complex environmental litigation, including serving as a law clerk for the Department of Health and Environmental Control.

She worked for several years as a project manager over multi-million dollar accounts for a South Carolina-based chemistry and radiochemistry testing laboratory before pursuing a career in law.

### ASSOCIATIONS:

American Association for Justice

South Carolina Association for Justice

Attorneys Information Exchange Group

## Robert C. "Trey" Henderson III

LICENSED IN: NC, SC

EDUCATION:

J.D., Wake Forest University School of Law, 2014

B.A. *magna cum laude*, University of South Florida, 2010

Trey Henderson works closely with injured workers and families to file bankruptcy trust claims seeking justice for victims of asbestos-related diseases.

He also helps file claims through the U. S. Victims of State Sponsored Terrorism Fund on behalf of foreign terror victims. He has additional experience contributing to securities litigation that ultimately recovered \$140 million for shareholders who allege they suffered losses due to corporate misconduct.

Prior to joining Motley Rice, Trey completed a number of internships and legal clerkships in North Carolina while completing his legal studies, where he drafted necessary documents for real estate transactions, provided guidance to local businesses to resolve contract disputes, and provided litigation support for a Fortune 500 bank. He also served as Articles Editor for the *Journal of Business and Intellectual Property* while pursuing his law degree.

## Kristen M. Hermiz

LICENSED IN: MA, RI, SC

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the Northern District of Ohio, District of Rhode Island, District of South Carolina

EDUCATION:

J.D., *magna cum laude*, Roger Williams University School of Law, 2010

B.A., *magna cum laude*, University of Connecticut, 2007

Kristen Hermiz represents individuals and families suffering from mesothelioma and other asbestos-related diseases caused by occupational, environmental and household asbestos exposure. On behalf of asbestos victims, she handles complex litigation against manufacturers, property owners and contractors who sold or installed defective or hazardous asbestos-containing products.

Prior to joining Motley Rice, Kristen gained courtroom experience as an associate for a Rhode Island-based firm, arguing motions in various civil actions on behalf of the city of Providence and handling housing, zoning, employment and civil rights litigation. She gained additional experience as a law clerk at Brown University, where she prepared memoranda for counsel regarding legal and administrative issues affecting the University.



A Roger Williams Scholarship recipient and CALI Award winner, Kristen served as a member of *The Roger Williams University Law Review* and was a legal intern for the Honorable Daniel A. Procaccini of the Rhode Island Superior Court. Also a judicial extern for the Honorable Jacob Hagopian of the U.S. District Court for the District of Rhode Island, Kristen drafted judicial reports and made recommendations for *pro se* prisoner petitions. She additionally served as a research assistant to law professor Edward Eberle before serving in the same capacity to retired Rhode Island Superior Court Justice Stephen Fortunato, conducting statutory and case law research for a constitutional law manuscript involving race, poverty, gender discrimination and civil rights reform efforts.

#### ASSOCIATIONS:

**Rhode Island Bar Association**

#### **Ashley J. Hornstein**

LICENSED IN: RI

EDUCATION:

J.D., Roger Williams University School of Law, 2012

B.A., University of Kansas, 2008

Ashley Hornstein represents people and families suffering from mesothelioma and other asbestos-related diseases caused by occupational, environmental and household asbestos exposure, as well as victims of lead poisoning and other toxic environmental exposures.

Ashley began working with Motley Rice as a law clerk in 2010, supporting various trial teams in their efforts to hold major corporations accountable. She contributed legal research and case preparation for litigation against C.R. Bard claiming defective medical devices, and Georgia-Pacific for claims of asbestos-related diseases caused by asbestos exposure.

In 2013, Ashley joined the firm as an attorney focusing on illnesses and injuries caused by toxic exposure.

#### ASSOCIATIONS:

**American Association for Justice**

**Rhode Island Association for Justice**

**Rhode Island Bar Association**

**Rhode Island Women's Bar Association**

#### **Shalom D. Jacks**

LICENSED IN: SC

EDUCATION:

J.D., University of South Carolina School of Law, 2015

B.B.A., Brenau University, 2007

Shalom Jacks seeks justice for workers and families who are battling debilitating occupational illnesses, including mesothelioma and other asbestos-related diseases, as well as severe workplace injuries caused by corporate negligence and malfeasance.

Specifically, Shalom advocates for victims of asbestos-related diseases by helping clients navigate requirements in complex bankruptcy claim audits.

Prior to joining Motley Rice, Shalom gained legal experience as an extern for the 11th Circuit Public Defender's Office in Lexington, S.C., where she performed legal research and discovery for a variety of criminal proceedings. She served as an intern for U.S. District Judge Richard Gergel, for the District of South Carolina. Shalom also gained experience in matrimonial law as an intern with a law firm in Summerville, S.C.

While pursuing her legal studies, Shalom advocated for victims of domestic violence as a member of Voices Against Violence, an American Bar Association Young Lawyers Division program.

In addition to her work with Motley Rice, Shalom investigates claims of dishonest conduct as a member of the Lawyer's Fund for Client Protection of the South Carolina Bar and helps obtain compensation for victims. She also serves as an advocate for neglected and abused children as a Guardian Ad Litem.

#### ASSOCIATIONS:

**American Bar Association**

**South Carolina Bar Association**, Lawyer's Fund for Client Protection

**Charleston County Bar Association**

#### **Rebecca E. Jacobs**

LICENSED IN: SC

EDUCATION:

J.D. with honors, Charleston School of Law, 2014

B.A., Furman University, 2010

Rebecca Jacobs focuses her practice on managing discovery efforts and implementing e-discovery best practices in large-scale antitrust, whistleblower, securities, and consumer fraud class actions. She also develops and manages teams that perform research and conduct document discovery for the firm.

Rebecca's casework includes assisting in antitrust litigation against Keurig Green Mountain, Inc., alleging a monopoly of single-serve coffee brewers and cups compatible with those brewers. She is also actively involved in various class actions against health insurers for drug and equipment overcharges.

Rebecca has been working with Motley Rice since 2015, where she leverages advanced processing and review technologies to increase efficiencies in cases with complex e-discovery. Rebecca was a member of the team that represented institutional investors as lead counsel in *In re Barrick Gold Securities Litigation*, which reached a \$140 million settlement for shareholders.\* She has also contributed to discovery in securities fraud litigation against St. Jude Medical, Inc. and Conn's Inc.

Rebecca worked as a legal assistant and paralegal in Charleston while pursuing a law degree. She has also completed numerous *pro bono* hours with programs including Volunteer Income Tax Assistance as well as Adult Guardianship Assistance and Monitoring.

#### ASSOCIATIONS:

**South Carolina Women Lawyers Association**

**South Carolina Bar Association**

**Charleston County Bar Association**



## **Annie E. Kouba**

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the District of South Carolina

EDUCATION:

J.D., University of North Carolina School of Law, 2016

M.S.W., University of North Carolina School of Social Work, 2016

B.A., *magna cum laude*, Lenoir-Rhyne University, 2012

Annie Kouba represents institutional investors in securities fraud and shareholder litigation as well as public clients and government entities.

Annie is also a part of Motley Rice's team of attorneys that represents dozens of states, cities, towns, counties and townships in the National Prescription Opiate Multidistrict Litigation against opioid manufacturers and distributors for alleged deceptive marketing and other business practices that contributed to the opioid crisis. Additionally, she represents several municipalities in litigation against multiple large telecommunications companies for alleged under-billing and under-remittance of 911 fees those municipalities depend upon to fund their emergency systems.

Prior to joining Motley Rice, Annie interned with the North Carolina Department of Justice in the Health and Human Services Division where she drafted criminal briefs for the N.C. Court of Appeals and N.C. Supreme Court, and assisted the president of the American Association of Public Welfare Attorneys. She also interned with the EMILY's List Political Opportunity Program and has worked as a *voir dire* consultant.

Annie concentrated in Community, Management, and Policy Practice at the University of North Carolina's School of Social Work Master's program where she specialized in the intersection of public policy and the law. Through a practicum with the program, Annie interned with the Compass Center for Women and Families in the Financial Literacy Education Program, where she served as a certified counselor with The Benefit Bank.

While pursuing her studies at the University of North Carolina School of Law, Annie served as a published staff member on the *First Amendment Law Review* and as vice president of the Carolina Public Interest Law Organization. She also contributed more than 100 hours in the Pro Bono Program there, through which she prepared tax returns for low-income citizens and researched and provided social work policy and legal perspective related to minors' rights after sexual assault for a guidebook from the NC Coalition Against Sexual Assault.

Annie serves on the board of the Green Heart Project, a volunteer-assisted service-learning organization connecting children living in food deserts with school gardens, healthy produce, and mentors.

### **ASSOCIATIONS:**

**American Association for Justice**, Political Action Committee Task Force

**South Carolina Association for Justice**

## **W. Taylor Lacy**

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the Second Circuit, U.S. District Court for the Western District of Arkansas and the District of South Carolina

EDUCATION:

J.D., University of South Carolina School of Law, 2006

B.A., University of Virginia, 2003

Taylor Lacy focuses his practice on catastrophic injury, and products liability litigation against diverse corporate defendants.

Taylor began representing Deepwater Horizon oil spill victims shortly after the disaster occurred in 2010, and he has helped victims recover losses through the claims programs established by the two settlements reached with BP.

Taylor also litigates on behalf of victims hurt by defective consumer products, fires and premises liability incidents, catastrophic motorcycle, automotive and trucking collisions, as well as occupational accidents. He recently served as part of a team that secured a jury verdict against SAR Automation, L.P. for \$8.8 million in the wrongful death of a worker who fell at a Boeing facility leaving behind a widow and two small children.

As a law student, Taylor served as student research editor of the *A.B.A. Real Property, Trust & Probate Journal*, received multiple CALL awards and was inducted into the Order of the Wig and Robe. He studied comparative law and history at University College, Oxford, and The University of Virginia, and transnational dispute resolution at Gray's Inn in London. Taylor was a research assistant and student editor for Carolina Distinguished Professor of Law David G. Owen, assisting with the final preparations of Professor Owen's *Products Liability Law* treatise.

### **ASSOCIATIONS:**

**American Association for Justice**

**American Bar Association**

**Charleston County Bar Association**

**South Carolina Association for Justice**

## **Temitope O. Leyimu**

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the District of South Carolina

EDUCATION:

J.D., University of Virginia School of Law, 2013

B.A. *with honors*, University of Central Florida, 2009

Tope Leyimu focuses her practice on people and families whose lives have been affected by catastrophic injuries or death as a result of corporate wrongdoing, occupational hazards and environmental negligence. She is also actively involved in the firm's asbestos litigation involving victims of mesothelioma and other asbestos-related diseases.

While a law student at the University of Virginia School of Law, Tope interned with the Legal Aid Justice Center of Charlottesville, Va., and participated in the family mediation clinic mediating disputes between parties. Tope worked as a law clerk at a firm in the Jacksonville, Fla., area, where she gained experience drafting legal memoranda, complaints and pre-trial motions on evidentiary issues. She also helped prepare for mediations involving probate and products liability issues stemming from wrongful death cases.

Tope served as a Lile Moot Court Competitor at the University of Virginia School of Law, and also served on the board of the *Virginia Sports and Entertainment Law Journal*, as the President of Phi Alpha Delta, the Vice President of Communications of ABLE (Action for a Better Living Environment), and on the Policy Council for the Black Law Student Association.

Active in her community, Tope serves on the board for Charleston Habitat for Humanity, as well as the Board of Directors for HALOS, an organization which provides support and advocacy to abused and neglected children and kinship caregivers. She also serves on the board of the Green Heart Project, a volunteer-assisted service-learning organization that integrates school farms as outdoor classrooms and connects students to fresh, healthy, locally-grown produce. She is also the Chair of the Women's Caucus for the South Carolina Association for Justice. Previously, she volunteered with the Virginia Innocence Project Student Group, a student legal research group that assists with the investigation and screening of cases involving prisoners convicted of serious crimes where cognizable claims of actual innocence exist.

#### **AWARDS AND ACCOLADES:**

**South Carolina Super Lawyers® Rising Stars** list  
2017–2019 Personal injury–general: plaintiff

**South Carolina Bar Leadership Academy**  
Class of 2018

#### **ASSOCIATIONS:**

**American Association for Justice**  
**American Bar Association**  
**South Carolina Association for Justice**, Chair – Women's  
Caucus  
**South Carolina Bar Association**

#### **Miles Loadholt Of Counsel**

LICENSED IN: SC  
EDUCATION:

J.D., *cum laude*, University of South Carolina School of Law,  
1968

B.S., University of South Carolina, 1965

Miles Loadholt has practiced law for over four decades in the areas of occupational disease, worker safety and business litigation. He has worked with Motley Rice attorneys on occupational injury and asbestos litigation since the early 1970s, representing victims of asbestos, radiation and beryllium exposure. He has also represented

workers suffering from hearing loss caused by exposure to loud machinery on the job and managed hundreds of workers' compensation cases. Additionally, Miles has practiced business litigation including contract disputes and business torts.

A longtime advocate of higher education, Miles was elected chairman of the University of South Carolina Board of Trustees in January 2009. With more than 12 years of service on the Board, Miles is planning for the institution's future capital campaign and building endowments. His involvement with the University of South Carolina and higher education programs includes his appointment to the South Carolina Commission on Higher Education by Governor Jim Hodges, serving as a member of the Western Carolina Higher Education Commission and more than 20 years on the Executive Committee of the Gamecock Club.

For his contributions to education in South Carolina, Miles received the Order of the Palmetto in 2002, the highest civilian honor in the state. His portrait can be found in the law library of the University of South Carolina's School of Law as recognition for his generosity and service.

Miles earned a Bachelor of Science and Juris Doctor from the University of South Carolina. As a law student, he was on the editorial board of the *South Carolina Law Review* and was a member of Phi Delta Phi and the Society of Wig and Robe.

Miles is recognized as an AV® rated attorney by Martindale-Hubbell®.

#### **ASSOCIATIONS:**

**American Association for Justice**  
**American Bar Association**  
**Barnwell County Bar Association**  
**South Carolina Association for Justice**

#### **Charlotte E. Loper**

LICENSED IN: SC  
EDUCATION:

J.D. *cum laude*, Wake Forest School of Law, 2019

B.A. *magna cum laude*, University of South Carolina, 2016

Charlotte Loper represents individuals and businesses in class actions and complex litigation involving consumer protection, general commercial issues, and securities fraud.

Her casework includes litigating on behalf of a class of more than a million tax return preparers who allege the IRS charged unauthorized user fees for the issuance and renewal of preparer tax identification numbers, (*Steele v. United States*, Case No. 1:14-cv-1523-RCL). She also represents patients who allege their insurance provider engaged in a fraudulent scheme to overcharge for needed medical services and products while knowingly pocketing the difference.

Charlotte previously worked as an intern for South Carolina's 14<sup>th</sup> Circuit Solicitor's Office, assisting with trials and motions in General Sessions and Magistrate Court. While completing her legal studies, she worked as a research assistant for Wake Forest law professor Kami Chavis on topics including the intersection of technology and law, and racial bias in jury selection.





Charlotte served as the Executive Articles Editor for the *Wake Forest Journal of Business and Intellectual Property Law* and was a member of Moot Court, in addition to being a CALI Award recipient, and winner of the Dean Reynolds Award of Excellence, among other honors and recognitions.

#### **ASSOCIATIONS:**

American Bar Association  
South Carolina Bar Association  
Charleston County Bar Association

#### **P. Graham Maiden**

LICENSED IN: SC, MT, OH

#### **EDUCATION:**

J.D., Charleston School of Law, 2011  
B.S., College of Charleston, 2007

Graham Maiden represents victims and family members who have suffered due to negligence, dangerous products, and corporate misconduct in domestic and international cases. His practice is wide-ranging and includes product liability, anti-terrorism, occupational disease, sexual assault, catastrophic injury and medical drugs and devices.

Graham is part of the litigation and trial team representing individual smokers and families of deceased smokers against tobacco manufacturers in the Engle-progeny litigation pending in Florida. In addition, he represents workers and families suffering from mesothelioma and other asbestos-related diseases as a result of occupational, environmental or household exposure to asbestos, as well as workers who suffer from "popcorn lung" and other ailments caused by toxic flavoring chemicals. Graham has also assisted the team consulting with South African human rights lawyer Richard Spoor in his efforts to seek justice for exploited gold mine workers suffering from silicosis.

Graham has also worked on behalf of victims of sexual assault and battery at private boarding schools and against individual offenders. In addition to working on a wide variety of catastrophic personal injury cases, Graham has contributed to cases filed on behalf of clients injured by Takata airbags.

Graham previously supported the firm's work in *Linde v. Arab Bank*, historic litigation filed by victims of terrorist bombings in Israel against Arab Bank for its alleged role in financing Hamas and other Israeli terrorist organizations. The case marked the first time that a financial institution was brought to trial under the Anti-Terrorism Act. He assisted with the parallel suit for non-U.S. citizens, *Jesner v. Arab Bank*, which was heard by the U.S. Supreme Court under the Alien Tort Statute regarding violations of customary international law by foreign corporations.

Graham joined Motley Rice as an associate after first serving as a summer law clerk for the firm, during which time he supported litigation on behalf of people and businesses seeking to hold BP and other corporate defendants accountable for the BP oil spill.

While in law school, Graham held an internship with the Beverly Hills Sports Council, a California-based Major League Baseball player agency, where he handled research and writing projects, as well as salary arbitration preparation. Graham also brings valuable business experience to Motley Rice, having previously worked for a large real estate and development company assisting with the development and management of hotels and restaurants across the country.

A former collegiate athlete at the College of Charleston, Graham played baseball and proudly represented his school as a member of the All-Southern Conference Team in 2007.

#### **ASSOCIATIONS:**

**American Association for Justice**  
**South Carolina Association for Justice**  
**South Carolina Bar Association**  
**Charleston Bar Association**

#### **Michaela Shea McInnis**

LICENSED IN: MA, NY, RI

#### **EDUCATION:**

L.L.M., Boston University School of Law, 1985  
J.D., Suffolk University Law School, 1980  
B.A., Providence College, 1977

Michaela McInnis represents individuals, states, cities and other municipalities in environmental litigation involving harmful exposure to lead paint and other sources of environmental contamination.

Michaela began working with Motley Rice more than a decade ago, and, for the past several years, has represented clients injured by medical devices in multidistrict litigation and state court actions. She has worked on all aspects of the litigation including bankruptcy issues arising in the litigation and settlement of mass tort cases.

Michaela was a member of the trial team in the State of Rhode Island's landmark lead paint suit against the lead pigment industry, conducting discovery and overseeing the case management order. Her practice also includes toxic tort work, including cases of personal injury, property damage and economic loss as a result of water or land contamination. Michaela also represented more than 100 residents of Tiverton, R.I., against a major utility company for environmental contamination of residential property.

Michaela began her legal career as an attorney with the appellate staff of the Rhode Island Supreme Court, later transitioning to a diverse tax practice in New York. Her legal work extended outside of the office as a volunteer for the IRS Volunteer Income Tax Assistance and Tax Counseling for the Elderly programs in Rhode Island. Additionally, Michaela volunteered for several years with the Ethics Committee of the Visiting Nurse Association of Newport County, where she offered case reviews and guidance to the staff of the VNA regarding ethical issues.

A former adjunct professor at the University of Rhode Island, Michaela has taught both undergraduate and graduate level courses on the American legal system and constitutional law. She is a former law clerk for the Honorable Joseph R. Weisberger of the Rhode Island Supreme Court.

#### **ASSOCIATIONS:**

**American Association for Justice**  
**Rhode Island Association for Justice**

#### **Nathaniel L. McMurry**

LICENSED IN: SC, TN

#### **EDUCATION:**

J.D., Charleston School of Law, 2012

B.S., Washington and Lee University, 2006

Nathaniel McMurry champions causes affecting workers and their families, such as corporate negligence leading to occupational diseases, and severe workplace injuries.

In particular, Nate helps asbestos victims, families and co-counsel file bankruptcy trust claims for numerous trust facilities established for the victims of asbestos-related diseases. He also represents patients who've suffered life-altering injuries and complications caused by defective medical drugs and devices.

Prior to joining Motley Rice, Nate served as an associate attorney for multiple Tennessee law firms where he represented clients in estate planning, audits, and tax disputes heard by the U.S. Tax Court, IRS, and Tennessee Department of Revenue. While completing his legal studies, Nate gained additional experience as an extern for the legal department of a global software supplier, and as a judicial intern for Probate Judge Irvin G. Condon for Charleston County, S.C.

Nate's approach to the law is further strengthened by his prior business experience, including consulting clients on economic trends and investment strategies as a financial advisor for a global wealth management organization, as well as analyzing data and evaluating bid proposals as a project management assistant for a Tennessee construction company before he pursued a legal career.

#### **ASSOCIATIONS:**

**Charleston County Bar Association**

#### **Kate E. Menard**

LICENSED IN: MA, NY, RI

#### **ADMITTED TO PRACTICE BEFORE:**

U.S. District Court for the District of Rhode Island

#### **EDUCATION:**

J.D. *magna cum laude*, Roger Williams University School of Law, 2011

B.A. *magna cum laude*, Quinnipiac University, 2008

Katie Menard is committed to helping people harmed by allegedly defective medical devices, including women suffering from painful and serious injuries caused transvaginal mesh and pelvic mesh devices.

Katie initially joined Motley Rice as a law clerk in 2013, providing support to the medical device litigation team, including preparing motions, evaluating client records, and preparing for trials and settlements.

As a law student at Roger Williams University School of Law, Katie was a research assistant to Professor Kathleen Miller, a judicial extern for the Honorable Chief Justice Paul A. Suttell and an intern in the Special Prosecutions Division of the Westchester County District Attorney's Office in New York. After graduation, she worked for the Rhode Island Supreme Court Law Clerk Department, where she served as the sole law clerk to the Honorable Stephen P. Nugent of the Rhode Island Superior Court. She was also a research assistant to Chief Justice Frank J. Williams (Ret.).

A *magna cum laude* graduate and scholarship recipient, Katie was recognized with the CALI Excellence award as the highest scoring student in Legal Methods I, Advanced Criminal Procedure and Private International Law. Additionally, she served as a member of the *Roger Williams University Law Review* and published two papers, "The Impact of Pretrial Publicity on an Indigent Capital Defendant's Due Process Right to a Jury Consultant" and a survey of Rhode Island Law concerning *City of East Providence v. Int'l Ass'n of Firefighters Local*.

#### **ASSOCIATIONS:**

**Rhode Island Bar Association**

#### **Chelsea L. Monroe**

LICENSED IN: SC

#### **ADMITTED TO PRACTICE BEFORE:**

U.S. District Court for the District of South Carolina

#### **EDUCATION:**

J.D., Wake Forest University School of Law, 2016

B.A. *cum laude*, University of South Carolina, 2011

Chelsea Monroe represents victims of defective medical devices, as well as families and communities harmed by toxic exposure.

Specifically, Chelsea's casework includes furthering litigation for thousands of women who suffered severe, life-altering effects after receiving permanent birth control device Essure®. She also contributes to complex litigation filed against manufacturers of lead paint pigment who are alleged to have caused health and developmental problems in countless children.

Prior to joining Motley Rice, Chelsea gained valuable litigation experience in the areas of medical malpractice, products liability, and premises liability through her work as an attorney for general practice and business defense firms in South Carolina.

A former Motley Rice law clerk, Chelsea also completed a number of legal clerkships and internships while completing her law degree, including assisting with criminal cases for Forsyth County's District Attorney's Office and advocating for children in Forsyth County Family Court. Additionally, Chelsea was a law clerk for Greenville Health System, the largest health system in South Carolina, where she participated in a multidisciplinary team due diligence effort for an acquisition of a hospital system.



## ASSOCIATIONS:

American Association for Justice  
 American Bar Association  
 South Carolina Bar Association  
 Charleston County Bar Association

## Christopher F. Moriarty

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the First, Second, Third, Fifth, and Tenth Circuits; U.S. District Court for the District of Colorado, the Northern District of Illinois, the Eastern District of Michigan, and the District of South Carolina

EDUCATION:

J.D., Duke University School of Law, 2011

M.A., Trinity College, University of Cambridge, 2007

B.A., Trinity College, University of Cambridge, 2003

Christopher Moriarty litigates securities fraud, corporate governance, and other complex class action litigation in the U.S. and counsels institutional investors on opportunities to seek recovery in securities-related actions in both the U.S. and internationally. His practice encompasses every aspect of litigation, from case-starting to settlement.

Notable securities fraud class actions include:

- *In re Barrick Gold Securities Litigation*, No. 13-cv-03851 (S.D.N.Y.) (\$140 million recovery\*) (sole lead counsel);
- *City of Brockton Retirement System v. Avon Products, Inc.*, 11 Civ. 4655 (PGG) (S.D.N.Y.) (\$62 million recovery\*) (sole lead counsel);
- *Hill v. State Street Corp.*, No. 09-cv-12136-GAO (D. Mass.) (\$60 million recovery\*) (co-lead counsel);
- *In re Hewlett-Packard Co. Securities Litigation*, No. 11-cv-1404 (RNBx) (C.D. Cal.) (\$57 million recovery\*) (co-lead counsel);
- *KBC Asset Mgmt. v. 3D Sys. Corp.*, No. 15-cv-02393-MGL (D.S.C.) (\$50 million recovery\*) (co-lead counsel);
- *Första AP-Fonden and Danske Invest Management A/S v. St. Jude Medical, Inc.*, No. Civil No. 12-3070 (JNE/HB) (D. Minn.) (\$39.25 million recovery\*) (co-lead counsel);
- *Ross v. Career Education Corp.*, No. 12-cv-00276 (N.D. Ill.) (\$27.5 million recovery\*) (co-lead counsel);
- *KBC Asset Mgmt. NV v. Aegerion Pharms., Inc.*, No. 14-cv-10105-MLW (D. Mass.) (\$22.25 million recovery\*) (co-lead counsel).

Christopher represents investors in shareholder derivative litigation, including in *In re Walgreen Co. Derivative Litigation*, No. 13-cv-05471 (N.D. Ill.) (securing corporate governance reforms to ensure compliance with the Controlled Substances Act\*); antitrust class actions, including *In re Libor-Based Financial Instruments Antitrust Litigation*, No. 11-md-02262-NRB (S.D.N.Y.) (pending); and whistleblowers in proceedings before the U.S. Securities and Exchange Commission. His practice extends to securities-related litigation in several foreign jurisdictions, including England, France, and the Netherlands.

While in law school, Christopher was a member of the Moot Court Board, served as an Executive Editor of the *Duke Journal of Constitutional Law and Public Policy*, and taught a course on constitutional law to LL.M. students. Christopher has also drafted *amicus curiae* briefs in numerous constitutional law cases before the U.S. Supreme Court (which has cited his work) and the federal courts of appeal.

Christopher was called to the Bar in England and Wales by the Honourable Society of the Middle Temple.

## AWARDS AND ACCOLADES:

**South Carolina Super Lawyers® Rising Stars list 2016-2019** Securities litigation

## ASSOCIATIONS:

South Carolina Association for Justice

American Bar Association

South Carolina Bar Association

Charleston County Bar Association

## John David O'Neill

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the District of South Carolina

EDUCATION:

J.D., University of South Carolina School of Law, 2013

B.S., Clemson University, 2008

John David O'Neill focuses his litigation efforts on catastrophic injury, products liability, automotive defect, and wrongful death cases. With a background in engineering, John brings a technical approach to case review and analysis.

In particular, John is heavily involved in vehicle defect cases alleging injuries caused by defective Takata airbags.

John has consulted as an engineer on projects involving manufacturing, transportation, institutional, municipal and residential construction. Prior to attending law school, he was a lead manufacturing engineer with an international aerospace corporation where he was responsible for planning repairs for damaged parts and other components that did not meet specifications.

John was also a member of the engineering team that performed quality inspections of structural installations on behalf of the S.C. DOT on the Arthur Ravenel Jr. Bridge in Charleston, S.C., one of the longest cable-stayed bridges in North America. John was formerly a South Carolina property attorney, having worked on construction defect claims, negotiated commercial property deals in Charleston, and provided representation in Circuit Court and Municipal Court on criminal and civil matters.

## ASSOCIATIONS:

South Carolina Bar Association

American Society of Civil Engineers

## Jacob Onile-Ere

LICENSED IN: NY

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the Southern and Eastern Districts of New York

EDUCATION:

J.D., Benjamin N. Cardozo School of Law, 2017

L.L.B., The University of Lagos, 2012

Jacob Onile-Ere litigates alleged violations of federal and state antitrust and consumer protection laws in order to protect businesses and consumers from price-fixing, pay-for-delay schemes, monopolization and other misconduct that hinders market competition.

Jacob represents clients in several complex cases, including class actions alleging price-fixing of interchange fees by Visa, MasterCard and their member banks, alleged anti-competitive conduct by coffee and beverage company Keurig Green Mountain, Inc., and various alleged anti-competitive pay-for-delay schemes involving generic drugs.

Prior to joining Motley Rice and admission to the New York Bar, Jacob gained experience in immigration law while completing a fellowship program at Brooklyn Defender Services' Immigration Practice Unit. He also served in New York City's housing court as a judicial intern for Judge Cheryl Gonzales while completing his legal studies at the Benjamin N. Cardozo School of Law. Additionally, while in law school Jacob assisted clients in immigration defense and advocacy at Cardozo's Immigration Justice Clinic, advocated for the indigent through the school's Unemployment Action Center and served as a legal intern at the National Center for Law and Economic Justice. He also served as a research assistant for the Dean of Cardozo, Melanie Leslie, and as a Staff Editor of the *Cardozo Journal for Conflict Resolution*.

### ASSOCIATIONS:

**American Association for Justice**

**New York State Bar Association**, Antitrust Law Section

**New York City Bar Association**

## Andrew W. Patterson

LICENSED IN: SC

EDUCATION:

J.D., Charleston School of Law, 2013

B.A. cum laude, Hampden-Sydney College, 2008

Andrew Patterson assists people suffering from mesothelioma and other life-threatening lung diseases caused by asbestos exposure.

Andrew works with clients, claimants and co-counsel to submit bankruptcy trust claims to the numerous trust facilities established for the victims of asbestos-related diseases.

Prior to joining Motley Rice, Andrew conducted research and drafted reports related to mineral rights in the Fijian Islands and supported other domestic legislative projects for a law firm in Camden, S.C.

While pursuing his legal studies at Charleston School of Law, Andrew was the recipient of CALI awards for Professional Responsibility and Trial Advocacy, and served as a William Ackerman Summer Fellow and Extern through Charleston Pro Bono Legal Services, completing more than 100 hours of pro bono work. He also assisted with monthly legal information sessions offered to Charleston residents by the Florence Crittenton Programs of South Carolina, a nonprofit benefitting at-risk low-income families. Andrew gained valuable learning experience through the Judicial Observation and Experience Program, which afforded him the opportunity to work with the Honorable Judy McMahan of Charleston County Family Court in July 2012, and the Honorable Robert S. Armstrong of Beaufort County Family Court in May 2011.

### ASSOCIATIONS:

**Charleston County Bar Association**

## Kelly A. Quillin

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE: U.S. District Court for the District of South Carolina

EDUCATION:

J.D., The John Marshall Law School, 2014

B.S., Indiana University, 2010

Kelly Quillin seeks to hold businesses accountable and recover losses for individuals and institutional investors who are harmed by corporate wrongdoing and misconduct.

Kelly is a member of the litigation teams representing investors as lead counsel in securities and consumer fraud class actions filed against Twitter, Inc. and Qualcomm, Inc. She has also assisted in the litigations filed against St. Jude Medical, Inc., LIBOR, American Realty Capital, and 3D Systems Corp. She was also involved in the litigation against NASDAQ and NYSE, among other defendants, related to high frequency trading.

Acting as a liaison among counsel, attorney review teams, vendors and data management personnel, Kelly oversees teams that conduct discovery and research in order to further complex securities litigation, including implementing best practices regarding e-discovery strategies in large scale, complex, and document-intensive cases. She has experience in advanced analytic technologies and technology assisted review processes.

Prior to joining the firm, she clerked for the Cook County State's Attorney's Office in Chicago, assisting with legal filings, court appearances and research in the Felony Trial Division.

In 2012, while completing her legal studies in Chicago, Kelly served as a judicial extern for U.S. District Judge Jon E. DeGuilio for the Northern District of Indiana, where she drafted proposed opinions, orders and memoranda. While completing her undergraduate studies, she interned for the Southern District of Indiana Clerk's Office.

Kelly applies her legal knowledge to benefit the less fortunate by providing assistance and access to judicial services through the Charleston Pro Bono organization.



**ASSOCIATIONS:**

**American Bar Association**  
**South Carolina Bar Association**  
**Charleston County Bar Association**  
**American Association for Justice**

**Caroline Rion**

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE: U.S. District Court for the Eastern District of Wisconsin

EDUCATION:

J.D., Charleston School of Law, 2013

B.A., University of South Carolina, 2007

Caroline Rion practices in the areas of products liability, occupational disease and toxic exposure.

She represents children and families exposed to toxic lead paint pigment, as well as thousands of women who have suffered life-altering effects allegedly caused by defective medical products including Essure permanent birth control and transvaginal mesh.

Caroline also contributes to the national opioid litigation filed for dozens of states, cities, towns, counties and townships regarding the alleged misrepresentation of harmful and addictive prescription drugs by opioid manufacturers and distributors. Additionally, Caroline also has experience representing workers and other victims in individual and consolidated cases alleging mesothelioma and other diseases caused by asbestos.

Before joining Motley Rice, Caroline gained experience in case management strategy as a law clerk with the Southern Environmental Law Center, working on issues involving complex federal and state environmental statutes and regulations. Caroline also worked as a law clerk at a Charleston, S.C.-based law firm where she assisted with client interviews, hearings and mediations.

Caroline's political experience includes internships with Senator Lindsey Graham's Columbia, S.C., office and the Conservation Voters of South Carolina. She also worked with the District of Columbia Bar Association's Attorney/Client Relations Program in Washington, D.C., assisting in the resolution of fee disputes through arbitration, committee meetings and case summaries.

Along with receiving the top score in appellate oral advocacy in products liability litigation at the Charleston School of Law, Caroline was recognized by the school for providing more than 100 hours of *pro bono* work. Additionally, she served as Treasurer to the Women in Law and as a member of the marketing committee for the Federal Court's *Law Review*.

Caroline is active in the Charleston community and volunteers as a mentor in the BRIDGE Program, an initiative to provide substance abuse rehabilitation services to people involved in the federal criminal justice system. BRIDGE is a joint effort between the U.S. Probation Office, Federal Public Defender's Office, U.S. Attorney's Office, and South Carolina's U.S. District Court.

**ASSOCIATIONS:**

**American Bar Association**  
**South Carolina Association for Justice**  
**South Carolina Bar Environmental Law Section**  
**South Carolina Women Lawyers Association**  
**Charleston County Bar Association**

**Cindi A. Solomon**

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE: U.S. Supreme Court

EDUCATION:

J.D., University of South Carolina School of Law, 1996

B.A., Vanderbilt University, 1988

Cindi Solomon represents dozens of states, cities, counties and other municipalities as part of Motley Rice's opioid litigation team.

Cindi contributes to the firm's intensive involvement in the *National Prescription Opiate Multidistrict Litigation*, as well as similar cases filed in state court against manufacturers, distributors and other entities believed to have played a role in causing the opioid crisis. She has additional experience in pharmaceutical drug, defective medical device, and product liability cases, including working with Motley Rice attorneys in the 1990s on historic Big Tobacco litigation, which resulted in the largest civil settlement in U.S. history.

In addition to her legal career, Cindi has worked for several years to promote eye health in the Charleston, S.C., area, including co-founding and serving as Volunteer Executive Director of Operation Sight, a non-profit that provides free cataract surgery and other services to those in need. She also served as a member of the Board of Directors for the Association for the Blind and Visually Impaired – Charleston from 2011 to 2016.

Currently, Cindi serves on the Boards of the Kiawah Island Club and Spoleto Festival USA, in addition to being a member of Trident United Way's Community Impact Committee. Numerous other community positions she's held include:

- Member of the Board of Directors for Trident United Way, 2004-2010, and 2014-2015
- President of Trident United Way's Women's Leadership Council, 2014-2015.
- President of MUSC's Women's Club, 2009-2010

**ASSOCIATIONS:**

**South Carolina Women Lawyers**

**Laura K. Stemkowski**

LICENSED IN: SC

EDUCATION:

J.D. with honors, University of North Carolina School of Law, 2016

B.A., University of North Carolina at Chapel Hill, 2013

Laura Stemkowski advocates for victims harmed by medical drugs and devices and corporate misconduct, with a focus on women's products such as Essure®, power morcellators and Mirena® IUD birth control.

Prior to joining Motley Rice, Laura was a legal intern at the Department of Justice Environmental Division in Raleigh, N.C., where she wrote appellate arguments, summary judgment motions and other legal documents related to environmental, criminal and federal issues.

While pursuing her studies at UNC School of Law, Laura held positions with the Environmental Appellate Advocacy Team and the Holderness Moot Court. She served as Vice President of the UNC School of Law Environmental Law Project, Public Relations Chair for the UNC School of Law Pro Bono Board, and Junior Attorney Coordinator for the school's Cancer Pro Bono Project. She also served as a student practitioner with the Civil Legal Clinic, where she worked on claims spanning areas including Title VII EEOC, Title IX, and domestic violence.

Laura also completed more than 100 hours of *pro bono* work with the University of North Carolina School of Law's Innocence Project and Legal Aid Divorce Clinic, as well as the Southern Environmental Law Center and Lawyer on the Line program.

**Jacob R. Stout**

LICENSED IN: PA, WV

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the Northern and Southern Districts of West Virginia; Supreme Court of Appeals of West Virginia

EDUCATION:

J.D., West Virginia University College of Law, 2014

B.A., Pennsylvania State University, 2011

Jake Stout utilizes the civil justice system to hold negligent corporations accountable for preventable injuries and diseases suffered by workers and their families. Having experience in all three vantages of the civil litigation process, plaintiffs, defense, and the court, Jake has a broad understanding of the challenges faced by workers in their fight for justice. His perspective is an asset for clients, as he strives to improve safety practices and corporate governance for the benefit of current and future workers.

Prior to joining Motley Rice, Jake advocated for plaintiffs' causes as an associate for multiple personal injury firms in West Virginia. He has gained valuable experience in matters related to automobile collisions, insurance bad faith, toxic exposure, products liability, FELA, asbestos, medical malpractice, property owner rights, premises liability, and other personal injury litigation in state and federal courts. Jake's legal experience also includes serving as a judicial clerk for the Honorable Phillip D. Gaujot, of the Circuit Court of Monongalia County, W. Va.

While completing his legal studies, Jake volunteered as a clinician for the WVU Land Use and Sustainable Development Law Clinic, and was selected to teach supplementary classes to first-year law students through the WVU College of Law Academic Excellence Program. He also completed a number of clerkships with West Virginia firms, assisting in casework pertaining to products liability, personal injury, environmental and energy law, corporate defense, and criminal defense.

Jake has been active in local politics, having served as a deputy campaign manager and campaign treasurer for candidates in lieutenant governor, state representative, and county commissioner races in Pennsylvania in 2010 and 2011, as well as serving as a legislative intern for a Pennsylvania state representative. He currently serves as one of three commissioners on the Monongalia County, W. Va., Deputy Sheriff's Civil Service Commission.

**ASSOCIATIONS:****American Association for Justice****West Virginia Association for Justice****Monongalia County Bar Association****Ohio County Bar Association****Mitchell B. Thornton**

LICENSED IN: KY, SC

EDUCATION:

J.D., Charleston School of Law, 2009

B.S. magna cum laude, University of South Carolina, 2005

Mitchell Thornton's casework intersects with multiple Motley Rice practice areas.

Mitchell represents people and businesses suffering economic losses resulting from the BP Deepwater Horizon oil spill in the Gulf of Mexico, and he is involved in product liability cases with a focus on allegedly defective medical devices and pharmaceuticals.

He began his experience with Motley Rice in 2004 as an intern, compiling factual causation foreseeability data for the firm's landmark 9/11 litigation. During law school, he joined the firm as a law clerk, broadening his experience through cases involving product liability, misappropriation of human remains, pharmaceutical injuries, insurance recovery, premise damages, consumer protection, and other incidents of negligence.

Mitchell has performed extensive legal research in a comprehensive range of litigation. He has been involved in a variety of cases related to negligence, corporate misconduct and defective products, including cases involving Advair®/Serevent®, Avandia®, Digitek®, Paxil®, NuvaRing®, and Zicam®, as well as those representing women alleging harm by pelvic mesh products.

At the Charleston School of Law, Mitchell received the CALI Award for Products Liability and aided local residents in the school's Volunteer Income Tax Assistance program. The USC Moore School of Business recognized Mitchell as an "Emerging Leader," where he served as Vice President of the Gamma Iota Sigma Insurance Fraternity.



## ASSOCIATIONS:

**American Association for Justice**  
**South Carolina Association for Justice**  
**Charleston County Bar Association**  
**South Carolina Bar Association Young Lawyers Division**

## **Meredith B. Weatherby**

LICENSED IN: SC, TX

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the Northern, Southern, Eastern and Western Districts of Texas

EDUCATION:

J.D., University of Texas School of Law, 2011

B.A., *with distinction*, University of North Carolina, Chapel Hill, 2008

Meredith Weatherby develops and litigates securities fraud class actions and shareholder derivative suits on behalf of institutional investors.

Meredith represents unions, public pensions and institutional investors in federal courts throughout the country. Her casework includes representing clients in a number of cases related to high frequency trading (HFT), including the groundbreaking securities fraud litigation against NASDAQ and the New York Stock Exchange that was recently revived upon appeal to the U.S. Court of Appeals for the Second Circuit. She is also involved in the securities class action against Twitter Inc. Previously, Meredith was a member of the teams representing investors in securities fraud class actions filed against Advanced Micro Devices, Barrick Gold and SAC Capital, among others.

Meredith also has experience litigating medical malpractice and negligence suits in state court.

Prior to joining Motley Rice, Meredith gained trial and settlement experience as an associate at a Dallas, Texas, law firm working in business and construction litigation. While attending the University of Texas School of Law, she clerked for an Austin firm, represented victims in court as a student attorney in the UT Law Domestic Violence Clinic and was a Staff Editor of the *Review of Litigation* journal. During her undergraduate and law school career, Meredith studied abroad in Paris, France, Geneva, Switzerland and Puebla, Mexico.

## ASSOCIATIONS:

**Charleston County Bar Association**

## **Hannah S. Werner**

LICENSED IN: SC

EDUCATION:

J.D., Vanderbilt University Law School, 2017

B.A. with honors, University of North Carolina at Chapel Hill, 2014

Hannah Werner advocates for patients suffering from health complications caused by allegedly defective and dangerous medical drugs and devices, such as Essure®, a permanent birth control device. Her practice also includes representing clients who have suffered from lead poisoning.

Hannah gained experience as a law clerk at Motley Rice, as well as at a prominent defense firm where she gained valuable insight into the legal industry prior to joining Motley Rice's medical team. She also served as a summer associate and intern for a Tennessee hospital and legal clinic where she provided research in healthcare law, drafted contracts and policies, and assisted with mediations involving patients. In addition, Hannah worked to assist veterans with legal disputes as an intern for a VA Medical Legal Partnership Clinic in Nashville, Tenn.

A member of the Women Law Students' Association, Hannah was actively involved on campus, including serving as Vice President of the Health Law Society. She also was the 2012–2013 Director of Public Relations for the UNC Association of Student Governments, serving students from all 17 UNC system campuses, and a 2012 Congressional intern in South Carolina.

## ASSOCIATIONS:

**American Bar Association**  
**South Carolina Bar Association**

## **Erin Casey Williams**

LICENSED IN: SC

ADMITTED TO PRACTICE BEFORE:

U.S. District Court for the Eastern District of Michigan, and District of South Carolina

EDUCATION:

J.D., University of Illinois College of Law, 2014

B.S. with honors, University of Illinois at Urbana-Champaign, 2011

Erin Casey Williams protects the interests of institutional investors and consumers through complex securities litigation.

Erin is a member of Motley Rice's litigation teams representing investors in securities fraud class action cases. She supports the firm's efforts in matters involving Qualcomm Incorporated and Investment Technology Group, Inc.

Erin assisted in the development of deposition strategies and completed discovery with the Motley Rice securities team before joining the firm in 2017. Her previous experience includes litigating claims involving medical malpractice, wrongful death, personal injury and complex family law matters at a Charleston, S.C., law firm. She also researched and drafted memoranda regarding construction defects, insurance defense, and tort liability for a national litigation support agency.



While pursuing her law degree, Erin interned for the Federal Defender Program in Chicago in addition to working as a judicial extern for the Honorable Michael T. Mason of the U.S. District Court for the Northern District of Illinois. She served as an associate editor of the *University of Illinois Law Review* and the Community Service Chair of the Women's Law Society.

#### ASSOCIATIONS:

**American Bar Association**  
**South Carolina Bar Association**  
**South Carolina Association for Justice**  
**South Carolina Women Lawyers Association**  
**Charleston County Bar Association**

#### **Courtney R. Wolf**

LICENSED IN: SC  
 EDUCATION:

J.D., Washington and Lee University School of Law, 2019  
 B.S. *magna cum laude*, University of South Carolina, 2016

Courtney Wolf advocates for victims of terrorism and human rights violations, as well as for consumers affected by corporate misconduct and negligence.

Courtney contributes to litigation filed for dozens of states, cities, towns, counties and townships against opioid manufacturers and distributors alleged to have played a role in the opioid crisis. She also represents 9/11 families and survivors in claims filed through the September 11<sup>th</sup> Victim Compensation Fund.

Courtney completed a number of legal internships and clerkships prior to joining Motley Rice, including a clerkship in Virginia where she observed hearings and trials, performed legal research and drafted memoranda for civil and criminal cases for the 18th Judicial Circuit of Alexandria Circuit Court. Courtney also served for a time as an intern for the South Carolina Appleseed Legal Justice Center where she translated documents to Spanish and assisted with fundraising efforts to promote legal and social services for Hispanic immigrants.

Courtney worked as a student attorney for the Immigrant Rights Clinic while pursuing her juris doctor, in addition to being a Lead Article Editor for the *German Law Journal*, and Vice President of the Pro Bono Club. As a research assistant, she contributed to research on international crimes and the International Court of Justice, as well as research on human rights law in Africa. She also traveled to law schools throughout Ukraine in partnership with USAID to assist with a presentation on anti-corruption in schools. Courtney also studied abroad in Denmark, Spain and Costa Rica during her undergraduate career.

#### ASSOCIATIONS:

South Carolina Association for Justice  
 Charleston Bar Association

#### **Roger M. "Hank" Young, Jr.**

LICENSED IN: SC  
 EDUCATION:

J.D. *summa cum laude*, Charleston School of Law, 2016  
 B.A. *magna cum laude*, University of South Carolina Honors College, 2011

Hank Young represents victims harmed by medical drugs, medical negligence, and corporate misconduct.

As an advocate for some of the most vulnerable in our society, Hank seeks justice for children and for mothers following their use of the anti-nausea medication Zofran during pregnancy, which may cause life-threatening birth defects, as well as for elderly clients who suffer abuse and neglect at nursing homes and assisted living facilities. Hank also represents clients diagnosed with melanoma after taking Revatio® or Viagra®, and is reviewing claims of kidney failure and ketoacidosis after taking Invokana® and other SGLT2 inhibitors.

A Charleston native, Hank graduated from the Charleston School of Law, where he served as Editor in Chief of the *Charleston Law Review* and competed in numerous moot court competitions, including the 2015 National Tax Moot Court Competition, in which he was awarded Best Individual Advocate. He also was recognized with the CALI Award as the highest scoring student in Legal Writing I & II, Products Liability, Constitutional Law, Constitutional History, and Professional Responsibility.

A Motley Rice law clerk for two summers before joining the firm, Hank has clerked at both corporate defense and plaintiffs' firms. Additionally, Hank volunteered at the Veteran's Legal Clinic in Charleston during law school, providing low-income veterans with basic legal services, including finding housing, drafting wills, and resolving family law issues.

#### ASSOCIATIONS:

**South Carolina Association for Justice**  
**Charleston County Bar Association**



28 Bridgeside Blvd. | Mt. Pleasant, SC 29464  
**SC | RI | CT | NY | WV | DC | LA | MO | NJ | PA**

Joseph F. Rice (DC, SC) is the attorney responsible for this communication. Prior results do not guarantee a similar outcome. Motley Rice LLC, a South Carolina Limited Liability Company, is engaged in the New Jersey practice of law through Motley Rice New Jersey LLC. Esther Berezofsky attorney responsible for New Jersey practice.

*PD: 03.16.2020*

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[www.motleyrice.com](http://www.motleyrice.com)  
1 800.768.4026

# **Exhibit 8**

***IN RE SCANA CORPORATION SECURITIES LITIGATION***  
**Civil Action No. 3:17-CV-2616-MBS (D.S.C.)**

**SUMMARY TABLE OF LODESTARS AND EXPENSES**

<b>FIRM</b>	<b>HOURS</b>	<b>LODESTAR</b>	<b>EXPENSES</b>
Bernstein Litowitz Berger & Grossmann LLP	23,467.5	\$10,691,973.75	\$369,094.81
Labaton Sucharow LLP	16,697.1	\$8,540,972.00	\$334,246.34
Motley Rice LLC	1,025.0	\$672,006.25	\$25,961.97
<b>TOTALS</b>	<b>41,189.6</b>	<b>\$19,859,952.00</b>	<b>\$729,303.12</b>

# **Exhibit 9**

*In re SCANA Corporation Securities Litigation*  
Civil Action No. 3:17-CV-2616-MBS

**SUMMARY TABLE OF PLAINTIFFS' COUNSEL'S EXPENSES**

Inception through and including April 15, 2020

<b>CATEGORY</b>	<b>AMOUNT</b>
On-Line Legal/Factual Research	\$68,569.26
Long Distance Telephone/Conference Calls	\$710.48
Postage/Express Mail/Hand Delivery Charges	\$1,598.73
Local Work-Related Transportation	\$16,131.08
Copying/Printing Costs	\$43,209.38
Out of Town Travel	\$56,015.50
Local Work-Related Meals	\$12,845.64
Court Reporting & Transcripts	\$34,784.26
Experts	\$296,351.08
Filing/Service Fees	\$6,839.50
Document Management/Litigation Support	\$140,053.40
Mediation	\$50,697.50
PSLRA Notice	\$1,295.00
Miscellaneous	\$202.31
<b>TOTAL EXPENSES:</b>	<b>\$729,303.12</b>



# **Exhibit 10**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

CITY OF ANN ARBOR EMPLOYEES' )  
RETIREMENT SYSTEM, on Behalf of )  
Itself and All Others Similarly Situated, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
SONOCO PRODUCTS CO., )  
HARRIS E. DELOACH, JR., and )  
CHARLES J. HUPFER, )  
 )  
Defendants. )  
\_\_\_\_\_ )

Civil Action No. 4:08-cv-02348-TLW-KDW

**ORDER AWARDING LEAD COUNSEL’S ATTORNEYS’ FEES AND EXPENSES**

This matter having come before the Court on September 4, 2012, on the application of counsel for the Lead Plaintiff for an award of attorneys’ fees and expenses incurred in the captioned action (Doc. # 214), the Court, having considered all papers filed and proceedings conducted herein, having found the settlement of this action to be fair, reasonable, and adequate and otherwise being fully informed in the premises and good cause appearing therefor;

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that:

1. All of the capitalized terms used herein shall have the same meanings as set forth in the Stipulation of Settlement dated as of April 26, 2012 (the “Stipulation”), and filed with the Court. (Doc. # 206, attach. 1).
2. This Court has jurisdiction over the subject matter of this application and all matters relating thereto, including all Members of the Class who have not timely and validly requested exclusion.

3. The Court hereby awards Lead Counsel attorneys' fees of 30% of the Settlement Fund, plus expenses in the amount of \$571,133.48, together with the interest earned thereon for the same time period and at the same rate as that earned on the Settlement Fund until paid. The Court finds that the amount of fees awarded is appropriate and that the amount of fees awarded is fair and reasonable under the "percentage-of-recovery" method given the substantial risks of non-recovery, the time and effort involved, and the result obtained for the Class.

4. The fees shall be allocated among counsel for Lead Plaintiff by Lead Counsel in a manner that reflects each such counsel's contribution to the institution, prosecution, and resolution of the captioned action.

5. The Court hereby awards Lead Plaintiff \$3,500.00 for the time it spent in assisting in the prosecution of the captioned action.

6. The awarded attorneys' fees and expenses and interest thereon shall immediately be paid to Lead Counsel subject to the terms, conditions, and obligations of the Stipulation, and in particular ¶6.2 thereof, which terms, conditions, and obligations are incorporated.

**IT IS SO ORDERED.**

s/Terry L. Wooten  
TERRY L. WOOTEN  
United States District Judge

September 7, 2012

Florence, South Carolina