

**Electronically Filed
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Reviewed By: R. Walker
Case #19CV357070
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14 *Co-Lead Counsel for Plaintiff and the Class*

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF SANTA CLARA**

17 IN RE MAXAR TECHNOLOGIES, INC.)
18 SHAREHOLDER LITIGATION)

Case No. 19CV357070

CLASS ACTION

19 This Document Relates To:)

20 ALL ACTIONS)

**DECLARATION OF ADAM E. POLK
FILED ON BEHALF OF CO-LEAD
COUNSEL GIRARD SHARP LLP IN
SUPPORT OF MOTION FOR AWARD OF
ATTORNEYS' FEES AND EXPENSES**

Date Action Filed: Oct. 21, 2019

Dept. 1

Judge: Hon. Sunil R. Kulkarni

Hearing: Dec. 7, 2023, 1:30 p.m.

1 I, Adam E. Polk, declare as follows:

2 1. I am a partner of the firm Girard Sharp LLP (“Girard Sharp” or the “Firm”). I submit
3 this declaration, based on my personal knowledge and my review of the books and records of my
4 Firm, in support of Plaintiff’s motion for an award of attorneys’ fees and expenses in connection with
5 services rendered in the above-captioned action (the “Action”). If called upon, I could and would
6 competently testify to the contents of this Declaration.

7 2. Girard Sharp is counsel of record to Plaintiff and Class Representative Michael
8 McCurdy and Court-appointed Co-Lead Counsel for the certified Class.

9 3. The information in this declaration regarding my Firm’s time and expenses derives
10 from contemporaneous time and expense reports and supporting documentation prepared and/or
11 maintained by the Firm in the ordinary course of business. I am the partner at Girard Sharp who
12 oversaw and conducted the day-to-day litigation activities in this Action, and I reviewed these reports
13 (and backup documentation where necessary or appropriate) in connection with preparing this
14 declaration. The purpose of this review was to confirm both the accuracy of the entries as well as the
15 necessity for, and reasonableness of, the time and expenses committed to the Action. Through my
16 periodic review, I exercised billing judgment, and where necessary, reduced both time and expenses.
17 Based on this review, I believe that the time reflected in the Firm’s lodestar calculation and the
18 expenses for which reimbursement is sought are reasonable and were necessary for the effective and
19 efficient prosecution and resolution of the Action.

20 4. The Firm’s professionals dedicated a total of 5,474 hours to the Action. A breakdown
21 of the lodestar is provided in the attached Exhibit A, and detailed time records are available at the
22 Court’s request. The lodestar amount for attorney and paraprofessional time based on the Firm’s 2023
23 rates is \$3,844,121.50.

24 5. The hourly rates shown in Exhibit A are the Firm’s current rates set by the Firm for
25 each professional. For personnel who are no longer employed by the Firm, the rate used for the
26 lodestar calculation corresponds to the rate for that person in his or her final year of employment.

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1 These hourly rates are consistent with hourly rates recently submitted by the Firm to other courts
2 supervising class action litigation. In addition, the Firm currently has hourly paying clients who also
3 pay these rates. Courts have consistently approved Girard Sharp's rates. For example, when
4 approving a recent settlement in a products liability class action co-led by Girard Sharp, Judge Davila
5 wrote:

6 The Court finds that the hours claimed were reasonably incurred and that the
7 rates charged are reasonable and commensurate with those charged by attorneys
8 with similar experience in the market. . . . Girard Sharp billed at the following
9 rates: \$875–\$1,195 per hour for partners; \$385–\$850 per hour for associates;
10 and \$200–\$250 per hour for legal assistants.

11 *In re MacBook Keyboard Litig.*, 2023 WL 3688452, at *15 (N.D. Cal. May 25, 2023). Likewise,
12 courts approved Girard Sharp's hourly rates in the following class actions:

- 13 • *In re Capacitors Antitrust Litig.*, No. 3:14-CV-03264-JD, 2020 WL 6813220, at *4
14 (N.D. Cal. Sept. 15, 2020), *R&R adopted*, 2020 WL 6544472 (N.D. Cal. Nov. 7, 2020)
- 15 • *In re Nexus 6P Prods. Liab. Litig.*, No. 17-cv-02185-BLF, Dkt. No. 225 (N.D. Cal.
16 Nov. 12, 2019);
- 17 • *Weeks v. Google LLC*, No. 18-cv-00801-NC, Dkt. No. 184 (N.D. Cal. Aug. 30, 2019);
- 18 • *In re Lidoderm Antitrust Litig.*, No. 14-MD-02521-WHO, 2018 WL 4620695, at *2
19 (N.D. Cal. Sept. 20, 2018).

20 6. The Firm's rates are set based on periodic analysis of rates charged by law firms
21 performing comparable work both on the plaintiff and defense side.

22 7. The Firm requests an award of \$494,481.36 in reimbursement of expenses and charges
23 reasonably advanced in furtherance of the prosecution of the Action. These expenses and charges are
24 summarized by category in the attached Exhibit B.

25 8. The expenses pertaining to this case are reflected in the books and records of this Firm,
26 and will be provided at the Court's request. These books and records are contemporaneously prepared
27 from receipts, expense vouchers, check records and other documents and are an accurate record of
28 the expenses.

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9. Additional information on my Firm and the background of its attorneys appears in the Girard Sharp LLP Firm Resumé attached hereto as Exhibit C.

* * *

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 14th day of August, 2023, at San Francisco, California.

/s/ Adam E. Polk
Adam E. Polk

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CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2023, I served the foregoing document on all counsel on record through One Legal LLC’s e-filing system.

/s/ Adam E. Polk
Adam E. Polk

EXHIBIT A

In re Maxar Technologies, Inc. Securities Litigation
Case No. 19CV357070

GIRARD SHARP LLP

TIME REPORT — Inception - August 13, 2023

Time Keeper			
	Hours	Rate	Amount
Daniel C. Girard	268.20	\$ 1,195.00	\$ 320,499.00
Jordan Elias	70.80	\$ 1,050.00	\$ 74,340.00
Adam E. Polk	1141.50	\$ 975.00	\$ 1,112,962.50
Tom Watts	761.40	\$ 825.00	\$ 628,155.00
Trevor T. Tan	14.40	\$ 850.00	\$ 12,240.00
Makenna Cox	1447.60	\$ 600.00	\$ 868,560.00
Sean Greene	593.30	\$ 575.00	\$ 341,147.50
Jimmy Richardson	147.60	\$ 575.00	\$ 84,870.00
Jordan Isern	81.90	\$ 500.00	\$ 40,950.00
Jessica Cook	31.80	\$ 275.00	\$ 8,745.00
Jessica Cook	0.40	\$ 500.00	\$ 200.00
Kai Lucid	695.20	\$ 425.00	\$ 295,460.00
Natalie Attar	28.60	\$ 300.00	\$ 8,580.00
Anne von Goetz	123.40	\$ 250.00	\$ 30,850.00
Olivia Hooker	28.10	\$ 250.00	\$ 7,025.00
Marie Montoya	3.90	\$ 250.00	\$ 975.00
Rachel Park	12.60	\$ 250.00	\$ 3,150.00
Leah Waid	6.80	\$ 250.00	\$ 1,700.00
Cole Limbach	7.00	\$ 225.00	\$ 1,575.00
Schuyler Sandeen	3.40	\$ 225.00	\$ 765.00
Gina Levine	6.10	\$ 225.00	\$ 1,372.50
TOTALS	5,474.00		\$3,844,121.50

EXHIBIT B

In re Maxar Technologies, Inc. Securities Litigation
Case No. 19CV357070

GIRARD SHARP LLP

EXPENSE REPORT — Inception - August 13, 2023

Girard Sharp Category Name	Total Expenses per Category
Air Transportation	\$ 3,193.76
Computer Research (e.g., Westlaw)	\$ 8,592.96
Copies	\$ 129.60
Court Reporters/Transcripts	\$ 121,287.94
Court/Filing Fees	\$ 5,475.21
Deposition Fees	\$ 10,267.10
Document and Database Management	\$ 49,841.53
Expert Fees	\$ 188,282.45
Foreign Counsel Fees and Expenses	\$ 37,727.59
Ground Transportation	\$ 1,520.52
KPMG - Out of State Discovery	\$ 14,763.69
Lodging	\$ 2,579.08
Meals	\$ 761.47
Mediation/Arbitration	\$ 39,756.99
Miscellaneous	\$ 120.80
Online Advertising	\$ 3,579.09
Postage/Express Delivery/Messenger	\$ 582.45
Telephone/Facsimile	\$ 429.72
Witness/Process Service Fees	\$ 5,589.41
Total	\$ 494,481.36

EXHIBIT C

GIRARD SHARP

Firm Resume

Girard Sharp specializes in aggregate litigation. Our clients range from individual consumers and small businesses to Fortune 100 corporations and public retirement systems. We are experienced in antitrust, securities, products liability, privacy, consumer protection, and whistleblower laws. We represent our clients in class and collective actions, multidistrict litigation, and arbitrations. Since our founding in 1995, we have recovered billions in settlements and judgments, leveling the playing field for our clients and successfully confronting the most determined and sophisticated adversaries.

Girard Sharp is distinguished as a Tier 1 law firm for plaintiffs' mass tort and class action litigation by *U.S. News & World Report* and for the past decade has been included on its list of "Best Law Firms." In 2023, Girard Sharp was featured in six practice areas in the *National Law Journal's* Elite Trial Lawyers awards: the firm won in the Pharmaceutical Litigation category, received an honorable mention in Products Liability, and was recognized as a finalist in Antitrust, Class Actions, Consumer Protection, and Privacy/Data Breach. Girard Sharp also previously won the 2019 Elite Trial Lawyers award for Insurance Litigation. In 2022, *Law360* recognized Girard Sharp as Practice Group of the Year in Product Liability Litigation, and the *National Law Journal* recognized the firm for its expertise in Pharmaceutical Litigation. The *Daily Journal* awarded Girard Sharp its "Top Plaintiff Verdicts: Impact" award in 2021, and its "Top Boutiques in California" award in 2020. Girard Sharp has also been named by the *National Law Journal* to its "Plaintiffs' Hot List," a selection of top U.S. plaintiffs' firms recognized for wins in high-profile cases, and was recognized as a "2023 Plaintiff Leader" by the *Global Data Review* for our work in privacy protection matters.

Eleven of the firm's attorneys have been recognized as Northern California Super Lawyers and Rising Stars. Daniel Girard and Dena Sharp also have been recognized as among the "Top 100 Super Lawyers"—and Dena Sharp as one of the Top 50 Women Attorneys—in Northern California. Partners Daniel Girard, Dena Sharp, and Jordan Elias are elected members of the American Law Institute and have been selected by their peers for inclusion in *Best Lawyers in America*. *Best Lawyers* also designated Dena Sharp as the 2023 "Lawyer of the Year" in San Francisco for class action litigation, and Daniel Girard as 2013 "Lawyer of the Year." In 2023, *Law360* named Dena Sharp a "Titan of the Plaintiffs Bar."

ATTORNEYS

Partners

<u>Daniel Girard</u>	p. 2
<u>Dena Sharp</u>	p. 3
<u>Adam Polk</u>	p. 4
<u>Jordan Elias</u>	p. 5
<u>Scott Grzenczyk</u>	p. 5
<u>Simon Grille</u>	p. 6
<u>Tom Watts</u>	p. 7

Associates

<u>Trevor Tan</u>	p. 8
<u>Peter Touschner</u>	p. 8
<u>Erika Garcia</u>	p. 9
<u>Nina Gliozzo</u>	p. 9
<u>Mikaela Bock</u>	p. 9
<u>Sean Greene</u>	p. 10
<u>Kyle Quackenbush</u>	p. 10
<u>Reid Gaa</u>	p. 11
<u>Jordan Isern</u>	p. 11
<u>Daniel Barnes</u>	p. 11
<u>Namita Dhawan</u>	p. 12

Of Counsel

<u>Michael Danko</u>	p. 12
<u>Kristine Meredith</u>	p. 13

SIGNIFICANT RECOVERIES

[Sexual Abuse & Women's](#)

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Partners

Daniel Girard founded Girard Sharp in 1995 to offer dedicated, professional representation to everyday Americans. Dan believes that individuals who work hard and play by the rules deserve the same focused, skillful representation enjoyed by corporations, banks, and insurance companies. Under Dan’s leadership, Girard Sharp has become one of the most respected and experienced class action law firms in the United States, consistently delivering outstanding results in challenging cases.



Dan has been appointed by federal courts to lead class actions brought under a range of federal and state laws, often involving investments and consumer financial services matters. Most recently, he served as counsel for investors in the Woodbridge Investments, Jay Peak EB-5 Investments, Peregrine Financial Group and Provident Royalties cases, all of which involved parallel bankruptcy and criminal or regulatory proceedings against investment promoters. He has led successful class actions in such areas as securities, corporate governance, telecommunications, unfair competition, federal statutory rights, predatory lending, sexual abuse, product liability, and constitutional law. Dan currently serves as lead counsel in the *GWG Holdings Securities Litigation* in the Northern District of Texas, the *Wells Fargo J&J Investments Litigation* in the District of Nevada and the *PFA Insurance Marketing Litigation* in the Northern District of California.

In addition to individuals, Dan’s past and present clients include municipal and state employee retirement systems, public employee unions, financial institutions, property and casualty insurers, and NYSE companies.

Dan has been privileged to serve the federal court system through his work on federal rulemaking committees. He was appointed by Chief Justice William H. Rehnquist to the United States Judicial Conference Advisory Committee on Civil Rules in 2004 and served on the Civil Rules Committee through 2010. Chief Justice John G. Roberts appointed Dan to the Standing Committee on Rules of Practice and Procedure in 2015 and reappointed him to a second term in 2018. Dan’s article, “Limiting Evasive Discovery: A Proposal for Three Cost-Saving Amendments to the Federal Rules,” 87 *Denver University Law Review* 473 (2010), proposed several rule amendments that were ultimately adopted in Federal Rule of Civil Procedure 34(b)(2).

Dan also serves as a member of the Council of the American Law Institute, where he chairs the Audit Committee and serves on the Membership and Development Committees.

He is a longstanding member of the American Bar Association, Section on Business Law, Corporate and Business Litigation Committee.

Dena Sharp is a problem-solver who gets results for her clients in even the most complex litigation. She currently serves as co-lead counsel in the *In re JUUL Labs Inc.* multidistrict litigation, *In re Xyrem Antitrust Litigation*, and *In re California Gasoline Spot Market Antitrust Litigation*. She is co-lead counsel for a certified class of end-payers in *In re Restasis Antitrust Litigation*, and a member of the End-Payer Steering Committee in *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, a massive case alleging that the world's largest makers of generic drugs conspired to raise prices and prevent price competition for years. Dena is also privileged to represent clients of a fertility center whose eggs and embryos were compromised by a freezer tank malfunction. In June 2021, Dena and her team tried the first Pacific Fertility Center case in federal court in San Francisco, and won a groundbreaking \$15 million jury verdict for the loss of four families' eggs and embryos.



As co-lead counsel in *In re Lidoderm Antitrust Litigation*, a “pay-for delay” antitrust case that settled for \$104.75 million on the eve of trial, Dena worked with her team to win class certification, defeat summary judgment, and obtain the largest recovery for a class of end-payers in similar federal litigation in more than a decade. She has also played a key role in a variety of other high-profile cases, including work on behalf of the direct purchasers in *In re Capacitors Antitrust Litigation*, and representing investors in litigation arising from Lehman Brothers’ bankruptcy and in matters involving Ponzi schemes and accounting fraud.

Outside the courtroom, Dena is the current chair of the Impact Fund, a public interest nonprofit, and has served as co-chair and faculty member of the annual Judicial Training Symposium for Federal Judges, hosted by the Federal Judicial Center and the Electronic Discovery Institute. She was elected to the American Law Institute in 2018, and sits on the board of advisors for the Center for Litigation and the Courts at UC Hastings. Dena co-authored a chapter in the ABA’s “Class Action Strategy and Practice Guide,” and the widely-cited *Sedona Principles: Best Practices and Principles for Electronic Document Production* (Third Edition).

Dena was named a 2023 “Titan of the Plaintiffs Bar” by *Law360*, and was recognized by *Best Lawyers in America* as the 2023 “Lawyer of the Year” in San Francisco for Plaintiffs’ Mass Tort / Class Action Litigation. For the past three years, the *National Law Journal* recognized Dena as an “Elite Woman of the Plaintiffs’ Bar,” honoring her as one of only a handful of lawyers nationwide who has “consistently excelled in high-stakes matters on behalf of plaintiffs” during her career. She was named one of the “Top 50 Women Attorneys in Northern California” by *San Francisco* magazine in 2021, and one of the “Top Antitrust Lawyers in California” and “Top Women Lawyers” in 2021 by the *Daily Journal*. Dena has also been recognized as a Northern California Super Lawyer or Rising Star every year since 2009, and as one of the “Top 50 Women Lawyers in Northern California” by *Super Lawyers* since 2020. In 2022 and 2023, Dena was named one of the Top 100 Super Lawyers in Northern California.

Dena is a graduate, *cum laude*, of the University of California College of the Law, San Francisco, where she was a member of the Thurston Society and received the Best Oral Advocate and Witkin awards. She graduated *magna cum laude* from Brown University. During law school, Dena externed for the Honorable Phyllis J. Hamilton of the Northern District of California, and the Honorable John E. Munter of the San Francisco Superior Court. A first-generation American, Dena is fluent in Spanish and German.

Adam Polk is a partner at Girard Sharp. His experience covers all aspects of civil litigation, from initial case investigation and complaint preparation through settlement or trial. Adam's practice encompasses a range of class action matters, including products liability, consumer finance, securities, antitrust, corporate governance, life science, and sexual abuse. Adam is respected among his peers for his leadership, preparation, and client-centered decision-making.



Adam currently serves as co-lead counsel in *In re Meta Browsing Tracking Litigation* (an action filed on behalf of Facebook users who allege their online activity was surreptitiously tracked without their consent); *In re Maxar Technologies Inc. Shareholder Litigation* (an action alleging violations of the Securities Act of 1933); the *Accellion Data Breach Litigation* (litigation following a data breach incident that led to the theft of sensitive information in files loaded to Accellion's File Transfer Appliance system); and the *In re Hewlett Packard Enterprise Co. Shareholder Litigation* (a securities case alleging Hewlett Packard misled investors when it merged with Computer Science Corporation Inc. to form DXC Technology Company). He also serves as on the co-lead counsel teams in *In re California Gasoline Spot Market Antitrust Litigation*, *In re Pacific Fertility Center Litigation*, and *In re PFA Insurance Marketing Litigation* and is an executive committee member in *In re Allergan Biocell Textured Breast Implant Products Liability Litigation*.

Recently, Adam served as part of the trial team in the first *In re Pacific Fertility Center Litigation* trial. In a landmark result, the jury awarded approximately \$15 million for the loss of four families' eggs and embryos.

Adam also led several recent cases that resolved favorably for his clients, including *In re Subaru Battery Drain Litigation* (a consumer protection action concerning defective batteries in Subaru vehicles); *Bentley v. LG Electronics U.S.A., Inc.* and *Sosenko v. LG Electronics U.S.A., Inc.* (class actions alleging that LG's refrigerators are defective and prone to premature failure); and *In re Nexus 6P Products Liability Litigation* and *Weeks v. Google LLC* (two consumer class actions against Google relating to defective mobile phones, which resolved for a combined \$17 million); and *In re Sears Holdings Corporation Stockholder and Derivative Litigation* (\$40 million settlement).

Adam is the current co-chair of the ABA's National Institute on Class Actions and the previous chair of the ABA's Class Action and Derivative Suits committee, where he has been a frequent contributor of written and verbal content regarding emerging issues in class action litigation.

Adam has been selected by his peers as a Northern California Super Lawyer, Rising Star every year since 2013, and has been recognized as a *National Trial Lawyers* "Top 40 Under 40" every year since 2019. Adam was named to *Best Lawyers*' "Ones to Watch" list in 2021 and 2022, and honored in 2022 as a "Rising Star of the Plaintiffs Bar" by the *National Law Journal*. In 2023, he was named one of *Lawdragon's* "500 Leading Consumer Plaintiff Lawyers."

Jordan Elias has pursued civil claims against oil and tobacco companies, price-fixing cartels, pharmaceutical companies and the nation's largest banks.

Jordan argued the first substantive motion in the digital advertising monopoly litigation against Google. He was the primary author of the plaintiffs' briefs in the California Supreme Court in the Cipro "pay-for-delay" antitrust case, and led the appeal in *In re U.S. Office of Personnel Management Data Security Breach Litigation*, 928 F.3d 42 (D.C. Cir. 2019), where the court reversed the dismissal of a case brought on behalf of 22 million federal government employees and job applicants whose sensitive private information was hacked. Federal judges have described his advocacy as "very thorough" and "clearly in the public interest."

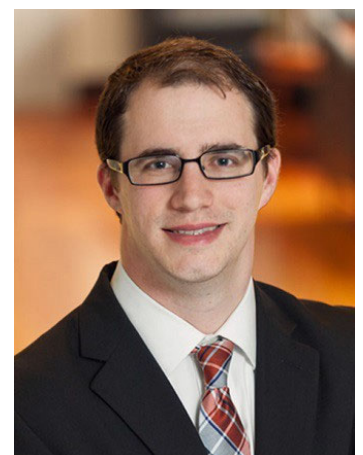


Jordan has been recognized by his peers for inclusion in *The Best Lawyers in America*. A former chief arbitrator for the San Francisco Bar Association's attorney fee disputes program, he received a California Lawyer Attorney of the Year (CLAY) award in 2016 and has been recognized as a Northern California Super Lawyer, Appellate, since 2014.

Jordan authored the Supreme Court chapter, and co-authored the Ninth Circuit chapter, in the American Bar Association's authoritative *Survey of Federal Class Action Law*. For several years he has been responsible for the chapter on antitrust standing, causation, and remedies in *California State Antitrust and Unfair Competition Law* (Matthew Bender). Jordan also co-authored the chapter on CAFA exceptions in both the 2013 and 2022 editions of *The Class Action Fairness Act: Law and Strategy*, an ABA book. Jordan's law review articles include *The Multistate Problem in Consumer Class Actions and Three Solutions*, Harvard Law & Policy Rev. (forthcoming), *Course Correction—Data Breach as Invasion of Privacy*, 69 Baylor L. Rev. 574 (2018), and "More Than Tangential": *When Does the Public Have a Right to Access Judicial Records?*, 29 Journal of Law & Policy 367 (2021). He has filed friend-of-the-court briefs representing legal scholars, the American Independent Business Alliance, and the League of Women Voters. In 2017 he was elected to the American Law Institute.

Jordan is a native Californian who attended Harvard-Westlake School in Los Angeles. After earning his J.D. from Stanford Law School, where he served on the law review, Jordan clerked for the late Ninth Circuit Judge Cynthia Holcomb Hall. He was an all-Ivy League sprinter and received the Field Prize at Yale.

Scott Grzenczyk is a partner at Girard Sharp with wide-ranging experience in all aspects of complex litigation. He has served as a member of leadership teams that have recovered hundreds of millions of dollars on behalf of plaintiffs. Scott brings a tireless work ethic and a practical, results-oriented approach to his cases, believing that the best results are achieved by looking at each case holistically and using creative strategies to overcome challenges. He has successfully applied this thoughtful, dedicated approach to representing plaintiffs in antitrust and consumer protection matters, among others.



For nearly a decade, Scott has represented union health and welfare funds in cases alleging that large, multinational drug companies illegally inflated the price of prescription drugs. He has an in-depth knowledge of the pharmaceutical industry and the unique challenges that come with prosecuting antitrust claims against drug companies, which has helped him to achieve precedent-setting recoveries, including a \$104.75 million settlement shortly before trial in a case concerning the prescription drug Lidoderm. He plays a central role in the end-payors' efforts in *In re Generic Pharmaceuticals Antitrust Litigation* and *In re Xyrem Antitrust Litigation*, as well as the recently-settled *In re Restasis Antitrust Litigation*, in which he led the end-payors' successful bid to obtain class certification. Scott is also a key member of the co-lead counsel teams in antitrust cases outside of the pharmaceutical industry, including *In re Google Digital Advertising Antitrust Litigation* and *In re California Gasoline Spot Market Antitrust Litigation*.

Scott also serves on the co-lead counsel team in *In re JUUL Labs, Inc. Marketing, Sales Practices, and Products Liability Litigation*, and has taken primary responsibility for legal briefing and discovery related to the plaintiffs' class action claims. He has a track record of successfully representing consumers, including car and cell phone purchasers, in cases involving fraud and unfair business practices. Among other cases, Scott led the firm's litigation efforts in a class action filed by native inhabitants of Guam bringing due process and equal protection claims against the government of Guam. During law school, he successfully argued a precedent-setting immigration case before the U.S. Court of Appeals for the Ninth Circuit. Scott also volunteers with the Federal Pro Bono Project of the Bar Association of San Francisco, currently representing a plaintiff who alleges the San Francisco Zen Center discriminated against him on the basis of his disability in violation of the Americans with Disabilities Act.

In addition to his work in the courts, Scott serves in the leadership of the Antitrust Section of the American Bar Association, and regularly speaks and writes on discovery and antitrust issues. He has been selected as a Rising Star in Northern California by Super Lawyers since 2013, was named to *Best Lawyers'* "One to Watch" list in 2021 and 2022, and received the American Antitrust Institute's Outstanding Litigation Achievement by a Young Lawyer award in 2020.

Simon Grille is a partner at Girard Sharp, representing plaintiffs in class and complex litigation concerning consumers' rights, antitrust, and financial fraud. He has taken a lead role in consumer class actions against some of the largest technology companies in the world and has recovered tens of millions of dollars for the firm's clients.

Simon has substantial experience in all aspects of civil litigation. In *In re MacBook Keyboard Litigation*, No. 5:18-CV-02813-EJD, 2021 WL 1250378 (N.D. Cal. Apr. 5, 2021), Simon led the firm's successful efforts in certifying a multistate class, withstanding sophisticated challenges to Plaintiffs' experts and a Rule 23(f) petition, and securing a \$50 million settlement on behalf of purchasers of MacBook laptops with ultrathin "butterfly" keyboards. He served on the lead counsel team in *Bentley v. LG Electronics U.S.A., Inc.* and *Sosenko v. LG Electronics U.S.A., Inc.* (settlement providing multi-thousand dollar recoveries to class members who purchased allegedly defective LG refrigerators); and in *In re Nexus 6P Products Liability Litigation* and *Weeks v. Google LLC* (two consumer class actions against Google relating to defective mobile phones, which resolved for a combined \$17 million).



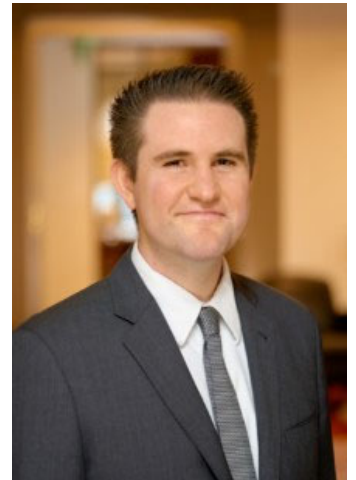
Simon also has significant experience in the area of privacy litigation. He was appointed lead counsel in *Ochoa et al. v. The Regents of the Univ. of Cal. et al.*, No. RG21097796 (Cal. Super. Ct., Alameda Cnty.), a case brought on behalf of victims of a data breach affecting the University of California. He has also played an integral role on the lead counsel team in *In re U.S. Office of Personnel Management Data Security Breach Litigation*, 928 F.3d 42 (D.C. Cir. 2019), which settled for \$63 million and will compensate federal employees and job applicants whose highly sensitive personnel files were exposed in a 2015 data breach. Simon also served on the plaintiffs' executive committees in *In re Experian Data Breach Litigation*, No. 8:15-cv-01592-AG (C.D. Cal.), and *In re 21st Century Oncology Customer Data Security Breach Litigation*, 380 F. Supp. 3d 1243 (M.D. Fla.), which resulted in settlements valued in excess of \$39 million and \$12.5 million, respectively. In addition, he has successfully led several cases under the Telephone Consumer Protection Act. Simon welcomes the challenges of complex civil litigation, approaching each case with a creative problem-solving approach and an unwavering commitment to obtaining the best possible outcome for his clients.

Simon has been named a Rising Star by Super Lawyers each year since 2017 and was named to *Best Lawyers' "Ones to Watch"* list in 2021 and 2022. He is editor of the American Association for Justice's Class Action Newsletter and served as a volunteer fee arbitrator for the Bar Association of San Francisco.

Before joining Girard Sharp, Simon represented victims of toxic exposure in complex civil litigation. He also has experience working in-house at a multinational company and as an extern for the Honorable Arthur S. Weissbrodt of the United States Bankruptcy Court for the Northern District of California.

Tom Watts is a partner at Girard Sharp who concentrates his practice on antitrust, investment fraud and consumer protection litigation.

Tom's current matters include representing a certified class of investors in the *Maxar Securities Litigation*, where Girard Sharp serves as co-lead counsel. He is also part of the Girard Sharp co-lead counsel team in the *Xyrem Antitrust Litigation*, a high-stakes generic suppression case. Tom also contributes to the firm's work as a member of Executive Committees in the *Generic Pharmaceuticals Antitrust Litigation* in Philadelphia federal court and the *In re Philips Recalled CPAP, Bi-Level Pap, and Mechanical Ventilator Products Litigation* in Pittsburgh.



Tom previously served on the lead counsel team in the *Restasis Antitrust Litigation*, helping to win a \$30 million settlement with pharmaceutical giant Allergan for end-purchasers of Restasis, a dry-eye medication. Tom also participated in Girard Sharp's representation of the California State Teachers' Retirement System in a non-class securities case against Allergan, securing a confidential settlement for CalSTRS. Tom's work in consumer cases includes obtaining refunds and additional cash payments for British Airways passengers affected by COVID 19-related cancellations.

Tom is a *magna cum laude* graduate of Harvard Law School and concurrently received a Master of Public Policy from the Harvard Kennedy School. He received his B.A. from the University of California, Berkeley, with High Distinction in General Scholarship.

Before joining the firm, Tom clerked for the Honorable Jane Roth of the Third Circuit Court of Appeals and the Honorable Robert McDonald of the Maryland Court of Appeals.

For the last three years, Tom has been named a Rising Star by the Northern California Super Lawyers.

Associates

Trevor Tan focuses on consumer protection class actions and other complex civil litigation, specializing in legal research and writing. He was honored as a Rising Star by Super Lawyers beginning in 2019 and was named to *Best Lawyers'* "Ones to Watch" list in 2022.

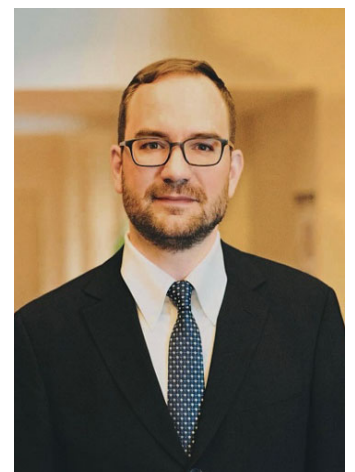
Trevor has considerable experience working in judicial chambers. Before joining Girard Sharp, he clerked for the Honorable Fernando M. Olguin of the U.S. District Court for the Central District of California. Trevor also clerked for Judges of the Los Angeles County Superior Court and the court's Appellate Division.

Trevor received his J.D. from the University of Chicago Law School in 2011. During law school, he was an extern for the Honorable George H. Wu in the Central District of California and a law clerk with the Illinois Attorney General. In addition, he served as a child advocate with the school's immigrant child advocacy clinic and worked on behalf of immigrant children from China. After law school, Trevor represented unaccompanied minors in removal proceedings as a fellow at the Young Center for Immigrant Children's Rights.

Trevor received his undergraduate degree with honors in political science from the University of California, Irvine in 2006.

Peter Tuschner handles complex class action e-discovery matters for the firm. Before joining Girard Sharp, Peter represented class members harmed by Volkswagen's emissions-related fraud, as well as insureds who were charged inflated premiums due to the anticompetitive practices of a hospital conglomerate.

Peter previously worked as a Research Attorney at the Center for Democracy and Technology, where he investigated deceptive online advertising practices and evaluated proposed cybersecurity legislation. During law school, Peter externed for U.S. District Judge Charles R. Breyer and served as Senior Articles Editor for the *Hastings Science and Technology Law Journal*.



Erika Garcia handles complex e-discovery matters for the firm. She is admitted to practice in California and New York.

Before joining Girard Sharp, Erika worked at a large international law firm with a focus on class action and commercial litigation as well as regulatory investigations. She has negotiated and drafted numerous confidentiality agreements in the mergers and acquisitions setting.

Erika is fluent in Spanish and previously served as a volunteer advocate in Ecuador for refugees from other Latin American countries.

Erika received her J.D. from the University of California College of the Law, San Francisco.

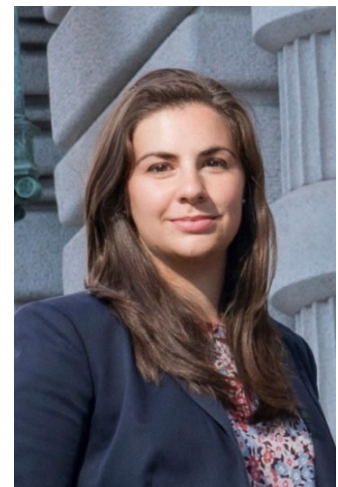
Nina Glio represents plaintiffs in complex litigation nationwide, with an emphasis on consumer and fertility-related litigation. Nina is a central part of the *Pacific Fertility* trial team, and her courtroom work includes having taken the direct examinations of two witnesses at trial. She plays a central role in the firm's work in the *JUUL* multidistrict litigation, as well as the firm's ongoing case against Natera, a provider of prenatal screening tests that plaintiffs allege are unreliable and inaccurate. Before joining Girard Sharp, Nina clerked for the Honorable Marsha S. Berzon of the U.S. Court of Appeals for the Ninth Circuit.

Nina earned her J.D., *magna cum laude*, from the University of California College of the Law, San Francisco. During law school she externed for the Honorable Charles R. Breyer, U.S. District Judge for the Northern District of California. She presently serves on the Advisory Committee for the Complex Litigation Ethics Conference at Hastings. While she was in law school, Nina also served as Executive Symposium Editor for the *Hastings Law Journal*, organizing a symposium featuring a conversation with former Supreme Court Justice Anthony M. Kennedy. Nina was named to the Northern California Super Lawyers "Rising Stars" list in 2023.

Mikaela Bock advocates for injured consumers and other purchasers in complex civil litigation, including the *California Gasoline Spot Market Antitrust Litigation*, an antitrust case alleging illicit manipulation of the spot market for gasoline in California. She also currently represents owners of Honda and Acura vehicles with sunroofs alleged to spontaneously explode.

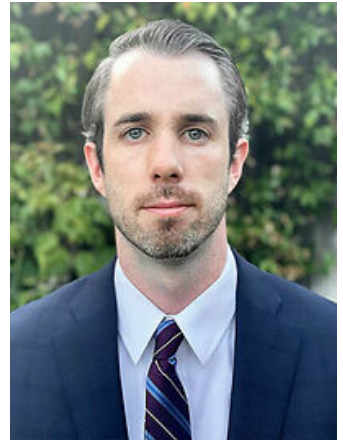
During law school, Mikaela externed in the Northern District of California and was the national champion of the Evan A. Evans Constitutional Law Moot Court Competition. She previously worked for Teach for America, teaching 7th graders in East Palo Alto, California.

Mikaela volunteers with the Federal Pro Bono Project of the Bar Association of San Francisco, currently representing a plaintiff who alleges the San Francisco Zen Center discriminated against him in violation of the Americans with Disabilities Act.



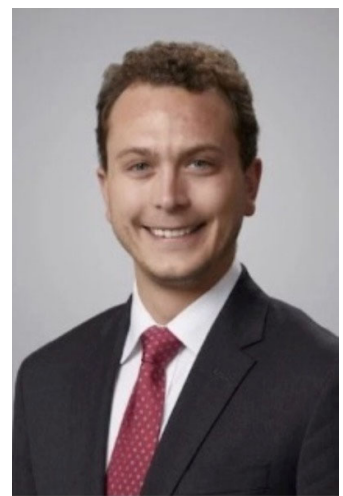
Sean Greene brings his experience in insurance defense to his representation of investors and policyholders at Girard Sharp. His current work includes representing investors in the *GWG Holdings Securities Litigation* in the Northern District of Texas and policyholders in the *PFA Insurance Marketing Litigation* in the Northern District of California.

Sean attended the University of California College of the Law, San Francisco, where he earned Moot Court Honorable Mention in Oral Advocacy and served as an officer of the Hastings Health Law Organization. Before law school, he gained extensive knowledge of insurance from working on public health initiatives to provide health care to underprivileged schoolchildren in Northeast Pennsylvania.



Kyle Quackenbush prosecutes class actions and other complex civil litigation, with a focus on antitrust. He has participated in all stages of litigation, including drafting pleadings, coordinating document discovery, taking depositions, preparing dispositive motions, and trial. Among other work, Kyle has contributed his skills to several antitrust cases involving the pharmaceutical industry, focusing on the interplay between antitrust and intellectual property law as well as market concentration within payor and provider networks.

Kyle has continuously volunteered for the Federal Pro Bono Project of the Bar Association of San Francisco since receiving his bar license. He represented a plaintiff who alleges the San Francisco Zen Center discriminated against him on the basis of his disability in violation of the Americans with Disabilities Act. In another case, Kyle represented a plaintiff who alleged employees at Salinas Valley State Prison were deliberately indifferent to the plaintiff's serious medical needs, in violation of the Eighth Amendment. Kyle helped reach a settlement of \$23,000. *Pratt v. Bright, et al.*, No. 17-cv-04275-LHK (N.D. Cal.). Kyle also represented a homeowner-plaintiff in settlement negotiations with Wells Fargo.



During law school, Kyle was a Summer Honors Legal Intern at the Federal Trade Commission's San Francisco office, and a Legal Extern at the Washington State Attorney General's Office. While at the FTC, he co-authored *The Efficiencies Defenestration, Are Regulators Throwing Valid Healthcare Efficiencies Out The Window?*, published in the winter 2017 issue of the Journal of the Antitrust and Unfair Competition Law Section of the California Lawyers Association.

In addition to his membership in the American Bar Association and the Bar Association of San Francisco, Kyle participates in the Barristers Association of San Francisco, working to provide information and resources to lawyers in their first ten years of practice. In 2023, *Lawdragon* named Kyle as among the Lawdragon 500 X – The Next Generation. Kyle has also been selected by his peers as a Northern California Super Lawyer “Rising Star” each year since 2020.

Reid Gaa focuses on complex civil litigation, including consumer protection, consumer digital privacy, and antitrust class actions, and has participated in nearly all phases of litigation, including drafting pleadings, coordinating document discovery, preparing dispositive motions, and taking and defending depositions. Prior to working at Girard Sharp LLP, Reid litigated complex civil cases at a plaintiff-focused boutique firm and represented retailer defendants at an *Am Law* Top 100 law firm.



Reid earned his J.D., *cum laude*, from the University of California College of the Law, San Francisco. While in law school, Reid served as a member of the Moot Court Student Board and as a teaching assistant for the Legal Writing and Research Department. He also competed in several moot court competitions, receiving an award as co-author of the best brief at the Chicago Bar Association Competition. Reid was named to the Northern California Super Lawyers “Rising Stars” list in 2023.

Jordan Isern advocates for plaintiffs in class actions and other complex litigation, with a focus on antitrust. Jordan is a graduate of Harvard Law School. There, she served as Executive Technical Editor of the *Civil Rights–Civil Liberties Law Review* and published several articles for the Covid-19 and the Law Series Blog.

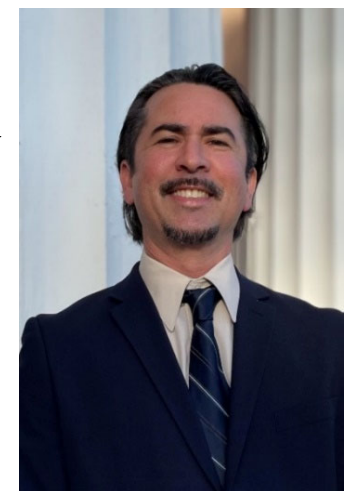


Before joining Girard Sharp, Jordan worked for the Department of Justice, Antitrust Division, and externed for the Honorable Michael Baylson of the Eastern District of Pennsylvania. She also interned at several nonprofit legal organizations, including the Asian American Legal Defense and Education Fund and the Pennsylvania Innocence Project.

Outside of the courtroom, Jordan is an avid outdoor enthusiast. She enjoys rock climbing and has backpacked parts of the Appalachian, Continental Divide, and Pacific Crest trails.

Daniel Barnes advocates for clients in antitrust and consumer protection class actions.

Prior to joining Girard Sharp, Daniel worked for plaintiffs’ firms on a variety of complex cases, including *qui tam*, antitrust, class action tort, intellectual property dispute, contract dispute, breach of fiduciary duty, and data privacy breach litigations. Previously, Daniel worked as a personal injury and tenants’ rights attorney, representing plaintiffs in automotive, premises liability, and landlord/tenant disputes. Prior to law school, Daniel worked for five years at a major pharmaceutical company.



Daniel attended Valparaiso University Law School and studied integrative biology as an undergraduate at the University of California, Berkeley.

Namita Dhawan focuses on complex civil litigation, including antitrust and securities cases. Prior to joining Girard Sharp, Namita was a patent litigator at two Am Law Top 100 law firms.

Namita earned her J.D. from Harvard Law School where she was co-president of the Student Animal Legal Defense Fund.



Of Counsel

Michael S. Danko is a renowned trial lawyer with more than 25 years of legal experience. Mike represents individuals who have suffered catastrophic personal injuries, as well as families of wrongful death victims in cases involving product defects, defective medications and medical devices, airplane and helicopter accidents, and dangerous structures. He has tried cases in state and federal courts throughout the country and has won numerous eight-figure verdicts on behalf of his clients.

Mike represents dozens of victims of a Pacific Gas & Electric gas line explosion and serves on the Plaintiffs' Steering Committee in a California state coordinated proceeding *San Bruno Fire Cases*, JCCP No. 4648. He also serves on the Science Committee for Plaintiffs in *In re Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2100.



In 2009, Mike won a \$15 million jury verdict for a client injured by a defective aircraft part, which earned him a nomination for 2009 California Trial Lawyer of the Year by the Consumer Attorneys of California.

Mike's trial advocacy has helped bring about significant reforms and changes to corporate policies. As lead counsel in *In re Deep Vein Thrombosis Litigation*, MDL No. 1606 (N.D. Cal.), he represented more than one hundred air travelers who suffered strokes, pulmonary emboli, or heart attacks as a result of airline-induced blood clots. He developed theories of liability and proof regarding the cause of his clients' injuries that led to virtually every major air carrier advising air travelers of the risks of deep vein thrombosis and measures to mitigate those risks. Mike also represented parents of children who were injured or killed by a popular candy made by a foreign manufacturer. His work in proving that the candy's unusual ingredients and consistency made it a choking hazard resulted in the candy being removed from Costco and Albertson's stores nationwide, and helped persuade the FDA to ban the candy from further import into the United States.

Mike has been named a Northern California Super Lawyer each year since the award's inception in 2004. He is a *Lawdragon 500* finalist. In 2010, Mike was named one of the Best Lawyers in America. He is a member of the American Association for Justice, the Lawyer Pilots Bar Association and the Consumer Attorneys of California, where he serves on the board of governors. Mike received his A.B. degree from Dartmouth College, *magna cum laude*, in 1980, and earned his J.D. from the University of Virginia School of Law in 1983.

Kristine Keala Meredith is a trial attorney specializing in product liability litigation. Kristine served as co-lead counsel with Michael Danko representing more than one hundred air travelers who suffered strokes, pulmonary emboli, or heart attacks as a result of airline-induced blood clots in *In re Deep Vein Thrombosis Litigation*, MDL No. 1606.



Kristine served on the Law and Motion committee in *In re Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2100, where she assisted in the successful opposition to 15 *Daubert* motions in fewer than three weeks. Before she began representing plaintiffs, Kristine worked on the national defense counsel teams for medical device manufacturers in multi-district litigation including *In re Silicone Gel Breast Implants Product Liability Litigation*, MDL No. 926, and *In re Orthopedic Bone Screw Product Liability Litigation*, MDL No. 1014. She also represented doctors and hospitals in defense of medical malpractice actions, where she worked with some of the world's leading medical experts.

In 2010, Kristine was named a Northern California Super Lawyer. She is currently an officer of the American Association for Justice and the San Mateo County Trial Lawyers Association. She is also a member of the San Francisco Trial Lawyers Association and the Consumer Attorneys of California. She is a former chair of the Minority Issues Committee of the San Francisco Bar Association Barrister Club.

Kristine obtained her B.S. with honors from the University of California at Davis and was awarded a scholarship to attend Brigham Young University's J. Reuben Clark Law School. While in law school, she was awarded the Distinguished Student Service Award and spent a semester at Howard University Law School in Washington, D.C., as a member of the faculty/student diversity exchange.

Favorable Outcomes and Significant Recoveries

Sexual Abuse & Women's Advocacy

In re Pacific Fertility Center Litigation, No. 3:18-cv-01586-JSC (N.D. Cal.). Girard Sharp represented IVF patients of Pacific Fertility Center whose eggs and embryos were damaged or destroyed in a cryopreservation tank failure. On June 11, 2021, after a three-week trial, a jury found the tank manufacturer, Chart Industries Inc., liable for a defect in the tank and for its negligent failure to recall a part that malfunctioned—a “controller” meant to monitor liquid nitrogen levels. The jury awarded more than \$14 million in damages to three women who lost eggs and a married couple who lost embryos in the catastrophic March 2018 tank failure. The three women were each awarded between \$2 million and \$3 million, and the couple was awarded \$7.2 million. Girard Sharp secured settlements in 2023 for over 80 families who lost reproductive material in the tank failure.

In re USC Student Health Center Litigation, No. 2:18-cv-06115 (C.D. Cal.). Girard Sharp served as co-lead counsel in a class action against the University of Southern California and campus gynecologist Dr. George Tyndall on behalf of women who were sexually abused by Tyndall during his long tenure at USC. A federal judge approved a class action settlement with USC that establishes a \$215 million fund and gives every survivor a choice in how to participate. The claims process received wholehearted praise from class members for the compassionate and generous approach. The settlement also requires USC to adopt and implement procedures for identification, prevention and reporting of sexual and racial misconduct, as well as to recognize the harm done to all of Tyndall’s patients.

A.B. v. The Regents of the University of California, No. 2:20-cv-09555-RGK-E (C.D. Cal.). Girard Sharp lawyers filed and successfully resolved a class action lawsuit against UCLA on behalf of women treated by UCLA gynecologist Dr. James Heaps. Heaps was charged with sexual battery and exploitation of patients while working as a staff gynecologist at UCLA—a position he held for almost 30 years. The UC Regents agreed to resolve the claims, and the District Court granted final approval of the settlement, finding that “Class Counsel delivered robust results for the Class, negotiating a flexible and trauma-informed settlement that has provided \$73 million in compensation to class members and precipitated significant institutional changes at UCLA. No class member objected. Class Counsel crafted an innovative claims process that was sensitive to the trauma many Class members experienced, providing a non-adversarial alternative to individual litigation for class members.”

Antitrust

In re Restasis Antitrust Litigation, No. 1:18-md-02819 (E.D.N.Y.). Girard Sharp serves as co-lead counsel in this indirect purchaser class action alleging suppression of generic competition to the dry-eye prescription drug Restasis. The plaintiffs alleged that Allergan fended off more affordable generic alternatives through a multi-faceted scheme; among other conduct, Allergan sold Restasis patent rights to the St. Regis Mohawk Tribe, which licensed them back to Allergan, which then invoked tribal sovereign immunity in response to a patent challenge. After certifying a class of consumers and third-party payors, Girard Sharp helped secure a \$30 million settlement for the end-payer class, which was granted final approval in August 2022. U.S. District Judge Nina Gershon found that Girard Sharp and its co-counsel were “extremely qualified and able to represent the certified class” and “extremely experienced in litigating pharmaceutical antitrust cases on behalf of end-payers. During their court appearances before me and in their written submissions, they were thorough, diligent, and professional as they prosecuted this complex, discovery-intensive, and expert-dependent action. In addition to opposing, with nearly complete success, two motions to dismiss, counsel litigated, intensively and successfully, a complicated class certification motion, which involved not only extensive briefing but a two-day evidentiary hearing.”

In re Lidoderm Antitrust Litigation, No. 14-md-02521 (N.D. Cal.). Girard Sharp lawyers were appointed co-lead counsel in a class action on behalf of end-purchasers of the prescription drug Lidoderm who alleged that two drug companies, Endo Pharmaceuticals and Teikoku Pharma, unlawfully paid a third, Watson Pharmaceuticals, to delay the launch of more affordable generic Lidocaine patches. The firm secured a \$104.75 million settlement on the eve of trial. The court

wrote that “Class counsel provided their clients with diligent and skilled representation in this matter . . . and their efforts produced substantial benefits for the End-Payor Class.”

In re Capacitors Antitrust Litigation, No. 3:17-md-02801-JD (N.D. Cal.). Girard Sharp serves on the plaintiffs’ executive committee for the certified direct purchaser class in this MDL against a large group of defendant manufacturers that allegedly conspired to raise, fix, maintain and stabilize prices of aluminum, tantalum and film capacitors—products commonly found in computers, vehicles, smart devices and other electronics. The defendants’ global conspiracy was centered in East Asia. Girard Sharp was responsible for developing the case against U.S. defendant KEMET, which ultimately agreed to pay \$62 million—over 12% of non-trebled damages.

In re TFT-LCD (Flat Panel) Antitrust Litigation, MDL No. 1827 (N.D. Cal.). The firm served as liaison counsel for the direct purchaser plaintiffs and certified direct purchaser class in this multidistrict antitrust litigation against makers of LCD screens alleging a far-reaching conspiracy to raise, fix, maintain and stabilize prices. The direct purchasers achieved settlements of more than \$400 million.

In re Aggrenox Antitrust Litigation, No. 14-md-2516 (D. Conn.). Girard Sharp served on the Plaintiffs’ Executive Committee in this “pay-for-delay” litigation accusing Teva Pharmaceuticals USA, Inc. and Boehringer Ingelheim Pharmaceuticals, Inc. of illegally agreeing to keep generic Aggrenox off the market. The case settled for \$54 million.

In re Solodyn Antitrust Litigation, No. 14-md-2503 (D. Mass.). The firm served on the Plaintiffs’ Executive Committee in this action alleging that Medicis Pharmaceuticals and several generic drug manufacturers conspired to monopolize the market for the acne drug Solodyn. The case settled for over \$40 million in cash.

In re Natural Gas Antitrust Cases I, II, III and IV, J.C.C.P. No. 4221 (Cal. Super. Ct. San Diego Cty.). Girard Sharp served on the leadership team in coordinated antitrust litigation against numerous natural gas companies for manipulating the California natural gas market. The firm helped achieve settlements of nearly \$160 million.

Securities and Financial Fraud

In re JPMorgan Precious Metals Spoofing Litigation, No. 1:18-cv-10356, (S.D.N.Y.). Girard Sharp served on the Plaintiffs’ Executive Committee in a class action against JPMorgan Chase & Co. for market manipulation in violation of the Commodities Exchange Act. In July 2022, the court approved a \$60 million settlement. Claimants will be fully compensated for any losses.

In re CannTrust Holdings, Inc. Securities Litigation, No. 1:19-cv-06396-JPO (S.D.N.Y.). Girard Sharp represented investors in California state court against officers, directors and underwriters involved with a Canada-based cannabis operation that was running unregistered “grows.” Coordinated with litigation in Canada, the *CannTrust* case settled for \$83 million.

In re Woodbridge Investments, No. 2:18-cv-00103 (C.D. Cal.). Girard Sharp served as lead counsel representing investors in securities issued by the Woodbridge Group of Companies.

Woodbridge and its founder Robert Shapiro—now serving a 25-year prison sentence—operated a massive Ponzi scheme from 2012 through 2017. Plaintiffs alleged that Comerica Bank, which serviced all the Woodbridge accounts, knew of and substantially assisted the fraud. Acting as lead counsel, Girard Sharp worked closely with the Woodbridge bankruptcy trustee and prevailed in large part against Comerica’s motion to dismiss. After substantial discovery, and with class certification fully briefed, the parties (including the trustee) negotiated a \$54.2 million settlement, which U.S. District Judge Dolly M. Gee approved in 2021.

Magowski v. The Parking REIT, Inc., No. 24-C-19-003125; *Barene v. The Parking REIT, Inc.*, No. 24-C-19-003527 (Circuit Court for Baltimore City). Girard Sharp and co-counsel sued The Parking REIT’s CEO and Chairman, Michael Shustek, along with the REIT’s directors, on behalf of investors who faced a complete loss on their investments after Shustek carried out a series of alleged self-dealing transactions in connection with internalizing the company’s external manager. After deposing whistleblowers, Girard Sharp coordinated negotiations among The Parking REIT, the individual defendants, plaintiffs in a separate suit in federal court in Nevada, and a potential acquirer to arrive at a settlement that provided for cash payments to the stockholders, an injection of new capital into the company, and forfeiture of Shustek’s right to receive additional shares. The court described this result as “well more than adequate” as it delivered more than half the maximum potential recovery in the case.

Daccache v. Raymond James Financial, Inc., No. 1:16-cb-21575-FAM (S.D. Fla.). Girard Sharp served as a member of the leadership team representing investors in various Jay Peak EB-5 Immigrant Investor Program project offerings. The investors’ funds were diverted and misappropriated instead of being applied to the intended project to develop the area surrounding the Jay Peak Ski Resort. In June 2017, the court approved a settlement of \$150 million for the investors.

In re Oppenheimer Rochester Funds Group Securities Litigation, No. 09-md-02063-JLK (D. Colo). Girard Sharp represented investors who were misled by the Oppenheimer California Municipal Bond Fund about the investment risks associated with the fund’s holdings. On November 6, 2017, the Honorable John L. Kane approved a \$50.75 million settlement for the investors.

In re Sears Holdings Corporation Stockholder and Derivative Litigation, Consolidated C.A. No. 11081-VCL (Del. Ch.). Girard Sharp served as co-lead counsel on behalf of the company in this derivative suit charging CEO and majority owner Edward S. Lampert and other directors with depriving stockholders of the full value of 266 of Sears Holdings’ most valuable properties. Girard Sharp obtained a \$40 million settlement for Sears Holdings Corporation in the Court of Chancery.

In re Digex, Inc. Shareholder Litigation, Consol. No. 18336 (Del. Ch.). Girard Sharp represented the Kansas Public Employees Retirement System, one of two institutional lead plaintiffs in this lawsuit; minority stockholders of Digex, Inc. sued to enjoin MCI WorldCom’s planned acquisition of a controlling interest in Digex via a merger with Intermedia Communications, Inc. A settlement approved by the Delaware Chancery Court secured \$165 million in MCI WorldCom stock and \$15 million in cash for Digex shareholders, as well as non-cash benefits valued at \$450 million.

Billitteri v. Securities America, Inc., No. 3:09-cv-01568-F (N.D. Tex.). Girard Sharp served as lead counsel in an action against broker-dealer Securities America, Inc. and its corporate parent, Ameriprise, Inc. in connection with sales of investments in the Provident Royalties and Medical

Capital investment schemes. Daniel Girard coordinated negotiations resulting in a \$150 million settlement, with \$80 million allocated to class plaintiffs represented by Girard Sharp and \$70 million allocated to individual investors who had initiated arbitration proceedings. The settlements returned over 40% of investment losses. In approving the settlement, the court found that Girard Sharp attorneys “possess great competence and experience, and the result reached in this case perfectly exemplifies their abilities. The Court has been extremely impressed with the conduct, skill, and accomplishment of Class Counsel throughout this litigation.”

In re Lehman Brothers Equity/Debt Securities Litigation, No. 08-Civ-5523 (S.D.N.Y.). Girard Sharp was appointed class counsel for a certified class of retail investors in structured products sold by UBS Financial Services, Inc., following the collapse of Lehman Brothers Holdings, Inc. in the largest bankruptcy in American history. The plaintiffs alleged that UBS misrepresented Lehman’s financial condition and failed to disclose that the “principal protection” feature of many of the notes depended upon Lehman’s solvency. Girard Sharp negotiated a settlement that established a \$120 million fund to resolve these claims.

In re Prison Realty Securities Litigation, No. 3:99-0452 (M.D. Tenn.). Girard Sharp served as co-lead counsel in this securities class action brought against a real estate investment trust and its officers and directors relating to a merger between Corrections Corporation of America and CCA Prison Realty Trust. The court approved a settlement for over \$120 million in cash and stock.

In re American Express Financial Advisors Securities Litigation, No. 04-cv-01773-DAB (S.D.N.Y.). Girard Sharp served as co-lead counsel in this class action on behalf of individuals who bought financial plans and invested in mutual funds from American Express Financial Advisors. The case alleged that American Express steered its clients into underperforming “shelf space funds” to reap kickbacks and other financial benefits. The court granted final approval of a settlement providing \$100 million in cash and other relief.

Scheiner v. i2 Technologies, Inc., No. 3:01-CV-418-H (N.D. Tex.). Girard Sharp represented the lead plaintiff—the Kansas Public Employees Retirement System—and served as co-lead counsel on behalf of investors in i2 Technologies. The Honorable Barefoot Sanders approved cash settlements for \$88 million from the company, its officers, and its former auditor Arthur Andersen. As part of the settlement, i2 agreed to significant corporate governance reforms.

In re Peregrine Financial Group Customer Litigation, No. 1:12-cv-5546 (N.D. Ill.). As one of two co-lead counsel, Girard Sharp prosecuted this litigation under the Commodities Exchange Act and state law on behalf of investors who lost millions in the collapse of a commodities futures merchant. The litigation generated recoveries of more than \$75 million. The court wrote that counsel “conferred an impressive monetary benefit on the Settlement Class: the funds recovered from U.S. Bank are substantial—both in absolute terms and when assessed in light of the risks of establishing liability and damages” [ECF No. 441].

CalSTRS v. Qwest Communications, No. 415546 (Cal. Super. Ct. S.F. Cty.). Girard Sharp represented the California State Teachers Retirement System in this opt-out securities fraud case against Qwest Communications, Inc. and certain of its officers and directors, as well as its outside auditor Arthur Andersen. The case resulted in a precedent-setting \$45 million settlement for California schoolteachers.

In re SLM Corp. Securities Litigation, No. 08-Civ-1029-WHP (S.D.N.Y.). Girard Sharp served as lead counsel representing investors of SLM Corporation who alleged Sallie Mae, the leading provider of student loans in the United States, misled the public about its financial performance in order to inflate the company’s stock price. After achieving nationwide class certification, Girard Sharp negotiated a settlement that established a \$35 million fund to resolve the investors’ claims.

In re Winstar Communications Securities Litigation, No. 01 Civ. 11522 (S.D.N.Y.). Girard Sharp represented Allianz of America, Inc., Fireman’s Fund and other large private institutional investors against Grant Thornton and other defendants on claims arising out of plaintiffs’ investments in Winstar Communications, Inc. The firm achieved a settlement on the eve of trial that provided a recovery rate over 30 times higher than what class members received in a related class action. After deduction of attorneys’ fees, the fund returned 78.5% of potentially recoverable losses.

In re Oxford Tax Exempt Fund Securities Litigation, No. WMN-95-3643 (D. Md.). Girard Sharp served as co-lead counsel in class and derivative litigation brought on behalf of a real estate limited partnership with assets of over \$200 million. The parties reached a settlement providing for exempt issuance of securities under section 3(a)(10) of the Securities Act of 1933, public listing of units, and additional benefits valued at over \$10 million.

Calliott v. HFS, Inc., No. 3:97-CV-0924-L (N.D. Tex.). Girard Sharp intervened on behalf of an institutional client in this securities class action arising out of the bankruptcy of Amre, Inc., a seller of home remodeling and repair services. After being designated lead counsel under the Private Securities Litigation Reform Act, Girard Sharp negotiated and obtained court approval of settlements totaling \$7.3 million.

In re Towers Financial Corporation Noteholders Litigation, MDL No. 994 (S.D.N.Y.). This class action was brought against promoters and professionals linked to a failed investment scheme that the SEC described at the time as being the “largest Ponzi scheme in U.S. history.” The case resulted in \$6 million in partial settlements and a \$250 million judgment entered against four senior Towers executives. Girard Sharp served as liaison counsel and as a Plaintiffs’ Executive Committee member. The court stated that “class counsel—particularly plaintiffs’ liaison counsel, Daniel Girard—has represented the plaintiffs diligently and ably in the several years that this litigation has been before me.” 177 F.R.D. 167, 171 (S.D.N.Y. 1997).

Deceptive Trade Practices

In re Hyundai and Kia Horsepower Litigation, No. 02CC00287 (Cal. Super. Ct. Orange Cty.). Girard Sharp served as lead counsel in this coordinated nationwide class action against Hyundai for falsely advertising the horsepower ratings of more than 1 million vehicles over a ten-year period. The case was aggressively litigated on both sides over several years. In all, over 850,000 Hyundai vehicle owners received notice of the settlement, which was valued at \$125 million and which provided cash and other benefits to class members.

In re Chase Bank USA, N.A. “Check Loan” Contract Litigation, No. 09-2032 (N.D. Cal.). Girard Sharp and several other firms led this nationwide class action alleging deceptive marketing and loan practices by Chase Bank USA, N.A. After certifying a nationwide class, the Honorable Maxine M. Chesney granted final approval of a \$100 million settlement benefiting Chase cardholders.

In re Hyundai and Kia Fuel Economy Litigation, No. 2:13-ml-2424 (C.D. Cal.). In a lawsuit alleging false advertising in connection with the fuel efficiency of various Hyundai and Kia models, the firm served as liaison counsel and in that capacity regularly reported to the court and coordinated a wide-ranging discovery process. The case resulted in a nationwide class action settlement with an estimated value of up to \$120 million.

In re Providian Credit Card Cases, J.C.C.P. No. 4085 (Cal. Super. Ct. San Francisco Cty.). Girard Sharp served as court-appointed co-lead counsel in this nationwide class action brought on behalf of Providian credit-card holders. The suit alleged that Providian engaged in unlawful, unfair and fraudulent business practices in connection with marketing and assessing fees for its credit cards. The Honorable Stuart Pollack approved a \$105 million settlement, plus injunctive relief—one of the largest class action recoveries in consumer credit-card litigation.

In re MCI Non-Subscriber Telephone Rates Litigation, MDL No. 1275 (S.D. Ill.). Girard Sharp served as co-lead counsel and recovered an \$88 million settlement for MCI telephone subscribers who were charged rates and surcharges applicable to non-subscribers instead of the lower advertised rates. In approving the settlement, the Honorable David Herndon highlighted “the complexity of the issues involved; the vigorous opposition Plaintiffs’ counsel faced from sophisticated and well-funded Defendants represented by skilled counsel; the achievement of a very large cash settlement fund under these conditions”; and the “design and implementation of a computerized claims process, which appears to have been highly successful.” Daniel Girard argued the key motions in the case and designed the claim procedure.

Skold v. Intel Corp., No. 1-05-CV-039231 (Cal. Super. Ct., Santa Clara Cty.). Girard Sharp represented Intel consumers through a decade of hard-fought litigation, ultimately certifying a nationwide class under an innovative “price inflation” theory and negotiating a settlement that provided refunds and \$4 million in *cy pres* donations. In approving the settlement, Judge Peter Kirwan wrote: “It is abundantly clear that Class Counsel invested an incredible amount of time and costs in a case which lasted approximately 10 years with no guarantee that they would prevail. . . Simply put, Class Counsel earned their fees in this case.”

Steff v. United Online, Inc., No. BC265953, (Los Angeles Super. Ct.). This nationwide class action was brought against NetZero, Inc. and its parent, United Online, Inc. by former NetZero customers. Plaintiffs alleged that defendants falsely advertised their internet service as unlimited and guaranteed for a specific period of time. The Honorable Victoria G. Chaney of Los Angeles Superior Court granted final approval of a settlement that provided full refunds to customers whose services were cancelled, and which also placed restrictions on Defendants’ advertising.

Stoddard v. Advanta Corp., No. 97C-08-206-VAB (Del. Super. Ct.). This nationwide class action was brought on behalf of cardholders who were promised a fixed APR for life in connection with balance transfers, but whose APR was then raised pursuant to a notice of change in terms. The

Honorable Vincent A. Bifferato appointed the firm as co-lead counsel and approved a \$7.25 million settlement.

Khaliki v. Helzberg's Diamond Shops, Inc., No. 11-0010-CV-W-NKL (W.D. Mo.). Girard Sharp and co-counsel represented consumers who alleged deceptive marketing in connection with the sale of princess-cut diamonds. The court approved a favorable settlement, recognizing “that Class Counsel provided excellent representation” and obtained “a favorable result relatively early in the case, which benefits the Class while preserving judicial resources.” The court further recognized that “Class Counsel faced considerable risk in pursuing this litigation on a contingent basis, and obtained a favorable result for the class given the legal and factual complexities and challenges presented.”

In re Tyson Foods Inc., Chicken Raised Without Antibiotics Consumer Litigation, No. RDB- 08-1982 (D. Md.). Girard Sharp served as Class Counsel on behalf of consumers who purchased chicken products misleadingly labeled as having been “raised without antibiotics.” After discovery, counsel negotiated a cash settlement that required Tyson Foods to pay class members and make substantial cy pres contributions to food banks.

Defective Products

In re MacBook Keyboard Litigation, No. 5:18-cv-02813-EJD (N.D. Cal.). Girard Sharp secured a \$50 million settlement of behalf of purchasers of MacBook laptops fitted with the “butterfly” keyboard. After obtaining multistate class certification, the firm, acting as co-lead counsel, pursued the case through expert discovery and summary judgment before securing the settlement. In granting preliminary approval, the court noted in part that Girard Sharp is “highly experienced in complex class litigation.” Notice was sent to several million class members in December 2022 and January 2023; final court approval will be decided in March. If approved, the settlement will return payments of several hundred dollars to MacBook purchasers who experienced repeat keyboard failures.

Bentley v. LG Electronics U.S.A., Inc., No. 2:19-cv-13554-MCA-MAH (D.N.J.). Girard Sharp served as co-lead counsel representing consumers who paid premium prices for LG refrigerators prone to stop cooling, resulting in spoiled food and medicine, due to a malfunctioning linear compressor part. The plaintiffs reached a settlement under which every refrigerator owner could receive several thousand dollars in compensation, and those without documentation could recover up to \$450. The class members also received a five-year extended warranty covering the full cost of repairs for cooling failures. In approving the settlement, U.S. District Judge Madeline Cox Arleo noted that “the settlement is available to over a million and a half Americans who purchased allegedly defective refrigerators; there is absolutely no -- there is no cap on the award that a claimant can get. Claimants will be made whole, plus the additional warranty.”

Burd v. Subaru of America, Inc., No. 1:20-cv-03095-JHR-MJS (D.N.J.). Girard Sharp served as co-lead counsel for owners and lessors of Subaru vehicles with an alleged defect that causes the battery to drain and deplete prematurely, leaving many drivers stranded. After plaintiffs prevailed in significant part on Subaru’s motion to dismiss, the case settled on favorable terms, providing the class members with cash reimbursements, a technical fix for the battery drain problem, and enhanced warranty protections.

Weeks v. Google LLC, No. 18-cv-00801-NC (N.D. Cal.). Girard Sharp served as co-lead counsel representing owners of Google Pixel and Pixel XL smartphones. The lawsuit alleged that a defect in the Google phones caused the microphones to fail; as a result, users were unable to make calls, dictate texts, record audio, search the web with voice command, or use the advertised Google Assistant feature. On December 6, 2019, the court approved a \$7.25 million settlement for the class that it deemed “excellent.”

In re Nexus 6P Products Liability Litigation, No. 5:17-cv-02185-BLF (N.D. Cal.). Girard Sharp was appointed as co-lead counsel in a class action alleging that Nexus 6P smartphones suffer from a defect that renders the phones inoperable through an endless boot-loop cycle and an accelerated battery drain that causes the phones to shut off prematurely. On November 11, 2019, the Honorable Beth L. Freeman approved a \$9.75 million class settlement, stating in part that “Class counsel has extensive experience representing plaintiffs and classes in complex litigation and consumer class actions.... [T]he quality of their work is reflected in the results achieved for the class.” 2019 WL 6622842, at *10, *12 (N.D. Cal. Nov. 12, 2019).

In re iPod Cases, JCCP No. 4355 (Cal. Super. Ct. San Mateo Cty.). Girard Sharp, as court-appointed co-lead counsel, negotiated a settlement that provided warranty extensions, battery replacements, cash payments, and store credits for class members who experienced battery failure. In approving the settlement, the Honorable Beth L. Freeman wrote that Girard Sharp attorneys are “extremely well qualified” and negotiated a “significant and substantial benefit” for the class.

Sugarman v. Ducati North America, Inc., No. 5:10-cv-05246-JF (N.D. Cal.). The firm served as class counsel on behalf of owners of Ducati motorcycles whose fuel tanks degraded and deformed due to incompatibility with the motorcycles’ fuel. In January 2012, the Honorable Jeremy D. Fogel approved a settlement that provided an extended warranty and repairs, commenting: “The Court recognizes that class counsel assumed substantial risks and burdens in this litigation. Representation was professional and competent; in the Court’s opinion, counsel obtained an excellent result for the class.” 2012 WL 113361, at *6 (N.D. Cal. Jan. 12, 2012).

Parkinson v. Hyundai Motor America, No. CV 8:06-0345 (C.D. Cal.). Girard Sharp served as class counsel in this action alleging that the flywheel and clutch system in certain Hyundai vehicles was defective. After achieving nationwide class certification, Girard Sharp negotiated a settlement that provided from 50% to 100% in reimbursement to class members for their repairs, depending on their vehicle’s mileage at the time of repair. The settlement also provided full reimbursement for rental car expenses for class members who rented a vehicle while flywheel or clutch repairs were being performed. After approving the settlement, the court wrote, “Perhaps the best barometer of . . . the benefit obtained for the class . . . is the perception of class members themselves. Counsel submitted dozens of letters from class members sharing their joy, appreciation, and relief that someone finally did something to help them.” 796 F. Supp. 2d 1160, 1175 (C.D. Cal. 2010).

In re Medtronic, Inc. Implantable Defibrillators Products Liability Litigation, MDL No. 1726 (D. Minn.). Girard Sharp served on the discovery and law committees and performed briefing, discovery, and investigative work in this lawsuit that followed a February 2005 recall of certain models of Medtronic implantable cardioverter defibrillator devices. The controversy was resolved for \$75 million.

Browne v. American Honda Motor Co., Inc., No. CV 09-06750 (C.D. Cal.). Girard Sharp served as co-lead counsel representing plaintiffs who alleged that about 750,000 Honda Accord and Acura TSX vehicles had brake pads that wore out prematurely. Girard Sharp negotiated, and the court approved, a settlement valued at \$25 million that provided reimbursements to class members and made improved brake pads available.

In re General Motors Dex-Cool Cases, No. HG03093843 (Cal. Super Ct. Alameda Cty.). These class actions alleged that General Motors' Dex-Cool engine coolant damaged certain vehicles' engines and formed a rusty sludge that caused vehicles to overheat. After consumer classes were certified in both Missouri and California, General Motors agreed to pay cash to class members nationwide. On October 27, 2008, the California court granted final approval of the settlement.

Roy v. Hyundai Motor America, No. SACV 05-483-AHS (C.D. Cal.). Girard Sharp served as co-lead counsel in this nationwide class action alleging a defect in the air-bag system in Hyundai Elantra vehicles. Girard Sharp helped negotiate a settlement under which Hyundai agreed to repair the air-bag systems in the vehicles it sold and leased to class members. Hyundai also agreed to reimburse class members for transportation expenses and administer an alternative dispute resolution program for trade-ins and buy-backs. In approving the settlement, the Honorable Alicemarie H. Stotler described the settlement as "pragmatic" and a "win-win" for all concerned.

Privacy Violations

In re U.S. Office of Personnel Management Data Security Litigation, MDL No. 2664 (D.D.C.). Girard Sharp serves as lead counsel on behalf of 22 million federal government employees and job applicants whose highly sensitive personnel files were exposed in a 2015 hack attributed to the Chinese government. After the district court dismissed the Privacy Act claims against the government for lack of standing and failure to state a claim, the D.C. Circuit reversed. *See* 928 F.3d 42 (D.C. Cir. 2019). On remand, despite the immunity that limits recovery to pecuniary loss, *see FAA v. Cooper*, 566 U.S. 284 (2012), and the breach reportedly having been perpetrated by a foreign state actor, Girard Sharp negotiated a \$63 million settlement for the class. The settlement, finally approved by the Court on October 26, 2022, will compensate victims who suffered a financial loss as a result of the hack, providing for minimum payments of \$700.

In re Lenovo Adware Litigation, MDL No. 2624 (N.D. Cal.). Girard Sharp is co-lead counsel for a class of computer purchasers whose online activities were surreptitiously monitored by pre-installed software. The undisclosed spyware degraded the computers' performance, operating continuously in the background as it analyzed browsing activity and injected ads into visited webpages. The Honorable Ronald M. Whyte certified a nationwide indirect purchaser class for trial. 2016 WL 6277245 (N.D. Cal. Oct. 27, 2016). After the defendants agreed to a non-reversionary cash settlement, Girard Sharp helped design a claims process that allowed each participating class member to choose between (1) completing a short online claim form to receive an estimated \$40 cash payment for every purchased computer, or (2) submitting receipts or other documentation to recover sums actually expended as a result of the spyware being on the

computer, up to \$750. The Honorable Haywood S. Gilliam granted final approval of the settlement. 2019 WL 1791420 (N.D. Cal. Apr. 24, 2019).

Corona v. Sony Pictures Entertainment, No. 2:14-cv-09600-RGK-SH (C.D. Cal.). Girard Sharp served as co-lead counsel in a class action brought on behalf of 15,000 current and former employees of Sony Pictures Entertainment following a cyberattack attributed to North Korean intelligence as retaliation for release of the film *The Interview*. In April 2016, the court approved a class settlement that reimbursed actual losses in full and provided extended credit monitoring—a structure adopted in many subsequent data breach settlements.

In re Yahoo Mail Litigation, No. 5:13-cv-04980-LHK (N.D. Cal.). Girard Sharp represented non-Yahoo email subscribers whose emails with Yahoo email subscribers were illegally intercepted and scanned by Yahoo. The court, in a widely-cited opinion, certified a nationwide class for injunctive-relief purposes. 308 F.R.D. 577 (N.D. Cal. 2015). With cross-motions for summary judgment fully briefed, the parties settled. Yahoo agreed to restructure its email delivery architecture to ensure that incoming and outgoing email would no longer be intercepted while in transit—bringing its email scanning practices into compliance with applicable law—and to disclose its email scanning practices on its website. The court noted that “Class Counsel achieved these benefits only after several years of litigation,” which was conducted “in an effective and cost-efficient manner.” 2016 WL 4474612, at *10 (N.D. Cal. Aug. 25, 2016).

In re The Home Depot, Inc. Customer Data Security Breach Litigation, MDL No. 2583 (N.D. Ga.). The Honorable Thomas W. Thrash, Jr. appointed Girard Sharp to the Plaintiffs’ Executive Committee in this MDL arising from a breach of Home Depot customers’ credit and debit card information. Under the court-approved settlement, class members with documented claims could receive up to \$10,000, and the defendant paid an additional \$6.5 million to provide 18 months of identity monitoring services for the benefit of class members. 2016 WL 6902351, at *4 (N.D. Ga. Aug. 23, 2016). Judge Thrash described the settlement as “an outstanding result for the Class in a case with a high level of risk,” *id.* at *5, and further noted that “Class Counsel obtained an exceptional result” 2017 WL 9605208, at *1 (N.D. Ga. Aug. 1, 2017).

In re Target Corp. Customer Data Security Breach Litigation, MDL No. 2522 (D. Minn.). Girard Sharp served on the Plaintiffs’ Steering Committee representing consumers whose personal and financial information was compromised in a breach of Target’s point-of-sale systems. After plaintiffs defeated Target’s motion to dismiss, *see* 66 F. Supp. 3d 1154 (D. Minn. 2014), the parties agreed to a class settlement that was approved by the MDL court and upheld on appeal, *see* 892 F.3d 968 (8th Cir. 2018). The settlement requires changes to Target’s information security practices and delivered cash recoveries to class members under a simplified claim procedure.

In re Experian Data Breach Litigation, No. 15-01592 (C.D. Cal.). Girard Sharp served on the Plaintiffs’ Steering Committee in this litigation arising out of a breach of Experian’s electronic systems that compromised names, addresses, and social security numbers of T-Mobile subscribers. The Honorable Andrew J. Guilford in 2019 granted final approval of a settlement that established a \$22 million fund and provided identity theft protection services for the benefit of class members, commenting in part: “You folks have truly done a great job, both sides. I commend you.”

In re Adobe Systems, Inc. Privacy Litigation, No. 5:13-cv-05226-LHK (N.D. Cal.). Girard Sharp was appointed as lead counsel in this consolidated litigation on behalf of consumers asserting

privacy and consumer fraud claims arising from a 2013 data breach. Girard Sharp obtained a pivotal ruling when the court denied Adobe's motion to dismiss for lack of standing, ruling that the Supreme Court's decision in *Clapper v. Amnesty International USA*, 133 S. Ct. 1138 (2013), did not change existing standing jurisprudence. 66 F. Supp. 3d 1197 (N.D. Cal. 2014). Before this ruling, many data breach defendants had obtained dismissals for lack of standing based on *Clapper*. The *Adobe* ruling has been followed by a number of courts, including the Seventh Circuit Court of Appeals in *Remijas v. Neiman Marcus Group, LLC*. 794 F.3d 688, 693–94 (7th Cir. 2015).

Prather v. Wells Fargo Bank, N.A., No. 17-cv-00481 (N.D. Ill.). Girard Sharp served as co-lead counsel in an action alleging that Wells Fargo used an automatic telephone dialing system to repeatedly call the cellular phone numbers of persons with no prior affiliation with Wells Fargo. On December 10, 2019, the Honorable Manish S. Shah of the Northern District of Illinois granted final approval of a settlement that established a fund of \$17,850,000 for class members.

Whitaker v. Health Net of California, Inc., No. 2:11-cv-00910-KJM-DAD (E.D. Cal.); ***Shurtleff v. Health Net of California, Inc.***, No. 34-2012-00121600-CU-CL (Cal. Super Ct. Sacramento Cty.). Girard Sharp served as co-lead counsel in this patient privacy action. On June 24, 2014, the court granted final approval of a settlement that provided class members with credit monitoring, established a \$2 million fund to reimburse consumers for related identity theft incidents, and required material upgrades to and monitoring of Health Net's information security protocols.

In re Sony BMG CD Technologies Litigation, No.1:05-cv-09575-NRB (S.D.N.Y.). Girard Sharp served as co-lead counsel for a class of consumers who alleged that Sony BMG incorporated "Digital Rights Management" software into its music CDs, violating the Computer Fraud and Abuse Act, 18 U.S.C. § 1030 *et seq.*, and rendering the consumers' computers vulnerable to viruses and spyware. The firm negotiated a settlement that required Sony BMG to promptly recall all affected CDs and provide "clean" CDs and cash to class members.

In re Countrywide Financial Corp. Customer Data Security Breach Litigation, MDL No. 1988 (W.D. Ky.). Girard Sharp served on the Plaintiffs' Executive Committee representing a class of millions of actual and potential customers of Countrywide whose personal information was stolen by a former Countrywide employee and then sold to other mortgage lenders. The class settlement approved by the court provided for free credit monitoring, reimbursement of out-of-pocket expenses incurred as a result of the theft, and reimbursement of up to \$50,000 per class member for identity theft losses.

Smith v. Regents of the University of California, San Francisco, No. RG-08-410004 (Cal. Super Ct. Alameda Cty.). Girard Sharp represented a patient who alleged that UCSF's disclosure of its patients' medical data to outside vendors violated California's medical privacy law. The firm succeeded in negotiating improvements to UCSF's privacy procedures on behalf of a certified class of patients of UCSF Medical Center. In approving the stipulated permanent injunction, the Honorable Stephen Brick found that "Smith has achieved a substantial benefit to the entire class and the public at large."

Other Consumer Protection Matters

Spegele v. USAA Life Insurance Co., No. 5:17-cv-967-OLG (W.D. Tex.). After obtaining nationwide class certification under Texas law, Girard Sharp and co-counsel reached a \$90 million settlement of claims that USAA Life Insurance systematically overcharged policyholders under their policies' "cost of insurance" terms. The settlement was approved as fair, reasonable, and adequate in 2021 and benefited owners of 122,000 universal life insurance policies in effect since March 1, 1999.

Larson v. John Hancock Life Insurance Company (U.S.A.), No. RG16813803 (Cal. Super. Ct. Alameda Cty.). Girard Sharp served as liaison counsel in this certified class action on behalf of universal life insurance policyholders alleging John Hancock overcharged more than 100,000 of its insureds, depriving them of the full value of the premiums they paid over time. On May 8, 2018, the Honorable Brad Seligman granted final approval of a \$59 million settlement.

Ide v. British Airways, No. 20-cv-03542-JMF (S.D.N.Y.). Girard Sharp represented British Airways passengers suing over the airline's refusal to issue refunds for COVID 19-related cancellations. The court approved a comprehensive settlement for refunds and interest in November 2022.

In re America Online Spin-Off Accounts Litigation, MDL No. 1581 (C.D. Cal.). Girard Sharp served as court-appointed co-lead counsel in this nationwide class action on behalf of America Online subscribers who were billed for a second account without their knowledge or consent. The litigation settled for \$25 million and changes in AOL's billing and account practices.

Mitchell v. American Fair Credit Association, No. 785811-2 (Cal. Super. Ct. Alameda Cty.); *Mitchell v. Bankfirst, N.A.*, No. C-97-1421-MMC (N.D. Cal.). This class action was brought on behalf of California members of the American Fair Credit Association (AFCA). Plaintiffs alleged that AFCA operated an illegal credit repair scheme. The Honorable James Richman certified the class and appointed the firm as class counsel. In February 2003, the Honorable Ronald Sabraw of Alameda County Superior Court and the Honorable Maxine Chesney of the Northern District of California granted final approval of settlements valued at over \$40 million.

In re Mercedes-Benz Tele Aid Contract Litigation, MDL No. 1914, CV No. 07-2720-DRD (D.N.J.). Girard Sharp served as co-lead class counsel on behalf of consumers whose vehicles' navigation systems were on the verge of becoming obsolete. Counsel obtained nationwide class certification before negotiating a settlement valued at up to \$50 million. In approving the settlement, the court acknowledged that the case "involved years of difficult and hard-fought litigation by able counsel on both sides" and that "the attorneys who handled the case were particularly skilled by virtue of their ability and experience." 2011 WL 4020862, at *4, *8 (D.N.J. Sept. 9, 2011).

In re LookSmart Litigation, No. 02-407778 (Cal. Super. Ct. San Francisco Cty.). This nationwide class action was brought against LookSmart, Ltd. on behalf of consumers who paid an advertised "one time payment" to have their websites listed in LookSmart's directory, only to be charged additional fees to continue service. The court granted final approval of a class settlement valued at approximately \$20 million that provided cash and other benefits.

In re America Online, Inc. Version 5.0 Software Litigation, MDL No. 1341 (S.D. Fla.). Girard Sharp served as co-lead counsel in this MDL involving 45 centralized actions. The case alleged violations of state consumer protection statutes, the Computer Fraud and Abuse Act, and federal antitrust laws arising from AOL's distribution of its Version 5.0 software upgrade. The Honorable Alan S. Gold granted final approval of a \$15.5 million settlement.

In re PayPal Litigation, No. C-02-1227-JF (PVT) (N.D. Cal.). Girard Sharp served as co-lead counsel in this nationwide class action alleging violations of California consumer protection statutes and the Electronic Funds Transfer Act (EFTA). Plaintiffs alleged that PayPal unlawfully restricted access to consumers' PayPal accounts. On September 24, 2004, Judge Fogel granted final approval of a settlement valued at \$14.35 million in cash and returned funds, plus injunctive relief to ensure compliance with the EFTA.

Powers Law Offices, P.C. v. Cable & Wireless USA, Inc., No. 99-CV-12007-EFH (D. Mass.). Girard Sharp prosecuted this class action on behalf of cable and wireless subscribers who were overcharged for recurring fees. The court granted final approval of an \$8 million settlement, and the bankruptcy court approved a 30% distribution from the unsecured creditors' fund of bankruptcy liquidation proceeds.

Lehman v. Blue Shield of California, No. CGC-03-419349 (Cal. Super. Ct. San Francisco Cty.). In this class action charging Blue Shield with having illegally modified the risk-tier structure of its individual and family health care plans, Girard Sharp negotiated a \$6.5 million settlement on behalf of current and former Blue Shield subscribers in California. The Honorable James L. Warren granted final approval of the settlement in March 2006.

Telestar v. MCI, Inc., No. C-05-Civ-10672-JGK (S.D.N.Y.). This class action was brought on behalf of MCI commercial subscribers who were charged both interstate and intrastate fees for the same frame relay on prorate line service during the same billing period. On April 17, 2008, the Honorable John G. Koeltl approved a favorable cash settlement.

Wixon v. Wyndham Resort Development Corp., No. C-07-02361 JSW (BZ) (N.D. Cal.). Girard Sharp served as class and derivative counsel in this litigation against a timeshare developer and the directors of a timeshare corporation for violations of California law. Plaintiffs alleged that the defendants violated their fiduciary duties by taking actions for the financial benefit of the timeshare developer to the detriment of the owners of timeshare interests. On September 14, 2010, the district court approved a settlement of the derivative claims.

Berrien v. New Raintree Resorts, LLC, No. CV-10-03125 CW (N.D. Cal.); *Benedict v. Diamond Resorts Corporation*, No. CV 12-00183-DAE (D. Hawaii). Girard Sharp pursued these actions on behalf of timeshare owners, challenging the imposition of unauthorized "special assessment" fees. The court in each case approved a favorable settlement of the claims asserted on behalf of class members who were charged the fee.

Allen Lund Co., Inc. v. AT&T Corporation, No. C 98-1500-DDP (C.D. Cal.). This class action was brought on behalf of small businesses whose long-distance service was switched to Business

Discount Plan, Inc. The Honorable Dean D. Pregerson appointed Girard Sharp as class counsel, and thereafter approved a settlement providing full cash refunds and free long-distance telephone service.

Mackouse v. The Good Guys – California, Inc., No. 2002-049656 (Cal. Super Ct. Alameda Cty.). This nationwide class action against The Good Guys and its affiliates alleged violations of the Song-Beverly Consumer Warranty Act and other California consumer protection laws. Plaintiff alleged that The Good Guys failed to honor contracts that it offered for sale to customers in exchange for protection of a purchase after the manufacturer’s warranty expired. On May 9, 2003, the Honorable Ronald M. Sabraw granted final approval of a settlement providing cash refunds or services at a class member’s election.

In re H&R Block Express IRA Litigation, MDL No. 1786 (W.D. Mo.). Girard Sharp served as co-lead counsel in this MDL involving H&R Block’s marketing and sale of its “Express IRA” investment products. The firms negotiated a settlement in coordination with the New York Attorney General that delivered more than \$19 million in cash to class members—resulting in a full recovery for consumers—as well as non-cash benefits entitling Express IRA holders to convert their investments to alternative IRAs with lower fees.

Mass Tort

In re USC Student Health Center Litigation, No. 2:18-cv-04258-SVW-GJS (C.D. Cal.). Girard Sharp served as co-lead counsel for a class of women who alleged they were sexually assaulted or molested by a USC gynecologist. The court in February 2020 approved a settlement for \$215 million that also secured comprehensive injunctive relief at the university.

A.B. v. The Regents of the University of California, No. 2:20-cv-09555-RGK-E (C.D. Cal.). Girard Sharp served as co-lead counsel for a class of women who alleged they were sexually assaulted by a UCLA gynecologist. The court granted final approval of a \$73 million settlement, finding that “Class Counsel delivered robust results for the Class, negotiating a flexible and trauma-informed settlement that . . . precipitated significant institutional changes at UCLA.”

In re Actos (Pioglitazone) Products Liability Litigation, MDL No. 2299 (W.D. La.). Girard Sharp lawyers were appointed to the Plaintiffs’ Steering Committee and served on the *Daubert* and Legal Briefing Committees in this MDL. A \$2.37 billion global settlement was achieved.

In re Yasmin and Yaz (Drospirenone) Marketing, Sales, Practices and Products Liability Litigation, MDL No. 2385 (S.D. Ill.). Girard Sharp lawyers were appointed to the Plaintiffs’ Steering Committee and served as Co-Chair of the Plaintiffs’ Law and Briefing Committee in this MDL that produced settlements worth approximately \$1.6 billion.

In re Pradaxa (Dabigatran Etexilate) Products Liability Litigation, MDL No. 2385 (S.D. Ill.). Girard Sharp lawyers were appointed to the Plaintiffs’ Steering Committee in mass tort litigation that culminated in settlements worth approximately \$650 million.

Government Reform

Paeste v. Government of Guam, No. 11-cv-0008 (D. Guam) (Marshall, J.). Girard Sharp and co-counsel served as class counsel in litigation against the Government of Guam on behalf of Guam taxpayers for chronic late payment of income tax refunds. After obtaining certification of a litigation class, the plaintiffs prevailed at summary judgment and obtained a permanent injunction reforming Guam's administration of tax refunds. The Ninth Circuit affirmed the injunction. 798 F.3d 1228 (9th Cir. 2015), *cert. denied*, 136 S. Ct. 2508 (2016).

Ho v. San Francisco Unified School District, No. C-94-2418-WHO (N.D. Cal.). This civil rights action was brought on behalf of a certified class of San Francisco public school students of Chinese descent to terminate racial and ethnic quotas imposed under a 1983 desegregation consent decree. *See Ho v. San Francisco Unified Sch. Dist.*, 965 F. Supp. 1316 (N.D. Cal. 1997), *aff'd*, 147 F.3d 854 (9th Cir. 1998); *see also* 143 Cong. Rec. S6097, 6099 (1997) (statement of Senator Hatch noting testimony of a class representative before the Senate Judiciary Committee).