

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 22-80418-CV-MIDDLEBROOKS

CITY OF ATLANTA POLICE OFFICERS'
PENSION PLAN and CITY OF ATLANTA
FIREFIGHTERS' PENSION PLAN,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

-v-

CELSIUS HOLDINGS, INC., JOHN
FIELDLY, and EDWIN NEGRON-
CARBALLO,

Defendants.

CLASS ACTION

**LEAD PLAINTIFFS' MOTION FOR AN AWARD OF
ATTORNEYS' FEES AND EXPENSES**

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Lead Plaintiffs City of Atlanta Police Officers' Pension Plan and City of Atlanta Firefighters' Pension Plan (together, "Lead Plaintiffs"), by and through Lead Counsel Grant & Eisenhofer P.A., respectfully submit this memorandum of law in support Lead Plaintiffs' motion for an award of attorneys' fees and expenses.¹

I. PRELIMINARY STATEMENT

In connection with the Settlement achieved as described in Lead Plaintiffs Unopposed Motion for Final Approval of Settlement, filed on this same day, Lead Counsel respectfully applies for an award of attorneys' fees on behalf of all Plaintiffs' Counsel in the amount of 25% of the \$7,900,000 Settlement Amount (i.e., \$1.975 million including any accrued interest) and litigation expenses of \$343,716.03. This fee request is supported by Lead Plaintiffs (*see* Declaration of David Brand ("Brand Decl.") at ¶¶8-11, submitted herewith) and is well within the range of percentages awarded in class actions in this Circuit. It is also reasonable when viewed against the result achieved and the risks Lead Counsel assumed.

II. PROCEDURAL AND FACTUAL BACKGROUND

Lead Plaintiffs respectfully refer the Court to the Declaration of Daniel L. Berger in Support of Lead Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement (*See* ECF No. 122; the "Final Approval Berger Decl.") for a full discussion of: (i) the factual background and procedural history of the Action; (ii) the efforts of Lead Counsel in prosecuting the claims in this Action; (iii) the negotiations resulting in the Settlement; and (iv) the reasons why the Settlement and the Plan of Allocation are fair and reasonable and should be approved.

¹All capitalized terms not otherwise defined shall have the meanings set forth in the Stipulation of Settlement dated August 2, 2023. ECF No. 115-1.

III. REQUEST FOR ATTORNEYS' FEES

A. LEAD PLAINTIFFS' COUNSEL IS ENTITLED TO AN AWARD OF ATTORNEYS' FEES FROM THE COMMON FUND

The Supreme Court and the Eleventh Circuit have long recognized that “a lawyer who recovers a common fund for the benefit of persons other than himself or his client is entitled to a reasonable attorney’s fee from the fund as a whole.” *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980); *see also Mills v. Elec. Auto-Lite Co.*, 396 U.S. 375 (1970); *Sprague v. Ticonic Nat’l Bank*, 307 U.S. 161 (1939); *Camden I Condo. Ass’n, Inc. v. Dunkle*, 946 F. 2d 768, 771 (11th Cir. 1991). Awarding attorneys’ fee awards from a common fund not only provides compensation, but also encourages skilled counsel to represent those who seek redress for damages inflicted on entire classes of persons, and to discourage future misconduct of a similar nature. *See, e.g., In re Domestic Air Transp. Antitrust Litig.*, 148 F.R.D. 297, 353 (N.D. Ga. 1993) (“The purpose of awarding fees is to compensate successful attorneys for the benefits they have achieved for the class as a result of the attorneys’ efforts, for the risks the attorneys have taken in prosecuting a long and complex case, and for the hours and expenses the attorney has invested in the case.”). Indeed, the Supreme Court has emphasized that private securities actions, such as this Action, are “an essential supplement to criminal prosecutions and civil enforcement actions” brought by the Securities and Exchange Commission. *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 313 (2007).

B. THE COURT SHOULD AWARD A PERCENTAGE OF THE COMMON FUND

The Supreme Court has consistently held that where a common fund has been created for the benefit of a class as a result of counsel’s efforts, the award of counsel’s fee should be determined on a percentage-of-the-fund basis. *See, e.g., Internal Imp. Fund Trs. v. Greenough*, 105 U.S. 527, 532 (1882); *Cent. R.R. & Banking Co. v. Pettus*, 113 U.S. 116, 124-25 (1885);

Sprague, 307 U.S. at 166-67; *Boeing*, 444 U.S. at 478-79. By 1984, this point was so well established that the Supreme Court needed no more than a footnote to make it in *Blum v. Stenson*, 465 U.S. 886, 900 n.16 (1984) (“[U]nder the ‘common fund doctrine,’ . . . a reasonable fee is based on a percentage of the fund bestowed on the class.”).

Likewise, in the Eleventh Circuit, “attorneys’ fees awarded from a common fund shall be based upon a reasonable percentage of the fund established for the benefit of the class.” *Camden I*, 946 F.2d at 774; accord *Faught v. Am. Home Shield Corp.*, 668 F.3d 1233, 1242 (11th Cir. 2012); *Waters v. Int’l Precious Metals Corp.*, 190 F.3d 1291, 1294 (11th Cir. 1999); see also *Roubert v. Capital One Fin. Corp.*, 2023 WL 5916714, at 10 (M.D. Fla. July 10, 2023).

The requested 25% fee is reasonable under the circumstances of this case and falls squarely within the range of percentages regularly approved in the Eleventh Circuit.

C. THE REQUESTED PERCENTAGE IS FAIR AND REASONABLE

An appropriate court-awarded fee is intended to approximate what counsel would receive if they were offering their services in the marketplace. See *Missouri v. Jenkins*, 491 U.S. 274, 285-86 (1989). If this were a non-representative action, the customary fee arrangement would be contingent, on a percentage basis, and in the range of 30% to 33% of the recovery. See *Blum*, 465 U.S. at 903, n.* (“In tort suits, an attorney might receive one-third of whatever amount the plaintiff recovers.”) (Brennan, J., concurring).

Lead Counsel seeks a fee award of 25% of the Settlement Amount. Courts within the Eleventh Circuit have found similar fees to be within the range of typical fee awards in common-fund cases. See *Camden I*, 946 F.2d at 774-75 (“The majority of common fund fee awards fall between 20% to 30% of the fund,” and district courts consider the middle of that range – 25% – as a “benchmark” that “may be adjusted in accordance with the individual circumstances of each

case.”). It is also not unusual for courts to approve attorneys’ fee percentages higher than the 25% requested by Lead Counsel in this instance. *See, e.g., Dukes v. Air Canada*, 2020 WL 496144, at *1 (M.D. Fla. Jan. 30, 2020) (approving attorneys’ fees and costs representing 33.3% of settlement fund); *Hanley v. Tampa Bay Sports & Entm’t LLC*, 2020 WL 2517766, at *6 (M.D. Fla. Apr. 23, 2020) (awarding fee larger than 1/3 of the common settlement fund and noting that “district courts in the Eleventh Circuit routinely approve fee awards of one-third of the common settlement fund”); *Sands Point Partners, LP v. Pediatrix Med. Group, Inc.*, 2002 U.S. Dist. LEXIS 25721, at *8 (S.D. Fla. May 3, 2002) (30% of a \$12 million settlement). In addition, the 25% fee request is also consistent with fees awarded by courts in other Circuits in similarly sized securities class action settlements.² When judged against Eleventh Circuit precedent, and compared to fees awarded in class action settlements of similar magnitude, the requested 25% fee is fair and reasonable.

D. THE *CAMDEN I* FACTORS FURTHER CONFIRM THAT THE REQUESTED FEE IS FAIR AND REASONABLE

In *Camden I*, the Eleventh Circuit recommended that district courts consider the following factors in determining whether a requested percentage fee award is reasonable, including:

(1) the time and labor required; (2) the novelty and the difficulty of the questions involved; (3) the skill requisite to perform the legal service properly; (4) the preclusion of other employment by the attorney due to acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and ability of the attorneys; (10) the “undesirability” of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases.

² *See, e.g., Burns v. Falconstor Software, Inc.*, 2014 U.S. Dist. LEXIS 203061, at *26-27 (E.D.N.Y. Apr. 10, 2014) (finding 30% to be the median of requested attorneys’ fees when the settlement is between \$5 million and \$10 million); *In re OCA, Inc. Sec. & Derivative Litig.*, 2009 U.S. Dist. LEXIS 19210, at *62-63 (E.D. La. Mar. 2, 2009) (“In reported securities cases involving funds in the \$5 million to \$10 million range, attorneys’ fee awards are generally within the 25 to 33 1/3 per cent range.”).

946 F.2d at 772 n.3 (citing *Johnson v. Georgia Highway Express*, 488 F.2d 714, 717-19 (5th Cir. 1974)). A court may also properly consider “the time required to reach a settlement, whether there are any substantial objections by class members or other parties to the settlement terms or the fees requested by counsel . . . and the economics involved in prosecuting a class action.” *Id.* at 775. A full consideration of these factors provides strong support for approval of the 25% fee request.

1. The Time and Labor Required

The time and diligent effort expended by Lead Plaintiffs’ Counsel to achieve the Settlement supports the requested fee. Lead Counsel committed extensive resources to developing the challenging aspects of Lead Plaintiffs’ claims and overcoming the obstacles introduced by Defendants during the course of this hard-fought litigation. As discussed in greater detail in the Final Approval Berger Decl. at ¶6, Lead Counsel, among other things: (i) conducted an extensive factual investigation into the claims asserted in the Action and prepared a detailed and comprehensive Amended Complaint (ECF No. 44; the “Complaint”); (ii) oversaw the work of a private investigator to investigate claims and examine witnesses; (iii) consulted accounting experts with specialized knowledge of GAAP; (v) vigorously opposed and defeated Defendants’ motion to dismiss; (vi) engaged in challenging discovery; (vii) prepared and filed a motion for class certification; and (viii) participated in extensive settlement negotiations.

In total, Lead Plaintiffs’ Counsel expended over 2,770 hours in this litigation with a resulting lodestar of \$2,149,034.00 (counsel’s hours multiplied by their hourly rates). *See* the accompanying Declaration of Daniel L. Berger in Support of Lead Plaintiffs’ Motion for Attorneys’ Fees and Expenses (“Fee Motion Berger Decl.”) at Exhibit D.³ The time and labor

³ This lodestar amount is based on Lead Plaintiffs’ Counsels’ current hourly rates. The Supreme Court has approved the use of current hourly rates to calculate the base lodestar figure as a means

expended by Lead Plaintiffs' Counsel amply support the requested fee. *See In re Rayonier Inc. Sec. Litig.*, 2017 WL 4542852, at *2 (M.D. Fla. Oct. 5, 2017) (noting when assessing fee request that "Lead Counsel also demonstrated the substantial time and effort they put into the case as well as the uncertainty of the ultimate outcome").

While not required in the Eleventh Circuit, an analysis of the requested fee under the "lodestar/multiplier" approach further supports the reasonableness of a 25% award. *See, e.g., Waters*, 190 F.3d at 1298 ("[W]hile we have decided in this circuit that a lodestar calculation is not proper in common fund cases, we may refer to that figure for comparison."). Here, based on the \$7,900,000 Settlement Fund, the requested 25% fee award (or \$1,975,000 before interest) represents a *negative* multiplier of approximately 0.92 to Lead Plaintiffs' Counsel's total lodestar.⁴ Given that multipliers *between 2 and 5* are commonly awarded in complex class actions with substantial contingency risks, the 0.92 multiplier requested here confirms the reasonableness of the requested fee. *In re Equifax Inc. Customer Data Breach Litig.*, 2020 WL 256132, at *39 (N.D. Ga. Mar. 17, 2020) *rev'd in part* 999 F.3d 1247 (11th Cir. 2021) (awarding fee representing 2.62 multiplier and describing it as "consistent with multipliers approved in other cases"); *Columbus Drywall & Insulation, Inc. v. Masco Corp.*, 2012 WL 12540344, at *5, n.4 (N.D. Ga. Oct. 26, 2012) (noting multiplier of 4 times lodestar is "well within" the accepted range); *Pinto v. Princess Cruise Lines, Ltd.*, 513 F. Supp. 2d 1334, 1344 (S.D. Fla. 2007) (finding that lodestar multipliers

of compensating for the delay in receiving payment, inflation, and the loss of interest. *Missouri v. Jenkins*, 491 U.S. 274, 284 (1989).

⁴ The multiplier is calculated by dividing the total fee requested by Counsel's lodestar. The actual realized multiplier will decline over time, as Lead Plaintiffs' Counsel will devote additional attorney time to preparing for the Settlement Hearing, overseeing the processing of Claims by the Claims Administrator, and overseeing the distribution of the Settlement proceeds to Settlement Class Members with valid Claims.

“in large and complicated class actions” tend to range from 2.26 to 4.5); *Ingram v. Coca-Cola Co.*, 200 F.R.D. 685, 694-96 (N.D. Ga. 2001) (awarding fee representing a multiplier between 2.5 and 4). Lead Counsel’s request here – which represents a negative multiplier to lodestar – is therefore reasonable.

2. The Novelty and Difficulty of the Questions Involved

As courts have recognized, “multi-faceted and complex” issues are “endemic” to cases based on alleged violations of federal securities law, *Ressler v. Jacobson*, 149 F.R.D. 651, 654 (M.D. Fla. 1992), and “securities class action litigation is ‘notably difficult and notoriously uncertain.’” *In re NetBank, Inc. Sec. Litig.*, 2011 WL 13353222, at *3 (N.D. Ga. Nov. 9, 2011). This Action was no exception. Lead Plaintiffs’ faced a number of material challenges to establishing liability and proving loss causation in this Action. *See* Final Approval Berger Decl. at ¶¶41-47. Specifically, Defendants asserted that Lead Plaintiffs would be unable to prove several elements of their claims, including scienter, loss causation and damages.

Lead Plaintiffs faced substantial risk in proving Defendants made the alleged false and misleading statements with the requisite scienter. Defendants argued, and would have continued to argue, that Lead Plaintiffs could not prove that any Defendant knowingly made statements with the requisite intent to defraud or with severe recklessness. Defendants argued in their motion to dismiss that misinterpreting GAAP does not establish scienter. *See* ECF No. 47. Defendants would have further argued that Celsius’ Restatement of its financials is not dispositive of scienter. *See id.* Finally, Defendants would have continued to argue that the Individual Defendants’ substantial stock holdings further undercut an inference of scienter. *See id.*

While Defendants unsuccessfully asserted these arguments in their motion to dismiss, when the Court was required to accept all allegations in the Complaint as true, there was a

significant possibility that Defendants could have succeeded in reasserting these arguments at subsequent stages of the litigation, including summary judgment, trial, and the appeals that would likely follow.

Lead Plaintiffs had faced additional challenges regarding loss causation. Defendants would contend, as they did in their opposition to Class Certification, that Celsius' Restatement had no price impact, i.e., did not cause Celsius investors' losses. These disputed issues would have boiled down to a "battle of experts" at trial. Defendants would have undoubtedly presented a well-qualified expert who would opine that the Class's damages were small or nonexistent.

The Settlement Class thus faced the very real risk of a lower recovery than achieved through the Settlement, or no recovery at all. However, Lead Counsel overcame these obstacles and achieved an excellent result for the Class. Success in the face of these obstacles strongly supports the requested fee award.

3. The Skill Experience, Reputation and Ability of Plaintiffs' Counsel

Two of the *Johnson* factors that the Court should consider are "the skill and acumen required to successfully investigate, file, litigate, and settle a complicated class action lawsuit such as this one," *David v. Am. Suzuki Motor Corp.*, 2010 WL 1628362, at *8 n.15 (S.D. Fla. Apr. 15, 2010), and "the experience, reputation, and ability of the attorneys" involved. *Camden I*, 946 F.2d at 772 n.3; *see also Columbus Drywall*, 2012 WL 12540344, at *4. "The appropriate fee should also reflect the degree of experience, competence, and effort required by the litigation." *Id.*

From the inception of the Action, Lead Counsel engaged in a skillful and concerted effort to obtain the maximum recovery for the Settlement Class. As noted above, this case required an in-depth investigation, a thorough understanding of complicated issues regarding GAAP, and the skill to respond to a host of legal and factual issues raised by Defendants during the litigation.

Lead Counsel practices extensively in the highly challenging field of complex class action litigation and are some of the nation's leading securities class action litigation firms. *See* Fee Motion Berger Decl. at Exhibit C. Without question, Lead Counsel's skills and experience were important factors in obtaining the excellent result achieved in this Settlement.

This Court should also consider "the quality of the opposition" that Lead Plaintiffs' attorneys faced. *See Columbus Drywall*, 2012 WL 12540344, at *4 (finding the capabilities of all attorneys favored an award of attorney's fees because the "settlement would not have been possible absent skilled counsel representing the class"). Here, Defendants were represented by Alston & Bird LLP, a large and well-respected firm with significant resources that vigorously contested the Action. Lead Counsel's ability to obtain a favorable Settlement for the Class despite this formidable legal opposition confirms the quality of the representation that Lead Counsel provided. Therefore, this factor also supports the fee requested.

4. The Preclusion of Other Employment

The considerable amount of time spent prosecuting this case – over 2,770 hours (Fee Motion Berger Decl. at Exhibit D) – was time that Lead Plaintiffs' Counsel was not able to devote to other matters. Moreover, Lead Plaintiffs' Counsel expended the time and effort without any assurance that they would be successful or that they would ever be compensated for their hard work. Accordingly, this factor also supports the requested fee.

5. The Customary and Contingent Nature of the Fee

The Court should also consider two factors: the customary fee and whether it is fixed or contingent. The "customary" fee in a class action lawsuit of this nature is a contingency fee because virtually no class member possesses a sufficiently large stake in the litigation to justify

paying attorneys on an hourly basis. *See Norman v. Hous. Auth. of City of Montgomery*, 836 F.2d 1292, 1298-99 (11th Cir. 1988).

The contingent nature of Lead Plaintiffs' Counsel's fees should be given substantial weight in assessing the requested fee award. *See In re Friedman's, Inc. Sec. Litig.*, 2009 WL 1456698, at *3 (N.D. Ga. May 22, 2009); *see also In re Checking Account Overdraft Litig.*, 830 F. Supp. 2d 1330, 1364 (S.D. Fla. 2011) (“[T]he contingent fee risk is an important factor in determining the fee award.”). Courts have consistently recognized that the risk that class counsel could receive no recovery is a major factor in determining the award of attorney's fees. *See Ressler*, 149 F.R.D. at 654-55 (“The substantial risks of this litigation abundantly justify the fee requested . . .”). “A contingency fee arrangement often justifies an increase in the award of attorneys' fees,” *Behrens v. Wometco Enters., Inc.*, 118 F.R.D. 534, 548 (S.D. Fla. 1988), *aff'd*, 899 F.2d 21 (11th Cir. 1990), “because if the case is lost a lawyer realizes no return for investing time and money in the case.” *Equifax*, 2020 WL 256132, at *33.

Success in contingent litigation such as this is never assured. In other securities class actions, plaintiffs' counsel have suffered major defeats after years of litigation and investing millions of dollars of time but received no compensation at all. Even a victory at trial is not a guarantee of success.⁵ As noted above, Lead Plaintiffs' claims faced multiple hurdles that could have precluded or substantially limited any recovery. Indeed, because the fee in this matter was entirely contingent, the only certainties were that there would be no fee without a successful result,

⁵ *See, e.g., Robbins v. Koger Props., Inc.*, 116 F.3d 1441 (11th Cir. 1997), *reh'g en banc denied*, 129 F.3d 617 (11th Cir. 1997) (overturning \$81 million jury verdict); *In re BankAtlantic Bancorp, Inc. Sec. Litig.*, 2011 WL 1585605, at *1 (S.D. Fla. Apr. 25, 2011) (overturning estimated \$42 million jury verdict for plaintiff class, and granting judgment as a matter of law to defendants).

and that such a result would be realized, if at all, only after considerable and difficult effort. Accordingly, the substantial risks of the Action also justify the requested fee.

6. The Amount Involved and Results Achieved

“It is [also] well-settled that one of the primary determinates of the quality of the work performed is the result obtained.” *Friedman’s*, 2009 WL 1456698, at *3 (alternation in original); *see also Domestic Air*, 148 F.R.D. at 351 (“The most important element in determining” class counsel’s fee “is the result obtained for the class through the efforts of such counsel.”).

As noted above, the excellent recovery obtained was accomplished despite the substantial difficulties of proving liability for securities fraud and the other risks in this case. The \$7,900,000 cash Settlement that Lead Counsel obtained represents 10.1% to 17.4% of the Settlement Class’s estimated recoverable damages. The recovery obtained in this Action thus also supports approval of the requested fee.

7. The Undesirability of the Case

In certain circumstances, the “undesirability” of a case can be a factor in justifying the award of a requested fee. *Camden I*, 946 F.2d at 772 n.3; *see Berman v. GM Ltd. Liab. Co.*, 2019 U.S. Dist. LEXIS 200947, at *37 (S.D. Fla. Nov. 15, 2019) (“Class Counsel’s willingness to assume such risk makes a reasonable premium appropriate”). Inherently, there are risks in financing and prosecuting a complex litigation of this type. Lead Counsel undertook representation of Lead Plaintiffs in this Action knowing the litigation would require the expenditure of substantial time and money without any assurance of being compensated for their efforts. *See Torres v. Bank of Am. (In re Checking Account)*, 830 F. Supp. 2d 1330, 1364 (S.D. Fla. 2011) (“‘Undesirability’ and relevant risks must be evaluated from the standpoint of plaintiffs’ counsel as of the time they commenced the suit, not retroactively, with the benefit of hindsight.”).

Apart from the risk of no recovery, deferring fees in an undertaking like this while at the same time advancing hundreds of thousands of dollars in expenses would deter many firms. *See Allapattah Servs. v. Exxon Corp.*, 454 F. Supp. 2d 1185, 1216 (S.D. Fla. 2006) (recognizing “the risks to Class Counsel in accepting representation at the early stages of the proceedings”). Thus, this factor also weighs in favor of awarding the requested fee.

8. Awards in Similar Cases

As discussed in Section III, Lead Counsel’s requested fee of 25% falls within the range of fees awarded in class action cases in this Circuit. *See Camden I*, 946 F.2d at 774-75. Moreover, courts in this District and Circuit have frequently awarded higher percentage fees in comparable class action settlements. *See* Section III, *supra*. Accordingly, this factor strongly supports the reasonableness of the requested fee.

9. The Time Required to Reach the Settlement

As described in the Final Approval Berger Declaration at ¶6, a substantial amount of time and effort was required to resolve the Action and the Settlement was achieved after months of hard-fought litigation. This is not a case where the parties reached an early settlement. To the contrary, before any agreement to settle was reached, Lead Counsel vigorously opposed and defeated Defendants’ motions to dismiss, moved for class certification, conducted a significant and thorough investigation, engaged in challenging discovery including reviewing the thousands of pages of documents that Defendants and third parties produced, and engaged in substantial settlement and mediation efforts. *Id.* This significant amount of time expended on the prosecution of the claims, totaling over 2,770 hours dedicated to the Action by Lead Plaintiffs’ Counsel, further supports the requested fee award. *See* Fee Motion Berger Decl. at Exhibit D.

10. The Reaction of the Class

Through January 8, 2024, 99,996 copies of the Notice have been mailed to potential Settlement Class Members and their nominees, and the Summary Notice was published in *Investor's Business Daily* and transmitted over *PR Newswire*. See Declaration of Lance Cavallo, submitted by the Court-approved Claims Administrator, KCC Class Action Solutions LLC (“Cavallo Declaration”), at ¶¶8-9. The Notice advised Class Members that Lead Counsel would apply for fees not to exceed 25% of the Settlement Fund. See *id.* at Exhibit A. While the deadline for filing objection to the fee is January 10, 2024, to date, there have been no filed objections to the requested fee. See *id.* at ¶12.⁶ This weighs in favor of awarding the requested fees. *In re Rayonier Inc. Sec. Litig.*, 2017 WL 4542852, at *3 (M.D. Fla. Oct. 5, 2017).

E. LEAD COUNSEL’S REQUEST FOR PAYMENT OF LITIGATION EXPENSES IS FAIR AND REASONABLE

Lead Counsel also requests payment of \$343,716.03 for the expenses incurred by Lead Plaintiffs’ Counsel in prosecuting the Action. It is well-established that “class counsel’s reasonable and necessary out-of-pocket expenses should be reimbursed.” *Carpenters Health & Welfare Fund v. Coca-Cola Co.*, 587 F. Supp. 2d 1266, 1272 (N.D. Ga. 2008); see also *NetBank*, 2011 WL 13353222, at *4 (“It has long been held that ‘plaintiff’s counsel is entitled to be reimbursed from the class fund for the reasonable expenses incurred in this action’”).

The expenses for which Lead Counsel seeks payment are the types of expenses that are necessarily incurred in litigation and routinely charged to clients in non-contingent cases who are billed by the hour. The expenses include, among other things, costs for experts, investigation,

⁶ Should any objections be filed, they will be addressed in Lead Counsel’s reply papers to be filed on or before January 24, 2024.

online research, court fees, mediation fees, telephone, photocopying, postage, and out-of-state travel. *See* Fee Motion Berger Decl. at ¶¶6-12. Lead Plaintiffs' damages expert: (i) analyzed whether Celsius securities traded on an efficient market and supplied an expert report stating as much in support of Lead Plaintiffs' motion for class certification; (ii) prepared to be deposed in connection with Lead Plaintiffs' motion for class certification; (iii) prepared damages estimates to guide settlement negotiations; and (iv) helped develop the Plan of Allocation. Lead Plaintiffs' accounting expert helped interpret applicable accounting regulations that are at the heart of the allegations as Lead Plaintiffs' were preparing their Amended Complaint, and also analyzed documents produced during discovery, including workpapers and related documents produced by Defendants' accountants. *Id.* at ¶10. A complete breakdown of the expenses incurred by Lead Plaintiffs' Counsel in each category is included in Exhibit B to the Fee Motion Berger Declaration.

The Notice informed potential Class Members that Lead Counsel would apply for payment of Litigation Expenses in an amount not to exceed \$350,000. *See* Notice at Page 3. The total amount of Litigation Expenses requested by Plaintiffs' Counsel is \$343,716.03, an amount less than the figure listed in the Notice. To date, there have been no objections to the request for expenses.

Because the expenses incurred by Lead Plaintiffs' Counsel are of the type for which payment is regularly approved in common fund cases and were essential to the successful prosecution and resolution of the Action, the requested expenses should be approved. *See Equifax Customer Data Breach*, 2020 WL 256132, at *40 (awarding expenses for "court reporter fees; document and database reproduction and analysis; e-discovery costs; expert witness fees; travel for meetings and hearings; paying the mediator; and other customary expenditures" and finding such expenses "are reasonable and were necessarily incurred on behalf of the class").

IV. CONCLUSION

For the reasons discussed above and in the accompanying Berger Declaration, Lead Counsel respectfully request that the Court: (i) award attorneys' fees in the amount of 25% of the Settlement Fund, plus interest earned at the same rate as earned by the Settlement Fund; and (ii) award \$343,716.03 in payment of the reasonable Litigation Expenses that Lead Plaintiffs' Counsel incurred in prosecuting the Action.

Dated: January 10, 2024

Respectfully submitted,

/s/ Daniel L. Berger

Daniel L. Berger (*pro hac vice*)

Caitlin M. Moyna (*pro hac vice*)

Vincent J. Pontrello (*pro hac vice*)

Mica A. Cocco (*pro hac vice*)

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*Counsel for Lead Plaintiff and Lead Counsel
for the Proposed Class*

Robert D. Klausner

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Firefighters' Pension Plan

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*Additional Counsel for City of Atlanta Police
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Firefighters' Pension Plan*

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on January 10, 2024, I authorized the electronic filing of the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the email addresses of all counsel of record.

/s/ Daniel L. Berger
Daniel L. Berger

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 22-80418-CV-MIDDLEBROOKS

CITY OF ATLANTA POLICE OFFICERS'
PENSION PLAN and CITY OF ATLANTA
FIREFIGHTERS' PENSION PLAN,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

-v-

CELSIUS HOLDINGS, INC., JOHN
FIELDLY, and EDWIN NEGRON-
CARBALLO,

Defendants.

CLASS ACTION

**DECLARATION OF DANIEL L. BERGER IN SUPPORT OF MOTION
FOR AN AWARD OF ATTORNEYS' FEES AND EXPENSES**

I, DANIEL L. BERGER declare as follows:

1. I am a Principal of the law firm Grant & Eisenhofer P.A. (“Grant & Eisenhofer”), Lead Counsel and Counsel for Lead Plaintiffs City of Atlanta Police Officers’ Pension Plan and City of Atlanta Firefighters’ Pension Plan (together, “Lead Plaintiffs”).

2. I oversaw and/or conducted the day-to-day activities of my firm in this action. A description of the work performed by my firm is contained in the Declaration of Daniel L. Berger in Support of Lead Plaintiffs’ Unopposed Motion for Final Approval of Class Action Settlement and Plan of Allocation, Certification of Class and Appointment of Class Representatives and Class Counsel. ECF No. 122.

3. The information in this declaration regarding Grant & Eisenhofer’s time and expenses is taken from time and expense printouts and supporting documentation prepared and/or maintained by the firm in the ordinary course of business. I reviewed these printouts (and backup documentation where necessary or appropriate) in connection with preparing this declaration.

4. In reviewing the time and expense reports, I confirmed that they were accurate, and I also evaluated whether the time and expenses committed to the litigation were necessary and reasonable. As a result of this review, I can confirm that the time reflected in the firm’s lodestar calculation and expenses for which payment is sought as set forth in this declaration are reasonable and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private marketplace.

5. Attorneys and paralegals at Grant & Eisenhofer spent 2,499.90 hours working on this litigation. A breakdown of the lodestar is provided in Exhibit A. The lodestar amount for time based on Grant & Eisenhofer’s current rates is \$1,894,354.00. The hourly rates shown in Exhibit A are the usual and customary rates set by the firm for each individual. Grant &

Eisenhofer's firm resume, which includes a description of certain of the attorneys who worked on this action, is attached as Exhibit C.

6. Grant & Eisenhofer also seeks an award of \$337,015.13 in unreimbursed expenses and charges in connection with the prosecution of the litigation. Those expenses and charges are summarized by category in Exhibit B.

7. The expenses are reasonable and were necessary to carry out the prosecution of the claims on behalf of the Class. From the beginning of the case, Lead Counsel was aware that it might not recover any of their expenses, and, at the very least, would not recover any of its out-of-pocket expenses until the action was successfully resolved. Thus, Lead Counsel was motivated to, and did, take significant steps to minimize expenses whenever practicable without jeopardizing the vigorous and efficient prosecution of the case.

8. These expenses include \$25,006.01 for case investigation which was necessary to achieve the result in the Settlement. The investigation, which included locating former Celsius employees, was conducted to draft the allegations in the Amended Class Action Complaint.

9. Case-related legal research expenses of \$6,214.09 were necessary to achieve the result in the Settlement. This research was conducted to respond to Defendants' Motion to Dismiss the Amended Class Action Complaint, to prepare Plaintiffs' Motion for Class Certification, and to evaluate the legal implications of discovery that was produced.

10. These expenses also include \$271,093.80 for payments to experts retained by Lead Counsel. The experts retained by Lead Counsel opined on issues regarding damages and accounting principles. Lead Plaintiffs' damages expert: (i) analyzed whether Celsius securities traded on an efficient market and supplied an expert report stating as much in support of Lead Plaintiffs' motion for class certification; (ii) prepared to be deposed in connection with Lead Plaintiffs' motion for class certification; (iii) prepared damages estimates to guide settlement

negotiations; and (iv) helped develop the Plan of Allocation. Lead Plaintiffs' accounting expert helped interpret applicable accounting regulations that are at the heart of the allegations as Lead Plaintiffs' were preparing their Amended Complaint, and also analyzed documents produced during discovery, including workpapers and related documents produced by Defendants' accountants

11. The other expenses for which Grant & Eisenhofer seeks reimbursement are the types of expenses that are necessarily incurred in litigation and routinely billed to clients who are otherwise billed by the hour. These expenses include, among other things, court fees, mediator costs, copying costs, and postage costs.

12. The expenses pertaining to this case are reflected in the books and records of this firm. These books and records are prepared from receipts, expense vouchers, check records, and other documents and are an accurate record of the expenses.

13. Exhibit D, attached hereto, also provides a summary of the total hours, total lodestar and total expenses spent by all of Lead Plaintiffs' counsel in this action. *See also* the Declarations of Jeffrey A. Reeves and Robert D. Klausner in Support of the Motion for Attorneys' Fees and Expenses.

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

Executed this 10th day of January, 2024, at New York, NY

/s/ Daniel L. Berger
Daniel L. Berger



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City of Atlanta Pension Board
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January 09, 2024
Account No. 33100

Celsius Holdings

Recapitulation

<u>Timekeeper</u>	<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Caitlin Moyna	Partner	538.10	1,100.00	591,910.00
Daniel L. Berger	Partner	256.40	1,500.00	384,600.00
Lauren Salamon	Associate	51.20	650.00	33,280.00
Mica Cocco	Associate	823.60	500.00	411,800.00
Vincent Pontrello	Associate	672.10	615.00	413,341.50
Susan Neis	Paralegal	156.80	375.00	58,800.00
Valisity Beal	Paralegal	0.20	375.00	75.00
Keith DiGuglielmo	Paralegal Assistant	1.50	365.00	547.50
		2,499.90		1,894,354.00



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January 09, 2024
Account No. 33100

Celsius Holdings

Cost Detail

Case Investigation	\$25,006.01
Case-Related Research	\$6,214.09
Class Notice Expenses	\$3,451.55
Duplication Services	\$1,096.55
E-Discovery Data Hosting Services	\$2,153.50
E-Discovery Data Processing Services	\$1,317.50
Expert	\$271,093.80
Local Counsel	\$2,610.00
Mediation	\$10,000.00
Service Fees	\$650.00
Transcription Services	\$5,751.20
Travel	\$7,670.93
Total Disbursements	<u>\$337,015.13</u>

FIRM BIOGRAPHY

Grant & Eisenhofer P.A. (“G&E”) concentrates on federal securities and corporate governance litigation and other complex class litigation. With approximately 80 attorneys, G&E primarily represents domestic and foreign institutional investors, both public and private, who have been damaged by corporate fraud, greed and mismanagement. The Firm was named to The National Law Journal’s “Plaintiffs’ Hot List” for more than a decade and is listed as one of America’s Leading Business Law Firms by Chambers & Partners, who reported that G&E “commanded respect for its representation of institutional investors in shareholder and derivative actions, and in federal securities fraud litigation.” Based in Delaware, New York, Chicago and San Francisco, G&E routinely represents clients in federal and state courts throughout the country. G&E’s clients include the California Public Employees’ Retirement System, New York State Common Retirement Fund, Ohio Public Employees’ Retirement System, State of Wisconsin Investment Board, Teachers’ Retirement System of Louisiana, PIMCO, Trust Company of the West, The Capital Guardian Group and many other public and private U.S. and international institutions.

G&E was founded in 1997 by Jay W. Eisenhofer and Stuart M. Grant, former litigators in the Wilmington office of the nationally prominent firm of Skadden, Arps, Slate, Meagher & Flom LLP. Over the years, the Firm’s principals have gained national reputations in securities and corporate litigation. In fact, G&E was the first law firm in the country to argue the provisions of the Private Securities Litigation Reform Act (“PSLRA”) allowing an institutional investor to be appointed as lead plaintiff in a securities class action. The Firm has gone on to build a national and international reputation as a leader in securities litigation. In both class action and “opt-out” cases, G&E has attracted widespread recognition for protecting investors’ rights and recovering their damages. RiskMetrics Group has twice recognized G&E for securing the highest average investor recovery in securities class actions.

G&E has served as lead counsel in many of the largest securities class action recoveries, including:

- \$3.2 billion settlement from Tyco International Ltd. and related defendants
- \$486 million settlement from Pfizer
- \$448 million settlement in Global Crossing Ltd. securities litigation
- \$422 million total class recovery for investors in the stock and bonds of Refco
- \$400 million recovery from Marsh & McLennan
- \$325 million from Delphi Corp.
- \$303 million settlement from General Motors
- \$300 million settlement from DaimlerChrysler Corporation
- \$300 million recovery from Oxford Health Plans
- \$276 million judgment & settlement for Safety-Kleen bond investors

G&E has also achieved landmark results in corporate governance litigation, including:

In re UnitedHealth Group Inc. Shareholder Derivative Litigation: G&E represented the Ohio Public Employees Retirement System, State Teachers Retirement System of Ohio, and Connecticut Retirement Plans and Trust Funds as lead plaintiffs in a derivative and class action suit in



which G&E successfully challenged \$1.2 billion in back-dated options granted to William McGuire, then-CEO of health care provider UnitedHealth Group (“UHG”). This was among the first – and most egregious – examples of options backdating. G&E’s case against UHG produced a settlement of \$922 million, the largest settlement in the history of derivative litigation in any jurisdiction.

In re Digex, Inc. Shareholders Litigation – G&E initiated litigation alleging that the directors and majority stockholder of Digex, Inc. breached fiduciary duties to the company and its public shareholders by permitting the majority shareholder to usurp a corporate opportunity that belonged to Digex. G&E’s efforts in this litigation resulted in an unprecedented settlement of \$420 million, one of the largest settlements in the history of the Delaware Chancery Court.

Caremark / CVS Merger - G&E represented two institutional shareholders in this derivative litigation challenging the conduct of the board of directors of Caremark Rx Inc. in connection with the negotiation and execution of a merger agreement with CVS, Inc., as well as the board’s decision to reject a competing proposal from a different suitor. Through the litigation, Caremark’s board was forced to renegotiate the terms of the merger agreement with CVS. The settlement ensured statutory rights of Caremark shareholders, providing an additional \$3.19 billion in cash consideration.

Teachers’ Retirement System of Louisiana v. Greenberg, et al. and American International Group, Inc.: In what was, at the time, the largest settlement of shareholder derivative litigation in the history of the Delaware Chancery Court, G&E reached a \$115 million settlement in a lawsuit against former executives of AIG for breach of fiduciary duty. The case challenged hundreds of millions of dollars in commissions paid by AIG to C.V. Starr & Co., a privately held affiliate controlled by former AIG Chairman Maurice “Hank” Greenberg and other AIG directors. The suit alleged that AIG could have done the work for which it paid Starr, and that the commissions were simply a mechanism for Greenberg and other Starr directors to line their pockets.

AFSCME v. AIG – This historic federal appeals court ruling in favor of G&E’s client established the right, under the then-existing proxy rules, for shareholders to place the names of director candidates nominated by shareholders on corporate proxy materials – reversing over 20 years of adverse rulings from the SEC’s Division of Corporate Finance and achieving what had long been considered the “holy grail” for investor activists. Although the SEC took nearly immediate action to reverse the decision, the ruling renewed and intensified the dialogue regarding proxy access before the SEC, ultimately resulting in a new rule currently being considered by the SEC that, if implemented, will make proxy access mandatory for every publicly traded corporation.



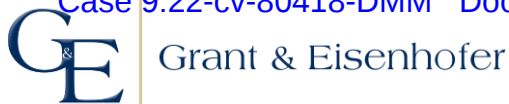
Unisuper Ltd. v. News Corp., et al. – G&E forced News Corp. to rescind the extension of its poison pill on the grounds that it was obtained without proper shareholder approval.

Teachers' Retirement System of Louisiana v. HealthSouth – G&E negotiated a settlement which ousted holdover board members loyal to indicted CEO Richard Scrushy and created mechanisms whereby shareholders would nominate their replacements.

Carmody v. Toll Brothers – This action initiated by G&E resulted in the seminal ruling that “dead-hand” poison pills are illegal.

In addition, the Firm’s lawyers are often called upon to testify on behalf of institutional investors before the SEC and various judicial commissions, and they frequently write and speak on securities and corporate governance issues. G&E managing director Jay Eisenhofer and principal Michael Barry are co-authors of the *Shareholder Activism Handbook*, and in 2008, Jay Eisenhofer was named by *Directorship Magazine* as one of the “100 Most Influential People in Corporate Governance and the Boardroom.”

G&E is proud of its success in fighting for institutional investors in courts and other forums across the country and throughout the world.



G&E's ATTORNEYS

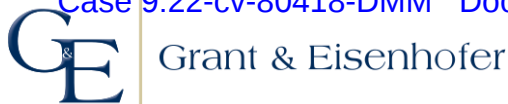
Jay W. Eisenhofer

Jay Eisenhofer, co-founder and managing principal of Grant & Eisenhofer P.A., has been counsel in more multi-hundred million dollar cases than any other securities litigator, including the \$3.2 billion settlement in the Tyco case, the \$922 million UnitedHealth Group settlement, the \$486 million settlement with Pfizer, the \$450 million settlement in the Global Crossing case, a \$400 million settlement with Marsh & McLennan, a \$303 million settlement with General Motors and a \$300 million settlement with DaimlerChrysler. Internationally, Mr. Eisenhofer has organized cases on behalf of investors leading to substantial recoveries, including the \$1.5 billion settlement with Fortis in the Netherlands, the \$1 billion recovery against Royal Bank of Scotland in the United Kingdom, and the historic \$450 million pan-European settlement in the Royal Dutch Shell case in the Netherlands. Mr. Eisenhofer was also the lead attorney in the seminal cases of *American Federation of State, County & Municipal Employees, Employees Pension Plan v. American International Group, Inc.*, where the U.S. Court of Appeals required shareholder proxy access reversing years of SEC no-action letters, and *Carmody v. Toll Brothers*, wherein the Delaware Court of Chancery first ruled that so-called “dead-hand” poison pills violated Delaware law.

Mr. Eisenhofer has served as litigation counsel to many public and private institutional investors, including, among others, Amalgamated Bank, APG Asset Management, California Public Employees Retirement System, California State Teachers Retirement System, Colorado Public Employees Retirement Association, the Florida State Board of Administration, John Hancock, Louisiana State Employees Retirement System, New York City Retirement Funds, Inc., and Service Employees International Union.

Mr. Eisenhofer is consistently ranked as a leading securities and corporate governance litigator and he has been named by Lawdragon to its annual list of the top 500 lawyers in America for several consecutive years. He is also recognized by Benchmark Litigation as one of the Top 100 Trial Lawyers. *The National Law Journal* has selected Grant & Eisenhofer to its “Plaintiffs’ Hot List” as one of the top plaintiffs’ law firms in the country since the List’s inception, earning the firm a place in *The National Law Journal’s* “Plaintiffs’ Hot List Hall Of Fame” in 2008, as well as to its list of “Elite Trial Lawyers: The 50 Leading Plaintiffs Firms in America” since commencement of the list. The firm has been selected as a “Most Feared Plaintiffs Firm” by *Law360* as “one of the most high-profile shareholder and whistleblower advocates in the country, securing record-high cash settlements.” *U.S. News & World Report* has also repeatedly named Grant & Eisenhofer to its list of “Best Law Firms” in the fields of Securities Litigation, Commercial Litigation, and Corporate Law. Mr. Eisenhofer is rated AV by Martindale-Hubbell.

Mr. Eisenhofer has written and lectured widely on securities fraud and insurance coverage litigation, business and employment torts, directors' and officers' liability coverage, and the Delaware law of shareholder rights and directorial responsibilities. Among the publications he has authored: “The Shareholders Activism Handbook” Aspen Publishers; “Proxy Access Takes Center Stage – The Second Circuit’s Decision in *AFSCME Employees Pension Plan v. American International Group, Inc.*” *Bloomberg Law Reports*, Vol. 1, No. 5; “Investor Litigation in the U.S. - The System is Working” *Securities Reform Act Litigation Reporter*, Vol. 22, #5; “*In re Walt Disney Co. Deriv. Litig.* and the Duty of Good Faith Under Delaware Corporate Law” *Bank*



& *Corporate Governance Law Reporter*, Vol. 37, #1; “Institutional Investors As Trend-Setters In Post-PSLRA Securities Litigation” *Practising Law Institute*; “*In re Cox Communications, Inc.: A Suggested Step in the Wrong Direction*,” *Bank and Corporate Governance Law Reporter*, Vol. 35, #1; “Does Corporate Governance Matter to Investment Returns?” *Corporate Accountability Report*, Vol. 3, No. 37; “Loss Causation in Light of Dura: Who is Getting it Wrong?” *Securities Reform Act Litigation Reporter*, Vol. 20, #1; “Giving Substance to the Right to Vote: An Initiative to Amend Delaware Law to Require a Majority Vote in Director Elections,” *Corporate Governance Advisor*, Vol. 13, #1; “An Invaluable Tool in Corporate Reform: Pension Fund Leadership Improves Securities Litigation Process,” *Pensions & Investments*; and “Securities Fraud, Stock Price Valuation, and Loss Causation: Toward a Corporate Finance-Based Theory of Loss Causation,” *Business Lawyer*. Mr. Eisenhofer has also authored a number of articles on illiquid and rouge hedge funds, including “Time for Hedge Funds to Become Accountable to Fiduciary Investors,” *Pensions & Investments*; and “Hedge Funds of the Living Dead,” *New York Times Dealbook*.

Mr. Eisenhofer serves as a member of the NYU Law School Advisory Board for the Center on Civil Justice. He is a graduate of the University of Pittsburgh, and a 1986 *magna cum laude* graduate of Villanova University School of Law, Order of the Coif. He was a law clerk to the Honorable Vincent A. Cirillo, President Judge of the Pennsylvania Superior Court and thereafter joined the Wilmington office of Skadden Arps Slate Meagher & Flom. Mr. Eisenhofer was a partner in the Wilmington office of Blank Rome Comisky & McCauley until forming Grant & Eisenhofer P.A. in 1997.

Jeff A. Almeida

Jeff Almeida is a principal at Grant & Eisenhofer practicing in the areas of Delaware corporate litigation and both domestic and international securities litigation.

Mr. Almeida has a wide breadth of complex commercial litigation experience, with over 22 years of practice. He has primarily represented domestic and foreign institutional investors in prominent securities fraud class actions and opt-out cases, including *In re JPMorgan Chase & Co. Securities Litigation (London Whale)* (S.D.N.Y.); *In re Medtronic Securities Litigation* (D. Minn.); *In re Refco Inc. Securities Litigation* (S.D.N.Y.); *In re Merck & Co., Inc. Vytarin/Zetia Securities Litigation* (D.N.J.); *In re Bank of America/Merrill Lynch Securities Litigation* (S.D.N.Y.); *In re Pfizer Inc. Securities Litigation* (S.D.N.Y.); *In re Global Cash Access Holdings Securities Litigation* (D. Nev.); and *In re Career Education Corp. Securities Litigation* (S.D. Ill.). In addition, Mr. Almeida has played prominent roles in international securities cases involving RBS (U.K.), Volkswagen (Germany), and Danske Bank (Denmark).

Mr. Almeida has also been actively engaged in derivative, class, and appraisal litigation in the Delaware Court of Chancery, including the matters *In re Tyson Foods, Inc. Consolidated Shareholder Litigation*, which resulted in historic rulings clarifying the fiduciary duties of corporate directors in connection with the administration of stock option plans; *Louisiana Municipal Police Employees’ Retirement System v. Crawford (Caremark)*, a well-publicized derivative action challenging the terms of the Caremark and CVS merger that resulted in a \$3.2 billion settlement; and *In re Genentech Inc. Shareholder Litigation*, where he successfully represented Genentech minority stockholders in controlling stockholder Roche’s attempt to squeeze out the minority to seize full control of Genentech.



Grant & Eisenhofer currently leverages Mr. Almeida's broad experience and success in stockholder litigation to manage the firm's investigation and development of new cases. In this role, Mr. Almeida conducts in-depth investigations into dozens of potential securities fraud claims, and other derivative and corporate governance matters, in order to develop the legal theories that support Grant & Eisenhofer's litigation efforts.

Prior to joining Grant & Eisenhofer in August 2004, Mr. Almeida was affiliated for six years as an attorney with a major Philadelphia defense firm, where he practiced in the areas of complex commercial litigation and class action defense.

Mr. Almeida is a 1994 graduate of Trinity College in Hartford, Connecticut, where he captained the varsity basketball team and achieved election to Phi Beta Kappa, and a 1997 graduate of William and Mary Law School in Williamsburg, Virginia. Mr. Almeida is admitted to practice in Delaware, Pennsylvania, and New Jersey, along with several federal courts.

Edward J. Aucoin

Edward Aucoin is a principal at Grant & Eisenhofer, where his primary area of practice is representing families and children in birth injury and birth trauma litigation. Prior to joining G&E, Mr. Aucoin worked at several medical negligence defense firms in the Chicago area, focusing on medical malpractice and professional liability as well as commercial litigation. He also was a senior trial attorney at a national insurance company.

Mr. Aucoin has successfully litigated hundreds of cases and has served as first and second chair trial attorney. He has handled every aspect of medical negligence cases, from pleadings and discovery to experts and trial. Mr. Aucoin has litigated birth injury cases in Illinois, Louisiana, Wisconsin, Missouri, Florida, Georgia, South Carolina, North Carolina, Texas, Mississippi, Kentucky, Maryland, New York, North Dakota, South Dakota, Arkansas, Nevada, Michigan, Ohio and Indiana.

In 2023, Mr. Aucoin was selected as one of the "Top 100 - Civil Plaintiff" by the National Trial Lawyers for the second year in a row. Mr. Aucoin previously served as co-chair of the American Association for Justice Medical Negligence Information Exchange Group and is currently a Co-editor of the Journal for the American Association for Justice Birth Trauma Litigation Group. He previously authored an article for that Journal, titled *Helping to Improve Your Client's Life Outside the Courtroom*, which focused on governmental and private programs in education, nutrition, finance, health insurance, and housing that are available to persons with disabilities.

Mr. Aucoin received his J.D. from Loyola University New Orleans School of Law and his B.A. in Broadcast Journalism and Political Science from Loyola University of New Orleans. He is licensed in Illinois, Louisiana and North Carolina, and is admitted to numerous Federal District Courts in the United States.

Michael J. Barry

Michael Barry is a principal at Grant & Eisenhofer focusing on corporate governance and securities litigation. For over thirteen years, he has represented institutional investors in litigation relating to securities fraud, corporate fiduciary responsibilities, shareholder proposals under SEC



Rule 14a-8, and corporate governance generally. As a foremost practitioner in these areas, Mr. Barry has been significantly involved in groundbreaking class action recoveries, corporate governance reforms and shareholders rights litigation.

He has been instrumental in landmark corporate governance cases, including *AFSCME v. AIG*, which recognized shareholders' right to introduce proxy access proposals; *Bebchuk v. CA, Inc.*, which allowed shareholders to introduce proposals restricting a board's ability to enact poison pills; and *CA, Inc. v. AFSCME*, a historic decision of the Delaware Supreme Court regarding the authority of shareholders to adopt corporate bylaws. His casework includes the Genentech Shareholder Litigation, resulting in an increase of \$3 billion in value for shareholders arising from a corporate merger; a \$922 million settlement in the UnitedHealth Group derivative litigation, resolving one of the most egregious examples of options backdating; an \$89.4 million recovery for stockholders of Del Monte Foods Co. in a case that exposed significant conflicts of interest in staple financing in corporate mergers; and a \$153.75 million recovery in a derivative action on behalf of Freeport-McMoRan Corporation shareholders, which included, for the first time in derivative litigation, a provision that the entire cash portion of the recovery—\$147.5 million—be distributed to shareholders in the form of a special dividend.

Mr. Barry has spoken widely on corporate governance and related matters. In addition to having served as a guest lecturer at Harvard Law School, he speaks at numerous conferences each year. Mr. Barry has authored several published writings, including the *Shareholder Activism Handbook*, a comprehensive guide for shareholders regarding their legal rights as owners of corporations, which he co-authored. In 2015, Mr. Barry was selected to the Markets Advisory Council for the Council of Institutional Investors.

Prior to joining Grant & Eisenhofer, Mr. Barry practiced at a large Philadelphia-based firm, where he defended the Supreme Court of Pennsylvania, the Pennsylvania Senate and Pennsylvania state court judges in a variety of trial and appellate matters. He is a 1990 graduate of Carnegie Mellon University and graduated *summa cum laude* in 1993 from the University of Pittsburgh School of Law, where he was an Executive Editor of the *University of Pittsburgh Law Review* and a member of the Order of the Coif.

Daniel L. Berger

Daniel Berger is a principal at Grant & Eisenhofer. Prior to joining the firm, Mr. Berger had been a partner at two major plaintiffs' class action firms in New York, where he litigated complex securities and discrimination class actions for twenty-two years.

Mr. Berger's experience includes trying three 10b-5 securities class actions to jury verdicts, which are among very few such cases ever tried, as well as conducting trials in Delaware Chancery Court and other state courts. Mr. Berger served as principal lead counsel in many of the largest securities class action cases in history, achieving successful recoveries for classes of investors in *In re JPMorgan Chase & Co. Securities Litigation* (\$150 million); *In re Merck Vytorin/Zetia Securities Litigation* (\$215 million); *In re Cendant Corp. Securities Litigation* (\$3.3 billion); *In re Lucent Technologies, Inc. Securities Litigation* (\$675 million); *In re Bristol-Myers Squibb Securities Litigation* (\$300 million); *In re Daimler Chrysler A.G. Securities Litigation* (\$300 million); *In re Conseco, Inc. Securities Litigation* (\$120 million); *In re Symbol*



Technologies Securities Litigation (\$139 million); and *In re OM Group Securities Litigation* (\$92 million).

Mr. Berger has successfully argued several appeals that made new law favorable to investors, including *In re Suprema Specialties, Inc. Securities Litigation*, 438 F.3d 256 (3d Cir. 2005); *McCall v. Scott*, 250 F.3d 997 (6th Cir. 2001) and *Fine v. American Solar King Corp.*, 919 F.2d 290 (5th Cir. 1990.) In addition, Mr. Berger was lead class counsel in many important discrimination class actions, in particular *Roberts v. Texaco, Inc.*, where he represented African-American employees of Texaco and achieved the then largest settlement (\$175 million) of a race discrimination class action.

Mr. Berger is a member of the faculty of Columbia University School of Law, where he is a Lecturer in Law. He also serves on the Board of Visitors of the Law School. Previously, Mr. Berger was a member of the Board of Managers of Haverford College from 2000-2003. He is a member of the Board of Directors (and was Board co-Chair) of the GO Project, a not-for profit organization that provides academic support for New York City public school students. He also serves on the Board of the Madison Square Park Conservancy, a public-private partnership that operates and preserves one of New York City's great parks.

Mr. Berger is a 1976 graduate of Haverford College, and graduated in 1979 from Columbia University School of Law.

Sindhu S. Daniel

Sindhu Daniel is a principal at Grant & Eisenhofer where she focuses on complex and mass tort litigation. Ms. Daniel has been handling pharmaceutical drug and device cases for over 20 years.

Prior to G&E, Ms. Daniel was a Shareholder at a national plaintiffs' law firm managing the Pharmaceutical Litigation Group. She has served in leadership on multiple MDLs and currently serves on the Plaintiffs' Steering Committee for the 3M Combat Arms Earplug Products Liability Litigation, the Elmiron MDL, the Talc and Proton Pump Inhibitor MDLs, the Gilead Tenofovir JCCP, and the Essure JCCP, which resulted in a \$1.6 billion settlement in overall compensation to injured women.

Ms. Daniel previously served as co-lead negotiator on behalf of a large group of plaintiffs in a case involving severe and permanent injuries caused by transvaginal mesh implants. Additionally, Ms. Daniel played roles in the settlements for Vioxx, Fresenius Granuflo/Naturalyte dialysis products, DePuy Orthopaedics, and was previously appointed to the Plaintiffs' Steering Committee in the Xarelto and Ethicon Power Morcellator MDLs.

Ms. Daniel earned her J.D. from Temple University James E. Beasley School of Law, and her B.A. from Temple University. Ms. Daniel is a member of the American Association for Justice and Women En Masse. She is also a member of The National Trial Lawyers Top 100 Civil Plaintiff Lawyers, and was selected to the Lawdragon 500 Leading Plaintiff Consumers Lawyers Guide for 2022 and 2023. Also in 2023, Ms. Daniel was granted attorney accreditation with the Department of Veterans Affairs.



Robert G. Eisler

Robert Eisler is a principal at Grant & Eisenhofer and leads the firm’s antitrust practice. Mr. Eisler has been involved in many significant antitrust class action cases over the course of his career. He is experienced in numerous industries, including pharmaceuticals, paper products, construction materials, industrial chemicals, processed foods, securities, and consumer goods.

Mr. Eisler is currently serving as co-lead counsel in several cases, *including In re Seroquel Antitrust Litigation, In re London Silver Fixing, Ltd. Antitrust Litigation and In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*. He has served as lead or co-lead counsel in many other significant antitrust cases, including *In re Buspirone Antitrust Litigation* (which led to a \$90 million settlement in which presiding Judge Koeltl stated that the plaintiffs’ attorneys had done “a stupendous job”), *In re Ciprofloxacin Hydrochloride Antitrust Litigation, In re Flat Glass Antitrust Litigation, and In re Municipal Derivatives Antitrust Litigation*.

Mr. Eisler has played major roles in a number of other significant antitrust cases, including *In re Polyurethane Foam Antitrust Litigation, In re Blue Cross/Blue Shield Antitrust Litigation, In re Containerboard Antitrust Litigation and In re Linerboard Antitrust Litigation*. He also has significant experience litigating antitrust matters in the UK and the Netherlands including cases concerning cartels in a number of industries, such as air cargo services, air passenger services, automotive glass, medium and heavy trucks and pharmaceuticals, among others.

In addition to his antitrust work, Mr. Eisler has extensive experience in securities, derivative, complex commercial and class action litigation at the trial and appellate levels. He has been involved in numerous securities and derivative litigation matters on behalf of public pension funds, municipalities, mutual fund companies and individual investors in state and federal courts.

Mr. Eisler graduated from LaSalle University in 1986, and in 1989, from Villanova University School of Law.

Adam J. Gomez

Adam Gomez is a principal at Grant & Eisenhofer where he focuses on complex and mass tort litigation as well as environmental litigation. Prior to joining G&E, Mr. Gomez was an associate at a national defense litigation firm where he defended clients in catastrophic personal injury, products liability, professional liability, and civil rights litigation.

Mr. Gomez currently serves as Chair of the Insurance Committee representing residents and businesses harmed by the catastrophic gas explosions in Merrimack Valley of Massachusetts caused by the negligence of Columbia Gas and NiSource. He also serves as a Chair of the Discovery Committee in the *Gilead Tenofovir Cases*, California Judicial Council Coordinated Proceeding (JCCP) No. 5043, representing members of the HIV community injured by Gilead Sciences, Inc.’s negligent design of tenofovir-based antiretroviral medications. He is the Co-Chair of the American Association for Justice Tenofovir Litigation Group. Additionally, Mr. Gomez represents victims of the Paradise, California Camp Fire—the deadliest in the state’s history—where plaintiffs allege that fires were sparked by aging, unsafe electrical infrastructure maintained by Pacific Gas & Electric.



Mr. Gomez earned his J.D. from Temple University James E. Beasley School of Law in 2013, where he was a Beasley Scholar and received awards for excellence in Constitutional Law and Outstanding Oral Advocacy in the Integrated Trial Advocacy Program. He received his B.A. in Government from Wesleyan University in 2010 where he served as Chair of the Student Judicial Board and President of Delta Kappa Epsilon.

Mr. Gomez is a member of the American Association for Justice, Hispanic Bar Association of Pennsylvania and Philadelphia Trial Lawyers Association. He was selected for inclusion in the 2018 list of “Rising Stars” in Pennsylvania *Super Lawyers*. In 2023, Mr. Gomez was granted attorney accreditation with the Department of Veterans Affairs.

Elizabeth (Beth) Graham

Elizabeth (“Beth”) Graham is a principal at Grant & Eisenhofer. She leads the firm’s complex and mass tort litigation practice and serves as a member of the firm’s Executive Committee. Ms. Graham has spent most of her career as a plaintiffs’ lawyer advocating for the rights of individuals, families and small businesses harmed by large corporations.

Ms. Graham’s expertise spans the practice areas of mass tort, consumer fraud, product liability, environmental, business torts, and sexual assault and retaliation claims. She has served as Lead Counsel in multi-million dollar cases, has acted as a member of various Plaintiffs’ Executive Committees in complex actions, and has prior experience as national defense coordination counsel in product liability and environmental litigation.

Ms. Graham is actively representing thousands of injured victims in various cases against corporations, including pharmaceutical companies, medical device manufacturers, public utility and tech companies. Ms. Graham is Liaison Counsel, a member of the Executive Committee, Chair of the Law & Briefing Committee, and was a lead negotiator in the *In re Essure Product Cases* (JCCP 4887) settlement, which provided \$1.6 billion in overall compensation to injured women. She was also Co-Lead class counsel in the *In re Columbia Gas Explosion Cases* (Mass. Sup. Ct.) where she was a principal negotiator of the recent \$143 million class action settlement.

Most recently, Ms. Graham was appointed co-lead interim class counsel in the *In re East Palestine Train Derailment* cases, representing individuals harmed by the Norfolk Southern train derailment and explosion in East Palestine, Ohio, which released a cloud of carcinogenic vinyl chloride into the surrounding area. Ms. Graham also currently serves in leadership as Liaison Counsel in California’s *Gilead Tenofovir Cases and Coordinated Actions*, JCCP No. 5043, representing thousands of people harmed by certain HIV drugs manufactured by California biotech giant Gilead Sciences. Ms. Graham is a PSC member in *In re Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Products Liability Litigation* (MDL No. 2775), where she was also appointed to the Settlement Committee by the court. She served as Co-Lead on the Plaintiffs’ Executive Committee and as Chair of the Law & Briefing Committee in *In re Zofran (Ondansetron) Products Liability Litigation* (MDL No. 2657). She also previously has served on the Plaintiffs’ Steering Committee in *In re Power Morcellator Products Liability Litigation* (MDL No. 2652); as a member of the Plaintiffs’ Steering Committee in *In re Stryker LFIT V40 Femoral Head Products Liability Litigation* (MDL No. 2768); and as co-chair of the Law & Briefing Committee for *In re Xarelto Products Liability Litigation* (MDL No. 2592). Additionally, Ms. Graham represents victims of the Paradise, California Wildfires (2018),

victims of sexual assault, and families suffering as a result of environmental contamination and disasters.

Ms. Graham additionally represents a former female executive of dating app Tinder in her sexual assault and retaliation claims, including litigation of forced arbitration provisions.

Prior to joining G&E, Ms. Graham served on the Plaintiffs' Executive Committee and represented victims in the *In re Sulzer Hip Prosthesis and Knee Prosthesis Liability Litigation* (California JCCP No. 4165). She has served as Lead Counsel on the Plaintiffs' Executive Committee in high profile class actions such as *Borman Automotive v. American Honda Motor Corp.* (MDL No. 1069), which resulted in a \$435 million settlement; and litigation against Chrysler based on its Minivan Doorlatch failures and ABS brake defects. She has also represented hundreds of families injured by environmental contaminants, including radon, arsenic and rocket fuel, resulting in confidential settlements in excess of \$25 million. Ms. Graham also has vast experience as a consultant to other mass tort firms that seek her advice in structuring their cases.

Ms. Graham is an accomplished speaker, often presenting at educational programs sponsored by the American Association for Justice (AAJ); Mass Torts Made Perfect; Harris Martin; and Masters of Mass Tort. Additionally, Ms. Graham is Co-Chair of the AAJ Zofran Litigation Group, and is a member of AAJ's Publications Committee. She is the author of "Navigating Drug & Device Settlements," published in the May 2023 issue of *Trial* magazine, and co-author of "Medical Monitoring," published in the July 2018 issue of *Trial* as well as "Overcome the Clear Evidence Defense," published in *Trial's* July 2016 issue.

In 2023, Ms. Graham was granted attorney accreditation with the Department of Veterans Affairs. In 2021, Ms. Graham was named to Law360's annual "Titans of the Plaintiffs Bar." In 2018, Ms. Graham was selected to receive the Lifetime Achievement award by America's Top 100 Attorneys®.

Prior to her representation of injured individuals, Ms. Graham worked for large product liability defense firms as national defense counsel and was a partner at prominent San Francisco Bay area law firms.

Olav A. Haazen

Olav Haazen, PhD, is a principal at Grant & Eisenhofer. His areas of practice include cross-border securities fraud and antitrust litigation.

Mr. Haazen has significant experience representing foreign and domestic plaintiffs in a variety of antitrust and fraud actions. Notably, he successfully represented a class of Fortis investors for whom he helped negotiate a record-high \$1.5 billion settlement of all investment fraud claims in the Netherlands and Belgium. Other representations, past and present, include:

- nearly 300 institutional investors from around the world seeking recovery from Volkswagen in German court in connection with its well-publicized manipulation of emissions controls;



- a large group of Laiki and Bank of Cyprus bondholders and depositors with ICSID arbitration claims against Cyprus, whose interests were wiped as part of the 2013 Cyprus bank bail-out;
- foreign Madoff investors on fraud and negligence claims against feeder fund defendants and their auditors, custodians, and administrators;
- a French *qui tam* plaintiff in litigation arising out of the sale of Executive Life Insurance Company; and
- a large regional bakery in its successful monopolization suit against a competitor.

Mr. Haazen has also represented two classes of professional fashion models in price-fixing and consumer fraud actions, which resulted in a virtually unprecedented 100% recovery of all claimants' losses, as well as substantial injunctive relief, which Justice Ramos of the New York Supreme Court lauded as a model for legislative reform.

Prior to joining G&E, Mr. Haazen was counsel at a prominent national law firm, where he successfully represented major corporate clients and individuals in several high-profile RICO, securities, and government investigation matters and commercial disputes, including a well-known playwright against a civil forfeiture claim arising out of Kenneth Starr's "Ponzi" scheme; a utilities company in a significant contract dispute with Enron; and one of the largest franchisors in professional sports in a \$1.2 billion monopolization suit. He has also represented several government entities and officials, including a Westchester County municipality in a \$600 million lawsuit by Donald Trump's Seven Springs LLC, as well as the City and Mayor of Amsterdam, and a foreign country's former Secretary of State.

From 2010-2011, Mr. Haazen served on the American Bar Association's seven-member Standing Committee for Amicus Curiae briefs and the Third-Party Litigation Funding Study Group. From 1996-2001, he served as a Country Reporter for the Netherlands for the European Restatement of Torts, and recently as a Netherlands Reporter to the 17th International Congress of Comparative Law. Mr. Haazen is a former professor of civil procedure and cross-border litigation at Leiden University in the Netherlands, and also previously taught at Harvard, Stanford, and Oxford. He has written several books and over 40 articles and case notes. He is admitted as solicitor in England and Wales, and as arbitrator at the Netherlands Arbitration Institute and at the Center for Dispute Resolution (CEDIRES) in Belgium.

Barbara Hart

Barbara Hart is a principal at Grant & Eisenhofer and serves on the firm's Executive Committee. Ms. Hart has nearly three decades of experience as a leader in plaintiffs' litigation. She has represented institutional investors, including many public pension funds, in securities and antitrust litigation and served as lead counsel in 4 of the top 100 securities class action settlements. Ms. Hart has also achieved substantive antitrust and False Claims Act/*Qui Tam* settlements on behalf of her clients.

In addition, Ms. Hart currently represents approximately 45 adult survivors of sexual abuse who are bringing claims against the Roman Catholic Archdiocese of New York, Maryknoll, Rockefeller University Hospital and the Boy Scouts of America. Ms. Hart is pioneering these claims in light of a change in New York law known as The Child Victims Act.



Prior to joining G&E, Ms. Hart was President and CEO of a firm focusing on securities and antitrust litigation, and before that, she spent 17 years representing plaintiffs at the New York office of a complex financial litigation firm. Notably, Ms. Hart obtained a \$219 million recovery for investors, including New York trade unions, who fell victim to the Madoff Ponzi scheme. Judge McMahon praised the “unprecedented global settlement” and recognized that Ms. Hart “carried the laboring oar.” Judge McMahon continued: “Your clients – all of them – have been well served . . . rarely has there been a more transparent settlement negotiation. It could serve as a prototype.”

Other representative casework includes a \$457 million securities recovery serving the Office of the Treasurer of the State of Connecticut as lead plaintiff; a \$285 million settlement in the El Paso securities litigation; a \$169 million settlement in securities class litigation against Juniper Networks involving options backdating; a \$53 million securities class action settlement on behalf of shareholders of Community Health Systems Inc.; and a \$22.4 million settlement on behalf of a whistleblower who alleged false Medicaid billing, among many others. Ms. Hart is also co-lead counsel in an antitrust class action representing a putative end-user class of indirect purchasers claiming that the county’s major chemical manufacturers schemed to inflate the price of caustic soda.

Ms. Hart is a member of Thirty Percent Coalition, a group representing many trillions of dollars of assets under management advocating for diversity on corporate boards. In March 2020, Ms. Hart received the EPIQ award for the Coalition’s advocacy for the advancement of women. Ms. Hart also currently serves, at the behest of the Westchester County Executive, on the Police Reform & Reinvention Task Force preparing a report due to the State of New York. She additionally serves as a director on the Westchester Medical Center Foundation Board.

Widely-spoken and published on various topics in securities and antitrust law, Ms. Hart also co-edited the “New York Antitrust and Consumer Protection Law” handbook. She is a Member of the New York State Bar Antitrust Executive Committee as to which she served as the 2014 Section Chair. Ms. Hart has also successfully represented institutional investor clients as *amici curiae* on various matters, including on New York’s Martin Act.

Ms. Hart was selected to the Lawdragon 500 Leading Plaintiff Consumers Lawyers Guide for 2022 and 2023. She was also selected to the 2023 Lawdragon 500 Leading Civil Rights & Plaintiff Employment Lawyers guide. She has been selected for inclusion to the list of New York *Super Lawyers* for nine years. She received her undergraduate degree from Vanderbilt University, her M.A. from University of North Carolina at Chapel Hill, and her J.D. from Fordham University School of Law where she was on the Dean’s List and a member of the *Fordham Law Review*.

Steven J. Kelly

Steve Kelly is a principal at Grant & Eisenhofer who, over the past two decades, has developed a national reputation for effectively litigating and advocating on behalf of crime victims/survivors – children and adults – including those targeted by serial sexual predators. He is widely considered by his peers as a pioneer for survivors in their civil claims for justice and also serving (*pro bono*) as their personal counsel/advocate throughout their perpetrator’s criminal prosecution. Mr. Kelly’s early work in this unique area of practice was instrumental in the

formation of the National Crime Victim Law Institute. Prior to joining G&E, Mr. Kelly was a Partner for several years in the Baltimore office of a leading national law firm; there he founded and successfully led the firm's innovative Criminal/Sexual Violence Group.

Passionate about his work, Mr. Kelly's lifelong commitment to crime prevention, victims' rights, and justice for survivors is rooted in his own tragic personal family experience; his sister was raped and murdered when he was a teenager and the perpetrator was never charged. Mr. Kelly's wide-ranging, often high-profile and highly-impactful outcomes on behalf of survivors/victims, includes:

- A \$14 million landmark Title IX settlement against Dartmouth College on behalf of students who were sexually assaulted and/or harassed by a group of professors; besides monetary compensation, the agreement required Dartmouth implement new measures to protect students.
- A \$14.25 million settlement for survivors of Rabbi Bernard 'Barry' Freundel, the disgraced former Keshet Israel Synagogue (Washington, D.C.) leader who was convicted of illicitly photographing women they prepared for their religious conversion in his temple's ritual bath.
- Overturning the exoneration of convicted Maryland murderer Adnan Syed, the focus of the Serial Podcast, on behalf of his victim's family who were given no opportunity to participate in the criminal proceedings.
- Leading the first mass action filing under the federal child pornography statute, Masha's Law, against more than 150 perpetrators who possessed, viewed, and distributed images of two very young girls being sexually abused by adult men
- Reaching a confidential settlement on behalf of a former student and resident at the prestigious St. Paul's (boarding) School, who was raped by a fellow student as part of a sex competition of which the school was aware
- Litigating on behalf of a group of families against the Glen Mar Early Learning Center, whose staff member sexually molested students under the age of five
- Achieving a confidential settlement on behalf of a student at a prestigious school who was sexually abused by the school's dean of students
- Negotiating to obtain a substantial settlement for a victim who was sexually abused while incarcerated in a juvenile facility
- Negotiating a confidential settlement on behalf of a middle school student who was sexually abused by her teacher at a DC Charter School
- Successfully arguing in the Connecticut Supreme Court on behalf of a missing - and presumed murdered - victim's family who was sued by the criminal suspect for posting missing person's posters. The court overturned the trial court's verdict against the family on First Amendment Grounds in a case with great significance groups devoted to finding missing persons
- Successfully litigating on behalf of survivors in criminal cases across the country including cases in the U.S. Court of Appeals for the Fourth Circuit, the U.S. Court of Appeals for the District of Columbia Circuit, and the Maryland Court of Appeals

Mr. Kelly has been lauded for his outstanding leadership, from courthouses to state houses, by peers, government officials, agencies and survivors advocacy organizations. The National Crime Victim Law Institute, American Bar Association, Network for Victim Recovery Center (NVRDC), Baltimore Child Abuse Center, Maryland Crime Victim's Resource Center, and the

Maryland Office of the Governor, are among those recognizing his myriad accomplishments. He has also been selected among Maryland Super Lawyers every year since 2003, and is a 2022 selection in the Lawdragon 500 Leading Plaintiff Employment & Civil Rights Lawyers.

Mr. Kelly has authored/co-authored articles that appear in: American Bar Association publications on representing child-victims and its guide on prosecutorial discretion; U.S. Justice Department Guidelines for representing victims of crime; U.S. Military training protocols for special victims' counsel; National Crime Victim Bar Association; National Institute of Justice and numerous state and local organizations. Mr. Kelly has presented at state and national conferences on crime victim rights in the criminal process, civil claims arising out of criminal acts, representing child-victims, criminal restitution, trauma-informed advocacy, and insurance coverage issues common in criminal/sexual violence cases.

He serves as the Chair of the Maryland State Board of Victim Services (appointed by Maryland Governor), is a member of the Conference of the U.S. Court of Appeals for the Fourth Circuit, the Advisory Board for the National Crime Victim Law Institute, the American Bar Association Victim Committee, the National Alliance for Crime Victim Rights Attorneys ("NAVRA"), National Crime Victim Bar Association, Maryland Association of Justice, Federal Bar Association, Maryland Bar Association and the Maryland Association for Justice.

Mr. Kelly earned his J.D. from Georgetown University Law Center in 2003, where he served on the *Journal of Law and Public Policy* and was recognized for his advocacy on behalf of victims by the Domestic Violence Clinic; and his B.A. from American University in 1997.

Christine M. Mackintosh

Christine Mackintosh is a principal at Grant & Eisenhofer, practicing in the areas of corporate and securities litigation. She has represented institutional investors, both public and private, in corporate cases in the Delaware Court of Chancery and in securities fraud class actions in federal courts throughout the country.

Ms. Mackintosh's practice primarily focuses on litigation in the Delaware Court of Chancery, where she has played significant roles in several landmark actions challenging mergers and acquisitions (including *In re Del Monte Foods Company Shareholder Litigation*, which resulted in an \$89.4 million recovery for the class, and *In re El Paso Corporation Shareholder Litigation*, which resulted in a \$110 million recovery for the class) and in several successful shareholder derivative actions (including *In re American International Group, Inc. Consolidated Derivative Litigation*, which resulted in a \$90 million recovery, one of the largest recoveries in a shareholder derivative action in the history of the Delaware Court of Chancery). Ms. Mackintosh's litigation successes include securing a \$300 million settlement of a derivative action brought on behalf of Renren, Inc. relating to a spin-off transaction orchestrated by Renren's controlling stockholder, Joseph Chen, which is the largest-ever direct cash payment in a shareholder derivative action; a \$175 million settlement of a derivative action brought on behalf of McKesson Corporation relating to the company's failure to adequately oversee its sales of opioid drugs in an action in the United States District Court for the Northern District of California; a \$167.5 million settlement of a derivative and class action in *In re CBS Corporation Stockholder Class Action and Derivative Litigation* challenging CBS Corporation's acquisition of Viacom, Inc.; a \$60 million partial settlement of a derivative and class action challenging the



acquisition of SolarCity Corporation by Tesla Motors, Inc.; and a \$48.5 million settlement of a class action in *In re MSG Networks, Inc. Stockholders Class Action Litigation* challenging Madison Square Garden Entertainment Corporation's acquisition of MSG Networks, Inc.

Ms. Mackintosh has extensive experience trying cases before the Court of Chancery. In 2021, Ms. Mackintosh secured an injunction of an unduly restrictive poison pill in the highly publicized *The Williams Companies Stockholder Litigation* and was a leading member of trial teams in *In re BGC Partners, Inc. Derivative Litigation*, *Dieckman v. Regency Group LP*, and *In re Tesla Motors, Inc. Stockholder Litigation*. Ms. Mackintosh has also tried a number of appraisal cases, including *In re Appraisal of Dell, Inc.*, *In re Appraisal of Solera Holdings, Inc.*, and *Verition Partners Master Fund Ltd. v. Aruba Networks, Inc.* Following a closely watched Delaware Supreme Court argument in the *Aruba* appraisal, Ms. Mackintosh obtained a reversal of the Chancery Court's decision that Aruba's fair value equaled its unaffected stock price.

Outside of the United States, Ms. Mackintosh recently represented a number of institutional investors pursuing their appraisal rights against Nord Anglia Education in the Grand Court of the Cayman Islands; following a three-week trial, the Grand Court of the Cayman Islands, Financial Services Division ruled in favor of G&E's client, finding that Nord Anglia's fair value was nearly 16% higher than the deal price. Ms. Mackintosh is currently representing institutional investors pursuing appraisal rights against 58.com in the Grand Court of the Cayman Islands.

In addition to her Chancery Court practice, Ms. Mackintosh has played a significant role in a number of securities fraud class actions that have achieved substantial recoveries for classes of investors, including *In re JP Morgan Chase & Co. Securities Litigation* (\$150 million recovery), *In re Refco Securities Litigation* (\$400 million recovery), and *In re Merck & Co., Inc. Vytarin/Zetia Securities Litigation* (\$215 million recovery), and on behalf of individual and institutional investors who have opted out of class actions to pursue individual suits, including representation of investors who opted out of *In re Bank of America Corporation Securities, Derivative & ERISA Litigation*. Outside of the United States, Ms. Mackintosh was a member of the team that secured the historic \$450 million pan-European settlement in the *Royal Dutch Shell* case in the Netherlands and the \$1 billion settlement in the *Royal Bank of Scotland* case in the United Kingdom. She is currently representing institutional investors in connection with litigation against Volkswagen AG in Germany.

In 2022, Ms. Mackintosh was named to the list of Elite Women of the Plaintiffs' Bar by *The National Law Journal*—one of only 15 women who received this honor. She was also highly ranked by Chambers & Partners in the Delaware Chancery: Mainly Plaintiff category. Ms. Mackintosh is a member of the Advisory Board of the John L. Weinberg Center for Corporate Governance.

A *magna cum laude* graduate of St. Joseph's University, Ms. Mackintosh earned her law degree at the University of Pennsylvania Law School. She is the co-author of two articles published by the Practising Law Institute's *Corporate Law & Practice Course Handbook Series*. "Ethical Issues and Their Impact on Securities Litigation," published in September-October, 2003, was co-authored with Marc J. Sonnenfeld, Viveca D. Parker and Marisel Acosta. "Lessons From Sarbanes-Oxley: The Importance of Independence In Internal Corporate Investigations," published in July, 2003, was co-authored with Alfred J. Lechner, Jr.



Kyle J. McGee

Kyle McGee is a principal at Grant & Eisenhofer. Mr. McGee is the head of G&E's Environmental Litigation Group, focusing on sovereign and public entity representation. Mr. McGee also regularly represents state and municipal clients in consumer protection matters, as well as relators or whistleblowers in *qui tam* litigation. In addition to environmental litigation, Mr. McGee partners with state Attorneys General and municipalities pursuing consumer protection actions against manufacturers of dangerous products, including pharmaceuticals.

Mr. McGee currently serves as special counsel to several state Attorneys General and municipalities in actions against Monsanto Co. arising out of that company's production, marketing, and sale of toxic PCBs, which now contaminate natural resources throughout the nation, and against 3M Co., DuPont, Chemours, and other manufacturers of toxic PFAS chemicals and products containing PFAS, which now contaminate groundwater, drinking water, and other public resources. Mr. McGee also represents state agencies in hazardous site litigation arising out of historic disposal practices and emissions of contaminants such as lead and arsenic. Mr. McGee was named to the Environmental Trial Lawyers Association Top 10 for Delaware, and serves on the Executive Committee for the ETLA.

Mr. McGee also represents numerous relators in confidential whistleblower actions under the federal and various state False Claims Acts, pursuing misconduct in diverse fields including medical and mental healthcare, residential mortgage lending, defense contracting, retail, and finance, as well as the whistleblower programs managed by the Securities & Exchange Commission and Commodity Futures Trading Commission.

Representative actions in which Mr. McGee played a principal role include:

- *State of New Mexico v. Monsanto Co.* (1st Jud. Dist.), an environmental protection action on behalf of New Mexico against Monsanto for damages resulting from PCB contamination of state waters and other natural resources, resulting in a \$23.6 million recovery.
- *District of Columbia v. Monsanto Co., et al.* (D.C. Super.), an environmental protection action on behalf of the D.C. government against Monsanto for damages resulting from PCB contamination of major waterways and other natural resources, resulting in a \$52 million recovery.
- *State of Mississippi ex rel. Jim Hood, Attorney General v. GlaxoSmithKline LLC* (Miss. Ch.), a consumer protection action on behalf of Mississippi against pharmaceutical company GSK for allegedly unfair and deceptive marketing practices, resulting in a \$25 million recovery.
- *In re Merck & Co., Inc. Vytorin/Zetia Securities Litigation* (D.N.J.), a major securities fraud action against pharmaceutical industry titan Merck & Co., Inc. that settled for \$215 million, jointly prosecuted with a related action, *In re Schering-Plough Corp. ENHANCE Securities Litigation* (D.N.J.), resulting in a \$688 million total recovery—together, the largest securities class action recovery against a pharmaceutical company at the time, and among the top securities settlements with any issuer.
- *In re JP Morgan Chase & Co. Securities Litigation* (S.D.N.Y.), a securities fraud action against investment bank JP Morgan and its leadership arising out of the "London Whale" scandal, resulting in a \$150 million settlement.



- *Champs Sports Bar & Grill Co. v. Mercury Payment Systems, LLC, et al.* (N.D. Ga.), a class action on behalf of small merchants against card processing companies Mercury Payment Systems and Global Payments Direct, which resulted in a settlement worth over \$70 million.
- *In re MyFord Touch Consumer Litigation* (N.D. Cal.), a consumer class action on behalf of owners of Ford vehicles equipped with allegedly defective infotainment units, which resulted in monetary and other relief valued at over \$33 million.
- *T.S. Kao, Inc. v. North American Bancard, LLC, et al.* (N.D. Ga.), a class action on behalf of small merchants against card processing companies North American Bancard and Global Payments Direct, which resulted in a settlement worth \$15 million.
- *Des Roches, et al. v. Blue Shield of California, Inc., et al.* (N.D. Cal.), an ERISA class action brought by three parents of minors denied coverage for mental health and/or substance use disorder treatment by Blue Shield of California and its mental health services administrator, Human Affairs International of California (a subsidiary of Magellan Health, Inc.), based on allegedly faulty criteria, which resulted in the defendants' inability to resume use of the challenged criteria and other significant injunctive relief, as well as a \$7 million fund for payment of allegedly improperly denied claims.
- *In re New Oriental Education & Technology Group Securities Litigation* (S.D.N.Y.), a securities fraud action against China-based New Oriental Education & Technology Group relating to alleged accounting manipulations, which settled for \$4.5 million.
- *In re Miller Energy Resources, Inc. Securities Litigation* (E.D. Tenn.), a securities fraud action against oil and gas firm Miller Energy regarding alleged accounting manipulations, which settled for approximately \$3 million.
- *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation* (N.D. Cal.), a consumer class action against Volkswagen, Audi, Porsche, and Robert Bosch LLC, arising out of the "Dieselgate" scandal, which resulted in an unprecedented vehicle buyback program and other relief valued at approximately \$15 billion.
- *British Coal Staff Superannuation Scheme, et al. v. American International Group, Inc.* (S.D.N.Y.), a securities fraud action brought by a number of public pension and retirement funds and other institutional investors against AIG in relation to its alleged concealment of toxic assets during the 2008 financial crisis, which resulted in a substantial investor recovery.
- *Stichting Pensioenfonds ABP, et al. v. Merck & Co., Inc., et al.* (D.N.J.), a securities fraud action brought by a number of public pension and retirement funds and other institutional investors against Merck & Co., Inc., and its former leadership, in relation to the company's allegedly false statements concerning Vioxx, which resulted in a substantial investor recovery.

Mr. McGee earned a postgraduate research degree, with honors, in the history and philosophy of law from the University of Edinburgh. In 2009, he received his J.D., *cum laude*, from Villanova University, where he was a Dean's Merit scholar. In 2005, he received a B.A. in philosophy as well as media technologies from the University of Scranton.



Caitlin M. Moyna

Caitlin Moyna is a principal at Grant & Eisenhofer, with over 15 years of experience in US and foreign securities fraud class action and opt-out litigation, shareholder derivative actions, merger litigation, and international arbitration. Ms. Moyna is also Co-Director of the Grant & Eisenhofer ESG Institute.

Currently, Ms. Moyna represents lead plaintiffs in securities class actions against General Electric, ProPetro, Block.one, Portland General Electric, and Exxon. She previously helped achieve significant recoveries against Santander Consumer USA, Camping World, Career Education and Miller Energy Resources, and prior to her time at G&E, against The Blackstone Group, among many others. She has also represented investors who opt out of securities class actions, including those against Valeant, Merck and Citigroup.

Ms. Moyna also has significant experience in litigating contractual disputes. She represented investors who challenged an early redemption of bonds issued by AgriBank and CoBank. She also represents textbook authors in an action against McGraw Hill challenging a new royalty payment plan which significantly reduces their royalty payments. Her experience also includes representing investors challenging mergers and other corporate actions in the Delaware Court of Chancery.

Additionally, Ms. Moyna has international arbitration experience, including achieving a landmark award on jurisdiction that allowed the claims of nearly 1,000 Greek investors to proceed in a single proceeding against Cyprus in an ICSID proceeding, and representing investors proceeding against Petrobras and Brazil before the Market Arbitration Chamber.

With Managing Director Jay W. Eisenhofer, Ms. Moyna co-authored two articles concerning alternative entities: “What is the State of Delaware Law as It Relates to the Scope of Fiduciary Duties Owed to Investors in So-Called Alternative Entities?”, *Bloomberg BNA*, Corporate Accountability Report (Dec. 5, 12, and 19, 2014); and “What Is the Current State of Delaware Law on the Scope of Fiduciary Duties Owed by Hedge Fund Managers to Their Funds and Investors?”, *The Hedge Fund Law Report*, Vol. 6, Nos. 26 and 27 (Sept. 19 and 26, 2013).

Prior to joining G&E, Ms. Moyna was associated with Cravath, Swaine & Moore and Ropes and Gray, where she represented corporations in securities fraud class actions and government investigations, as well as a boutique litigation firm specializing in investor representation.

Ms. Moyna is a *cum laude graduate* of Northwestern University School of Law, where she was elected to the Order of the Coif and served on the *Journal of Criminal Law and Criminology*. Ms. Moyna received her A.B. from Dartmouth College.

Rebecca A. Musarra

Rebecca Musarra is a principal at Grant & Eisenhofer. Ms. Musarra’s practice includes securities, corporate governance, and consumer protection litigation, and other complex class actions.



Ms. Musarra has helped achieve significant recoveries for investors and consumers. In Delaware Chancery Court, she has participated in a number of consequential derivative and shareholder class action cases. She also has considerable experience pursuing successful books-and-records investigations on behalf of stockholders pursuant to 8 *Del C.* § 220. Ms. Musarra's practice has also included appraisal actions in Chancery Court, including as a member of the trial team in *In re Appraisal of Dell Inc.* In federal court, she has litigated stockholder securities cases and class action cases on behalf of investors and consumers. As a member of the Co-Lead Counsel team representing a class of insurance beneficiaries, Ms. Musarra litigated claims against health insurers in federal court for ERISA violations relating to coverage for treatments for mental health and substance use disorders; settlement of the matter resulted in a \$7 million fund for payment of allegedly improperly denied claims and barred defendants from resuming use of challenged medical necessity criteria. She also played a principal role in pursuing fiduciary claims against entities and individuals associated with Cantor Fitzgerald, L.P. on behalf of investors.

As part of her *pro bono* activities, Ms. Musarra represents juvenile immigrants in court and before federal agencies, and volunteers with the Medical Reserve Corps of Philadelphia.

Prior to joining G&E, Ms. Musarra worked as an appellate law clerk to the Chief Justice of the Supreme Court of the Virgin Islands in St. Thomas, Virgin Islands.

Ms. Musarra received her J.D. degree from American University Washington College of Law in 2009, where she served as a member of the *American University Law Review*, was elected to Order of the Coif, and graduated *summa cum laude*. She obtained a B.A. in international relations from the College of William and Mary in 2003. Between college and law school, Ms. Musarra served as a Peace Corps Volunteer in Chad, Central Africa.

Gordon Z. Novod

Gordon Novod heads Grant & Eisenhofer's bankruptcy and distressed litigation practice. He has more than 20 years of experience representing litigation trustees, *ad hoc* and official committees, distressed investors, lenders, indenture trustees, trade creditors, and other parties in some of the most complex landmark restructurings and in litigation matters.

Mr. Novod's practice focuses on representing litigation trustees as well as institutional investors in litigation matters involving, among other things, bankruptcy avoidance, as well as non-bankruptcy fraudulent transfer, fiduciary duty, unlawful dividend, and corporate governance claims. He has extensive experience litigating issues related to corporate debt securities in default and distressed situations, including exchange transactions, redemptions, and the Trust Indenture Act. In the bankruptcy context, he has litigated all aspects of Chapter 11 plans of reorganization, valuation, and plan confirmation proceedings, contested debtor-in-possession financing and cash collateral use, the pursuit of fraudulent transfer actions, and other matters involving bankruptcy-related litigation.

Mr. Novod prides himself on providing high quality advocacy to clients, keeping their business objectives in mind. He is able to grasp complex legal and business issues in order to craft and implement innovative yet practical solutions to maximize value for clients.

Mr. Novod has been acknowledged for his work as on numerous occasions, including:

- Named to the Lawdragon 500 Leading Bankruptcy & Restructuring Lawyers for 2023;
- Named to the Lawdragon 500 Leading Plaintiff Financial Lawyers for the Financial Litigation, esp. Distressed category for 2023;
- Selected to New York Metro *Super Lawyers*' list for Bankruptcy from 2013 to 2023;
- Recognized as a winner of the 40 Under 40 East M&A Advisor Recognition Awards in 2012;
- Selected to New York *Super Lawyers* list of "Rising Stars" for Bankruptcy in 2012;
- Named to Law360's "Rising Stars" in restructuring, recognizing him as "one of the five bankruptcy attorneys under 40 to watch" in 2011;
- Named a finalist in the M&A Advisor's "40 under 40" in 2011. In addition, he has served on the New York City Bar Association's Committee on Bankruptcy and Corporate Reorganization.

Mr. Novod's "first chair" trial and appellate work have resulted in opinions of high precedential value, including (among numerous others):

- ***Halperin v. Richards, et al.***, 7 F.4th 534, Case No. 20-2793, 2021 WL 3184305 (7th Cir. July 28, 2021). Mr. Novod represented *Halperin and Gene Davis*, as the Co-Trustees of the Appvion Liquidating Trust, securing reversal of the District Court's dismissal of the liquidating trustee's claims against the Appvion debtors' former directors and officers. Significantly, the Seventh Circuit held that ERISA does not preempt claims asserted by a liquidating trustee against a debtor's former directors and officers for damages for harm to the debtor's corporate enterprise and its creditors.
- ***AMCO Insurance Company, et al. v. CoBank, ACB***, No. 16-cv-4422-LTS-SLC, 2021 WL 4340540 (S.D.N.Y. Sept. 22, 2021). Mr. Novod secured a win on summary judgement as to liability in a breach of contract action brought by G&E's thirty-seven (37) institutional investor clients regarding their \$304 million principal amount (constituting 75%) of 7.875% Subordinated Notes issued by CoBank following CoBank's redemption of those notes prior to maturity. This victory is significant insofar as it permitted institutional investors to recover damages from a bond issuer that breached the contractual terms upon which the bonds were issued. Mr. Novod subsequently achieved a confidential resolution of the dispute on behalf of G&E's clients.
- ***Diverse Partners, LP and Troy Bank & Trust Company v. AgriBank, FCB***, No. 16-CV-9526, 2017 WL 4119649 (S.D.N.Y. Sept. 14, 2017). Mr. Novod secured the denial of AgriBank's motion to dismiss a breach of contract action brought by the proposed class plaintiff arising from AgriBank's redemption of \$500 million principal amount of 9.125% Subordinated Notes issued by AgriBank following AgriBank's redemption of those notes prior to maturity. Mr. Novod ultimately achieved a confidential resolution of the dispute on behalf of the Plaintiffs as well as an *ad hoc* group collectively holding \$329 million (constituting 66%) of the 9.125% Notes. This decision is significant insofar as the Court refused to dismiss the action because Plaintiffs were the beneficial owner of 9.125% Notes and not the holder of the Global Note.

Mr. Novod's bankruptcy and distressed litigation highlights include:



- *In re Caesars Entertainment Operating Company, et al.; Danner v. Caesars Entertainment Corporation, et al.*, Mr. Novod represented the lead plaintiff in a proposed class action against Caesars Entertainment Corp., et al., relating to a series of transactions that attempted to eliminate a parent guarantee. Mr. Novod was deeply involved in the bankruptcy proceedings and related litigation in furtherance of the interests of its client and the class of noteholders. Mr. Novod ultimately achieved a settlement that provided improved bankruptcy plan treatment for the lead plaintiff and absent class members totaling between \$14.7 million and \$33 million.
- Mr. Novod also represented the litigation trustee of *Refco Group Ltd.* in litigation against Cantor Fitzgerald, LP, et al. That litigation involved allegations that Cantor Fitzgerald deprived Refco of assets under a partnership interest. G&E ultimately achieved a confidential settlement of the action.
- In *In re Exco Resources, Inc., et al.*, Mr. Novod represented Highbridge Capital Management; MSF International Ltd. and 1992 Tactical Credit Master Fund, L.P. as 1.75 Lien Lenders and 2nd Lien Lenders in the Exco Resources bankruptcy cases. Mr. Novod represented Highbridge in the bankruptcy court in connection with plan of reorganization-related matters and at plan-related mediation. Highbridge ultimately supported Exco's plan of reorganization, resolving the dispute for Highbridge.

Mr. Novod's prominent engagements include:

- The Appvion Liquidating Trust (in litigation against the debtors' former directors, officers & others);
- The GCX Limited Liquidating Trust (in litigation against the debtors' former directors & officers);
- The High Ridge Brands Liquidating Trust (in litigation against the debtors' former directors, sponsor, & sponsor-affiliated lender);
- The GBG USA Litigation Trust (in litigation against the debtors' former directors, officers, & others);
- The Loyalty Ventures Inc. Liquidating Trust;
- Bed Bath & Beyond, Inc. and the Plan Administrator;
- The Refco Litigation Trust;
- The Synergy Pharmaceuticals Litigation Trust;
- *Diverse Partners LP, et al. v. AgriBank, FCB* (plaintiffs & *ad hoc* noteholder committee);
- *AMCO Ins. Co., et al v. CoBank, ACB* (plaintiffs & *ad hoc* noteholder committee);
- State of Vermont (in fraudulent transfer litigation against The Chemours Company, E. I. du Pont de Nemours & Company, DuPont de Nemours, Inc. & Dow, Inc.);
- State of Maine (in fraudulent transfer litigation against The Chemours Company, E. I. du Pont de Nemours & Company, DuPont de Nemours, Inc. & Dow, Inc.);
- State of Delaware (in fraudulent transfer litigation against The Chemours Company, E. I. du Pont de Nemours & Company, DuPont de Nemours, Inc. & Dow, Inc.);
- BlockFi Inc. (unsecured creditor);
- Roman Catholic Archbishop of Baltimore (sexual abuse victims);
- Madison Square Boys & Girls Club, Inc. (sexual abuse victim & member of the creditors' committee);



- Kidde-Fenwal, Inc. (Maine, Ohio, Vermont, Virginia, and various municipal water providers);
- Caesars Entertainment Operating Company, Inc. (unsecured noteholder & proposed class representative);
- Erin Energy Corp. (state court litigant & special counsel to a Chapter 7 trustee);
- Exco Resources, Inc. (secured lender);
- ShengdaTech, Inc. (*ad hoc* noteholder committee);
- Chesapeake Energy Corp. (unsecured noteholders & proposed class representatives);
- Cliffs Natural Resources (unsecured noteholders & proposed class representatives);
- Vanguard Natural Resources (unsecured noteholders & proposed class representatives);
- Alpha Natural Resources, Inc. (state court litigant);
- CJ Holding, Co. (state court litigant);
- SunEdison, Inc. (state court litigant);
- Tribune Company** (indenture trustee & member of the creditors' committee);
- Central European Distribution Corporation** (*ad hoc* committee of convertible noteholders);
- Lyondell Chemical Company** (creditors' committee);
- Herbst Gaming, Inc.** (creditors' committee);
- Lehman Brothers** (*ad hoc* consortium of claimholders of Lehman Brothers Special Financing, Inc.);
- Green Valley Ranch Gaming, LLC** (*ad hoc* committee of second lien lenders);
- Palm Harbor Homes, Inc.** (indenture trustee & member of the creditors' committee);
- Equisearch Services, Inc.** (trade creditor);
- General Motors Corporation** (n/k/a Motors Liquidation Company) (creditors' committee);
- Charter Communications, Inc.** (*ad hoc* first lien lenders);
- Bridgeport Holdings, Inc.** (f/k/a Micro Warehouse, Inc.) (debtors);
- Midway Games, Inc.** (secured lender);
- Bethlehem Steel Corp.** (creditors' committee);
- WCI Steel, Inc.** (*ad hoc* noteholders' committee & indenture trustee);
- Delphi Corp.** (trade creditor & member of the creditors' committee);
- Grace Industries, Inc.** (creditors' committee);
- Wave Wireless Corp.** (secured lender);
- Diomed, Inc.** (licensor & chairman of the creditors' committee);
- TransCare Corp.** (creditors' committee);
- Buffets Holdings, Inc.** (*ad hoc* noteholders' committee);
- ASARCO LLC** (majority noteholders);
- WestPoint Stevens, Inc.** (second lien agent);

** denotes Mr. Novod's representations prior to joining G&E



Mr. Novod has been a featured panelist and/or moderator on topics involving distressed situations, indenture litigation, indenture analysis, and fraudulent conveyance litigation, including:

- Panelist, “Making the Most of a Litigation Trust’s Retained Causes of Action,” American Bankruptcy Institute’s Annual Winter Leadership Conference (December 9, 2022)
- Speaker, Bankruptcy and the Archdiocese of Baltimore Litigation, Maryland Association for Justice, Webinar (November 14, 2023)
- Discussion Leader, “U.S. Insolvency Trends and the Offshore Impact” and “International Litigation Update,” Institutional Investor Educational Foundation – Grand Cayman Roundtable (November 17, 2022)
- Presenter, “Decoding the Texas Two-Step from a Plaintiff’s Perspective,” Grant & Eisenhofer Webinar (May 3, 2022)
- Presenter, “Business Interruption Insurance Claims in Bankruptcy; An Unappreciated Asset Class for Debtors and Creditors,” Grant & Eisenhofer Webinar (March 9, 2021)
- Presenter, “Current Issues in Fraudulent Transfer Law,” Grant & Eisenhofer Webinar (October 14, 2020)
- Discussion Leader, “In Pari Delicto under U.S. Law,” Institutional Investor Educational Foundation – Grand Cayman Roundtable (February 12, 2020)
- Discussion Leader, “Minority Rights: Strategies for Protecting your rights with respect to Loans, Bonds and Common Shares,” Institutional Investor Educational Foundation – Bankruptcy Litigation Roundtable (October 25, 2019)
- Discussion Leader, “In Pari Delicto,” Institutional Investor Educational Foundation – Bankruptcy Litigation Roundtable (October 25, 2019)
- Discussion Leader, “Director Duties in Restructurings,” Institutional Investor Educational Foundation – Bankruptcy Litigation Roundtable (November 30, 2018)
- Moderator, “Current Issues in Bankruptcy & Antitrust,” Institutional Investor Educational Foundation – 17us Global Shareholder Activism Conference (November 30 - December 1, 2017)
- Speaker, “Out-of-Court Restructuring and the Trust Indenture Act,” Institutional Investor Legal Forum Fall 2016 Roundtable (October 28, 2016)
- Discussion Leader, “E&P Restructurings - A Landscape Unlike Traditional Restructurings,” Institutional Investor Educational Foundation - Bankruptcy Litigation Roundtable (October 6, 2016)
- Discussion Leader, “Fraudulent Conveyance Actions, the Trust Indenture Act and No Action Clauses - New Rights for Bondholders?” Institutional Investor Educational Foundation - Bankruptcy Litigation Roundtable (October 21, 2015)

Mr. Novod’s select publications include:

- “ERISA Pre-Emption Does Not Offer a “Get Out of Jail Free Card” for an ESOP’s D&Os,” *American Bankruptcy Institute Journal*, November 2021
- “The Next Chapter; When a defendant files for bankruptcy, it triggers a unique set of procedures, standards, and deadlines. Here’s an overview of how the bankruptcy system works and where your client’s claim fits in,” *Trial Magazine*, May 2021

Prior to joining G&E, Mr. Novod was a partner in the bankruptcy & corporate restructuring group at Brown Rudnick in New York. He also formerly practiced in the corporate restructuring and bankruptcy group at Kramer Levin Naftalis & Frankel LLP.

Mr. Novod received his J.D. from the Benjamin N. Cardozo School of Law at Yeshiva University, and his B.A. from Emory University.

Christopher J. Orrico

Christopher Orrico is a principal at Grant & Eisenhofer where he is a member of the Firm's corporate governance and securities litigation practice groups. Mr. Orrico is recognized as one of the nation's leading shareholder rights and corporate governance trial lawyers with extensive experience prosecuting breach of fiduciary duty claims in the Delaware Court of Chancery and in state and federal courts across the country. Prior to joining G&E, Mr. Orrico was a partner of a national law firm where he also focused on breach of fiduciary duty litigation on behalf of shareholders against boards and senior executives.

Mr. Orrico was a leader and a key member of the trial teams in *In re Mindbody, Inc., Stockholders Litigation* ("Mindbody"); *In re Columbia Pipeline Group, Inc. Merger Litigation* ("Columbia Pipeline"); *In re Appraisal of Columbia Pipeline Group, Inc.*; and *In re BGC Partners, Inc. Derivative Litigation*. Mr. Orrico helped shareholders achieve precedent-setting post-trial victories in *Mindbody* and *Columbia Pipeline*. In *Mindbody* the Court found that Mindbody's former CEO and the acquiror of Mindbody were both liable to former Mindbody shareholders for damages of \$1.00 per share after trial. Similarly, in *Columbia Pipeline* the Court found that energy giant TC Energy Corp. ("TransCanada") – which acquired Columbia Pipeline in 2016 – was liable to former Columbia Pipeline shareholders for aiding and abetting breaches of fiduciary duty by former Columbia Pipeline top executives in connection with the deal and awarded economic damages of \$1.00 per share and disclosure damages of \$0.50 per share.

Mr. Orrico has also led teams that have recovered hundreds of millions of dollars for investors, improved corporate governance practices, and vindicated fundamental shareholder voting and franchise rights including, for example:

- *In re Columbia Pipeline Group, Inc. Merger Litigation* (partial settlement for \$79 million for claims against the individual defendants before trial)
- *In re Multiplan Corp. Stockholders Litigation* (settlement for \$33.75 million)
- *In re Mindbody, Inc., Stockholders Litigation* (partial settlement for \$27 million for claims against an individual director defendant and the director defendants' venture capital fund before trial)
- *In re Starz Stockholder Litigation* (\$92.5 million settlement)
- *In re Globe Specialty Metals, Inc. Stockholders Litigation* (\$32.5 million and enhanced corporate governance protections settlement)
- *3-Sigma Value Financial Opportunities LP, et al. v. Jones, et al. (CertusHoldings, Inc.)* (\$19.2 million settlement)



- *In re Vaalco Energy, Inc. Consolidated Stockholder Litigation* (obtained ruling preventing Delaware corporations with unclassified boards from using bylaws to shield directors from being removed without cause)
- *Fire and Police Retiree Health Care Fund, San Antonio, et al. v. Smith, et al. (Sinclair Broadcast Group, Inc.)* (settlement consisting of \$20.5 million cash payment, \$5 million dedicated by the Board to implement corporate governance measures, and cancellation of an individual defendant’s stock awards)
- *In re Tile Shop Holdings, Inc. Litigation* (obtained temporary restraining order and settlement consisting of a \$12 million cash payment and significant non-monetary benefits)

Mr. Orrico serves as a guest lecturer on shareholder rights and corporate governance litigation at Columbia Law School, Villanova University Charles Widger School of Law and University of Connecticut School of Law. He is also a member of the American Bar Association, the New York State Bar Association and the Connecticut Bar Association, as well as the National Italian American Foundation.

Among his many accolades, Mr. Orrico has been recognized and profiled by the *Law360* as one of the top attorneys in the country under the age of 40 in 2022 and repeatedly named as a “*Rising Star*.” Mr. Orrico was recognized as a “Next Generation Partner” by *The Legal 500* for 2023. He has also been repeatedly named to *Benchmark Litigation’s* “40 & Under,” *Lawdragon’s* “500 Leading Plaintiff Financial Lawyers,” and *Super Lawyers’* “New York Super Lawyers Metro Edition.”

Mr. Orrico earned his joint J.D. and M.B.A. from Villanova University School of Law and School of Business, completing the four-year joint degree program in just three years. He received his B.A. in Economics from Yale University, where he was Captain of the Varsity Baseball Team. In 2023, he was elected to the board of the Villanova Law NYC Alumni Chapter. He is also a member of the Villanova Law Alumni Mentoring Program as well as the Yale University Mentoring Program.

Kelly L. Tucker

Kelly Tucker is a principal at Grant & Eisenhofer, where she focuses her practice on environmental, consumer, and securities litigation and corporate governance.

Ms. Tucker has played a significant role in G&E’s corporate governance and appraisal practices, trying numerous cases in the Court of Chancery, including *In re Ebix, Inc. Stockholder Litigation*, challenging an alleged excessive executive compensation plan for the company’s chief executive officer. Following trial, the parties settled including a renegotiation of the CEO’s bonus plan, which the Court valued at over \$53 million. Ms. Tucker also was an integral part of the trial team in *In re The Williams Companies, Inc. Stockholder Litigation*, which resulted in a landmark judgment following an expedited trial in favor of plaintiffs enjoining the company’s poison pill. In *In re Tesla Motors, Inc. Stockholder Litigation*, Ms. Tucker represented institutional plaintiffs in achieving a \$60 million partial settlement with several defendants in an action on behalf of Tesla stockholders regarding the Company’s acquisition of SolarCity Corporation.



Prior to joining G&E, Ms. Tucker worked at a Philadelphia area law firm practicing antitrust, consumer protection, and products liability litigation. She received her J.D. from Fordham University School of Law in 2010, where she was the Executive Notes and Articles Editor of the *Fordham Journal of Corporate and Financial Law* and a member of the Executive Board of Fordham Law Moot Court. She received her B.A. in international politics from American University in 2003.

Viola Vetter

Viola Vetter is a principal at Grant & Eisenhofer where she focuses on sovereign and public entity representation, primarily in matters seeking to redress environmental contamination.

Ms. Vetter currently represents several state Attorneys General and municipalities in environmental litigation. In that role, she is prosecuting claims against Monsanto Co. arising out of that company's production, marketing, and sale of toxic PCBs, which now contaminate natural resources throughout the nation, and against 3M Co., DuPont, Chemours, and other manufacturers of toxic PFAS chemicals and PFAS-laced products, which now contaminate groundwater, drinking water, and other public resources. Ms. Vetter is also involved in a number of site-specific investigations and litigations concerning the historic disposal and emissions of environmental contaminants.

Ms. Vetter also represents investors in corporate governance and securities litigation, including in cross-border disputes.

Prior to joining Grant & Eisenhofer, Ms. Vetter was an associate at an international law firm, resident in Philadelphia, representing corporate clients in complex commercial, consumer and qui tam matters in state and federal courts.

Ms. Vetter earned her J.D. from Temple University Beasley School of Law in 2007, where she was a member of the *Temple Political & Civil Rights Law Review*. She received her B.S. in International Business and Political Philosophy, *magna cum laude*, from Elizabethtown College in 2004.

Ms. Vetter was selected to the 2015-2016 Pennsylvania *Super Lawyers* Rising Stars list for Business Litigation. She is fluent in English and German.

Lisa B. Weinstein

Lisa Weinstein is a principal at Grant & Eisenhofer and leads the firm's birth injury litigation division. Her practice primarily focuses on representing women and children in birth injury and birth trauma litigation.

Prior to joining G&E, Ms. Weinstein founded The Weinstein Law Group, where she represented children who were victims of medical malpractice and birth injuries. In her practice as a plaintiffs' trial lawyer, Ms. Weinstein has successfully litigated personal injury, medical malpractice and birth injury matters resulting in over \$330 million in settlements and verdicts. Representative of Ms. Weinstein's work is a \$12.5 million settlement in which her client's child

suffered brain damage due to lack of oxygen during the labor and delivery process, and over 25 other seven-figure settlements.

Ms. Weinstein has been selected to The National Trial Lawyers Top 100 for three years. For the past four years, Ms. Weinstein was selected for inclusion to the Illinois *Super Lawyers* list. For eight years prior, she was selected to Illinois *Super Lawyers*' list of Rising Stars. Ms. Weinstein was also named to the National Law Journal's list of Plaintiffs' Lawyers Trailblazers for 2020. She was honored by The National Trial Lawyers in the "Top 40 Under 40" for seven years. In 2018, Ms. Weinstein was named to the list of Law360's Personal Injury & Medical Malpractice Rising Stars and was selected to receive the Lifetime Achievement award by America's Top 100 Attorneys®. In May 2017, Ms. Weinstein authored "Understanding Newborn Strokes," published in *Trial* magazine.

In 2018, Ms. Weinstein spoke at the American Association for Justice Annual Convention covering "The Initial Intake and Investigation of Birth Injury Cases - An Approach to Managing Risk," and presented at the American Conference Institute Obstetric Malpractice Claims forum speaking on "Induced Labor Malpractice: Exploring Pitocin Complications and Injuries." Ms. Weinstein spoke at the 2016 North American Brain Injury Society's annual conference, covering "Representing Children with Acquired TBI," and at the 2015 New Jersey Association for Justice seminar covering "When Medical Malpractice and Mass Tort Overlap."

Ms. Weinstein is a member of the Women's Bar Association of Illinois and Board Member of the Illinois Trial Lawyers Association. She is a member of the Million Dollar Advocates Forum as well as the Multi-Million Dollar Advocates Forum, recognized for her work in obtaining several notable settlements and verdicts. Additionally, she served as co-chair of the American Association for Justice Birth Trauma Litigation Group and an Arbitrator for the Circuit Court of Cook County.

Ms. Weinstein earned an undergraduate degree from the University of Michigan and graduated *cum laude* from DePaul University College of Law.

Elizabeth A. Bailey

Elizabeth Bailey is of counsel at Grant & Eisenhofer where she focuses on complex and mass tort litigation as well as catastrophic injury litigation.

Prior to joining G&E, Ms. Bailey was a partner in the Philadelphia office of a national catastrophic personal injury law firm. Many of her clients sustained life-altering physical and/or emotional injuries from corporate negligence, defective consumer and industrial products, and workplace injuries. She has also represented student sexual assault survivors and student-survivor organizations in cases of alleged sexual discrimination, harassment, and violence on campuses.

While in college, Ms. Bailey worked summers as a member of the local United Automobile Workers Union (UAW), on the third shift in an auto parts plant. This experience provides her a unique perspective—one few lawyers have—when representing workers injured in the workplace.



Ms. Bailey has been recognized on the Pennsylvania *Super Lawyers* Rising Stars list every year since 2017. She was also named one of the top ten female personal injury attorneys in Pennsylvania by the American Institute of Personal Injury Attorneys.

Ms. Bailey earned her LLM in trial advocacy and J.D. from Temple University James E. Beasley School of Law, and her B.S. from Penn State University. She is a member of the American Association for Justice (Vice Chair, Product Liability Section), the Pennsylvania Association for Justice, and Philadelphia Trial Lawyers.



Cynthia A. Calder

Cynthia Calder is of counsel at Grant & Eisenhofer. She concentrates her practice in the areas of corporate governance and securities litigation. She has represented shareholders in such seminal cases in the Delaware Court of Chancery as *UniSuper Ltd. v. News Corp.*, vindicating the shareholders' right to vote; *Carmody v. Toll Brothers*, finding the dead-hand poison pill defensive measure was illegal under Delaware law, *Jackson National Life Insurance Co. v. Kennedy*, breaking new ground in the interpretation of fiduciary duties owed to preferred shareholders; *Haft v. Dart Group Corp.*, resolving a contest for control of a significant public corporation; and *Paramount Communications Inc. v. QVC Network*, obtaining an injunction preventing the closing of a merger to force the board of directors to appropriately consider a competing bid for the corporation. More recently, Ms. Calder prosecuted a derivative suit on behalf of American International Group, Inc. shareholders against the company's former CEO, Maurice Greenberg, and other former AIG executives. The action was concluded for a settlement of \$115 million – one of the largest such settlements in the history of the Delaware Court of Chancery. Ms. Calder was also the Court-appointed representative on the shareholder counsel's committee in the *UnitedHealth Group* derivative litigation, which was settled for more than \$900 million – the largest known derivative settlement in any court system. Ms. Calder also prosecuted a shareholder class action, *In re ACS Shareholder Litigation*, which resulted in one of the largest class recoveries in the history of the Court of Chancery.

Ms. Calder has co-authored numerous articles on corporate governance and securities litigation, including "Options Backdating from the Shareholders' Perspective" *Wall Street Lawyer*, Vol. 11, No. 3; "Securities Litigation Against Third Parties: Pre-Central Bank Aiders and Abettors Become Targeted Primary Defendants" *Securities Reform Act Litigation Reporter*, Vol. 16, No. 2; and "Pleading Scienter After Enron: Has the World Really Changed?" *Securities Regulation & Law*, Vol. 35, No. 45.

Ms. Calder graduated *cum laude* from the University of Delaware in 1987 and graduated from the Villanova University School of Law in 1991. Upon graduating from law school, Ms. Calder served as a Judicial Law Clerk in the Delaware Court of Chancery to the Honorable Maurice A. Hartnett, III. Prior to joining Grant & Eisenhofer, Ms. Calder was an associate at Blank, Rome, Comisky & McCauley.

Karin E. Fisch

Karin Fisch is of counsel at Grant & Eisenhofer, and has over 28 years of litigation experience. Prior to joining G&E, Ms. Fisch was a partner at the New York office of a national law firm where she focused on complex class action litigation, including securities, antitrust, ERISA and employment matters. Ms. Fisch also has significant experience representing individuals and funds, both domestic and foreign, seeking to recover investment losses.

Ms. Fisch earned her J.D. from Fordham University School of Law and received her undergraduate degree from Cornell University.

John C. Kairis

John Kairis is of counsel at Grant & Eisenhofer, where he represents institutional investors in class action litigation, individual "opt-out" securities litigation, and derivative, corporate governance, and appraisal litigation in the Delaware Chancery Court and other courts throughout

the country. He has been a leader of G&E teams that have achieved some of the largest recoveries in securities class action history, and played major roles in the *Tyco*, *Parmalat*, *Marsh & McLennan*, *Hollinger International* and *Dollar General* securities class actions, and opt-out actions in *AOL Time Warner* and *Telxon Corporation*.

Among his Delaware Chancery Court litigation experience is a landmark case against HealthSouth, involving a books and records trial under Section 220 of the Delaware General Corporations Law, to obtain certain documents that the corporation refused to produce, which led to a settlement implementing corporate governance improvements, such as HealthSouth's agreement to replace its conflicted directors with independent directors approved by a committee which included the institutional investor plaintiff; and a settlement of litigation against Oracle Corporation, Larry Ellison and the other members of Oracle's board, whereby plaintiffs alleged that Ellison's control over Oracle and Pillar Data Systems led to an unfair process resulting in Oracle's agreement to pay a grossly excessive and unfair price for Pillar in the form of a novel "earn out." The settlement provided a monetary benefit of approximately \$440 million resulting from a required reduction in the purchase price for Pillar. More recently, Mr. Kairis represented the class of shareholders of Starz against cable mogul John Malone and other Starz directors alleging their breaches of fiduciary duty in negotiating and approving the sale of Starz to Lions Gate Entertainment Corp. for an unfair price. That case resolved with a \$92.5 million cash payment to the shareholder class.

Mr. Kairis has also been instrumental in prosecuting consumer class actions involving unfair competition and false marketing claims against various companies for misrepresentations relating to cosmetics and against both Johnson & Johnson and Bausch & Lomb for misrepresentations relating to contact lenses and solutions. He has represented the lead plaintiffs and the class in a securities fraud suit against Merck & Co. and certain of its officers and directors relating to the defendants' alleged suppression of test results of Merck's cholesterol medication Vytarin.

Mr. Kairis has also represented petitioners in several appraisal actions and currently represents the lead plaintiffs in various breach of fiduciary duty cases pending in the Delaware Chancery Court.

Mr. Kairis has authored articles including "Shareholder Proposals For Reimbursement Of Expenses Incurred In Proxy Contests: Recent Guidance From The Delaware Supreme Court," *PLI*, What All Business Lawyers Must Know About Delaware Law Developments 2009 (New York, NY May 21, 2009) (co-authored with Stuart Grant); "Challenging Misrepresentations in Mergers: You May Have More Time Than You Think," *Andrews Litigation Reporter*, Vol. 12, Issue 3, June 14, 2006; "Disgorgement Of Compensation Paid To Directors During The Time They Were Grossly Negligent: An Available But Seldom Used Remedy," *Delaware Law Review*, Vol. 13, #1, 2011; and was the principle writer of an *amicus* brief to the United States Supreme Court on behalf of various public pension funds in the *Merck* case involving the standard for finding that a plaintiff is on "inquiry notice" of potential claims such that the limitations period for pleading securities fraud has commenced.

Mr. Kairis has served on the boards of several nonprofit organizations, including the West-End Neighborhood House, Inc., the Cornerstone West Development Corporation, and the board of the

Westover Hills Civic Association. He has also served on the Delaware Corporation Law Committee, where he evaluated proposals to amend the Delaware General Corporation Law.

Mr. Kairis is a 1984 graduate of the University of Notre Dame and a 1987 graduate of the Ohio State University Moritz College of Law, where he was Articles Editor of the *Ohio State Law Journal* and recipient of the American Jurisprudence and John E. Fallon Memorial Awards for scholastic excellence. He is a member of the Delaware and American Bar Associations and the Delaware Trial Lawyers Association.

Nadia Klein

Nadia Klein is of counsel at Grant & Eisenhofer. Her practice focuses on representing investors and other plaintiffs in high-stakes commercial, complex financial products and securities litigation in state and federal court, as well as claimants in U.S. domestic and international arbitration. Based in London, England, she works with G&E's institutional investor clients in the U.K. and Europe.

Prior to joining Grant & Eisenhofer, Ms. Klein was of counsel at a U.S. litigation boutique. Prior to that, she was a senior associate at a leading New York litigation firm, where she spent almost seven years representing various plaintiffs in multiple residential mortgage-backed securities actions together seeking more than \$6 billion.

Ms. Klein received her B.A. from Cornell University in 2003 and her J.D. from Fordham University School of Law in 2011. She also attended the London School of Economics & Political Science and the International Academy for Arbitration Law in Paris, France.

Richard S. Schiffrin

Richard S. Schiffrin is of counsel at Grant & Eisenhofer. He has represented institutional investors and consumers in securities and consumer class actions worldwide. In 2008, Mr. Schiffrin retired as a founding partner of Schiffrin Barroway Topaz & Kessler, LLP.

Mr. Schiffrin has been recognized for his expertise in many prominent cases, including *In re Tyco International Ltd. Securities Litigation*, the most complex securities class action in history, which resulted in a record \$3.2 billion settlement. The \$2.975 billion payment by Tyco represents the single largest securities class action recovery from a single corporate defendant in history, while the \$225 million settlement with PricewaterhouseCoopers (PwC) represents the largest payment PwC has ever paid to resolve a securities class action and is the second-largest auditor settlement in securities class action history; *In re AremisSoft Corp. Securities Litigation*, a complex case involving litigation in four countries, resulting in a \$250 million settlement providing shareholders with a majority of the equity in the reorganized company after embezzlement by former officers; *In re Tenet Healthcare Corp.*, resulting in a \$216.5 million settlement and which led to several important corporate governance improvements; *Henry v. Sears, et al.*, one of the largest consumer class actions in history which resulted in a \$156 million settlement distributed without the filing of a single proof of claim form by any class member; *Wanstrath v. Doctor R. Crants, et al.*, a derivative action filed against the officers and directors of Prison Realty Trust, Inc., challenging the transfer of assets to a private entity owned by company insiders, resulting in corporate governance reform in addition to the issuance of over 46

million shares to class members; *Jordan v. State Farm Insurance Company*, resulting in a \$225 million settlement and other monetary benefits for current and former State Farm policy-holders; and *In re Sotheby's Holdings, Inc. Derivative Litigation*, resulting in a multi-million dollar settlement and significant governance changes.

Mr. Schiffrin is an internationally renowned speaker and lectures frequently on corporate governance and securities litigation. His lectures include: the MultiPensions Conference in Amsterdam, Netherlands; the Public Funds Symposium in Washington, D.C.; the European Pension

Symposium in Florence, Italy; and the Pennsylvania Public Employees Retirement Summit (PAPERS) in Harrisburg, Pennsylvania. Mr. Schiffrin has also taught legal writing and appellate advocacy at John Marshall Law School and served as a faculty member at legal seminars, including the Annual Institute on Securities Regulation, NERA: Finance, Law & Economics - Securities Litigation Seminar, the Tulane Corporate Law Institute, and the CityBar Center for CLE (NYC): Ethical Issues in the Practice of Securities Law.

Mr. Schiffrin is a graduate of DePaul Law School and received a Master's degree in Political Science from the University of Chicago. After protecting the civil rights of clients for seven years as an Assistant Public Defender with the Office of the Public Defender of Cook County, where he tried hundreds of cases, Mr. Schiffrin founded Schiffrin & Craig, Ltd., representing consumers and individual investors in actions brought against public companies. He is licensed to practice law in Pennsylvania and Illinois and has been admitted to practice before numerous United States District Courts.

David Wissbroecker

David Wissbroecker is of counsel at Grant & Eisenhofer where he focuses on corporate governance and securities litigation in Delaware Chancery Court.

Prior to joining G&E, Mr. Wissbroecker was a partner at national law firm where he practiced securities class action litigation concerning mergers and acquisitions, representing institutional investors as well as individual shareholders. His casework includes litigating several matters in Delaware and other jurisdictions, including shareholder class actions against Dole, Kinder Morgan, Del Monte Foods, Scana, Websense, Harman, Precision Castparts, Dollar General, Onyx, and Gardner Denver, among other high-profile matters.

Mr. Wissbroecker was recognized by *Lawdragon* as a Leading Plaintiff Financial Lawyer (2020-2021), honored by *The Legal 500* as a Recommended Lawyer (2019), and selected for inclusion to *SuperLawyers' list of Rising Stars* (2015).

Mr. Wissbroecker earned his J.D. from University of Illinois College of Law, and his B.A. from Arizona State University.

Paige J. Alderson

Paige Alderson is senior counsel at Grant & Eisenhofer where she focuses her practice on complex and mass tort litigation as well as sexual assault and retaliation claims. Ms. Alderson is

a zealous advocate for the rights of individuals and families harmed by large corporations as well as survivors of sexual assault, discrimination and harassment.

Ms. Alderson actively represents thousands of injured victims in nationally coordinated litigations against major pharmaceutical companies, including:

- *Gilead Tenofovir Cases* (JCCP No. 5043), representing members of the HIV community injured by Gilead Sciences, Inc.'s negligent design of tenofovir-based antiretroviral medications;
- *Baby Formula Cases*, representing infants and their families injured by Mead Johnson and Abbott Laboratories' failure to warn that their cow's milk-based formulas can cause serious injury and even death when fed to pre-term babies;
- *In re: Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Litigation* (MDL No. 3014), representing individuals suffering respiratory injuries, cancer and death as a result of Philips' negligence and failure to warn of the potentially life-threatening risks that polyester-based polyurethane sound abatement foam used in the device can degrade, break down, and release toxic particulates and VOCs into the airway of the user;
- *In re Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Products Liability Litigation* (MDL No. 2775); and *In re Stryker LFIT V40 Femoral Head Products Liability Litigation* (MDL No. 2768), representing individuals injured by Metal-on-Metal hip devices.

Ms. Alderson also played an integral role in the *In re Essure Product Cases* (JCCP 4887) settlement, which provided \$1.6 billion in overall compensation to women suffering severe injuries from the permanent birth control device Essure.

Prior to joining G&E, Ms. Alderson gained valuable litigation experience at a regional defense litigation firm where she focused her practice in the areas of toxic tort and products liability.

A former G&E law clerk, Ms. Alderson completed a number of legal clerkships and internships while completing her law degree, including an internship with Exelon's General Counsel, and several regional defense firms. Immediately following law school, Ms. Alderson served as a judicial law clerk to The Honorable William C. Carpenter, Jr. of the Complex Commercial Litigation Division in the Superior Court of Delaware.

Ms. Alderson earned her J.D. from Villanova University School of Law in 2014, where she advocated for low-income clients in their struggle with Social Security, Medicare/Medicaid and Insurance benefits through her work with the Health Law Clinic. She received her B.S. in Leadership from the University of Delaware in 2009.

Charles C. Bletsas

Charles Bletsas is senior counsel at Grant & Eisenhofer, where his primary area of practice is representing families and children in birth injury and birth trauma litigation.

Prior to joining G&E, Mr. Bletsas was a partner at a Chicago firm focusing on medical malpractice defense and general civil litigation. With a record of trial success spanning over 20 years, Mr. Bletsas' entire career has been heavily focused on birth trauma cases, having litigated traumatic birth injury claims such as hypoxic ischemic injuries, brachial plexus injuries, and neonatal complications.

Mr. Bletsas is also skilled in attorney malpractice claims involving fiduciary issues, litigating complex financial fraud claims, commercial contracts, and construction negligence disputes.

Mr. Bletsas received his J.D., *cum laude*, from Wayne State University, where he served as a Senior Articles Editor of the *Wayne Law Review*. He received his B.A. in economics from the University of Michigan.

Alice Cho Lee

Alice Cho Lee is senior counsel at Grant & Eisenhofer, where she works on securities fraud class actions and international litigation and arbitration cases.

Ms. Cho Lee is part of G&E's international litigation team that represents institutional investor plaintiffs in securities class actions and investment arbitrations in many countries around the world. Current cases include actions against:

- Danske Bank, in a securities litigation in Denmark based on Danske Bank's massive money-laundering scheme and subsequent cover-up
- Republic of Cyprus, in an international investment arbitration before the Wordlbank on behalf of almost one thousand Greek investors
- Petróleo Brasileiro ("Petrobras"), in an international securities litigation before Brazil's leading arbitration chamber
- Volkswagen and Porsche, in securities actions in Germany
- Banco Espirito Santo/Novo Banco, in several proceedings in Portugal
- Postbank, in a securities action in Germany
- Steinhoff, in a securities damages action before the Amsterdam District Court and an Inquiry proceeding before the Netherlands' Enterprise Chamber
- BHP, in an Australian class action in which our class/group includes the class representative
- Toshiba, in a securities litigation in Japan

At G&E, Ms. Cho Lee served as a member of the co-lead counsel litigation team for several of the largest securities class actions in the United States including:

- Marsh & McLennan, a U.S. securities class action, settled for \$400M
- Merck (Vytorin), a U.S. securities class action that settled for \$215M
- JP Morgan Chase & Co., a U.S. securities class action that settled for \$150M

Ms. Cho Lee served on the board of the Korean American Lawyers Association of Greater New York (KALAGNY) for seven years and is an active member of the National Asian Pacific



American Bar Association (NAPABA), the Asian American Bar Association of New York (AABANY), and KALAGNY. During law school, Ms. Cho Lee interned as a law clerk for the Honorable Frederic Block, U.S. District Court, Eastern District of New York. She has also worked at the New York City Human Rights Commission and the Asian American Legal Defense and Education Fund.

Ms. Cho Lee graduated from Brooklyn Law School in 2004 and received a B.A. in English from the University at Albany.

Jonathan Davenport

Jonathan Davenport is senior counsel at Grant & Eisenhofer, focusing his practice on securities fraud class actions and international litigation and arbitration cases.

Prior to joining G&E, Mr. Davenport was counsel in the New York office of a large national law firm concentrating on complex commercial and regulatory litigation and investigations in the U.S. and internationally.

Prior to becoming an attorney, Mr. Davenport served as an Inspector in the Royal Hong Kong Police and served in the British Army.

Mr. Davenport earned his LLB from the University of London. He took the Legal Practice Course at the College of Law and trained at one of the leading firms in London before qualifying as a Solicitor of the Supreme Court of England and Wales.

Frank “T.J.” Griffin

TJ Griffin is senior counsel at Grant & Eisenhofer where he focuses his practice on bankruptcy litigation. Mr. Griffin has over 20 years of litigation experience in complex commercial litigation and government investigations. Prior to joining G&E, Mr. Griffin was counsel at the Philadelphia office of a national law firm, where he represented clients in bankruptcy litigation, and regularly advised clients on antitrust matters and international arbitrations. He also formerly practiced as a member of the commercial litigation group in the Washington D.C. office of another national law firm.

Mr. Griffin’s practice focuses on the representation of litigation trustees in matters involving, among other things, fraudulent transfer (both within and outside of bankruptcy), fiduciary duty, unlawful dividend and related corporate governance claims, having litigated such claims through trial and appeal. His current representations include:

- The Appvion Liquidating Trust (in litigation against the debtors’ former directors, officers and others);
- The GCX Limited Liquidating Trust (in litigation against the debtors’ former directors and officers);
- The High Ridge Brands Liquidating Trust (in litigation against the debtors’ former directors, sponsor and sponsor-affiliated lender);
- The GBG USA Litigation Trust (in litigation against the debtors’ former directors, officers & others); and

- State of Vermont (in fraudulent transfer litigation against The Chemours Company, E.I. du Pont de Nemours & Company, DuPont de Nemours, Inc & Dow, Inc.)

Mr. Griffin earned his J.D. from The George Washington University Law School, where he earned High Honors and was a member of *The George Washington Law Review*. He received his B.S. in Biology from Washington and Lee University.

Laina M. Herbert

Laina Herbert is senior counsel at Grant & Eisenhofer focusing her practice on sovereign and public entity representation, and consumer protection litigation. She also provides litigation services to public entities to pursue actions concerning the marketing and sale of dangerous products, such as Zantac/ranitidine.

In addition, Ms. Herbert represents numerous relators in confidential whistleblower actions under the federal and various state False Claim Acts, pursuing misconduct in diverse fields including medical and mental healthcare, residential mortgage lending, defense contracting, retail, and other industries.

Prior to Joining G&E, Ms. Herbert was senior counsel practicing complex litigation at a Delaware law firm. Ms. Herbert also has extensive experience representing corporations, their directors and stockholders in corporate and commercial litigation relating to fiduciary duties, mergers and acquisitions, corporate governance, and other issues concerning Delaware law. Her experience also includes federal patent infringement and intellectual property litigation in the U.S. District Court for the District of Delaware.

Ms. Herbert is the Content Editor of *The Journal of The Delaware State Bar Association* and served on the ACLU of Delaware's Kandler Committee.

Ms. Herbert earned her J.D. *with honors* from the University of Maryland Francis King Carey School of Law in December 2004 where she served as an Associates Articles Editor of *The Business Lawyer*. She earned a B.S. in Biology, B.A. in Leadership Studies and minor in Women's Studies from the University of Richmond in 2000.

Chad B. Holtzman

Chad Holtzman is senior counsel at Grant & Eisenhofer, focusing his practice on recovering damages for businesses and consumers harmed by violations of the federal and state antitrust laws, including price-fixing and monopolization.

Currently, Chad is a member of leadership teams representing clients in high-profile antitrust cases in the pharmaceutical, financial services, and commodities industries, including: *In re Blue Cross Blue Shield Antitrust Litigation*, *In re London Silver Fixing, Ltd. Antitrust Litigation*, *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, *In re Novartis and Par Antitrust Litigation (Exforge)*, *In re: Humira (Adalimumab) Antitrust Litigation*, and *In re: Lipitor Antitrust Litigation*, among others.

Prior to joining Grant & Eisenhofer, Mr. Holtzman worked as an associate at the Philadelphia office of a national Am Law 100 law firm where he defended corporate defendants in antitrust and other complex commercial litigation.

Mr. Holtzman is a member of the Committee to Support the Antitrust laws (COSAL), established to preserve and enhance the private enforcement of strong antitrust laws. He is a member of the American Antitrust Institute and the American Bar Association's Antitrust Division. Finally, Chad serves on the National Board for the Jewish National Fund Young Professionals Division as its Vice President. He is also a Board Member of the International Alliance for Child Literacy, a non-profit charity that empowers children by establishing libraries at orphanages.

Mr. Holtzman earned his J.D., *cum laude*, from Villanova University School of Law in 2009 where he was the Associate Editor for the *Villanova Environmental Law Journal*. Mr. Holtzman earned his B.S. in economics from Hamilton College in 2006.

Maram M. Jafar

Maram Jafar is an associate at Grant & Eisenhofer where her practice is focused on complex litigation matters.

Prior to joining G&E, Ms. Jafar had a solo practice in Bensalem, PA where she handled personal bankruptcies and immigration matters. Ms. Jafar also worked at a small boutique firm in Philadelphia, PA where she handled personal injury cases.

Ms. Jafar earned her J.D. from Widener University Delaware Law School and her B.A. in Political Science from Temple University.

Irene R. Lax

Irene Lax is senior counsel at Grant & Eisenhofer, focusing her practice on civil rights litigation. Ms. Lax is a vigorous advocate for survivors of sexual assault and victims of discrimination, wrongful incarceration, and other forms of harassment. Ms. Lax also litigates Title IX sexual assault actions and matters related to federal detention reform. Her current representations include:

- *Soenen et al. v. Brown University* (D. R.I.), a proposed class action on behalf of current and former Brown students, alleging Title IX and other violations resulting from the University's systemic failure to adequately respond to and prevent incidents of sexual harassment and assault on campus.
- *Romero-Garcia v. CoreCivic, Inc.* (M.D. Ga.), a wrongful death action also alleging Section 504 and other state law related claims against CoreCivic, Inc. for its role in the death of Efrain Romero de la Rosa, a 38-year-old man who lived with acute schizophrenia and died by suicide while detained in solitary confinement at Stewart Detention Center as a means to control his mental illness. Efrain's suicide was the second death by suicide of a mentally-ill detainee at this facility in just over one year.

- *Aguirre-Jarquin v. Hemmert et al.* (M.D. Fla.), an action alleging Section 1983 and related claims against defendants relating to the investigation leading to plaintiff's death row sentence and 14 years of wrongful incarceration for two murders that he did not commit.
- *Youngers v. LaSalle Corrections Transport LLC, et al.* (D.N.M.), a wrongful death action also alleging violations of Section 504 and other state law claims against the United States of America and its government contractors for their role in the death of Roxsana Hernandez, a transgender Honduran asylum-seeker who died while in ICE custody.

Ms. Lax was previously in-house counsel at a real estate company in New York City assisting with litigation and transactional legal business matters. She also worked as an associate at a well-known Philadelphia-area law firm, where she assisted clients in civil litigation brought under federal and state securities laws, as well as federal antitrust laws. Upon graduating from law school, Ms. Lax served as law clerk for the Honorable Carolyn Berger, Supreme Court of the State of Delaware, from 2012-2013.

Ms. Lax earned her J.D. from Temple University Beasley School of Law in 2012 where she was an Editor of the *Temple Law Review* and President of the Phillip C. Jessup International Law Moot Court team. Ms. Lax received a joint honors B.A. in political science and international development studies from McGill University in Montreal, Quebec in 2009.

In September 2022, Ms. Lax co-authored "Failure on Campus—Litigating Title IX," published in *Trial* magazine. Ms. Lax has also co-authored several publications relating to Delaware law and securities litigation.

In 2023, Ms. Lax was selected as one of the "Top 100 for Civil Plaintiffs" by the National Trial Lawyers in the state of New York. For the past two years, Ms. Lax was selected for inclusion to *Super Lawyers'* list of Rising Stars for Civil Rights Litigation, New York Metro region.

Samantha R. Mertz

Samantha Mertz is senior counsel at Grant & Eisenhofer, where her primary area of practice is complex and mass tort litigation. She handles all phases of mass tort and personal injury litigation from commencement through trial.

Ms. Mertz has focused much of her practice on manufacturers of pharmaceuticals and medical devices that have harmed women and children, including Risperdal, Zofran, Transvaginal Mesh, and Essure, and represents victims of the PG&E Camp Wildfire. She is adept at caring for clients who are at their most vulnerable. Ms. Mertz serves on the Law and Briefing Committee for the Plaintiffs' Steering Committee in the Gilead Tenofovir Cases, California Judicial Council Coordinated Proceeding (JCCP) No. 5043, and served on the Law and Briefing Committee and Discovery Committee for the Plaintiffs' Steering Committee in the Essure Cases, California Judicial Council Coordinated Proceeding (JCCP) No. 4887.

Ms. Mertz served as the mass tort law clerk for the Complex Litigation Center under the Honorable Judge Arnold New and the Honorable Judge Sandra Mazer Moss for the First Judicial District of Pennsylvania from 2010-2013. Prior to joining G&E, Ms. Mertz worked at a

Philadelphia law firm as a pharmaceutical mass tort litigation attorney, and was selected for inclusion in the Pennsylvania *Super Lawyers* “Rising Star” list for 2014 and 2015. Ms. Mertz earned her J.D. from Temple University Beasley School of Law in 2010 where she received awards for excellence in Constitutional Law and Outstanding Oral Advocacy in the Integrated Trial Advocacy Program and the Crossen Award at graduation.

Ms. Mertz is a member of and serves on the Executive Committee for the Louis D. Brandeis Law Society.

James B. Puritz

James Puritz is senior counsel at Grant & Eisenhofer where he focuses on representing families and children in birth injury and birth trauma litigation.

Prior to joining G&E, he was a trial attorney focusing on medical malpractice and catastrophic loss litigation. He also was an Assistant District Attorney in Massachusetts and an Assistant Corporation Counsel for the City of Boston.

Mr. Puritz earned his J.D. from Albany Law School and his B.A. from Brandeis University.

Suzanne Sangree

Suzanne Sangree is senior counsel at Grant & Eisenhofer, focusing her practice on the representation of state and local governments in complex litigation matters stemming from environmental damage and consumer protection.

Prior to joining Grant & Eisenhofer, Ms. Sangree worked for the City of Baltimore Department of Law for 13 years. She served as the Director of Affirmative Litigation, pursuing environmental, False Claims Act, antitrust, products liability, and consumer-related cases, among other types of litigation. She also held roles as Senior Public Safety Counsel/Chief, Legal Affairs Division; and Chief Solicitor & Director of Training. She additionally served as a member of the Settlement Committee and Executive Committee for the Department of Law.

In 2020, *Bloomberg Law* recognized Ms. Sangree as a Key Player in 2020 Environmental Litigation. In 2015 the International Municipal Lawyers Association awarded Ms. Sangree its distinguished public service award, and she was named a Top 40 Maryland Lawyer in 2014. Ms. Sangree served as clerk for Judge Andre M. Davis, U.S. District Court, District of Maryland.

Ms. Sangree earned her LL.M. from Harvard Law School and her J.D. from City University of New York Law School at Queens. She received her B.A., *cum laude*, from Wesleyan University.

Vivek Upadhya

Vivek Upadhya is senior counsel at Grant & Eisenhofer, focusing on securities, appraisal, whistleblower/*qui tam* and complex pharmaceutical and medical device litigation.

Mr. Upadhya is currently representing clients in a derivative suit against Tesla’s board of directors and has previously represented investors challenging mergers, including an action



against Regency Energy Partners pending in the Delaware Court of Chancery. Mr. Upadhy was also involved in *In re JPMorgan Chase & Co Securities Litigation* (S.D.N.Y.), which resulted in a \$150 million settlement. His other recent work includes Delaware Chancery Appraisal cases *In re Appraisal of Jarden Corporation* and *In re Appraisal of Solera Holdings, Inc.* Additionally, Mr. Upadhy worked on multi-district litigation involving prescription drugs such as Xarelto and Zofran.

Mr. Upadhy received his J.D. from Emory University School of Law, where he served as a managing editor for the *Emory Law Journal*. He received his B.A. in law and political science from the University of Utrecht in the Netherlands, and was born and raised in India.

Jason H. Wilson

Jason Wilson is senior counsel at Grant & Eisenhofer where he focuses on sovereign and public entity representation, primarily in matters to address the systemic environmental contamination of public resources. Currently, Mr. Wilson is prosecuting claims against Monsanto Co. arising out of that company's production, marketing, and sale of toxic PCBs, which now contaminate natural resources and municipal stormwater systems throughout the nation, and against 3M Co. and other manufacturers of toxic PFAS chemicals, which contaminate groundwater, drinking water, and other public resources. Mr. Wilson also represents investors and whistleblowers in corporate governance and securities litigation.

Prior to joining Grant & Eisenhofer, Mr. Wilson was an associate at an international law firm, resident in Philadelphia, defending shareholder disputes, consumer class actions, antitrust, bankruptcy, environmental litigation, and government investigations related to the False Claims Act, Anti-Kickback Act and Foreign Corrupt Practices Act. Regarding his experience in shareholder disputes, Mr. Wilson defended numerous securities class actions, derivative suits and various shareholder requests for books and records. Before that, he spent three years in the litigation department of a large New York law firm. Mr. Wilson also served as a law clerk to Judge William H. Walls of the US District Court for the District of New Jersey.

Mr. Wilson earned his J.D. from Columbia Law School in 2004 where he was a Harlan Fisk Stone Scholar, was awarded the Alfred S. Forsyth Prize for dedication to the advancement of environmental law, and served as Editor-in-Chief of the *Columbia Environmental Law Journal*. He received his B.A. in History and a concentration in Environmental Science from Williams College in 1999.

Andrew N. Dodemaide

Andrew Dodemaide is counsel at Grant & Eisenhofer. Prior to joining G&E, Mr. Dodemaide worked at a law firm in Philadelphia where he practiced domestic and international securities litigation. Mr. Dodemaide also worked for a large complex litigation firm as an associate on the new matter development team.

Mr. Dodemaide received his B.A. from Rutgers University and earned his J.D. from Rutgers University School of Law, where he was the Editor-in-Chief of the *Rutgers Journal of Law and Public Policy*. While a law student, Mr. Dodemaide taught Constitutional Law at a high school in Camden, New Jersey through the Marshall Brennan Constitutional Literacy Project. Upon



graduation, Mr. Dodemaide clerked for the Honorable Jack M. Sabatino at the New Jersey Superior Court, Appellate Division.

David Felderman

David Felderman is counsel at Grant & Eisenhofer. Prior to joining G&E, Mr. Felderman worked at a New York-based law firm where he handled antitrust class action and *qui tam* litigation. Before that, he worked at a Philadelphia-based class action law firm where he handled securities and antitrust litigation and oversaw the operations of the firm's Global Portfolio Monitoring Platform. Mr. Felderman also has experience counseling clients with respect to international securities litigation and corporate governance.

Mr. Felderman earned his J.D., *cum laude*, from Temple University Beasley School of Law. He earned his B.A. in economics from the University of Pennsylvania, and is currently a member of the Penn Alumni Interview Program. Mr. Felderman previously served as President of the Penn Alumni Club of Philadelphia and as a member of the Board of Directors of Penn's Alumni Class Leadership Council.

Ken S. Massey

Ken Massey is counsel at Grant & Eisenhofer, focusing on corporate governance, securities, and civil rights litigation. Prior to joining G&E, Mr. Massey practiced consumer financial services, and commercial litigation at a leading financial services defense boutique and the Philadelphia office of a national law firm.

In 2023, Mr. Massey was named as National Legal Counsel to the Japanese American Citizens League, whose mission is to secure and maintain the civil rights of Japanese Americans. He additionally serves on the board of directors of the Asian Pacific American Bar Association of Pennsylvania and has previously served as its President. Mr. Massey has also previously served on the executive board of the Temple Law Alumni Association. He was selected for inclusion three times to the Pennsylvania Super Lawyers list of "Rising Stars" and listed on the Pro Bono Roll of Honor for the First Judicial District of Pennsylvania.

Mr. Massey earned his J.D. from Temple University Beasley School of Law in 2004 and his B.A. in History from the University of Pennsylvania in 1999.

Carla Agbiro

Carla Agbiro is an associate at Grant & Eisenhofer, where she focuses on civil rights litigation. Prior to joining G&E, Ms. Agbiro worked as an Assistant District Attorney in the Juvenile Unit of the Philadelphia District Attorney's Office.

Ms. Agbiro earned her J.D. from Northwestern Pritzker School of Law, where she was the Membership & Comment Editor for the *Northwestern Journal of Human Rights*. She triple-majored in Philosophy, Psychology and Political Science at West Chester University. Prior to graduating law school, Ms. Agbiro was a Law Clerk for an employment discrimination firm in Chicago, and a Law Clerk for the Lawyers' Committee for Civil Rights of San Francisco Bay Area. Ms. Agbiro is a native Spanish speaker.

Jason M. Avellino

Jason Avellino is an associate at Grant & Eisenhofer where his practice is focused on corporate governance and securities litigation.

Prior to joining G&E, Mr. Avellino spent more than a decade representing product manufacturers, contractors, marine terminal operators, retail establishments, sports venues, and major insurance carriers/brokers (including several Fortune 500 companies) in the defense and evaluation of commercial matters and other civil lawsuits involving severe and catastrophic personal injury or property damage. During that time, he was a member of the International Association of Defense Counsel (IADC); a group of approximately 2,500 invitation-only, peer-reviewed members comprised of the world's leading corporate and insurance lawyers and insurance executives.

Mr. Avellino is licensed to practice in Pennsylvania, New Jersey, and Delaware. He earned his J.D. from Villanova University School of Law and his B.S. in Business Administration, *magna cum laude*, from Bloomsburg University.

Simona L. Bonifacic

Simona Bonifacic is an associate at Grant & Eisenhofer, where her focus is on complex and mass tort litigation. Prior to joining Grant & Eisenhofer, Ms. Bonifacic worked as corporate counsel on commercial real estate and contracts.

Ms. Bonifacic received her J.D. from Syracuse University College of Law in 1998. She is also a 1998 *magna cum laude* graduate of Maxwell School of Citizenship and Public Affairs where she obtained her M.S. in international relations. She received a bachelor's degree in 1994 from East Stroudsburg University in political science and philosophy.

Kevin W. Boyle

Kevin Boyle is an associate with Grant & Eisenhofer's environmental protection and consumer protection litigation groups.

Prior to joining Grant & Eisenhofer, Mr. Boyle worked as an associate attorney defending complex commercial litigations including class action claims, derivative lawsuits, and corporate governance and employment disputes.

Mr. Boyle earned his J.D. from Temple University Beasley School of Law, his M.H.S. from Johns Hopkins Bloomberg School of Public Health, and his B.A. from Johns Hopkins University.

Samantha L. Breitner

Samantha Breitner is an associate at Grant & Eisenhofer, where she focuses on civil rights litigation.

Prior to joining G&E, Ms. Breitner worked at a complex litigation law firm in New York practicing securities litigation and representing adult survivors of sexual abuse.

Ms. Breitner graduated from Benjamin N. Cardozo School of Law in 2015, where she was an active member of the *Journal of Law and Gender* and served as Articles Editor. Ms. Breitner received her B.A. from Syracuse University in 2011.

Leanne P. Brown-Pasquarello

Leanne Brown-Pasquarello is an associate at Grant & Eisenhofer where she focuses on sovereign and public entity representation, primarily in matters to redress systemic environmental contamination. She currently represents several state Attorneys General and municipalities in environmental litigation. In that role, she is prosecuting claims against Monsanto Co. arising out of that company's production, marketing, and sale of toxic PCBs, which now contaminate natural resources and municipal storm water systems throughout the nation; and against 3M Co. and other manufacturers of toxic firefighting foam laced with toxic PFAS chemicals, which now contaminate groundwater, drinking water, and other public resources. Mrs. Brown-Pasquarello also has experience in securities class actions, shareholder derivative actions, antitrust actions, and appraisal rights.

During her time with Grant & Eisenhofer, she has worked on litigation teams whose efforts resulted in significant awards for their clients, including the following:

- *In re Pfizer, Inc. Securities Litigation*, class action securities litigation, wherein it was alleged that Pfizer misrepresented the cardiovascular safety of its multi-billion-dollar arthritis drugs, and resulted in a \$486 million recovery.
- *In re Merck & Co., Inc. Vytarin/Zetia Securities Litigation*, a major securities fraud action against pharmaceutical industry titan, Merck & Co., Inc., that settled for \$215 million.
- *In re MyFord Touch Consumer Litigation*, a consumer class action on behalf of owners of Ford vehicles equipped with allegedly defective infotainment units, which resulted in relief valued at over \$33 million.

Prior to joining Grant & Eisenhofer, Ms. Brown-Pasquarello worked at a Philadelphia law firm on mass tort and complex civil litigation matters. She received her law degree from Widener University School of Law, where she wrote on The Law Forum, and was a member of ATLA. She received her B.A. degree in Political Science from University of Delaware, where she was a member of *Phi Sigma Pi* National Honor Society, and *Pi Sigma Alpha* National Political Science Honor Society. She served as Vice President of a political organization on campus.

Juliana Carter

Juliana Carter is an associate in Grant & Eisenhofer's environmental protection and consumer protection litigation groups.

Ms. Carter focuses on sovereign and public entity representation, primarily in matters to address the systemic environmental contamination of public resources. Currently, Ms. Carter is prosecuting claims against Monsanto arising out of that company's production, marketing, and sale of toxic PCBs, which now contaminate natural resources and municipal stormwater systems



throughout the nation. In addition to environmental litigation, Ms. Carter partners with state Attorneys General and municipalities pursuing consumer protection actions against manufacturers of dangerous products.

Prior to joining G&E, Ms. Carter was a litigation associate at an Am Law 100 law firm headquartered in Philadelphia defending chemical and pharmaceutical manufacturers, financial institutions, universities, and other companies in connection with government investigations and civil actions filed in state and federal court. Ms. Carter also served as a judicial law clerk to the Honorable Paul S. Diamond of the U.S. District Court for the Eastern District of Pennsylvania.

Ms. Carter graduated *magna cum laude*, Order of the Coif, from Temple University Beasley School of Law, where she served as a staff editor of the *Temple Law Review* and as the Director of Advocacy of the School Discipline Advocacy Service, and was awarded the recognition of Fellow of the Rubin Public Interest Law Honor Society. She earned her B.A. in Law and Policy from Dickinson College.

Mica Cocco

Mica Cocco is an associate at Grant & Eisenhofer where she focuses on securities litigation. Ms. Cocco joined the firm as an intern, working with the G&E ESG Institute and the firm's corporate litigation practice groups. Prior to joining G&E, Ms. Cocco was a legal intern at an immigration law firm in New York.

Ms. Cocco earned her J.D. from New York Law School and her B.S. in marketing and psychology from the University of Maryland. During law school, Ms. Cocco was the Treasurer of the Jewish Law Student Association.

Michelle Cooper

Michelle Cooper is an associate at Grant & Eisenhofer where she focuses on securities litigation. Previously, Ms. Cooper worked with the firm as a summer associate and an extern for the G&E ESG Institute.

Prior to joining Grant & Eisenhofer, Ms. Cooper was a compliance intern at the Bank of Nova Scotia and a legal intern at Clearpool Group. During her undergraduate studies, Ms. Cooper had the privilege of participating in the J.P. Morgan Chase & Co. Smart Start Scholarship Program where she held positions in Human Resources, Consumer Business Banking Expense Management, Government Investigations and Regulatory Enforcement Legal, and Commercial Banking's Oversight and Control.

Ms. Cooper earned her J.D. from Brooklyn Law School and her B.B.A. from Pace University. Ms. Cooper holds a Business Certificate with Distinction from Brooklyn Law School and received the CALI Excellence for the Future Award in Trial Advocacy.

Daniel T. Craig

Daniel Craig is an associate at Grant & Eisenhofer where he focuses his practice on complex and mass tort litigation.



Prior to joining G&E, Mr. Craig worked at a Philadelphia law firm representing clients in catastrophic personal injury, medical malpractice, and civil rights matters.

Mr. Craig earned his J.D. from Temple University's Beasley School of Law in 2021, where he was a member of the school's nationally renowned trial team, and received his B.A. from Temple University in 2014.

Timothy Clark B. Dauz

Timothy Clark Dauz is an associate at Grant & Eisenhofer, where he focuses on securities litigation.

Prior to joining G&E, Mr. Dauz worked as an associate attorney managing arbitration and litigation matters, and he was also a securities litigation analyst at a New York law firm. He practiced law in the Philippines before moving to New York, and had served as the legal officer of a major financial institution. He also worked as an associate attorney at a law firm in Manila, where he litigated civil and commercial cases, and assisted in the resolution of corporate disputes.

Mr. Dauz earned his LL.M., *cum laude*, from the Fordham University School of Law, where he was the Fordham Blockchain Law Society's first publications director. He obtained his M.B.A. from the Asian Institute of Management in Makati City, Philippines, and his J.D. from the Ateneo de Manila University School of Law, also in Makati City. Having grown up in the Philippines, Mr. Dauz is fluent in Tagalog.

Marc E. Davies

Marc Davies is an associate at Grant & Eisenhofer. Prior to joining G&E, Mr. Davies was a shareholder at a Philadelphia law firm practicing environmental litigation involving PCBs.

He is currently an adjunct professor at Rutgers University School of Law, teaching environmental litigation, environmental business, and writing.

Mr. Davies earned his J.D. from Temple University's Beasley School of Law in 1997, where he was an Associate Member of *Temple Environmental Law and Technology Journal*. He received his M.A. in environmental science from University of Pennsylvania, where he also earned his B.A.

Demetrius Davis

Demetrius Davis is an associate at Grant & Eisenhofer, focusing his practice on corporate governance and securities litigation.

After graduating law school, Mr. Davis was an intern for G&E focusing on matters in the Delaware Court of Chancery.



Mr. Davis earned his J.D. from Widener University Delaware Law School and his B.S. from the University of Delaware.

Caley DeGroot

Caley DeGroot is an associate at Grant & Eisenhofer, where her focus is on complex and mass tort litigation as well catastrophic personal injury litigation. She handles matters from client intake through resolution, including trial.

Prior to joining G&E, Ms. DeGroot advocated for plaintiffs injured in personal injury and medical malpractice cases. Ms. DeGroot also served as law clerk to the honorable Judge Frank K. Friedman on the Court of Appeals of Virginia and to the 23rd Judicial Circuit of Virginia.

Ms. DeGroot received her J.D. from Washington and Lee University School of Law, where she was the Executive Editor for the *Journal of Civil Rights and Social Justice*. She received her B.A. from Furman University, where she majored in Political Science as well as Communication Studies and received a minor in Ancient Greek and Roman Studies.

Caitlin M. Doermer

Caitlin Doermer is an associate at Grant & Eisenhofer, where her primary area of practice is representing children and families in birth injury and birth trauma litigation.

Prior to joining G&E, Ms. Doermer worked as an associate at a Chicago law firm practicing medical malpractice and personal injury litigation.

Ms. Doermer received her J.D. from Notre Dame Law School and her B.A. from Washington & Lee University.

Tudor I. Farcas

Tudor Farcas is an associate at Grant & Eisenhofer where he focuses his practice on complex and mass tort litigation. Prior to joining Grant & Eisenhofer, Mr. Farcas was an associate at the Philadelphia office of a national defense litigation law firm defending general liability claims including mass tort, products liability, and personal injury. He also was a law clerk to the Honorable Mark I. Bernstein, assisting with complex proceedings in national mass tort cases regarding pharmaceutical products and medical devices.

Mr. Farcas earned his J.D. from Drexel University Thomas R. Kline School of Law in 2013, where he was a member of the Drexel Transactional Law Team. Mr. Farcas received his B.A. from Pennsylvania State University in 2008.

Garrett A. Gittler

Garrett Gittler is an associate at Grant & Eisenhofer where he focuses on complex and mass tort litigation. Prior to joining G&E, Mr. Gittler was an associate at the Philadelphia office of a national law firm where he focused on professional liability, catastrophic injury, and wrongful

death claims. He also has prior experience litigating products liability, asbestos and property damage matters.

Mr. Gittler earned his J.D. from Villanova University Charles Widger School of Law, and his M.S. and B.S. degrees from West Chester University.

Lisa K. Grumbine

Lisa Grumbine is an associate at Grant & Eisenhofer where she focuses on sovereign and public entity representation, primarily in matters seeking to redress environmental contamination. Ms. Grumbine currently represents several state Attorneys General and municipalities in environmental litigation. In that role, she is prosecuting claims against 3M Co. and other manufacturers of toxic firefighting foam laced with toxic PFAS chemicals, which now contaminate groundwater, drinking water, and other public resources. Ms. Grumbine also handles a wide range of securities and commercial litigation actions on behalf of institutional investors and consumers.

Prior to her legal career, Ms. Grumbine worked in the banking industry with a primary focus in ERISA and Defined Contribution Plan compliance and administration. Ms. Grumbine is a graduate of ABA National Employee Benefit Trust School.

Ms. Grumbine earned her J.D. from Temple University, Beasley School of Law in 1997 and her B.S. in Consumer Economics, *cum laude*, from University of Delaware in 1990.

Kathryne L. Hemmings

Kathryne Hemmings is an associate at Grant & Eisenhofer, where her focus is on civil rights litigation.

Prior to joining G&E, Ms. Hemmings worked as an associate at the Philadelphia office of a regional law firm practicing employment discrimination law. She also has over five years of experience representing plaintiffs in obtaining Social Security disability and veterans' disability benefits.

Ms. Hemmings clerked for The Hon. Linda L. Lawhun, P.J.S.C., in New Jersey. She was selected for inclusion to *Super Lawyers*' list of "Rising Stars" in New Jersey (2022) and Pennsylvania (2023).

Ms. Hemmings earned her J.D. from Drexel University School of Law and her B.A. from Clemson University.

Lawrence P. Kempner

Lawrence Kempner is an associate at Grant & Eisenhofer, focusing on litigation related to corporate governance, securities fraud and consumer protection. Prior to joining Grant & Eisenhofer, Mr. Kempner was engaged in private practice with a concentration in civil litigation.



Mr. Kempner's efforts at Grant & Eisenhofer have helped to achieve substantial recoveries in a number of class action cases, including *In re Tyco International, Ltd. Securities Litigation* (\$3.2 billion recovery), *In re Refco Securities Litigation* (\$422 million recovery), *In re Pfizer Inc. Securities Litigation* (\$486 million recovery), *In re JP Morgan Chase & Co. Securities Litigation* (\$150 million recovery) and *In re Starz Stockholder Litigation* (\$92.5 million recovery).

Mr. Kempner has also authored numerous legal publications, including books on evidence, discovery practice and consumer law. He is a 1988 graduate of Lehigh University and received his J.D. from George Washington University in 1991.

Peter L. LeGrand

Peter LeGrand is an associate at Grant & Eisenhofer, where his primary area of practice is representing children and families in birth injury and birth trauma litigation.

Prior to joining G&E, Mr. LeGrand worked at a Chicago-area law firm for several years, focusing on medical malpractice, legal malpractice, personal injury and product liability litigation.

Mr. LeGrand received his J.D. from University of Illinois College of Law and his B.A. from University of Missouri.

Jason W. Lawlor

Jonathan Lawlor is an associate at Grant & Eisenhofer. Mr. Lawlor has over seven years of legal experience focusing on securities, mergers & acquisitions, product liability, and other complex litigation.

Mr. Lawlor earned his J.D. from Widener University School of Law and his B.A. from Gettysburg College.

Edward M. Lilly

Edward Lilly focuses on Chancery litigation and corporate governance matters, intellectual property litigation, and securities fraud and anti-trust class action litigation as an associate at Grant & Eisenhofer. He has additional experience in consumer mass tort litigation, product liability litigation, and derivative class actions.

Mr. Lilly graduated in 1996 from Cornell Law School and served as an editor for the *LII Bulletin-NY* and *Cornell Journal of Law & Public Policy*. He received his M.S. in social psychology in 1993 from Purdue University and graduated *magna cum laude* from DePauw University with a B.A. in economics.

Mr. Lilly served as a clerk for the Honorable Thomas J. McAvoy of the U.S. District Court in Binghamton, New York.

David C. Magagna

David Magagna is an associate with Grant & Eisenhofer's environmental protection and consumer protection litigation groups.

Prior to joining Grant & Eisenhofer, Mr. Magagna was an associate at a Philadelphia law firm representing plaintiffs in consumer class action litigation. He also clerked for The Honorable Sallie Updyke Mundy of the Supreme Court of Pennsylvania.

Mr. Magagna earned his J.D. from Villanova University Charles Widger School of Law, his M.S. from Villanova University School of Business in accounting and professional consulting, and his B.S. from Syracuse University.

Kathleen B. McGivney

Kathleen B. McGivney is an associate at Grant & Eisenhofer, where she represents children and families in birth injury and birth trauma litigation.

Prior to joining G&E, Ms. McGivney worked as a Law Clerk for a prominent personal injury and medical malpractice law firm in Chicago, and was a Judicial Extern for the Hon. John Robert Blakey in the U.S. District Court for the Northern District of Illinois.

Ms. McGivney received her J.D. from Loyola University Chicago School of Law, and was a Lead Articles Editor for the *Loyola Law Journal*.

Steven A. Medina

Steven Medina is an associate at Grant & Eisenhofer where he focuses his practice on complex and mass tort litigation, medical malpractice, and environmental litigation. His experience extends to all phases of litigation, from initial consultation through trial.

Prior to joining G&E, Mr. Medina represented both plaintiffs and defendants in catastrophic personal injury matters at several Philadelphia-based litigation firms. He has helped recover numerous multi-million dollar settlements and jury awards for clients.

Mr. Medina earned his J.D. from Temple University's Beasley School of Law in 2014, where he was a staff editor of the *Temple Political and Civil Rights Law Review*. Mr. Medina received his B.A. from the State University of New York at Albany in 2010.

Jonathan C. Mills

Jonathan Millis is an associate at Grant & Eisenhofer, focusing his practice on corporate governance and securities litigation.

Prior to joining G&E, Mr. Millis worked at a regional law firm based in Philadelphia, where he represented major insurance carriers in property damage matters.



After graduating law school, Mr. Millis clerked for the Honorable Nelson C. Johnson (ret.) in the Superior Court of New Jersey.

Mr. Millis earned his J.D. from Villanova University School of Law and his B.A. in History, *cum laude*, from the University of Massachusetts.

William F. Moore

William Moore is an associate at Grant & Eisenhofer where he focuses on representing families and children in birth injury and birth trauma litigation. Prior to joining G&E, Mr. Moore was an associate attorney at a civil litigation firm practicing personal injury, wrongful death, and other liability claims.

From 2015-2018, Mr. Moore was selected for inclusion to *Leading Lawyers'* list of Emerging Lawyers. In 2010 and 2011, Mr. Moore was selected to Illinois *Super Lawyers'* list of Rising Stars. He is a member of the Chicago Bar Association and a Claims and Litigation Management Alliance Fellow.

Mr. Moore earned his J.D. from The John Marshall Law School and his B.S. from Northern Michigan University.

Cindy Morgan

Cindy Morgan is an associate at Grant & Eisenhofer, where her focus is on civil rights litigation. Ms. Morgan is a zealous advocate for survivors of sexual assault and victims of sexual harassment, discrimination, and retaliation. Ms. Morgan also litigates Title IX sexual assault and harassment actions and matters related to federal detention reform.

Prior to joining G&E, Ms. Morgan represented institutional and individual clients in complex litigation matters and employment disputes at a Pennsylvania law firm. She also worked as an Assistant District Attorney for the Chester County District Attorney's Office, where she prosecuted several jury trials to verdict, including homicides and sexual assaults. Ms. Morgan also served as a law clerk for the Honorable Michael Erdos, Philadelphia Court of Common Pleas, from 2013-2014.

Ms. Morgan earned her J.D. from Temple University Beasley School of Law, where she was a member of both the *Temple Law Review* and the National Trial Team, for which she won several awards, including the *Andrew Gay Award for Excellence in Trial Advocacy*. She also earned her undergraduate degree from Temple University, where she earned her B.A. in Political Science. In 2021, Ms. Morgan was selected for inclusion to *Super Lawyers'* list of Rising Stars.

Kevin M. Nadolny

Kevin Nadolny is an associate at Grant & Eisenhofer, focusing on securities litigation, antitrust matters, and consumer litigation.

Mr. Nadolny's casework includes representing shareholders in such actions as: *In re Pfizer Inc. Securities Litigation* (\$486 million settlement); *In re News Corporation Shareholder Derivative*

Litigation (\$139 million settlement); *In re Kinder Morgan Energy Partners, L.P. Derivative Litigation* (\$27.5 million settlement). He has also represented plaintiffs in antitrust matters such as: *In re Aggrenox Antitrust Litigation*; and *Alaska Electrical Pension Fund v. Bank of America* (concerning ISDA-fix price-fixing). Mr. Nadolny's consumer litigation experience includes working as a member of the team prosecuting consumer protection claims against General Motors in relation to its allegedly faulty ignition switches.

He currently represents plaintiffs in *In re Blue Cross Blue Shield Antitrust Litigation* and *In re Generic Pharmaceuticals Pricing Antitrust Litigation*.

Mr. Nadolny is a 1998 graduate of the University of Minnesota. He received his J.D. and LL.M. (Transnational Law) from Temple University, Beasley School of Law.

William G. Passannante II

Will Passannante is an associate at Grant & Eisenhofer, where he focuses on corporate governance litigation.

Mr. Passannante previously worked as an associate in the Delaware office of a plaintiff's firm where he represented investors in corporate governance class action and derivative litigation matters in the Delaware Court of Chancery. Prior to that, Mr. Passannante clerked for the Hon. Jennifer Choe-Groves and the Hon. M. Miller Baker at the U.S. Court of International Trade, where he additionally supported sittings by designation on the United States Court of Appeals for the Ninth Circuit, the United States District Court for the Southern District of New York, and the United States District Court for the District of Idaho. Mr. Passannante began his legal career as a paralegal working on False Claims Act investigations and litigation at the United States Attorney's Office for the Southern District of New York.

Mr. Passannante earned his J.D. from Fordham University School of Law, where he was a member of the *Fordham Urban Law Journal*, the Fordham Moot Court Board, and the Brendan Moore Trial Advocacy Program as well as a Stein Scholar for the Public Interest. He received a bachelor's degree from Oberlin College.

Vincent J. Pontrello

Vincent Pontrello is an associate at Grant & Eisenhofer where he focuses on securities litigation.

Prior to joining G&E, Mr. Pontrello was an associate attorney at a New York firm practicing insurance fraud litigation.

Mr. Pontrello earned his J.D. from Brooklyn Law School, where he was a member of the Moot Couty Honor Society, Appellate Division and the Associate Managing Editor of the *Journal of Law & Policy*. Mr. Pontrello received his B.S. in finance and marketing from the University of Delaware.

Nathan B. Reeder

Nathan Reeder is an associate at Grant & Eisenhofer, focusing his practice on antitrust litigation.

Prior to joining G&E, Mr. Reeder was an associate at the Philadelphia office of an international law firm representing clients in antitrust and commercial matters.

Mr. Reeder earned his J.D. from University of Virginia School of Law where he was the Production Editor for *The Journal of Law and Politics*, and received his B.A. from Emory University.

William C. Runzer

William Runzer is an associate at Grant & Eisenhofer where his practice is focused on corporate governance, consumer protection, and other complex class actions.

Before joining G&E, Mr. Runzer worked with several major Philadelphia law firms on complex litigation matters including pharmaceutical class actions, securities litigation, and commercial contract disputes. Prior to his legal career, Mr. Runzer worked in operations and construction management.

Mr. Runzer earned his J.D. from Temple University Beasley School of Law and his B.S. in Business Administration from Saint Joseph's University.

Lauren J. Salamon

Lauren Salamon is an associate at Grant & Eisenhofer where she practices securities litigation.

Prior to joining G&E, Ms. Salamon was an associate at a national law firm where she focused on class action securities litigation. She also previously practiced international arbitration, intellectual property litigation, and other types of civil litigation at international firms.

Ms. Salamon is a member of the New York City Bar's Securities Litigation Committee. She was recognized in the list of Best Lawyers: Ones to Watch for 2024 in the area of Commercial Litigation.

Ms. Salamon graduated from Yale Law School where she was an editor at the *Yale Journal of International Law*. She earned her B.A. in Japanese from the University of Rochester and was elected to Phi Beta Kappa.

Raymond F. Schuenemann III

Raymond Schuenemann III is an associate at Grant & Eisenhofer. Representative of Mr. Schuenemann's casework includes participation in securities class action *In re Pfizer Inc. Securities Litigation*, alleging Pfizer misrepresented the cardiovascular safety of its multi-billion-dollar arthritis drugs, resulting in a \$486 million settlement; and securities class action *In re Marsh & McLennan Consolidated Securities Litigation*, alleging that Marsh & McLennan and its officers, directors, auditors, and underwriters participated in a fraudulent scheme involving bid-rigging and secret agreements to steer business to certain insurance companies in exchange for kick-back commissions, resulting in a \$400 million settlement. Mr. Schuenemann was also involved in antitrust class action *In re Titanium Dioxide Antitrust Litigation*, where direct purchasers of Titanium Dioxide alleged that E.I. DuPont de Nemours and Company, Huntsman

International and other defendants conspired to fix prices at which the chemical powder was sold in the United States, resulting in a series of settlements with defendants totaling \$163 million.

After graduating from law school, Mr. Schuenemann was an associate attorney at a central Pennsylvania law firm where he worked on matters related to employment, real estate, tax, and healthcare law. Prior to his legal career, Mr. Schuenemann was an investment accountant in the mutual fund sector where he provided accounting services for numerous bond and equity funds. Mr. Schuenemann was also employed as an internal auditor in both the finance and banking sectors.

Mr. Schuenemann is active in his community and spent many years as a volunteer pro-bono attorney at Mid Penn Legal Services where he defended low-income clients from debt collection actions. Additionally, Mr. Schuenemann spent four years as the Chairman of the Board of the Reading Area Water Authority, two years as an Executive Board Member of the Reading Redevelopment Corporation, and two years as the Vice President of The City of Reading Charter Board.

Mr. Schuenemann received his J.D. from Widener University School of Law in 2005 and is a 1999 graduate of West Chester University where he earned a B.S. in Finance.

Kimberly B. Schwarz

Kimberly Schwarz is an associate at Grant & Eisenhofer. She focuses her practice on complex and mass tort litigation. Ms. Schwarz earned her law degree from Rutgers School of Law in 2010. She graduated with high honors from Rutgers University School of Business in 2002 where she received her B.S. in Business Management.

Shannon T. Somma

Shannon Somma is an associate at Grant & Eisenhofer, focusing on securities litigation, appraisal rights, and antitrust litigation. Prior to joining Grant & Eisenhofer, Ms. Somma worked on cases in intellectual property, pharmaceutical, and environmental litigation.

Ms. Somma graduated in 1999 from the University of Delaware with a B.A. degree in psychology, and thereafter received her J.D. degree from Widener University School of Law in 2005.

Cecilia E. Stein

Cecilia Stein is an associate at Grant & Eisenhofer where she focuses her practice on securities litigation.

Prior to joining Grant & Eisenhofer, Ms. Stein interned for Legal Services NYC, the NYC Human Rights Commission and the G&E ESG institute.

Ms. Stein earned her J.D. from Benjamin N. Cardozo School of Law and B.A. in International Relations from State University of New York New Paltz. During law school, she was a staff

editor of the *Cardozo Arts & Entertainment Law Journal* and practiced in the Bet Tzedek Civil Litigation Clinic.

Adam Stoltz

Adam Stoltz is an associate at Grant & Eisenhofer where he focuses on complex and mass tort litigation as well as environmental litigation. Prior to joining G&E, Mr. Stoltz was an associate at the New York office of a national litigation firm where he represented individuals and municipalities in products liability, personal injury, and civil rights litigation.

In addition to representing victims of human trafficking, Mr. Stoltz has also worked to hold corporate wrongdoers accountable for their role in the opioid epidemic, including conducting depositions of key corporate executives at the nation's fourth largest drug distributor.

Mr. Stoltz earned his J.D. from Tulane University and B.A. in History as well as Languages and Cultures of Asia from University of Wisconsin-Madison.

Thomas Walsh

Thomas Walsh is an associate at Grant & Eisenhofer where he focuses on securities, bankruptcy, and civil rights litigation.

Prior to joining G&E, Mr. Walsh was an intern for the Honorable Judge Casey at the Norfolk County Probate and Family Court located in Canton, Massachusetts.

Mr. Walsh earned his B.A. in Legal Studies from the University of Massachusetts, Amherst and his J.D. from Suffolk University Law School in 2019.

Cheron D. Wardlaw

Cheron Wardlaw focuses on securities, antitrust, and complex pharmaceutical and medical device litigation as an associate at Grant & Eisenhofer. Ms. Wardlaw is a 2007 graduate of the Widener University School of Law and a 2001 *magna cum laude* graduate from Temple University with a degree in journalism and public relations. She was a recipient of the Chadwick Memorial Scholarship and a Fred G. Dibona Moot Court participant.

Prior to joining Grant & Eisenhofer, Ms. Wardlaw's focus was on pharmaceutical and securities litigation as well as workmen's compensation.

Deborah Scheinbach Weiss

Deborah Scheinbach Weiss is an associate at Grant & Eisenhofer, focusing on securities and antitrust litigation. As a contract attorney with G&E for several years, Ms. Weiss was part of G&E teams whose efforts resulted in significant awards for clients, including *In re London Silver Fixing, Ltd. Antitrust Litigation*, a case involving the manipulation of currency markets; *In re Starz Stockholder Litigation*, a class action by stockholders of Starz against Starz directors alleging breach of fiduciary duty in negotiating and approving the sale of Starz to Lions Gate Entertainment Corp.; and the \$1 billion settlement in the *Royal Bank of Scotland* case in the

United Kingdom, involving mortgage-backed securities that was a case of first impression in the UK.

Prior to joining G&E, Ms. Weiss practiced law in Philadelphia, where she worked on commercial litigation matters on behalf of national franchise systems and other clients, and provided operational counsel to various businesses. She has served as a lecturer to the Pennsylvania Bar Institute, speaking on franchise matters.

Ms. Weiss was graduated from Villanova Law School, where she was an Associate Editor of the *Villanova Law Review*, and from the State University of New York, College at Buffalo, where she received a B.A. in journalism.

Ivan B. Woods

Ivan Woods is an associate at Grant & Eisenhofer, focusing on securities, appraisal and environmental litigation. He was part of G&E teams whose efforts resulted in significant awards for their clients, including *In re JP Morgan Chase & Co. Securities Litigation* (\$150 million recovery) and the \$1 billion settlement in the *Royal Bank of Scotland* case in the United Kingdom.

Prior to joining Grant & Eisenhofer, Mr. Woods worked as a consultant for several national law firms and was on the claim management and legal staff of several New Jersey insurance companies where he supervised fraud and training divisions as well as focused on corporate law and regulatory compliance.

Mr. Woods earned his J.D. from Rutgers School of Law, Newark in 1997 and his B.S. in education from Auburn University in 1976. Mr. Woods is a member of the New Jersey State Bar Association.

Selected Institutional Client Representations

G&E has represented or is currently representing a number of institutional investors in major securities fraud actions, shareholder derivative suits, other breach-of-fiduciary-duty cases and related ancillary proceedings around the country. Some of the Firm's cases include:

(A) In Securities Fraud Litigation:

(1) CellStar

In one of the earliest cases filed after the enactment of PSLRA, the State of Wisconsin Investment Board ("SWIB") was designated lead plaintiff and G&E was appointed lead counsel in *Gluck v. CellStar Corp.*, 976 F.Supp. 542 (N.D.Tex. 1997). The cited opinion is widely considered the landmark on standards applicable to the lead plaintiff/lead counsel practice under PSLRA. (See, especially, *In re Cendant Corp. Litig.*, 2001 WL 980469, at *40, *43 (3d Cir. Aug. 28, 2001), citing the CellStar case.) After the CellStar defendants' motion to dismiss failed and a round of discovery was completed, the parties negotiated a \$14.6 million settlement, coupled with undertakings on CellStar's part for significant corporate governance changes as well. With SWIB's active lead in the case, the class recovery, gross before fees and expenses, was approximated to be 56% of the class' actual loss claims, about 4 times the historical 14% average gross recovery in securities fraud litigation. Because of the competitive process that SWIB had undertaken in the selection of counsel, resulting in a contingent fee percentage significantly less than the average 31% seen historically, the net recovery to the class after all claims were submitted came to almost 50% of actual losses, or almost 5 times the average net recovery.

(2) Pfizer

G&E was class counsel in a certified federal securities class action against Pfizer and certain of its former officers and directors. Plaintiffs alleged that Pfizer affirmatively misrepresented the cardiovascular safety of its multi-billion-dollar arthritis drugs, Celebrex and Bextra, and actively concealed adverse safety information concerning the products in order to win market share from Merck's competing Cox-2 drug, Vioxx. In 2004 and 2005, when the truth about the cardiovascular risks of Celebrex and Bextra was finally revealed, Pfizer shareholders collectively lost billions of dollars. Plaintiffs also alleged that certain former officers and directors of Pfizer illegally sold shares of Pfizer stock during the class period while in possession of material, non-public information concerning the drugs.

The case was extensively litigated for nearly 10 years, with millions of pages of documents produced and more than 50 depositions taken. Prior to the beginning of merits discovery, the parties engaged in a Daubert proceeding in which Pfizer argued that there was no scientific basis for a claim that Celebrex and Bextra were associated with adverse cardiovascular effects. Both sides submitted extensive



expert reports and, after a 5 day trial, the Court completely rejected Pfizer’s challenges to Plaintiffs’ expert testimony. Defendants’ motion for summary judgment was denied in most respects, although the Court held that Pfizer could not be held liable for a few statements made by its co-promoters concerning the drugs. In 2014, however, the Court granted Defendants’ motion to exclude the testimony of Plaintiffs’ expert concerning damages and causation, Professor Daniel Fischel, and thereafter granted summary judgment for Defendants because without Fischel’s testimony, Plaintiffs could not prove damages or loss causation. Plaintiffs appealed to the United States Court of Appeals for the Second Circuit, and on April 12, 2016, the Court of Appeals reversed. The Court of Appeals held that the District Court abused its discretion in excluding Fischel’s testimony and further held that the District Court’s erred in granting summary judgment to Defendants concerning the statements made by Pfizer’s co-promoter. Defendants moved in the Court of Appeals for rehearing *en banc*. While that motion was pending, the parties agreed on a settlement of the litigation providing for a cash payment by Pfizer of \$486 million. The parties then jointly moved, and the Court of Appeals agreed, to hold the rehearing petition in abeyance pending the District Court’s consideration of the proposed settlement. The District Court held a conference on September 13, 2016 to consider whether to grant preliminary approval to the settlement and authorize the transmission of notice of the settlement to class members. The settlement was preliminarily approved on September 16, 2016, and on December 21, 2016, final approval was obtained. *In re Pfizer Inc. Securities Litigation*, SD-NY, No. 04-9866.

(3) **DaimlerChrysler**

Florida State Board of Administration was appointed lead plaintiff and G&E co-lead counsel in the PSLRA class action on behalf of shareholders of the former Chrysler Corporation who exchanged their shares for stock in DaimlerChrysler in Chrysler’s 1998 business combination with Daimler-Benz AG which was represented at the time as a “merger of equals.” Shortly before trial, the defendants agree to a \$300 million cash settlement, among the largest securities class action settlements since the enactment of the PSLRA. *In re DaimlerChrysler Securities Litigation*, D. Del., C.A. No. 00-0993.

(4) **Oxford Health Plans**

Public Employees’ Retirement Association of Colorado (“ColPERA”) engaged G&E to represent it to seek the lead plaintiff designation in the numerous securities fraud actions that were consolidated into *In re Oxford Health Plans, Inc., Securities Litig.*, S.D.N.Y., MDL Docket No. 1222 (CLB). The court ordered the appointment of ColPERA as a co-lead plaintiff and G&E as a co-lead counsel. G&E and its co-leads filed the Consolidated Amended Complaint. Memorandum opinions and orders were entered denying defendants’ motions to dismiss (see 51 F.Supp. 2d 290 (May 28, 1999) (denying KPMG motion) and 187 F.R.D. 133 (June 8, 1999) (denying motion of Oxford and individual director

defendants)). The case settled for \$300 million, another settlement negotiated by G&E that is among the largest settlements since the enactment of the PSLRA.

(5) Dollar General

The U.S. District Court for the Middle District of Tennessee ordered the appointment of Florida State Board of Administration and the Teachers' Retirement System of Louisiana as lead plaintiffs and G&E as co-lead counsel in a PSLRA and Rule 10b-5 case against the defendant company, its accountants, and individual insiders who allegedly issued false and misleading statements over an alleged 3-year Class Period and failed to disclose adverse facts about the company's financial results. Settlements were approved involving a cash payment of \$162 million from the company and the individual defendants, an additional \$10.5 million from Deloitte & Touche, LLP (Dollar General's accountants), and beneficial governance reforms for Dollar General. *In re Dollar General Securities Litigation*, M.D. Tenn., No. 3:01-0388, orders dated July 19, 2001 and September 29, 2003.

(6) Just For Feet

G&E represented the State of Wisconsin Investment Board ("SWIB") in a federal securities class action against certain officers and directors of Just For Feet, Inc., and against Just For Feet's auditors, in the Northern District of Alabama. That action arose out of the defendants' manipulation of the company's accounting practices to materially misstate the company's financial results. Having been appointed co-lead plaintiff, SWIB, with G&E as its counsel, took primary responsibility for the case. (*SWIB v. Ruttenberg, et al.*, N.D. Ala., CV 99-BU-3097-S and 99-BU-3129-S, 102 F. Supp. 2d 1280 (N.D. Ala. 2000)). SWIB obtained a policy limits settlement with the individual defendants' D&O carrier and an additional \$7.4 million from Just For Feet's auditor, for a recovery totaling approximately \$32 million.

(7) Waste Management

G&E filed a non-class federal securities action against Waste Management, Inc., its former and current directors, and the company's accountants in the Northern District of Florida, on behalf of Lens Investment Management, LLC and Ram Trust Services, Inc. The complaint alleged that Waste Management had, over a five-year period, issued financial statements and other public statements that were materially false and misleading due to the defendants' fraudulent and improper accounting manipulations. G&E also filed non-class actions in Illinois state court, asserting similar claims on behalf of the Florida State Board of Administration ("FSBA") and the Teachers' Retirement System of Louisiana. After G&E successfully defeated the defendants' motions to dismiss FSBA's complaint in state court, FSBA's cause of action was transferred to the Northern District of Florida. At the point where there were competing motions for summary judgment pending, G&E successfully negotiated a settlement pursuant to which each plaintiff received several times what it would have received in the class action.



Florida State Board of Administration, Ram Trust Services, Inc. and Lens Investment Management, LLC v. Waste Management, Inc., et al., N.D.Fla., No. 4:99CV66-WS, amended complaint filed June 21, 1999; and *Teachers’ Retirement System of Louisiana v. Waste Management, Inc., et al.*, Circuit Ct., Cook Co. [Ill.], No. 98 L 06034, complaint filed May 18, 1999.

(8) Total Renal Care

In June 1999, the Louisiana State Employees’ Retirement System and Teachers’ Retirement System of Louisiana were appointed as Lead Plaintiffs in a federal securities class action against Total Renal Care (“TRC”) and certain of its officers and directors, in the U.S. District Court for the Central District of California. G&E served as Plaintiffs’ Lead Counsel. Plaintiffs filed their Corrected Consolidated Amended Complaint against the defendants, alleging, *inter alia*, that the defendants manipulated TRC’s financial statements so as to materially overstate TRC’s revenues, income and assets and to artificially inflate TRC’s stock price. G&E negotiated a settlement requiring TRC’s payment of \$25 million into a settlement fund for the class and the company’s adoption of certain internal corporate governance policies and procedures designed to promote the future accountability of TRC’s management to its stockholders. At the time of the settlement, this amount represented 33% of the value of the Company’s shares. *In re Total Renal Care Securities Litigation*, C.D. Cal., Master File No. CV-99-01745 CBM.

(9) Safety-Kleen

G&E was sole lead counsel for the plaintiffs in a federal securities class action and a series of related individual actions against former officers, directors, auditors and underwriters of Safety-Kleen Corporation, who are alleged to have made false and misleading statements in connection with the sale and issuance of Safety-Kleen bonds. *In re Safety-Kleen Corp. Bondholders Litig.*, D.S.C., No. 3:00-CV-1145-17, consolidated complaint filed January 23, 2001. In March of 2005, after a jury had been selected for trial, the auditor defendant settled with the class and individual claimants for \$48 million. The trial then proceeded against the director and officer defendants. After seven weeks of trial, the director defendants settled for \$36 million, and the court entered judgment as a matter of law in favor of the class and against the company’s CEO and CFO, awarding damages of \$192 million.

(10) Styling Technology Corporation

G&E represented funds managed by Conseco Capital Management, Inc., Credit Suisse Asset Management, Pilgrim American Funds and Oppenheimer Funds, Inc. in a securities action brought in May 2001, asserting both federal (1933 Act) and state claims brought in the Superior Court of California. The suit alleged that certain former officers, as well as the independent auditors, of Styling Technology Corporation made false and misleading statements in connection with the sale and issuance of Styling Technology bonds. Styling Technology filed for bankruptcy

protection under Chapter 11 in August 1999. In October 2000, discovery of accounting irregularities and improperly recognized revenue forced the Company to restate its financial statements for the years 1997 and 1998. Plaintiffs, owning \$66.5 million of the total \$100 million in bonds sold in the offering, settled the case for a recovery representing approximately 46% of the losses suffered by the client funds that they manage. *Franklin High Income Trust, et al. v. Richard R. Ross, et al.*, Cal. Super., San Mateo Co. [Calif.], Case No: 415057, complaint filed November 28, 2000.

(11) **Tyco**

G&E served as co-lead counsel representing co-lead plaintiffs Teachers' Retirement System of Louisiana and Louisiana State Employees' Retirement System in a securities class action against Tyco International Ltd. and PricewaterhouseCoopers LLP. The complaint alleged that the defendants, including Tyco International, Dennis Kozlowski, and other former executives and directors of Tyco and PricewaterhouseCoopers, made false and misleading public statements and omitted material information about Tyco's finances in violation of Sections 10(b), 14, 20A and 20(a) of the Securities Exchange Act of 1934. Tyco agreed to fund \$2.975 billion in cash to settle these claims, representing the single largest payment from any corporate defendant in the history of securities class action litigation. PricewaterhouseCoopers also agreed to pay \$225 million to settle these claims, resulting in a total settlement fund in excess of \$3.2 billion.

(12) **Global Crossing**

Ohio Public Employees' Retirement System and the Ohio Teachers' Retirement System were appointed lead plaintiff and G&E was appointed sole lead counsel in a securities class action against Global Crossing, Ltd. and Asia Global Crossing, Ltd. *In re Global Crossing, Ltd. Securities & "ERISA" Litig.*, MDL Docket No. 1472. In November 2004, the Court approved a partial settlement with the Company's former officers and directors, and former outside counsel, valued at approximately \$245 million. In July 2005, the Court approved a \$75 million settlement with the Citigroup-related defendants (Salomon Smith Barney and Jack Grubman). In October 2005, the Court approved a settlement with Arthur Andersen LLP and all Andersen-related defendants for \$25 million. In October 2006, the Court approved a \$99 million settlement with various financial institutions. In total, G&E recovered \$448 million for investors in Global Crossing.

(13) **Telxon Corporation**

G&E filed a federal securities and common law action against Telxon Corporation, its former officers and directors and its accountants in the Northern District of Ohio on behalf of Wyser-Pratte Management Co., Inc., an investment management firm. Following mediation, G&E negotiated a settlement of all

claims. *Wyser-Pratte Management Co., Inc. v. Telxon Corp., et al.*, N.D. Ohio, Case No. 5:02CV1105.

(14) **Hayes Lemmerz**

G&E served as lead counsel to plaintiffs and class members who purchased or acquired over \$1 billion in bonds issued by Hayes Lemmerz International, Inc. G&E negotiated a settlement worth \$51 million. *Pacholder High Yield Fund, Inc. et al. v. Ranko Cucoz et al.*, E.D. Mich., C.A. No. 02-71778.

(15) **Asia Pulp and Paper**

On behalf of bondholders of various subsidiaries of Indonesian paper-making giant Asia Pulp and Paper (“APP”), G&E filed an action alleging that the bondholders were defrauded by APP’s financial statements which were inflated by nearly \$1 billion in fictitious sales. Defendants’ motions to dismiss were denied. *Franklin High Income Trust, et al. v. APP Global Ltd., et al.*, N.Y. Sup. Ct., Trial Div., Index No. 02-602567. The matter was resolved through a confidential settlement.

(16) **Alstom**

Louisiana State Employees’ Retirement System was appointed as co-lead plaintiff and G&E was appointed co-lead counsel in a class action against Alstom SA, a French corporation engaged in power generation, transmission and distribution in France. The suit alleges that Alstom and other defendants made false and misleading statements concerning the growth and financial performance of its transportation subsidiary. G&E achieved a settlement in the amount of \$6.95 million. *In re Alstom SA Sec. Litig.*, S.D.N.Y. 03-cv-6595.

(17) **Parmalat**

G&E was co-lead counsel in this securities class action arising out of a multi-billion dollar fraud at Parmalat, which the SEC described as “one of the largest and most brazen corporate financial frauds in history.” Settlements exceeding \$110 million were reached. *In re Parmalat Sec. Litig.*, S.D.N.Y. 04-MDL-1653.

(18) **Marsh & McLennan**

G&E was co-lead counsel for the class of former Marsh & McLennan shareholders in this federal securities class action alleging that the company, its officers, directors, auditors, and underwriters participated in a fraudulent scheme involving, among other things, bid-rigging and secret agreements to steer business to certain insurance companies in exchange for “kick-back” commissions. After five years of litigation, G&E achieved a \$400 million settlement on behalf of the class. *In re Marsh & McLennan Companies, Inc. Sec. Litig.*, S.D.N.Y. 04-cv-8144.

(19) **Hollinger International**

G&E was co-lead counsel in this securities class action arising out of a company scandal at Hollinger International, Inc. which involves payment of millions of dollars to certain executives, including the company's former CEO, Lord Conrad Black, relating to sales of company assets. G&E negotiated a settlement with Hollinger in the amount of \$37.5 million. *In re Hollinger International Inc. Securities Litigation*, N.D. Ill. 04-C-0834.

(20) **General Motors**

G&E served as co-lead counsel in a securities class action against GM, arising from alleged false statements in GM's financial reports. After about two and a half years of litigation, a settlement was reached with GM for \$277 million, with GM's auditor, Deloitte & Touche contributing an additional \$26 million. The combined \$303 million settlement ranked among the largest shareholder recoveries of 2008. *In re General Motors Corp. Sec. Litig.*, E.D. Mich., MDL No. 1749.

(21) **Delphi**

Delphi is an automotive company that was spun off of General Motors. The company failed as a stand-alone entity, but concealed its failure from investors. G&E's client, one of the largest pension funds in the world, served as a lead plaintiff, and G&E served as co-lead counsel in this securities class action, which produced settlements totaling \$325 million from Delphi, its auditor and its director and officers liability insurer. *In re Delphi Corporation Securities Derivative & ERISA Litigation*, E.D. Mich., MDL No. 1725.

(22) **Refco**

A mere two months after going public, Refco admitted that its financials were unreliable because the company had concealed that hundreds of millions of dollars of uncollectible receivables were owed to the company by an off-balance sheet entity owned by the company's CEO. G&E served as a co-lead counsel and G&E's client, PIMCO, was a co-lead plaintiff. The case resulted in recoveries totaling \$422 million for investors in Refco's stock and bonds (including \$140 million from the company's private equity sponsor, over \$50 million from the underwriters, and \$25 million from the auditor). *In re Refco, Inc. Securities Litigation*, S.D.N.Y., No. 05 Civ. 8626.

(23) **Sprint**

G&E represented lead plaintiff institutional investor Carlson Capital, L.P. in this class action suit against Sprint Corporation and its former CEO and directors for breach of fiduciary duty in the consolidation of two separate tracking stocks. In December 2007, a \$57.5 million settlement was approved. *In re Sprint Corporation Shareholder Litigation*, D. Kan., No. 04 CV 01714.



(B) In Derivative and Other Corporate Litigation:

(1) Digex

This case resulted in a settlement of over \$400 million, one of the largest reported settlements in the history of Delaware corporate litigation. G&E represented the lead plaintiff, TCW Technology Limited Partnership, in alleging that Digex, Inc.’s directors and majority stockholder (Intermedia, Inc.) breached their fiduciary duties in connection with WorldCom’s proposed \$6 billion acquisition of Intermedia. Among other issues, WorldCom was charged with attempting to usurp a corporate opportunity that belonged to Digex and improperly waiving on Digex’s behalf the protections of Delaware’s business combination statute. Following G&E’s argument on a motion to preliminarily enjoin the merger, the Court issued an opinion declining to enjoin the transaction but acknowledging plaintiffs’ likelihood of success on the merits. *In re Digex, Inc. Shareholders Litigation*, C.A. No. 18336, 2000 WL 1847679 (Del. Ch. Dec. 13, 2000). The case settled soon thereafter.

(2) UnitedHealth Group

G&E represented the Ohio Public Employees Retirement System, State Teachers Retirement System of Ohio, and Connecticut Retirement Plans and Trust Funds as lead plaintiffs in a derivative and class action suit in which G&E successfully challenged \$1.2 billion in back-dated options granted to William McGuire, then-CEO of health care provider UnitedHealth Group. This was among the first – and most egregious – examples of options backdating. G&E’s case produced a settlement of \$922 million, the largest settlement in the history of derivative litigation in any jurisdiction. *In re UnitedHealth Group Inc. Shareholder Derivative Litig.*, C.A. No. 06-cv-1216 (D. Minn.)

(3) AIG

In what was, at the time, the largest settlement of derivative shareholder litigation in the history of the Delaware Chancery Court, G&E reached a \$115 million settlement in a suit against former executives of AIG for breach of fiduciary duty. The case challenged hundreds of millions of dollars in commissions paid by AIG to C.V. Starr & Co., a privately held affiliate controlled by former AIG Chairman Maurice “Hank” Greenberg and other AIG directors. The suit alleged that AIG could have done the work for which it paid Starr, and that the commissions were simply a mechanism for Greenberg and other Starr directors to line their pockets. *Teachers’ Retirement System of Louisiana v. Greenberg, et al.*, C. A. No. 20106-VCS (Del. Ch.).

(4) Genentech



When Swiss healthcare company Roche offered to buy out biotech leader Genentech Inc. for \$43.7 billion, or \$89 per share, G&E filed a derivative claim on behalf of institutional investors opposed to the buyout. With the pressure of the pending litigation, G&E was able to reach a settlement that provided for Roche to pay \$95 per share, representing an increase of approximately \$3 billion for minority shareholders. *In re Genentech, Inc. Shareholders Litig.*, C.A. No. 3911-VCS (Del. Ch.).

(5) **Willamette**

In January 2002, at the request of Wyser-Pratte Management Co., Inc. and others, G&E filed a shareholder derivative action in Oregon state court claiming that the board of Willamette Industries, Inc. breached its fiduciary duties by attempting to cause Willamette to acquire the asbestos-ridden building products division of Georgia-Pacific Company as part of a scorched-earth effort to defeat a hostile takeover of Willamette by its chief competitor, Weyerhaeuser Company. G&E obtained an expedited hearing on its motion for a preliminary injunction and obtained an agreement from Willamette at the hearing not to consummate any deal with Georgia-Pacific without providing prior notice to G&E. Almost immediately thereafter, and after years of fighting against Weyerhaeuser’s takeover attempts, the Willamette board relented and agreed to sell the company to Weyerhaeuser. *Wyser-Pratte Management Co., Inc. & Franklin Mutual Advisors v. Swindells, et al.*, No. 0201-0085 (Ore. Cir. Ct.).

(6) **Medco Research**

In January 2000, G&E filed a shareholder derivative action on behalf of State of Wisconsin Investment Board against the directors of Medco Research, Inc. in Delaware Chancery Court. The suit alleged breach of fiduciary duty in connection with the directors’ approval of a proposed merger between Medco and King Pharmaceuticals, Inc. G&E was successful in obtaining a preliminary injunction requiring Medco to make supplemental and corrective disclosures. Because of G&E’s efforts, the consideration to Medco’s stockholders increased by \$4.08 per share, or \$48,061,755 on a class-wide basis. *State of Wisconsin Investment Board v. Bartlett, et al.*, C.A. No. 17727, 2000 WL 193115 (Del. Ch. Feb. 9, 2000).

(7) **Occidental Petroleum**

G&E represented Teachers’ Retirement System of Louisiana and served as co-counsel in a shareholders’ derivative suit against the directors of Occidental Petroleum Corporation, challenging as corporate waste the company’s excessive compensation arrangements with its top executives. Filed in California state court, the case settled when the company agreed to adopt California Public Employees’ Retirement System’s model principles of corporate governance and undertook to reconstitute its key committees so as to meet the tests of independence under those principles. *Teachers’ Retirement System of Louisiana v. Irani et al.*, No. BC1850009 (Cal. Super.).

(8) **Staples, Inc.**

On behalf of Teachers' Retirement System of Louisiana, G&E challenged Staples, Inc.'s proposed "recapitalization" plan to unwind a tracking stock, Staples.com, which it created in 1998. G&E obtained a preliminary injunction against the deal and the deal terms were ultimately altered resulting in a \$15-\$20 million gain for shareholders. Additional disclosures were also required so that shareholders voted on the challenged transaction based on a new proxy statement with substantial additional disclosures. *In re Staples, Inc. Shareholders Litigation*, C.A. No. 18784, 2001 WL 640377 (Del. Ch. June 5, 2001).

(9) **SFX/Clear Channel Merger**

G&E filed a class action on behalf of stockholders of SFX, challenging the merger between SFX and Clear Channel. While the SFX charter required that in any acquisition of SFX all classes of common stockholders be treated equally, the merger, as planned, provided for approximately \$68 million more in consideration to the two Class B stockholders (who happened to be the senior executives of SFX) than to the public stockholders. The merger was structured so that stockholders who voted for the merger also had to vote to amend the Charter to remove the non-discrimination provisions as a condition to the merger. G&E negotiated a settlement whereby \$34.5 million more was paid to the public stockholders upon closing of the merger. This was more than half the damages alleged in the Complaint. *Franklin Advisers, Inc., et al. v. Sillerman, et al.*, C.A. No. 17878 (Del. Ch.).

(10) **Lone Star Steakhouse & Saloon**

G&E filed a derivative lawsuit on behalf of California Public Employees' Retirement System ("CALPERS") against Lone Star's former CEO, Jamie Coulter, and six other Lone Star directors. The suit alleged that the defendants violated their fiduciary duties in connection with their approval of the company's acquisition of CEI, one of Lone Star's service providers, from Coulter, as well as their approvals of certain employment and compensation arrangements and option repricing programs. Before filing the suit, G&E had assisted in CALPERS in filing a demand for books and records pursuant to Section 220 of the Delaware General Corporation Law. The company's response to that demand revealed the absence of any documentation that the board ever scrutinized transactions between Lone Star and CEI, that the board negotiated the purchase price for CEI, or that the board analyzed or discussed the repricing programs. In August 2005, the Court approved a settlement negotiated by G&E whereby Lone Star agreed to a repricing of options granted to certain of its officers and directors, payments from certain of the officers and directors related to option grants, and a \$3 million payment from Lone Star's director and officer insurance policy. Lone Star further acknowledged that the lawsuit was one of the significant factors considered in its adoption of certain corporate governance reforms. *California Public Employees' Retirement System v. Coulter, et al.*, C.A. No. 19191 (Del. Ch.).



(11) **Siebel**

The issue of excessive executive compensation has been of significant concern for investors, yet their concerns have remained largely unaddressed due to the wide discretion afforded corporate boards in establishing management’s compensation. G&E effected a sea change in the compensation policies of Siebel Systems, a leading Silicon Valley-based software developer long considered to be an egregious example of executive compensation run amok, and caused Thomas Siebel, the company’s founder and CEO, to cancel 26 million options with a potential value of \$54 million. Since the company’s founding in 1996, Siebel Systems had paid Mr. Siebel nearly \$1 billion in compensation, largely in the form of lavish stock options that violated the shareholder-approved stock option plan. In addition, the company had paid its directors millions of dollars for their service on the board, also in the form of stock options, at levels exponentially higher than that paid to directors on the boards of similar companies. G&E, on behalf of Teachers’ Retirement System of Louisiana, commenced a derivative action challenging the company’s compensation practices in September of 2002 even though a prior, similar lawsuit had been dismissed. Following a hard-fought and acrimonious litigation, G&E successfully negotiated a settlement that, in addition to the options cancellation, included numerous corporate governance reforms. The company agreed to, *inter alia*, restructure its compensation committee, disclose more information regarding its compensation policies and decisions, cause its outside auditor to audit its option plans as part of the company’s annual audit, and limit the compensation that can be paid to directors. The Siebel Systems settlement generated considerable favorable press in the industry, as investors and compensation experts anticipated that the reforms adopted by Siebel Systems could affect how other companies deal with compensation issues. *Teachers’ Retirement System of Louisiana v. Thomas M. Siebel, et al.*, C. A. No. 425796 (Cal. Super.).

(12) **HealthSouth Corporation**

G&E filed a derivative and class action lawsuit on behalf of Teachers’ Retirement System of Louisiana against HealthSouth Corporation, its auditors, certain individual defendants, and certain third parties seeking, *inter alia*, an order forcing the HealthSouth board of directors to hold an annual shareholder meeting for the purpose of electing directors, as no such meeting had been held for over thirteen months. Following a trial, G&E negotiated a settlement of part of its claims, pursuant to which five of the defendant directors who were alleged to have engaged in improper self-dealing with the company agreed to resign and be replaced by directors selected by a committee comprised in part by institutional investors of HealthSouth. *Teachers’ Retirement System of Louisiana v. Scrushy*, Del. Ch., C.A. No. 20529 (March 2, 2004).

(13) **NYSE/Archipelago**



G&E served as co-lead counsel in a class action in New York state court, brought on behalf of a class of seat holders of the New York Stock Exchange (“NYSE”) challenging the proposed merger between the NYSE and Archipelago Holdings, LLC. The complaint alleged that the terms of the proposed merger were unfair to the NYSE seat holders, and that by approving the proposed merger, the NYSE board of directors had violated their fiduciary duties of care, loyalty and candor, because the transaction was the result of a process that was tainted by conflicts of interest and the directors failed adequately to inform themselves of the relevant facts. The court denied the defendants’ motion to dismiss, and after expedited discovery, including over 30 depositions in a five week period, a preliminary injunction evidentiary hearing was held, in which plaintiffs sought to postpone the vote on the merger until a new, current fairness opinion was obtained from an independent financial advisor. On the second day of the hearing, the defendants agreed to the relief being sought, namely that they would obtain a new, current fairness opinion from an independent financial advisor. *In re New York Stock Exchange/Archipelago Merger Litig.*, No. 601646/05 (Sup. Ct. N.Y. Co.)

(14) Caremark / CVS

G&E represented institutional shareholders in this derivative litigation challenging the conduct of the board of directors of Caremark Rx Inc. in connection with the negotiation and execution of a merger agreement with CVS, Inc., as well as that board’s decision to reject a competing proposal from a different suitor. Ultimately, through the litigation, G&E was able to force Caremark’s board not only to provide substantial additional disclosures to the public shareholders, but also to renegotiate the terms of the merger agreement with CVS to provide Caremark shareholders with an additional \$3.19 billion in cash consideration and to ensure Caremark’s shareholders had statutory appraisal rights in the deal. *Louisiana Municipal Police Employees’ Retirement System, et al. v. Crawford, et al.*, C.A. No. 2635-N (Del. Ch.).

(15) AIG

G&E achieved a settlement of derivative claims against former American International Group, Inc. (“AIG”) CEO Hank Greenberg and other officers of the insurer in connection with a well-documented bid-rigging scheme used to inflate the company’s income. The scheme — which included an array of wrongful activities, such as sham insurance transactions intended to deceive shareholders and illegal contingent commissions which amounted to kickbacks to obtain business — caused billions of dollars' worth of damage to AIG, and ultimately led to the restatement of years of financial statements.

In approving a settlement that returned \$90 million to AIG, the Court said the settlement was “an incentive for real litigation” with “a lot of high-quality lawyering.” *In re American International Group, Inc., Consolidated Derivative Litigation*. Delaware Chancery Court, 769-VCS

(16) Del Monte Foods

G&E served as lead counsel in shareholder litigation in which the Firm obtained an \$89.4 million settlement against Del Monte Foods Co. and Barclays Capital. On February 14, 2011, the Delaware Chancery Court issued a ground-breaking order enjoining not only the shareholder vote on the merger, but the merger agreement's termination fee and other mechanisms designed to deter competing bids. As a result of plaintiff's efforts, the Board was forced to conduct a further shopping process for the company. Moreover, the opinion issued in connection with the injunction has resulted in a complete change on Wall Street regarding investment banker conflicts of interests and company retention of investment bankers in such circumstances. *In re Del Monte Shareholder Litigation*, C.A. No. 6027-VCL (Del. Ch).

(17) **Facebook**

G&E served as co-lead counsel for plaintiffs, alleging that Facebook Chairman and CEO Mark Zuckerberg, as well as other officers and directors, breached their fiduciary duties to the class by approving the reclassification of Facebook stock. The reclassification, if implemented, would have allowed Mark Zuckerberg to maintain majority voting control while reducing his economic stake in the Company by over 65%. Just days before the trial was set to begin with Mark Zuckerberg's testimony, the Facebook Board of Directors met and decided to abandon the reclassification. Because G&E was seeking to enjoin the reclassification, the Board's abandonment of it was a complete win for the plaintiffs and the class. *In re Facebook Class C Reclassification Litigation*, C.A. No. 12286 (Del Ch).

(C) **In Securities Class Action Opt-Out Litigation**

(1) **AOL Time Warner, Inc.**

G&E filed an opt-out action against AOL Time Warner, its officers and directors, auditors, investment bankers and business partners. The case challenged certain transactions entered by the company to improperly boost AOL Time Warner's financials. G&E was able to recover for its clients more than 6 times the amount that they would have received in the class case.

(2) **BankAmerica Corp.**

G&E filed an individual action seeking to recover damages caused by the defendants' failure to disclose material information in connection with the September 30, 1998 merger of NationsBank Corporation and BankAmerica Corporation. G&E was preparing the case for trial when it achieved a settlement whereby the firm's client received more than 5 times what it would have received in the related class action. Those proceeds were also received approximately one year earlier than the proceeds from the class action settlement.

(3) **Bristol-Myers Squibb**

G&E filed an opt-out action against Bristol-Myers Squibb, certain of its officers and directors, its auditor, and Imclone, Inc., alleging that Bristol-Myers had falsified billions of dollars of revenue as part of a scheme of earnings management. While the federal class action was dismissed and eventually settled for only 3 cents on the dollar, G&E's action resulted in a total settlement representing approximately 10 times what the firm's clients likely would have received from the class action.

(4) **Petrobras**

G&E filed securities fraud actions in Manhattan federal court on behalf of several U.S. and European public and private institutional investors against Petrobras, the Brazilian oil conglomerate, arising out of a decade-long bribery and kickback scheme that has been called the largest corruption scandal in Brazil's history. The action alleged that Petrobras concealed bribes to senior officers and government officials and improperly capitalized these bribes as assets on its books in order to inflate the value of the company's refineries. Many of these officers and officials have pled guilty before the Brazilian courts to charges stemming from their participation in the alleged scheme. G&E settled the action before the class action was resolved, and our clients received 2-3 times more than they would have had they stayed in the class, and received their share of the settlement at least two years before a class distribution.

(5) **Qwest Communications**

G&E filed an individual action against Qwest, its accountant (Arthur Andersen LLP), Solomon Smith Barney, and current and former officers and directors of those companies. The case alleged that Qwest used "swap deals" to book fake revenue and defraud investors. G&E was able to recover for its clients more than 10 times what they would have recovered had they remained members of the class.

(6) **WorldCom**

G&E filed an opt-out action against former senior officers and directors of WorldCom, including former CEO Bernard Ebbers, and Arthur Andersen LLP (WorldCom's former auditor), among others. The case stemmed from the widely-publicized WorldCom securities fraud scandal that involved false and misleading statements made by the defendants concerning WorldCom's financials, prospects and business operations. G&E recovered for its clients more than 6 times what they would have received from the class action.

Total Lodestar and Expenses; Case No. 1:22-cv-80418-MIDDLEBROOKS

Firm/Attorney	Total Hours	Total Lodestar	Total Expenses
Grant & Eisenhofer P.A.	2499.90	\$1,894,354.00	\$337,015.13
The Reeves Law Firm, LLC	207.43	\$207,430.00	\$5,240.90
Klausner Kaufman Jensen & Levinson	63.00	\$47,250.00	\$1,460.00
Totals:	2,770.33	\$2,149,034.00	\$343,716.03

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 22-80418-CV-MIDDLEBROOKS

CITY OF ATLANTA POLICE OFFICERS'
PENSION PLAN and CITY OF ATLANTA
FIREFIGHTERS' PENSION PLAN,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,
-v-

CELSIUS HOLDINGS, INC., JOHN
FIELDLY, and EDWIN NEGRON-
CARBALLO,

Defendants.

CLASS ACTION

**DECLARATION OF JEFFREY A. REEVES OF THE REEVES LAW FIRM LLC IN
SUPPORT OF MOTION FOR AWARD OF ATTORNEYS' FEES AND EXPENSES**

I, **JEFFREY A. REEVES**, declare as follows:

1. I am a member of The Reeves Law Firm ("Reeves Law" or the "Firm"), additional counsel of record for Lead Plaintiffs the City of Atlanta Police Officers' Pension Plan and the City of Atlanta Firefighters' Pension Plan (together, "Lead Plaintiffs"). I am submitting this declaration in support of my Firm's application for an award of attorneys' fees, expenses and charges ("expenses") in connection with services rendered in the above-entitled action (the "Litigation").

2. I am an attorney duly licensed to practice before the United States District Court for the Northern District of Georgia and all of the state courts of the State of Georgia. I have been actively involved in the prosecution and resolution of this Action. I actively participated in all communications with Lead Plaintiffs, strategy discussions, settlement negotiations, and preparation of motions and other materials to be filed with this Court.

3. The information in this declaration regarding the Firm's time and expenses is taken from time and expense reports and supporting documentation prepared and/or maintained by the Firm in the ordinary course of business. I oversaw and/or conducted the day-to-day activities in the Litigation and I reviewed the time and expense reports (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the reports as well as the necessity for, and reasonableness of, the time and expenses committed to the Litigation. Based on this review and the adjustments made, I believe that the time reflected in the Firm's lodestar calculation and the expenses for which payment is sought herein are reasonable and were necessary for the effective and efficient prosecution and resolution of the Litigation. In addition, I believe that these expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

4. After the reductions referred to above, the number of hours spent on the Litigation by the Firm is 207.43. This time was all spent by me personally. My time is billed at a rate of \$1,000.00 per hour, which is reasonable in light of my level of experience and the metropolitan areas in which I practice (Atlanta, Georgia). Thus, the lodestar amount for attorney time \$207,430.

5. In addition, I hereby certify that the hourly rate used to calculate my requested compensation in the Consolidated Categorical Lodestar attached as Exhibit A to the Declaration of Daniel L. Berger in Support of the Motion for Award of Attorneys' Fees and Expenses and in the Reeves Law Firm, LLC lodestar attached hereto as Exhibit A is equal to the hourly rate at which I directly bill clients for my legal services.

6. The Firm also seeks an award of \$5,240.90 in expenses and charges in connection with the prosecution of the Litigation. These expenses all relate to travel expenses in connection

with travel to Miami, Florida for the mediation on July 12, 2023 and to West Palm Beach, Florida for the upcoming final approval settlement hearing on January 31, 2024. The travel expenses are for me personally, and for David Brand, Chair of the City of Atlanta Firefighters' Pension Plan.

7. The expenses pertaining to this case are reflected in the books and records of this Firm. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses

8. The identification and background of my Firm and its partners is attached hereto as **Exhibit A**.

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

Executed this 10th day of January, 2024, at Atlanta, Georgia



JEFFERY A. REEVES

The Reeves Law Firm, LLC.
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Suite 250
Atlanta, GA 30309
404-795-6139: Office Telephone
888-209-5048: Direct Fax
jeff@reeveslawfirm.com
www.reeveslawfirm.com

The Reeves Law Firm, LLC. was formed in 2016 by founding member, Jeffrey A. Reeves, who concentrates his practice in catastrophic personal injury claims and securities litigation. Mr. Reeves attended Morehouse College and the University of Georgia School of Law. The Reeves Law Firm focuses its practice primarily on Plaintiff's Litigation and Shareholder and Securities Litigation matters.

The Reeves Law Firm has represented clients throughout the country in cases involving complex and catastrophic personal injury claims. Our hands-on approach and willingness to take on difficult cases has allowed us to achieve millions of dollars in recovered damages for our clients. We assemble the best team of lawyers and professionals for each case. Please refer to the list below of the types of cases we handle:

Wrongful Death

Automobile Accidents

Tractor-Trailer Accidents

Medical Negligence

Brain Injuries

Defective Products

Unsafe Premises

Civil Rights Violations

Shareholder Derivative Claims

Securities Litigation

The Reeves Law Firm provides confidential portfolio monitoring and case evaluation services for accredited investors in the United States and abroad. At no cost, we regularly evaluate our clients' portfolios, track potentially troubling developments and trends, identify areas where our clients might recover losses, and recommend realistic options tailored to our client's specific needs. Our institutional clients rely on us to pursue their corporate governance and securities claims vigorously and to keep them fully informed.

Sample of Recent Cases and Results:

Shareholder Derivative Litigation: Delaware Court of Chancery: Motion to Dismiss Granted; Appealed and Affirmed by Delaware Supreme Court:

Lenza H. McElrath, III, derivatively on behalf of Uber Technologies, Inc. v. Travis Kalanick, Garrett Camp, Ryan Grave, Arianna Huffington, Yasir Al-Rumayyan, William Gurley, David Bonderman and Uber Technologies, Inc.

Shareholder derivative litigation involving allegations from Google Inc., that Uber Technologies misappropriated trade secrets and intellectual property involving autonomous vehicles. Uber paid approximately \$200 million to resolve a civil lawsuit brought by Google, Inc. which was the basis of the shareholder derivative action. The case was litigated in the Delaware Court of Chancery. The court granted with Defendant's Motion to Dismiss holding demand was not futile. The motion was appealed to the Delaware Supreme Court who ultimately affirmed the trial court's decision.

\$4,550,000 – Plaintiff's Wrongful Death Accident:

This case involved the death of a mother of three, who was rear-ended by a tractor-trailer owned and operated by a Pennsylvania trucking company. The case was extensively litigated and settled shortly before trial.

\$3,500,000 – Wrongful Death Caused by Motor Vehicle Accident:

Our clients' child was killed in a bus accident caused by speeding and reckless driving. The case settled prior to trial and after extensive litigation.

\$3,000,000 – Burn Injury to Minor:

Our minor client suffered burn injuries as a result of a gas leak that caused an explosion in her home. Our investigation uncovered that a third party was previously hired to inspect the home for safety issues and had failed to detect a problem with the gas line. The case settled for the policy limits of insurance.

\$1,000,000 – Amputated Leg After Pedestrian Client Hit by Motorist in Rental Car:

Our client lost his leg after being hit by a vehicle while he was crossing the street. The vehicle was fraudulently rented from a rental car agency, which in turn failed to properly confirm the identification of the renter. After extensive litigation and shortly after mediation, a settlement was reached with the rental car company.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 22-80418-CV-MIDDLEBROOKS

CITY OF ATLANTA POLICE OFFICERS'
PENSION PLAN and CITY OF ATLANTA
FIREFIGHTERS' PENSION PLAN,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

-v-

CELSIUS HOLDINGS, INC., JOHN
FIELDLY, and EDWIN NEGRON-
CARBALLO,

Defendants.

CLASS ACTION

**DECLARATION OF ROBERT D. KLAUSNER OF
KLAUSNER KAUFMAN JENSEN & LEVINSON
IN SUPPORT OF MOTION FOR AWARD OF
ATTORNEYS' FEES AND EXPENSES**

I, **ROBERT D. KLAUSNER**, declare as follows:

1. I am a member of Klausner Kaufman Jensen & Levinson (the "Firm"), liaison counsel of record for Lead Plaintiffs the City of Atlanta Police Officers' Pension Plan and the City of Atlanta Firefighters' Pension Plan (together, "Lead Plaintiffs"). I am submitting this declaration in support of my Firm's application for an award of attorneys' fees, expenses and charges ("expenses") in connection with services rendered in the above-entitled action (the "Litigation").

2. I am an attorney duly licensed to practice before the United States District Court for the Southern District of Florida and all of the state courts of the State of Florida. I have been actively involved in the prosecution and resolution of this Action. I actively participated in all communications with Lead Plaintiffs, discovery, strategy discussions, settlement negotiations, and preparation of motions and other materials to be filed with this Court.

3. The information in this declaration regarding the Firm's time and expenses is taken from time and expense reports and supporting documentation prepared and/or maintained by the Firm in the ordinary course of business. I oversaw and/or conducted the day-to-day activities in the Litigation and I reviewed the time and expense reports (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the reports as well as the necessity for, and reasonableness of, the time and expenses committed to the Litigation. Based on this review and the adjustments made, I believe that the time reflected in the Firm's lodestar calculation and the expenses for which payment is sought herein are reasonable and were necessary for the effective and efficient prosecution and resolution of the Litigation. In addition, I believe that these expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

4. After the reductions referred to above, the number of hours spent on the Litigation by the Firm is 63 hours. This time was all spent by me personally. My time is billed at a rate of \$750.00 per hour, which is reasonable in light of my level of experience and the area in which I practice. Thus, the lodestar amount for attorney time \$47,250.

5. In addition, I hereby certify that the hourly rate used to calculate my requested compensation in the Consolidated Categorical Lodestar attached as Exhibit A to the Declaration of Daniel L. Berger in Support of the Motion for Award of Attorneys' Fees and Expenses is equal to the hourly rate at which I directly bill clients for my legal services.

6. The Firm also seeks an award of \$1,460.00 in expenses and charges in connection with the prosecution of the Litigation. These expenses are for: (i) *pro hac vice* filing fees (\$1,000.00); and (ii) service process fees (\$460.00).

7. The expenses pertaining to this case are reflected in the books and records of this Firm. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses

8. The identification and background of my Firm and its partners is attached hereto as **Exhibit A**.

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

Executed this 10th day of January, 2024, at Plantation, Florida


ROBERT D. KLAUSNER

EXHIBIT A

City of Atlanta Police Officers' Pension Plan, et al v. Celsius Holdings, Inc., et al
Case No.: 22-80418-DV-MIDDLEBROOKS (S.D.FLA.)

KLAUSNER, KAUFMAN, JENSEN & LEVINSON

FIRM RESUME

The law firm of **Klausner, Kaufman, Jensen & Levinson** specializes exclusively in the representation of retirement and benefit systems and related labor and employment relations matters. The firm has provided legal services to more than 200 state and local government retirement systems in more than 25 states and territories. The firm is composed of 8 lawyers in South Florida and Robert E. Tarzca, Of Counsel (New Orleans). In addition, we have six clerical/paraprofessional employees, an administrator, and a deputy administrator/conference director.

As a result of our substantial involvement on a national level in public employee retirement matters, we have developed a unique level of knowledge and experience. By concentrating our practice in the area of public employee retirement and related employment issues, we are able to keep a focus on changing trends in the law that more general practitioners would consider a luxury.

The law firm of Klausner, Kaufman, Jensen & Levinson, among the most highly regarded in the country in the area of pension issues, is frequently called upon as an educational and fiduciary consultant by state and local governments throughout the United States on some of the newest and most sophisticated issues involving public retirement systems. The examples of those areas are:

Plan Design

The firm provides services to dozens of public employee pension plans throughout the United States in the area of plan review, design, and legislative drafting. On both the state and local levels, statutes and ordinances are reviewed for the purposes of maintaining compliance with current and pending Internal Revenue Code Regulations affecting public plans, as well as compliance with provisions of the Americans With Disabilities Act, the Older Workers Protections Act, Veterans' re-employment laws, and the Pension Protection Act. When benefit changes occur we prepare all necessary legislative drafts and appear before the appropriate legislative body to answer questions concerning those drafts. We also offer creative solutions to plan design issues brought about by unexpected economic pressures and balancing those solutions against constitutional or statutory benefit guarantees.

Fiduciary Education

The primary duty of a pension fund lawyer is to ensure that the trustees do the right thing. It is our practice to design and present a variety of educational materials and programs which explain the general principles of fiduciary responsibility, as well as more specific principles regarding voting conflicts, compliance with open meeting laws, conflict of interest laws, etc. We regularly apprise the boards of trustees and administrators through newsletters, memoranda and updates on

our website of changes in the law, both legislatively and judicially, which impact upon their duties. We also conduct training workshops to improve the trustees' skills in conducting disability and other benefit hearings. As a result of our regular participation and educational programs on a monthly basis, all of the materials prepared as speaker materials for those programs are distributed without additional charge to our clients. Our firm provides its clients, as part of the fees charged for legal and consulting services, an annual pension conference in South Florida. This national event draws internationally known legal and financial experts and has been attended by more than 3500 trustees and administrators from throughout the United States. Only clients of the firm are permitted to attend and fees paid include attendance at the conference.

Plan Policies, Rules, and Procedures

It has been our experience that boards of trustees find themselves in costly and unnecessary litigation because of inconsistency in the administration of the fund. Accordingly, we have worked with our trustee clients in developing policies, rules, and procedures for the administration of the trust fund. The development of these rules ensures uniformity of plan practices and guarantees the due process rights of persons appearing before the board. They also serve to help organize and highlight those situations in which the legislation creating the fund may be in need of revision. By utilizing rule making powers, the board of trustees can help give definition and more practical application to sometimes vague legislative language.

Legal Counseling

In the course of its duties, the board of trustees and administrators will be called upon from time to time to interpret various provisions of the ordinance or statute which governs its conduct. The plan will also be presented with various factual situations which do not lend themselves to easy interpretation. As a result, counsel to the plan is responsible for issuing legal opinions to assist the trustees and staff in performing their function in managing the trust. It is our practice to maintain an orderly system of the issuance of legal opinions so that they can form part of the overall body of law that guides the retirement plan. As changes in the law occur, it is our practice to update those legal opinions to ensure that the subjects which they cover are in conformance with the current state of the law.

Summary Plan Descriptions

Many state laws require that pension plans provide their members with a plain language explanation of their benefits and rights under the plan. Given the complexity of most pension laws, it is also good benefits administration practice. Part of the responsibilities of a fiduciary is to ensure that plan members understand their rights and the benefits which they have earned. We frequently draft plain language summary plan descriptions using a format which is easily updatable as plan provisions change. We are also advising plans on liability issues associated with electronic communication between funds and members as part of our continuing effort at efficient risk management.

Litigation

Despite the best efforts and intentions of the trustees and staff, there will be times when the plan finds itself as either a plaintiff or defendant in a legal action. We have successfully defended retirement plans in claims for benefits, actions regarding under-funding, constitutional questions, discrimination in plan design, and failure of plan fiduciaries to fulfill their responsibilities to the trust. The firm has substantial state and federal court trial and appellate experience, including the successful defense of a state retirement system in the Supreme Court of the United States. The firm also has a substantial role in monitoring securities litigation and regularly argues complex appellate matters on both the state and federal levels. We pride ourselves on the vigorous representation of our clients while maintaining close watch on the substantial costs that are often associated with litigation. We are often called upon to provide support in a variety of cases brought by others as expert witnesses or through appearance as an *amicus curiae* (Friend of the Court).

ATTORNEY BIOGRAPHY

ROBERT D. KLAUSNER:

Born Jacksonville, Florida, December 20, 1952; admitted to Florida Bar 1977; Texas Bar 2019; Wisconsin Bar 2021; U.S. District Court, Southern District of Florida, 1978; U.S. Court of Appeals, Fifth Circuit, 1981; U.S. Court of Appeals, Eleventh Circuit, 1997; U.S. Court of Claims, 1998; U.S. Court of Appeals, Eighth Circuit, 2000; U.S. Supreme Court, 2000; U.S. Court of Appeals, Sixth Circuit, 2004; U.S. District Court, Middle District of Florida, 2005; U.S. Court of Appeals, Second Circuit, 2011; U.S. District Court, Northern District of Texas, 2011; U.S. Court of Appeals, Fourth Circuit, 2013; U.S. Court of Appeals, Third Circuit, 2020.

Education: University of Florida (B.A. with honors, 1974); University of Florida College of Law (J.D., 1977). Adjunct professor, Nova University Law School (1987 - 2005); adjunct professor, New York Institute of Technology, School of Labor Relations (1999-2003); instructor, Florida State University Center for Professional Development and Public Service (1980 - present); instructor, International Foundation of Employee Benefit Plans (1986 - present); instructor, National Association of State Retirement Administrators Conference (1996 - present); instructor, National Education Association Benefit Conferences (1989 - present); instructor, Florida Division of Retirement Pension Trustees School (1980 - present); instructor, Texas Association of Public Employee Retirement Systems (1990-present); instructor, Georgia Association of Public Pension Trustees (2020-present).

Member: The Florida Bar; Texas Bar; Wisconsin Bar; American Bar Association; Phi Beta Kappa; Phi Kappa Phi.

Publication: Co-Author, State and Local Government Employment Liability, Thomson-Reuters Publishing Co. (annually)

Author, State and Local Government Retirement Law: A Guide for Lawyers, Trustees, and Plan Administrators, Thomson-Reuters Publishing Co. (annually)