

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

ESTUARY TRANSIT DISTRICT AND
TEAMSTERS 671 HEALTH SERVICE &
INSURANCE PLAN, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

HARTFORD HEALTHCARE CORPORATION,
HARTFORD HOSPITAL, HARTFORD
HEALTHCARE MEDICAL GROUP, INC.,
INTEGRATED CARE PARTNERS, LLC,

Defendants.

Case No.: 3:24-cv-01051 (MPS)

**PLAINTIFFS' UNOPPOSED MOTION TO APPOINT INTERIM CO-LEAD CLASS
COUNSEL AND INTERIM LIAISON COUNSEL**

Pursuant to Rule 23(g) of the Federal Rules of Civil Procedure and Local Civil Rule 7, Plaintiffs Estuary Transit District and Teamsters 671 Health Service & Insurance Plan (collectively, "Plaintiffs") respectfully move for the Court to appoint Cohen Milstein Sellers & Toll PLLC ("Cohen Milstein"), Freed Kanner London & Millen LLC ("FKLM"), and Berger Montague PC ("Berger Montague") as Interim Co-Lead Class Counsel, and Aeton Law Partners LLP ("Aeton Law") as Interim Liaison Counsel. As set forth in the accompanying memorandum of law, the unopposed appointment of Cohen Milstein, FKLM, and Berger Montague as Interim Co-Lead Class Counsel and Aeton Law Partners as Interim Liaison Counsel will advantage the Class and promote the interests of justice.

October 18, 2024

Respectfully submitted,

/s/ Jonathan M. Shapiro
Jonathan M. Shapiro (ct24075)
AETON LAW PARTNERS LLP
311 Centerpoint Drive
Middletown, Connecticut 06475
Telephone: (860) 724-2160
jms@aetonlaw.com

Michael B. Eisenkraft (*pro hac vice*)
Christopher J. Bateman (*pro hac vice*)
Silvie R. Saltzman (*pro hac vice* forthcoming)
**COHEN MILSTEIN SELLERS & TOLL
PLLC**
88 Pine Street, Suite 1400
New York, NY 10005
Telephone: (212) 838-7797
Facsimile: (212) 838-7745
meisenkraft@cohenmilstein.com
cbateman@cohenmilstein.com
ssaltzman@cohenmilstein.com

Brent W. Johnson (*pro hac vice*)
Nathaniel D. Regenold (*pro hac vice*)
**COHEN MILSTEIN SELLERS & TOLL
PLLC**
1100 New York Ave. NW, Fifth Floor
Washington, DC 20005
Telephone: (202) 408-4600
Facsimile: (202) 408-4699
bjohnson@cohenmilstein.com
nregenold@cohenmilstein.com

Douglas A. Millen (*pro hac vice*)
Michael E. Moskovitz (*pro hac vice*)
Robert J. Wozniak (*pro hac vice*)
Matthew W. Ruan (*pro hac vice*)
**FREED KANNER LONDON & MILLEN
LLC**
100 Tri-State International, Suite 128
Lincolnshire, IL 60069
Telephone: (224) 632-4500
dmillen@fklmlaw.com
mmoskovitz@fklmlaw.com

rwozniak@fklmlaw.com
mruan@fklmlaw.com

Daniel J. Walker (*pro hac vice*)
Hope Brinn (*pro hac vice*)
BERGER MONTAGUE PC
1001 G Street, NW Suite 400 East
Washington, DC 20001
Telephone: (202) 559-9745
dwalker@bm.net
hbrinn@bm.net

Eric L. Cramer (*pro hac vice*)
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Telephone: (215) 875-3000
ecramer@bm.net

Frank R. Schirripa (*pro hac vice*)
Scott Jacobsen (*pro hac vice*)
**HACH ROSE SCHIRRIPA & CHEVERIE
LLP**
112 Madison Avenue, 10th Floor
New York, NY 10016
Telephone: (212) 213-8311
fschirripa@hrsclaw.com
sjacobsen@hrsclaw.com

*Attorneys for Plaintiffs Estuary Transit District
and Teamsters 671 Health Service & Insurance
Plan and the Proposed Class*

CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail on anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

Dated this 18th day of October, 2024.

/s/ Jonathan M. Shapiro
Jonathan M. Shapiro (ct24075)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

ESTUARY TRANSIT DISTRICT AND
TEAMSTERS 671 HEALTH SERVICE &
INSURANCE PLAN, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

HARTFORD HEALTHCARE CORPORATION,
HARTFORD HOSPITAL, HARTFORD
HEALTHCARE MEDICAL GROUP, INC.,
INTEGRATED CARE PARTNERS, LLC,

Defendants.

Case No.: 3:24-cv-01051 (MPS)

**PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS'
UNOPPOSED MOTION TO APPOINT INTERIM CO-LEAD CLASS COUNSEL AND
INTERIM LIAISON COUNSEL**

TABLE OF CONTENTS

I. INTRODUCTION 1

II. LEGAL STANDARD..... 2

III. ARGUMENT 3

 A. Proposed Counsel Investigated and Developed These Claims. 3

 B. Proposed Counsel Possess Significant Experience Litigating Complex
 Antitrust Class Actions, With Particularized Expertise Regarding the
 Issues in This Case..... 5

 1. Cohen Milstein..... 6

 2. Freed Kanner London & Millen LLC..... 9

 3. Berger Montague 12

 C. Proposed Counsel Will Commit the Resources Necessary to Litigate This
 Case..... 16

 D. Additional Factors Support Proposed Counsel’s Appointment as Interim
 Co-Lead Class Counsel..... 17

 E. Aeton Law Should Be Appointed as Interim Liaison Counsel..... 19

IV. CONCLUSION..... 20

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Alexander v. Price</i> , 275 F. Supp. 3d 313 (D. Conn. 2017)	16
<i>City of Providence v. Abbvie Inc.</i> , No. 20-cv-05538, 2020 WL 6049139 (S.D.N.Y. Oct. 13, 2020).....	18
<i>In re Enzo Biochem Data Sec. Litig.</i> , No. 23-cv-04282, 2023 WL 6385387 (E.D.N.Y. Sept. 29, 2023)	17
<i>In re Frontier Commc’ns Corp. Derivative Litig.</i> , No. 3:17-cv-01792, 2018 WL 3553332 (D. Conn. July 23, 2018).....	18
<i>Granata v. Pratt & Whitney</i> , No. 3:21-cv-01657, 2022 WL 732271 (D. Conn. Mar. 11, 2022).....	2, 3, 17
<i>In re GSE Bonds Antitrust Litig.</i> , 377 F. Supp. 3d 437 (S.D.N.Y. 2019).....	3
<i>In re Int. Rate Swaps Antitrust Litig.</i> , No. 16-md-02704, 2016 WL 4131846 (S.D.N.Y. Aug. 3, 2016)	18
<i>In re Mun. Derivatives Antitrust Litig.</i> , 252 F.R.D. 184 (S.D.N.Y. 2008)	2
<i>In re Treasury Sec. Auction Antitrust Litig.</i> , No. 15-md-02673, 2017 WL 10991411 (S.D.N.Y. Aug. 23, 2017)	16
<i>In re Warner Music Grp. Data Breach</i> , No. 20-cv-07473, 2021 WL 725728 (S.D.N.Y. Feb. 22, 2021)	4, 18
Other Authorities	
Davis, Josh Paul and Kohles, Rose, 2022 Antitrust Annual Report: Class Actions in Federal Court (September 28, 2023) (available at https://ssrn.com/abstract=4586022).....	9
Fed. R. Civ. P. 23(g)	<i>passim</i>
<i>Manual for Complex Litigation</i> (4th ed. 2004).....	1, 2, 18, 19
Moore’s Federal Practice (2007)	3

I. INTRODUCTION

Plaintiffs Estuary Transit District and Teamsters 671 Health Service & Insurance Plan (collectively, “Plaintiffs”) respectfully request that the Court appoint Cohen Milstein Sellers & Toll PLLC (“Cohen Milstein”), Freed Kanner London & Millen LLC (“FKLM”), and Berger Montague PC (“Berger Montague”) (collectively, “Proposed Counsel”) as Interim Co-Lead Class Counsel, and Aeton Law Partners LLP (“Aeton Law”) as Interim Liaison Counsel.¹ The appointment of three Interim Co-Lead Counsel, each with deep expertise cooperatively litigating the types of antitrust and complex class action issues presented in this case, will ensure the effective and efficient representation of the putative class, is warranted under Rule 23(g) of the Federal Rules of Civil Procedure, and is supported by all counsel for Plaintiffs in this action.²

Proposed Counsel possess the experience, resources, and track record necessary to provide the putative class with the best possible representation. Cohen Milstein, FKLM, and Berger Montague are some of the nation’s most prominent plaintiff-side law firms litigating complex antitrust cases. Here, Proposed Counsel worked together to investigate the allegations and research the applicable law set forth in the Complaint, and they will continue to work collaboratively, efficiently, and effectively to litigate this case as Interim Co-Lead Class Counsel.

¹ See Dkt. No. 1 (“Complaint”) ¶ 124 (defining the putative class).

² Proposed Counsel have conferred with (and shared a copy of their motion with) co-counsel at Hach Rose Schirripa & Cheverie LLP (“HRSC”), who support this motion. See *Manual for Complex Litigation* (“Manual”) § 21.272 (4th ed. 2004) (noting the so-called “private ordering” approach for selecting class counsel, in which “[t]he lawyers agree who should be lead class counsel and the court [is left to] approve[] the selection after a review to ensure that the counsel selected is adequate to represent the class interests”); see also *id.* § 10.22 (“In some cases the attorneys coordinate their activities without the court’s assistance, and such efforts should be encouraged.”). Furthermore, Proposed Counsel have conferred with counsel for Defendants Hartford HealthCare Corporation (“Hartford HealthCare”), Hartford Hospital, Hartford HealthCare Medical Group, Inc., and Integrated Care Partners, LLC (“ICP”) (collectively, “Defendants”), who take no position on the relief requested here.

Appointing interim co-lead class counsel now will ensure that the putative class benefits from a coordinated approach to the many substantive issues that arise before class certification, including conducting fact and expert discovery and briefing any motions that arise in the interim. Defendants already have retained multiple prominent law firms for their defense, and this case will be aggressively litigated by both Plaintiffs and Defendants from the outset. As Interim Co-Lead Class Counsel, Proposed Counsel will ensure this case proceeds effectively and efficiently in the best interests of the putative class.

II. LEGAL STANDARD

The Federal Rules of Civil Procedure permit courts to “designate interim counsel to act on behalf of a putative class before determining whether to certify the action as a class action.” Fed. R. Civ. P. 23(g)(3); *see also* Manual § 21.11 (“[D]esignation of interim counsel clarifies responsibility for protecting the interests of the class during precertification activities, such as making and responding to motions, conducting any necessary discovery, moving for class certification, and negotiating settlement.”). When deciding whom to appoint as interim class counsel, the Court must consider: “(i) the work counsel has done in identifying or investigating potential claims in the action; (ii) counsel’s experience in handling class actions, other complex litigation, and the types of claims asserted in the action; (iii) counsel’s knowledge of the applicable law; and (iv) the resources that counsel will commit to representing the class.” Fed. R. Civ. P. 23(g)(1)(A); *accord Granata v. Pratt & Whitney*, No. 3:21-cv-01657, 2022 WL 732271, at *1 (D. Conn. Mar. 11, 2022); *see also In re Mun. Derivatives Antitrust Litig.*, 252 F.R.D. 184, 186 (S.D.N.Y. 2008) (“When appointing interim class counsel, courts generally look to the same factors used in determining the adequacy of class counsel under Rule 23(g)(1)(A).”). In addition, the Court may “consider any other matter pertinent to counsel’s ability to fairly and adequately represent the interests of the class.” Fed. R. Civ. P. 23(g)(1)(B).

III. ARGUMENT

Proposed Counsel, composed of experienced antitrust litigators with a track record of obtaining significant recoveries for classes as court-appointed co-lead class counsel, are best suited to serve as Interim Co-Lead Class Counsel. As discussed herein, Proposed Counsel: (1) investigated the allegations set forth in the Complaint and developed the putative class members' claims together; (2) possess expertise and experience in antitrust law, including monopolization cases and cases involving anticompetitive agreements; (3) possess and will expend sufficient resources to litigate this case; (4) will litigate the case efficiently on behalf the putative class; and (5) have coordinated with proposed Interim Liaison Counsel, located in the District of Connecticut, who is fully familiar with the local rules, standing orders, and practices of this District. Proposed Counsel satisfy all the requirements of Rule 23(g)(1) and therefore should be appointed as Interim Co-Lead Class Counsel.

A. Proposed Counsel Investigated and Developed These Claims.

The first factor the Court must consider is “the work counsel has done in identifying or investigating potential claims in the action.” Fed. R. Civ. P. 23(g)(1)(A)(i); *see* Moore’s Federal Practice § 23.120[3][a] (2007) (noting that a court may consider whether an attorney has undertaken “the process of drafting the complaint [which] requires investigatory and analytical effort”). This factor weighs heavily in favor of appointing Proposed Counsel, which already has devoted substantial time and effort cooperatively investigating the matters alleged in the Complaint. *See Granata*, 2022 WL 732271, at *2-3 (crediting the investigative work done by proposed interim co-lead class counsel that culminated in their first-filed complaint in addition to other work performed since filing the complaint that “continue[d] to benefit the Plaintiff class”); *In re GSE Bonds Antitrust Litig.*, 377 F. Supp. 3d 437, 438 (S.D.N.Y. 2019) (finding the fact that counsel “did substantial investigative work and invested significant resources” researching and

filing a complaint first “weigh[ed] in favor of appointment”); *In re Warner Music Grp. Data Breach*, No. 20-cv-07473, 2021 WL 725728, at *2 (S.D.N.Y. Feb. 22, 2021) (crediting the work done by proposed interim co-lead class counsel to file the first complaint, to coordinate with plaintiffs’ counsel in related actions, and managing contacts with putative class members).

On June 14, 2024, after months of researching the relevant facts and law and conducting their own investigation, Proposed Counsel filed their 51-page complaint on behalf of a putative class consisting of:

All insurers and health plans that paid or reimbursed for GAC Services and/or Outpatient Services in the Bridgeport, Hartford, Meriden, Norwich, Torrington, and Willimantic HSAs directly from one or more Defendants at any time during the period from June 14, 2020 up to the time the alleged ongoing anticompetitive conduct has ceased (the “Class Period”). The Class excludes all federal government entities.

See Complaint ¶ 124.

On August 13, 2024, sixty days after Proposed Counsel served the Complaint, Defendants chose not to move to dismiss the Complaint, but instead served an Answer. *See* Dkt. No. 42. On September 3, 2024, Proposed Counsel served a Response to Defendants’ Answer. *See* Dkt. No. 58. Following the Rule 26(f) Conference between Proposed Counsel and Defendants held on August 28, 2024, the parties filed their Rule 26(f) report with the Court on October 2, 2024. *See* Dkt. No. 71. Proposed Counsel negotiated a Protective Order and ESI Protocol with Defense Counsel, which the Court entered on October 8, 2024. *See* Dkt. No. 80.

There have been no other Complaints filed on behalf of the putative class. Absent Proposed Counsel’s work, it is reasonable to assume that no complaint would have been filed seeking to protect the putative class members in this case from Defendants’ alleged anticompetitive conduct.

B. Proposed Counsel Possess Significant Experience Litigating Complex Antitrust Class Actions, With Particularized Expertise Regarding the Issues in This Case.

The second and third factors the Court must consider are “counsel’s experience in handling class actions, other complex litigation, and the types of claims asserted in the action” and “counsel’s knowledge of the applicable law.” Fed. R. Civ. P. 23(g)(1)(A)(ii)-(iii). As illustrated below, Proposed Counsel possess the requisite experience, knowledge, and resources to prosecute this litigation skillfully and efficiently.

Given the complexity of hospital antitrust markets and the volume of expected discovery, the involvement of multiple firms to act as interim co-lead class counsel will be advantageous to the class. Proposed Counsel are up to this task, having significant experience cooperatively working on large antitrust class-action cases, including hospital antitrust cases, like this one. Specifically, Cohen Milstein served as co-lead class counsel in *UFCW & Employers Benefit Trust v. Sutter Health*, No. CSG 14-538451 (Cal. Sup. Ct.), a first-of-its-kind litigation that alleged that the defendant hospital group engaged in monopolistic and anticompetitive practices in violation of state antitrust laws. After years of hard-fought litigation, Cohen Milstein secured a \$575 million settlement on behalf of class members in addition to obtaining meaningful injunctive relief. Matthew W. Ruan, now of FKLM, who will be integral to the litigation of this case, worked extensively on *Sutter Health* while he was affiliated with Cohen Milstein.³ Similarly, Berger Montague currently is litigating several similar hospital antitrust cases around the country, deepening its familiarity with and expertise in these types of complex class-action cases. *See In re Mission Health Antitrust Litig.*, No. 1:22-cv-00114 (W.D.N.C.); *Team Schierl Cos. v. Aspirus, Inc.*, No. 3:22-cv-00580 (W.D. Wis.). Leveraging their experience in these cases as well as their

³ Mr. Ruan worked at Cohen Milstein prior to joining FKLM.

general expertise litigating complex class-action antitrust cases, Proposed Counsel will manage this litigation cooperatively and efficiently, draw on their respective knowledge, experience, and battle-tested relationships from other cases, and combine forces to litigate against Defendants' formidable counsel.

1. Cohen Milstein

With over 100 lawyers in eight offices around the country, Cohen Milstein is one of the oldest, largest, and most prestigious firms in the nation dedicated primarily to the prosecution of class actions.⁴ Furthermore, Cohen Milstein possesses particular expertise in enforcing federal and state antitrust laws, with an antitrust practice that has earned numerous accolades. *See* Eisenkraft Decl. Ex. A. For example, Cohen Milstein has been recognized by *The Legal 500* for 15 straight years as a "Leading Plaintiff Class Action Antitrust Firm," and by the *National Law Journal* in 2016 and 2020 as the "Winner" in the "Elite Trial Lawyers – Antitrust" category. *See id.* Ex. A at 3. The firm also is nationally ranked by *Chambers and Partners USA* (Antitrust: Plaintiffs' Nationwide), and its antitrust practice group was named as one of *Law360's* "Competition Groups of the Year" in 2022. *See id.*; *see also id.* (detailing other accolades bestowed on Cohen Milstein's antitrust practice).

Cohen Milstein possesses the resources and the expertise to litigate large antitrust class actions successfully through trial and appeal, having secured billions of dollars for class members in such complex cases. For example, Cohen Milstein served as co-lead class counsel in *In re Urethane Antitrust Litig.*, No. 2:04-md-01616 (D. Kan.), where it secured the then-largest price-

⁴ Cohen Milstein's background and experience, as well as the selected background and experience of the attorneys that will be involved in litigating this action, are more fully detailed in the firm resume attached as Exhibit A to the Declaration of Michael B. Eisenkraft ("Eisenkraft Decl."), filed concurrently herewith.

fixing jury verdict in U.S. history and obtained a \$1.06 billion judgment that Cohen Milstein successfully defended on appeal in the United States Court of Appeals for the Tenth Circuit. *Id.* at 12. This year alone, the firm and its co-leads secured preliminary approval of more than \$997 million in cash settlements and industry-reshaping policy changes in the eponymous *Realtors* cases, see *Moehrl v. Nat'l Ass'n of Realtors*, No. 1:19-cv-01610 (N.D. Ill.); *Gibson v. Nat'l Ass'n of Realtors*, No. 1:23-cv-00788 (W.D. Mo.), as well as \$580 million in cash settlements and significant industry reforms in the *Stock Loan Antitrust Litigation*. See *Iowa Pub. Emps.' Retirement Sys. v. Bank of Am. Corp.*, No. 1:17-cv-06221 (S.D.N.Y.). And, as discussed above, Cohen Milstein served as co-lead class counsel in *UFCW & Employers Benefit Trust v. Sutter Health*, No. CSG 14-538451 (Cal. Sup. Ct.), one of (if not the) most successful cases alleging monopolistic practices by a hospital.

The following are some members of the Cohen Milstein litigation team who will provide the putative class in this action with the highest level of representation:

Michael B. Eisenkraft: Mr. Eisenkraft is a Partner in both Cohen Milstein's Antitrust and Securities Practice Groups, and he serves as the Administrative Partner for the firm's New York office and as a member of the firm's Executive Committee. See Eisenkraft Decl. Ex. A at 15. Mr. Eisenkraft graduated from Harvard Law School and clerked on the United States Court of Appeals for the Second Circuit for Judge Barrington D. Parker. *Id.* Having served as co-lead counsel in numerous cases involving alleged misconduct in the business, finance, agriculture, and natural resources industries, among others, Mr. Eisenkraft has recovered hundreds of millions of dollars for plaintiffs, including \$580 million for class members in the *Stock Loan Antitrust Litigation*, No. 1:17-cv-06221 (S.D.N.Y.), which received preliminary approval earlier this year and where Cohen Milstein serves as co-lead counsel for the class. Mr. Eisenkraft has received

recognition for his work from various periodicals, including *The Legal 500*, *Lawdragon*, *Benchmark Litigation*, *Super Lawyers*, and *Martindale Hubbell*, and he was named Litigator of the Week by *ALM/Law.com* on August 25, 2023.

Christopher J. Bateman: Mr. Bateman graduated from Harvard Law School. *See* Eisenkraft Decl. Ex. A at 20. As a Partner in the firm's Antitrust Practice Group, Mr. Bateman has been recognized as a New York Metro Rising Star by *Super Lawyers* since 2021 and played significant roles as co-lead class counsel in numerous antitrust class actions, including in the health care industry. Prior to joining Cohen Milstein, Mr. Bateman clerked on the United States District Court for the Southern District of New York for Judge Naomi Reice Buchwald and was a litigation attorney at a global law firm. He served as the Vice Chair of the American Bar Association Antitrust Section's U.S. Comments & Policy Committee and as a Guest Lecturer at the New York University School of Law.

Nathaniel D. Regenold: Mr. Regenold graduated from Georgetown University Law Center. *See* Eisenkraft Decl. Ex. A at 23. Before joining Cohen Milstein, Mr. Regenold litigated complex commercial actions at a highly regarded global law firm and clerked on the United States Court of Appeals for the Eighth Circuit for Judge Jane Kelly and the United States District Court for the District of Columbia for Judge Paul L. Friedman. As an Associate in Cohen Milstein's Antitrust Practice Group, he has litigated class actions on behalf of employers, consumers, and small businesses, including several concerning alleged anticompetitive conduct in the life sciences industry.

Silvie R. Saltzman: Ms. Saltzman graduated from Stanford Law School. *See* Eisenkraft Decl. Ex. A at 25. Before joining Cohen Milstein, Ms. Saltzman was a litigation attorney at a

global law firm and clerked on the United States District Court for the Eastern District of New York for Judge Carol Bagley Amon.

2. Freed Kanner London & Millen LLC

FKLM, a law firm with offices in Chicago and Philadelphia, has a reputation as one of the most effective Plaintiffs' litigation firms in the nation, having secured billions of dollars in recoveries for the clients and classes it has represented. Its attorneys have undertaken lead, executive, or steering committee roles in class action litigation throughout the United States that has resulted in significant class recoveries, including two of the three largest civil antitrust settlements ever obtained in the Seventh Circuit.⁵

Peers and the legal media alike have recognized FKLM's focus and commitment to excellence in selecting the firm and its attorneys for numerous honors. For example, in recent years, FKLM received the American Antitrust Institute's (AAI) Award for Outstanding Antitrust Litigation Achievement in Private Law Practice for its role as Co-Lead Counsel in *In re Peanut Farmers Antitrust Litigation*, 2:19-cv-00463 (E.D. Va.), which settled for \$102.75 million, and for its role in *Cameron et al. v. Apple Inc.*, 4:19-cv-03074 (N.D. Cal.), an antitrust case brought on behalf of app developers that settled for \$100 million. Likewise, *Chambers & Partners USA* recognizes FKLM as a "famous class action firm," ranking it year in and year out as among the nation's top Plaintiffs' class action antitrust firms.

Matthew W. Ruan: Mr. Ruan will lead the Freed Kanner team committed to this litigation. Mr. Ruan has extensive experience litigating complex commercial matters, with an emphasis in

⁵ See Exhibit A to the Declaration of Matthew W. Ruan ("Ruan Decl.") (FKLM Firm Resume); see also Davis, Josh Paul and Kohles, Rose, 2022 Antitrust Annual Report: Class Actions in Federal Court (September 28, 2023) (available at <https://ssrn.com/abstract=4586022>) (ranking FKLM antitrust settlements among the top in the country).

antitrust, securities, and consumer class actions. He has helped recover billions of dollars on behalf of a broad range of individuals, businesses, shareholders, unions, and pension funds. Mr. Ruan was recently appointed sole interim lead counsel in *Lambrix, et al. v. Tesla, Inc.*, 23-cv-1145-TLT (N.D. Cal.) (ECF No. 62), an antitrust action brought on behalf of a nationwide class of purchasers of Tesla repair parts and services. Among the many other complex cases in which Mr. Ruan has been significantly involved are *Sutter Health Antitrust Litigation* (Cal. Sup. Ct.) (antitrust class action against Sutter Health, one of the largest healthcare providers in California, for restraining hospital competition through its contracting practices with insurance companies, resulting in \$575 million settlement and significant injunctive relief); *In re Automotive Parts Antitrust Litigation* (E.D. Mich.) (antitrust class action brought on behalf of direct purchasers of automotive parts in multiple concurrently active nationwide price-fixing cases, resulting in settlements to date in excess of \$500 million); and *In re AOL/Time Warner Securities Litigation* (S.D.N.Y.) (class action alleging securities fraud in connection with merger of AOL and Time Warner, resulting in \$2.65 billion recovery for shareholders).

Douglas A. Millen: Mr. Millen is a founding partner at Freed Kanner who has dedicated the past 30 years to prosecuting claims brought under federal and state antitrust laws. Having contributed significantly to dozens of successful price-fixing class actions, he would bring extensive experience and expertise toward the efficient and successful litigation of this case. For example, he has served on the Plaintiffs' Steering Committees for notable litigations such as the *DPP Beef Antitrust* case, currently pending in this district, and the \$140 million *Lithium Ion Batteries Antitrust Litigation*. His prominent roles in major antitrust cases like the *Cathode Ray Tube (CRT)*, *Dynamic Random Access Memory (DRAM)*, *Vitamins*, and *Rubber Chemicals Antitrust Litigations* have led to the recovery of billions for class members. Recognized as a top

competition lawyer by Global Competition Review and other references, Mr. Millen currently represents, on an individual basis, several Fortune 500 companies in the *Rail Freight Fuel Surcharge Antitrust Litigation* and offers antitrust compliance consultation for multi-national corporations.

Michael E. Moskowitz: Michael E. Moskowitz is a partner at Freed Kanner London & Millen LLC and has been involved in trial and appellate litigation for more than 15 years. Since 2000, he has concentrated on complex commercial litigation, with a primary emphasis on class action litigation involving antitrust, securities fraud, and consumer fraud claims. Mr. Moskowitz previously played a key role in the class action practice of Much Shelist Freed. He is significantly involved in several pending antitrust class actions, including *In re Automotive Parts Antitrust Litigation*, MDL 2311 (E.D. Mich.), and *In re Vehicle Carrier Services Antitrust Litigation*, MDL No. 2471. Mr. Moskowitz is also a member of The Sedona Conference's Working Group 1 (Electronic Document Retention and Production) and has spoken at The Sedona Conference's Midyear meeting and has co-written papers published by The Sedona Conference.

Mr. Moskowitz is a graduate of Indiana University (B.A., 1993) and New York University School of Law (J.D., 1996).

Robert J. Wozniak: A partner at Freed Kanner, Mr. Wozniak has been involved in complex commercial litigation since 2001, with a primary emphasis on antitrust, employment, and consumer fraud class action cases. Prior to engaging in private law practice, Mr. Wozniak worked as a trial attorney for the United States Department of Justice, Antitrust Division (Honors Program). The complex antitrust class actions in which Mr. Wozniak has had significant involvement include: *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.); *In re Pork Antitrust Litigation* (D. Minn.); *In re Opana ER Antitrust Litigation* (N.D. Ill.); *In re Local TV Advertising*

Antitrust Litigation (N.D. Ill.); *Mulhern, et al. v. Pepperidge Farm* (N.D. Ill.) (consolidated and transferred to C.D. Cal for settlement approval); *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* (E.D.N.Y.); *Kleen Products, et al. v. International Paper, et al.* (N.D. Ill.) (“*Containerboard Antitrust Litigation*”); *In re NCAA Student-Athlete Names & Likeness Licensing Litigation* (N.D. Cal.); *In re Fresh and Process Potatoes Antitrust Litigation* (D. Idaho); *In re Municipal Derivatives Antitrust Litigation* (S.D.N.Y.); *In re Flat Glass Antitrust Litigation (II)* (W.D. Pa.); *In re TFT-LCD (Flat Panel) Antitrust Litigation* (N.D. Cal.); *In re Static Random Access Memory (SRAM) Antitrust Litigation* (N.D. Cal.); *In re Hydrogen Peroxide Antitrust Litigation* (E.D. Pa.); *In re Intel Corp. Microprocessor Antitrust Litigation* (D. Del.); *In re Dynamic Random Access Memory (DRAM) Litigation* (N.D. Cal.); *In re Buspirone Antitrust Litigation* (S.D.N.Y.); and *In re Terazosin Hydrochloride Antitrust Litigation* (S.D. Fla.).

Mr. Wozniak played an active role at trial in both the *Opana ER* and *Broiler Chicken* cases.

More information about Mr. Ruan, Mr. Millen, Mr. Moskovitz, Mr. Wozniak, and Freed Kanner is available at www.fklmlaw.com.

3. Berger Montague

Described by *Chambers and Partners* as “highly distinguished for the strength of its plaintiff-side work acting on monopoly matters and price-fixing, including an impressive track record in complex, high-profile class actions,” Berger Montague boasts one of the largest and most experienced plaintiff-side antitrust departments in the country. Declaration of Eric L. Cramer (“Cramer Decl.”) ¶ 3.⁶ It pioneered the antitrust class action and has been engaged in complex litigation for more than fifty years. *Id.*

⁶ See also Cramer Decl. Ex. A (Berger Montague Firm Resume).

Berger Montague's recent successes as lead or co-lead counsel in antitrust class actions are numerous and include *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, No. 05-md-1720 (E.D.N.Y.) (settlement of approximately \$5.6 billion); *Henry v. Brown University*, 1:22-cv-00125 (N.D. Ill.) (\$284 million in settlements to date in college financial aid conspiracy suit); and *In re Broiler Chicken Grower Antitrust Litigation*, No. 6:20-md-02977 (E.D. Okla.) (\$169 million in class settlements on behalf of chicken farmers), to name a few. Cramer Decl. ¶ 4.

Berger Montague has deep experience leading antitrust class actions, and in particular, in antitrust actions in the healthcare arena. *See, e.g., In re Mission Health Antitrust Litig.*, No. 1:22-cv-00114-MR (W.D.N.C.) (co-lead representing cities and counties in North Carolina alleging overcharges by dominant hospital system); *Team Schierl Cos. v. Aspirus, Inc.*, No. 3:22-cv-00580 (W.D. Wis.) (co-lead counsel representing plaintiffs in class action alleging that dominant hospital system uses exclusionary contracts to foreclose competition from rival health care providers); *Uriel Pharm. Health & Welfare Plan et al. v. Advocate Aurora Health, Inc. et al.*, No. 2:22-cv-610 (E.D. Wis.) (co-lead representing payers alleging monopolization by health system); *In re Geisinger Sys. Servs. & Evangelical Cmty. Hosp. Healthcare Workers Antitrust Litig.*, 4:21-cv-00196 (M.D. Pa.) (co-lead representing health care workers alleging no-poach conspiracy by dominant hospitals); *In re Multiplan Health Ins. Provider Litig.*, MDL No. 3121 (N.D. Ill.) (co-lead in multidistrict litigation concerning suppression of out-of-network insurance payments to healthcare providers); *In re: Namenda Direct Purchaser Antitrust Litig.*, No. 15-cv-7488 (S.D.N.Y.) (co-lead obtaining \$750 million class settlement on behalf of drug direct purchasers); *In re Dental Supplies Antitrust Litig.*, No. 16-cv-696 (E.D.N.Y.) (co-lead obtaining \$80 million settlement on behalf of dental providers); *King Drug Co. of Florence, Inc. v. Cephalon Inc.*, No.

06-cv-1797 (E.D. Pa.) (co-lead obtaining \$512 million class settlement on behalf of drug direct purchasers); *Castro v. Sanofi Pasteur Inc.*, No. 11-cv-7178 (D.N.J.) (co-lead obtaining \$61.5 million for providers in suit against vaccine manufacturer); *Mayor and City Council of Baltimore v. Merck Sharp & Dohme Corp.*, No. 23-cv-828 (E.D. Pa.) (co-lead in ongoing class action on behalf of payors alleging anticompetitive conduct by vaccine manufacturer). Cramer Decl. ¶ 6.

The firm also has significant recent trial experience, obtaining excellent results in *In re Capacitors Antitrust Litigation*, No. 14-cv-3264 (N.D. Cal.) (total settlements over \$600 million, including several occurring during jury trials in 2020 and 2021); *In re Opana ER Antitrust Litigation*, No. 14-cv-10150 (N.D. Ill.) (\$145 million settlement just prior to trial); and *U.S. v. Johnson & Johnson*, No. 12-cv-7758 (D.N.J.) (jury verdict in 2024 of well over \$150 million in qui tam matter). Cramer Decl. ¶ 7.

The following are some members of the Berger Montague litigation team who will provide the proposed class in this action with the highest level of representation:

Eric L. Cramer: Mr. Cramer is Chairman of the firm, and Co-Chair of the Antitrust Department, which boasts more than thirty lawyers. Mr. Cramer leads multiple antitrust class actions around the United States—including representing direct purchasers of healthcare services in *Team Schierl Cos. et al. v. Aspirus, Inc. et al.*, No. 3:22-cv-00580 (W.D. Wis.), *In re Mission Health Antitrust Litigation*, No. 1:22-cv-00114-MR (W.D.N.C.), and *Uriel Pharm. Health & Welfare Plan et al. v. Advocate Aurora Health, Inc. et al.*, No. 2:22-cv-610 (E.D. Wis.), as well as representing healthcare workers in a case alleging two hospitals suppressed healthcare worker pay, *In re Geisinger Healthcare Workers Antitrust Litig.*, No. 21-cv-196 (M.D. Pa.). Cramer Decl. ¶¶ 6, 9.

Chambers USA has recognized Mr. Cramer as a “Band 1” antitrust practitioner for over 20 years, most recently noting that “[h]e excels in economic analysis” and “is a real leader” who sits at the “[t]op of the profession; a phenomenal lawyer who is an expert on economics” and “really a tremendous advocate in the courtroom, with a very good mind and presence.” He was designated a “Distinguished Leader” by *The Legal Intelligencer*, “Lawyer of the Year” by *Best Lawyers*, a “Titan of the Plaintiffs Bar” by *Law360*, a “Champion of Justice” by Public Justice, and a “Visionary” by *The National Law Journal*. Teams led by Mr. Cramer have also won American Antitrust Institute’s Antitrust Enforcement Award for Outstanding Antitrust Litigation Achievement in Private Law Practice several times. Cramer Decl. ¶ 10.

Daniel J. Walker: Mr. Walker is a Shareholder in Berger Montague’s Antitrust Department and leads the firm’s Washington, DC office. Mr. Walker maintains a national practice representing plaintiffs, including direct purchasers and workers, in antitrust actions involving the health care industry. He has played an important role on numerous lead counsel teams in antitrust cases, including leading the firm’s numerous hospital monopolization cases, including *Team Schierl Cos. et al. v. Aspirus, Inc. et al.*, No. 3:22-cv-00580 (W.D. Wis.); *Uriel Pharm. Health & Welfare Plan et al. v. Advocate Aurora Health, Inc. et al.*, No. 2:22-cv-610 (E.D. Wis.); and *In re Mission Health Antitrust Litigation*, No. 1:22-cv-00114-MR (W.D.N.C.). Prior to rejoining the firm in 2017, Mr. Walker was an attorney in the Health Care Division of the Federal Trade Commission. Mr. Walker has been named a Washington DC “Superlawyer” many times and most recently won the American Antitrust Institute’s award for “Outstanding Antitrust Litigation Achievement in Private Practice.” Early in his career, Mr. Walker clerked for Judge Richard C. Wesley on the United States Court of Appeals for the Second Circuit.

Hope E. Brinn: Ms. Brinn is an Associate in the firm’s Antitrust Department and has a national practice focusing on antitrust class actions. She is a core part of the team litigating *Henry v. Brown University*, No. 22-cv-125 (N.D. Ill.), which has settled for \$284 million with ten of the seventeen defendants. In 2024, Ms. Brinn won the American Antitrust Institute’s award for “Outstanding Antitrust Litigation Achievement by a Young or Newly Admitted Lawyer.” Prior to joining Berger Montague, Ms. Brinn clerked for the Honorable Janet Bond Arterton in the United States District Court for the District of Connecticut.

C. Proposed Counsel Will Commit the Resources Necessary to Litigate This Case.

The last factor the Court must consider is “the resources that counsel will commit to representing the class.” Fed. R. Civ. P. 23(g)(1)(A)(iv); *see Alexander v. Price*, 275 F. Supp. 3d 313, 327-38 (D. Conn. 2017) (Shea, J.) (appointing co-lead class counsel because, among other things, “counsel ha[d] already committed considerable resources to th[e] case, and ha[d] represented that they w[ould] continue to do so”); *In re Treasury Sec. Auction Antitrust Litig.*, No. 15-md-02673, 2017 WL 10991411, at *2-3 (S.D.N.Y. Aug. 23, 2017) (“Given the magnitude and complexity of this case, the availability of resources is an important factor in determining what firm or firms will serve as interim lead counsel.”).

Proposed Counsel easily satisfy this standard. As discussed above, *see supra* Section III.A, Proposed Counsel already have demonstrated their dedication and commitment to investigating and bringing this case. Moreover, they stand ready to dedicate the resources necessary to represent and protect the interests of the putative class through rigorous motions practice, discovery, class certification, and trial. Proposed Counsel are three of the most established and respected plaintiffs’ law firms in the United States, all of which are well-capitalized and possess large, robust litigation teams. Between them, Proposed Counsel maintain offices in 11 cities across the country and can

bring to bear the resources of more than 200 attorneys at their disposal. Proposed Counsel regularly advance millions of dollars in litigation costs in matters of comparable size and complexity.

In addition, Proposed Counsel have started to engage experts to analyze the complicated structure of Connecticut's general acute care inpatient hospital services markets and outpatient medical services markets, demonstrating their continued investment in vigorously litigating this case for putative class members. *See Granata*, 2022 WL 732271, at *4 (noting that counsel's extensive resources and the fact that they "spent substantial time investigating the claims and retained economic experts to advise the class going forward" weighed in favor of appointment as interim co-lead class counsel). Indeed, there likely will be multiple expert reports, dozens of depositions, and the need to review and analyze hundreds of thousands of documents that Defendants and third parties will produce in discovery, and Proposed Counsel are ready, willing, and able to spend the time, money, and resources to litigate putative class members' claims efficiently and aggressively.

D. Additional Factors Support Proposed Counsel's Appointment as Interim Co-Lead Class Counsel.

Finally, the Court may consider "any other matter pertinent to counsel's ability to fairly and adequately represent the interests of the class." Fed. R. Civ. P. 23(g)(1)(B); *see In re Enzo Biochem Data Sec. Litig.*, No. 23-cv-04282, 2023 WL 6385387, at *2 (E.D.N.Y. Sept. 29, 2023) (noting courts may consider "(1) the quality of the pleadings; (2) the vigorousness of the prosecution of the lawsuits; and (3) the capabilities of counsel, . . . as well as whether counsel are qualified and responsible, . . . [whether] they will fairly and adequately represent all of the parties on their side, and . . . [whether] their charges will be reasonable." (quoting *In re Bank of Am. Corp. Sec., Derivative & ERISA Litig.*, 258 F.R.D. 260, 272 (S.D.N.Y. 2009))). One such consideration is whether the appointment of interim co-lead class counsel "is most likely to produce efficient

and effective representation.” *In re Int. Rate Swaps Antitrust Litig.*, No. 16-md-02704, 2016 WL 4131846, at *4 (S.D.N.Y. Aug. 3, 2016); *see* Manual § 10.22 (noting that, upon appointment, interim class counsel “assume a responsibility to the court and an obligation to act fairly, efficiently, and economically in the interests of all parties and parties’ counsel”). Proposed Counsel intend to leanly staff their case teams to litigate this case efficiently and effectively.⁷ As a result, a small number of attorneys will spend a large proportion of their time litigating this case, leading to deep institutional knowledge of the facts, and ensuring excessive attorney time is not billed and that excessive costs are not incurred. This will prioritize the maximum possible recovery for the proposed class. *See In re Frontier Commc’ns Corp. Derivative Litig.*, No. 3:17-cv-01792, 2018 WL 3553332, at *6 (D. Conn. July 23, 2018) (noting that courts appoint co-lead counsel where their “arrangement adds appropriate value to the case”).

Another relevant consideration is Proposed Counsel’s commitment to diversity. *See City of Providence v. Abbvie Inc.*, No. 20-cv-05538, 2020 WL 6049139, at *6-7 (S.D.N.Y. Oct. 13, 2020) (noting that, “[f]or well over a decade now, the courts have emphasized the importance of diversity in their selection of counsel”). Proposed Counsel demonstrate a commitment to diversity through their ranks by, among other things, recruiting, retaining, and promoting the most talented lawyers best able to represent class members. *See* Eisenkraft Decl. Ex. A; Ruan Decl. Ex. A.; Cramer Decl. Ex. A. Such practices ensure that Proposed Counsel, with their “commitment to the values of equal justice under law,” also will “best represent the interests of the class.” *City of Providence*, 2020 WL 6049139, at *7; *see Warner Music Grp.*, 2021 WL 725728, at *2 (noting

⁷ Proposed Counsel also plan to rely on the assistance and expertise of their co-counsel, HRSC, delegating specific work to that firm as appropriate, to vigorously litigate this case.

that a “diverse team of lawyers” will “represent[] the inevitable diversity of the Plaintiffs in this case” (alteration in original)).

E. Aeton Law Should Be Appointed as Interim Liaison Counsel.

Aeton Law will bring valuable experience as Interim Liaison Counsel for the putative class. In particular, Jonathan M. Shapiro of Aeton Law has practiced law in Connecticut for over two decades and has a thorough knowledge of the local rules, standing orders, and procedural nuances of the District of Connecticut. He is an eminently respected member of the bar, having served as President of the Connecticut Bar Association from 2018 to 2019.

Mr. Shapiro’s diverse practice encompasses commercial and complex litigation matters involving, among other things, employment, securities, shareholder, business torts, and intellectual property disputes. He has extensive trial experience, as he regularly tries cases in many forums. He also routinely serves as local counsel for non-Connecticut based firms, including in class-action lawsuits. For example, Mr. Shapiro recently served as co-lead class counsel in *Kent v. Women’s Health USA, Inc.*, Superior Court, Judicial District of Stamford/Norwalk at Stamford, Docket No.: FST-CV-21-6054676, resulting in a favorable settlement on behalf of the Class. Attorney Shapiro also served as local counsel for plaintiffs in *In re Tangoe, Inc., Securities Litigation*, No. 3:17-cv-00146 (VLB) (D. Conn.) and as court-appointed Liaison Counsel in *In re Revolution Lighting Technologies, Inc. Stockholder Derivative Litigation*, No. 3:19-cv-00621 (JBA) (D. Conn.). Such experience makes Mr. Shapiro uniquely qualified to serve as Interim Liaison Counsel in this case, further ensuring efficient and effective litigation. *See* Manual § 10.221 (noting the duties for which liaison counsel typically are responsible, including “communications between the court and other counsel” and “assisting in the coordination of activities and positions”).

In his role as liaison counsel, Mr. Shapiro will be supported as needed by his colleagues at Aeton Law Partners, including partner N. Kane Bennett. Mr. Bennett has tried over fifty cases

before both juries and judges between state and federal court. Aeton Law Partners is a boutique law firm with offices located in Middletown and New Haven.

IV. CONCLUSION

For the foregoing reasons, the Court should appoint Cohen Milstein Sellers & Toll PLLC, Freed Kanner London & Millen LLC, and Berger Montague PC as Interim Co-Lead Class Counsel, and Aeton Law Partners LLP as Interim Liaison Counsel.

Dated: October 18, 2024

Respectfully submitted,

/s/ Jonathan M. Shapiro

Jonathan M. Shapiro (ct24075)
AETON LAW PARTNERS LLP
311 Centerpoint Drive
Middletown, Connecticut 06475
Telephone: (860) 724-2160
jms@aetonlaw.com

Michael B. Eisenkraft (*pro hac vice*)
Christopher J. Bateman (*pro hac vice*)
Silvie R. Saltzman (*pro hac vice* forthcoming)
**COHEN MILSTEIN SELLERS & TOLL
PLLC**
88 Pine Street, Suite 1400
New York, NY 10005
Telephone: (212) 838-7797
Facsimile: (212) 838-7745
meisenkraft@cohenmilstein.com
cbateman@cohenmilstein.com
ssaltzman@cohenmilstein.com

Brent W. Johnson (*pro hac vice*)
Nathaniel D. Regenold (*pro hac vice*)
**COHEN MILSTEIN SELLERS & TOLL
PLLC**
1100 New York Ave. NW, Fifth Floor
Washington, DC 20005
Telephone: (202) 408-4600
Facsimile: (202) 408-4699

bjohnson@cohenmilstein.com
nregenold@cohenmilstein.com

Douglas A. Millen (*pro hac vice*)
Michael E. Moskovitz (*pro hac vice*)
Robert J. Wozniak (*pro hac vice*)
Matthew W. Ruan (*pro hac vice*)
**FREED KANNER LONDON & MILLEN
LLC**
100 Tri-State International, Suite 128
Lincolnshire, IL 60069
Telephone: (224) 632-4500
dmillen@fklmlaw.com
mmoskovitz@fklmlaw.com
rwozniak@fklmlaw.com
mruan@fklmlaw.com

Daniel J. Walker (*pro hac vice*)
Hope Brinn (*pro hac vice*)
BERGER MONTAGUE PC
1001 G Street, NW Suite 400 East
Washington, DC 20001
Telephone: (202) 559-9745
dwalker@bm.net
hbrinn@bm.net

Eric L. Cramer (*pro hac vice*)
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Telephone: (215) 875-3000
ecramer@bm.net

Frank R. Schirripa (*pro hac vice*)
Scott Jacobsen (*pro hac vice*)
**HACH ROSE SCHIRRIPA & CHEVERIE
LLP**
112 Madison Avenue, 10th Floor
New York, NY 10016
Telephone: (212) 213-8311
fschirripa@hrsclaw.com
sjacobsen@hrsclaw.com

*Attorneys for Plaintiffs Estuary Transit District
and Teamsters 671 Health Service & Insurance
Plan and the Proposed Class*

CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail on anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

Dated this 18th day of October, 2024.

/s/ Jonathan M. Shapiro
Jonathan M. Shapiro (ct24075)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

ESTUARY TRANSIT DISTRICT AND
TEAMSTERS 671 HEALTH SERVICE &
INSURANCE PLAN, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

HARTFORD HEALTHCARE CORPORATION,
HARTFORD HOSPITAL, HARTFORD
HEALTHCARE MEDICAL GROUP, INC.,
INTEGRATED CARE PARTNERS, LLC,

Defendants.

Case No.: 3:24-cv-01051 (MPS)

**DECLARATION OF MICHAEL B. EISENKRAFT IN SUPPORT OF PLAINTIFFS'
MOTION TO APPOINT INTERIM CO-LEAD CLASS COUNSEL AND INTERIM
LIAISON COUNSEL**

I, Michael B. Eisenkraft, declare as follows:

1. I am a Partner at Cohen Milstein Sellers & Toll PLLC (“Cohen Milstein”), counsel of record for Plaintiffs Estuary Transit District and Teamsters 671 Health Service & Insurance Plan (“Plaintiffs”) in *Estuary Transit District, et al. v. Hartford Healthcare Corporation, et al.*, 3:24-cv-01051 (D. Conn.).

2. Attached hereto as Exhibit A is a true and correct copy of Cohen Milstein’s firm resume.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 18th day of October, 2024, at New York, NY.

Dated: October 18, 2024



Michael B. Eisenkraft (*pro hac vice*)
**COHEN MILSTEIN SELLERS & TOLL
PLLC**
88 Pine Street, 14th Floor
New York, NY 10005
Telephone: (212) 838-7797
Facsimile: (212) 838-7745
meisenkraft@cohenmilstein.com

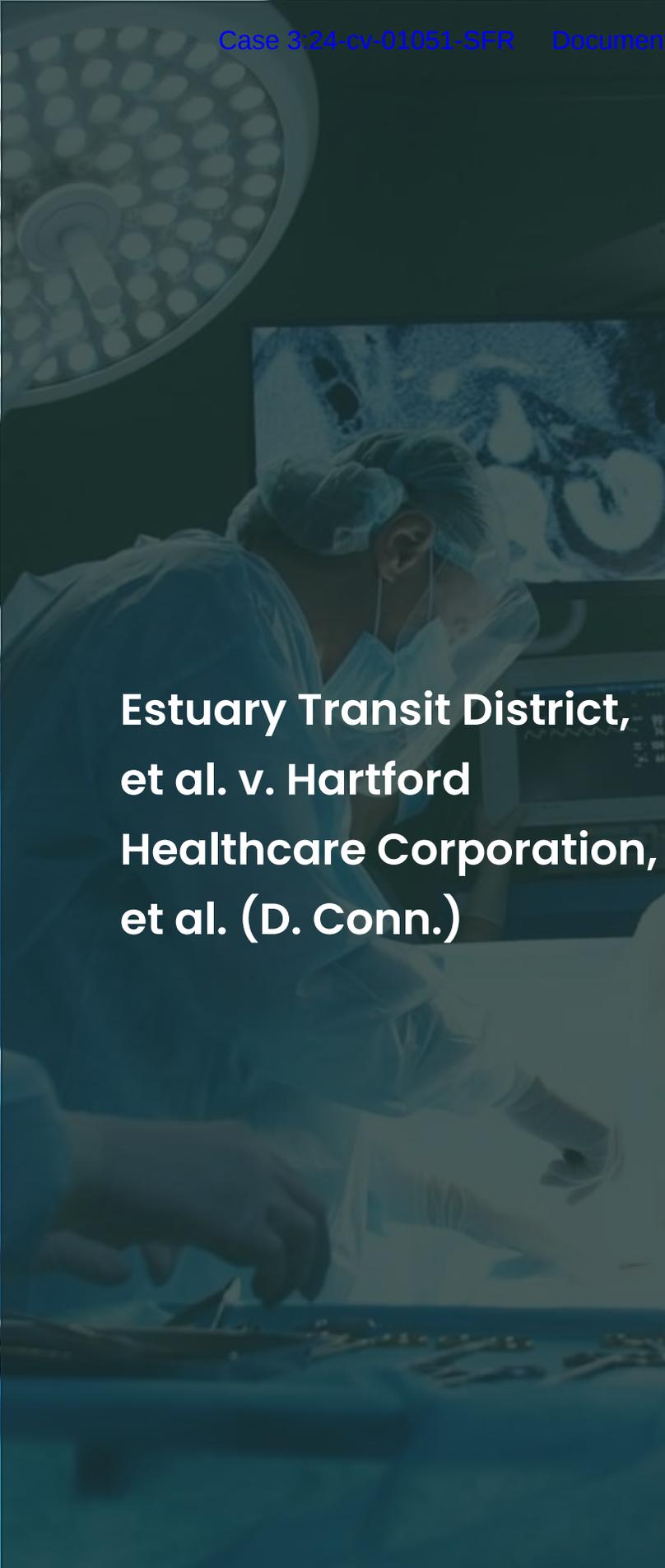
CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail on anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

Dated this 18th day of October, 2024.

/s/ Jonathan M. Shapiro
Jonathan M. Shapiro (ct24075)

EXHIBIT A



**Estuary Transit District,
et al. v. Hartford
Healthcare Corporation,
et al. (D. Conn.)**



COHENMILSTEIN

| About the Firm

We are trailblazers in plaintiff-side and class action litigation, handling groundbreaking cases resulting in landmark decisions involving antitrust, securities, consumer rights, civil rights, and other far-reaching matters.

We fight corporate abuse by pursuing litigation on behalf of individuals, investors, whistleblowers, small businesses, and other institutions in lawsuits that have raised significant and often novel legal issues.

With more than 100 attorneys in 10 practice areas in eight offices across the country, including Boston, Chicago, Minneapolis, New York, Palm Beach Gardens, Philadelphia, Raleigh, and Washington, we are recognized as one of the largest and most diversified plaintiffs' firms in the country.

We regularly litigate complex matters across a wide range of practice areas:

- Antitrust
- Civil Rights & Employment
- Complex Tort Litigation
- Consumer Protection
- Employee Benefits / ERISA
- Ethics and Fiduciary Counseling
- Human Rights
- Public Client
- Securities Litigation & Investor Protection
- Whistleblower/False Claims Act

In 2024, *Law360* recognized our Securities Litigation & Investor Protection practice as a "2023 Practice Group of the Year." *The National Law Journal* also named Cohen Milstein's Securities Litigation and Mass Torts practices "Practice of the Year" for 2024. *Chambers USA* and *Legal 500* have also consistently ranked Cohen Milstein as a "Top Tier Firm" and "Leading Firm" in Antitrust, Securities Litigation, Product Liability, Mass Torts, ERISA, and Employment Law. The firm has also been named among the "Best Law Firms for Female Attorneys" in *Law360's* 2023 "Glass Ceiling Report."

Our attorneys, individually, are heralded as among the best in their practices by industry surveys and organizations, such as American Antitrust Institute, *The American Lawyer*, *Benchmark Litigation*, *Chambers USA*, *Global Competition Review*, *Law360*, *Lawdragon*, *Legal 500*, and *The National Law Journal*.

COHENMILSTEIN

| Antitrust

We are widely respected as one of the preeminent plaintiffs' antitrust class action practices in the United States. We focus predominantly on national antitrust class actions, including litigating (and winning) class action jury trials and appeals.

Our class action experience spans all industries, including agriculture, automotive parts, chemicals, oil and gas, financial services, health care, high tech, media and entertainment, pharmaceuticals, and many others.

Our clients include pension funds, businesses, and individuals. We gladly take on – and defeat – formidable opponents, which have included such giants as Dow Chemical, Apple, and The Walt Disney Company.

Setting Precedents

Our work has shaped the antitrust landscape and helped change industries.



Novel Antitrust Labor Litigation – We have spearheaded numerous cases advocating for workers whose employers have conspired to suppress their wages in violation of antitrust laws, including animation workers, poultry workers, and nurses.



Ground-Breaking Securities Markets Disputes – We are one of two law firms leading three ground-breaking antitrust lawsuits involving collusion by many of the world's biggest banks in three of the world's largest securities markets, including Interest Rate Swaps, Treasuries, and Stock Lending.



Cutting-Edge Disputes in Tech – Our work against Apple, Google, Pixar, and other companies in the tech sector have helped mitigate uncontrolled growth and collusive behavior in this dynamic and quickly evolving industry.

Our People

Most of our lawyers served as judicial law clerks. Some served in the Department of Justice and other government agencies. Others bring decades of experience at top defense firms.



| Accolades – Antitrust

Practice Achievement: Our Antitrust practice is recognized as among the most preeminent in the country:

Chambers USA “Antitrust: Plaintiffs – Nationwide” (2020 – 2024)

Legal 500 “Leading Plaintiff Class Action Antitrust Firm” (2010 – 2024)

American Antitrust Institute “Outstanding Antitrust Litigation Achievement in Private Law Practice Award” (2022)

Law 360 “Practice Group of the Year – Competition” (2016, 2022)

The National Law Journal “Winner – Elite Trial Lawyers – Antitrust” (2016, 2020)

The National Law Journal “Finalist – Elite Trial Lawyers – Antitrust” (2016 – 2024)

Law360 “Practice Group of the Year – Life Sciences” (2020)

The National Law Journal “Finalist – Elite Trial Lawyers – Pharmaceutical” (2019, 2021)

Individual Achievement: Our Antitrust lawyers are recognized as among the best in the industry:

Chambers USA “Ranked Individuals” (2020 – 2024)

GCR Who’s Who Legal “Global Thought Leaders – Competition” (2022 – 2024)

GCR’s Who’s Who Legal “Competition USA” (2017 – 2024)

Lawdragon “500 Leading Lawyers in America” (2016 – 2024)

Legal 500 “Leading Lawyers” (2017 – 2024)

Law360 “Titans of the Plaintiffs Bar” (2020)

Law360 “MVP” (2014, 2016, 2019)

Legal 500 “Hall of Fame” (2017)

The National Law Journal “Elite Women of the Plaintiffs Bar” (2019, 2021)

Lawdragon “500 Leading Plaintiff Financial Lawyers” (2019 – 2024)

Law360 “Rising Stars” (2018, 2020, 2022, 2024)

The National Law Journal “Rising Stars” (2022 – 2024)

Legal 500 “Next Generation Lawyer” (2017 – 2024)

Benchmark Litigation “40 & Under Hot List” (2018 – 2022)

American Antitrust Institute “Outstanding Antitrust Litigation Achievement by a Young Lawyer” (2018, 2019)

| Judicial Recognition for Antitrust

We have been honored to receive enthusiastic praise from courts across the country for our work in antitrust cases.

"I can't imagine attorneys litigating a case more rigorously than you all did in this case. ... The level of representation of all parties in terms of the sophistication of counsel, was, in my view, of the highest levels. I can't image a case in which there was really a higher quality of representation across the board than this one."

~ Hon. William E. Smith, U.S. District Court for the District of Rhode Island (*In re Loestrin 24 Fe Antitrust Litigation*)

"This litigation is particularly complex. . . . Plaintiffs' counsel really had to begin at the ground level, because there was no investigation or academic treatise or anything sort of giving them a leg up on the facts of this case; they had to find it out themselves. . . . There were very complicated issues and great lawyers on both sides."

~ Hon. Katherine Polk Failla, U.S. District Court for the Southern District of New York (*Iowa Public Employees Retirement System, et al. v. Bank of America Corp., et al.*)

"[C]ounsel achieved incredible success on the merits of the claims. . . . Liability on these claims was far from certain, and thus the case presented a great deal of risk, as counsel was required to advance all expenses and attorney time to litigate a hard fought case against highly experienced opposing counsel hired by a defendant with ample resources. . . . In almost 25 years of service on the bench, this Court has not experienced a more remarkable result."

~ Hon. John W. Lungstrum, U.S. District Court for the District of Kansas (*In re Urethane Antitrust Litigation*)

COHENMILSTEIN

"Few cases with no government action, or investigation, result in class settlements as large as this one."

[Cohen Milstein] was "imaginative" in its successful bid for class certification and had done "outstanding work" overall.

"I am personally knowledgeable of the high degree of [Plaintiffs counsel] competence" . . . [they have a] "sophisticated and highly professional approach."

~ Hon. Michael M. Baylson, U.S. District Court for the Eastern District of Pennsylvania (*In re Domestic Drywall Antitrust Litigation*)

"This is a substantial recovery that has the deterrent effect that class actions are supposed to have, and I think it was done because we had really good Plaintiffs' Lawyers in the case running it."

~ Hon. Brian M. Cogan, U.S. District Court for the Eastern District of New York (*In re Dental Supplies Antitrust Litigation*)

"I think the enforcement of our Nation's antitrust laws is vitally important to the vibrancy of our economy. Few firms are equipped with the resources and skills to pursue litigation of this complexity and against such well-funded defendants. The skill with which plaintiffs' counsel acted in this case benefited the class and I would say benefited the American economic system as a whole. That is the importance of antitrust litigation I think."

[Counsel] "has been excellent and have been of great assistance to the Court."

~ Hon. Denise L. Cote, U.S. District Court for the Southern District of New York (*In Re: Electronic Books Antitrust Litigation*)

COHENMILSTEIN

"[Plaintiffs counsel] undertook serious risk in this case throughout the litigation. The lawyering on both sides – but for now I'm just talking to you [Plaintiffs Counsel], because your money was on the line – was excellent."

"This case involved complicated and novel legal issues."

"It has been a pleasure to have read what you write and listen to what you say. For me, this was a fascinating case and it was very well-litigated by all."

~ Hon. William H. Orrick, U.S. District Court for the Northern District of California (*In re Lidoderm Antitrust Litigation*)

"The exceptional recovery for class members weighs heavily in favor of a greater-than-benchmark award of attorney fees for Plaintiffs' Counsel This is not the first time the Court has discussed Plaintiffs' Counsels' skill at litigating complex class action cases such as this. The Court's position on Class Counsel has not changed. Suffice to say, the Court takes a favorable view of the breadth and depth of experience of Plaintiffs' Counsel, recognizes the extraordinary efforts they made on behalf of the class, and (as stated above) finds the settlement amount extraordinary."

~ Hon. Anthony W. Ishii, U.S. District Court for the Eastern District of California (*Carlin v. DairyAmerica Inc.*)

| Representative Healthcare Matters

We have helped patients, public pension funds, unions, healthcare providers, and state attorneys general achieve landmark results against wrongdoers in the healthcare and pharmaceutical industries.

Antitrust

- *Sutter Health Antitrust Litigation (San Fran. Cnty., Cal.):* Cohen Milstein represented a certified class of self-insured employers and union trust funds. On August 27, 2021, the Court granted final approval of a \$575 million eve-of-trial settlement, which included significant injunctive relief, in this closely watched antitrust class action against Sutter Health, one of the largest healthcare providers in California. Plaintiffs alleged that Sutter restrained hospital competition through anticompetitive contracting practices with insurance companies. In 2018, California's attorney general joined the suit.

- *In re Ranbaxy Generic Drug Application Antitrust Litigation (D. Mass.):* Cohen Milstein represented the Direct Purchaser class in this antitrust and federal RICO class action. Plaintiffs alleged that Ranbaxy manipulated the U.S. Food and Drug Administration's generic drug approval process to block competitors from coming to market with less expensive generic versions of their drugs, thereby forcing purchasers to pay supracompetitive prices for their drugs – Diovan, Valcyte and Nexium. On September 19, 2022, the Court granted final approval of a \$485 million global settlement, of which a historic 70% (\$340 million) was achieved on behalf of the certified Direct Purchaser class.

- *In re Plasma-Derivative Protein Therapies Antitrust Litigation (N.D. Ill.):* After four years of litigation, in October 2013, CSL Limited, CSL Behring LLC, CSL Plasma, Inc., and the Plasma Protein Therapeutics Association agreed to pay \$64 million dollars to settle a lawsuit brought by the University of Utah Hospital and other health care providers alleging that CSL, the PPTA, and Baxter agreed to restrict the supply of immunoglobulin and albumin and thereby increase the prices of those therapies. Two months later, Baxter International Inc. and

COHENMILSTEIN

Baxter Healthcare Corp. agreed to pay an additional \$64 million to settle these claims – bringing the total recovery to the class to \$128 million.

-
- *Lidoderm Antitrust Litigation (N.D. Cal.)*: Plaintiffs alleged that manufacturers of the Lidoderm patch, paid Watson Pharmaceuticals to delay its generic launch. The case settled on the eve of trial and on September 20, 2018, plaintiffs obtained final approval of a \$104.75 million settlement – more than 40% of plaintiffs’ best-case damages estimate and the largest end-payor settlement in a federal generic suppression case in over a decade.
-
- *In re Loestrin 24 FE Antitrust Litigation (D.R.I.)*: Cohen Milstein served as Co-Lead Counsel for the End-Payor Plaintiffs who alleged that Warner Chilcott PLC entered into agreements to delay the introduction of a generic version of the contraceptive drug Loestrin and thereafter engaged in a “product hop” to further impede generic entry. The case settled on the last business day before trial for \$63.5 million – representing one of the largest settlements in a federal generic suppression case in over a decade. On September 1, 2020, the settlements received final approval.
-
- *In re Blood Reagents Antitrust Litigation (E.D. Pa.)*: Plaintiffs alleged that the two leading producers of blood reagents, Ortho–Clinical Diagnostics, Inc. and Immucor, Inc., conspired to raise prices on traditional blood reagents. In September 2012, Immucor reached a settlement with Plaintiffs. On July 19, 2017, the Court denied in part Ortho’s motion for summary judgement. The case, which was set for trial ultimately settled for a total recovery of \$41.5 million.

Other Representative Healthcare Matters

- *State Attorneys General PBM Investigations & Litigation*: Cohen Milstein serves as special counsel to more than a dozen state Attorneys General in their respective investigations of the pharmacy benefit managers (PBMs) that provide pharmacy benefits and services to their state’s Medicaid program and state employee health plans. The PBMs under investigation include Centene’s Envolve Pharmacy Solutions, OptumRx, Express Scripts, and CVS Caremark. Since June 2021, Cohen Milstein has helped achieve over \$950 million in settlements with Centene for our state Attorney General clients, including: California, Ohio, Mississippi, Illinois, Arkansas, and New Mexico.

COHENMILSTEIN

Cohen Milstein works with other state Attorneys General to finalize their settlements with Centene that will return hundreds-of-millions of dollars back to these states.

- *United States of America et al., ex rel. Lauren Kieff, v. Wyeth (D. Mass.):* A qui tam action alleging that drug manufacturer Wyeth overcharged the state Medicaid programs by not providing them the statutorily required “best price” for a widely prescribed drug. This action resulted in a recovery of more than \$780 million by the government.

- *National Opioids Litigation:* Cohen Milstein represented the attorneys general of Indiana, New Jersey, and Vermont in negotiating historic settlement agreements, totaling \$704.8 million as a part of a \$26 billion national agreement with the nation’s three major pharmaceutical distributors, Cardinal Health, McKesson, and AmerisourceBergen, and opioids manufacturer Johnson & Johnson for their roles in promulgating the opioid epidemic in each of their states. In addition, the courts ordered numerous injunctive relief requirements of the Defendants. Final approval of the resolution in the litigation against Purdue Pharma and the Sackler family is pending in bankruptcy court.

- *Herrera, et al. v. JFK Medical Center LP et al. (M.D. Fla.):* On December 14, 2018, Cohen Milstein secured final approval of a \$220 million injunctive relief settlement from Florida-based HCA hospitals for patients who were allegedly overcharged for emergency X-rays and CT scans provided after they suffered an automobile accident and covered in part by their mandatory Florida Personal Injury Protection insurance. Cohen Milstein was Lead Counsel in this state-wide litigation.

- *In Re Anthem, Inc. Data Breach Litigation (N.D. Cal.):* On August 16, 2018, the Court granted final approval to a \$115 million settlement – the largest data breach settlement in U.S. history – ending claims that Anthem Inc., one of the nation’s largest for-profit managed health care companies, put 79 million consumers’ personal information, including social security numbers and health date, at risk in a 2015 data breach. Cohen Milstein was Co-Lead Counsel in this watershed nationwide class action.

COHENMILSTEIN

-
- *Ariza v. Luxottica Retail North America (LensCrafters) (E.D.N.Y.)*: Cohen Milstein is Interim Lead Class Counsel in this certified consumer protection class action. Purchasers of LensCrafters' Accufit Digital Measurement System (Accufit) services allege that LensCrafters used false, misleading advertising and deceptive sales practices about Accufit being "five times more accurate" in measuring pupillary distance than traditional methods, to induce customers to purchase LensCrafter's higher-priced prescription lens products. On September 20, 2023, the court granted preliminary approval of a \$39 million settlement.
-
- *Ohio Bureau of Workers Compensation v. OptumRx Administrative Services, LLC (Franklin C.P., Ohio)*: Cohen Milstein served as Special Counsel to the Ohio Attorney General's Office in breach of contract litigation against OptumRx Administrative Services, LLC for its allegedly overcharging BWC on certain pharmaceutical claims that OptumRx processed as BWC's PBM. On October 28, 2022, OptumRx agreed to pay the State of Ohio \$15 million to settle the litigation.
-
- *United States of America and The State of Maryland ex rel. J. Doe v. Shore Health System, Inc. (D. Md.)*: Cohen Milstein represented the whistleblower who brought forward and filed a qui tam lawsuit, alleging that Shore Health System, a subsidiary of the University of Maryland Medical System that operates two hospitals and several non-hospital outpatient centers located on Maryland's Eastern Shore, overcharged the Medicare and Maryland Medicaid programs between 2014 – 2018 for services provided to Medicare and dual eligible Medicare and Medicaid beneficiaries. On July 16, 2021, the Maryland U.S. Attorney's Office and the State of Maryland reached a \$9.5 million settlement.
-
- *United States et al., ex rel. Bay Area Whistleblower Partners v. ReNew Health Group LLC et al. (C.D. Cal.)*: Cohen Milstein represented whistleblowers in a lawsuit alleging that ReNew Health, which owns and operates dozens of nursing facilities throughout California, submitted millions of dollars of false claims to Medicare and California Medicaid under the COVID-19 waiver program for skilled care beginning at the start of the pandemic in March 2020. The whistleblower lawsuit prompted an investigation by the U.S. Department of Justice and the California Department of Justice's Division of Medi-Cal Fraud

COHENMILSTEIN

and Elder Abuse. This investigation culminated in the first False Claims Act settlement regarding fraud in the COVID-19 Waiver Program, totaling more than \$7 million.

- *Ohio Department of Administrative Services – PBM Investigation*: Cohen Milstein served as Special Counsel to the Ohio Attorney General's Office in an Investigation of the Pharmacy Benefit Management services that OptumRx Administrative Services, LLC provided to the Ohio Department of Administrative Services. The investigation was resolved by \$7 million settlement on June 6, 2022.

- *United States of America ex rel. Michelle O'Connor v. National Spine and Pain Centers, LLC, et al. (E.D. Va.)*: Cohen Milstein represented the whistleblower, a physician assistant and former employee of PMA in this qui tam action. The whistleblower alleged that PMA, which operates several pain management practices in Virginia, doing business as National Spine & Pain Centers, overcharged Medicare, TRICARE, and the Federal Employees Health Benefits Program for medical services and ordered quantitative urine drug tests that were medically unnecessary, and which were billed to the federal health care programs. On April 19, 2019, the United States Government reached a settlement with PMA for approximately \$3.3 million.

- *Commonwealth of Pennsylvania v. International Business Machines Corp. (Crt. Common Pleas, Dauphin Cnty., Penn.)*: Cohen Milstein represented the Commonwealth of Pennsylvania, Department of Labor and Industry in a breach of contract dispute against IBM related to the modernization of an unemployment compensation delivery system for the Commonwealth. On August 24, 2021, the parties announced, after extensive discovery and the exchange of expert reports, that they had reached a confidential settlement.



| Other Significant Antitrust Matters

We have recovered billions of dollars in damages for injured plaintiffs in some of the nation's most complex antitrust lawsuits.

- *Moehrl v. National Association of Realtors* (N.D. Ill.): We represent home sellers in this certified class action against National Association of Realtors (NAR) and many of the nation's largest real estate broker franchisors for conspiring to require home sellers to pay home buyer brokers fees – and at an inflated rate. Plaintiffs allege that the conspiracy revolves around NAR's mandatory requirement that sellers make a buyer broker commission offer when listing their home on a multiple listing service. On March 15, 2024, NAR agreed to a landmark settlement of \$418 million. Pending court approval, total settlements will exceed \$997.1 million.

- *In re Urethane Antitrust Litigation* (D. Kan.): We served as Co-Lead Counsel on behalf of a class of direct purchasers of chemicals used to make many everyday products, from mattress foam to carpet cushion, who were overcharged because of a nationwide price-fixing conspiracy. We secured the largest trial verdict ever in a price-fixing case (\$1.06 billion – after trebling and settlement offsets). Dow Chemical and other leading chemical producers ultimately settled, with combined total settlements of \$974 million.

- *IPERS, et al. v. Bank of America Corp.* (S.D.N.Y.): On September 4, 2024, the Court granted final approval of a historic settlement of \$580 million in cash along with significant injunctive relief with defendants Morgan Stanley, Goldman Sachs, UBS, JP Morgan, Credit Suisse, and EquiLend in this ground-breaking anticompetitive class action in which Plaintiffs allege that these banks, along with Bank of America, engaged in a group boycott to thwart the modernization of the \$1.7 trillion stock loan market in violation of the antitrust laws. Litigation against Bank of America, the remaining defendant, continues.

- *Electronic Books Antitrust Litigation* (S.D.N.Y.): We secured \$560 million in total settlements against Apple and other e-book developers. The settlements

COHENMILSTEIN

resolved damages claims brought by a class of eBook purchasers and attorneys general from 33 U.S. states and territories.

- *Cung Le, et al v. Zuffa, LLC, d/b/a Ultimate Fighting Championship (D. Nev.):* Cohen Milstein is Co-Lead Counsel in this certified wage suppression class action, representing mixed martial arts (MMA) fighters who allege that UFC unlawfully monopolized the MMA market by, among other things, locking up fighters in exclusive contracts and acquiring MMA rivals. On September 26, 2024, parties reached a landmark \$375 million settlement agreement, pending court approval.

- *Jien, et al. v. Perdue Farms, Inc., et al. (D. Md.):* We serve as Co-Lead Counsel in this putative wage and hour suppression class action against the nation's largest chicken and turkey producers conspired to suppress their compensation. Settlements that are public total \$339 million thus far. Litigation against Defendant Agri Stats continues.

- *Brown v. JBS USA Food Company, et al. (D. Col.):* We serve as Interim Co-Lead Counsel in this wage suppression antitrust class action against eleven of country's largest beef and pork producers and several of their subsidiaries, including JBS USA Food, Tyson Foods, Cargill, Hormel Foods, American Foods, Perdue Farms, Smithfield Foods, and National Beef Packing. Plaintiffs so far have reached settlements totaling \$200 million.

- *In re Broiler Chicken Antitrust Litigation (N.D. Ill.):* We represent a class of broiler chicken consumers in a suit alleging that the nation's largest chicken producers, including Perdue Farms and Tyson Foods, conspired to raise the price of chicken. As of July 25, 2023, settlements against defendants total \$183.9 million. Litigation against the remaining defendants continues.

- *In re Domestic Drywall Antitrust Litigation (E.D. Pa.):* We served as Co-Lead Counsel for a class of direct purchasers of drywall against drywall manufacturers for price-fixing. The Court approved settlements that total more than \$190 million. The Court commented on counsel's "outstanding work," and noted that plaintiffs' counsel had a "sophisticated and highly professional approach." It complimented the attorneys as "highly skilled" and noted that their performance on class action issues was "imaginative." It also

COHENMILSTEIN

stated, “Few cases with no government action, or investigation, result in class settlements as large as this one.”

-
- *Animation Workers Litigation (N.D. Cal.)*: We served as Co-Lead Counsel representing a class of animation and visual effects workers who alleged that Pixar, Lucasfilm, DreamWorks, Disney and other studios conspired to suppress their pay primarily through no-poach agreements. We secured \$168.5 million in total settlements, yielding average awards of more than \$14,000 per class member in this novel “no-poach” pay suppression class action.
-
- *In Re: Interest Rate Swaps Antitrust Litigation (S.D.N.Y.)*: On July 11, 2024, in two separate orders, the court granted preliminary approval of \$71 million in total cash settlements against Credit Suisse, Bank of America, JP Morgan Chase, Deutsche Bank, and all remaining defendants in this groundbreaking anticompetitive market manipulation class action. Plaintiffs allege that 12 Wall Street banks conspired to engineer and maintain a collusive and anti-competitive stranglehold over the interest rate swaps market – one of the world’s biggest financial markets. We serve as Interim Co-Lead Counsel.
-
- *In re Resistors Antitrust Litigation (N.D. Cal.)*: Cohen Milstein served as Interim Co-Lead Counsel for the direct purchasers of resistors, who accused the world’s largest manufacturers of resistors of fixing prices. In November 2019, the court granted final approval of a \$50.25 million settlement – a remarkable recovery, reflecting 33% - 57% of estimated single damages according to Plaintiffs’ preliminary analysis. Estimated payments to class members would be an average payment of \$46,850.64; a median payment of \$768.39.
-
- *Carlin et al. v. DairyAmerica Inc. et al. (E.D. Cal.)*: On May 9, 2019, the Court granted final approval to a \$40 million settlement, resolving allegations that cooperative DairyAmerica Inc. and California Dairies conspired to boost profits by artificially depressing the price of milk products paid to farmers. The \$40 million settlement is a remarkable recovery. It is 80% of the \$50 million in damages estimated by the USDA Inspector General and approximately 50% of the total damages calculated by Plaintiffs’ experts.

Michael B. Eisenkraft

Partner

NEW YORK

T 212.838.0177

meisenkraft@cohenmilstein.com



Michael B. Eisenkraft leads Cohen Milstein's efforts in prosecuting innovative cases relating to the protection of the global financial markets.

He serves in both the Antitrust and Securities practices, is the administrative partner of the firm's New York office, chair of the New Business Development Committee, and a member of the firm's Executive Committee.

Michael currently represents putative classes of investors asserting antitrust or securities claims in the Stock Lending, Interest Rate Swaps, Treasuries, Bristol CVR, XIV ETN, Overstock.com, and Pesticides markets. In addition to recently securing \$580 million in settlements in the Stock Lending litigation, Michael helped investors recover hundreds of millions of dollars in the firm's mortgage-backed securities cases and represents businesses in commercial contingency litigation, including breach of contract cases.

PRACTICE AREAS

Securities Litigation &
Investor Protection
Antitrust

ADMISSIONS

New Jersey
New York

EDUCATION

Harvard Law School, J.D.,
cum laude, 2004
Brown University, B.A.,
magna cum laude, Phi
Beta Kappa, 2001

Current Cases

Stock Loan Antitrust Litigation

Iowa Public Employees Retirement System et al. v. Bank of America Corp. (S.D.N.Y.): Cohen Milstein is co-counsel in this groundbreaking putative class action, in which investors accuse Wall Street banks of engaging in a group boycott and conspiring to thwart the modernization of and preserve their dominance over the \$1.7 trillion stock loan market. On September 4, 2024, the court granted final approval of a historic \$580 million cash settlement and significant injunctive relief against defendants Morgan Stanley, Goldman Sachs, UBS, JP Morgan, Credit Suisse, and EquiLend. Litigation against Bank of America continues.

cohenmilstein.com

In re Interest Rate Swaps Antitrust Litigation

In re Interest Rate Swaps Antitrust Litigation (S.D.N.Y.): Cohen Milstein serves as Co-Lead Counsel and represents the Public School Teachers' Pension and Retirement Fund of Chicago and other proposed buy-side investor class members in this ground breaking putative antitrust class action against numerous Wall Street investment banks. Plaintiffs allege that the defendants conspired to prevent class members from trading IRS on modern electronic trading platforms and from trading with each other, all to protect the banks' trading profits from inflated bid/ask spreads. On July 11, 2024, in two separate orders, the court granted preliminary approval of \$71 million in total cash settlements against Credit Suisse, Bank of America, JP Morgan Chase, Deutsche Bank, and all remaining defendants.

Northwest Biotherapeutics, Inc. v. Canaccord Genuity LLC, et al.

Northwest Biotherapeutics, Inc. v. Canaccord Genuity LLC, et al. (S.D.N.Y.): Cohen Milstein is leading this securities litigation against market makers Canaccord Genuity LLC, Citadel Securities LLC, G1 Execution Services LLC, GTS Securities LLC, Instinet LLC, Lime Trading Corp., Susquehanna International Group LLP, and Virtu Americas LLC for repeated market manipulation tactics involving the spoofing of company stock.

In re Bristol-Myers Squibb CVR Securities Litigation

In re Bristol-Myers Squibb Company CVR Securities Litigation (S.D.N.Y.): Cohen Milstein is sole Lead Counsel in this securities class action arising from Bristol Myers' alleged subversion of the FDA approval process for the cancer therapy Liso-cel for the purpose of avoiding a \$6.4 billion payment to holders of contingent value rights (CVRs).

In re Crop Protection Products Loyalty Program Antitrust Litigation

In re Crop Protection Products Loyalty Program Antitrust Litigation (M.D.N.C.): Cohen Milstein serves as Interim Co-Lead Class Counsel in this antitrust multidistrict litigation against Syngenta Crop Protection and Corteva, Inc., two of the world's largest pesticide manufactures. Plaintiffs allege these Defendants have illegally blocked competition through exclusive distributor "loyalty agreements," thereby forcing farmers to pay supracompetitive prices while restricting their ability to benefit from new, innovative products.

Set Capital, et al. v. Credit Suisse Group AG, et al.

Set Capital, et al. v. Credit Suisse Grp. AG, et al. (S.D.N.Y.): Cohen Milstein is Co-Lead Counsel in this path-breaking securities class action alleging fraud and market manipulation of XIV Exchange Traded Notes. On March 17, 2023, the court certified one of three proposed investor classes.

In re Overstock Securities Litigation

In Re Overstock Securities Litigation (D. Utah): Cohen Milstein is sole Lead Counsel in this putative securities class action against Overstock.com Inc., its former CEO, CFO, and current Retail President for engineering a market manipulation “short squeeze” scheme, committing fraud and engaging in insider trading.

Phunware, Inc. v. UBS Securities LLC

Phunware, Inc. v. UBS Securities (S.D.N.Y.): Cohen Milstein is leading this securities litigation against UBS Securities for its repeated market manipulation tactics involving the spoofing of Phunware's stock.

Mohawk Gaming Enterprises v. Scientific Games

Mohawk Gaming Enterprises v. Scientific Games, et al. (AAA/NY State Court): Cohen Milstein represents casinos that purchased/leased an automatic shuffler from Scientific Games, Bally Technologies, and Bally Gaming in a novel, certified class arbitration, alleging that the Respondents control virtually 100% of the relevant card shuffler market and maintain monopoly power through deceptive tactics such as fraudulently procuring patents and then assert those patents in sham lawsuits against competitors, thereby suppressing competition and deterring entry of new competitors, thereby allowing Respondents to set inflated prices.

Past Cases

Treasuries Antitrust Litigation

In re: Treasuries Securities Antitrust Litigation (S.D.N.Y.): Cohen Milstein was Co-Lead Counsel in this ground-breaking antitrust and Commodity Exchange Act class action alleging many of the nation's biggest banks manipulated the \$13 trillion market for U.S. Treasuries and related instruments. Cohen Milstein and co-counsel developed the case independently, without the assistance or benefit of any preceding government investigation or enforcement action.

Novastar MBS Litigation

NovaStar MBS Litigation: Cohen Milstein is lead counsel in litigation alleging that RBS, Wells Fargo (formerly Wachovia) and Deutsche Bank sold toxic mortgage-backed securities to investors. The litigation is one of the last outstanding class action MBS lawsuits. The Second Circuit Court of Appeals reversed an earlier dismissal of the lawsuit, paving the way for prosecution of the case. In March 2019, the Court granted final approval of a \$165 million all-cash settlement.

Harborview MBS Litigation

New Jersey Carpenters Health Fund, et al., v. The Royal Bank of Scotland Group, PLC (S.D.N.Y.): Litigation gave rise to a \$275 million settlement with Royal Bank of Scotland. Cohen Milstein was lead counsel in a complex case, in which presiding Judge Loretta A. Preska, of the U.S. District Court, Southern District of New York, commented on the “job well done” by the Cohen Milstein team.

LIBOR Antitrust Litigation (Exchange Traded Class)

In re: Libor-Based Financial Instruments Antitrust Litigation (S.D.N.Y.): Cohen Milstein played a significant role in representing the putative Exchange-Based Plaintiffs class that was a part of this large multi-district litigation that was consolidated in 2011. On September 17, 2020, after significant litigation, the court granted final approval of a \$187 million settlement between the Exchange-Based Plaintiffs and seven of the 16 of the world’s largest banks, and on April 26, 2024, the court preliminarily approved an additional \$3.45 in settlements against the remaining defendants. The combined settlements totaling more than \$190 million represent the largest recovery in a “futures-only” commodities class action litigation.

RALI MBS Litigation

RALI MBS Litigation (S.D.N.Y.): Cohen Milstein was Lead counsel in a securities class action alleging RALI and its affiliates sold shoddy MBS securities that did not meet the standards of their underwriters. In July 2015, the court granted final approval to a global settlement totaling \$335 million, marking an end to a long and complicated class action that took seven years of intense litigation to resolve.

New Jersey Carpenters Health Fund v. DLJ Mortgage Capital, Inc., et al.

HEMT MBS Litigation (S.D.N.Y.): \$110 million settlement with Credit Suisse. Cohen Milstein was lead counsel in a case alleging Credit Suisse and its affiliates sold toxic securities to pension fund investors. The suit, filed in 2008, was one of the first class action cases involving mortgage-backed securities to be filed.

In re China Mediaexpress Holding, Inc. Shareholder Litigation

In re China Mediaexpress Holding, Inc. Shareholder Litigation (S.D.N.Y.): Cohen Milstein was Co-Lead Counsel in this certified securities fraud class action and represented investors against U.S. listed China Mediaexpress, one of China’s largest TV advertising networks in an alleged “pump and dump” scheme. Investors further alleged that Deloitte Touche Tohmatsu, its independent auditor, misled investors about its client’s financial health. In January 2014, the Court ordered a default judgment and \$535 million settlement against CME and in May 2015 a \$12 million settlement against DTT. The Court issued a final judgment in September 2015.

In re Dynex Capital, Inc. Securities Litigation

In re Dynex Capital, Inc. Securities Litigation (S.D.N.Y.): Cohen Milstein, as Lead Counsel, represented Lead Plaintiff Pension Fund Local 445 and a certified class of investors of collateralized bonds known as Merit Series 12-1 and Merit Series 13. Investors alleged that Dynex, its subsidiary Merit Securities Corp., and senior executives lied about the quality of mobile home loans that were collateral for the bonds. Unique to the case were rulings addressing corporate scienter and arguments addressing bond certification and bond market efficiency. It is also the first class certification granted to a class of asset-backed bond purchasers under the 1934 Act within the Second Circuit. On March 13, 2012, after six years of litigation, the Court granted final approval of \$7.5 million settlement.

Christopher J. Bateman

Partner

NEW YORK

T 212.838.7797

cbateman@cohenmilstein.com



Christopher Bateman represents a broad range of individuals and organizations in civil litigation, particularly class actions and antitrust litigation. His focus includes emerging antitrust issues within financial markets, and antitrust and securities issues relating to cryptocurrencies.

Before joining Cohen Milstein, Chris was a law clerk for the Honorable Naomi Reice Buchwald, U.S. District Court for the Southern District of New York. Before that, he was a litigation attorney at a global law firm, where he worked with clients in the financial services and energy sectors.

While in law school, Chris was an article selection editor for the *Harvard Civil Rights-Civil Liberties Law Review*. He is the co-author of "Toward Greener FERC Regulation of the Power Industry," 38 *Harvard Environmental Law Review* 275 (2014).

Before attending law school, Chris was an editorial associate at Vanity Fair writing about politics, civil rights, culture, and environmental issues.

PRACTICE AREAS

Antitrust

ADMISSIONS

New York

EDUCATION

Harvard Law School, J.D., cum laude, 2014

Dartmouth College, B.A., cum laude, 2005

Current Cases

In re Da Vinci Surgical Robot Antitrust Litigation

In re Da Vinci Surgical Robot Antitrust Litigation (N.D. Cal.): Cohen Milstein serves as Interim Co-Lead Counsel in this consolidated antitrust class action against Intuitive Surgical, Inc. Plaintiffs allege that Intuitive engages in an anticompetitive scheme under which it ties the purchase or lease of its must-have, market-dominating da Vinci surgical robot to the additional purchases of (i) robot maintenance and repair services and (ii) unnecessarily large numbers of the surgical instruments, known as EndoWrists, used to perform surgery with the robot—a violation of Sections 1 and 2 of the Sherman Act.

cohenmilstein.com

Stock Loan Antitrust Litigation

Iowa Public Employees Retirement System et al. v. Bank of America Corp. (S.D.N.Y.): Cohen Milstein is co-counsel in this groundbreaking putative class action, in which investors accuse Wall Street banks of engaging in a group boycott and conspiring to thwart the modernization of and preserve their dominance over the \$1.7 trillion stock loan market. On September 4, 2024, the court granted final approval of a historic \$580 million cash settlement and significant injunctive relief against defendants Morgan Stanley, Goldman Sachs, UBS, JP Morgan, Credit Suisse, and EquiLend. Litigation against Bank of America continues.

In re Interest Rate Swaps Antitrust Litigation

In re Interest Rate Swaps Antitrust Litigation (S.D.N.Y.): Cohen Milstein serves as Co-Lead Counsel and represents the Public School Teachers' Pension and Retirement Fund of Chicago and other proposed buy-side investor class members in this ground breaking putative antitrust class action against numerous Wall Street investment banks. Plaintiffs allege that the defendants conspired to prevent class members from trading IRS on modern electronic trading platforms and from trading with each other, all to protect the banks' trading profits from inflated bid/ask spreads. On July 11, 2024, in two separate orders, the court granted preliminary approval of \$71 million in total cash settlements against Credit Suisse, Bank of America, JP Morgan Chase, Deutsche Bank, and all remaining defendants.

In Re Axon VieVu Antitrust Litigation

In Re Axon VieVu Antitrust Litigation (D.N.J.): Cohen Milstein, as Co-Lead Counsel, represents the Mayor and City Council of Baltimore and other municipalities in this consolidated antitrust class action, alleging that Axon unlawfully monopolized the markets for body-worn camera systems and long-range conducted energy weapons, such as Tasers, through acquiring its largest competitor and signing decade-long non-compete, market allocation, and no-poach agreements with its main competitor.

In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation

U.S. District Court for the Eastern District of New York (E.D.N.Y.): Cohen Milstein represents gasoline retailers in numerous states in an antitrust class against Visa, Inc. and MasterCard, Inc. for orchestrating an anticompetitive scheme artificially inflating the "interchange fees" charged to process credit card transactions on their networks.

Albert v. Global Tel*Link Corp.

Albert et al. v. Global Tel*Link Corp. et al. (D. Md.): Cohen Milstein and co-counsel, including the Human Rights Defense Center, and the Washington Lawyers' Committee for Civil Rights and Urban Affairs represent families of inmates in prisons and correctional facilities throughout the United

States. Plaintiffs allege that telecommunications giants, Global Tel* Link Corp., Securus Technologies, LLC, and 3Cinteractive Corp., engaged in a price-fixing and kickback scheme to inflate the prices of single call collect calls placed by inmates in violation of the Sherman Antitrust Act and the Racketeer Influenced and Corrupt Organizations Act.

Nathaniel D. Regenold

Associate

WASHINGTON, DC

T 202.408.4600

nregenold@cohenmilstein.com



Nathaniel Regenold is an associate in Cohen Milstein's Antitrust practice. He represents a broad range of individuals and businesses in civil litigation, with a focus on multi-district class actions and antitrust litigation.

Prior to joining Cohen Milstein, Nathaniel clerked for the Honorable Paul L. Friedman of the United States District Court for the District of Columbia and for the Honorable Jane Kelly of the United States Court of Appeals for the Eighth Circuit. Before that, he was a litigation associate at a highly regarded global law firm where he focused on antitrust and other civil litigation matters.

During law school, Nathaniel was the vice president of the Asian Pacific American Law Students Association, an executive editor of the *Georgetown Law Journal*, and a member of the Order of the Coif.

Prior to law school, Nathaniel served as a Peace Corps Volunteer in Liberia, where he taught high school math and science, and worked as a legal assistant with the Florence Immigrant and Refugee Rights Project in his home state of Arizona, providing legal assistance to detained adults facing threat of deportation.

Nathaniel is proficient in Spanish.

PRACTICE AREAS

Antitrust

ADMISSIONS

New York

District of Columbia

EDUCATION

Georgetown University Law Center, J.D., magna cum laude, 2018

Washington University in St. Louis, B.A., with College Honors, 2011

Current Cases

Pacific Steel Group v. Commercial Metals Company, et al.

Pacific Steel Group v. Commercial Metals Company (N.D. Cal.): Cohen Milstein represents Pacific Steel Group, a steel rebar fabricator, in challenging the lawfulness of an agreement extracted by one of the world's largest steel companies (CMC) from the world's only manufacturer of steel rebar micro mills to refuse to build a micro mill for Pacific Steel in any location that could threaten CMC's rebar monopoly in Southern California or otherwise allow Pacific Steel to become a more formidable competitor in the downstream rebar fabrication market.

In re Seroquel XR Antitrust Litigation

In re Seroquel XR Antitrust Litigation (D. Del.): Plaintiffs allege that Defendant AstraZeneca Pharmaceuticals LP struck deals with generic drug manufacturers Handa Pharmaceuticals LLC, Par Pharmaceutical Inc. and Accord Pharmaceuticals Inc., inducing the generics to delay launching generic versions of Seroquel XR, AstraZeneca's prescription drug treatment for schizophrenia, bipolar disorder and depression, for five years in exchange for AstraZeneca committing to delay the launch of its own authorized generic.

In re Lipitor Antitrust Litigation

In re Lipitor Antitrust Litigation (D.N.J.): Plaintiffs allege that Pfizer, the manufacturer of the cholesterol drug Lipitor, the best-selling drug in pharmaceutical history, conspired with Ranbaxy, the generic manufacturer, to delay its introduction of a generic Lipitor product. On August 21, 2017, the Third Circuit handed a sweeping victory to Plaintiffs, reviving their antitrust claims.

Past Cases

Treasuries Antitrust Litigation

In re: Treasuries Securities Antitrust Litigation (S.D.N.Y.): Cohen Milstein was Co-Lead Counsel in this ground-breaking antitrust and Commodity Exchange Act class action alleging many of the nation's biggest banks manipulated the \$13 trillion market for U.S. Treasuries and related instruments. Cohen Milstein and co-counsel developed the case independently, without the assistance or benefit of any preceding government investigation or enforcement action.

Silvie Saltzman

Associate

NEW YORK, NY

T 212.838.7797

ssaltzman@cohenmilstein.com



Silvie Saltzman is an associate in Cohen Milstein’s Antitrust practice, where she represents a broad range of individuals and businesses in civil litigation with a focus on multi-district class actions and antitrust litigation.

Prior to joining Cohen Milstein, Silvie was a law clerk for the Honorable Carol Bagley Amon of the United States District Court for the Eastern District of New York.

While attending Stanford Law School, Silvie was a development editor for the Stanford Law Review.

PRACTICE AREAS

Antitrust

ADMISSIONS

New York

EDUCATION

Stanford Law School, J.D.,
2022

Yale University, B.A., magna
cum laude, 2017

CLERKSHIPS & FELLOWSHIPS

Law Clerk, the Hon. Carol
Bagley Amon, U.S. District
Court, Eastern District of
New York (2023 – 2024)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

ESTUARY TRANSIT DISTRICT AND
TEAMSTERS 671 HEALTH SERVICE &
INSURANCE PLAN, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

HARTFORD HEALTHCARE CORPORATION,
HARTFORD HOSPITAL, HARTFORD
HEALTHCARE MEDICAL GROUP, INC.,
INTEGRATED CARE PARTNERS, LLC,

Defendants.

Case No.: 3:24-cv-01051 (MPS)

**DECLARATION OF MATTHEW W. RUAN IN SUPPORT OF PLAINTIFFS' MOTION
TO APPOINT INTERIM CO-LEAD CLASS COUNSEL AND INTERIM LIAISON
COUNSEL**

I, Matthew W. Ruan, declare as follows:

1. I am a Partner at Freed Kanner London & Millen LLC ("FKLM"), counsel of record for Plaintiffs Estuary Transit District and Teamsters 671 Health Service & Insurance Plan ("Plaintiffs") in *Estuary Transit District, et al. v. Hartford Healthcare Corporation, et al.*, 3:24-cv-01051 (D. Conn.).

2. Attached hereto as Exhibit A is a true and correct copy of FKLM's firm resume.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 18th day of October, 2024, at Denver, CO.

Dated: October 18, 2024

/s/ Matthew W. Ruan

Matthew W. Ruan (*pro hac vice*)

**FREED KANNER LONDON & MILLEN
LLC**

100 Tri-State International, Suite 128

Lincolnshire, IL 60069

Telephone: (224) 632-4500

mruan@fklmlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail on anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

Dated this 18th day of October, 2024.

/s/ Jonathan M. Shapiro
Jonathan M. Shapiro (ct24075)

EXHIBIT A



**100 TRI-STATE INTERNATIONAL
SUITE 128
LINCOLNSHIRE, IL 60069
TELEPHONE (224) 632-4500**

**923 FAYETTE STREET
CONSHOHOCKEN, PA 19428
TELEPHONE (610) 234-6770**

www.fklmlaw.com



Founded in 2007, Freed Kanner London & Millen LLC (“FKLM”) is firmly established as one of the nation’s foremost plaintiffs’ class action law firms. Trailblazers in the class action field, FKLM has been at the forefront of major antitrust, consumer fraud, securities, unlawful business practices and insurance fraud cases since its inception.

FKLM has a reputation as one of the most effective Plaintiffs’ litigation firms in the United States, having secured billions of dollars in recoveries for the clients and classes it has represented. Its attorneys are among the pioneers and leaders in the class action field and have assumed lead, co-lead, executive or steering committee roles in class action litigation throughout the United States. These matters have resulted in significant recoveries, including two of the three largest civil antitrust settlements ever obtained in the Seventh Circuit. FKLM attorneys are adept at litigating against large, multi-national companies in complex, high stakes litigation. The firm is committed to understanding each client’s claims and works tirelessly and efficiently to pursue the best outcome for clients and the classes they represent. FKLM attorneys are experienced in all phases of class action litigation, from initial claim investigation to discovery to trial. Several partners enjoyed prior roles as trial attorneys in the United States Department of Justice. FKLM’s legacy is one of victory, resilience, and an unyielding commitment to seeking justice for those harmed by corporate malfeasance.



APPOINTMENTS AS LEAD OR CO-LEAD COUNSEL

➤ ***In re: Fragrance End-User Plaintiff Antitrust Litigation, 2:23-cv-01627 (D.N.J.)***

FKLM partner Kimberly Justice serves as Co-Lead Counsel for the consumer indirect purchaser class in this antitrust class action alleging a conspiracy to fix the price of fragrance products.

➤ ***Virginia M. Lambrix, et al., v. Tesla, Inc., 3:23-cv-1145-TLT (N.D. Cal.)***

FKLM Partner Matthew W. Ruan serves as Lead Counsel in this right-to-repair antitrust class action. Plaintiff alleges that Defendant Tesla has violated Sections 1 and 2 of the Sherman Act, as well as California's Cartwright Act and Unfair Competition Law, by leveraging its market power in the United States electric vehicle market to monopolize and restrain the aftermarket for repair services and Tesla-compatible parts using various anticompetitive repair restrictions which effectively prevent anyone other than Tesla and its authorized collision centers from conducting maintenance and repairs on Tesla vehicles.

➤ ***Murphy, et al. v. Toyota Motor Corporation, et al., No. 4:21-cv-00178-ALM (E.D. Tex.)***

FKLM partner Kimberly Justice serves as lead counsel in this class action arising from allegations that MY 2013-2018 Toyota RAV4 vehicles contain a defective battery retention system design that promotes short circuits, fires, and other thermal events in the engine compartment by allowing the metal hold-down bracket on top of the battery to contact the B+ terminal of the battery under ordinary and foreseeable driving conditions.

➤ ***Northbrook Park District v. Mr. David's Flooring Int'l, LLC et al., No. 20-cv-07538 (N.D. Ill.)***

FKLM partner Steven Kanner served as co-lead counsel in this antitrust action arising from an 8-year conspiracy to rig bids to municipal and commercial flooring purchasers in Illinois.

➤ ***Powe v. Dermalogica, LLC, 2022-LA-000874 (Circuit Ct. DuPage County, Illinois)***

Freed Kanner Partner Jonathan Jagher has been appointed as Co-Lead Counsel in *Powe v. Dermalogica, LLC, 2022-LA-000874 (Circuit Ct. DuPage County, Illinois)*. Dermalogica has agreed to a multi-million-dollar settlement that would resolve a lawsuit that alleges that Dermalogica collected, captured, used, and stored individuals' biometric identifiers and/or biometric information without providing sufficient disclosures required by the Illinois



Biometric Information Privacy Act, and without obtaining the written release required by the statute. The matter awaits final approval from the Court.

➤ ***Kent et. al. v. Women’s Health USA, Inc., FST-CV21-6054676-S (CT.Sup.Ct.)***

FKLM Partner Jonathan Jagher, appointed as Co-Lead Counsel, negotiated a \$2.85 million settlement (approximately 50% of total damages) in this class action antitrust lawsuit against Women’s Health USA, Inc.; In Vitro Sciences, LLC; Center for Advanced Reproductive Services, P.C.; and Reproductive Medicine Associates of Connecticut alleging that Defendants conspired to artificially raise, fix, maintain, or stabilize prices for Assisted Reproductive Technology (“ART”) IVF services and to allocate geographic markets for ART services, which resulted in restricted competition and artificially high prices in violation of the Connecticut Antitrust Act.

➤ ***In re Payment Card Interchange Fee and Merchant Discount Litigation, MDL 1720 (E.D.N.Y.)***

FKLM is serving as interim co-lead counsel for a proposed class of more than twelve million merchants seeking equitable and injunctive relief. Plaintiffs allege, inter alia, that certain of Visa and MasterCard rules, including anti-steering restraints and default interchange fees, working in tandem have caused artificially inflated interchange fees paid by merchants on credit and debit card transactions from January 1, 2004 through the present.

➤ ***In re Opana ER Antitrust Litigation, MDL 2580 (N.D. Ill.)***

FKLM served as co-lead counsel on behalf of indirect purchasers (end-payors) of brand or generic Opana ER, an opioid painkiller, in this antitrust “pay-for-delay” case brought under the laws of 30 states. FKLM obtained \$15 million for the class.

➤ ***In re Peanut Farmers Antitrust Litigation, 2:19-cv-00463 (E.D. Va.)***

FKLM partner Kimberly Justice served as co-lead counsel in this antitrust class action arising from peanut shellers’ wrongful and anticompetitive actions that had the intended purpose and effect of artificially fixing, depressing, maintaining, and stabilizing the price of runner peanuts paid to peanut farmers in the United States for a period of six years. This matter settled for \$102.75 million for the class. United States District Court Judge Raymond Jackson praised the firm’s “effective and efficient prosecution” of the matter in discovery, class certification, fully briefed summary judgment practice and full trial preparation that led to “an excellent result for the Class,” without the benefit of a government investigation. See *In re Peanut Farmers Antitrust Litig.*, 2021 WL 9494033, at *2 & 3 (E.D. Va., Aug. 10, 2021).



- ***In re Chicago Board Options Exchange Volatility Index Manipulation Antitrust Litigation, MDL 2842 (N.D. Ill.)***

FKLM partner Kimberly Justice served as interim co-lead counsel in this multidistrict litigation arising from over a decade of alleged manipulation of financial instruments linked to the Chicago Board Options Exchange’s (“CBOE”) Volatility Index, the “VIX,” and the opaque settlement process the CBOE designed for certain of those instruments.

- ***The Honest Company Inc., Sodium Lauryl Sulfate (SLS) Marketing & Sales Practices Litigation, 2:16-ml-02719 (C.D. Cal.)***

FKLM served as co-lead counsel in this class action brought on behalf of consumers allegedly deceived in their purchase of products labeled as “Free of SLS.” The settlement in the case ultimately provided class claimants with, in most instances, close to full reimbursement of the money they spent on the products at issue and the defendant agreed to cease marketing the products as SLS free.

- ***In re Automotive Parts Antitrust Litigation, MDL 2311 (E.D. Mich.)***

FKLM is serving as interim co-lead counsel on behalf of direct purchasers of automotive parts in multiple concurrently active nationwide, antitrust price-fixing cases relating to the following products: wire harnesses; instrument panel clusters; heater control panels; occupant safety parts; fuel senders; bearings; air conditioning systems; windshield wiper systems; starters; windshield washer systems; spark plugs; oxygen and air fuel ratio sensors; fuel injection systems; brake hoses; alternators; ignition coils; power window motors; shock absorbers; and electric power steering assemblies. Settlements with dozens of defendants reached to date total over \$550 million.

- ***Kleen Products, Inc. et al. v. International Paper, et al., 10-CV-5711 (N.D. Ill.) (“Containerboard Antitrust Litigation”)***

As co-lead counsel for a class of direct purchasers of containerboard and related products in this antitrust price-fixing case, FKLM recovered \$376 million dollars through settlement after more than 7 years of heavily contested litigation, including two appeals to the Seventh Circuit Court of Appeals.

- ***In re Pharmacy Benefit Managers Antitrust Litigation, MDL No. 1782 (E.D. Pa.)***

FKLM is serving as co-lead counsel in these consolidated class actions brought on behalf of retail pharmacies against prescription benefit managers for fixing at artificially low levels the prices paid to pharmacies for pharmaceuticals sold, and reimbursement for services rendered, to the members of plans created by the prescription benefit managers.



The complaints allege that the prescription benefit managers illegally aggregate the purchases of their members in order to effectuate the underpayment.

➤ ***In re Hydrogen Peroxide Antitrust Litigation, MDL 1682 (E.D. Pa.)***

FKLM attorneys served as co-lead counsel in this antitrust price-fixing action against hydrogen peroxide producers. The case resulted in settlements of over \$97 million for the class. In approving the Plaintiffs' motion for an award of attorneys' fees and expenses, Judge Stewart Dalzell lauded co-lead counsel:

[t]he “skill and efficiency of the attorneys involved” is of a very high order indeed, and as we noted at the fairness hearing yesterday, we have been impressed that these attorneys have prosecuted this matter vigorously against seasoned opponents without needlessly distracting the Court with discovery disputes.

➤ ***In re Brand Name Prescription Drugs Antitrust Litigation, MDL 997 (N.D. Ill.)***

FKLM attorneys served as co-lead counsel in this antitrust price-fixing class action. Settlements totaling approximately \$715 million were recovered on behalf of the plaintiff class.

➤ ***In re Clozapine Antitrust Litigation, MDL No. 874 (N.D. Ill.)***

FKLM attorneys served as co-lead counsel in this antitrust class action against Caremark and Sandoz Pharmaceuticals alleging that the defendants entered into an illegal agreement to distribute a drug known as Clozaril by tying it to the purchase of a blood testing system, by fixing the price of the packaged sale, and by conspiring to monopolize the relevant market. More than \$20 million was recovered for the class.

➤ ***In re High Fructose Corn Syrup Antitrust Litigation, MDL 1087 (C.D. Ill.)***

FKLM attorneys served as co-lead counsel in this antitrust price-fixing class action against major manufacturers of high fructose corn syrup. The case was settled for \$531 million for the class. At the close of the hearing where counsel fees were approved, Judge Michael M. Mihm stated:

I've said many times during this litigation that you and the attorneys who represent the defendants here are as good as it gets. Very professional. At least in my presence or in my contacts with you, you've always been civil. You've always been cutting to the chase and not wasting my time or each other's time or adding to the cost of the litigation.



➤ ***In re Linerboard Antitrust Litigation, MDL 1261 (E.D. Pa.)***

FKLM attorneys served as co-lead counsel in this antitrust price-fixing case, which resulted in settlements of over \$200 million for the class.

➤ ***SchagrinGas Co. v. BP Products North America, et al., No. 1:06-cv-3621 (N.D. Ill.)***

FKLM served as co-lead counsel on behalf of direct purchaser plaintiffs in this nationwide class action involving monopolization claims under Section 2 of the Sherman Act. The case resulted in a settlement of over \$50 million for the class.

➤ ***In re Aftermarket Filters Antitrust Litigation, MDL 1957 (N.D. Ill.)***

FKLM served as interim co-lead counsel on behalf of direct purchasers of replacement automobile air and oil filters in this nationwide, antitrust price-fixing case. The case resulted in settlements of nearly \$18 million for the class.

➤ ***In re Flat Glass Antitrust Litigation (No. II), MDL 1942 (W.D. Pa.)***

FKLM served as co-lead counsel on behalf of direct purchaser plaintiffs of construction flat glass in this nationwide, antitrust price-fixing case. The case resulted in settlements for the class exceeding \$22 million.

➤ ***In re Urethane Chemicals Antitrust Litigation, MDL 1616 (D. Kan.)***

FKLM attorneys served as co-lead counsel in this antitrust price-fixing action. The case resulted in settlements of \$33 million for the class.

➤ ***In re Methyl Methacrylate (MMA) Antitrust Litigation, MDL 1768 (E.D. Pa.)***

FKLM served as co-lead counsel in this antitrust price-fixing action against producers of methyl methacrylate and polymethyl methacrylate. The case resulted in a settlement of over \$15 million for the class.

➤ ***In re Infant Formula Antitrust Litigation, MDL 878 (N.D. Fla.)***

FKLM attorneys served as co-lead counsel in this antitrust price-fixing class action against the major manufacturers of infant formula. The case settled for over \$125 million for the class.



➤ ***In re Chubb Drought Insurance Litigation, MDL 782 (S.D. Ohio)***

FKLM attorneys served as co-lead counsel in this class action filed on behalf of farmers who purchased drought insurance that Chubb refused to honor. The settlement exceeded \$110 million and was achieved in less than 9 months. This sum, together with \$8 million recovered at trial against Chubb's general agent, resulted in complete recovery for the affected farmers.

➤ ***In re Ocean Shipping Antitrust Litigation, MDL 395 (S.D.N.Y.)***

FKLM attorneys served as co-lead counsel in this antitrust price-fixing class action, which resulted in a \$79 million recovery for thousands of U.S. and European shippers. Distributions were made to claimants in the United States and throughout a number of European countries.

➤ ***In re Isostatic Graphite Antitrust Litigation, Master File 00-CV-1857 (E.D. Pa.)***

FKLM attorneys served as co-lead counsel in this antitrust price-fixing class action. The case resulted in combined settlements of over \$11 million for the class.

➤ ***In re Carbon Dioxide Antitrust Litigation, MDL 940 (M.D. Fla.)***

FKLM attorneys served as co-lead counsel in this antitrust price-fixing class action in which the plaintiff class recovered \$53 million and achieved significant therapeutic relief for the class.

➤ ***In re Morrison Knudson Securities Litigation, CA No. 94-CV-3345 (D. Idaho)***

FKLM attorneys served as co-lead counsel in this securities class action where the plaintiff class received \$43 million and approximately 3 million shares of Morrison Knudson common stock in settlement of their claims.

➤ ***In re M-L Lee Acquisition Fund Securities Litigation (D. Del.)***

FKLM attorneys served as co-lead counsel in this securities class action case against a syndicate of partnerships and its general partners, involving Merrill Lynch and its affiliates, and a leveraged buy-out specialty firm overseen by Thomas H. Lee. The case resulted in a \$33 million settlement on behalf of the limited partners.

➤ ***In re Public Service Company of New Mexico (S.D. Cal.)***

FKLM attorneys served as lead counsel in this derivative action and obtained \$33 million dollars in a joint settlement with class plaintiffs in a related securities fraud class action. Judge Harry R. McCue, District Court Judge for the Southern District of California stated:



The petitioners in this case are members of respected law firms which specialize in class action litigation. These attorneys brought considerable legal talents together, and were able to achieve the successful completion of this litigation. They are entitled to fair and reasonable compensation.

➤ ***Piggly Wiggly Antitrust Litigation (E.D. Tex.)***

FKLM attorneys served as co-lead counsel in this statewide (Texas) antitrust price-fixing action, which resulted in total settlements of approximately \$32 million for class members.

➤ ***Koch Gathering Systems, Inc. Oil Spill Litigation (Dist. Ct. of Nueces County, Tex.)***

FKLM attorneys served as co-lead counsel in this case concerning a marine oil spill in which a class consisting of commercial fisherman and shrimpers recovered over \$10 million.

OTHER LEADERSHIP ROLES

In addition to serving as lead or co-lead counsel, FKLM attorneys regularly play key roles as members of executive or steering committees, negotiating ESI issues, taking and defending depositions, working with expert witnesses, and managing all aspects of pre-trial discovery.

➤ ***In re Passenger Vehicle Replacement Tires Antitrust Litigation, 5:24-md-03107 (N.D. Ohio)***

FKLM Partner Kimberly Justice serves on the Direct Purchaser Plaintiff Steering Committee in this antitrust class action alleging some of the largest tire manufacturers in the world conspired to fix the prices of new replacement tires for passenger cars, vans, trucks, and buses sold in the United States.

➤ ***In re DPP Beef Antitrust Litigation, 0:20-CV-01319 (D. Minn.)***

FKLM serves on the Plaintiffs' Steering Committee in this antitrust class action alleging that the country's biggest beef companies have illegally conspired to both raise the price of beef and lower the amount paid to cattle ranchers.

➤ ***In re Local TV Advertising Antitrust Litigation, MDL No. 2867 (N.D. Ill.)***

FKLM serves court appointed roles both on the Plaintiffs' Steering Committee, and as Liaison Counsel in this multidistrict, antitrust class action accusing the primary industry



players of fixing television advertising prices.

➤ ***Clarke et. al. v. Lemonade Inc. et. al., 2022LA000308 (Circuit Ct. DuPage County, Illinois)***

FKLM Partner Jonathan Jagher was appointed as to the Plaintiffs' Executive Committee in this data privacy class action, and he and his co-counsel negotiated a multi-million-dollar settlement on behalf of thousands of United States residents that made video claim submissions to Lemonade Insurance Company. Plaintiffs alleged that Lemonade collected, captured, received, or otherwise obtained and/or stored data or information that could be construed as biometric identifiers or biometric information in violation of various state consumer protection statutes, including, but not limited to, the Illinois Biometric Privacy Act, New York's Uniform Deceptive Trade Practices Act Section 349 and California's Unfair Competition Law, Bus. & Prof. Code § 17200, and other common-law claims, including claims for unjust enrichment.

➤ ***In Re: TikTok, Inc., Consumer Privacy Litigation, MDL No. 2948 (N.D. Ill.)***

FKLM Partner Jonathan Jagher served on the Plaintiffs' Steering Committee in this action related to allegations of data privacy violations involving the popular app and the creation of short form videos on mobile devices. Jonathan was one of the primary negotiators of the \$92 million settlement that received final approval by Judge Lee of the United States District Court for the Northern District of Illinois on July 28, 2022.

➤ ***In re Proctor & Gamble Aerosol Products Marketing and Sales Practice Litigation, 2:22-MD-3025 (S.D. Ohio)***

Freed Kanner Partner Jonathan Jagher was appointed as a Settlement Class Counsel in In re Proctor & Gamble Aerosol Products Marketing and Sales Practice Litigation, 2:22-MD-3025 (SD OH). On June 16, 2023, Judge Watson of the United States District Court for the Southern District of Ohio granted final approval of a multi-million-dollar settlement reached between Settlement Class Counsel and Proctor & Gamble related to the alleged contamination of certain Proctor & Gamble aerosol products with benzene, a human carcinogen and the economic damages to the purchasers of these products.

➤ ***In re Toyota Hybrid Brake Litig., No. 4:20-cv-00127-ALM (E.D. Tex.)***

FKLM partner Kimberly Justice served on the Plaintiffs' Executive Committee in this class action arising from allegations that Toyota manufactured, sold, and leased certain Toyota vehicles with defective braking systems.



➤ ***Cameron et al. v. Apple, Inc.*, 4:19-cv-03074 (N.D. Cal.)**

FKLM served as class counsel and as an Executive Committee Member in this antitrust class action arising from Apple’s abusive monopoly in the distribution of iOS apps and related products, seeking to get rid of its pricing mandates, and to reimburse developers for overcharges made through abuse of its monopoly power. The case resulted in a \$100 million recovery for the class.

➤ ***In re Farm-Raised Salmon and Salmon Products Litigation*, 19-CV-21551 (S.D. Fla.)**

FKLM served as a member of the Direct Purchaser Plaintiffs’ Executive Committee in this case alleging various North Atlantic farms engaged in restrictive business practices including illegal price-fixing and violated rules prohibiting cartels. The case resulted in a \$85 million recovery for the class.

➤ ***In re German Automotive Manufacturers Antitrust Litigation*, 17-md-02796 (N.D. Cal.)**

FKLM partner Kimberly Justice served on the Plaintiffs’ Steering Committee in this multi-district class action accusing Audi, BMW, Volkswagen and other German automakers of a decades-long antitrust conspiracy covering car technology, costs, suppliers and emissions equipment.

➤ ***Washington County Health Care Auth., Inc., et al. v. Baxter Int’l Inc., et al.*, 16-CV-10324 (N.D. Ill.)**

FKLM served as interim liaison counsel this class action alleging that the major U.S. manufacturers of a critical medical product, intravenous saline solution (“IV Saline Solution”), conspired to restrict output and artificially fix, raise, maintain and/or stabilize the prices of IV Saline Solution sold throughout the United States, under the pretext of a supply shortage.

➤ ***Mulhern, et al. v. Pepperidge Farm*, 16-CV-32199 (N.D. Ill.) (consolidated for settlement with *Raymond Alfred et al. v. Pepperidge Farm*, 2:14-cv-07086 (C.D. Cal))**

FKLM served as interim liaison counsel and managed discovery efforts in this class action alleging that drivers/distributors were improperly classified by Pepperidge Farm as “independent contractors” in order to wrongfully deny them certain compensation and other benefits. A settlement in the case is pending final approval.

➤ ***In re Lithium Ion Batteries Antitrust Litigation*, MDL No. 2420 (N.D. Cal.)**

FKLM served as a member of the Direct Purchaser Plaintiff Direct Purchaser Plaintiffs’ Steering Committee in this case on behalf of direct purchasers of Lithium-Ion Battery products in this nationwide price fixing case. More than \$138 million was recovered for



the class.

➤ ***In re Rail Freight Fuel Surcharge Antitrust Litigation*, MDL 1869 (DC)**

FKLM is serving as co-chair of the Executive Committee in this case on behalf of direct purchasers of rail freight services that paid fuel surcharges in this nationwide, antitrust price-fixing case.

➤ ***Standard Iron Works v. ArcelorMittal et al.*, 08-CV-5214 (N.D. Ill.)**

FKLM was appointed as liaison counsel on behalf of direct purchasers of steel in this nationwide supply manipulation and price-fixing case.

➤ ***In re Blood Reagents Antitrust Litigation*, MDL 2081 (E.D. Pa.)**

FKLM is serving as a member of the Executive Committee in this nationwide antitrust class action brought on behalf of direct purchasers of blood reagents.

➤ ***In re NCAA Student-Athlete Name & Likeness Licensing Litigation*, 4:09-CV-1967 (N.D. Cal.)**

FKLM attorneys managed a variety of critical discovery matters in this antitrust case brought on behalf of former collegiate athletes.

➤ ***In re Fresh and Process Potatoes Antitrust Litigation*, MDL 2186 (D. Idaho)**

In addition to handling all aspects of discovery concerning two defendants, FKLM attorneys worked closely with lead counsel in drafting the consolidated complaint and successfully opposing a motion to dismiss in this nationwide antitrust class action brought on behalf of direct purchasers of fresh and process potatoes.

➤ ***In re Processed Egg Products Antitrust Litigation*, MDL 2002 (E.D. Pa.)**

FKLM attorneys worked closely with lead counsel in drafting the original complaint and successfully opposing a motion to dismiss in this nationwide antitrust class action brought on behalf of direct purchasers of eggs and egg products.

➤ ***In re Cathode Ray Tube (CRT) Antitrust Litigation*, MDL 1917 (N.D. Cal.)**

FKLM served as Chair of Discovery and worked closely with lead counsel to manage a variety of top-level matters, including negotiating ESI issues and taking key depositions in this nationwide price-fixing class action with over \$100 million in partial settlements.

➤ ***In re Optical Disk Drive (ODD) Antitrust Litigation*, MDL 2143 (N.D. Cal.)**



FKLM was one of several firms that assisted lead counsel with discovery and briefing in this nationwide price-fixing class action brought on behalf of direct purchasers of optical disk drives.

➤ ***In Re: Morgan Stanley Data Security Litigation, 1:20-CV-05914 (S.D.N.Y.)***

FKLM Partner Jonathan Jagher was appointed to the Executive Committee in this action related to allegations that Morgan Stanley failed to safeguard its customers' highly sensitive personally identifiable information. On August 5, 2022, Judge Engelmayer of the United District Court for the Southern District of New York, granted final approval of the parties' \$60 million settlement.

➤ ***In re Municipal Derivatives Antitrust Litigation, MDL 1940 (S.D.N.Y.)***

FKLM oversaw discovery of a key defendant and worked closely with lead counsel on a variety of other pre-trial matters in this nationwide class action brought on behalf of purchasers of municipal derivatives.

➤ ***In re American Express Anti-Steering Rules Antitrust Litigation (No. II), MDL 2221 (E.D.N.Y.)***

FKLM managed discovery of independent merchant (opt-out) plaintiffs in this nationwide antitrust case.

➤ ***In re Air Cargo Shipping Services Antitrust Litigation, MDL 1775 (E.D.N.Y.)***

FKLM attorneys served as co-chairs of discovery in this antitrust class action involving claims under Section 1 of the Sherman Act. Settlements in the case totaled nearly \$600 million.

➤ ***In re Intel Corp. Microprocessor Antitrust Litigation, MDL 1717 (D. Del.)***

FKLM attorneys managed discovery from dozens of named plaintiffs in this nationwide antitrust action. Among other things, the firm played a key role in overseeing document production and coordinating, managing and defending over 50 depositions.

➤ ***In re Vitamins Antitrust Litigation, MDL 1285 (D.D.C.)***

FKLM attorneys served as co-chairs of discovery in this antitrust price-fixing action, which resulted in over \$1.3 billion in settlements.



➤ ***In re Dynamic Random Access Memory (DRAM) Antitrust Litigation, MDL 1486 (N.D. Cal.)***

FKLM attorneys served as co-chairs of discovery in this nationwide, antitrust price-fixing action, which resulted in settlements of over \$300 million for class members.

➤ ***In re Rubber Chemicals Antitrust Litigation, MDL 1648 (N.D. Cal.)***

FKLM attorneys served on the executive committee in this nationwide, antitrust price-fixing action, which resulted in settlements of over \$300 million for class members.

➤ ***In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litigation, MDL 1542 (D. Conn.)***

FKLM attorneys served as co-chairs of discovery in this nationwide antitrust price-fixing action, which has resulted in settlements of over \$87 million for class members.

➤ ***In re Static Random Access Memory (SRAM) Antitrust Litigation, MDL 1819 (N.D. Cal.)***

FKLM was a member of the executive committee representing direct purchaser plaintiffs in this antitrust price-fixing case which resulted in settlements exceeding \$76 million.

➤ ***In re Waste Management, Inc. Securities Litigation, Master File 97-CV-7709 (N.D. Ill.)***

FKLM attorneys were actively involved in litigating the case and served as liaison counsel. A settlement for the plaintiff class of \$220 million was obtained.

➤ ***Blinder Robinson Securities Litigation (E.D. Pa.)***

FKLM attorneys served as members of the Steering Committee in this securities fraud action in which an injunction was obtained preventing a transfer of assets; judgment of \$71 million was later entered.

➤ ***In re Drill Bits Antitrust Litigation, CA No. H-91-627 (S.D. Tex.)***

FKLM attorneys served as members of the Steering Committee in this antitrust price-fixing class action and were instrumental in achieving a settlement for the class in excess of \$52 million.

➤ ***In re Industrial Gas Antitrust Litigation, CA No. 80 C. 3479 (N.D. Ill.)***

FKLM attorneys served as members of the executive committee in this antitrust price-fixing class action, which ultimately recovered more than \$50 million dollars for the class.



The settlement included assignable purchase certificates, which the court found increased the competitive value of the settlement.

➤ ***In re Records and Tapes Antitrust Litigation* (N.D. Ill.)**

FKLM attorneys served as members of the executive committee in this antitrust price-fixing class action. The class recovered \$26 million dollars in settlement in cash and assignable purchase certificates.

➤ ***Kaufman v. Motorola, Inc.* (N.D. Ill.)**

FKLM attorneys were actively involved in litigating the case and served as liaison counsel. A settlement of \$25 million was obtained for the plaintiff class.

➤ ***In re Unisys Securities Litigation, CA No. 99-5333* (E.D. Pa.)**

FKLM attorneys served on the executive committee in this derivative action in which Plaintiffs recovered \$20 million for corporation.

* * *

Other large class action cases in which FKLM attorneys were involved in a leadership position include *In re Folding Cartons Antitrust Litigation*, *In re Plywood Antitrust Litigation*, *In re Standard Screws Antitrust Litigation*, *In re Cotton Yarn Antitrust Litigation*, *In re Glass Containers Antitrust Litigation*, *In re Aluminum Siding Antitrust Litigation*, *Rusty Jones Warranty Litigation*, *NPA Securities Litigation*, *In re Chlor-alkali and Caustic Soda Antitrust Litigation*, and *In re Potash Antitrust Litigation*.

FKLM frequently serves as local counsel for a variety of cases, working closely with law firms located outside of Illinois. Some examples include *North Miami General Employees Retirement Fund et al. v. Parkinson et al.*, Case No. 1:10-cv-06514 (N.D. Ill.), *Marvin H. Maurras Revocable Trust v. Bronfman Jr. et al.*, Case No. 1:12-cv-03395 (N.D. Ill.), and *St. Lucie County Fire District Firefighters' Pension Trust Fund v. Motorola, Inc. et al.*, Case No. 1:10-cv-00427 (N.D. Ill.) actions where FKLM was appointed as liaison counsel.



ATTORNEY PROFILES

Michael J. Freed

After leaving the Department of Justice Antitrust Division, Mr. Freed has engaged in private antitrust class action litigation for 50 years. He has served as co-lead counsel in many prominent antitrust and securities fraud class action cases. Presently, Mr. Freed is serving as co-lead counsel in the *Kleen Products v. International Paper/Containerboard Antitrust* case and *In re Opana ER Antitrust Litigation*. Prior antitrust class actions in which Mr. Freed served as co-lead counsel include *In re Aftermarket Filters Antitrust Litigation*, *In re Brand Name Prescription Drugs Antitrust Litigation*, *In re High Fructose Corn Syrup Antitrust Litigation*, *In re Linerboard Antitrust Litigation*, *In re Carbon Dioxide Antitrust Litigation*, *In re Infant Formula Antitrust Litigation*, and *In re Ocean Shipping Antitrust Litigation*. More than \$2 billion has been recovered for the plaintiff classes in cases in which Mr. Freed has served as co-lead counsel.

Mr. Freed has been named an Illinois Super Lawyer by Chicago Magazine, an Illinois Leading Lawyer by the Leading Lawyer's Network, and one of the top plaintiffs' antitrust lawyers in Illinois by Chambers and Partners. In March 2007, Mr. Freed was honored by the Chicago Appleseed Fund for Justice for his exceptional pro bono efforts. In November 2021, Mr. Freed was inducted into the American Antitrust Institute's Private Enforcement Hall of Fame and in July 2023, Mr. Freed was named to Business Today's *Top 10 Influential Antitrust Plaintiffs Shaping US Law: Nation's Legal Titans*.

Mr. Freed was formerly a trial and appellate attorney with the United States Department of Justice, Antitrust Division (Honors Program). He is a graduate of the University of Pennsylvania (B.S., 1959) and University of Chicago Law School (J.D., 1962).

Steven A. Kanner

Mr. Kanner has over 30 years' experience in complex antitrust litigation and previously led the class action practice at Much Shelist Freed. His experience includes investigation, discovery, trial and appeal of antitrust, securities and other complex cases. Mr. Kanner has been designated an Illinois Super Lawyer by *Chicago Magazine* for the past 5 years and is a frequent lecturer both domestically and internationally on antitrust and trade regulation.

With respect to class action matters, Mr. Kanner has been involved in a leadership capacity in many of the cases described above. Mr. Kanner is currently serving as co-lead counsel or interim co-lead counsel include *In re Automotive Parts Antitrust Litigation*, MDL 2311 (E.D. Mich.), (an international price fixing conspiracy of historic proportions which currently includes individual cases for Wire Harnesses, Instrument Panel Clusters, Fuel Senders, Heater Control Panels, Occupant Safety Systems, Ball Bearings, Air Conditioning Systems, Windshield Wiper Systems, Starters, Alternators, Windshield Washer Systems).



Historically, Mr. Kanner has been appointed by federal and state courts as co-lead counsel in a broad array of important cases, which have resulted in recoveries of hundreds of millions of dollars. Some of these cases include: *In re Aftermarket Filters Antitrust Litig.*, MDL 1957 (N.D. Ill.) (settlements of over \$17 million); *In re Carbon Dioxide Antitrust Litig.*, MDL 940 (M.D. Fla.) (settlements of over \$53 million); *In re Flat Glass Antitrust Litig.* (No. II), MDL 1942 (W.D. Pa.) (settlements of over \$22 million); *In re Hydrogen Peroxide Antitrust Litig.*, MDL 1682 (E.D. Pa.) (settlements of over \$97 million); *In re Isostatic Graphite Antitrust Litig.*, No. 00-cv-1857 (E.D. Pa.) (settlements of over \$11 million); *In re Koch Gathering Systems, Inc. Oil Spill Litig.*, (Dist. Ct. of Nueces County, Tex.) (settlements of over \$10 million); and *In re Texas Bread Antitrust Litig.*, No. 95-cv-0048 (E.D. Tex.) (settlements of over \$32 million).

A 1979 graduate of DePaul University Law School, Mr. Kanner is admitted to the Bars of Illinois, the Northern District of Illinois (member of the trial bar), the United States Court of Appeals (Second, Third, Fourth, Fifth, Seventh and Tenth Circuits) and the United States Supreme Court. He is also a member of the Chicago Bar Association (Committees on Litigation and Antitrust Law), the Illinois State Association (Sections on Antitrust Law and Litigation), the American Bar Association (Sections on Antitrust Law and Litigation), the Illinois Trial Lawyers Association, and the Decalogue Society where he previously served on the Editorial Board of the Society's Law Journal. Prior to entering private practice, Mr. Kanner was employed by the Federal Trade Commission as a consumer affairs specialist.

Douglas A. Millen

Mr. Millen devotes his practice to prosecuting direct purchaser, price-fixing class actions and has played a key role in many of the most successful price-fixing cases in the United States. For example, Mr. Millen was most recently appointed to serve on the Plaintiffs' Steering Committee for the *In re DPP Beef Antitrust Litigation* (D. Minn.) Mr. Millen was appointed to serve on the Direct Purchaser Plaintiffs' Steering Committee in *In re Lithium Ion Batteries Antitrust Litigation*, MDL No. 2420 (N.D. Cal) which ultimately obtained almost \$140 million for the class. Mr. Millen has also played a prominent role in many of the largest antitrust cases in recent history – including: *In re Cathode Ray Tube (CRT) Antitrust Litigation*, MDL 1971 (N.D. Cal.), where he served as Chair of Discovery and aided in the recovery of more than \$210 million of the class; *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, MDL 1486 (N.D. Cal.); *In re Vitamins Antitrust Litigation*, MDL 1285 (D.D.C.); and *In re Rubber Chemicals Antitrust Litigation*, MDL 1648 (N.D. Cal.) – and his efforts have assisted in the recovery of billions of dollars for class members. Accordingly, he has been recognized as one of the nation's top competition lawyers by various publications, including *Global Competition Review*, and as a top Plaintiffs' lawyer by *Lawdragon 500 Leading Lawyers in America*. Mr. Millen currently represents several Fortune 500 companies in the *Rail Freight Fuel Surcharge Antitrust Litigation* and provides antitrust compliance consultation services for large, multi-national companies.

Mr. Millen is a graduate of the University of Michigan (B.G.S., 1991) and University of Illinois College of Law (J.D. *magna cum laude*, 1994). In 1994, he was admitted to the New York and Connecticut State Bars; and in 1995 he was admitted to the Illinois State Bar. He is also



admitted to practice in the Northern and Southern Districts of Illinois. Mr. Millen is a member of the American Bar Association, Antitrust Section and the Chicago Bar Association. Prior to founding FKLM, Mr. Millen was a partner at Much Shelist Freed, where he practiced with the class action group from November 1995 through December 31, 2006.

William H. London

Mr. London has been litigating class action cases for over 25 years. He served as trial counsel for the plaintiff class in *In re High Pressure Laminates Antitrust Litigation*, a case that was tried before a jury in the Southern District of New York. He was actively involved in several cases in which FKLM was serving in a leadership capacity, including *In re Flat Glass Antitrust Litigation (No. II)*, MDL No. 1942 (W.D. Pa.); *In re Static Random Access Memory (SRAM) Antitrust Litigation*, MDL No. 1819 (N.D. Cal); and *In re Hydrogen Peroxide Antitrust Litigation*, MDL 1682 (E.D. Pa.). Mr. London presently has significant involvement in *In re Automotive Parts Antitrust Litigation*, MDL 2311 (E.D. Mich.) and *In re Optical Disk Drive Products Antitrust Litigation*, No. 3:10-md-2143 (N.D. Cal.).

Mr. London graduated *Magna Cum Laude* from Syracuse University in 1984 and received his law degree in 1987 from IIT Chicago-Kent College of Law. In 1987, he was admitted to the Illinois Bar and the Federal Bar; and in 1988, he was admitted to practice before the United States Court of Appeals for the Seventh Circuit. Mr. London is a member of the American Bar Association and is a past-Chairman of the Chicago Bar Association Class Litigation Committee. He was formerly an Assistant Attorney General for the State of Illinois, during which time he argued cases in the United States Court of Appeals for the Seventh Circuit and the Illinois Supreme Court. Since 1990, Mr. London has concentrated on complex and commercial litigation, with an emphasis on class action litigation involving antitrust claims. Mr. London practiced with Much Shelist Freed from March 1993 through December 31, 2006.

Michael E. Moskowitz

Michael E. Moskowitz is a partner at Freed Kanner London & Millen LLC and has been involved in trial and appellate litigation for more than 15 years. Since 2000, he has concentrated on complex commercial litigation, with a primary emphasis on class action litigation involving antitrust, securities fraud, and consumer fraud claims. Mr. Moskowitz previously played a key role in the class action practice of Much Shelist Freed. He is significantly involved in several pending antitrust class actions, *In re Automotive Parts Antitrust Litigation*, MDL 2311 (E.D. Mich.), and *In re Vehicle Carrier Services Antitrust Litigation*, MDL No. 2471. Mr. Moskowitz is also a member of The Sedona Conference's Working Group 1 (Electronic Document Retention and Production) and has spoken at The Sedona Conference's Midyear meeting and has co-written papers published by The Sedona Conference.

Mr. Moskowitz is a graduate of Indiana University (B.A., 1993) and New York University School of Law (J.D., 1996).



Robert J. Wozniak

Robert J. Wozniak is a partner at Freed Kanner London & Millen LLC. Since 2001, Mr. Wozniak has been involved in complex commercial litigation, with a primary emphasis on antitrust, employment, and consumer fraud class action cases. He has handled all aspects of litigation, including researching and drafting complaints, motion practice, drafting and responding to written discovery, taking and defending depositions, working closely with expert witnesses, managing large scale electronic discovery, presenting oral argument, and trial.

Prior to engaging in private law practice, Mr. Wozniak worked as a trial attorney for the United States Department of Justice, Antitrust Division (Honors Program). Mr. Wozniak was then employed by Cohen Milstein Hausfeld & Toll, a Washington, D.C. class action firm, before joining Much Shelist Freed in 2004.

The complex antitrust class actions in which Mr. Wozniak has had significant involvement include: *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.); *In re Pork Antitrust Litigation* (D. Minn.); *In re Opana ER Antitrust Litigation* (N.D. Ill.); *In re Local TV Advertising Antitrust Litigation* (N.D. Ill.); *Mulhern, et al. v. Pepperidge Farm* (N.D. Ill.) (consolidated and transferred to C.D. Cal for settlement approval); *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* (E.D.N.Y.); *Kleen Products, et al. v. International Paper, et al.* (N.D. Ill.) (“*Containerboard Antitrust Litigation*”); *In re NCAA Student-Athlete Names & Likeness Licensing Litigation* (N.D. Cal.); *In re Fresh and Process Potatoes Antitrust Litigation* (D. Idaho); *In re Municipal Derivatives Antitrust Litigation* (S.D.N.Y.); *In re Flat Glass Antitrust Litigation (II)* (W.D. Pa.); *In re TFT-LCD (Flat Panel) Antitrust Litigation* (N.D. Cal.); *In re Static Random Access Memory (SRAM) Antitrust Litigation* (N.D. Cal.); *In re Hydrogen Peroxide Antitrust Litigation* (E.D. Pa.); *In re Intel Corp. Microprocessor Antitrust Litigation* (D. Del.); *In re Dynamic Random Access Memory (DRAM) Litigation* (N.D. Cal.); *In re Buspirone Antitrust Litigation* (S.D.N.Y.); and *In re Terazosin Hydrochloride Antitrust Litigation* (S.D. Fla.). Mr. Wozniak played an active role at trial in both the *Opana ER* case and *Broiler Chicken* cases.

Mr. Wozniak is a graduate of the University of Michigan (B.A., 1988), University of Minnesota (M.A., 1994), and Wayne State University Law School (J.D., 2000, *cum laude*, Order of the Coif). He is admitted to practice law in Illinois and Michigan as well as numerous federal district and appellate courts.

Kimberly A. Justice

Kimberly A. Justice, a partner of the Firm, is a respected litigator and experienced trial lawyer who has dedicated her career to obtaining justice for those harmed by corporate malfeasance. She focuses her practice on class action litigation, including antitrust, consumer and securities fraud matters. Ms. Justice has extensive experience in all aspects of complex litigation from investigating and developing an initial case theory, to formulating and managing litigation strategy, to conducting discovery, to trial.



In her twenty plus years in private enforcement, Mr. Justice has secured billions of dollars in recoveries for the clients and classes she has had the pleasure to represent. Notably, Kimberly led the trial team that obtained a jury verdict in favor of investors in the *In re Longtop Financial Technologies Ltd. Securities Litigation* (S.D.N.Y) securities class action litigation, among just a handful of securities cases to be tried to jury verdict.

Ms. Justice serves (or has served) as lead or co-lead counsel in several nationwide antitrust, consumer and securities fraud class actions. Most recently, Ms. Justice was appointed as Co-Lead Counsel in *In re: Fragrance End-User Plaintiff Antitrust Litigation*, 2:23-cv-01627 (D.N.J.) and serves as Lead Counsel in *Murphy, et al. v. Toyota Motor Corporation, et al.* (E.D. Tex.). Ms. Justice served as Co-Lead Counsel in *In re Peanut Farmers Antitrust Litigation* (E.D. Va.) (\$102.75 million recovery for the class) and *In re: Chicago Board of Options Exchange Volatility Index Manipulation Antitrust Litigation* (N.D. Ill.). Ms. Justice currently serves on the Plaintiff Steering Committees in *In re Local TV Advertising Antitrust Litigation* (N.D. Ill.) (\$48 million in settlements provisionally approved to date) and *In re Passenger Vehicle Replacement Tires Antitrust Litigation*, 5:24-md-03107 (N.D. Ohio), and served on the Plaintiff Steering / Executive Committees in *In re Farm-Raised Salmon and Salmon Products Litigation (S.D. Fla.)* (\$85 million recovery for the direct purchaser plaintiff class), *In re Toyota Hybrid Brake Litigation*, (E.D. Tex.), *In re: Liquid Aluminum Sulfate Antitrust Litigation*, (D.N.J.) (over \$90 million recovery for direct purchaser plaintiff class), and *In re German Automotive Manufacturers Antitrust Litigation*, No. 17-md-02796 (N.D. Cal.).

Prior to entering private practice, Ms. Justice worked as a federal antitrust prosecutor for nearly a decade where she led teams of trial attorneys and law enforcement agents who investigated and prosecuted domestic and international cartel activity, including in the following industries: graphite electrodes, carbon products, ocean shipping and benchmark interest rates (LIBOR). In addition, Ms. Justice tried to guilty verdict the Antitrust Division's case against the first British national extradited by the Division. *See United States v. Norris*, No. 03-cr-0632 (E.D. Pa.).

Ms. Justice graduated *magna cum laude* from Temple University Beasley School of Law, where she served as an Articles Editor of the Temple Law Review. Kimberly earned her B.A. *cum laude* from Kalamazoo College. Upon graduating from law school, Ms. Justice served as a judicial clerk to the Honorable William H. Yohn, Jr. of the United States District Court for the Eastern District of Pennsylvania (retired).

Ms. Justice frequently lectures and appears on discussion panels concerning antitrust and securities litigation matters and currently serves as a member of the Advisory Board of the American Antitrust Institute and served as an Advisory Council Member for The Duke Conferences: Bench-Bar-Academy Distinguished Lawyers' Series.



Jonathan M. Jagher

Jonathan Jagher is the founding partner of Freed Kanner London & Millen LLC's Philadelphia office. Mr. Jagher, with over 20 years of experience, has a national practice representing plaintiffs in consumer and antitrust class actions. He and his firm have recovered over \$1 billion for their clients.

Mr. Jagher has been appointed to leadership positions in several consumer cases. He recently served as Co-Lead Counsel in *Powe v. Dermalogica, LLC*, 2022-LA-000874 (Circ. Ct. DuPage County, Illinois), a data privacy case resulting in a multi-million-dollar settlement. He was appointed to serve on the Plaintiffs' Steering Committee in *In Re: TikTok, Inc., Consumer Privacy Litigation*, MDL No. 2948 (N.D. Ill.), a class action related to allegations of data privacy violations involving the popular app and the creation of short form videos on mobile devices. In this case, Mr. Jagher was one of the primary negotiators of a \$92 million settlement. Mr. Jagher served as one of the Settlement Class Counsel *In re Proctor & Gamble Aerosol Products Marketing and Sales Practice Litigation*, 2:22-MD-3025 (SD OH) (settlement recently received final approval) and was appointed to serve on the Plaintiffs' Executive Committees in *Jones et. al. v. Lemonade Inc.* 1:21-cv-04513 (N.D. Ill.) (multi-million-dollar settlement) and in *In Re: Morgan Stanley Data Security Litigation*, 1:20-CV-05914 (S.D. N.Y.) (\$60 million settlement).

Mr. Jagher's recent antitrust cases include *Kent et al. v. Women's Health USA, Inc.* FST-CV21-6054676-S, (Connecticut Superior Court). In this case, Mr. Jagher was appointed as Co-Lead Counsel and settled the case on behalf of women in Connecticut who were victims of alleged price fixing by IVF clinics. Mr. Jagher was named to the Executive Committee in *Cameron et. al. v. Apple, Inc.* 4:19-cv-03074 (N.D. Cal.) and helped recover \$100 million on behalf of app developers. Mr. Jagher also played an active role in *In re Peanut Farmers Antitrust Litigation*, 2:19-cv-00463 (E.D. Va.) (settlements totaled \$102.75 million); *In re Automotive Parts Antitrust Litigation*, MDL No. 2311 (E.D. Mich.) (settlements totaled over \$550 million); *In re OSB Antitrust Litigation*, Master File No. 06-CV-00826 (E.D. Pa.) (settlements totaled \$120 million); *In re Broiler Chicken Antitrust Litigation*, 1:16-cv-08637 (N.D. Ill.) (settlements to date total approximately \$170 million); and *In re Pork Antitrust Litigation* 0:18-CV-01776 (D. Minn.) (settlements to date total approximately \$100 million).

Prior to entering private practice, Mr. Jagher served as a supervising Assistant District Attorney for the Middlesex District Attorney in Cambridge, Massachusetts. As a prosecutor, he conducted numerous investigations and tried approximately forty cases before a jury. Mr. Jagher received a B.A. degree magna cum laude from Boston University in 1998 and a J.D. degree from Washington University School of Law in 2001. He is currently admitted to practice law in Pennsylvania, Massachusetts, Illinois, the United States District Courts for the Districts of Massachusetts, the Eastern District of Pennsylvania, the Northern District of Illinois, the Southern District of Illinois, and the United States Courts of Appeals for the Third and Seventh Circuits. Mr. Jagher currently serves on the Advisory Board of Loyola University School of Law's Institute for Consumer Antitrust Studies and frequently serves as a guest speaker on a multitude of class



action issues on panels throughout the United States. Mr. Jagher was named as a Pennsylvania Super Lawyer in 2018, 2019, 2020, 2021, 2022 and 2023 after having been named as a Super Lawyer Rising Star in 2012, 2013, 2014, 2015 and 2016.

Matthew W. Ruan

Matthew W. Ruan is a partner at Freed Kanner London & Millen LLC. Mr. Ruan has extensive experience litigating complex commercial matters, with an emphasis in antitrust, securities, and consumer class actions. He has helped recover billions of dollars on behalf of a broad range of individuals, businesses, shareholders, unions, and pension funds.

Mr. Ruan received his B.A., with Honors, from the University of Chicago in 2000 and his J.D. from the University of Michigan Law School in 2003, where he was an associate editor of the Michigan Journal of International Law.

Prior to joining Freed Kanner London & Millen LLC, Mr. Ruan was employed by several other prominent class action firms, including Cohen Milstein Sellers & Toll PLLC, Berman DeValerio (now Berman Tabacco), and Heins Mills & Olson PLC. He also served as a judicial extern for the Honorable Blanche M. Manning of the U.S. District Court for the Northern District of Illinois, and interned at the U.S. Department of Justice, Criminal Division, in Washington, D.C.

Mr. Ruan was recently appointed interim lead counsel in *Lambrix, et al. v. Tesla, Inc.*, (N.D. Cal.), an antitrust action brought on behalf of a nationwide class of purchasers of Tesla repair parts and services. Among the many complex cases in which Mr. Ruan has been significantly involved are: *Sutter Health Antitrust Litigation* (Sup. Ct. Cal., San Fran. Cty.) (antitrust class action against Sutter Health, one of the largest healthcare providers in California, for restraining hospital competition through its contracting practices with insurance companies, resulting in \$575 million settlement and significant injunctive relief). *In re Automotive Parts Antitrust Litigation* (E.D. Mich.) (antitrust class action brought on behalf of direct purchasers of automotive parts in multiple concurrently active nationwide price-fixing cases, resulting in settlements to date in excess of \$500 million). *In re AOL/Time Warner Securities Litigation* (S.D.N.Y.) (class action alleging securities fraud in connection with merger of AOL and Time Warner, resulting in \$2.65 billion recovery for shareholders).

Mr. Ruan is admitted in New York, California, and Minnesota, as well as various federal courts.

Nicholas R. Lange

Nicholas R. Lange is an associate at Freed Kanner London & Millen LLC. Mr. Lange is a Chicago native and received his J.D. from the DePaul University College of Law in 2014. He has experience in litigating civil matters that include fraud, tort, breach of contract, and corporate matters. In 2023, Mr. Lange received the Super Lawyers Rising Star award (Class Action/Mass



Torts). He was recently appointed to the Plaintiffs' Steering Committee in *In Re: AT&T Inc. Customer Data Security Breach Litigation*, 3:24-cv-00757 (N.D. Tex.) (ECF No. 165). Mr. Lange was drawn to class action litigation because of the potential to compel a company to change its conduct and compensate those it has wronged. He is admitted to the State Bar of Illinois as well as the Northern and Southern Districts of Illinois.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

ESTUARY TRANSIT DISTRICT AND
TEAMSTERS 671 HEALTH SERVICE &
INSURANCE PLAN, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

HARTFORD HEALTHCARE CORPORATION,
HARTFORD HOSPITAL, HARTFORD
HEALTHCARE MEDICAL GROUP, INC.,
INTEGRATED CARE PARTNERS, LLC,

Defendants.

Case No.: 3:24-cv-01051 (MPS)

DECLARATION OF ERIC L. CRAMER, ESQ.

I, Eric L. Cramer, Esq., hereby declare as follows:

1. I am Chairman and a Managing Shareholder in the law firm of Berger Montague PC (“Berger Montague”), counsel of record for Plaintiffs Estuary Transit District and Teamsters 671 Health Service & Insurance Plan (“Plaintiffs”) in *Estuary Transit District, et al. v. Hartford Healthcare Corporation, et al.*, 3:24-cv-01051 (D. Conn.). I am a member in good standing of the State Bars of Pennsylvania and New York and filed an appearance in this matter on July 2, 2024. I make this declaration on my own personal knowledge, and if called as a witness to testify, I could and would testify competently to the following facts.

2. I make this declaration in support of Plaintiffs’ Unopposed Motion to Appoint Interim Co-Lead Class Counsel and Interim Liaison Counsel Pursuant to Fed. R. Civ. P. 23(g).

3. Described by *Chambers and Partners* as “highly distinguished for the strength of its plaintiff-side work acting on monopoly matters and price-fixing, including an impressive track

record in complex, high-profile class actions,” Berger Montague boasts one of the largest and most experienced plaintiff-side antitrust departments in the country. Berger Montague pioneered the antitrust class action and has been engaged in the practice of complex and class action litigation for more than fifty years. Since its founding by David Berger—one of the “fathers of the class action practice”—Berger Montague has been a leading national advocate for clients and class members in many of the most important complex antitrust cases ever litigated. Berger Montague has obtained some of the largest class action verdicts and settlements in history, with over \$40 billion in aggregate recoveries for clients and class members. The firm is headquartered in Philadelphia, with offices in Chicago, Minneapolis, San Diego, San Francisco, Toronto, Washington, D.C., and Wilmington.

4. Berger Montague’s recent successes as lead or co-lead counsel in antitrust class actions are numerous. They include *In re Payment Card Interchange Fee & Merchant Discount Antitrust Litigation*, MDL No. 1720 (E.D.N.Y.) (settlement of approximately \$5.6 billion, one of the largest in antitrust class action history), *Henry v. Brown University*, No. 22-cv-125 (N.D. Ill.) (\$284 million in settlements to date in college financial aid conspiracy suit), and *In re Broiler Chicken Grower Antitrust Litigation*, No. 6:20-md-2977 (E.D. Okla.) (\$169 million class settlement on behalf of class of chicken farmers), to name a few.

5. Berger Montague is also currently lead or co-lead counsel in more than two dozen of the largest and most complex antitrust class actions in courts around the country, including *Le v. Zuffa, LLC*, No. 2:15-cv-01045, (D. Nev.) (co-lead counsel for class of elite mixed martial arts athletes alleging the UFC unlawfully suppressed fighters’ compensation); *Henry v. Brown University*, No. 1:22-CV-00125 (N.D. Ill.) (co-lead counsel for class of students alleging a conspiracy to reduce financial aid by seventeen universities); *Dale v. Deutsche Telekom AG*, No.

1:22-cv-03189 (N.D. Ill.) (co-lead counsel for a proposed class of wireless subscribers challenging the merger of Sprint and T-Mobile), *Team Schierl Cos. v. Aspirus, Inc.*, No. 3:22-cv-00580 (W.D. Wis.) (co-lead counsel representing plaintiffs in class action alleging that dominant hospital system uses exclusionary contracts to foreclose competition from rival health care providers), and *In re Multiplan Health Insurance Provider Litig.*, MDL No. 3121 (N.D. Ill.) (co-lead counsel in multidistrict litigation concerning suppression of out-of-network insurance payments to healthcare providers).

6. Berger Montague's antitrust experience includes challenging anticompetitive contracting practices and restraints imposed by dominant players in the healthcare arena, including in the following cases: *In re Mission Health Antitrust Litig.*, No. 1:22-cv-00114-MR (W.D.N.C.) (co-lead representing cities and counties in North Carolina alleging overcharges by dominant hospital system); *Team Schierl Cos. v. Aspirus, Inc.*, No. 3:22-cv-00580 (W.D. Wis.) (co-lead counsel representing plaintiffs in class action alleging that dominant hospital system uses exclusionary contracts to foreclose competition from rival health care providers); *Uriel Pharm. Health & Welfare Plan et al. v. Advocate Aurora Health, Inc. et al.*, No. 2:22-cv-610 (E.D. Wis.) (co-lead representing payers alleging monopolization by health system); *In re Geisinger Sys. Servs. & Evangelical Cmty. Hosp. Healthcare Workers Antitrust Litig.*, 4:21-cv-00196 (M.D. Pa.) (co-lead representing health care workers alleging no-poach conspiracy by dominant hospitals); *In re Multiplan Health Ins. Provider Litig.*, MDL No. 3121 (N.D. Ill.) (co-lead in multidistrict litigation concerning suppression of out-of-network insurance payments to healthcare providers); *In re: Namenda Direct Purchaser Antitrust Litig.*, No. 15-cv-7488 (S.D.N.Y.) (co-lead obtaining \$750 million class settlement on behalf of drug direct purchasers); *In re Dental Supplies Antitrust Litig.*, No. 16-cv-696 (E.D.N.Y.) (co-lead obtaining \$80 million settlement on behalf of dental

providers); *King Drug Co. of Florence, Inc. v. Cephalon Inc.*, No. 06-cv-1797 (E.D. Pa.) (co-lead obtaining \$512 million class settlement on behalf of drug direct purchasers); *Castro v. Sanofi Pasteur Inc.*, No. 11-cv-7178 (D.N.J.) (co-lead obtaining \$61.5 million for providers in suit against vaccine manufacturer); *Mayor and City Council of Baltimore v. Merck Sharp & Dohme Corp.*, No. 23-cv-828 (E.D. Pa.) (co-lead in ongoing case alleging anticompetitive conduct by vaccine manufacturer).

7. Berger Montague also has significant recent trial experience, obtaining excellent results in *In re Capacitors Antitrust Litigation*, No. 14-cv-3264 (N.D. Cal.) (total settlements over \$600 million, including several occurring during jury trials in 2020 and 2021), *In re Opana ER Antitrust Litigation*, No. 14-cv-10150 (N.D. Ill.) (\$145 million settlement just prior to trial), and *U.S. v. Johnson & Johnson*, No. 12-cv-7758 (D.N.J.) (jury verdict in 2024 of well over \$150 million in qui tam matter).

8. In addition, Berger Montague has vast experience effectively representing class interests in coordinating parallel litigation efforts, including in *In re Mission Health Litigation*, No. 1:22-cv-00114-MR (W.D.N.C.) (representing proposed class of health plans and coordinating litigation efforts with counsel for class of individuals in a parallel state court action), *In re Opana ER Antitrust Litigation*, No. 1:14-cv-10150 (N.D. Ill.) (Berger Montague serving as co-lead class counsel for direct purchaser class and coordinating litigation efforts with counsel for class of end purchaser plaintiffs in antitrust class action), and *In re: Loestrin 24 FE Antitrust Litigation*, No. 1:13-md-2472 (D.R.I.) (same).

9. I am the Chairman of my Firm and the Co-Chair of its Antitrust Department, which has over thirty lawyers. I have a national practice in the field of complex litigation, primarily in the area of antitrust class actions. I am responsible for winning numerous significant settlements

for my clients totaling well over \$3 billion. I currently lead multiple significant antitrust class actions around the United States—including representing mixed martial arts fighters against the UFC; broiler chicken growers against major chicken integrator companies; healthcare workers against two hospitals in Pennsylvania; the City of Asheville and other governmental entities against HCA/Mission Hospital in North Carolina; and current and former students of seventeen elite universities against those universities. Ten of the seventeen defendants in the elite universities case have settled for a combined total of \$284 million. The broiler chicken growers case is in the process of being settled for a combined total of \$169 million. Further, in late 2021, I served as one of the main trial counsel in an antitrust class action relating to an alleged international cartel of capacitors’ suppliers, which was tried to a jury and settled for hundreds of millions of dollars after nearly three weeks of trial.

10. I have been recognized by *Chambers USA* as a “Band 1” antitrust practitioner for over 20 years, most recently noting that I “excel[] in economic analysis” and am “a real leader” who sits at the “[t]op of the profession; a phenomenal lawyer who is an expert on economics” and “really a tremendous advocate in the courtroom, with a very good mind and presence.” I was designated a “Distinguished Leader” by *The Legal Intelligencer*, “Lawyer of the Year” by *Best Lawyers*, a “Titan of the Plaintiffs Bar” by *Law360*, a “Champion of Justice” by Public Justice, and a “Visionary” by *The National Law Journal*. I have won the American Antitrust Institute’s Antitrust Enforcement Award for Outstanding Antitrust Litigation Achievement in Private Law Practice several times for my work in multiple antitrust class actions, including *In re Capacitors Antitrust Litigation* (N.D. Cal.), *In re Broilers Antitrust Litigation* (E.D. Okla.), and *Castro v. Sanofi Pasteur Inc.* (D.N.J.).

11. I am managing this case on a day-to-day basis for Berger Montague along with Daniel J. Walker and Hope E. Brinn. Attached hereto as **Exhibit A** is a short firm profile focusing on our antitrust practice as well as true and correct copies of the biographies of these accomplished Berger Montague attorneys we are proposing to serve as interim co-lead counsel for the Proposed Class.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 18th day of October 2024, in Philadelphia, Pennsylvania.

/s/ Eric L. Cramer
Eric L. Cramer (*pro hac vice*)
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Telephone: (215) 875-3000
ecramer@bm.net

CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail on anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

Dated this 18th day of October, 2024.

/s/ Jonathan M. Shapiro
Jonathan M. Shapiro (ct24075)

EXHIBIT A



Chicago | Minneapolis | Philadelphia | San Diego | San Francisco | Toronto | Washington, DC | Wilmington, DE
bergermontague.com

About Berger Montague

Berger Montague was founded in 1970 by the late David Berger to concentrate on the representation of plaintiffs in antitrust class actions. Berger Montague helped pioneer the use of class actions in antitrust litigation and was instrumental in extending the use of the class action procedure to other litigation areas, including securities, employment discrimination, civil and human rights, and mass torts.

Today, Berger Montague is a full-spectrum class action and complex civil litigation firm, with nationally known attorneys highly sought after for their legal skills and commitment to justice. The Firm has been recognized by federal and state courts across the country for its ability and expertise in handling major complex litigation, particularly in the fields of antitrust, securities, mass torts, civil and human rights, whistleblower cases, employment, and consumer litigation. The Firm has played a principal role in numerous precedent-setting cases, including many of the largest and most successful antitrust class actions over the last 50 years.

The Firm has been repeatedly recognized by the *National Law Journal*, *The Legal Intelligencer*, *Chambers & Partners*, *Best Lawyers*, and *The Legal 500* for its outstanding legal skills and success in complex litigations. For example, *Chambers & Partners* has repeatedly selected Berger Montague as one of the country's top antitrust firms. *Chambers USA 2024* states that Berger Montague is "[h]ighly distinguished for the strength of its plaintiff-side work acting on monopoly matters and price fixing, including an impressive track record in complex, high-profile class actions."

Berger Montague is based in Philadelphia, with offices in Chicago, Minneapolis, Philadelphia, San Diego, San Francisco, Toronto, Washington, DC, and Wilmington, DE. Currently, the Firm consists of ~100 lawyers and 50 support staff. There are few firms in the United States that can match the Firm's breadth of practice and reputation in the field of plaintiff antitrust class actions.

Expertise and Case Profiles

While the Firm's success and expertise spans several practice areas, this submission is focused on the Firm's antitrust practice, which is most relevant to the Court's consideration. The Firm has served as lead, co-lead, or co-trial counsel for many of the most significant civil antitrust cases over the last 50 years. Notable recent settlements include *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, No. 05-md-1720 (E.D.N.Y.) (~\$5.6 billion settlement, which is the largest antitrust class action settlement in history); *In re Namenda Direct Purchaser Antitrust Litigation*, No. 15-cv-7488 (S.D.N.Y.) (\$750 million settlement); *King Drug Co. v. Cephalon, Inc.* (\$512 million settlement); *Henry v. Brown University, et al.*, No. 22-cv-125 (N.D. Ill.) (\$284 million in settlements to date); and *In re Commodity Exchange, Inc. Gold Futures & Options Trading Litigation*, No. 14-md-2548 (S.D.N.Y.) (settlements of \$152 million).

Berger Montague has deep experience leading antitrust class actions in the healthcare industry, and in particular, in antitrust actions against dominant health systems. For instance, the Firm has obtained substantial settlements in *In re Namenda Direct Purchaser Antitrust Litig.*, No. 15-cv-7488 (S.D.N.Y.) (co-lead obtaining \$750 million class settlement on behalf of drug direct purchasers); *In re Dental Supplies Antitrust Litig.*, No. 16-cv-696 (E.D.N.Y.) (co-lead obtaining \$80 million settlement on behalf of dental providers); *King Drug Co. v. Cephalon*, No. 06-cv-1797 (E.D. Pa.) (\$512 million class settlement on behalf of drug direct purchasers); *Mayor and City Council of Baltimore v. Merck*, No. 23-cv-828 (E.D. Pa.) (co-lead in ongoing case alleging anticompetitive conduct by vaccine manufacturer); *Castro v. Sanofi Pasteur Inc.*, No. 11-cv-1178 (D.N.J.) (co-lead obtaining \$61.5 million for providers in suit against vaccine manufacturer). Berger Montague is also co-lead counsel in a number of ongoing cases concerning monopolization, overcharges, and wage suppression by hospital systems, including *In re Geisinger System Services and Evangelical Community Hospital Healthcare Workers Antitrust Litig.*, 4:21-cv-00196 (M.D. Pa.) (co-lead counsel representing health care workers alleging no-poach conspiracy by dominant hospitals); *Team Schierl Cos. v. Aspirus, Inc.*, No. 3:22-cv-00580 (W.D. Wis.) (co-lead counsel representing class of payers alleging monopolization by health system); *Uriel Pharm. Health & Welfare Plan v. Advocate Aurora Health, Inc.*, No. 2:22-cv-610 (E.D. Wis.) (co-lead counsel representing payers alleging monopolization by health system); *In re Mission Health Antitrust Litig.*, No. 1:22-cv-00114-MR (W.D.N.C.) (co-lead counsel representing cities and counties in North Carolina alleging overcharges by dominant hospital system).

The Firm also has significant recent trial experience, obtaining excellent results in *In re Capacitors Antitrust Litigation*, No. 14-cv-3264 (N.D. Cal.) (total settlements over \$600 million, including several occurring during jury trials in 2020 and 2021), *In re Opana ER Antitrust Litigation*, No. 14-cv-10150 (N.D. Ill.) (\$145 million settlement just prior to trial), and *U.S. v. Johnson & Johnson*, No. 12-cv-7758 (D.N.J.) (jury verdict in 2024 of well over \$150 million in *qui tam* matter).

As a result of Berger Montague's successes and the skill, reputation, and experience of the Firm's antitrust lawyers, Berger Montague is routinely appointed by federal courts as lead or co-lead counsel in the most significant and complex antitrust class action cases on behalf of businesses and consumers. In addition to those noted above, significant antitrust cases in healthcare where the Firm served as lead or co-lead include:

- ***In re Dental Supplies Antitrust Litigation (E.D.N.Y.):*** Berger Montague served as co-lead counsel for a class of dental providers in a suit brought against the three largest distributors of dental supplies in the United States. On September 7, 2018, co-lead counsel announced that they agreed with defendants to settle on a classwide basis for \$80 million. The settlement received final approval on June 24, 2019. The suit alleged that the defendants, who were alleged to collectively control ~90 percent of the dental supplies and equipment distribution market, conspired to restrain trade and fix prices at anticompetitive levels. In furtherance of the alleged conspiracy, plaintiffs claimed that the defendants colluded to boycott and pressure dental manufacturers, dental distributors, and state dental associations that did business with or considered doing business with the defendants' lower-priced rivals. The suit claimed that, because of the defendants' anticompetitive conduct, members of the class were overcharged on dental supplies and equipment.
- ***In re Namenda Direct Purchaser Antitrust Litigation (S.D.N.Y.):*** Berger Montague served as co-lead counsel for the class in this antitrust action brought on behalf of direct purchasers of branded and/or generic Namenda IR and/or branded Namenda XR. It

settled for \$750 million on the eve of trial. The \$750 million settlement received final approval on May 27, 2020, and is the largest single-defendant settlement ever for a case alleging delayed generic competition.

- ***In re Opana ER Antitrust Litigation (N.D. Ill.)***: Berger Montague served as co-lead counsel for the certified class alleging that defendants entered into a pay-for-delay agreement whereby Impax delayed the launch of its generic Opana ER product in exchange for valuable consideration from Endo, resulting in class members suffering overcharge damages. After eight years of hard-fought litigation, the class and Impax settled as trial commenced (and proceeded against Endo), reaching what Judge Leinenweber described as an “excellent” settlement, valued at \$145 million.
- ***Castro v. Sanofi Pasteur Inc. (D.N.J.)***: Berger Montague served as co-lead class counsel and obtained a \$61.5 million settlement on behalf of medical providers. The plaintiffs charged that Sanofi used a network of physician buying groups to implement a web of anticompetitive product bundling arrangements. The case alleged that this conduct allowed Sanofi to maintain and increase its monopoly power in various pediatric vaccine markets, which in turn allowed Sanofi to charge artificially-inflated prices for pediatric vaccines.
- ***Mayor and City Council of Baltimore v. Merck (E.D. Pa.)***: Berger Montague serves as co-lead counsel in this ongoing case alleging similar anticompetitive conduct as that alleged in *Castro v. Sanofi* by another vaccine manufacturer.
- ***In re K-Dur Antitrust Litigation (D.N.J.)***: Berger Montague served as co-lead counsel for the class in this long-running antitrust litigation alleging that anticompetitive conduct inflated the price of a prescription drug to direct purchasers. Berger Montague litigated the case before the Third Circuit Court of Appeals and won a precedent-setting victory. On remand, the case settled for \$60.2 million.
- ***In re Loestrin 24 Fe Antitrust Litigation (D.R.I.)***: Berger Montague served as co-lead counsel for the class of direct purchasers of brand Loestrin, generic Loestrin, and brand Minastrin. The direct purchaser class alleged that defendants violated federal antitrust laws by unlawfully impairing the introduction of generic versions of the prescription drug Loestrin 24. The case settled shortly before trial for \$120 million.
- ***In re Solodyn Antitrust Litigation (D. Mass.)***: Berger Montague served as co-lead counsel representing a class of direct purchasers of brand and generic Solodyn (extended-release minocycline hydrochloride tablets) alleging that defendants entered into agreements not to compete in the market for extended-release minocycline hydrochloride tablets in violation of the Sherman Act. With a final settlement on the eve of trial, the case settled for a total of more than \$76 million.
- ***Johnson, et al. v AzHHA, et al. (D. Ariz.)***: Berger Montague was co-lead counsel in this litigation on behalf of a class of temporary nursing personnel, against the Arizona Hospital and Healthcare Association and its member hospitals, for agreeing and conspiring to fix the rates and wages for temporary nursing personnel, causing class members to be underpaid. The court approved \$24 million in settlements on behalf of this class of nurses.
- ***Meijer, Inc., et al. v. Abbott Laboratories (N.D. Cal.)***: Berger Montague served as co-lead counsel in a class action on behalf of pharmaceutical wholesalers and pharmacies

charging Abbott Laboratories with illegally maintaining monopoly power and overcharging purchasers in violation of the federal antitrust laws. Plaintiffs alleged that Abbott had used its monopoly with respect to its anti-HIV medicine Norvir (ritonavir) to protect its monopoly power for another highly profitable Abbott HIV drug, Kaletra. This antitrust class action settled for \$52 million after four days of a jury trial in federal court in Oakland, California.

Judicial Praise for Berger Montague Attorneys in Antitrust Litigation

Berger Montague's record of successful prosecution of antitrust class actions has been recognized and commended by judges and arbitrators across the country. Some remarks on the skill, efficiency, and expertise of the firm's attorneys are excerpted below.

- From **Judge Lorna G. Schofield**, of the U.S. District Court for the Southern District of New York:

"I'm not sure I've ever seen a case without a single objection or opt-out, so congratulations on that."

Transcript of the November 19, 2020 Hearing in ***Contant, et al. v. Bank of America Corp., et al.***, No. 17-cv-3139 (S.D.N.Y.).

- From **Judge William E. Smith**, of the U.S. District Court for the District of Rhode Island:

"The degree to which you all litigated the case is – you know, I can't imagine attorneys litigating a case more rigorously than you all did in this case. It seems like every conceivable, legitimate, substantive dispute that could have been fought over was fought over to the max. So you, both sides, I think litigated the case as vigorously as any group of attorneys could. The level of representation of all parties in terms of the sophistication of counsel was, in my view, of the highest levels. I can't imagine a case in which there was really a higher quality of representation across the board than this one."

Transcript of the August 27, 2020 Hearing in ***In re Loestrin 24 Fe Antitrust Litigation***, No. 13-md-2472 (D.R.I.).

- From **Judge Margo K. Brodie**, of the U.S. District Court for the Eastern District of New York:

"Class counsel has without question done a tremendous job in litigating this case. They represent some of the best plaintiff-side antitrust groups in the country, and the size and skill of the defense they litigated against cannot be overstated. They have also demonstrated the utmost professionalism despite the demands of the extreme perseverance that this case has required...."

In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation, No. 05-md-1720 (E.D.N.Y. 2019) (Mem. & Order).

- From **Judge Brian M. Cogan**, of the U.S. District Court of the Eastern District of New York:

“This is a substantial recovery that has the deterrent effect that class actions are supposed to have, and I think it was done because we had really good Plaintiffs’ lawyers in this case who were running it.”

Transcript of the June 24, 2019 Fairness Hearing in *In re Dental Supplies Antitrust Litigation*, No. 16-cv-696 (E.D.N.Y.).

- From **Judge Michael M. Baylson**, of the U.S. District Court of the Eastern District of Pennsylvania:

“[C]ounsel...for direct action plaintiffs have done an outstanding job here with representing the class, and I thought your briefing was always very on point. I thought the presentation of the very contentious issues on the class action motion was very well done, it was very well briefed, it was well argued.”

Transcript of the June 28, 2018 Hearing in *In re Domestic Drywall Antitrust Litigation*, No. 13-md-2437 (E.D. Pa.) at 11:6-11.

- From **Judge Madeline Cox Arleo**, of the U.S. District Court for the District of New Jersey praising the efforts of all counsel:

“I just want to thank you for an outstanding presentation. I don’t say that lightly . . . it’s not lost on me at all when lawyers come very, very prepared. And really, your clients should be very proud to have such fine lawyering. I don’t see lawyering like this every day in the federal courts, and I am very grateful. And I appreciate the time and the effort you put in, not only to the merits, but the respect you’ve shown for each other, the respect you’ve shown for the Court, the staff, and the time constraints. And as I tell my law clerks all the time, good lawyers don’t fight, good lawyers advocate. And I really appreciate that more than I can express.”

Transcript of the September 9 to 11, 2015 Daubert Hearing in *Castro v. Sanofi Pasteur*, No. 11-cv-7178 (D.N.J.) at 658:14-659:4.

Berger Montague’s Team

Eric L. Cramer—Chairman

Eric L. Cramer is Chairman of Berger Montague and Co-Chair of its antitrust department. He has a national practice in the field of complex litigation, primarily in the area of antitrust class actions. He is currently co-lead counsel in multiple significant antitrust class actions across the country in a variety of industries and is responsible for winning numerous significant settlements for his

clients totaling well over \$3 billion. He currently leads multiple significant antitrust class actions around the United States—including representing mixed martial arts fighters against the UFC; broiler chicken growers against major chicken integrator companies; healthcare workers against two hospitals in Pennsylvania; the City of Asheville and other governmental entities against HCA/Mission Hospital in North Carolina; current and former students of seventeen elite universities against those universities; Ivy League athletes against the Ivy League; and internet publishers against Google. Two of the above-referenced cases—the UFC case and the elite universities case are in the process of being settled for well more than nine figures each. Further, in late 2021, Mr. Cramer served as one of the main trial counsel in an antitrust class action relating to an alleged international cartel of capacitors' suppliers, which was tried to a jury and settled after nearly three weeks of trial.

In 2020, Law360 named Mr. Cramer a [Titan of the Plaintiffs Bar](#), and Who's Who Legal identified him as a [Global Elite Thought Leader](#), stating that he “comes recommended by peers as a top name for antitrust class action proceedings.” In 2019, the National Law Journal awarded Mr. Cramer the [Keith Givens Visionary Award](#), which was developed to honor an outstanding trial lawyer who has moved the industry forward through his or her work within the legal industry ecosystem, demonstrating excellence in all aspects of work from client advocacy to peer education and mentoring. In 2018, he was named Philadelphia antitrust [“Lawyer of the Year”](#) by Best Lawyers, and in 2017, he won the American Antitrust Institute's Antitrust Enforcement Award for Outstanding Antitrust Litigation Achievement in Private Law Practice for his work in *Castro v. Sanofi Pasteur Inc.*, No. 11-cv-07178 (D.N.J.). In that case, Mr. Cramer represented a national class of physicians challenging Sanofi Pasteur with anticompetitive conduct in the market for meningitis vaccines, resulting in a settlement of more than \$60 million for the class. He has also been identified as a [top tier antitrust lawyer by Chambers & Partners](#) in Pennsylvania and nationally. In 2020, Chambers & Partners observed that Mr. Cramer is “a fantastic lawyer...He has real trial experience and is very capable and super smart.” He has been highlighted annually since 2011 by The Legal 500 as one of the country's top lawyers in the field of complex antitrust litigation and repeatedly deemed one of the “Best Lawyers in America,” including for 2021.

Mr. Cramer is also a frequent speaker at antitrust and litigation related conferences and a leader of multiple non-profit advocacy groups. He is a past President of the Board of Directors of Public Justice, a national public interest advocacy group and law firm; a former Vice President of the Board of Directors of the American Antitrust Institute; a past President of COSAL (Committee to Support the Antitrust Laws), a leading industry group; and a member of the Advisory Board of the Institute of Consumer Antitrust Studies of the Loyola University Chicago School of Law. In 2023, Public Justice honored Mr. Cramer with its Champion of Justice award for his work in antitrust.

He has written widely in the fields of class certification and antitrust law. Among other writings, Mr. Cramer has co-authored [Antitrust as Antiracism: Antitrust as a Partial Cure for Systemic Racism \(and Other Systemic “Isms”\)](#), Vol. 66(3) The Antitrust Bulletin 359-393 (2021) and [Antitrust, Class Certification, and the Politics of Procedure](#), 17 George Mason Law Review 4 (2010), the latter of which was cited by both the First Circuit in *In re Nexium Antitrust Litig.*, 777 F.3d 9, 27 (1st Cir. 2015), and the Third Circuit in *Behrend v. Comcast Corp.*, 655 F.3d 182, 200, n.10 (3d Cir. 2011), *rev'd on other grounds*, 133 S. Ct. 1426 (2013). He has also co-written a number of other pieces, including: [Of Vulnerable Monopolists?: Questionable Innovation in the Standard for Class Certification in Antitrust Cases](#), 41 Rutgers Law Journal 355 (2009-2010); [A Questionable New Standard for Class Certification in Antitrust Cases](#), published in the ABA's Antitrust Magazine, Vol. 26, No. 1 (Fall 2011); a Chapter of American Antitrust Institute's Private International Enforcement Handbook (2010), entitled “Who May Pursue a Private Claim?,” and a

chapter of the American Bar Association's [Pharmaceutical Industry Handbook](#) (July 2009), entitled "Assessing Market Power in the Prescription Pharmaceutical Industry."

Mr. Cramer is a *summa cum laude* graduate of Princeton University (1989), where he earned membership in Phi Beta Kappa. He graduated *cum laude* from Harvard Law School with a J.D. in 1993.

Daniel J. Walker—Shareholder

Dan Walker is a Shareholder of the Firm, which he rejoined in July 2017 after serving three years in the Health Care Division at the Federal Trade Commission.

Mr. Walker investigates and litigates complex cases on behalf of consumers and workers against some of the largest and most powerful companies in the world. Mr. Walker has helped recover hundreds of millions of dollars on behalf of plaintiffs, including in [In re Loestrin 24 Fe Antitrust Litigation](#) (settlements totaling \$120 million for purchasers of hormonal birth control pills), [In re Titanium Dioxide Antitrust Litigation](#) (settlements totaling \$163.5 million for purchasers of titanium dioxide), [In re High Tech Employee Antitrust Litigation](#) (settlements totaling over \$600 million for workers in the high tech industry), and [Castro v. Sanofi Pasteur Inc.](#) (\$61.5 million settlement on behalf of pediatricians who purchased meningococcal vaccine). Mr. Walker was also a member of the trial team that successfully represented the Washington Mutual stockholders in a landmark bankruptcy court trial seeking to recover for losses sustained in the company's sudden bankruptcy.

While at the Federal Trade Commission, Mr. Walker investigated and litigated antitrust matters in the healthcare industry. In addition to leading various nonpublic investigations in the pharmaceutical and health information technology sectors, Mr. Walker litigated *Federal Trade Commission v. AbbVie Inc., et al.*, a case alleging that a brand pharmaceutical manufacturer engaged in sham patent litigation to delay generic competition, and *Federal Trade Commission v. Cephalon Inc.*, a "pay-for-delay" lawsuit over a brand pharmaceutical manufacturer's payment to four generic competitors in return for the generics' agreement to delay entry into the market. The Cephalon case settled shortly before trial for \$1.2 billion—the largest equitable monetary relief ever secured by the Federal Trade Commission—as well as significant injunctive relief. In addition, Mr. Walker has spoken frequently on antitrust issues involving workers, health care, and intellectual property.

Mr. Walker is a *magna cum laude* graduate of Amherst College and Cornell University Law School, where he was an Articles Editor for the Cornell Law Review. Before entering private practice, Mr. Walker clerked for the Honorable Richard C. Wesley of the United States Court of Appeals for the Second Circuit.

Hope Brinn—Associate

Hope Brinn is an Associate in the San Francisco office and practices in the Firm's Antitrust group. Hope represents direct purchasers in a variety of industries. She is a core part of the team litigating [Henry v. Brown University](#) (N.D. Ill.), a case alleging that seventeen elite universities colluded to artificially depress financial aid in violation of Section 1 of the Sherman Act. Hope and the team have thus far recovered [\\$284 million on behalf of working- and middle-class financial aid recipients](#). Her other matters include [Choh v. Brown University](#) (D. Conn.), *Simon & Simon v. Align Technology* (N.D. Cal.), and [In re: MultiPlan Health Insurance Provider Litigation](#) (N.D. Ill.).

In 2024, Hope won the [American Antitrust Institute's](#) award for [Outstanding Antitrust Litigation Achievement by a Young or Newly Admitted Lawyer](#).

Prior to starting at the Firm, Hope clerked for the Honorable Janet Bond Arterton in the United States District Court for the District of Connecticut.

Hope is a graduate of Swarthmore College, where she was a Lang Opportunity Scholar and Truman Scholar, and the University of Michigan Law School, where she was a Darrow Scholar. While at Michigan, she co-founded the Sexual Assault and Harassment Legal Advocacy Service, a group that trains and provides legal advocates in campus judicial proceedings to students who experienced sexual misconduct and was a co-president of the Disability Rights Organization. Hope was a Senior Editor for the *Michigan Law Review*, where she published a note on the intersection of qui tam laws and the Federal Arbitration Act, and the Executive Notes Editor for the *Michigan Journal of Race & the Law*.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

ESTUARY TRANSIT DISTRICT AND
TEAMSTERS 671 HEALTH SERVICE &
INSURANCE PLAN, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

HARTFORD HEALTHCARE CORPORATION,
HARTFORD HOSPITAL, HARTFORD
HEALTHCARE MEDICAL GROUP, INC.,
INTEGRATED CARE PARTNERS, LLC,

Defendants.

Case No.: 3:24-cv-01051 (MPS)

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION TO APPOINT INTERIM
CO-LEAD CLASS COUNSEL AND INTERIM LIAISON COUNSEL**

Before the Court is Plaintiffs' "Motion to Appoint Interim Co-Lead Class Counsel and Interim Liaison Counsel" pursuant to Rule 23(g) of the Federal Rules of Civil Procedure and Local Civil Rule 7. Plaintiffs Estuary Transit District and Teamsters 671 Health Service & Insurance Plan move the Court to appoint Cohen Milstein Sellers & Toll PLLC ("Cohen Milstein"), Freed Kanner London & Millen LLC ("FKLM"), and Berger Montague PC ("Berger Montague") as Interim Co-Lead Class Counsel, and Aeton Law Partners LLP ("Aeton Law") as Interim Liaison Counsel. Based upon the filings and proceedings herein, it is hereby ordered that:

1. Cohen Milstein, FKLM, and Berger Montague are appointed as Interim Co-Lead Class Counsel and Aeton Law is appointed Interim Liaison Counsel.
2. Interim Co-Lead Class Counsel will have sole authority over the following matters on behalf of Plaintiffs and/or the proposed class:
 - a. convening meetings of counsel;

- b. initiation, response, scheduling, briefing, and argument of all motions;
- c. the scope, order, and conduct of all discovery proceedings;
- d. making such work assignments among themselves and other counsel as they may deem appropriate;
- e. collecting contemporaneously kept time-and-expense reports from all Plaintiffs' counsel on a periodic basis;
- f. the retention of experts;
- g. designation of which attorneys will appear at hearings and conferences with the Court;
- h. trial and appeals;
- i. the timing and substance of any settlement negotiations and/or settlement with Defendants;
- j. the allocation of fees among the various firms doing work in the case, if any are awarded by the Court; and
- k. other matters concerning the prosecution of the case.

3. Interim Co-Lead Class Counsel will have the authority to communicate with Defendants' counsel and the Court on behalf of all Plaintiffs and/or the proposed class. Defendants' counsel may rely on all agreements made with Interim Co-Lead Class Counsel and these agreements will be binding upon all Plaintiffs or class counsel. Only Interim Co-Lead Class Counsel may initiate or direct the filing of any motions on behalf of Plaintiffs and/or the proposed class.

4. Interim Liaison Counsel will:

- a. communicate with the Court on behalf of Interim Co-Lead Class Counsel or other class counsel;
- b. receive and distribute any notices, orders, motions, briefs, or other correspondence that are not filed on ECF on behalf of and among Interim Co-Lead Class Counsel or other class counsel; and
- c. perform any other function the Court may request.

IT IS SO ORDERED.

DATED: _____

Honorable Michael P. Shea
United States District Judge