

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RICHARD DENNIS and PORT 22, LLC, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

THE ANDERSONS, INC., and CARGILL,
INC., and JOHN/JANE DOES NOS. 1-50
Defendants.

Case No.: 1:20-cv-4090

Honorable Robert W. Gettleman
Magistrate Judge Keri L. Holleb Hotaling

**DECLARATION OF ANTHONY F. FATA FILED ON BEHALF OF KIRBY
MCINERNEY LLP IN SUPPORT OF MOTION FOR
AWARD OF ATTORNEYS' FEES AND EXPENSES**

Pursuant to 28 U.S.C. § 1746, I, Anthony F. Fata, declare as follows:

1. I am a partner at the firm of Kirby McInerney LLP (“Kirby” or the “Firm”). I am submitting this declaration in support of the application for an award of attorneys’ fees and expenses/charges (“expenses”) in connection with services rendered in the above-entitled action.

2. Kirby is co-Class Counsel together with Lowey Dannenberg, P.C. (“Lowey”).

3. I began work on this case at my former law firm, Cafferty Clobes Meriwether & Sprengel LLP. In March 2022, I joined Kirby and continued work on this case.

4. The information in this declaration regarding the Firm’s time and expenses is taken from time and expense reports and supporting documentation prepared and/or maintained by the Firm in the ordinary course of business. I am the partner who oversaw the day-to-day activities in the litigation and I reviewed these reports (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation. As a result of this review, reductions were made to both time and expenses in the exercise of billing judgment. For example, lodestar associated with timekeepers with less than twenty (20) hours were eliminated. Based on this review and the adjustments made, I believe that the time reflected in the Firm’s lodestar calculation and the expenses for which payment is sought herein are reasonable and were necessary for the effective and efficient prosecution and resolution of the litigation.

5. After the reductions referred to above, the number of hours spent on the litigation by my Firm is 5,176.9. A breakdown of the lodestar is provided in Exhibit A. The lodestar amount for attorney/paralegal time based on the Firm’s current rates is \$4,071,145.90. The hourly rates shown in Exhibit A are consistent with hourly rates submitted by the Firm in other antitrust and CEA class action litigation. The Firm’s rates are set based on periodic analysis of rates charged by

firms performing comparable work both on the plaintiff and defense side. Different timekeepers within the same employment category (*e.g.*, partners, associates, paralegals, etc.) may have different rates based on a variety of factors, including years of practice, years at the Firm, years in the current position (*e.g.*, years as a partner), relevant experience, relative expertise, and the rates of similarly experienced peers at this Firm or other firms. For personnel who are no longer employed by the Firm, the “current rate” used for the lodestar calculation is based upon the rate for that person in his or her final year of employment with the Firm.

6. My Firm seeks an award of \$383,794.27 in expenses and charges in connection with the prosecution of the litigation. Those expenses and charges are summarized by category in Exhibit B.

7. The following is additional information regarding certain of these expenses:

(a) Filing, Witness, and Other Fees: \$1,090.39. These expenses have been paid to the Court for filing fees and to attorney service firms or individuals who either: (i) served process of the complaint or subpoenas, or (ii) obtained copies of court documents for Plaintiffs. The vendors who were paid for these services are set forth in Exhibit C.

(b) Notices: \$72,628.60. In connection with the Court-ordered notice to the Class following class certification, Class Counsel accrued \$72,628.60 in unpaid expenses to A.B. Data, Ltd.

(c) Transportation, Hotels, and Meals: \$20,948.17. In connection with the prosecution of this case, the Firm paid for travel expenses to, among other things, take or defend depositions.

(d) E-Discovery: \$14,575.66. Transperfect Legal Solutions (“Transperfect”) was retained to provide document management services in connection with this litigation,

including the forensic collection of Plaintiffs' custodial files, as well as e-discovery consulting and hosting services. Transperfect's invoices for this litigation total \$14,575.66.

(e) Court Hearing Transcripts and Deposition Reporting, Transcripts and Videography: \$3,483.00. The vendors who were paid for hearing and deposition transcripts are listed in Exhibit D.

(f) Experts/Consultants/Investigators: \$226,276.25. Global Economics Group was retained as a consulting expert to provide economic and financial analysis of the relevant markets throughout this litigation. Specifically, Global Economics Group allowed Plaintiffs and Class Counsel to better understand the potential damages in this Action and provided analyses showing the market movements that had occurred as a result of Defendants' alleged manipulation. Global Economics also analyzed Plaintiffs' CBOT Wheat Futures or Options transaction records.

(g) Online Legal and Financial Research: \$43,464.29. This category includes vendors such as Thomson Reuters/Westlaw and Lexis Nexis. These resources were used to obtain access to legal research databases, case law, statutes, regulatory materials, and relevant news coverage necessary to support investigation, legal analysis, and case development. This expense represents the expense incurred by Kirby for use of these services in connection with this litigation. The charges for these vendors vary depending upon the type of services requested.

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

9. Kirby McInerney's firm resume describing the professional experience and educational background of the attorneys who contributed to this matter is attached hereto as Exhibit E.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 31st day of August, 2026, at Chicago, Illinois.

/s/ Anthony F. Fata

Anthony F. Fata

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2026, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF parties of interest.

/s/ Anthony F. Fata
Anthony F. Fata

EXHIBIT A

Dennis, et al. v. The Andersons, Inc., et al.,
No. 1:20-cv-4090 (N.D. Ill.)
Kirby McInerney LLP
Inception through July 31, 2026

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Thomas W. Elrod	(P)	38.7	\$1,100	\$42,570.00
Anthony F. Fata	(P)	460.3	\$1,250	\$575,375.00
Karen M. Lerner	(P)	357.5	\$1,250	\$446,875.00
Anthony E. Maneiro	(P)	1,728.3	\$900	\$1,555,470.90
Marko Radisavljevic	(P)	29.2	\$950	\$27,740.00
Cormac Broeg	(A)	108.8	\$700	\$76,160.00
Faisal Q. Haider*	(A)	99.9	\$450	\$44,955.00
James Isacks	(A)	1,028.8	\$500	\$514,400.00
Belden Nago	(A)	757.5	\$800	\$606,000.00
Cristelle Rabban*	(A)	195.0	\$350	\$68,250.00
Emily Rice*	(A)	24.7	\$450	\$11,115.00
Kristen Bolster*	(PL)	29.1	\$300	\$8,730.00
Jenny Chen*	(PL)	22.5	\$275	\$6,187.50
Elizabeth Ely*	(PL)	198.2	\$300	\$59,460.00
Casey Liu*	(PL)	31.9	\$300	\$9,570.00
Lily Potter	(PL)	24.1	\$275	\$6,627.50
Isabelle Sohn*	(PL)	42.4	\$275	\$11,660.00
<i>TOTAL</i>		<i>5,176.90</i>		<i>\$4,071,145.90</i>

(P) Partner

(A) Associate

(PL) Paralegal

*The time for former employees was recorded prior to their departures and reflect billing rates in those employees' final year of employment.

EXHIBIT B

Dennis, et al. v. The Andersons, Inc., et al.,
 No. 1:20-cv-4090 (N.D. Ill.)
 Kirby McInerney LLP
 Inception through July 31, 2026

<i>CATEGORY</i>	<i>AMOUNT</i>
Filing, Witness, and Other Fees	\$1,090.39
Notices	\$72,628.60
Transportation, Hotels, and Meals	\$20,948.17
E-Discovery	\$14,575.66
Messenger, Overnight Delivery	\$1,327.91
Court Hearing Transcripts and Deposition Reporting, Transcripts and Videography	\$3,483.00
Experts/Consultants/Investigators	
Global Economics Group	\$226,276.25
Online Legal and Financial Research	\$43,464.29
<i>TOTAL</i>	\$383,794.27

EXHIBIT C

Dennis, et al. v. The Andersons, Inc., et al.,
No. 1:20-cv-4090 (N.D. Ill.)
Kirby McInerney LLP

Filing, Witness, and Other Fees: \$1,090.39

<i>DATE</i>	<i>VENDOR</i>	<i>PURPOSE</i>
September 11, 2023	Civil Action Group	Service of Process
October 30, 2020	Northern District of Illinois	Pro Hac Vice Application
December 30, 2020	Northern District of Illinois	Pro Hac Vice Application
October 17, 2024	Northern District of Illinois	Pro Hac Vice Application
June 3, 2025	Seventh Circuit Court of Appeals	Application for Admission
June 3, 2025	Seventh Circuit Court of Appeals	Application for Admission

EXHIBIT D

Dennis, et al. v. The Andersons, Inc., et al.,
No. 1:20-cv-4090 (N.D. Ill.)
Kirby McInerney LLP

Court Hearing Transcripts and Deposition Reporting, Transcripts and Videography: \$3,483.00

<i>DATE</i>	<i>VENDOR</i>	<i>PURPOSE</i>
July 10, 2023	Veritext	Court Reporting for Deposition



Pioneering Commodities Manipulation and Antitrust Litigation

Kirby McInerney is a national leader in commodities manipulation litigation, representing investors, traders, and institutions in complex cases under the Commodity Exchange Act and federal antitrust laws. The Firm is frequently appointed by courts throughout the country to lead groundbreaking cases that protect market integrity and extend the benefits of class action litigation to commodities investors, futures traders, and other market participants.

The Firm's experience spans financial derivatives including U.S. Treasury, foreign exchange, and Eurodollar-linked futures, as well as physically-settled commodities such as precious metals, crude oil, gasoline, propane, live cattle, wheat, and agricultural products.

Record-Breaking Recoveries and Landmark Achievements

Kirby McInerney's commodities cases have recovered hundreds of millions of dollars while curbing manipulative practices by major financial institutions and market participants.

Kirby McInerney achieved the largest futures-only recovery achieved for a private settlement for claims arising under the Commodity Exchange Act with \$190.45 million in settlements in the landmark LIBOR manipulation litigation, where the Firm served as court-appointed co-lead counsel for exchange-based plaintiffs. The Firm secured a landmark Second Circuit appellate decision establishing pleading standards for monopolization claims in futures markets in *Wacker v. JP Morgan Chase & Co.* The Firm also participated in seminal litigation involving Sumitomo Corporation's copper market manipulation. These cases have shaped commodities law while achieving excellent results for clients, classes, and market integrity.

CFTC Whistleblower Leadership

The Firm represented a whistleblower who received nearly \$200 million—the largest CFTC whistleblower award ever—for providing information about manipulation of key financial benchmarks. This achievement demonstrates Kirby McInerney's unique expertise at the intersection of commodities regulation and whistleblower advocacy.

Protecting Investors and Market Efficiency

Kirby McInerney represents individual traders, speculation traders, hedge funds, public pension funds, investment firms, energy companies, precious metals clients, and market makers. The Firm welcomes referrals from attorneys, and our team is available to evaluate potential commodities cases.

Some of our notable work includes:

- ***In re Shale Oil/WTI Crude Oil Futures & Derivatives Litigation***, No. 25-cv-00447 (D.N.M.). KM acts as court-appointed interim co-lead counsel for a putative class of investors who transacted in West Texas Intermediate (WTI) crude oil-based derivatives. The case alleges that several of the largest U.S. shale oil producers conspired to constrain output, directly moving the prices of derivatives tied to WTI crude oil.
- ***In re LIBOR-Based Financial Instruments Antitrust Litigation***, No. 11-md-02262 (S.D.N.Y.). Acting as court-appointed co-liaison counsel for all class actions in the multi-district litigation and co-lead counsel for the exchange-based class in the high-profile *In re LIBOR-Based Financial Instruments Antitrust Litigation*, No. 11-md-02262 (S.D.N.Y.) and *FTC Capital GmbH et al. v. Credit Suisse Group AG et al.*, No. 11-cv-02613 (S.D.N.Y.), alleging the fixing of prices of a benchmark interest rate. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a “futures-only” commodities class action litigation.
- ***Wacker v. JP Morgan Chase & Co.***, No. 15-cv-00994 (S.D.N.Y.). KM represented individual traders alleging manipulation of silver futures spreads by JP Morgan. KM achieved a landmark appellate decision in this case establishing pleading standards for monopolization claims in futures markets, *Wacker v. JP Morgan Chase & Co.*, 678 F. App’x 27 (2d Cir. 2017). The case preceded a related Department of Justice criminal investigation into JP Morgan that resulted in over \$920 million in criminal penalties.
- ***In re Credit Default Swaps Auctions Litigation***, No. 21-cv-00606 (D.N.M.). Acting as lead counsel on behalf of the New Mexico State Investment Council in *New Mexico State Investment Council v. Bank of America Corp. et al.*, No. 21-cv-00606 (D.N.M.), alleging that leading credit default swap (CDS) dealers took part in a more than decade-long, multibillion-dollar scheme to manipulate the benchmark prices used to value credit default swap contracts at settlement.
- ***Dennis v. The Andersons, Inc.***, No. 20-cv-04090 (N.D. Ill.). Acting as co-lead counsel of a putative class of exchange-based investors in *Dennis v. The Andersons, Inc. et al.*, No. 20-cv-04090 (N.D. Ill.), a commodities manipulation case alleging monopolization and manipulation of Chicago Board of Trade soft red winter wheat futures contracts in violation of federal antitrust and commodity exchange laws.
- ***Sullivan v. Barclays PLC***, No. 13-cv-02811 (S.D.N.Y.). KM acts as class counsel in this benchmark rate antitrust litigation on behalf of a putative class of investors who traded derivative products linked to Euribor, including futures and options contracts on the NYSE LIFFE exchange. The case has resulted in partial settlements of more than \$650 million.
- ***In re JPMorgan Treasury Futures Spoofing Litigation***, No. 20-cv-03515 (S.D.N.Y.). Acting as lead counsel in *In re JPMorgan Treasury Futures Spoofing Litigation*, No. 20-cv-03515 (S.D.N.Y.), a case alleging that JPMorgan unlawfully and intentionally manipulated U.S. Treasury Futures or Options on U.S. Treasury Futures traded on United States-based exchanges, including but not limited to the Chicago Mercantile Exchange and its subsidiary the Chicago Board of Trade, during the Class Period in violation of the Commodity Exchange Act, 7 U.S.C. §§ 1 *et seq.* (the “CEA”) and the common law. The case resulted in a settlement of \$15.7 million.
- ***In re Foreign Exchange Benchmark Rates Antitrust Litigation***, No. 13-cv-07789 (S.D.N.Y.). KM acted as special fiduciary counsel for exchange-based investors for a putative class of investors alleging that major banks conspired to fix prices in the foreign exchange (FX) market, which harmed traders who transacted in FX futures and options on U.S.-based exchanges. The case resulted in partial settlements of more than \$2.3 billion.
- ***In re Deutsche Bank Spoofing Litigation***, No. 20-cv-03638 (N.D. Ill.). Acting as co-lead counsel on behalf of a putative class of investors in *In re Deutsche Bank Spoofing Litigation*, No. 20-cv-03638 (N.D. Ill.), a trading markets manipulation case alleging manipulation through “spoofing” of U.S. Treasury futures traded on the Chicago Board of Trade and Eurodollar futures traded on the Chicago Mercantile Exchange.

- ***In re Bank of Nova Scotia Spoofing Litigation***, No. 20-cv-11059 (D.N.J.). KM attorneys served as members of the court-appointed executive committee in this case alleging manipulation of precious metals futures and options by a major bank. The case resulted in a settlement of \$6.6 million.
- ***In re Natwest Treasury Futures Spoofing Litigation***, No. 21-cv-06816 (N.D. Ill.). Acting as co-lead counsel on behalf of a putative class of investors in *In re NatWest Treasury Futures Spoofing Litigation*, No. 22-cv-00479 (N.D. Ill.), a trading markets manipulation case alleging manipulation through “spoofing” of U.S. Treasury futures.
- ***In re Commodity Exchange, Inc., Gold Futures and Options Trading Litigation***, No. 14-md-02548 (S.D.N.Y.). Acting as counsel to gold purchasers in *In re Commodity Exchange, Inc., Gold Futures and Options Trading Litigation*, No. 14-md-02548 (S.D.N.Y.), a market manipulation case. This case resulted in aggregate settlements of \$152 million.
- ***In re Cattle and Beef Antitrust Litigation***, No. 22-md-03031 (D. Minn.). Serving in a leadership capacity on behalf of live cattle futures traders in *In re Cattle and Beef Antitrust Litigation*, No. 22-md-03031 (D. Minn.), a proprietary case on behalf of cattle producers and cattle futures traders. The suit alleges that the “Big 4” meatpacking firms conspired to suppress prices for fed cattle and manipulated live cattle futures traded on the Chicago Mercantile Exchange. The case has already resulted in an \$83.5 million settlement with one of the defendants.
- ***In re Crude Oil Commodity Futures Litigation***, No. 11-cv-03600 (S.D.N.Y.). KM acted as class counsel on behalf of a putative class of investors alleging manipulation of West Texas Intermediate (WTI) crude oil futures and options. The case resulted in a settlement of \$16.5 million.
- ***In re North Sea Brent Crude Oil Futures Litigation***, No. 13-md-02475 (S.D.N.Y.). KM acted as the sole court-appointed interim lead counsel on behalf of a putative class of investors alleging manipulation of the Platts Brent Crude Oil benchmark by major oil producers, which harmed traders who transacted in derivatives tied to the benchmark.
- ***In re Reformulated Gasoline (RFG) Antitrust and Patent Litigation and Related Actions***, No. 05-ml-01671 (C.D. Cal). KM acted as court-appointed co-lead class counsel on behalf of a class of retail gas consumers alleging manipulation of the standard-setting process for low-emissions reformulated gasoline in California. The case resulted in a \$48 million settlement.
- ***CFTC v. Shak***, No. 14-cv-01632 (D.D.C.). KM represented a defendant in a case brought by the CFTC under the Commodity Exchange Act for violations of an administrative order related to the gold futures market.
- ***In re BP Propane Indirect Purchaser Antitrust Litigation***, No. 06-cv-03541 (N.D. Ill.). KM acted as court-appointed interim co-lead counsel on behalf of a putative class of propane purchasers alleging that BP manipulated the prices of propane. The case resulted in a \$15 million settlement.
- ***In re Potash Antitrust Litigation***, No. 08-cv-06910 (N.D. Ill.). KM served as a member of the lead counsel structure representing purchasers of potash alleging that the largest potash producers conspired to artificially inflate prices. The case resulted in a \$13 million settlement.

Skouras v. Creditanstalt International Advisers, Inc., NASD Arb., No. 96-05847 (1998). Following an approximately one month hearing, successfully defeated multi-million dollar claim against major European institution.

In re Woolworth Corp. Securities Class Action Litigation, No. 94-cv-2217 (S.D.N.Y.). Co-lead counsel. \$20 million settlement.

In re Archer Daniels Midland Inc. Securities Litigation, No. 95-cv-2877 (C.D. Ill.). Co-lead counsel. \$30 million settlement.

Vladimir v. U.S. Banknote Corp., No. 94-cv-0255 (S.D.N.Y.). Multi-million dollar jury verdict in § 10(b) action.

Epstein v. MCA, Inc., 50 F.3d 644 (9th Cir. 1995), *rev'd and remanded on other grounds*, *Matsushita Electric Industrial Co., Ltd. v. Epstein*, No. 94-1809, 116 S. Ct. 873 (February 27, 1996). Lead counsel. Appeal resulted in landmark decision concerning liability of tender offeror under section 14(d)(7) of the Williams Act, SEC Rule 14d-10 and preclusive effect of a release in a state court proceeding. In its decision granting partial summary judgment to plaintiffs, the court of appeals for the Ninth Circuit stated:

"The record shows that the performance of the Epstein plaintiffs and their counsel in pursuing this litigation has been exemplary."

In re Abbott Laboratories Shareholder Litigation, No. 92-cv-3869 (N.D. Ill. 1995). Co-lead counsel. \$32.5 million settlement.

"The record here amply demonstrates the superior quality of plaintiffs' counsel's preparation, work product, and general ability before the court."

In re Morrison Knudsen Securities Litigation, No. 94-cv-334 (D. Id.). Co-lead counsel. \$68 million settlement.

In re T2 Medical Inc. Securities Litigation, No. 94-cv-744 (N.D. Ga.). Co-lead counsel. \$50 million settlement.

Gelb v. AT&T, No. 90-cv-7212 (S.D.N.Y.). Landmark decision regarding filed rate doctrine leading to injunctive relief.

In re International Technology Corp. Securities Litigation, No. 88-cv-40 (C.D. Cal.). Co-lead counsel. \$13 million settlement.

Colaprico v. Sun Microsystems, No. 90-cv-20710 (N.D. Cal.). Co-lead counsel. \$5 million settlement.

Steinfink v. Pitney Bowes, Inc., No. B90-340 (JAC) (D. Conn.). Lead counsel. \$4 million settlement.

In re Jackpot Securities Enterprises, Inc. Securities Litigation, No. CV-S-89-05-LDG (D. Nev.). Lead counsel. \$3 million settlement.

In re Nordstrom Inc. Securities Litigation, No. C90-295C (W.D. Wa.). Co-lead counsel. \$7.5 million settlement.

United Artists Litigation, No. CA 980 (Sup. Ct., L.A., Cal.). Trial counsel. \$35 million settlement.

In re A.L. Williams Corp. Shareholders Litigation, C.A. No. 10881 (Del. Ch.). Lead counsel. Benefits in excess of \$11 million.

In re Triangle Inds., Inc., Shareholders' Litigation, C.A. No. 10466 (Del. Ch.). Co-lead counsel. Recovery in excess of \$70 million.

Schneider v. Lazard Freres, No. 38899, M-6679 (N.Y. App. Div. 1st Dep't). Co-lead counsel. Landmark decision concerning liability of investment bankers in corporate buyouts. \$55 million settlement.

Rothenberg v. A.L. Williams, C.A. No. 10060 (Del. Ch.). Lead counsel. Benefits of at least \$25 million to the class.

Kantor v. Zondervan Corp., No. 88-cv-C5425 (W.D. Mich.). Lead counsel. Recovery of \$3.75 million.

King v. Advanced Systems, Inc., No. 84-cv-C10917 (N.D. Ill.). Lead counsel. Recovery of \$3.9 million (representing 90% of damages).

Straetz v. Cordis, No. 85-cv-343 (S.D. Fla.). Lead counsel.

"I want to commend counsel and each one of you for the diligence with which you've pursued the case and for the results that have been produced on both sides. I think that you have displayed the absolute optimum in the method and manner by which you have represented your respective clients, and you are indeed a credit to the legal profession, and I'm very proud to have had the opportunity to have you appear before the Court in this matter."

In re Flexi-Van Corp., Inc. Shareholders Litigation, C.A. No. 9672 (Del. Ch.). Co-lead counsel. \$18.4 million settlement.

Entezed, Inc. v. Republic of Nigeria, I.C.C. Arb. (London 1987). Multi-million dollar award for client.

In re Carnation Company Securities Litigation, No. 84-cv-6913 (C.D. Cal.). Co-lead counsel. \$13 million settlement.

In re Data Switch Securities Litigation, B84 585 (RCZ) (D. Conn.). Co-lead counsel. \$7.5 million settlement.

Stern v. Steans, No. 80-cv-3903. The court characterized the result for the class obtained during trial to jury as "unusually successful" and "incredible" (Jun 1, 1984).

In re Datapoint Securities Litigation, No. 82-cv-338 (W.D. Tex.). Lead counsel for a Sub-Class. \$22.5 million aggregate settlement.

Malchman v. Davis, No. 77-cv-5151 (S.D.N.Y.).

"It is difficult to overstate the far-reaching results of this litigation and the settlement. Few class actions have ever succeeded in altering commercial relationships of such magnitude. Few class action settlements have even approached the results achieved herein.... In the present case, the attorneys representing the class have acted with outstanding vigor and dedication . . . Although the lawyers in this litigation have appeared considerably more in the state courts than in the federal court, they have appeared in the federal court sufficiently for me to attest as to the high professional character of their work. Every issue which has come to this court has been presented by both sides with a thoroughness and zeal which is outstanding In sum, plaintiffs and their attorneys undertook a very large and difficult litigation in both the state and federal courts, where the stakes were enormous. This litigation was hard fought over a period of four years. Plaintiffs achieved a settlement which altered commercial relationships involving literally hundreds of millions of dollars."



Daniel Hume is Co-Managing Partner of the firm and is based in our New York office. He leverages more than 25 years of experience to help institutional investors, financial institutions, and individuals recover losses and achieve favorable outcomes in class action and direct securities litigation.

Additionally, he has prosecuted antitrust class actions and obtained significant monetary relief for consumers. Mr. Hume is a partner in our New York office and a member of the firm's management committee.

Some of Mr. Hume's securities work includes:

- Lead counsel representing Wespeth, the General Board of Pension and Health Benefits of the United Methodist Church, in *Doyle v. Reata Pharmaceuticals, Inc.*, a securities class action alleging that Reata made false and/or misleading statements – including in connection with its secondary public stock offerings – concerning, inter alia, the FDA guidance regarding the design of the clinical trial (CARDINAL) for Reata's drug candidate, bardoxolone methyl. When the FDA revealed serious concerns it had previously raised to Reata, the share price declined materially. The case has resulted in a \$45 million settlement.
- Counsel in *Maverick Neutral Levered Fund, Ltd. v. Valeant Pharmaceuticals International, Inc.*, alleging that Valeant materially misrepresented its business model, touting artificial and unsustainable growth that was enabled by the company's deceptive and illegal conduct.
- Representation in a shareholder derivative lawsuit against officers and directors of HSBC Holdings and its subsidiaries, alleging that HSBC ran money laundering operations out of New York City. The litigation settled for \$72.5 million, the then-largest foreign derivatives settlement ever reached and one of the largest insurer-funded cash payments achieved in a U.S. derivatives lawsuit.
- Lead counsel for the investor class in *In re AT&T Wireless Tracking Stock Securities Litigation*, a securities class action which resulted in recovery of \$150 million for the class.
- Lead counsel for a group of Singapore-based investors in a securities class action, *Dandong v. Pinnacle Performance Ltd.*, against Morgan Stanley pertaining to notes issued by Cayman Islands-registered Pinnacle Performance Ltd. This litigation resulted in a \$20 million recovery.
- Lead counsel for the investor class in *In re MOL Global, Inc. Securities Litigation*, a securities class action lawsuit alleging that e-payment enabler MOL Global misled shareholders prior to its initial public offering. This litigation resulted in an \$8.5 million recovery.
- Representation of foreign financial institutions in individual lawsuits against Morgan Stanley, Credit Agricole Corporate and Investment Bank, UBS, Deutsche Bank, Credit Suisse, Goldman Sachs, JPMorgan, and Barclays pertaining to a number of fraudulent structured investment vehicles and asset-backed collateralized debt obligations.

Some of Mr. Hume's antitrust work includes:

- Lead counsel for consumer classes in connection with antitrust proceedings against Microsoft in the United States and consulting and advisory counsel to Canadian lead counsel in Canada. These litigations have resulted in settlements totaling over \$1 billion for consumers in Canada, Florida, New York, Tennessee, West Virginia, and Minnesota, where the litigation proceeded to trial.
- Representation of a class of retailers in *In re Visa Check/MasterMoney Antitrust Litigation*, an antitrust case which resulted in a settlement of over \$3 billion for the class.
- Special fiduciary representation for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* for a putative class of participants who traded futures and options in the FX market. The case has already resulted in partial settlements of more than \$2.3 billion.

Mr. Hume is admitted to the New York State Bar, U.S. District Courts for the Southern and Eastern Districts of New York, U.S. Courts of Appeals for the Second, Third, Fourth, Fifth, Eighth, and Ninth Circuits, The Appellate Division of the Supreme Court of the State of New York, First Judicial Department, and The United States Supreme Court. Mr. Hume graduated from State University of New York at Albany (B.A. *magna cum laude*, 1988) and Columbia Law School (J.D. 1991).



David E. Kovel is Co-Managing Partner of the firm and is based in our New York office. A former commodities trader, he has extensive experience representing plaintiffs in groundbreaking whistleblower, commodities, antitrust, securities, and corporate governance matters, including on appeal. His work in these areas, which often deals with fraud related to complex financial instruments, continues to set precedents both in terms of the law and size of settlements.

Among other recent activities, in 2021, Mr. Kovel obtained the then-largest publicly announced single whistleblower award arising under the Dodd-Frank and IRS whistleblower programs on behalf of a Deutsche Bank whistleblower. He has also successfully worked on appeals reversing lower court rulings that dismissed a large number of banks in a case alleging manipulation of LIBOR and separately obtained a reversal on appeal in a case alleging manipulation of metal commodities by JPMorgan.

Mr. Kovel is the head of the litigation section of the New York City Bar Association Committee on Futures and Derivatives Regulation and is a former member of the New York City Bar Association Antitrust Committee. Prior to joining KM, Mr. Kovel practiced at Simpson Thacher & Bartlett LLP. He speaks Spanish and at one time played professional soccer in Nicaragua.

Some of Mr. Kovel's public whistleblower work includes:

- Represented the person who received nearly \$200 million, the largest-ever individual whistleblower award arising under the Dodd-Frank whistleblower reward program and the then-largest arising under other whistleblower programs including the IRS and the federal and state false claims acts (CFTC WB Award No. 21-WB-07). The information the whistleblower provided catalyzed investigations by the Commodity Futures Trading Commission (CFTC), a U.S. federal regulator, and a foreign regulator into the manipulation of crucial financial benchmarks used by global banks as the basis for the pricing of fixed income securities and derivative products. The CFTC initially rejected the whistleblower's award application, but Mr. Kovel's advocacy resulted in a successful appeal for the client.
- Obtained an \$8.5 million award – the largest-ever settlement in a declined New York State False Claims Act case – for a whistleblower in *Anonymous, et ano. v. Moody's Corp.*, a groundbreaking case against Moody's and others under the New York State False Claims Act. The litigation brought to light a multi-year, multi-million-dollar tax fraud scheme executed by Moody's and its consultants wherein the company repeatedly underpaid city and state taxes by maintaining a sham insurance corporation as a subsidiary. Mr. Kovel was successful both before the trial court as well as on appeal before the New York City First Department.
- Representation of a whistleblower who alleges that waste-to-energy plant operator Covanta violated environmental regulations by creating hazardous ash as a by-product of the burning of garbage from multiple Long Island towns in *State of New York v. Covanta Hempstead Co.* The case has been brought on behalf of New York State, certain local governments on Long Island, and the Long Island Power Authority (LIPA). Over the course of a decade, these local governments paid \$890 million to Covanta to take their communities' garbage in an environmentally safe way. As alleged, Covanta did not, in fact, abide by the necessary protocols to keep the ash that was dumped in the Brookhaven landfill from being hazardous.

Some of Mr. Kovel's confidential ongoing and resolved whistleblower work includes:

- Commodities
- Securities
- Procurement fraud
- Medical Device/Pharmaceutical fraud

Some of Mr. Kovel's appellate work includes:

- Achieved reversal by the Second Circuit under antitrust pleading standards in *Wacker v. JPMorgan Chase & Co.* on behalf of traders of silver futures, alleged victims of market manipulation. The case preceded a related Department of Justice criminal investigation into JPMorgan that resulted in an over-\$920 million criminal penalty, the then-largest amount of monetary relief ever imposed by the CFTC.
- Mr. Kovel was involved in various appeals before the Second Circuit on pleading standards, jurisdiction, class certification, and other matters stemming from the high-profile *In re LIBOR-*

Based Financial Instruments Antitrust Litigation, including *Gelboim v. Credit Suisse Group AG*, alleging the fixing of prices of the LIBOR benchmark interest rate.

- Obtained an \$8.5 million award – the largest-ever settlement in a declined New York State False Claims Act case – for a whistleblower in *Anonymous, et ano. v. Moody's Corp.*, a groundbreaking case against Moody's and others under the New York State False Claims Act. The litigation brought to light a multi-year, multi-million-dollar tax fraud scheme executed by Moody's and its consultants wherein the company repeatedly underpaid city and state taxes by maintaining a sham insurance corporation as a subsidiary. Mr. Kovel was successful both before the trial court as well as on appeal before the New York City First Department.
- Argued an appeal before the Second Circuit on behalf of natural gas futures traders in *Anastasio v. Total Gas & Power North America* alleging market manipulation.

Some of Mr. Kovel's commodities work includes:

- Court-appointed co-liaison counsel for all class actions in the multi-district litigation and co-lead counsel for exchange-based class in the high-profile *In re LIBOR-Based Financial Instruments Antitrust Litigation and FTC Capital GmbH v. Credit Suisse Group AG* alleging the fixing of prices of a benchmark interest rate. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a "futures-only" commodities class action litigation.
- Representation of exchange-based investors in *Shak v. JPMorgan Chase & Co.*, and related cases alleging monopolization and manipulation of the silver futures market in violation of federal antitrust and commodity exchange laws. The parties successfully reached a private settlement. Mr. Kovel and the firm obtained a favorable appeal decision at the Second Circuit Court of Appeals under antitrust laws. The case preceded a related Department of Justice criminal investigation into JPMorgan that resulted in an over-\$920 million criminal penalty, the then-largest amount of monetary relief ever imposed by the CFTC.
- Lead counsel on behalf of the New Mexico Attorney General's Office and the New Mexico State Investment Council in *In re Credit Default Swaps Auctions Litigation*, alleging that leading credit default swap (CDS) dealers took part in a more than decade-long, multibillion-dollar scheme to manipulate the benchmark prices used to value credit default swap contracts at settlement.
- Selected by the court as co-lead counsel in *In re JPMorgan Treasury Futures Spoofing Litigation*, alleging that defendants manipulated U.S. Treasury futures for more than a decade and that this conduct contributed to the bank's recent \$920 million settlement with the DOJ, CFTC, and SEC. The case resulted in a settlement of \$15.7 million.
- Representation of a certified class of exchange-based investors in *Dennis v. The Andersons, Inc.* alleging monopolization and manipulation of Chicago Board of Trade soft red winter wheat futures contracts in violation of federal antitrust and commodity exchange laws. The case has reached preliminary settlements totaling \$10 million.

- Counsel to a putative class of investors in *In re Deutsche Bank Spoofing Litigation* alleging manipulation through “spoofing” of U.S. Treasury futures traded on the Chicago Board of Trade and Eurodollar futures traded on the Chicago Mercantile Exchange.
- Court-appointed Executive Committee member and class counsel in *In re Bank of Nova Scotia Spoofing Litigation* alleging that defendants manipulated precious metals futures traded on the New York Mercantile Exchange and the Commodity Exchange, Inc. The case resulted in a settlement of \$6.6 million.
- Court-appointed Executive Committee member and class counsel representing cattle producers and cattle futures traders in *In re Cattle and Beef Antitrust Litigation*. The suit alleges that the “Big 4” meatpacking firms conspired to suppress prices for fed cattle and manipulated live cattle futures traded on the Chicago Mercantile Exchange. The case has already resulted in an \$83.5 million settlement with one of the defendants.
- Co-lead counsel in *In re Reformulated Gasoline (RFG) Antitrust and Patent Litigation and Related Actions*, an antitrust class action pertaining to Unocal’s alleged manipulation of the standard-setting process for low-emissions reformulated gasoline in California, which plaintiffs claim caused inflated retail prices. The case resulted in a \$48 million settlement for indirect purchasers.
- Co-lead counsel for a class of propane purchasers in *In re BP Propane Indirect Purchaser Antitrust Litigation* alleging that defendants monopolized, artificially inflated, and/or otherwise improperly manipulated the price of TET propane in the United States, in violation of state and federal antitrust laws. The case resulted in a \$15 million settlement.
- Acted as part of a leadership group which secured a \$13 million settlement for a class of potash purchasers in *In re Potash Antitrust Litigation*, a case alleging certain suppliers of potash, an ingredient in agricultural fertilizers, fixed prices in violation of Section 1 of the Sherman Act.
- Representation of the defendant in *CFTC v. Shak*, a case brought by the CFTC under the Commodity Exchange Act’s newest provisions for violations of an administrative order in the gold futures market.
- Counsel for a plaintiff on behalf of gold purchasers in *In re Commodity Exchange, Inc., Gold Futures and Options Trading Litigation*, a market manipulation case. The case resulted in settlements of \$152 million.
- Acted as an expert for bankrupt debtor, a purchaser of metals, in *In re Exide Technologies* opining on the dynamics of plaintiffs’ side representation in antitrust and commodities market cases.

Some of Mr. Kovel’s other antitrust work includes:

- Co-lead counsel on behalf of the Wayne County Pension Fund in *In re Ductile Iron Pipe Fittings Antitrust Litigation* alleging the raising and fixing of prices in the market for ductile iron pipe fittings. The case resulted in a settlement of \$4.1 million.
- Lead counsel to various classes of indirect purchasers in connection with major antitrust proceedings against Microsoft. The litigations resulted in settlement totaling nearly a billion

dollars for consumers in the states of New York, Florida, Tennessee, West Virginia, and Minnesota (where the litigation proceeded to trial).

- Representation of the City of New York against GlaxoSmithKline in *The City of New York v. GlaxoSmithKline PLC and SmithKline Beecham Corporation* to recover overcharges incurred in connection with the City's purchases for Paxil. The case alleged violations of the federal and state antitrust laws and fraudulent and deceptive conduct before the U.S. Patent Trademark Office and the United States Food and Drug Administration. The case resulted in a recovery of over \$1 million for the City Medicaid Program.

Some of Mr. Kovel's corporate governance work includes:

- Lead counsel in *In re Pfizer Inc. Shareholder Derivative Litigation*, a shareholder derivative action. Mr. Kovel and the firm obtained a \$75 million award and groundbreaking changes to the Board of Director's oversight of regulatory matters.
- Representation of an ad hoc group of shareholders in *In re Intelsat S.A.*, the Intelsat bankruptcy proceedings, successfully obtaining warrants for the shareholders in a multi-party trial before the bankruptcy court in Virginia.

In addition to his work listed above, Mr. Kovel has an active pro bono practice. He currently serves as General Counsel to the World Jurist Association in a *pro bono* capacity, and has represented, among others: clients in need of housing referred through the office of *pro se* litigation in the Southern District of New York; whistleblowers in various governmental settings; clients in foreclosure matters; and a Latino soccer association in its efforts organize and obtain a fair proportion of field time from a municipality.

Mr. Kovel is admitted to the New York State Bar, the Connecticut State Bar, the U.S. District Courts for the Southern, Eastern, and Western Districts of New York, the U.S. Court of Appeals for the First Circuit, Second Circuit, and D.C. Circuit. He has been a member of the New York City Bar Association Committee on Futures and Derivatives Regulation and is a former member of the New York City Bar Association Antitrust Committee. He graduated from Yale University (B.A.), Columbia University School of Law (J.D.), and Columbia University Graduate School of Business (M.B.A.).



Thomas W. Elrod is a partner based in our New York office focusing on securities, commodities, and antitrust litigation. Mr. Elrod joined the firm in 2011.

Some of Mr. Elrod's securities experience includes:

- Representation of the Lead Plaintiff in *Local 295 IBT Employer Group Welfare Fund v. Compass Minerals Int'l, Inc.*, a putative class action alleging that Compass Minerals and three of its former officers misled investors about the progress and cost savings associated with its implementation of a new salt mining initiative. The matter resulted in a settlement of \$48 million.
- Lead counsel representing Wespeth, the General Board of Pension and Health Benefits of the United Methodist Church, in *Doyle v. Reata Pharmaceuticals, Inc.*, a securities class action alleging that Reata made false and/or misleading statements — including in connection with its secondary public stock offerings — concerning, inter alia, the FDA guidance regarding the design of the clinical trial (CARDINAL) for Reata's drug candidate, bardoxolone methyl. When the FDA revealed serious concerns it had previously raised to Reata, the share price declined materially. The case has resulted in a \$45 million settlement.
- Co-lead counsel in *Macovski v. Groupon Inc.*, a securities class action alleging that the company made materially false and misleading statements and failed to disclose to investors its financial health before ending its sale of physical goods and announcing the departure of two top executives. The case resulted in a \$13.5 million settlement that has received final approval.
- Lead counsel in *In re Citigroup Inc Securities Litigation*, a class action arising out of Citigroup's alleged misrepresentations regarding their exposure to losses associated with numerous collateralized debt obligations. This case settled for \$590 million.
- Class counsel in *Shah v. Zimmer Biomet Holdings*, a securities class action alleging that a medical device company did not disclose systemic quality issues at its manufacturing facility. The case resulted in a \$50 million settlement.
- Co-lead counsel in *Kokareva v. Bristow Group Inc.*, a securities class action alleging that an aviation services provider focused on the oil and gas sector made materially false and misleading statements about its internal controls relating to covenants in the company's secured financing agreements. The case resulted in a \$6.25 million settlement that has received final approval.
- Lead counsel in *In re Hi-Crush Partners L.P. Securities Litigation*, a securities class action alleging that fracking sand producer Hi-Crush Partners misled shareholders regarding a major customer relationship. This case resulted in a \$3.8 million settlement.
- Lead counsel in *Barfuss v. DGSE Companies, Inc.*, a securities class action alleging that a company that sold precious metals to wholesale and retail customers filed materially misleading financial statements. The case resulted in a \$1.7 million settlement.
- Co-lead counsel in *In re Resonant Inc. Securities Litigation*, a securities class action alleging that a mobile phone component company misled investors concerning its ability to meet the terms of a development agreement. The case resulted in a \$2.75 million settlement.

- Representation of municipal issuers, including governmental entities and hospital systems, in FINRA arbitrations alleging misrepresentations by underwriters in connection with Auction Rate Securities issuances.

Some of Mr. Elrod's antitrust and commodities experience includes:

- Selected by the Court as co-lead counsel in *In re JPMorgan Treasury Futures Spoofing Litigation*, alleging that defendants manipulated U.S. Treasury futures for more than a decade and that this conduct contributed to the bank's recent \$920 million settlement with the DOJ, CFTC, and SEC. The case has a putative settlement of \$15.7 million.
- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and manipulate LIBOR. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a "futures-only" commodities class action litigation.
- Special fiduciary representation for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* for a putative class of participants who traded futures and options in the FX market. The case has already resulted in partial settlements of more than \$2.3 billion.
- Court-appointed Executive Committee member and class counsel in *In re Cattle and Beef Antitrust Litigation*, representing cattle producers and cattle futures traders. The suit alleges that the "Big 4" meatpacking firms conspired to suppress prices for fed cattle and manipulated live cattle futures traded on the Chicago Mercantile Exchange. The case has already resulted in an \$83.5 million settlement with one of the defendants.
- Lead counsel on behalf of a proposed class of Brent crude oil futures traders alleging benchmark manipulation in *In re North Sea Brent Crude Oil Futures Litigation*.
- Representation of exchange-based investors in *Shak v. JPMorgan Chase & Co.*, alleging monopolization and manipulation of the silver futures market in violation of federal antitrust and commodity exchange laws. The parties successfully reached a private settlement. The case preceded a related Department of Justice criminal investigation into JPMorgan that remains ongoing.

Some of Mr. Elrod's other relevant experience includes:

- Representation of a whistleblower who received the largest-ever individual award (nearly \$200 million) arising under the Dodd-Frank whistleblower reward program after he provided information regarding the manipulation of crucial financial benchmarks used by global banks as the basis for the pricing of fixed income securities and derivative products.
- Representation of a nationwide class of residential mortgage loan borrowers in *Rothstein v. GMAC Mortgage LLC*, a class action alleging violations of the Racketeer Influence and Corrupt Organizations Act. This litigation resulted in a \$13 million settlement against GMAC Mortgage.

- Representation of SEC, CFTC, and FCA whistleblowers who claim that their companies have violated federal law or defrauded the United States Government.

Mr. Elrod is admitted to the New York State Bar, New Jersey State Bar, U.S. District Courts for the Southern and Eastern Districts of New York, U.S. District Court for the District of New Jersey, and U.S. Courts of Appeals for the 2nd, 3rd, 7th, 8th, and 9th Circuits. He graduated from the University of Chicago (B.A. 2005) and Boston University School of Law (J.D. 2009).



David A. Bishop is a partner practicing out of our New York office, where he coordinates domestic client and government relations. David Bishop has been a Kirby McInerney partner since 2008. He coordinates domestic client relations for the firm, working with individuals and institutions on securities, corporate governance, and antitrust matters. Mr. Bishop works with institutions on establishing fraud monitoring programs. He has initiated successful litigation on behalf of a credit union damaged by purchasing built-to-fail credit default options, securities investors harmed by a pharmaceutical company's misrepresentations regarding a drug's viability, and purchasers of financial instruments who were struggling in a manipulated market. He successfully argued an appeal that brought accountability to the board of a large international bank that had engaged in systematic illegal money laundering.

Prior to joining the firm, he was a legislator elected in Suffolk County, New York, where he wrote laws reducing pesticide use, addressing water pollution from storm water runoff, increasing childcare, and establishing a living wage.

Some of Mr. Bishop's relevant experience includes:

- Representation of exchange-based investors in *Shak v. JPMorgan Chase & Co.*, alleging monopolization and manipulation of the silver futures market in violation of federal antitrust and commodity exchange laws. The parties successfully reached a private settlement. The case preceded a related Department of Justice criminal investigation into JPMorgan that remains ongoing.
- Representation in a shareholder derivative lawsuit against officers and directors of HSBC Holdings and its subsidiaries, alleging that HSBC ran money laundering operations out of New York City. The litigation settled for \$72.5 million, the then-largest foreign derivatives settlement ever reached and one of the largest insurer-funded cash payments achieved in a U.S. derivatives lawsuit.
- Representation in a class action on behalf of homeowners in minority neighborhoods in Nassau County concerning the County's unfair assessment practices.
- Representation of the NY State Common Retirement Fund as lead plaintiff in *In re National City Corp. Securities, Derivative & ERISA Litigation*, a securities class action arising from

National City's alleged misrepresentations regarding exposure to subprime mortgage-related losses. During the class period, the company's stock fell from approximately \$37 to \$6. This case resulted in a settlement of \$168 million.

- Lead counsel for classes of consumers harmed by price fixing in the LCD flat panel and SRAM markets.
- Co-lead counsel for a class of investors in Goldman Sachs common stock in a securities class action, *Lapin v. Goldman Sachs Group, Inc.*, pertaining to Goldman's alleged instruction to their research analysts to favor procurement of investment banking deals over accuracy in their research. This litigation resulted in a recovery of \$29 million for the class.

Mr. Bishop is admitted to the New York State Bar and U.S. District Court for the Southern and Eastern Districts of New York. He graduated from American University (B.A. 1987) and Fordham University Law School (J.D. 1993).



Anthony F. Fata is a partner based in our Chicago office. For more than 20 years, Mr. Fata has represented clients in complex financial matters, including claims arising under the commodity, securities, antitrust, and whistleblower laws. Mr. Fata has regularly appeared before federal and state courts throughout the United States and in regulatory matters overseen by the Securities and Exchange Commission, Commodity Futures Trading Commission, Financial Industry Regulatory Authority, Chicago Mercantile Exchange, and other governmental and self-regulatory agencies. Mr. Fata has developed and litigated numerous proprietary cases and served in leadership positions.

Prior to joining KM, Mr. Fata practiced at McDermott, Will & Emery LLP, where he defended SEC enforcement matters, securities class actions, shareholder derivative suits, and consumer class actions. He then joined Cafferty Clobes Meriwether & Sprengel LLP to lead the firm's efforts in commodity manipulation matters.

In addition to his law practice, since 2016, Mr. Fata has been an adjunct professor at Seton Hall University School of Law. He teaches J.D., M.S.J., and LL.M candidates in a wide range of financial services courses, including Securities Regulation, Regulating Broker Dealers, Regulating Funds and Advisors, Corporate Finance, Corporate Governance, Financial Crimes Compliance, Regulating Depository Institutions, Financial Privacy, and Corporate Law.

Mr. Fata is active in the Chicago Bar Association, where he serves on the Board of Managers, co-chairs the Securities Law Committee, and serves on the Editorial Board of the CBA Record. Mr. Fata is also a recurring panelist for the Practising Law Institute Internal Investigations Seminar conducted in Chicago each year.

Some of Mr. Fata's commodities experience includes:

- Representation of exchange-based investors in *Shak v. JPMorgan Chase & Co.*, alleging monopolization and manipulation of the silver futures market in violation of federal antitrust and commodity exchange laws. The parties successfully reached a private settlement. The case preceded a related Department of Justice criminal investigation into JPMorgan that remains ongoing.
- *In re Cattle and Beef Antitrust Litigation*, No. 22-md-03031 (D. Minn.). Mr. Fata led efforts to develop this proprietary case on behalf of cattle producers and cattle futures traders. Mr. Fata continues to serve in a leadership capacity on behalf of live cattle futures traders. The suit alleges that the “Big 4” meatpacking firms conspired to suppress prices for fed cattle and manipulated live cattle futures traded on the Chicago Mercantile Exchange. The case has already resulted in an \$83.5 million settlement with one of the defendants.
- *Dennis v. The Andersons, Inc.*, No. 20-cv-04090 (N.D. of Ill.): Co-lead counsel of a certified class of exchange-based investors alleging monopolization and manipulation of Chicago Board of Trade soft red winter wheat futures contracts in violation of federal antitrust and commodity exchange laws. Mr. Fata has led all phases of this litigation. The case has reached preliminary settlements totaling \$10 million.
- *Dufoe v. DraftKings Inc.*, No. 23-cv-10524 (D. Mass.). Counsel to a class of investors that purchased non-fungible tokens (NFTs) from DraftKings Inc., which operates as a daily fantasy sports contest and sports betting company. The case alleges that DraftKings sold unregistered securities and ensured that money stayed on DraftKings’ private and exclusively controlled marketplace, propping up the market for an overall valuation of DraftKings’ NFTs and significantly harming investors.
- *In re Deutsche Bank Spoofing Litigation*, No. 20-cv-03638 (N.D. of Ill.): Co-lead counsel on behalf of a putative class of investors alleging manipulation through “spoofing” of U.S. Treasury futures traded on the Chicago Board of Trade and Eurodollar futures traded on the Chicago Mercantile Exchange. Mr. Fata has led all phases of this litigation.
- *In re Bank of Nova Scotia Spoofing Litigation*, No. 20-cv-11059 (D.N.J.). As a court-appointed Executive Committee member, Mr. Fata has served in a leadership capacity in this suit alleging that defendants manipulated precious metals futures traded on the New York Mercantile Exchange and the Commodity Exchange, Inc. The case resulted in a settlement of \$6.6 million.
- *Hershey v. Pacific Investment Management Company LLC*, No. 05-cv-4681 (N.D. Ill.). Mr. Fata served as local counsel and assisted lead counsel's litigation efforts en route to securing a \$118 million settlement from PIMCO, which was accused of manipulating CBOT treasury note futures.

Some of Mr. Fata's consumer experience includes:

- *In re Apple Device Performance Litigation*, No. 18-md-02827 (N.D. Cal.). Mr. Fata was appointed as an Executive Committee member and co-chair of the damages and settlement committee. The case alleges that Apple throttled iPhones to obscure battery issues. The settlement in the case -- in excess of \$310 million -- was approved by the district court and is awaiting review by the Ninth Circuit.
- *In re Apple iPhone/iPod Warranty Litigation*, No. 10-cv-01610 (N.D. Cal.) Mr. Fata developed and filed the first complaint in this proprietary case alleging that Apple breached its warranty to iPhone customers by denying claims based on a pretext of water damage purportedly shown by “liquid contact indicators.” After similar complaints were filed, Mr. Fata worked cooperatively with other plaintiffs' firms and led efforts to secure a \$53 million global settlement for the class.
- *Apple Gift Card Litigation*, No. 20-cv-04812 (N.D. Cal.). Serving as co-lead counsel to a class of consumers who were victims of gift-card scams and from whom Apple allegedly withholds funds. Mr. Fata developed and filed the first complaint in this proprietary case. Drawing on his financial crimes expertise, Mr. Fata developed the factual theories underpinning the case, helped to organize counsel, and led and is currently co-leading efforts on behalf of the class.
- *May v. Google*, No. 24-cv-01314 (N.D. Cal.). Counsel in a consumer class action alleging that for nearly a decade Google has knowingly kept stolen money from victims of gift card scams who purchased Google Play gift cards.
- *Midway Moving Sales Practices Litigation*, No. 2003-CH-16091 (Cir. Ct. Cook Cty). Mr. Fata developed and filed this proprietary case alleging that a moving company used bait-and-switch estimating practices. He successfully obtained an order certifying the class, and defended it on appeal, *Ramirez v. Midway Moving and Storage, Inc.*, 378 Ill. App. 3d 51, 880 N.E. 2d 653 (Ill. App. 1st Dist. 2007). Following extensive litigation efforts, on the eve of trial, the matter was successfully resolved via a class-wide settlement that returned 100% of claimed damages to customers.
- *eWork Inc. Sales Practices Litigation*, No. 06-cv-00686 (D. Colo.). Mr. Fata developed and filed this proprietary case alleging that an internet job-consultant matchmaker utilized deceptive practices to lure independent consultants to pay for referral services for jobs that did not actually exist. After defeating defendants' motion to dismiss, *Ramirez v. eWork, Inc.*, No. 06-cv-00686, 2007 WL 2746634 (D. Colo. Sept. 18, 2007), and through additional hard-fought litigation, Mr. Fata successfully led settlement efforts that forced the company to turn 100% of its cash and liquid assets over to the aggrieved customers. The company ceased operations shortly thereafter.

Mr. Fata is also advising clients in confidential ongoing whistleblower matters:

- Securities
 - Pump-and-dump manipulation
 - evidence tampering during investigation

- asset management fees
- Commodities
 - market manipulation

Mr. Fata regularly authors articles concerning corporate finance, financial markets, and class actions, including:

- *Protecting (or Cracking) the Nest Egg: Why Titles and Contracts Matter When Selecting a Financial Professional*, CBA Record (February 2021) (co-authored with Delaney Slater)
- *Whistleblowers Among Us: The New Regulatory and Self-Policing Paradigm*, CBA Record (May 2018) (co-authored with David Kovel)
- *The Blockchain Bandwagon-Cryptocurrency on the Move: Marketplace Overview and Regulatory Developments*, CBA Record (January 2018) (co-authored with Brian O'Connell)
- *Corporate Cons in the 21st Century: Dealing with the Global Employee Fraud Epidemic*, PLI Internal Investigations Handbook (March 2017) (co-authored with Corey M. Martens)
- *Mitigating, Detecting, and Dealing with Employee Fraud - The Problem of the Inside Job*, CBA Record (January 2017) (co-authored with Corey M. Martens)
- *The Investigation is Internal, But Is This Document Privileged? An Overview of Privilege Issues in Internal Investigations*, PLI Internal Investigations Handbook (April 2016)
- *The Securities Exchange Commission's Whistleblower Program*, PLI Internal Investigations Handbook (March 2015)
- *The Commodity Futures Trading Commission's Whistleblower Program*, PLI Internal Investigations Handbook (March 2014)
- *Untangling the Seamless Web: Seven Critical Assumptions When Planning Investigations*, PLI Internal Investigations Handbook (2013)
- *Doomsday Delayed: How the Court's Party Neutral Clarification of Class Certification Standards in Walmart v. Dukes Actually Helps Plaintiffs*, 62 DePaul Law Review 675 (March 2013)

Mr. Fata is admitted to the Illinois State Bar, U.S. District Courts for the Northern District of Illinois, U.S. District Court for the Eastern District of Michigan, U.S. District Court for the District of Colorado, and U.S. Courts of Appeals for the Sixth, Seventh, and Ninth Circuits. He graduated from Miami University (B.A. 1995) and Ohio State University Moritz College of Law (J.D. 1999).



Sarah Flohr is a partner practicing out of our New York office where she focuses on antitrust, consumer fraud, and securities fraud litigation. Ms. Flohr also works with attorneys in our Chicago office representing clients in Illinois courts.

Ms. Flohr has extensive experience in all stages of litigation, including drafting motions and pleadings, discovery requests, arguing motions, conducting trials, negotiating settlements, and taking fact and expert depositions. Prior to joining KM, she worked as an associate in Chicago practicing in mass tort litigation. During this time, she played an integral role on numerous teams representing Fortune 500 companies throughout the country. Ms. Flohr drafted and won two motions to exclude experts, resulting in summary judgment being granted on all counts brought against her firm's client in a multi-million-dollar product liability and breach of contract case, which was upheld on appeal by the United States Circuit Court of Appeals for the Second Circuit.

Some of Ms. Flohr's work includes:

- Counsel in *May v. Google*, a consumer class action alleging that for nearly a decade Google has knowingly kept stolen money from victims of gift card scams who purchased Google Play gift cards.
- Co-lead counsel in *Macovski v. Groupon Inc.*, a securities class action alleging that the company made materially false and misleading statements and failed to disclose to investors its financial health before ending its sale of physical goods and announcing the departure of two top executives. The case resulted in a \$13.5 million settlement that has received final approval.
- Lead counsel representing Wespeth, the General Board of Pension and Health Benefits of the United Methodist Church, in *Doyle v. Reata Pharmaceuticals, Inc.*, a securities class action alleging that Reata made false and/or misleading statements — including in connection with its secondary public stock offerings — concerning, inter alia, the FDA guidance regarding the design of the clinical trial (CARDINAL) for Reata's drug candidate, bardoxolone methyl. When the FDA revealed serious concerns it had previously raised to Reata, the share price declined materially. The case has resulted in a \$45 million settlement.
- Co-lead counsel in *Apple Gift Card Litigation*, representing a class of consumers who were victims of gift-card scams and from whom Apple allegedly withholds funds.
- Counsel in *Maverick Neutral Levered Fund, Ltd. v. Valeant Pharmaceuticals International, Inc.*, alleging that Valeant materially misrepresented its business model, touting artificial and unsustainable growth that was enabled by the company's deceptive and illegal conduct.

Ms. Flohr is admitted to the New York State Bar, Illinois State Bar, Missouri State Bar, and the U.S. District Courts for the Eastern and Southern Districts of New York and the Northern District of Illinois.

She graduated from Indiana University (B.A. 2008) and University of Illinois Chicago School of Law (J.D. 2014).



Randall M. Fox is a partner in our New York office who represents whistleblowers in False Claims Act and IRS, SEC, and CFTC matters about tax, healthcare, procurement, and investment frauds. He was named the Whistleblower Lawyer of the Year for 2021 by The Anti-Fraud Coalition.

Before representing whistleblowers, Mr. Fox served as a government lawyer handling cases filed by whistleblowers alleging frauds committed against public monies. He was the founding Bureau Chief of New York Attorney General's Taxpayer Protection Bureau and, before that, was part of the Attorney General's Medicaid Fraud Control Unit. At the government, he played a key role in several ground-breaking False Claims Act cases, including leading the state's investigation and intervention into a tax whistleblower case against cell phone giant Sprint Corporation, which later settled for \$330 million, and he filed the States' first government-initiated New York False Claims Act case, which recovered more than \$61 million for the New York Medicaid program from pharmaceuticals giant Merck, which was alleged to have falsely marketed its drug Vioxx.

In private practice, Mr. Fox has successfully represented whistleblowers in cases about a wide range of industries. He represented the whistleblower in New York's largest income tax *qui tam* case, which resulted in a \$105 million settlement with a hedge fund billionaire claimed to have disguised the New York source of his income. The whistleblower award was \$22.05 million.

Before his government service, Mr. Fox was a litigation partner at the law firm of LeBoeuf, Lamb, Greene & MacRae, LLP, where his practice focused on defending corporate clients in class actions, commercial disputes, and securities and consumer fraud actions.

Some of Mr. Fox's experience includes:

- Represented the whistleblower in *New York ex rel. Tooley LLC v. Sandell*, a New York False Claims Act *qui tam* case against a hedge fund owner for evading New York taxes on about \$475 million in deferred compensation. The case resulted in a \$105 million settlement with a 21% whistleblower award.
- Represented the whistleblower in the healthcare kickbacks case of *New York State ex rel. WB Bros LLC v. Toobian*, where the government intervened in the case and is pursuing criminal kickback charges against radiology businesses and their owner.
- Represented the whistleblower in *United States ex rel. Doe v. FPR Specialty Pharmacy*, a federal False Claims Act *qui tam* case against compounding pharmacy and its owners alleging

kickbacks to doctors, independent sales representatives, and patients in the sale of pain creams. The case settled for all of the defendants' limited assets, with a 21% whistleblower award.

- Represented the whistleblower in *New York ex rel. Raw Data Analytics, LLC v. JPMorgan Chase*, a case that established the broad scope of obligations subject to whistleblower claims under the New York False Claims Act.
- Represented the whistleblower in *New York ex rel. Choe v. Spa Castle, Inc.*, a New York False Claims Act case resulting in a civil settlement with a 23% whistleblower award and the criminal conviction of defendants for tax evasions that had been previously unknown to the government.

Mr. Fox is admitted to the New York State Bar, U.S. District Courts for the Southern, Eastern, Western, and Northern Districts of New York, U.S. Courts of Appeals for the Second, Third, Eighth, and Ninth Circuits, and U.S. Tax Court. He graduated from Williams College (B.A. 1988) and New York University (J.D. 1991).



Robert J. Gralewski, Jr. is a partner based in San Diego and manages our California office. Mr. Gralewski has dedicated his entire 24-year legal career to obtaining economic justice for businesses and consumers victimized by price fixing, monopolistic practices, consumer fraud, privacy violations, and unfair employment practices. He has successfully prosecuted a wide variety of federal and state court class actions against multinational conglomerates and Fortune 500 companies in industries including technology, food, automotive, consumer services, and healthcare, including at trial.

Mr. Gralewski has significant experience deposing CEOs, presidents, and other senior executives in high-stakes litigation, including in foreign languages. For example, Mr. Gralewski has first-chaired apex depositions of Samsung, StarKist, and Foster Farms executives in the *In re Cathode Ray Tube (CRT) Antitrust Litigation*, the *In re Packaged Seafood Products Antitrust Litigation*, and the *In re Broiler Chicken Antitrust Litigation* matters, respectively.

In addition to his class cases, Mr. Gralewski maintains an active pro bono practice. Working with Casa Cornelia since 2018, he has succeeded in helping four separate refugees obtain asylum after direct examinations in contested administrative proceedings. In recognition of his dedication and accomplishments, Casa Cornelia awarded Mr. Gralewski its Pro Bono Publico Award in 2019. He also helped establish COSAL's (the Committee to Support the Antitrust Laws) Diversity, Equity, and Inclusion Committee, on which he previously served.

Mr. Gralewski was drafted by the Cincinnati Reds after his senior year in high school but elected to attend college instead.

Some of Mr. Gralewski's experience includes:

- Representation of a certified class of Division I college coaches whose wages were illegally fixed at \$0 in *Ray v. NCAA*. The case resulted in a settlement of \$303 million. The agreement compensates approximately 7,718 college coaches who worked hard and provided valuable services to their teams without any pay or benefits.
- Mr. Gralewski leads the KM team as one of the core firms in *In re Cathode Ray Tube (CRT) Antitrust Litigation*, an indirect purchaser antitrust case against some of the largest electronics manufacturers in the world. The case has resulted in settlements on behalf of end payers exceeding \$575 million, and the firm continues to pursue one remaining defendant with a trial set to commence in early 2024. The Special Master in the CRT litigation noted that, "Kirby played an integral role in this case and assumed significant risk....Kirby's work was at a very high level [and] Kirby's work greatly benefitted the Class."
- Representation of a class of purchasers in *In re Hard Disk Drive Suspension Assemblies Antitrust Litigation*, a case alleging that defendants fixed the prices of suspension assemblies (a critical component of hard disk drives) which artificially increased the prices of computers throughout the U.S. Through the course of his work on the case, Mr. Gralewski has taken several foreign-language depositions of high-level witnesses in Thailand.
- Serving as counsel on behalf of a certified class of restaurants and other commercial and institutional businesses in *In re Broiler Chicken Antitrust Litigation*, a case alleging that numerous poultry producers, such as Tyson and Perdue Farms, conspired to limit production and increase the price of broiler chickens, one of the most ubiquitous menu items.
- One of the core firms representing a certified class of everyday-consumers in *In re Packaged Seafood Products Antitrust Litigation*. This case alleges that StarKist, Bumble Bee, Chicken of the Sea, and their parent companies, conspired to fix the price of packaged tuna. StarKist, Bumble Bee and some of their executives have already pleaded guilty, and Bumble Bee's former president was convicted of price fixing by a jury. This case seeks damages for increased prices of this food staple.
- First-chaired numerous arbitration hearings on behalf of employees of a nationwide fast casual chain who were subject to a mandatory arbitration provision. Relying upon JAMS' Employment Arbitration Minimum Standards, he convinced many arbitrators to order broad e-discovery concerning the respondent's practices despite the relatively low-dollar value of the individual proceedings. Ultimately, Mr. Gralewski and KM obtained economic justice for thousands of minimum-wage employees.
- For over a decade, Mr. Gralewski represented classes of businesses and consumers in monopoly cases against Microsoft Corporation in several states and served as consulting and advisory counsel to Canadian lead counsel in a similar Canadian class action. He was an integral member of the trial teams in the Minnesota and Iowa Microsoft class actions which both settled for more than \$350 million after months of hard-fought jury trials. During both trials, Mr. Gralewski

was responsible for the evidence and argued evidentiary issues before the trial judges daily. Ultimately, he helped recover more than \$2 billion in the aggregate for businesses and consumers alleged to be overcharged as a result of Microsoft's monopolistic practices.

Mr. Gralewski is admitted to the California State Bar, all of the U.S. District Courts for the State of California, and U.S. District Court for the District of Colorado. He graduated from Princeton University (B.A. 1991) and California Western School of Law (J.D. *cum laude*, 1997).



Anthony E. Maneiro was an associate, and later a partner, practicing out of our Chicago office from 2016-2024. Mr. Maneiro concentrated on securities, commodities, and antitrust matters. From 2019 to 2020, Mr. Maneiro was named a Top-Rated Litigation “Rising Star” by Super Lawyers. Mr. Maneiro joined the firm in 2016.

Some of Mr. Maneiro’s antitrust and Commodities Exchange Act work includes:

- Co-lead counsel in *In re Credit Default Swaps Auctions Litigation*, a class action brought by the firm and the Office of the Attorney General for the State of New Mexico alleging antitrust violations and market manipulation in the credit default swaps market. The case is ongoing.
- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and manipulate LIBOR. This litigation has already resulted in partial settlements totaling approximately \$187 million, which collectively represent the largest historical class-wide recovery for a “futures only” settlement class.
- Special fiduciary representation for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* for a putative class of participants who traded futures and options in the FX market. The case has already resulted in partial settlements of more than \$2.3 billion.
- Counsel in the benchmark antitrust litigation *In re Commodity Exchange, Inc., Gold Futures and Options Trading Litigation*, on behalf of a putative class of gold derivative traders. The case has resulted in settlements of \$152 million.
- Selected by the Court as co-lead counsel in *In re JPMorgan Treasury Futures Spoofing Litigation*, alleging that defendants manipulated U.S. Treasury futures for more than a decade and that this conduct contributed to the bank’s recent \$920 million settlement with the DOJ, CFTC, and SEC. The case has a putative settlement of \$15.7 million.
- Representation of exchange-based investors in *Shak v. JPMorgan Chase & Co.*, alleging monopolization and manipulation of the silver futures market in violation of federal antitrust and commodity exchange laws. The parties successfully reached a private settlement. The case preceded a related Department of Justice criminal investigation into JPMorgan that remains ongoing.
- Court appointed Discovery Committee Co-Chair in *In re Effexor XR Antitrust Litigation* for a putative class of direct purchasers of brand name and generic equivalents of extended-release venlafaxine

hydrochloride capsules against drug manufacturers. Among the claims, Defendants are alleged to have delayed market entry of generic versions and entered into reverse payment settlements.

- Court appointed Executive committee member and class counsel in *In re Cattle Antitrust Litigation*, representing cattle producers and cattle futures traders. The suit alleges that the "Big 4" meatpacking firms conspired to suppress prices for fed cattle and manipulated live cattle futures traded on the Chicago Mercantile Exchange.
- Representation of a putative class of exchange-based investors in *Dennis v. The Andersons, Inc. et al.*, alleging monopolization and manipulation of Chicago Board of Trade soft red winter wheat futures contracts in violation of federal antitrust and commodity exchange laws.
- Counsel in *In re Deutsche Bank Spoofing Litigation* on behalf of a putative class of investors alleging manipulation through "spoofing" of U.S. Treasury futures traded on the Chicago Board of Trade and Eurodollar futures traded on the Chicago Mercantile Exchange.
- Court appointed to the Executive Committee and class counsel in *In re Bank of Nova Scotia Spoofing Litigation*, alleging that defendants manipulated precious metals futures traded on the New York Mercantile Exchange and the Commodity Exchange, Inc.
- Representation of exchange-based investors in *Anastasio v. Total Gas & Power North America, Inc.*, alleging price manipulation of physical natural gas as well as price manipulation of natural gas futures and other derivative natural gas contracts.

Some of Mr. Maneiro's other relevant experience includes:

- Representation in a shareholder derivative lawsuit against officers and directors of HSBC Holdings and its subsidiaries, alleging that HSBC ran money laundering operations out of New York City. The litigation settled for \$72.5 million, the then largest foreign derivatives settlement ever reached and one of the largest insurer-funded cash payments achieved in a U.S. derivatives lawsuit.
- Representation in an individual securities fraud action alleging that in marketing their auto-loan ABS securitizations to investors, TCF Bank and Gateway One materially misrepresented the key metric used by investors to evaluate and price the securitizations' certificates.
- Representation of a whistleblower in *State of New York v. Moody's Corp.*, alleging millions of dollars of tax fraud using a sham captive insurance company for over a decade regarding domestic and international transactions. The litigation settled for \$8.5 million.

Mr. Maneiro assists senior attorneys with drafting briefs and motions, legal memoranda, and research. In addition, Mr. Maneiro was selected for the Federal Bar Council American Inn of Court for the Inn and is a member of the Hispanic National Bar Association and the New York City Bar Association, where he serves on the Antitrust and Trade Regulation Committee. He is admitted to the Massachusetts, Illinois and New York State Bars, the U.S. District Court for the District of Massachusetts, the U.S. District Courts for the Eastern and Southern Districts of New York, and the U.S. District Court for the Northern District of Illinois. Mr. Maneiro graduated from Grove City College (B.A. 2010, *magna cum laude*), the London School of Economics and Political Science (M.Sc. 2011), and the Boston University School of Law (J.D. LL.M. 2016).



Karen M. Lerner is a partner in our New York office focused on antitrust and commodities litigation.

Over the course of her career, Ms. Lerner has successfully litigated complex class actions that have recovered billions of dollars on behalf of institutional and individual plaintiffs. She has played important roles in several landmark antitrust cases and remains one of the few women ever appointed as Interim Co-Lead Class Counsel in a Commodity Exchange Act case. In addition to her litigation work, she also advises individuals, corporations, and non-profits regarding business practices and corporate governance. In 2022, Ms. Lerner was named a Fellow of the American Bar Foundation, a global honorary society limited to one percent of lawyers licensed to practice in each jurisdiction.

Prior to joining KM, Ms. Lerner was of counsel at McDonough, Korn & Eichhorn, where she handled cases up to and including at trial.

Ms. Lerner is actively involved in promoting volunteerism in the legal community and through women's organizations and is an advocate for diversity and inclusion, and is a member of Women Antitrust Plaintiffs' Attorneys (WAPA), an organization for female attorneys who focus their legal practice on representing businesses injured by cartels or other anticompetitive activities. Finally, in addition to her legal practice and activities, Ms. Lerner has served as a member of the Board of Directors for several charitable organizations.

Some of Ms. Lerner's antitrust and commodities experience includes:

- Co-lead counsel in *In re Credit Default Swaps Auctions Litigation*, a class action brought by the firm and the Office of the Attorney General for the State of New Mexico alleging antitrust violations and market manipulation in the credit default swaps market. The case is ongoing.
- Court-appointed Executive Committee member and class counsel in *In re Digital Advertising Antitrust Litigation*, representing publishers alleging that Google monopolized and suppressed competition in online display advertising.
- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and manipulate LIBOR. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a "futures-only" commodities class action litigation.
- Special fiduciary representation for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* for a putative class of participants who traded futures and

options in the FX market. The case has already resulted in partial settlements of more than \$2.3 billion.

- Counsel in the benchmark antitrust *litigation In re Commodity Exchange, Inc., Gold Futures and Options Trading Litigation*, on behalf of a putative class of gold derivative traders. The case has resulted in settlements of \$152 million.
- Selected by the Court as co-lead counsel in *In re JPMorgan Treasury Futures Spoofing Litigation*, alleging that defendants manipulated U.S. Treasury futures for more than a decade and that this conduct contributed to the bank's recent \$920 million settlement with the DOJ, CFTC, and SEC. The case has a putative settlement of \$15.7 million.
- Court-appointed Executive Committee member and class counsel in *In re Cattle and Beef Antitrust Litigation*, representing cattle producers and cattle futures traders. The suit alleges that the "Big 4" meatpacking firms conspired to suppress prices for fed cattle and manipulated live cattle futures traded on the Chicago Mercantile Exchange. The case has already resulted in an \$83.5 million settlement with one of the defendants.
- Representation of exchange-based investors in *Shak v. JPMorgan Chase & Co.*, alleging monopolization and manipulation of the silver futures market in violation of federal antitrust and commodity exchange laws. The parties successfully reached a private settlement. The case preceded a related Department of Justice criminal investigation into JPMorgan that remains ongoing.
- Counsel in *In re Deutsche Bank Spoofing Litigation* on behalf of a putative class of investors alleging manipulation through "spoofing" of U.S. Treasury futures traded on the Chicago Board of Trade and Eurodollar futures traded on the Chicago Mercantile Exchange.
- Court appointed to the Executive Committee and class counsel in *In re Bank of Nova Scotia Spoofing Litigation*, alleging that defendants manipulated precious metals futures traded on the New York Mercantile Exchange and the Commodity Exchange, Inc. The case resulted in a settlement of \$6.6 million.
- Representation of a certified class of exchange-based investors in *Dennis v. The Andersons, Inc.*, alleging monopolization and manipulation of Chicago Board of Trade soft red winter wheat futures contracts in violation of federal antitrust and commodity exchange laws. The case has reached preliminary settlements totaling \$10 million.
- Court-appointed Discovery Committee Co-Chair in *In re Effexor XR Antitrust Litigation* for a putative class of direct purchasers of brand name and generic equivalents of extended-release venlafaxine hydrochloride capsules against drug manufacturers. Among the claims, Defendants are alleged to have delayed market entry of generic versions and entered into reverse payment settlements.
- Representation as sole lead counsel in *In re North Sea Brent Crude Oil Futures Litigation*.

Some of Ms. Lerner's other relevant experience includes:

- Representation of a whistleblower in *Anonymous, et ano. v. Moody's Corp.*, No. 103997/2012 (Sup. Ct. N.Y. Cty. and 1st Dep't), alleging millions of dollars of tax fraud using a sham captive insurance company for over a decade regarding domestic and international transactions. The litigation settled for \$8.5 million.
- *Maverick v. Valeant Pharmaceuticals International, Inc.*, alleging that Valeant materially misrepresented its business model, touting artificial and unsustainable growth that was enabled by the company's deceptive and illegal conduct.

Ms. Lerner is admitted to the New York State Bar, New Jersey State Bar, District of Columbia Bar, United States Supreme Court, U.S. Court of Appeals for the Second and Third Circuits, U.S. Court of Appeals for the District of Columbia, U.S. District Court for the Southern and Eastern Districts of New York, and U.S. District Court for the District of New Jersey. She graduated from University of Albany SUNY (B.A. 1988, *summa cum laude*, Phi Beta Kappa) and University of Pennsylvania School of Law (J.D. 1991).



Andrew M. McNeela is a partner in our New York office focusing on securities, antitrust, commodities, and structured finance litigation. Mr. McNeela joined the firm in 2008.

Prior to joining KM, Mr. McNeela served as an Assistant United States Attorney in the Civil Division of the United States Attorney's Office for the Southern District of New York. In this capacity, he represented the United States in a wide array of civil litigation. Mr. McNeela has argued more than twenty cases before the United States Court of Appeals for the Second Circuit.

Some of Mr. McNeela's experience includes:

- Representation of exchange-based investors in *Shak v. JPMorgan Chase & Co.*, alleging monopolization and manipulation of the silver futures market in violation of federal antitrust and commodity exchange laws. The parties successfully reached a private settlement. The case preceded a related Department of Justice criminal investigation into JPMorgan that remains ongoing.
- Lead counsel in a seven-day bench trial in the S.D.N.Y., representing mutual fund investors who alleged that their advisor, Calamos Advisors LLC, charged excessive fees (decision under submission). At the conclusion of trial, the judge praised counsel for "an extraordinarily well-tryed case."

- Representation of a Japanese bank that asserted fraud in connection with its purchase of synthetic CDOs from several prominent New York City-based financial institutions, which resulted in favorable confidential settlements.
- Representation of the New York City Pension Funds as lead plaintiff in a class action against Wachovia Corporation arising from Wachovia's alleged misrepresentations of their exposure to the subprime market. This case resulted in a settlement of \$75 million.
- Representation of the NY State Common Retirement Fund as lead plaintiff in *In re National City Corp. Securities, Derivative & ERISA Litigation*, a securities class action arising from National City's alleged misrepresentations regarding exposure to subprime mortgage-related losses. This case resulted in a settlement of \$168 million.
- Lead counsel in *Dandong v. Pinnacle Performance Limited*, a class action lawsuit against Morgan Stanley pertaining to \$154.7 million of notes issued by Pinnacle Performance Ltd. Plaintiffs allege that Morgan Stanley engineered the Pinnacle notes, which it marketed as a safe investment, to fail, investing money into collateralized debt obligations linked to risky companies, while actively shorting the same assets and betting against their clients. This case settled for \$20 million.
- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and manipulate LIBOR. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a "futures-only" commodities class action litigation.
- Lead counsel on behalf of a proposed class of Brent crude oil futures traders alleging benchmark manipulation in *In re North Sea Brent Crude Oil Futures Litigation*.
- Lead counsel in the securities class action *In re Herley Industries Inc. Securities Litigation* on behalf of investors. This litigation resulted in a recovery of \$10 million for the class.
- Co-lead counsel for a class of investors in Goldman Sachs common stock in a securities class action, *Lapin v. Goldman Sachs Group, Inc.*, pertaining to Goldman's alleged instruction to their research analysts to favor procurement of investment banking deals over accuracy in their research. This litigation resulted in a recovery of \$29 million for the class.

Mr. McNeela is admitted to the New York State Bar, U.S. District Courts for the Southern and Eastern Districts of New York, and U.S. Court of Appeals for the Second Circuit. He graduated from Washington University (B.A. 1995) and Hofstra University School of Law (J.D. *cum laude*, 1998), where he was a member of the Law Review.



Marko Radisavljevic is a partner practicing out of our California office. Mr. Radisavljevic joined the firm in 2016 and concentrates on class action, consumer fraud, and antitrust matters.

Some of Mr. Radisavljevic's recent work includes:

- Representation of a certified class of Division I college coaches whose wages were illegally fixed at \$0 in *Ray v. NCAA*. The case resulted in a settlement of \$303 million. The agreement compensates approximately 7,718 college coaches who worked hard and provided valuable services to their teams without any pay or benefits.
- First-chaired numerous arbitration hearings on behalf of employees of a nationwide fast casual chain who were subject to a mandatory arbitration provision. Relying upon JAMS Employment Arbitration Minimum Standards, Mr. Radisavljevic convinced many arbitrators to order broad e-discovery concerning the respondent's practices despite the relatively low-dollar value of the individual proceedings.
- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and manipulate LIBOR. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a "futures-only" commodities class action litigation.
- Special fiduciary representation for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* for a putative class of participants who traded futures and options in the FX market. The case has already resulted in partial settlements of more than \$2.3 billion.
- Co-lead counsel in *Apple Gift Card Litigation*, representing a class of consumers who were victims of gift card scams and from whom Apple allegedly withholds funds.
- Counsel in *May v. Google*, a consumer class action alleging that for nearly a decade Google has knowingly kept stolen money from victims of gift card scams who purchased Google Play gift cards.
- *In re Effexor XR Antitrust Litigation* for a putative class of direct purchasers of brand name and generic equivalents of extended-release venlafaxine hydrochloride capsules against drug manufacturers. Among the claims, defendants are alleged to have delayed market entry of generic versions and entered reverse payment settlements.

Mr. Radisavljevic has experience in all stages of litigation, including drafting pleadings and motions, discovery requests, working with experts, negotiating settlements, and both taking and defending fact and expert depositions. In addition to his class cases, Mr. Radisavljevic has worked with Casa Cornelia

since 2019. He has assisted in helping three separate refugees obtain asylum after direct examinations in contested administrative proceedings.

Mr. Radisavljevic is fluent in Serbian and many former Yugoslavian dialects.

Mr. Radisavljevic is admitted to the California State Bar. He graduated from the University of San Diego (B.A. Biology with minors in Chemistry and Philosophy, 2005) and the California Western School of Law (J.D. 2015).



Meghan Summers is a partner based in our New York office focusing on securities, structured finance, and antitrust litigation.

Ms. Summers began working at the firm in 2008 as a paralegal and law clerk before becoming an associate in 2012 and then a partner in 2017.

Some of Ms. Summers' securities and structured finance experience includes:

- Lead counsel representing Wespath, the General Board of Pension and Health Benefits of the United Methodist Church, in *Doyle v. Reata Pharmaceuticals, Inc.*, a securities class action alleging that Reata made false and/or misleading statements — including in connection with its secondary public stock offerings — concerning, inter alia, the FDA guidance regarding the design of the clinical trial (CARDINAL) for Reata's drug candidate, bardoxolone methyl. When the FDA revealed serious concerns it had previously raised to Reata, the share price declined materially. The case has resulted in a \$45 million settlement.
- Counsel in *Maverick Neutral Levered Fund, Ltd. v. Valeant Pharmaceuticals International, Inc.*, alleging that Valeant materially misrepresented its business model, touting artificial and unsustainable growth that was enabled by the company's deceptive and illegal conduct.
- Lead counsel in *Dandong v. Pinnacle Performance Limited*, a class action lawsuit against Morgan Stanley pertaining to \$154.7 million of notes issued by Pinnacle Performance Ltd. Plaintiffs alleged that Morgan Stanley engineered the Pinnacle notes, which it marketed as a safe investment, to fail, investing money into collateralized debt obligations linked to risky companies, while actively shorting the same assets and betting against their clients. This litigation resulted in a \$20 million settlement.
- Representation of foreign financial institutions in individual lawsuits against Morgan Stanley, Credit Agricole Corporate and Investment Bank, UBS, Deutsche Bank, Credit Suisse, Goldman Sachs, JPMorgan, and Barclays pertaining to a number of fraudulent structured investment vehicles and asset-backed collateralized debt obligations.

- Lead counsel in *In re MOL Global, Inc. Securities Litigation*, a class action lawsuit alleging that e-payment enabler MOL Global misled shareholders prior to its initial public offering. This litigation resulted in an \$8.5 million settlement.
- Lead counsel in *Rudman v. CHC Group, Ltd.*, a securities class action alleging that CHC Group had misled investors by failing to disclose that one of its two largest customers had stopped making payments on its contracts prior to the company's initial public offering. This litigation resulted in a \$3.85 million settlement.
- Representation in individual securities fraud actions against Merck and Schering-Plough related to the commercial viability of the companies' anti-cholesterol medication, Vytorin, and the subsequent drop in Merck's and Schering-Plough's share price.
- Representation in individual securities fraud actions against Merck related to the safety and commercial viability of its medication, Vioxx, and the subsequent drop in Merck's share price.
- Representation in an individual securities fraud action against BP plc related to the Deepwater Horizon explosion on April 20, 2010, and the subsequent drop in BP's share price.
- Representation in an individual securities fraud action alleging that, in marketing their auto-loan ABS securitizations to investors, TCF Bank and Gateway One materially misrepresented the key metric used by investors to evaluate and price the securitizations' certificates.
- Representation in a shareholder derivative lawsuit against officers and directors of HSBC Holdings and its subsidiaries, alleging that HSBC ran money laundering operations out of New York City. The litigation settled for \$72.5 million, the then-largest foreign derivatives settlement ever reached and one of the largest insurer-funded cash payments achieved in a U.S. derivatives lawsuit.

Some of Ms. Summers' antitrust experience includes:

- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and manipulate LIBOR. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a "futures-only" commodities class action litigation.
- Special fiduciary representation for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* for a putative class of participants who traded futures and options in the FX market. This litigation has already resulted in partial settlements of more than \$2.3 billion.
- Representation in individual lawsuits against Citibank, JPMorgan, Goldman Sachs, and Barclays, alleging that the banks colluded to prevent a patented method for structuring airline special facility revenue bonds from entering the airline municipal bond market in violation of New York's Donnelly Act.

- Consulting and advisory counsel to Canadian lead counsel in an antitrust case against Microsoft. This litigation resulted in a settlement of \$395 million.

As a law clerk, Ms. Summers worked on a variety of matters, including *In re Citigroup Inc. Securities Litigation*, *In re Wachovia Corp.*, *In re LIBOR-Based Financial Instruments Antitrust Litigation*, *In re AT&T Wireless Tracking Stock Securities Litigation*, *Dandong v. Pinnacle Performance Limited*, and private antitrust proceedings against Microsoft in the United States and Canada.

Ms. Summers is admitted to the New York State Bar, U.S. District Court for the Southern and Eastern Districts of New York, U.S. District Court for the District of Colorado, U.S. Court of Appeals for the Second and Third Circuits. She graduated from Cornell University (B.S. *summa cum laude*, 2008), where she was ranked first in her major, Pace University School of Law (J.D. *summa cum laude*, 2012), where she was Salutatorian and Articles Editor for the Pace Law Review, and King's College, London (Postgraduate Diploma with Merit, EU Competition Law, 2019).



Karina Kosharskyy is Of Counsel to the firm. She is based in our New York office and focuses on securities and antitrust litigation. Ms. Kosharskyy joined the firm in 2005.

Ms. Kosharskyy is fluent in Russian.

Some of Ms. Kosharskyy's relevant work includes:

- Lead counsel for consumer classes in connection with antitrust proceedings against Microsoft in the United States and consulting and advisory counsel to Canadian lead counsel in Canada. These litigations have resulted in settlements totaling over \$1 billion for consumers in Canada, Florida, New York, Tennessee, West Virginia and Minnesota, where the litigation proceeded to trial.
- Special fiduciary representation for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* for a putative class of participants who traded futures and options in the FX market. The case has already resulted in partial settlements of more than \$2.3 billion.
- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and manipulate LIBOR. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a "futures-only" commodities class action litigation.

- Representation of indirect purchasers in *In re Cathode Ray Tube (CRT) Antitrust Litigation*, a price fixing antitrust case wherein it is alleged that defendant entities conspired to control prices of television and monitor components resulting in a settlement of \$576 million.

Ms. Kosharskyy is admitted to the New York and New Jersey State Bars, the U.S. District Courts for the Southern and Eastern Districts of New York, and the U.S. District Court for the District of New Jersey. Ms. Kosharskyy graduated from Boston University (B.A. 2000) and the New York Law School (J.D. 2007).



Sawa Nagano is Of Counsel to the firm. She focuses on the representation of clients in relation to price-fixing litigation under the Sherman Antitrust Act and other federal and state laws to recover overcharges caused by international price-fixing cartels. Ms. Nagano joined the firm in 2013.

Prior to joining KM, Ms. Nagano worked with the law firms of both Orrick, Herrington, and Sutcliffe LLP and Crowell & Moring LLP, where she assisted in the investigation of conspiracies to engage in price-fixing and anticompetitive practices by manufacturers and multinational conglomerates, and she represented cable operators on matters arising before the Federal Communications Commission as well as in their relations with local and state franchising authorities. She also worked for the New York bureau of a major Japanese television network. Additionally, she interned with the Office of Commissioner Furchtgott-Roth at the Federal Communications Commission and worked as a student counsel at the Art, Sports and Entertainment Law Clinic of the Dickinson School of Law of the Pennsylvania State University.

Some of Ms. Nagano's experience includes:

- Representation of a class of purchasers in *In re Hard Disk Drive Suspension Assemblies Antitrust Litigation*, a case alleging that defendants fixed the prices of suspension assemblies (a critical component of hard disk drives) which artificially increased the prices of computers throughout the U.S.
- Representation of an end-user class of businesses and consumers in connection with *In re Cathode Ray Tube (CRT) Antitrust Litigation*. In this case, the manufacturers of cathode ray tubes conspired to fix, raise, maintain and/or stabilize prices. Because of Defendants' alleged unlawful conduct, Plaintiffs and other Class Members paid artificially inflated prices for CRT Products and have suffered financial harm.
- Court-appointed Executive Committee member and class counsel in *In re Digital Advertising Antitrust Litigation*, representing publishers alleging that Google monopolized and suppressed competition in online display advertising.

- Representation of a whistleblower who alleges that waste-to-energy plant operator Covanta violated environmental regulations by creating hazardous ash as a by-product of the burning of garbage from multiple Long Island towns in *State of New York v. Covanta Hempstead Co.* The case has been brought on behalf of New York State, certain local governments on Long Island, and the Long Island Power Authority (LIPA). Over the course of a decade, these local governments paid \$890 million to Covanta to take their communities' garbage in an environmentally safe way. As alleged, Covanta did not, in fact, abide by the necessary protocols to keep the ash that was dumped in the Brookhaven landfill from being hazardous.
- Obtained an \$8.5 million award – the largest-ever settlement in a declined New York State False Claims Act case – for a whistleblower in *Anonymous, et ano. v. Moody's Corp.*, a groundbreaking case against Moody's and others under the New York State False Claims Act. The litigation brought to light a multi-year, multi-million-dollar tax fraud scheme executed by Moody's and its consultants wherein the company repeatedly underpaid city and state taxes by maintaining a sham insurance corporation as a subsidiary. The KM team was successful both before the trial court as well as on appeal before the New York City First Department.
- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and manipulate LIBOR. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a “futures-only” commodities class action litigation.
- Special fiduciary representation for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* for a putative class of participants who traded futures and options in the FX market. The case has already resulted in partial settlements of more than \$2.3 billion.

Ms. Nagano graduated from Sophia University, Tokyo, Japan (B.A. 1989), New York University (M.A. 1992), and The Dickinson School of Law of the Pennsylvania State University (J.D. 2000).



Ira M. Press is Of Counsel to our New York office. Mr. Press's practice focuses on securities and consumer litigation. He joined the firm in 1993, and currently leads the firm's institutional investor monitoring program. In this capacity, he has provided advisory services to numerous government pension funds and other institutional investors. He has authored articles on securities law topics and has lectured to audiences of attorneys, experts and institutional investor fiduciaries.

Mr. Press's advocacy has resulted in several landmark appellate decisions, including *Rothman v. Gregor*, the first ever appellate reversal of a lower court's dismissal of a securities class action suit pursuant to the 1995 Private Securities Litigation Reform Act.

Prior to joining KM, Mr. Press practiced at Warshaw Burstein Cohen Schlesinger & Kuh, LLP, where he focused on commercial litigation.

Some of Mr. Press's relevant experience includes:

- Lead counsel representing Wespeth, the General Board of Pension and Health Benefits of the United Methodist Church, in *Doyle v. Reata Pharmaceuticals, Inc.*, a securities class action alleging that Reata made false and/or misleading statements — including in connection with its secondary public stock offerings — concerning, inter alia, the FDA guidance regarding the design of the clinical trial (CARDINAL) for Reata's drug candidate, bardoxolone methyl. When the FDA revealed serious concerns it had previously raised to Reata, the share price declined materially. The case has resulted in a \$45 million settlement.
- Co-lead counsel in *Kokareva v. Bristow Group Inc.*, a securities class action alleging that an aviation services provider focused on the oil and gas sector made materially false and misleading statements about its internal controls relating to covenants in the company's secured financing agreements. The case resulted in a \$6.25 million settlement that has received final approval.
- Counsel in *Maverick Neutral Levered Fund, Ltd. v. Valeant Pharmaceuticals International, Inc.*, alleging that Valeant materially misrepresented its business model, touting artificial and unsustainable growth that was enabled by the company's deceptive and illegal conduct.
- Representation of the NY State Common Retirement Fund as lead plaintiff in *In re National City Corp. Securities, Derivative & ERISA Litigation*, a securities class action arising from National City's alleged misrepresentations regarding exposure to subprime mortgage-related losses. During the class period, the company's stock fell from approximately \$37 to \$6. This case resulted in a settlement of \$168 million.
- Representation of the New York City Pension Funds as lead plaintiff in a class action against Wachovia Corporation arising from Wachovia's alleged misrepresentations of their exposure to the subprime market. This case resulted in a settlement of \$75 million.
- Lead counsel in *In re Citigroup Inc Securities Litigation*, a class action arising out of Citigroup's alleged misrepresentations regarding their exposure to losses associated with numerous collateralized debt obligations. This case settled for \$590 million.

Mr. Press is admitted to the New York State Bar, U.S. District Courts for the Eastern, Northern and Southern Districts of New York, U.S. District Court for the District of Colorado, and the U.S. Courts of Appeals for the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Circuits. He graduated from Yeshiva University (B.A. *magna cum laude*, 1986) and New York University Law School (J.D. 1989).



Henry Telias is Of Counsel to the firm and practices out of our New York office, specializing in accountants' liability and securities litigation. Mr. Telias joined the firm in 1997.

In addition to his legal work, Mr. Telias is also the firm's chief forensic accountant. He holds the CFF credential (Certified in Financial Forensics) and the PFS credential (Personal Financial Specialist) from the American Institute of Certified Public Accountants. He received his CPA license from New York State in 1982. Prior to practicing as an attorney, he practiced exclusively as a certified public accountant from 1982 to 1989, including 3 years in the audit and tax departments of Deloitte Haskins & Sells' New York office.

Some of Mr. Telias' relevant experience includes:

- Lead counsel in *In re Citigroup Inc. Securities Litigation*, a class action arising out of Citigroup's alleged misrepresentations regarding their exposure to losses associated with numerous collateralized debt obligations. This case recently settled for \$590 million.
- Representation of the NY State Common Retirement Fund as lead plaintiff in *In re National City Corp. Securities, Derivative & ERISA Litigation*, a securities class action arising from National City's alleged misrepresentations regarding exposure to subprime mortgage-related losses. This case resulted in a settlement of \$168 million.
- Representation of the New York City Pension Funds as lead plaintiff in a class action against Wachovia Corporation arising from Wachovia's alleged misrepresentations of their exposure to the subprime market. This case resulted in a settlement of \$75 million.
- Lead counsel for a certified class of purchasers of PRIDES securities in connection with the Cendant Corporation accounting fraud in *In re Cendant Corp. PRIDES Litigation*. This litigation resulted in an approximate \$350 million settlement for the certified class – an unprecedented 100 percent recovery.

Mr. Telias is admitted to the New York State Bar and the U.S. District Court for the Southern District of New York. He graduated from Brooklyn College (B.S. *cum laude*, 1980) and Hofstra University School of Law (J.D. 1989).



Cormac Broeg is an associate practicing out of our Chicago office. Prior to joining KM, Mr. Broeg clerked for the Honorable Kenneth F. Ripple of the U.S. Court of Appeals for the Seventh Circuit and the Honorable Margaret J. Schneider of the U.S. District Court for the Northern District of Illinois. Before his clerkships, Mr. Broeg was an associate at a large international law firm in New York.

Mr. Broeg is admitted to the New York State Bar and the Illinois State Bar. He received his J.D. from the University of Iowa College of Law in 2020, where he served as a Contributing Editor of the Iowa Law Review and as an Associate Editor of the journal of Transnational Law & Contemporary Problems. Mr. Broeg joined the firm in 2024.



Faisal Haider was an associate practicing out of our New York office between 2022-2024.

Prior to joining KM, Mr. Haider served as a Pro Bono Law Clerk to the Honorable Zahid N. Quraishi of the U.S. District Court for the District of New Jersey. During law school, Mr. Haider worked as a Summer Honors Program legal intern at the U.S. Securities and Exchange Commission's Division of Investment Management and as a Research Assistant to Professor Morgan Ricks of Vanderbilt University Law School.

Mr. Haider received his J.D. from Vanderbilt University Law School in 2021, where he served as the Executive Development Editor of the Vanderbilt Journal of Transnational Law, and his M.S. Finance from Vanderbilt University's Owens Graduate School of Management in 2021. He additionally is an author of *Chancery Court Refuses to Dismiss Action to Enforce Post-Merger Covenant Due to Ambiguities in Merger Agreement*, 73 Vand. L. Rev. En Banc 27 (2020).



James Isacks is a law clerk practicing out of our New York office. His admission is pending before the New York State Bar. Upon admission to the bar, Mr. Isacks will be an associate.

Prior to joining KM, Mr. Isacks was a student attorney at the Washington University School of Law's First Amendment Clinic, where he researched and wrote portions of briefs filed in the Federal District Court and Eighth Circuit Court of Appeals. Additionally, he served as a Judicial Extern at the Equal Employment Opportunity Commission while in law school.

Some of Mr. Isacks' work includes:

- Court-appointed Executive Committee member and class counsel representing cattle producers and cattle futures traders in *In re Cattle and Beef Antitrust Litigation*. The suit alleges that the "Big 4" meatpacking firms conspired to suppress prices for fed cattle and manipulated live cattle futures traded on the Chicago Mercantile Exchange. The case has already resulted in an \$83.5 million settlement with one of the defendants.
- Court-appointed Executive Committee member and class counsel in *In re Digital Advertising Antitrust Litigation*, representing publishers alleging that Google monopolized and suppressed competition in online display advertising.
- Counsel in *In re Deutsche Bank Spoofing Litigation* on behalf of a putative class of investors alleging manipulation through "spoofing" of U.S. Treasury futures traded on the Chicago Board of Trade and Eurodollar futures traded on the Chicago Mercantile Exchange.
- Representation of a certified class of exchange-based investors in *Dennis v. The Andersons, Inc.*, alleging monopolization and manipulation of Chicago Board of Trade soft red winter wheat futures contracts in violation of federal antitrust and commodity exchange laws. The case has reached preliminary settlements totaling \$10 million.

Mr. Isacks graduated from Louisiana State University, (B.A. 2019) and Washington University in St. Louis School of Law (J.D. 2022). During law school, he served as the Executive Notes Editor of Washington University's Journal of Law and Policy and authored *Deepwater Horizon Ten Years Later: Regulations, Rollbacks, and Where We Go from Here*, 69 Wash. U. J. L. & Pol'y 1 (2022). Mr. Isacks joined the firm in 2022.



Rohan Kulkarni is an associate practicing out of our New York office. During law school, Mr. Kulkarni worked as a law clerk for Barrows Levy PLLC and Essex-Newark Legal Services. As a law clerk, he assisted clients in all aspects of commercial litigation, drafted pleadings filed in federal and state courts, and conducted legal research.

Some of Mr. Kulkarni's work includes:

- Lead counsel representing Wespeth, the General Board of Pension and Health Benefits of the United Methodist Church, in *Doyle v. Reata Pharmaceuticals, Inc.*, a securities class action alleging that Reata made false and/or misleading statements — including in connection with its secondary public stock offerings — concerning, inter alia, the FDA guidance regarding the design of the clinical trial (CARDINAL) for Reata's drug candidate, bardoxolone methyl. When the FDA revealed serious concerns it had previously raised to Reata, the share price declined materially. The case has resulted in a \$45 million settlement.
- Court-appointed Executive Committee member and class counsel in *In re Digital Advertising Antitrust Litigation*, representing publishers alleging that Google monopolized and suppressed competition in online display advertising.

Mr. Kulkarni is also working on confidential ongoing whistleblower matters:

- Securities/Cryptocurrencies
 - market manipulation
 - money laundering
 - insider trading

Mr. Kulkarni is admitted to the New York State Bar. He graduated from Rutgers University (B.S. 2018), the Maurice A. Deane School of Law at Hofstra University (J.D. 2022), and Frank G. Zarb School of Business at Hofstra University (M.B.A. 2022).



Lauren Molinaro is an associate practicing out of our New York office. Prior to joining KM, Ms. Molinaro was an associate at a major New York plaintiffs' firm, where her practice focused on securities fraud litigation.

Some of Ms. Molinaro's work includes:

- Lead counsel in securities class action *Liu v. StubHub Holdings Inc.*, No. 25 Civ. 09776 (S.D.N.Y.) alleging that the company made materially false and misleading statements in connection with the initial public offering. The litigation is ongoing.
- Representation of stockholder in *In re PureCycle Technologies, Inc. Derivative Litigation*, No. 21-1569-RGA (D. Del.) in a shareholder derivative action against PureCycle, a company which recycles polypropylene plastic waste, alleging violation of Section 20(a) of the Exchange Act, breach of fiduciary duty, unjust enrichment, and aiding and abetting. The Company ultimately agreed to pay \$3 million and to adopt internal controls and board composition reforms to settle the litigation.
- Representation of persons and entities that purchased or otherwise acquired Lordstown Motors Corp. securities in *Lim v. Hightower*. The lawsuit alleges that, throughout the Class Period, Lordstown represented publicly that it had been working collaboratively with Hon Hai Technology Group ("Foxconn") in the context of the companies' joint venture. However, Lordstown revealed in a court filing that, contrary to Lordstown's Class Period representations, the Company's vital partnership with Foxconn had long been in jeopardy and Foxconn's conduct toward Lordstown had been anything but collaborative.

Ms. Molinaro is admitted to the New York State Bar, the U.S. District Courts for the Southern and Eastern Districts of New York and the U.S. Court of Appeals for the 8th Circuit. She graduated from the University of Wisconsin-Madison (B.A. 2015) and from Fordham University School of Law (J.D. 2021) where she was a staff member of the International Law Journal and a recipient of the Archibald R. Murray Public Service Award. During law school, Ms. Molinaro was a student attorney for the Corporate Social Responsibility Clinic at Fordham University School of Law, where she researched and reported human trafficking in global food supply chains to an international NGO. Additionally, she served as a Judicial Intern for a judge in the New York State Supreme Court. Ms. Molinaro joined the firm in 2023.



Belden Nago is an associate based in our New York office. Mr. Nago joined the firm in 2011 and focuses on securities litigation.

Some of Mr. Nago's relevant experience includes:

- Lead counsel representing Wespath, the General Board of Pension and Health Benefits of the United Methodist Church, in *Doyle v. Reata Pharmaceuticals, Inc.*, a securities class action alleging that Reata made false and/or misleading statements — including in connection with its secondary public stock offerings — concerning, inter alia, the FDA guidance regarding the design of the clinical trial (CARDINAL) for Reata's drug candidate, bardoxolone methyl. When the FDA revealed serious concerns it had previously raised to Reata, the share price declined materially. This case has resulted in a \$45 million settlement.
- Co-lead counsel in *Apple Gift Card Litigation*, representing a class of consumers who were victims of gift-card scams and from whom Apple allegedly withholds funds.
- Counsel in *In re Deutsche Bank Spoofing Litigation* on behalf of a putative class of investors alleging manipulation through “spoofing” of U.S. Treasury futures traded on the Chicago Board of Trade and Eurodollar futures traded on the Chicago Mercantile Exchange.
- Representation of a certified class of exchange-based investors in *Dennis v. The Andersons, Inc.*, alleging monopolization and manipulation of Chicago Board of Trade soft red winter wheat futures contracts in violation of federal antitrust and commodity exchange laws. The case has reached preliminary settlements totaling \$10 million.
- Representation in a shareholder derivative lawsuit against officers and directors of HSBC Holdings and its subsidiaries, alleging that HSBC ran money laundering operations out of New York City. The litigation settled for \$72.5 million, the then largest foreign derivatives settlement ever reached and one of the largest insurer-funded cash payments achieved in a U.S. derivatives lawsuit.
- Representation of a family office as plaintiff in *The Stone Family Trust v. Credit Suisse AG*, an opt-out lawsuit from *Chahal v. Credit Suisse Grp. AG*. The cases arise from the collapse, on February 5, 2018, of XIV, an Exchange Traded note issued and underwritten by Credit Suisse designed to replicate the inverse of the daily performance of the S&P 500 VIX Short-Term Futures Index. Defendants had failed to disclose material risks to investing in XIV in its offering documents or public statements, and on February 5, 2018, XIV lost 96% of its value, or approximately \$1.56 billion.
- Co-lead counsel on behalf of a putative class of investors in *In re NatWest Treasury Futures Spoofing Litigation*, a trading markets manipulation case alleging manipulation through “spoofing” of U.S. Treasury futures. This matter is important in that it seeks to curb manipulative and abusive practices by dominant financial institutions and make Treasury futures markets more efficient.

- Court-appointed Executive Committee member and class counsel representing cattle producers and cattle futures traders in *In re Cattle and Beef Antitrust Litigation*. The suit alleges that the “Big 4” meatpacking firms conspired to suppress prices for fed cattle and manipulated live cattle futures traded on the Chicago Mercantile Exchange. The case has already resulted in an \$83.5 million settlement with one of the defendants.
- Co-lead counsel in *Macovski v. Groupon Inc.*, a securities class action alleging that the company made materially false and misleading statements and failed to disclose to investors its financial health before ending its sale of physical goods and announcing the departure of two top executives. The case resulted in a \$13.5 million settlement that has received final approval.
- Representation of an ad hoc group of shareholders in *In re Intelsat S.A.*, the Intelsat bankruptcy proceedings, successfully obtaining warrants for the shareholders in a multi-party trial before the bankruptcy court in Virginia.
- Lead counsel in *In re Citigroup Inc Securities Litigation*, a class action arising out of Citigroup’s alleged misrepresentations regarding their exposure to losses associated with numerous collateralized debt obligations. This case settled for \$590 million.
- Selected by the Court as co-lead counsel in *In re JPMorgan Treasury Futures Spoofing Litigation*, alleging that defendants manipulated U.S. Treasury futures for more than a decade and that this conduct contributed to the bank’s recent \$920 million settlement with the DOJ, CFTC, and SEC. The case has a putative settlement of \$15.7 million.
- Lead counsel on behalf of the New Mexico Attorney General’s Office and the New Mexico State Investment Council in *In re Credit Default Swaps Auctions Litigation* alleging that leading credit default swap (CDS) dealers took part in a more than decade-long, multibillion-dollar scheme to manipulate the benchmark prices used to value credit default swap contracts at settlement.
- Counsel for a plaintiff on behalf of gold purchasers in *In re Commodity Exchange, Inc., Gold Futures and Options Trading Litigation*, a market manipulation case. The case resulted in settlements of \$152 million.
- Special fiduciary representation for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* for a putative class of participants who traded futures and options in the FX market. The case has already resulted in partial settlements of more than \$2.3 billion.
- Representation of municipal issuers, including governmental entities and hospital systems, in FINRA arbitrations alleging misrepresentations by underwriters in connection with Auction Rate Securities issuances.
- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and

manipulate LIBOR. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a “futures-only” commodities class action litigation.

- Representation of a whistleblower in *Anonymous, et ano. v. Moody's Corp.*, No. 103997/2012 (Sup. Ct. N.Y. Cty. and First Dept.), alleging millions of dollars of tax fraud using a sham captive insurance company for over a decade regarding domestic and international transactions. The litigation was settled for \$8.5 million.
- Representation of the proposed class of investors in *Shah v. Zimmer Biomet Holdings*, a securities class action alleging that a medical device company did not disclose systemic quality issues at its manufacturing facility.

Prior to joining KM, Mr. Nago was an associate in the Structured Finance department at Orrick, Herrington & Sutcliffe LLP. He is admitted to the New York State Bar and the U.S. Patent and Trademark Office. Mr. Nago graduated from Northwestern University (B.S. 1997), the Massachusetts Institute of Technology (M.Eng., 1998), and Columbia Law School (J.D. 2003).



Emily Rice was an associate in our New York office from 2021-2023. She focused on antitrust, whistleblower, consumer fraud, and securities fraud litigation.

Ms. Rice’s antitrust and Commodities Exchange Act work includes:

- Co-lead counsel in *In re Credit Default Swaps Auctions Litigation*, a class action brought by the firm and the Office of the Attorney General for the State of New Mexico alleging antitrust violations and market manipulation in the credit default swaps market. The case is ongoing.

Ms. Rice received her J.D. from Baylor Law School in 2019, where she was the Student Coordinator of the Intellectual Property Law and Entrepreneurship Clinic. Most recently, Ms. Rice was a law clerk for the Honorable Douglas E. Arpert, U.S. Magistrate Judge for the District of New Jersey.

Ms. Rice is admitted to the Texas State bar and the New Jersey State bar, and her admission to the New York State bar is pending.



Lauren Wands is an associate practicing out of our New York office. Prior to joining KM, Ms. Wands was an associate at two large international law firms in New York, where she represented clients in federal securities fraud class action litigation, SEC and other regulatory inquiries, and internal investigations. She has co-authored several amicus briefs submitted to the U.S. Supreme Court, including amicus briefs in support of Congress in the consolidated cases *Trump v. Mazars USA, LLP* and *Trump v. Deutsche Bank AG*, and in support of the U.S. Department of Justice in *United States v. Texas*.

Some of Ms. Wands' recent work includes:

- Lead counsel in securities class action *Liu v. StubHub Holdings Inc.*, No. 25 Civ. 09776 (S.D.N.Y.) alleging that the company made materially false and misleading statements in connection with the initial public offering. The litigation is ongoing.
- Ongoing representation of the Lead Plaintiff in *Local 295 IBT Employer Group Welfare Fund v. Compass Minerals Int'l, Inc.*, a putative class action alleging that Compass Minerals and three of its former officers misled investors about the progress and cost savings associated with its implementation of a new salt mining initiative.
- Co-lead counsel of a class led by the New Mexico Office of the Attorney General, the New Mexico State Investment Council, the Public Employees Retirement Association of New Mexico, and the New Mexico Educational Retirement Board in *In re Credit Default Swaps Auctions Litigation* alleging that leading credit default swap (CDS) dealers took part in a more than decade-long, multibillion-dollar scheme to manipulate the benchmark prices used to value credit default swap contracts at settlement.

Ms. Wands is admitted to the New York State Bar, the District of Columbia Bar, the United States District Courts for the Southern and Eastern Districts of New York, and the United States Court of Appeals for the Eighth Circuit. She graduated from the University of Washington (B.A. 2012) and Georgetown University Law Center (J.D. 2018), where she served as the Symposium & Communications Editor for The Georgetown Law Journal. During law school, Ms. Wands served as a law clerk for Senator Dianne Feinstein on the U.S. Senate Committee on the Judiciary. She also held an externship in the Criminal Division of the U.S. Attorney's Office for the Central District of California. Ms. Wands joined the firm in 2023.



David Alper is a staff attorney practicing out of our New York office. Prior to joining KM in 2024, Mr. Alper was a staff attorney at Levi Korsinsky and Labaton Sucharow, where he focused on complex commercial and securities matters. Mr. Alper spent over twenty years on Wall Street as an interdealer fixed income bond broker with the firms Tullett Prebon ICAP, Garvin Guy Butler, and Euro Brokers LLC.

Mr. Alper is admitted to the New York State Bar. He graduated from Tulane University (B.A. 1980) and from the University of the District of Columbia David A. Clarke School of Law (J.D. 1984).



Ephraim Kaplan is a staff attorney practicing out of our New York office.

Prior to joining KM, Mr. Kaplan was an associate at a New York real estate law firm, where his practice focused on commercial real estate transactions. He also has experience working on restructuring and complex eDiscovery matters.

Mr. Kaplan is admitted to the New York State Bar. He graduated from Beth Medrash Govoha (B.T.S. 2017) and Fordham University School of Law (J.D. 2020), where he was a staff member of the Fordham Environmental Law Review. Additionally, he served as a Judicial Intern for The Honorable Leon Ruchelsman in the New York State Supreme Court.



Cynthia Markham is a staff attorney practicing out of our New York office. Prior to joining KM in 2023, Ms. Markham was a staff attorney at Labaton Sucharow and Bleichmar Fonti & Auld, LLP, where she focused on complex commercial and securities matters. Ms. Markham was a member of the teams that successfully prosecuted and resolved cases against Intuitive Surgical, Inc., Teva Pharmaceutical Industries Ltd., and Granite Construction, Inc. She was also involved in the *In re Facebook, Inc. Consumer Privacy User Profile* litigation.

Some of Ms. Markham's work includes:

- Court-appointed Executive Committee member and class counsel in *In re Digital Advertising Antitrust Litigation*, representing publishers alleging that Google monopolized and suppressed competition in online display advertising.

- Lead counsel representing Wespeth, the General Board of Pension and Health Benefits of the United Methodist Church, in *Doyle v. Reata Pharmaceuticals, Inc.*, a securities class action alleging that Reata made false and/or misleading statements — including in connection with its secondary public stock offerings — concerning, inter alia, the FDA guidance regarding the design of the clinical trial (CARDINAL) for Reata’s drug candidate, bardoxolone methyl. When the FDA revealed serious concerns it had previously raised to Reata, the share price declined materially. This case has resulted in a \$45 million settlement.

Ms. Markham is admitted to the New York State Bar. She graduated from John Jay College of Criminal Justice (B.A. 2008) and Rutgers Law School (J.D. 2012).

Client & Adversary Recognition

KM received the highest available commendations from the City of New York four years in a row for its work on the AWP Litigation. In each of those four years, KM's efforts on the City's behalf received the overall rating of "excellent". The City elaborated, "*Kirby did a truly excellent job and the results reflect that.*"

Plaintiff /client

***In re Pharmaceutical Industry Average Wholesale Price
Litigation***

"The case has been in front of the Supreme Court of the United States once, and in front of the Ninth Circuit no fewer than three times. Throughout, [KM] has . . . brought a considerable degree of success . . . and thwarted attempts by other counsel who sought to settle . . . and destroy a potential billion dollars of class rights."

Plaintiff/client

Epstein v. MCA, Inc.

"[KM] represented us diligently and successfully. Throughout [KM's] representation of our firm, [KM's] commitment and attention to client concerns were unimpeachable."

**European institutional defendant /
client involved in a multi-million dollar NASO
arbitration**

"Against long odds, [KM] was able to obtain a jury verdict against one of the larger, more prestigious New York law firms."

Plaintiff / client

Vladimir v. U.S. Banknote Corp.

"[KM] represented our investors with probity, skill, and diligence. There is too much money involved in these situations to leave selection of class counsel to strangers or even to other institutions whose interests may not coincide."

Plaintiff / institutional client

***In re Cendant Corp.
PRIDES Litigation***

Notables

The firm has repeatedly demonstrated its ability in the field of securities, antitrust, commodities, structured finance, whistleblower, health care, consumer, and other fraud litigation, and our success has been widely recognized. For example:

CFTC Whistleblower Program award of nearly \$200 million to whistleblower client in connection with recoveries from global banks that manipulated benchmark rates.

In re LIBOR-Based Financial Instruments Antitrust Litigation, No. 11-md-02262 (S.D.N.Y.). Court-appointed co-liaison counsel for all class actions in the multi-district litigation and co-lead counsel for exchange-based class in the high-profile *In re LIBOR-Based Financial Instruments Antitrust Litigation and FTC Capital GmbH v. Credit Suisse Group AG* alleging the fixing of prices of a benchmark interest rate. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a “futures-only” commodities class action litigation.

Ray v. NCAA, No. 23-cv-00425 (E.D. Cal.). Representation of a certified class of Division I college coaches whose wages were illegally fixed at \$0. The case has reached a settlement of \$303 million, which has received preliminary approval. If granted final approval, the agreement will compensate approximately 7,718 college coaches who worked hard and provided valuable services to their teams without any pay or benefits.

Local 295 IBT Employer Group Welfare Fund v. Compass Minerals Int'l, Inc., No. 22-cv-02432 (D. Kan.). Lead counsel alleging that Compass Minerals and three of its former officers misled investors about the progress and cost savings associated with its implementation of a new salt mining initiative. \$48 million settlement.

In re PureCycle Technologies, Inc. Derivative Litigation, No. 21-cv-1569 (D. Del). Stockholder’s counsel in shareholder derivative action against PureCycle, a company which recycles polypropylene plastic waste, alleging violation of Section 20(a) of the Exchange Act, breach of fiduciary duty, unjust enrichment, and aiding and abetting. \$3 million settlement and adoption of internal controls and board composition reforms.

In re JPMorgan Treasury Futures Spoofing Litigation, No. 20 Civ. 03515 (S.D.N.Y.). We were lead counsel in an antitrust case alleging that JPMorgan unlawfully and intentionally manipulated U.S. Treasury Futures or Options on U.S. Treasury Futures traded on United States-based exchanges, including but not limited to the Chicago Mercantile Exchange, including its subsidiary the Chicago Board of Trade, during the Class Period in violation of the Commodity Exchange Act, 7 U.S.C. §§ 1, et seq. (the “CEA”) and the common law. \$15.7 million settlement.

Doyle v. Reata Pharmaceuticals, Inc., No. 21 Civ. 00987 (E.D. Tex.). We are representing Wespeth, the General Board of Pension and Health Benefits of the United Methodist Church, in this securities class

action alleging that Reata Pharmaceuticals made false and/or misleading statements — including in connection with its secondary public stock offerings — concerning, inter alia, the FDA guidance regarding the design of the clinical trial (CARDINAL) for Reata’s drug candidate, bardoxolone methyl. When the FDA revealed serious concerns, it had previously raised to Reata, the share price declined materially. \$45 million settlement.

United States and State of New York ex rel. Martinho v. Gramercy Cardiac Diagnostic Services P.C., No. 18-cv-7400 (S.D.N.Y.). Representation of a whistleblower in a healthcare action under the federal and New York State False Claims Acts against Gramercy Cardiac Diagnostic Services P.C. and its owner. The complaint alleged that defendants violated the federal and New York State False Claims Acts by engaging in a wide-ranging kickback scheme to pay large numbers of doctors for referring patients to their radiology business. The case resulted in a settlement of \$6.5 million.

United States ex rel. Doe v. FPR Specialty Pharmacy, No. 16-cv-5204 (S.D.N.Y.). Representation of a whistleblower against FPR Specialty Pharmacy. The matter resulted in a settlement, 21% of which our client received as their whistleblower award.

Macovski v. Groupon Inc., No. 20-cv-2581 (N.D. Ill.). Co-lead counsel in this securities class action alleging that the company made materially false and misleading statements and failed to disclose to investors its financial health before ending its sale of physical goods and announcing the departure of two top executives. \$13.5 million settlement.

State of NY ex rel. Tooley, LLC v. Sandell, No. 101494/2018. Whistleblower client received award of 21% of \$105 million recovery.

Mason-Mahon v. Flint, Index No. 602052/2014 (Sup. Ct. Nassau Cty.). Representation in a shareholder derivative lawsuit against officers and directors of HSBC Holdings and its subsidiaries. \$72.5 million settlement.

In re Bristow Group Inc. Securities Litigation, No. 19-cv-00509 (S.D. Tex.). Co-lead counsel. \$6.25 million settlement.

Anonymous v. Anonymous, Index No. 103997/2012 (Sup. Ct., N.Y. Cty.). Representation of whistleblower. Client received award of 30% of \$8.5 million recovery.

Sullivan v. Barclays PLC, No. 13-cv-02811 (S.D.N.Y.). Class counsel. This case has already resulted in partial settlements of more than \$300 million.

In re Foreign Exchange Benchmark Rates Antitrust Litigation, No. 13-cv-07789 (S.D.N.Y.). Special fiduciary representation for the exchange-based class. This case has already resulted in partial settlements of over \$2.3 billion.

In re Cathode Ray Tube (CRT) Antitrust Litigation, MDL No. 1917 (N.D. Cal.). Representation of indirect purchasers. \$576 million settlement.

State of New York ex rel. Choe v. Spa Castle, Inc., No. 101243/2014 (N.Y. Sup. Ct.). Representation of whistleblower. Client received award of 23% of \$2.5 million recovery.

Esposito v. American Renal Assocs. Holdings, Inc., No. 16-cv-11797 (D. Mass.). Lead counsel. \$4 million settlement.

In re Resonant Inc. Securities Litigation, No. 15-cv-01970 (C.D. Cal.). Co-lead counsel. \$2.75 million settlement.

In re Molycorp, Inc. Securities Litigation, No. 13-cv-05697 (S.D.N.Y.). Lead counsel. \$1.25 million settlement.

In re AudioEye, Inc. Securities Litigation, No. 15-cv-00163 (D. Ariz.). Lead counsel. \$1.525 million settlement.

In re Bio-Rad Laboratories, Inc. Stockholder Litigation, C.A. No. 11387 (Del. Ch.). Co-lead counsel in a shareholder derivative action. The case settled with a parallel action in California state court. As a result of this settlement, Bio-Rad agreed to adopt industry leading, state-of-the-art corporate governance and compliance measures to provide for greater effectiveness of the Board of Directors in responding to potential violations of the Foreign Corrupt Practices Act (FCPA) and similar anti-corruption laws.

Rothstein v. GMAC Mortgage LLC, No. 12-cv-3412 (S.D.N.Y.). Lead counsel. \$13 million settlement against GMAC Mortgage LLC in *In re Residential Capital, LLC*, No. 12-12020 (Bankr. S.D.N.Y.).

U.S. ex rel. Dickhudt v. Winds Enterprises, No. 13-cv-01142 (W.D. Wa.). Representation of whistleblower. Client received award of 20% of \$1.5 million settlement.

In re MOL Global, Inc. Securities Litigation, No. 14-cv-09357 (S.D.N.Y.). Lead counsel. \$8.5 million settlement.

Globis Capital Partners, L.P., v. The Cash Store Financial Services Inc., No. 13-cv-3385 (S.D.N.Y.): Co-lead counsel. CAD \$13,779,167 cash settlement, representing roughly 50% of total class-wide stock losses.

Dandong v. Pinnacle Performance Ltd., No. 10-cv-08086 (S.D.N.Y.). Lead counsel. \$20 million settlement.

In re Hi-Crush Partners L.P. Securities Litigation, No. 12-cv-8557 (S.D.N.Y.). Lead counsel. \$3.8 million settlement while class certification was pending.

In re Citigroup Inc. Securities Litigation, No. 07-cv-9901 (S.D.N.Y.). Lead counsel. \$590 million settlement.

Barfuss v. DGSE Companies, Inc., No. 12-cv-3664 (N.D. Tex.). Lead Counsel. \$1.7 million settlement.

In re National City Corp. Securities, Derivative & ERISA Litigation, No. 08-cv-70004 (N.D. Ohio). Lead counsel. \$168 million settlement.

In re Wachovia Equity Securities Litigation, No. 08-cv-6171 (S.D.N.Y.). Lead counsel. \$75 million settlement.

In re Ductile Iron Pipe Fittings ("DIPF") Indirect Purchaser Antitrust Litigation, No. 12-cv-00169 (D.N.J.). Co-lead counsel in a case alleging the raising and fixing of prices in the market for ductile iron pipe fittings. The case resulted in a settlement of \$4.1 million.

Joel Packer v. Peabody Energy Corp., No. 17-4039-399 (Bankr. E.D. Mo.). Representation of noteholders. This litigation resulted in a settlement just one month after filing the complaint.

In re Crude Oil Commodity Futures Litigation, No. 11-cv-03600 (S.D.N.Y.). Class counsel on behalf of WTI crude oil futures purchasers in a market manipulation case. The case resulted in a settlement of \$16.5 million.

In re Prograf Antitrust Litigation, No. 11-md-02242 (D. Mass.). Representation of direct purchaser class. \$98 million settlement.

Schuetz, Attorney General of the State of Michigan ex rel. State of Michigan v. McKesson Corp., No. 11-629 (Mich. Cir. Ct., Ingham Cty.). Representation of the State of Michigan. McKesson paid approximately \$155 million to settle claims by Michigan and a number of other states.

U.S. ex rel. Karlin v. Noble Jewelry Co., No. 08-cv-07826 (S.D.N.Y.). Representation of the whistleblower in a case brought under the federal False Claims Act alleging that defendants, a Hong-Kong based jewelry manufacturer and its affiliates, engaged in a decade-long customs fraud scheme. Specifically, defendants submitted false customs declarations and invoices that under-reported the value of imported goods, artificially deflating required customs duties. Defendants maintained separate invoices reflecting the goods' correct value in their private records. The case resulted in the repayment to the government of \$3.85 million, of which our client was awarded 19%.

In re BP Propane Indirect Purchaser Antitrust Litigation, No. 06-cv-3541 (N.D. Ill.). Co-lead counsel. \$15 million settlement on behalf of propane purchasers.

In re J.P. Morgan Chase Cash Balance Litigation, No. 06-cv-732 (S.D.N.Y.). Co-lead counsel.

"Plaintiffs' counsel operated with a strong, genuine belief that they were litigating on behalf of a group of employees who had been injured and who needed representation and a voice, and, at great expense to [themselves], made Herculean efforts on behalf of the class over years. They're to be commended for their fight on behalf of people that they believed had been victimized."

In re Pfizer Inc. Shareholder Derivative Litigation, No. 09-cv-7822 (S.D.N.Y.). Pfizer agreed to pay a proposed settlement of \$75 million and to make groundbreaking changes to the Board's oversight of regulatory matters.

In re Pharmaceutical Industry Average Wholesale Price Litigation, MDL No. 1456; *City of New York v. Abbott Laboratories*, No. 01 Civ. 12257 (D. Mass). KM represented the State of Iowa, the City of New York, and forty-two New York State counties in a lawsuit against forty defendant drug manufacturers asserting that they manipulated their average wholesale price data to inflate prices charged to government drug benefits payers. Recovery of over \$225 million for the plaintiffs.

In re Reformulated Gasoline (RFG) Antitrust and Patent Litigation and Related Actions, No. 05-cv-01671 (C.D. Cal). Lead counsel. \$48 million settlement for indirect purchasers.

In re BISYS Securities Litigation, No. 04-cv-3840 (S.D.N.Y.). Co-lead counsel. \$66 million settlement.

"In this Court's experience, relatively few cases have involved as high level of risk, as extensive discovery, and, most importantly, as positive a final result for the class members as that obtained in this case."

Cox v. Microsoft Corp., Index No. 105193/00, Part 3 (N.Y. Sup. Ct.). Lead counsel. \$350 million settlement.

In re AT&T Corp. Securities Litigation, No. 00-cv-8754 (S.D.N.Y.). Lead counsel. \$150 million settlement.

Serino v. Lipper, No. 02/604396 (N.Y. Sup. Ct., N.Y. Cty.). *Serino v. Lipper*, No. 02/604396 (N.Y. Sup. Ct. N.Y. Cty.). Class counsel. \$29.9 million settlement.

In re Adelphia Communications, Inc. Securities Litigation, No. 04-cv-05759 (S.D.N.Y.). Co-lead counsel. \$478 million settlement.

"[T]hat the settlements were obtained from defendants represented by 'formidable opposing counsel from some of the best defense firms in the country' also evidences the high quality of lead counsels' work."

Lapin v. Goldman Sachs & Co., No. 04-cv-2236 (S.D.N.Y.). Co-lead counsel. \$29 million settlement.

Montoya v. Herley Industries, Inc., No. 06-cv-2596 (E.D. Pa). Lead counsel. \$10 million settlement.

Carnegie v. Household International Inc., No. 98-cv-2178 (N.D. Ill.). Co-lead counsel. \$39 million settlement.

"Since counsel took over the representation of this case . . . , they have pursued this case, conducting discovery, hiring experts, preparing for trial, filing motions where necessary, opposing many motions, and representing the class with intelligence and hard work. They have obtained an excellent result for the class."

Dutton v. Harris Stratex Networks Inc., No. 08-cv-00755 (D. Del). Lead counsel. \$8.9 million settlement.

In re Isologen Inc. Securities Litigation, No. 05-cv-4983 (E.D. Pa.). Lead counsel. \$4.4 million settlement.

In re Textron, Inc. Securities Litigation, No. 02-cv-0190 (D.R.I.). Co-lead counsel. \$7 million settlement.

Argent Convertible Classic Arbitrage Fund, L.P. v. Amazon.com, Inc., No. 01-cv-0640L (W.D. Wash.). Lead counsel. \$20 million settlement for class of convertible euro-denominated bond purchasers.

Muzinich & Co., Inc. v. Raytheon Co., No. 01-cv-0284 (D. Idaho). Co-lead counsel. \$39 million settlement.

Gordon v. Microsoft Corp., No. 00-cv-5994 (Minn. Dist. Ct., Henn. Cty.). Co-lead counsel. \$175 million settlement following two months of trial.

In re Visa Check/MasterMoney Antitrust Litigation, No. 96-cv-5238 (E.D.N.Y.). \$3 billion monetary settlement and injunctive relief.

In re Florida Microsoft Antitrust Litigation, No. 99-cv-27340 (Fl. Cir. Ct. 11th Cir., Miami/Dade Cty. 2003). Co-lead counsel. \$200 million settlement of antitrust claims.

In re Churchill Securities, Inc. (SIPA Proceeding), No. 99 B 5346A (Bankr. S.D.N.Y.). Lead counsel. Over \$9 million recovery for 500+ victims of pyramid scheme perpetrated by defunct brokerage firm.

In re Laidlaw Bondholder Securities Litigation, No. 00-cv-2518-17 (D.S.C.). Lead counsel. \$42.8 million settlement.

Cromer Finance v. Berger (In re Manhattan Fund Securities Litigation), No. 00-cv-2284 (S.D.N.Y.). Co-lead counsel. \$65 million settlement in total.

In re Boeing Securities Litigation, No. 97-cv-715 (W.D. Wash.). \$92.5 million settlement.

In re MCI Non-Subscriber Telephone Rates Litigation, MDL No. 1275 (S.D. Ill.). Chairman of steering committee. \$88 million settlement.

In re General Instrument Corp. Securities Litigation, No. 01-cv-1351 (E.D. Pa.). Co-lead counsel. \$48 million settlement.

In re Bergen Brunswig/Bergen Capital Trust Securities Litigation, No. 99-cv-1305 and No. 99-cv-1462 (C.D. Cal.). Co-lead counsel. \$42 million settlement.

Steiner v. Aurora Foods, No. 00-cv-602 (N.D. Cal.). Co-lead counsel. \$36 million settlement.

Gerber v. Computer Associates International, Inc., No. 91-cv-3610 (E.D.N.Y.). Multi-million dollar jury verdict in securities class action.

Rothman v. Gregor, 220 F.3d 81 (2d Cir. 2000). Principal counsel of record in appeal that resulted in first ever appellate reversal of the dismissal of a securities fraud class action under the Securities Reform Act of 1995.

Bartold v. Glendale Federal Bank, 81 Cal.App.4th 816 (2000). Ruling on behalf of hundreds of thousands of California homeowners establishing banks' duties regarding title reconveyance.

In re Cendant Corp. PRIDES Litigation, 51 F. Supp. 2d 537, 542 (D. N.J. 1999). Lead counsel. \$340 million settlement.

"[R]esolution of this matter was greatly accelerated by the creative dynamism of counsel."

* * *

"We have seen the gifted execution of responsibilities by a lead counsel."

In re Waste Management, Inc. Securities Litigation, No. 97C 7709 (N.D. Ill.). Co-lead counsel. \$220 million settlement.

"...[Y]ou have acted the way lawyers at their best ought to act. And I have had a lot of cases... in 15 years now as a judge and I cannot recall a significant case where I felt people were better represented than they are here... I would say this has been the best representation that I have seen."

In re Bennett Funding Group, Inc. Securities Litigation, No. 96-cv-2583 (S.D.N.Y.). Co-lead counsel. \$140 million settlement (\$125 million recovered from Generali U.S. Branch, insurer of Ponzi scheme instruments issued by Bennett Funding Group; \$14 million settlement with Mahoney Cohen, Bennett's auditor).

In re MedPartners Securities Litigation, No. 98-cv-06364 (D. Ala.). Co-lead counsel. \$56 million settlement.

In re MTC Electronic Technologies Shareholder Litigation, No. 93-cv-0876 (E.D.N.Y.). Co-lead counsel. Settlement in excess of \$70 million.

Skouras v. Creditanstalt International Advisers, Inc., NASD Arb., No. 96-05847 (1998). Following an approximately one month hearing, successfully defeated multi-million dollar claim against major European institution.

In re Woolworth Corp. Securities Class Action Litigation, No. 94-cv-2217 (S.D.N.Y.). Co-lead counsel. \$20 million settlement.

In re Archer Daniels Midland Inc. Securities Litigation, No. 95-cv-2877 (C.D. Ill.). Co-lead counsel. \$30 million settlement.

Vladimir v. U.S. Banknote Corp., No. 94-cv-0255 (S.D.N.Y.). Multi-million dollar jury verdict in § 10(b) action.

Epstein v. MCA, Inc., 50 F.3d 644 (9th Cir. 1995), *rev'd and remanded on other grounds*, *Matsushita Electric Industrial Co., Ltd. v. Epstein*, No. 94-1809, 116 S. Ct. 873 (February 27, 1996). Lead counsel. Appeal resulted in landmark decision concerning liability of tender offeror under section 14(d)(7) of the Williams Act, SEC Rule 14d-10 and preclusive effect of a release in a state court proceeding. In its decision granting partial summary judgment to plaintiffs, the court of appeals for the Ninth Circuit stated:

"The record shows that the performance of the Epstein plaintiffs and their counsel in pursuing this litigation has been exemplary."

In re Abbott Laboratories Shareholder Litigation, No. 92-cv-3869 (N.D. Ill. 1995). Co-lead counsel. \$32.5 million settlement.

"The record here amply demonstrates the superior quality of plaintiffs' counsel's preparation, work product, and general ability before the court."

In re Morrison Knudsen Securities Litigation, No. 94-cv-334 (D. Id.). Co-lead counsel. \$68 million settlement.

In re T2 Medical Inc. Securities Litigation, No. 94-cv-744 (N.D. Ga.). Co-lead counsel. \$50 million settlement.

Gelb v. AT&T, No. 90-cv-7212 (S.D.N.Y.). Landmark decision regarding filed rate doctrine leading to injunctive relief.

In re International Technology Corp. Securities Litigation, No. 88-cv-40 (C.D. Cal.). Co-lead counsel. \$13 million settlement.

Colaprico v. Sun Microsystems, No. 90-cv-20710 (N.D. Cal.). Co-lead counsel. \$5 million settlement.

Steinfink v. Pitney Bowes, Inc., No. B90-340 (JAC) (D. Conn.). Lead counsel. \$4 million settlement.

In re Jackpot Securities Enterprises, Inc. Securities Litigation, No. CV-S-89-05-LDG (D. Nev.). Lead counsel. \$3 million settlement.

In re Nordstrom Inc. Securities Litigation, No. C90-295C (W.D. Wa.). Co-lead counsel. \$7.5 million settlement.

United Artists Litigation, No. CA 980 (Sup. Ct., L.A., Cal.). Trial counsel. \$35 million settlement.

In re A.L. Williams Corp. Shareholders Litigation, C.A. No. 10881 (Del. Ch.). Lead counsel. Benefits in excess of \$11 million.

In re Triangle Inds., Inc., Shareholders' Litigation, C.A. No. 10466 (Del. Ch.). Co-lead counsel. Recovery in excess of \$70 million.

Schneider v. Lazard Freres, No. 38899, M-6679 (N.Y. App. Div. 1st Dep't). Co-lead counsel. Landmark decision concerning liability of investment bankers in corporate buyouts. \$55 million settlement.

Rothenberg v. A.L. Williams, C.A. No. 10060 (Del. Ch.). Lead counsel. Benefits of at least \$25 million to the class.

Kantor v. Zondervan Corp., No. 88-cv-C5425 (W.D. Mich.). Lead counsel. Recovery of \$3.75 million.

King v. Advanced Systems, Inc., No. 84-cv-C10917 (N.D. Ill.). Lead counsel. Recovery of \$3.9 million (representing 90% of damages).

Straetz v. Cordis, No. 85-cv-343 (S.D. Fla.). Lead counsel.

"I want to commend counsel and each one of you for the diligence with which you've pursued the case and for the results that have been produced on both sides. I think that you have displayed the absolute optimum in the method and manner by which you have represented your respective clients, and you are indeed a credit to the legal profession, and I'm very proud to have had the opportunity to have you appear before the Court in this matter."

In re Flexi-Van Corp., Inc. Shareholders Litigation, C.A. No. 9672 (Del. Ch.). Co-lead counsel. \$18.4 million settlement.

Entezed, Inc. v. Republic of Nigeria, I.C.C. Arb. (London 1987). Multi-million dollar award for client.

In re Carnation Company Securities Litigation, No. 84-cv-6913 (C.D. Cal.). Co-lead counsel. \$13 million settlement.

In re Data Switch Securities Litigation, B84 585 (RCZ) (D. Conn.). Co-lead counsel. \$7.5 million settlement.

Stern v. Steans, No. 80-cv-3903. The court characterized the result for the class obtained during trial to jury as "unusually successful" and "incredible" (Jun 1, 1984).

In re Datapoint Securities Litigation, No. 82-cv-338 (W.D. Tex.). Lead counsel for a Sub-Class. \$22.5 million aggregate settlement.

Malchman v. Davis, No. 77-cv-5151 (S.D.N.Y.).

"It is difficult to overstate the far-reaching results of this litigation and the settlement. Few class actions have ever succeeded in altering commercial relationships of such magnitude. Few class action settlements have even approached the results achieved herein.... In the present case, the attorneys representing the class have acted with outstanding vigor and dedication . . . Although the lawyers in this litigation have appeared considerably more in the state courts than in the federal court, they have appeared in the federal court sufficiently for me to attest as to the high professional character of their work. Every issue which has come to this court has been presented by both sides with a thoroughness and zeal which is outstanding In sum, plaintiffs and their attorneys undertook a very large and difficult litigation in both the state and federal courts, where the stakes were enormous. This litigation was hard fought over a period of four years. Plaintiffs achieved a settlement which altered commercial relationships involving literally hundreds of millions of dollars."