

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

UFCW LOCAL 1500 WELFARE FUND,
*on its own behalf and on behalf of all
others similarly situated,*

Plaintiffs,

v.

THE NEW YORK AND
PRESBYTERIAN HOSPITAL,

Defendant.

Case No. 2:25-cv-05023-BMC

CEMENT AND CONCRETE WORKERS
DC BENEFIT FUND, *on its own behalf
and on behalf of all others similarly
situated,*

Plaintiffs,

v.

THE NEW YORK AND
PRESBYTERIAN HOSPITAL,

Defendant.

Case No. 1:25-cv-5571-BMC

**PLAINTIFF UFCW LOCAL 1500 WELFARE FUND'S MOTION TO APPOINT
DICELLO LEVITT LLP, GARWIN GERSTEIN & FISHER LLP, AND
LIEFF CABRASER HEIMANN & BERNSTEIN LLP
AS INTERIM CO-LEAD CLASS COUNSEL**

TABLE OF CONTENTS

EXECUTIVE SUMMARY	2
LEGAL STANDARD	10
ARGUMENT	10
I. Rule 23(g)(1)(A)(i): The Proposed Lead Slate Expended Significant Time and Resources to Investigate UFCW Local 1500’s Claims and Advance This Litigation.....	11
II. Rule 23(g)(1)(A)(ii) and (iii): The Proposed Lead Slate Has Extensive Experience in Antitrust Class Action Litigation	11
A. DiCello Levitt	12
B. Garwin Gerstein & Fisher	13
C. Lieff Cabraser Heimann & Bernstein	23
III. Rule 23(g)(1)(A)(iv): The Proposed Lead Slate Has Ample Resources to Commit to Proper Representation of the Class and Will Implement Protocols to Reduce Costs and Realize Efficiencies	27
CONCLUSION.....	28

TABLE OF AUTHORITIES

Cases	Page(s)
<i>In re Amla Litig.</i> , 320 F.R.D. 120 (S.D.N.Y. 2017)	9
<i>In re Bank of Am. Corp. Secs., Derivative & ERISA Litig.</i> , 258 F.R.D. 260 (S.D.N.Y. 2009)	7
<i>Breakwater Trading LLC v. JPMorgan Chase & Co.</i> , 2020 WL 5992344 (S.D.N.Y. Oct. 9, 2020)	7
<i>In re Cardizem CD Antitrust Litig.</i> , 105 F. Supp. 2d 618 (E.D. Mich. 2000)	18
<i>Dicesare v. Charlotte-Mecklenburg Hospital Authority</i> , 2017 WL 1359599 (N.C. Super. Apr. 11, 2017)	23
<i>In re Enzo Biochem Data Sec. Litig.</i> , 2023 WL 6385387 (E.D.N.Y. Sept. 29, 2023)	9
<i>In re Fairlife Milk Prods. Mktg. & Sales Pracs. Litig.</i> , 2020 WL 362788 (N.D. Ill. Jan. 22, 2020)	12
<i>FTC v. Penn State Hershey Medical Center</i> , 838 F.3d 327 (3d Cir. 2016)	3, 15
<i>Granata v. Pratt & Whitney</i> , 2022 WL 732271 (D. Conn. Mar. 11, 2022)	12
<i>In re GSE Bonds Antitrust Litig.</i> , 377 F. Supp. 3d 437 (S.D.N.Y. 2019)	7, 9
<i>In re LIBOR-Based Financial Instruments Antitrust Litig.</i> , 2011 WL 5980198 (S.D.N.Y. Nov. 29, 2011)	7
Rules	
Fed. R. Civ. P. 23(g)	<i>passim</i>
Other Authorities	
Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4	6

Plaintiff UFCW Local 1500 Welfare Fund (“UFCW Local 1500”) respectfully requests that the Court appoint DiCello Levitt LLP (“DiCello Levitt”), Garwin Gerstein & Fisher LLP (“GGF”), and Lieff Cabraser Heimann & Bernstein LLP (“Lieff”) (together, “Proposed Lead Slate”) as Interim Co-Lead Class Counsel pursuant to Federal Rule of Civil Procedure (“Rule”) 23(g)(3).¹

EXECUTIVE SUMMARY

This case centers on a matter of high public importance—the cost of healthcare—and requires skilled class counsel to navigate the complexities of healthcare and insurance pricing and contracting, econometric work to determine the extent of impact and damages, class certification under Rule 23, and trial. UFCW Local 1500, headquartered in Westbury, New York, is the largest grocery store worker union in the state and pays the healthcare costs of nearly 14,000 members—triple the number of the other two plaintiffs *combined*. To combat the threat of NYP’s illegal conduct, UFCW Local 1500 has retained New York counsel, including some of the most respected antitrust lawyers in the nation. UFCW Local 1500 therefore respectfully moves the Court to appoint **DiCello Levitt**, **GGF**, and **Lieff** to fulfill that critical role of class counsel as the team “best able to represent the interests of the class.” Rule 23(g)(2).

This case challenges Defendant The New York and Presbyterian Hospital’s (“NYP”) use of anticompetitive contract terms, such as anti-steering provisions, that allow it to force insurance companies to include NYP in their plans and to overcharge for NYP’s services. NYP is one of the largest hospital systems in the United States, with over \$13 billion in annual operating revenues. It is, by far, the most expensive hospital system in New York.

¹ UFCW Local 1500 Welfare Fund is one of three plaintiffs in the consolidated complaint filed on June 5, 2026. ECF No. 41.

UFCW Local 1500 alleges that NYP uses its market power to force the insurance companies assembling provider networks, as a condition of including any NYP facilities in their networks, to agree to anticompetitive “all-or-nothing” and “anti-steering” terms. A primary restraint NYP uses to impose these terms is referred to as an “All Products” restraint, which NYP forces onto all or nearly all insurers that offer network products (*i.e.*, health plans) to payors. Through this restraint, NYP requires an insurance company assembling provider networks that wishes to include *any* NYP provider or facility in *any* of its networks to include *all* NYP providers and facilities in *all* of the insurance company’s networks at the highest tier or benefit level—regardless of cost or quality. UFCW Local 1500 alleges that this obstructs insurers from designing networks that would include some but not all of a provider’s facilities, or that would exclude a particular provider altogether. It also effectively prevents steering: any insurance company that must include any NYP facility or provider in any of its networks is effectively prohibited from designing a network that would encourage plan members to seek care from lower cost or higher-quality competitors of NYP.

UFCW Local 1500 alleges that NYP’s All Products provision and other anticompetitive contractual provisions restrain trade, suppress competition, inflate prices, and harm payors by unlawfully insulating NYP from competition, thereby allowing NYP to persistently charge higher prices to thousands of New York businesses, unions, local governments, insurers, and taxpayers. As a direct result, payors have paid, and continue to pay, overcharges of hundreds of millions of dollars to NYP.

The healthcare industry is notoriously complex, particularly with respect to the payment regime for services rendered by hospitals. Therefore, the key to effectively litigating this case is to appoint co-lead counsel with specialized expertise in the healthcare industry, including

experience navigating the web of relationships among providers, payors, third-party administrators, and others. Appointing counsel with the requisite knowledge and experience of both the industry and the specific conduct at hand (anti-steering and other contractual restraints), coupled with substantial experience in antitrust, class actions, and litigation in New York federal courts, will ensure that the claims will be vigorously prosecuted on behalf of the Class. The Proposed Lead Slate possesses the experience to effectively litigate this case and the commitment of resources and legal talent to attain just compensation for the proposed Class of healthcare payors, as well as injunctive relief that puts a stop to the anticompetitive conduct.

Healthcare and Anti-Steering Expertise. The Proposed Lead Slate offers a deep bench of attorneys who have decades of expertise in litigating matters in the healthcare industry, including anti-steering claims similar to those being challenged here:

- **DiCello Levitt:** DiCello Levitt’s antitrust practice is at the forefront of uncovering and litigating antitrust class actions alleging misconduct in the healthcare industry. The attorneys who will lead this case have decades of experience litigating antitrust (and other) cases in the healthcare area in order to ensure a competitive landscape, reduce prices and increase quality. They have led the charge in challenging “pay-for-delay” agreements and recently filed one of the first cases challenging improper orange book Orange Book patent listings, two types of anticompetitive conduct that thwart generic drug competition. And importantly, they have experience in hospital litigation. The team will be led by **Geralyn Trujillo**, who has over twenty years of experience as an antitrust practitioner, including extensive experience with matters involving healthcare providers. She is currently working on several antitrust cases involving healthcare and pharmaceuticals. Before joining DiCello Levitt, Ms. Trujillo spent fifteen years enforcing the antitrust laws at the federal and state level, including at the Federal Trade Commission’s Bureau of Competition and the Antitrust Bureau of the New York Attorney General’s Office. During her decade at the FTC, she served as lead attorney in significant matters that resulted in Commission victories and directed investigations across a variety of industries, including healthcare. Ms. Trujillo has substantial experience investigating and challenging mergers involving major hospital systems, including in *FTC v. Penn State Hershey Medical Center*, 838 F.3d 327 (3d Cir. 2016). **Greg Asciolla** also has extensive experience practicing antitrust law in the healthcare industry. While at the Department of Justice’s Antitrust Division, he worked in the

Healthcare Task Force, where he challenged conduct preventing lower-cost healthcare options from entering the market and proposed hospital mergers that would result in higher prices. Indeed, he was part of the trial team challenging the proposed hospital merger between Long Island Jewish Medical Center and North Shore Health System on Long Island. *United States v. Long Island Jewish Med. Ctr. et al.*, No. CV 97-3412 (E.D.N.Y.). Over the last decade, he has served in a leadership position in numerous cases in the healthcare industry, including in *In re Generic Pharmaceuticals Pricing Antitrust Litigation* (“Generics”), No. 16 MD 02724 (E.D. Pa.), one of the largest antitrust cases on record.

- **Garwin Gerstein:** For decades, Garwin Gerstein has been at the vanguard of prosecuting conspiracy and monopolization claims in the healthcare industry. It has established important precedents and achieved historic settlements in antitrust cases alleging conspiracies to delay the entry of generic pharmaceuticals and was among the first to successfully litigate these pay-for-delay cases. GGF brought many of the cases to the brink of trial; in others, the firm has tried cases all the way to verdict. **Deborah Elman**, who will lead the team, has spent the past two decades representing businesses in antitrust and other complex class actions, with a particular focus representing classes of direct and indirect purchasers in healthcare litigation, including as a member of the trial team in *Value Drug Co. v. Takeda Pharmaceuticals, U.S.A., Inc.* (“Colcrys”), No. 21-cv-3500 (E.D. Pa.), which settled on the eve of closing statements. In addition, Ms. Elman is very familiar with anti-steering issues such as those present in this matter, having served as a member of the lead counsel team representing purchasers seeking injunctive relief in *In re: Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* (“Interchange”), No. 1:05-md-01720 (E.D.N.Y.). **David Rochelson** has extensive experience litigating antitrust cases in the healthcare industry at every step of the case, from pre-complaint investigation through trial and appeal. In *In re Seroquel XR Antitrust Litig.* (“Seroquel”), No. 20-cv-1076 (D. Del.), he was set to second chair the trial, including by cross examining key defense witnesses, when the case settled on the eve of jury selection for \$51 million.
- **Lieff:** Lieff Cabraser is a nationally-recognized law firm specializing in class actions and complex litigation, with a well-developed expertise in antitrust law and the healthcare industry. The lawyers leading this case for Lieff—**Brendan Glackin, Lin Chan, and Rebecca Chang**—focus on fighting antitrust abuses by dominant healthcare providers. The firm has led litigation against dominant healthcare systems for the precise conduct at issue—illegal anti-steering and anti-tiering provisions. Mr. Glackin led *Dicesare v. Charlotte-Mecklenburg Hospital Authority* (“Dicesare”), No. 156A17-2 (N.C. Super. Ct.), in which the firm served as counsel for a proposed class challenging anti-steering and anti-tiering contract terms under North Carolina’s antitrust laws. He also led the

firm's work in *In re Mission Health Antitrust Litigation* ("Mission"), No. 1:22-cv-00114 (W.D.N.C.), a class action challenging anti-steering provisions that resolved in 2025. Mr. Glackin and Ms. Chan also currently lead *Electrical Medical Trust, et al. v. U.S. Anesthesia Partners, Inc., et al.*, No. 4:23-cv-04398 (S.D. Texas), in which the firm serves as sole counsel for a proposed class of healthcare payors challenging a scheme to monopolize hospital anesthesia services in Texas, drive up prices, and increase profits. These cases against dominant providers involved many of the same issues that will arise in this case. Outside of the antitrust context, the firm also has extensive experience litigating against the largest health providers in the country. For instance, Lieff has repeatedly litigated against Sutter Health, achieving a \$276 million settlement against Sutter hospitals on behalf of uninsured patients who were charged substantially more than insured patients. *See Sutter Health Uninsured Pricing Cases*, J.C.C.P. No. 4388 (Cal. Super. Ct.).

For additional information on the Firms, see the attached Declaration of Gregory Ascioolla ("Ascioolla Decl."), Exhibits A (DiCello Levitt resume), B (GGF resume), and C (Lieff resume).

Antitrust, Class Action and Trial Experience. Not only do the firms have essential healthcare industry experience and experience litigating anti-steering and related restraints—at issue here—they also are stalwarts in the area of antitrust law. The attorneys who will prosecute this case are recognized leaders in the antitrust bar, and they and their respective firms have litigated some of the largest antitrust cases ever. Moreover, they are highly-skilled litigation practitioners, particularly with respect to complex class actions. And, many members of the team are *trial* lawyers with *trial* experience from *trial* firms, presenting a credible threat that may lead to a better recovery for the Class.

Plaintiff Preference. UFCW Local 1500, a long-standing DiCello Levitt client, is New York's largest grocery store union with nearly 14,000 members. The union represents people throughout New York, including residents of Queens, Staten Island, the Bronx, Brooklyn, and Manhattan, as well as Nassau, Suffolk, Westchester, Putnam, and Dutchess Counties. Union members work for a variety of grocery stores across New York, such as Fairway, King Kullen,

D’Agostino’s, Stop and Shop, Gristede’s, and Shoprite. The union has existed for almost 90 years.

UFCW Local 1500 has struggled with the rising cost of healthcare and the rising prices charged by NYP. As early as 2022 it was part of the Coalition for Affordable Hospitals (a group of unions) pushing for legislation in New York to curb out-of-control hospital pricing, where they successfully lobbied the New York State legislature to pass the Hospital Equity and Affordability Law (HEAL Act), which Governor Kathy Hochul signed into law on December 9, 2022. This legislation marked a major step in addressing high hospital prices, the leading driver of healthcare costs for working New Yorkers, by forbidding hospital networks from using gag clauses and most-favored-nations clauses in their contracts with insurance companies and healthcare payors. Indeed, UFCW Local 1500 President Robert W. Newell, Jr. was quoted in the Coalition’s press release: “This pro-worker legislation will provide transparency to hospital pricing systems, lowering costs for hardworking New Yorkers....”² So it is no surprise that UFCW Local 1500 stepped up to lead the charge on this important case to further its efforts to lower hospital prices for New Yorkers.

UFCW Local 1500 is the largest plaintiff (by far) in this litigation, and its preference for who should lead this litigation should be given weight.³ A client’s “financial interest” is relevant to the appointment of lead counsel, as such an interest is “a useful proxy for determining which

² Coalition for Affordable Hospitals, “Coalition for Affordable Hospitals Celebrates Gov. Hochul’s Signing HEAL Act Into Law Making a Huge Leap Forward for Healthcare Justice in NYS” (Dec. 9, 2022), <https://coalitionforaffordablehospitals.org/heal-act-signed/>. Notably, the press release called out the high prices for a colonoscopy at NYP. *Id.*

³ *See, e.g.*, Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4 (a)(3)(B)(iii) (largest-loss rule ensures that the person who has suffered the most from the alleged fraud is appointed lead plaintiff and controls the litigation, including selecting and retaining counsel to represent the class, subject to court approval).

plaintiff would be most engaged and likely to produce client-driven representation.” *In re GSE Bonds Antitrust Litig.*, 377 F. Supp. 3d 437, 438 (S.D.N.Y. 2019). UFCW Local 1500 has paid millions of dollars to NYP for healthcare services for its members. Here, the party with the greatest financial interest (greatest loss) is likely UFCW Local 1500, given that it has nearly 14,000 members, which dwarfs the membership of the other two plaintiffs in the case—CCWDC Welfare Fund and Pointers, Cleaners and Caulkers Local 1 Welfare Fund—*combined*, which make up, respectively, 1,700 and 2,500 covered lives. *See In re LIBOR-Based Fin. Instruments Antitrust Litig.*, No. 11 MD 2262, 2011 WL 5980198, at *3 (S.D.N.Y. Nov. 29, 2011) (appointing interim class counsel in antitrust case where counsel represented the party “with by far the greatest economic interest”); *Breakwater Trading LLC v. JPMorgan Chase & Co.*, No. 20-CV-3515, 2020 WL 5992344, at *4 (S.D.N.Y. Oct. 9, 2020) (noting that the PSLRA “model for selection of lead counsel [] may offer helpful guidance in non-PSLRA cases” such as “whether the plaintiff with the largest economic interest in the case supports the applicant for lead counsel”).

New York Presence. This is a New York-centric case: NYP is headquartered in New York City. The alleged anticompetitive conduct happened in the greater New York City area. Nearly all the victims who paid overcharges as a result of the conduct are located in and around New York City. UFCW Local 1500 is located just outside New York City and its members work or live throughout New York City. And the firms that make up the Proposed Lead Slate are predominantly present in New York: Garwin Gerstein is headquartered in New York City; DiCello Levitt has a major office in New York City, where its antitrust practice group resides; and Lieff has a major office in New York City. *See In re Bank of Am. Corp. Secs., Derivative &*

ERISA Litig., 258 F.R.D. 260, 274 (S.D.N.Y. 2009) (appointing law firms “based in New York” or with “attorneys in New York”).

Diversity. The Proposed Lead Slate offers a diverse set of attorneys who will lead the litigation, offering various perspectives, skills, and experiences that reflect the make-up of the Class; the firms have been widely recognized by courts for their commitment to diversity (discussed further below).

Resources and Cost-Savings. The Proposed Lead Slate has ample resources—financial, professional, and support—to effectively prosecute this case to and through trial.⁴ That said, the Firms commit to efficiently litigating this case to ensure the maximum recovery for the victims. The proposed structure is lean—only three firms, which will reduce duplicative work. The three-firm leadership structure strikes the right balance between vigorously prosecuting the case and doing so efficiently, staffing appropriately based on level of experience. They are sufficiently well-resourced to tackle these tasks and will divide them to the greatest extent possible to leverage expertise and avoid redundancy. Towards that end, they have included a time and expense reporting protocol to strictly control lodestar and expenses; all counsel will be required to maintain a daily record of their time incurred and provide monthly reports for internal review. *See Ascioffa Decl., Exh. D.*⁵

To further reduce expenses, the Firms offer several unique in-house resources: DiCello Levitt’s Trial Center (described below) and focus group services; each firm’s ESI working group

⁴ No firm in the Proposed Lead Slate will be using third-party litigation funding to fund this case.

⁵ If the case is resolved with a recovery for the class, the Proposed Lead Slate intends to seek a fee commensurate with the work performed and results achieved and in line with guidelines set forth in the EDNY and Second Circuit. Any fee application will be subject to notice and comment from the Class and ultimate approval by the Court.

or specialists; Lieff's in-house document hosting platform; vetted AI software licenses and strict protocols as to use; ample New York City office space for meetings and depositions; and reduced travel and lodging costs, as most of the attorneys working on the case are located in New York City. They also have proposed an aggressive case schedule to shorten the duration of the litigation, thus further reducing hard costs and lodestar. This includes fact discovery substantially completed in six months; discovery completed in 14 months; expert reports served in under 20 months; class certification briefed in 24 months; and trial ready in under 30 months. *See* Asciolla Decl., Exh. E. All of these savings will benefit the Class.

For the foregoing reasons, and as further discussed herein, UFCW Local 1500 respectfully requests the Court appoint the Proposed Lead Slate as Interim Co-Lead Class Counsel.

LEGAL STANDARD

“When appointing interim class counsel, courts generally look to the same factors used in determining the adequacy of class counsel under Rule 23(g) of the Federal Rules of Civil Procedure.” *In re Amla Litig.*, 320 F.R.D. 120, 121 (S.D.N.Y. 2017) (internal quotation omitted). 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); *In re GSE Bonds Antitrust Litig.*, 377 F. Supp. 3d 437, 437-38 (S.D.N.Y. 2019). The Court “‘may also consider ‘any other matter pertinent to counsel’s ability to fairly and adequately represent the interests of the class.’” *In re Enzo Biochem Data Sec. Litig.*, CV 23-4282, 2023 WL 6385387, at *2 (E.D.N.Y. Sept. 29, 2023) (quoting Fed. R. Civ. P. 23(g)(1)(B)).

ARGUMENT

I. Rule 23(g)(1)(A)(i): The Proposed Lead Slate Expended Significant Time and Resources to Investigate UFCW Local 1500's Claims and Advance This Litigation

The Proposed Lead Slate has taken significant steps to identify and investigate UFCW Local 1500's claims, draft an original complaint, and advance this litigation from the first day. *See* Fed. R. Civ. P. 23(g)(1)(A)(i). As mentioned above, UFCW Local 1500 has a long history of fighting for lower hospital costs for New Yorkers. Proposed Class Counsel devoted substantial time and resources to investigating and developing the challenged conduct prior to filing a complaint, and they have continued to do so afterwards through their ongoing investigation and work to advance the case—together, over 1,400 hours since inception. Their investigation included: (i) conducting extensive research into NYP, its structure, services provided and pricing; (ii) conducting market research of other participants; (iii) consulting a healthcare economist; (iv) consulting with another union regarding market practices; (v) conducting legal research into liability and damages theories; (vi) analyzing publicly available market data; (vii) analyzing client materials; (viii) reviewing government investigation developments; and (ix) developing factual support for various claims.

As a result, the Proposed Lead Slate drafted a wholly original complaint laying out UFCW Local 1500's claims, which was filed on September 8, 2025. *See* ECF No. 1.⁶

Their work did not stop there. The Proposed Lead Slate has diligently moved the litigation forward over the last nine months, including: continuing its investigation into NYP's

⁶ UFCW Local 1500 filed the second and only other action in this matter. Being first-to-file should be given little weight here, especially given the other more important Rule 23(g) factors, including that counsel for UFCW Local 1500 conducted its own independent investigation of the potential claims, drafted a wholly original complaint, and UFCW Local 1500 is the largest plaintiff and likely has the largest losses.

conduct; drafting a letter opposing Defendants' request for relief from EDNY Administrative Order 2023-23; drafting Plaintiffs' response to Defendant's letter regarding consolidation and scheduling; preparing for and leading a Rule 26(f) conference; drafting a letter memorializing that conference; drafting a proposed Protective Order and an ESI protocol; coordinating with DOJ on the parallel case; drafting letters regarding NYP's compliance with the Court's requirement of a Joint Initial Letter; drafting a detailed insert to the Joint Initial Letter and proposed schedule; preparing and appearing before Magistrate Judge Anne Shields for an initial discovery hearing; drafting and filing multiple letters to the Court regarding consolidation of the Actions; negotiating and filing a confidentiality order covering the production of relevant documents as part of Tier One Discovery, including third-party documents; reviewing and analyzing documents produced by Defendant as part of Tier One Discovery; producing Tier One Discovery documents from UFCW Local 1500; and drafting and serving Requests for Production on Defendant. The Proposed Lead Slate performed some of this work in coordination with other counsel for the now-consolidated cases, and the Proposed Lead Slate made great efforts to cooperate with the other counsel in order to streamline the workload.

II. Rule 23(g)(1)(A)(ii) and (iii): The Proposed Lead Slate Has Extensive Experience in Antitrust Class Action Litigation

As demonstrated below and as further detailed in their respective firm resumes (Asciolla Decl., Exhs. A, B, C), attorneys at the firms comprising the Proposed Lead Slate are among the top antitrust class action practitioners in the country. *See* Fed. R. Civ. P. 23(g)(1)(A)(ii)-(iii). They are a diverse set of attorneys with decades of experience successfully litigating complex antitrust class actions. And the subject matter of this case rests squarely within their professional bailiwicks, in particular, their specialized and demonstrated expertise litigating anticompetitive conduct in healthcare industries and matters involving anti-steering provisions.

A. DiCello Levitt

DiCello Levitt is a national complex litigation and trial firm with over 100 attorneys in eight offices across the United States, including a major office in New York City where its antitrust practice group resides. The firm’s well-respected antitrust practice comprises attorneys with decades of antitrust, class action, government enforcement (DOJ, FTC, and New York Attorney General’s office), complex litigation, and trial experience. They have led the charge on some of the most significant private and public antitrust actions. The firm’s team of antitrust attorneys is regularly appointed lead or co-lead plaintiffs’ counsel because of its experience and track record of success, and it has garnered national and international recognition from *Chambers & Partners* and *The Legal 500*, among others. The firm has also been recognized by courts for its commitment to providing real opportunities to attorneys from historically underrepresented groups.⁷

The team draws from former federal and state antitrust enforcers and attorneys from antitrust practices at top defense and plaintiffs’ firms. And they have the results to show for it—billions of dollars in settlements serving in leadership positions in antitrust class actions. The group has recently resolved several antitrust class actions as co-lead counsel: *In re Surescripts Antitrust Litigation*, No. 19 Civ. 06627 (N.D. Ill.) (\$49.7 million); *In re European Government Bonds Antitrust Litigation* (“EGB”), 19 Civ. 02601 (S.D.N.Y.) (\$120 million); *Borozny v. Raytheon Technologies Corp.* (“Aerospace”), No. 3:21-cv-1657 (D. Conn.) (\$60.5 million); *Fusion Elite All Stars v. Varsity Brands, LLC* (“Varsity”), No. 20-cv-02600 (W.D. Tenn.) (\$43.5

⁷ See *Granata v. Pratt & Whitney*, No. 3:21-cv-01657, 2022 WL 732271, at *5 (D. Conn. Mar. 11, 2022) (noting that DiCello Levitt is “committed to recruiting, cultivating and utilizing talent from a diverse pool of lawyers”); *In re Fairlife Milk Prods. Mktg. & Sales Prac. Litig.*, No. 19-cv-3924, 2020 WL 362788, at *3 (N.D. Ill. Jan. 22, 2020) (appointing DiCello Levitt and noting its group “better captures the benefits of diversity of experience, skills, and backgrounds”).

million); and *In re Platinum & Palladium Antitrust Litigation* (“*Platinum*”), No. 1:14-cv-9391 (S.D.N.Y.) (\$20 million, after winning appeal in Second Circuit and denial of *certiorari* in Supreme Court).

One of the highlights of DiCello’s antitrust practice is its expertise litigating antitrust class actions alleging misconduct in the healthcare and pharmaceutical industries. As detailed below and in its firm’s resume, the attorneys who will lead and work on this case have decades of combined experience litigating in the healthcare arena, including as government attorneys, and have been at the forefront of challenging conduct that raises healthcare costs for consumers, notably pay-for-delay agreements and improper patent listings designed to thwart generic competition, as well as conduct involving hospitals. This specialized experience will be beneficial here, reducing the learning curve and increasing the ability to drill down on the central facts at issue. For example, the attorneys who will work on this case have substantial experience analyzing and litigating issues arising from negotiations between providers and health insurers when developing provider networks. They have investigated and litigated issues related to market definition in the healthcare industry. And they have extensive experience working with healthcare data and economists to marshal empirical evidence.

The firm’s broad healthcare antitrust litigation experience most recently includes: *In re Respimat Pharmaceuticals Antitrust Litigation* (“*Respimat*”), No. 1:25-md-03154 (D. Mass.) (serves as co-lead counsel in case alleging that pharmaceutical company suppressed generic competition by improperly listing “device-only patents” in the FDA’s Orange Book); *In re Tecfidera Antitrust Litigation* (“*Tecfidera*”), No. 24-cv-7387 (N.D. Ill.) (serves on Plaintiff Steering Committee in case alleging that pharmaceutical company made payments to pharmacy benefit managers in exchange for disadvantaging generic competition); *In re GoodRx &*

Pharmacy Benefit Manager Antitrust Litigation (“GoodRx”), No. 1:25-md-03148 (D.R.I.) (serves on Plaintiffs’ Steering Committee in case alleging pharmacy benefit managers and GoodRx used algorithm to suppress amounts pharmacy benefit managers pay for generic prescription medications dispensed by independent pharmacies). Since 2016, DiCello Levitt has served on the End-Payor Plaintiffs’ Steering Committee in *Generics*, a massive case alleging over 35 generic drug manufacturers conspired to fix prices of over 200 generic drugs (over \$525 million in settlements to date). And the firm has most recently resolved the following healthcare antitrust class actions: *In re Surescripts Antitrust Litigation* (“Surescripts”), No. 19 Civ. 06627 (N.D. Ill.) (served as co-lead counsel for class of independent pharmacies in case alleging monopolization of e-prescription market; settlement amount of \$49.7 million); *In re Xyrem (Sodium Oxybate) Antitrust Litigation*, No. 20-md-02966 (N.D. Cal.) (served as member of Plaintiffs’ Steering Committee and secured \$199 million in settlements in pay-for-delay action involving the drug Xyrem); *In re Novartis & Par Antitrust Litig.* (“Exforge”), No. 18-cv-04361 (S.D.N.Y.) (served as lead counsel in end-payor pay-for-delay action involving the drug Exforge; \$30 million settlement); *In re Opana ER Antitrust Litig.* (“Opana”), No. 14 C 10150 (N.D. Ill.) (served as co-lead counsel in end-payor pay-for-delay action involving the drug Opana; mid-trial settlement of \$15 million with one defendant).

The DiCello Levitt Team will be led by **Geralyn J. Trujillo**, who has over twenty years of experience as an antitrust practitioner and is currently working on several antitrust cases involving healthcare and pharmaceuticals, including in *Respimat* (serving as co-lead counsel), *Generics*, *Tecfidera*, and *GoodRx*. Before joining DiCello Levitt, Ms. Trujillo spent fifteen years enforcing the antitrust laws at the federal and state level, including ten years at the Federal Trade Commission’s Bureau of Competition and five years as Acting Deputy Chief of the Antitrust

Bureau of the New York Attorney General’s Office. During her tenure at the FTC, she led or co-led several significant healthcare provider investigations, including one which led to the successful block of a proposed merger between Penn State Hershey Medical Center and PinnacleHealth in Pennsylvania,⁸ for which she and her team won the Janet D. Steiger Award, and another which led to the abandonment by the parties of a major hospital merger in New Hampshire. Her work also included merger investigations involving large physician groups, skilled nursing facilities, and medical devices, among other matters. At the Office of the New York State Attorney General, Ms. Trujillo investigated anticompetitive conduct and litigated cases involving price fixing and anticompetitive mergers and acquisitions and led or co-led significant multistate investigations and cases. She currently serves on the Executive Committee of the New York State Bar Association’s Antitrust Law Section and is Chair of the Section’s Diversity Committee, and she is Co-Chair of the Attorney General Outreach Committee of the Committee to Support the Antitrust Laws (“COSAL”). Ms. Trujillo has been recognized as one of *Lawdragon*’s 500 Leading Global Antitrust & Competition Lawyers.

Greg Asciolla is Chair of DiCello Levitt’s Antitrust Practice Group and serves as Managing Partner of the New York office. With three decades of antitrust experience—including in the DOJ’s Antitrust Division—Mr. Asciolla is an accomplished practitioner who is regularly appointed to leadership positions in antitrust actions. He recently settled several of the antitrust class actions listed above as co-lead counsel: *Aerospace*, *Surescripts*, *EGB*, *Varsity*, and *Platinum*. He was also an integral part of the litigation team in *In re Air Cargo Shipping Services Antitrust Litigation*, MDL No. 1775 (E.D.N.Y.) (Cogan, J.) (settled for \$1.2 billion).

Mr. Asciolla has extensive experience practicing antitrust law in the healthcare industry.

⁸ *FTC v. Penn State Hershey Medical Ctr.*, 838 F.3d 327 (3d Cir. 2016).

While a trial attorney at DOJ, he was in the Healthcare Task Force, whose sole focus was investigating and litigating anticompetitive conduct involving hospitals and other medical facilities, health insurers, physician health organizations and medical product manufacturers, among others. Specifically, he challenged conduct by industry giants preventing lower-cost healthcare options from entering smaller communities throughout the U.S. and increasing market concentration of healthcare providers that resulted in higher costs for consumers. His work at DOJ also included investigating and challenging proposed hospital mergers that would result in higher prices for acute inpatient hospital services like the services at issue in this case. For example, he was part of the trial team challenging the merger of North Shore and Long Island Jewish hospital systems in New York (Long Island), and thus has particular experience involving local hospitals. And over the last decade, he has served as lead or co-lead counsel in numerous other cases involving the healthcare industry, including actions challenging agreements to delay generic drug entry through pay-for-delay agreements and improper pharmaceutical or medical device patent listings. He was personally appointed to the plaintiffs' steering committee in *Generics*, is serving as co-lead counsel in *Respimat*, and served as co-lead counsel in the now-settled healthcare cases *Surescripts*, *Exforge*, and *Opana*.

Mr. Asciolla has been widely recognized for his accomplishments in the antitrust bar: Titan of the Plaintiffs' Bar and an MVP of the Year (Antitrust) by *Law360*; leading plaintiffs' competition lawyer by *Chambers & Partners USA* and *Global Competition Review*; and "Leading Lawyer" by *The Legal 500*, with sources describing him as "very effective plaintiffs' counsel" and "always act[ing] with a good degree of professionalism." He has also earned rankings in *Benchmark Litigation* and *Lawdragon*. Mr. Asciolla was recently selected to *Crain's New York Business* 2023 list of Notable LGBTQIA+ Leaders, to *Law360's* 2023 Diversity &

Inclusion Editorial Advisory Board, and serves as Vice-Chair of the ABA Antitrust Section's Diverse Perspectives & Engagement Committee. Mr. Asciolla also serves on the Advisory Board of the American Antitrust Institute ("AAI"), the Executive Committee (and former officer) of the New York State Bar Association's Antitrust Law Section, and the Board of Directors of Public Justice, and serves on the executive committee (former president) of COSAL.

In addition, DOJ has filed a related, parallel action against NYP, *United States v. The New York and Presbyterian Hospital*, No. 26-cv-2480 (S.D.N.Y.), thus working cooperatively with DOJ will be important. Both Ms. Trujillo and Mr. Asciolla have on-point government experience at the DOJ, FTC, and NYAG. That experience matters in order to navigate strategically, efficiently, and credibly with DOJ from day one.

B. Garwin Gerstein & Fisher

Established more than 80 years ago, GGF and its attorneys have spent decades at the vanguard of healthcare antitrust litigation. GGF has helped set important precedents and achieved historic settlements in antitrust cases alleging conspiracies to delay the entry of generic pharmaceuticals, leading to recoveries of over \$4 billion on behalf of purchasers alleging overcharges in violation of the antitrust laws. GGF attorneys have also brought important monopolization cases in markets involving technology, data, and artificial intelligence.

GGF routinely works alongside counsel representing other groups of plaintiffs, DOJ and the FTC. Time and again, our co-counsel turn to GGF attorneys at the most pivotal moments of the case: investigating the conduct and crafting a complaint that will survive a motion to dismiss; taking depositions of key decision makers; navigating the thorny privilege issues that invariably arise in antitrust cases; guiding the case to trial; arguing and winning precedential appeals; and negotiating settlements. Surveys of our peers have led to accolades from *Chambers & Partners*

and SuperLawyers, and, three times in the past seven years, AAI has recognized GGF with its award for Outstanding Antitrust Litigation Achievement in Private Law Practice.

The Firm was among the first to successfully litigate so-called “pay-for-delay” cases involving antitrust conspiracies related to delayed entry of generic drugs (*see In re Cardizem CD Antitrust Litigation*, 105 F. Supp. 2d 618 (E.D. Mich. 2000)) and GGF’s settlements of such cases have set records. The Firm’s \$750 million settlement on behalf of plaintiffs in *In re Namenda Direct Purchaser Antitrust Litigation*, No. 15-cv-07488 (S.D.N.Y.), is among the largest settlements of a healthcare antitrust case in history. And the Firm’s \$512 million settlement in *King Drug Co. of Florence, Inc. v. Cephalon, Inc.*, No. 2:06-cv-1797 (E.D. Pa.), and \$385 million settlement in *In re Suboxone (Buprenorphine Hydrochloride & Naloxone) Antitrust Litigation* (“Suboxone”), No. 13-md-2445 (E.D. Pa.), are not far behind. In each of those instances, GGF brought the cases to the verge of trial; in others, the Firm has tried cases all the way to verdict. GGF has not hesitated to pursue cases lasting a decade or more, sometimes taking multiple trips to appellate courts, to recover damages for its clients. For instance, in *In re Lamictal Direct Purchaser Antitrust Litigation*, No. 12-cv-995 (D.N.J.), GGF twice navigated the case through appeals to the Third Circuit Court of Appeals. GGF attorneys also developed original liability theories in cases such as *Greystone Mortgage, Inc. v. Equifax Workforce Solutions LLC* (“Greystone”), No. 2:24-cv-2260 (E.D. Pa.), a case involving monopolization of a billion-dollar data product.

Courts routinely appoint GGF as lead counsel in the most complex, highest stakes antitrust cases in the country, and judges call out the Firm’s excellent advocacy. Judge Alvin K. Hellerstein of the Southern District of New York recently complimented GGF for its efficiency and ability to resolve complex issues without court intervention:

You are one of the leading attorneys in this field representing plaintiffs, and you showed your competence in the way you handled this case. I would also note that, given what's at stake with this case, the number of times that you needed judicial intervention to resolve the dispute was very few. And I think it says something about the professionalism of both plaintiffs' and defendants' lawyers.

Hr'g Tr., *Exforge*, No. 18-cv-04361 (S.D.N.Y. Jan. 6, 2023). Chief Judge Mitchell S. Goldberg (Ret.) of the Eastern District of Pennsylvania similarly praised GGF as “skilled and effective class action litigators that have obtained a highly favorable settlement in an extremely complex case litigated over the course of ten years.” *Suboxone*, 2024 WL 815503, at *14 (E.D. Pa. Feb. 27, 2024). And Chief Judge Colm Connolly of the District of Delaware recently commended GGF attorneys for their “excellent briefing.” Hr'g Tr., *Seroquel*, No. 20-cv-1076 (D. Del. Feb. 6, 2025), ECF No. 825 at 6.

GGF's peers similarly recognize the Firm's excellence, telling *Chambers* reviewers:

- “They are innovative about applying antitrust expertise across new cases and industries.”
- “The firm has a deep level of experience and understanding in litigating complex antitrust matters from the filing of the case all the way through a jury verdict and appeals.”
- “The firm has leadership of large scale cases involving numerous plaintiffs and defendants and a depth of experience in the pharmaceutical antitrust space.”

GGF has developed the experience, subject-matter knowledge, and resources necessary to efficiently manage complex class actions and maximize recoveries. If appointed co-lead counsel, GGF will apply this extensive experience and commitment to advance the interests of the class. Partners Deborah Elman and David Rochelson will lead the representation on behalf of GGF.

Deborah Elman has spent the past two decades representing businesses in high-profile, high-stakes antitrust and other complex class actions, with a particular focus representing classes

of direct and indirect purchasers in healthcare litigation. Her work on cases alleging illegal suppression of generic drugs has contributed to significant settlements totaling hundreds of millions of dollars, including in *Exforge*, No. 18-cv-4361 (S.D.N.Y.), and *Colcrys*, No. 21-cv-3500 (E.D. Pa.). Ms. Elman also currently serves on the Plaintiffs' Steering Committee in *In re: Construction Equipment Antitrust Litigation*, No. 25-cv-3487 (N.D. Ill.).

Ms. Elman is very familiar with anti-steering issues like the ones at the heart of this litigation from serving as a member of the lead counsel team representing purchasers seeking injunctive relief in *Interchange*. In that case, she was a drafter of the amended class complaint and the primary attorney responsible for leading discovery against one of the two main defendants.

Ms. Elman has been selected as a Super Lawyer every year since 2022, as one of the *Lawdragon* 500 Leading Global Antitrust & Competition Lawyers in 2025 and 2026, a *Lawdragon* 500 Leading Plaintiff Financial Lawyer from 2019 to 2023, and as a Leading Lawyer by The Legal 500. She is president of COSAL and a member of the Advisory Board and of the Appellate Project Steering Committee of the AAI, the two leading associations for attorneys representing antitrust plaintiffs. Ms. Elman is also a member of the Executive Committee and former co-chair of the Diversity, Equity, Inclusion, and Accessibility Committee of the Public Justice Foundation and a Member of the American Bar Association ("ABA") Antitrust Section. She is a frequent speaker on topics involving class actions, appellate practice and expert witnesses, and her many publications include contributions to the 2021, 2022, and forthcoming 2026 ABA *Antitrust Law Developments Annual Update*. Her writing on health care issues has appeared in the *Fordham Urban Law Journal*, the *New England Journal of Medicine*, the *American Journal of Public Health*, and the *Journal of Public Health Management and Practice*.

For nearly 15 years, **David Rochelson** has litigated large, complex antitrust actions on behalf of class plaintiffs, competitor plaintiffs, and defendants, with a focus on monopolization claims. Mr. Rochelson has extensive experience litigating antitrust cases in the healthcare industry and has taken cases all the way to trial. In *Seroquel*, he drafted the brief that got plaintiffs' monopolization claims past a motion for summary judgment, argued key motions in limine and discovery motions, and coordinated a team of more than 50 co-counsel. He was set to second chair the trial, including by cross examining key defense witnesses, when the case settled on the eve of jury selection for \$51 million. In *Colcrys*, Mr. Rochelson crafted a successful opposition to summary judgment and motions challenging defendants' privilege designations, and his video depositions of defendants' in-house counsel featured prominently in plaintiffs' case-in-chief. The matter resolved favorably mid-trial.

Mr. Rochelson has also crafted unique liability theories that apply antitrust law to new markets. In just the past two years, he devised the complaint in *Greystone*, as well as the antitrust counterclaims in *Zoominfo Technologies LLC v. ZenLeads Inc.*, No. 1:25-cv-324 (D. Del.). In both cases, he led plaintiffs' monopolization claims past defendants' motions to dismiss by briefing and arguing the opposition to those motions.

As Project Chair of the ABA Antitrust Section's brand new *Rule of Reason Handbook* (February 2026), Mr. Rochelson is among the foremost authorities in the country on the antitrust rule of reason, the analytical rubric that governs monopolization cases (including this one). He serves as Chair of the ABA Antitrust Section's Joint Conduct Committee and as Project Chair of Chapter 1, "Restraints of Trade," in the Section's keystone publication, *Antitrust Law Developments* (10th Ed. forthcoming). Support from Mr. Rochelson's peers has led to his selection as a SuperLawyer in every year since 2022. He regularly speaks and publishes on

antitrust issues, including in *Antitrust* magazine, and his writing on healthcare antitrust has appeared in the American College of Obstetricians and Gynecologists' *O&G Open*.

C. Loeff Cabraser Heimann & Bernstein

Lieff is a nationally-recognized law firm specializing in class actions and complex litigation, with a well-developed expertise in antitrust law. Founded in 1972, Lieff is one of the nation's largest and most successful firms that represents only plaintiffs, including consumers, small businesses, investors, employees, and the injured, helping to recover over \$133 *billion* in verdicts and settlements for its clients. The *National Law Journal* has recognized Lieff as one of the nation's top plaintiffs' law firms for fourteen years and as one of the "50 Leading Plaintiffs Firms in America." Lieff is also a member of the *National Law Journal*'s Plaintiffs' Hot List Hall of Fame, "representing the best qualities of the plaintiffs' bar and demonstrating unusual dedication and creativity." Lieff has played a lead role in obtaining 92 different verdicts and settlements each valued at over \$100 million, including 28 verdicts and settlements individually valued at over \$1 billion. This includes the Volkswagen "clean diesel" litigation, where, as sole lead counsel, Lieff obtained the largest consumer settlement in history—\$14.7 billion.⁹ Lieff is a leader in prosecuting antitrust class actions, having recovered approximately \$1.5 billion on behalf of victims in antitrust cases where it served as lead counsel in just the last 15 years. Indeed, the American Antitrust Institute (AAI) awarded the firm "Outstanding Antitrust Litigation Achievement in Private Litigation" in 2017, 2019, 2020, and 2024. With over 130 lawyers based in offices in New York, San Francisco, and Nashville, Lieff has the resources to go toe-to-toe with the biggest companies in America. A list of the firm's relevant successes can

⁹ *In re Volkswagen 'Clean Diesel' Mktg., Sales Practices, and Prods. Liability Litig.*, No. 15-md-02672 (N.D. Cal.).

be found in the attached resume.

The lawyers leading this case for Lieff—Mr. Glackin, Ms. Chan, and Ms. Chang—focus on fighting antitrust abuses by dominant healthcare providers. The firm has led litigation against dominant healthcare systems for the precise conduct at issue—illegal anti-steering and anti-tiering provisions. Mr. Glackin led *Dicesare*,¹⁰ in which the firm served as counsel for a proposed class challenging anti-steering and anti-tiering contract terms under North Carolina’s antitrust laws. He also led the firm’s work in *Mission*, a class action challenging anti-steering provisions that resolved in 2025. Mr. Glackin and Ms. Chan also currently lead *Electrical Medical Trust v. U.S. Anesthesia Partners, Inc.*, No. 4:23-cv-04398 (S.D. Tex.), in which the firm serves as sole counsel for a proposed class of healthcare payors challenging a scheme to monopolize hospital anesthesia services in Texas, drive up prices, and increase profits. These cases against dominant providers involved many of the same issues that will arise in this case; in each case the firm encountered the same questions of market power, market definition, and calculation of damages that will arise here. In these cases, the firm took dozens of depositions of executives of the defendant providers and also of employees of the major insurers and third-party administrators, such as Blue Cross, United, Aetna, and Cigna. And in each case, the firm obtained terabytes of structured data consisting of millions of health insurance claims, and supervised teams of expert consultants in analyzing that data.

Outside of the antitrust context, the firm also has extensive experience litigating against the largest health providers in the country. For instance, Lieff has repeatedly litigated against Sutter Health, achieving a \$276 million settlement against Sutter hospitals on behalf of uninsured

¹⁰ See No. 16 CVS 16404, 2017 WL 1359599 (N.C. Super. Apr. 11, 2017) (denying motion to dismiss claims).

patients who were charged substantially more than insured patients and a \$46 million settlement representing a whistleblower who uncovered fraudulent anesthesia billing practices.¹¹

In addition to work specific to healthcare providers, the Lieff team brings a wealth of experience in prosecuting complex antitrust matters to and through trial. Lieff partner **Brendan Glackin** chairs the firm’s antitrust practice group. Mr. Glackin has practiced antitrust law for more than two decades and has tried more than 20 civil and criminal cases to verdict. Mr. Glackin is one of the few attorneys to successfully try a complex antitrust case to verdict. In *In re TFT-LCD (Flat Panel) Price-Fixing Litigation* (“TFT-LCD”), MDL No. 1827 (N.D. Cal.), Mr. Glackin, with co-counsel, tried the class case against Toshiba Corporation, resulting in a successful jury verdict and over \$470 million recovered collectively from the cartelists. Mr. Glackin also served as lead trial counsel for the class in *Meijer, Inc. v. Abbott Laboratories.*, No. C 07-5985 CW (N.D. Cal.), a case alleging antitrust violations in the market for lifesaving HIV medications. He most recently served as lead trial counsel for a coalition of 39 state Attorneys General prosecuting Google for anticompetitive dominance of Android app distribution. That work resulted in a \$700 million settlement fund for the benefit of consumers in all 50 states.

Mr. Glackin has been recognized multiple times by AAI for “Outstanding Achievement in Private Law Practice” for his work in *In re Cipro Cases I & II*, No. S198616 (Cal. Super. Ct.) and *Cipro Cases I & II*, JCCP Proceedings Nos. 4154 & 4220 (San Diego Super. Ct.) (collectively, “Cipro”); *TFT-LCD*; and *Hospital Authority of Metropolitan Government of Nashville v. Momenta Pharmaceuticals, Inc.*, No. 3:15-cv-01100 (M.D. Tenn.) (abuse of IP case achieving \$120 million for hospitals, third-party payors, and uninsured persons). In 2016,

¹¹ *Sutter Health Uninsured Pricing Cases*, J.C.C.P. No. 4388 (Cal. Super. Ct.); *California ex rel Rockville Recovery v. Multiplan Inc.*, No. 2010-00079432 (Cal. Super. Ct.).

California Lawyer presented him, with others, its coveted Attorney of the Year award for his work in *Cipro*. Mr. Glackin has been recognized as one of *Lawdragon*'s 500 Leading Lawyers in America consistently since 2019, and *The Daily Journal* named him a Top Antitrust Lawyer in California in 2020 and 2025. Mr. Glackin regularly teaches the National Institute for Trial Advocacy's trial skills workshop. Mr. Glackin is barred in New York.

Lieff partner **Lin Chan** has extensive experience litigating class and antitrust actions. She served as co-lead class counsel for indirect purchasers of consumer telescopes in *In re Telescopes Antitrust Litigation*, No. 5:20-cv-03639 (N.D. Cal.). That case resolved in 2024, with a \$32 million settlement fund for consumer telescope purchasers. In 2017, Ms. Chan shared the American Antitrust Institute's award for "Outstanding Private Antitrust Achievement" with Lieff's team and won its "Outstanding Antitrust Litigation Achievement by a Young Lawyer" award for her work in *Cipro*. *Cipro* was one of the first, if not the first, successfully prosecuted case against brand and generic drug manufacturers for engaging in "pay-for-delay" settlements of patent suits that had the effect of delaying the availability of lower-cost generic drugs to the public. In evaluating the work of plaintiffs' counsel that resulted in a \$399 million recovery, the court found that "Plaintiffs' counsel have displayed exceptional skill in prosecution of this matter and have achieved extraordinary results."¹² Ms. Chan is also known for her work in the legal community, including serving as Co-Chair of the Northern District of California Lawyer Representatives Committee (2025-2026), Advisory Board Member for the AAI (2019 to present), Director-at-Large for the Bar Association of San Francisco Board of Directors (2023 to present), President of the Asian American Bar Association (2023), and President of COSAL (2022). In 2021, she won the inaugural AAI and COSAL Hollis Salzman Memorial Leadership

¹² Minute Order at 3, *In re Cipro Cases I & II* (San Diego Super. Ct. Nov. 4, 2016).

Award, awarded to a leader within the plaintiffs' antitrust bar who has advanced opportunities for other women and attorneys from underrepresented groups. She has also been named one of the Top Antitrust Lawyers in California by *The Daily Journal* (2021) and was selected for inclusion by peers in The Best Lawyers in America in the field of Antitrust Litigation (2021-2026), among other honors.

Rebecca Chang, Of Counsel at Lief, has served on the co-lead counsel team for multiple groundbreaking antitrust class actions, helping recover over \$600 million in settlements for injured workers and consumers. In *Jien v. Perdue Farms*, No. 1:19-cv-002521 (D. Md.)—one of the largest recoveries ever achieved in a labor antitrust case in the U.S.—Ms. Chang managed discovery negotiations for multiple defendants, spearheaded document review across the case, drafted briefs, and deposed key executives in the alleged conspiracy. Ms. Chang obtained her undergraduate degree from Yale University and her law degree from Harvard Law School, where she served as editor-in-chief of the Harvard Civil Rights-Civil Liberties Law Review. Ms. Chang is barred in New York and practices in the firm's New York office.

III. Rule 23(g)(1)(A)(iv): The Proposed Lead Slate Has Ample Resources to Commit to Proper Representation of the Class and Will Implement Protocols to Reduce Costs and Realize Efficiencies

The Proposed Lead Slate has the financial strength, personnel, and infrastructure necessary to zealously prosecute this case. *See* Fed. R. Civ. P. 23(g)(1)(A)(iv). Antitrust class actions require significant resources. The Proposed Lead Slate have repeatedly committed substantial attorney time and capital to complex class actions and vigorously litigated on behalf of the classes they represented. This case will be no different. Furthermore, no firm in the Proposed Lead Slate has, or will, use third-party litigation funding to prosecute this case.

The Proposed Lead Slate also bring valuable in-house capabilities that will reduce costs and benefit the Class. For example, DiCello Levitt's state-of-the-art Trial Center will be

invaluable as the case progresses. Its Trial Center—one of the few among plaintiffs’ firms—features courtrooms in Chicago and Cleveland, where it uses focus groups, mock trials, and behavioral research to refine strategy, sharpen messaging, and help deliver landmark verdicts and settlements. *See* Asciolla Decl., Exh. F (Trial Center brochure). And each firm has extensive experience managing large-scale eDiscovery projects, including DiCello Levitt’s ESI Working Group and Lieff’s specialized ESI attorneys. Lieff also offers a cost-effective in-house document hosting platform. In addition, cost savings will be gained by use of vetted AI software coupled with strict use protocols; ample office space in New York City for meetings and depositions; and reduced travel and lodging expenses as most of the attorneys working on the case are located in New York City. The Proposed Lead Slate has also proposed an aggressive case schedule to shorten the duration of the litigation, thus further reducing hard costs and lodestar. All of these savings will inure to the benefit of the Class.

In addition, the Proposed Lead Slate will impose disciplined oversight over time and expenses to maximize the class’s potential recovery. To that end, they have prepared a proposed time and expense protocol. *See* Asciolla Decl. Exh. D. The protocol proposes that time and expenses be reported monthly, in tenths of an hour, and by task. *Id.* Expense reimbursement guidelines will limit travel, meals and accommodation to reasonable expenses. The proposed protocol will apply to all co-lead counsel and, to the extent applicable, any other firm that works on the matter. That oversight—which will be done on a regular basis—will reduce duplication, control costs, and ensure effective representation throughout the litigation. They are also committed to the responsible use of technology-assisted document review and generative artificial intelligence in order to achieve additional efficiencies on behalf of the class.

CONCLUSION

In the light of the foregoing, Plaintiff requests that the Proposed Lead Slate be appointed

Interim Co-Lead Class Counsel.

Respectfully submitted,

/s/ Gregory S. Asciolla

Gregory S. Asciolla

Geralyn J. Trujillo

Theodore J. Salem-Mackall

DICELLO LEVITT LLP

485 Lexington Avenue, Suite 1001

New York, New York 10017

Tel: (646) 933-1000

gasciolla@dicellolevitt.com

gtrujillo@dicellolevitt.com

tsalemmackall@dicellolevitt.com

Deborah A. Elman

David B. Rochelson

GARWIN GERSTEIN & FISHER LLP

88 Pine St, Suite 2810

New York, NY 10005

(212) 398-0055

delman@garwingerstein.com

drochelson@garwingerstein.com

Brendan P. Glackin

Lin Y. Chan

LIEFF CABRASER HEIMANN &

BERNSTEIN, LLP

275 Battery Street, 29th Floor

San Francisco, CA 94111

(415) 956-1000

bglackin@lchb.com

lchan@lchb.com

Rebecca P. Chang

LIEFF CABRASER HEIMANN &

BERNSTEIN, LLP

250 Hudson Street

New York, NY 10013

(212) 355-9500

rchang@lchb.com

Counsel for Plaintiff UFCW Local 1500 Welfare Fund

Word Count Certification

Pursuant to Local Rule 7.1(c), I hereby certify that the total number of words in this motion, excluding the caption, table of contents, table of authorities, signature block, and word count certification is 8,698 words.

s/ Gregory S. Asciolla
Gregory S. Asciolla

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

UFCW LOCAL 1500 WELFARE FUND,
*on its own behalf and on behalf of all
others similarly situated,*

Plaintiffs,

v.

THE NEW YORK AND
PRESBYTERIAN HOSPITAL,

Defendant.

Case No. 2:25-cv-05023-BMC

CEMENT AND CONCRETE WORKERS
DC BENEFIT FUND, *on its own behalf
and on behalf of all others similarly
situated,*

Plaintiffs,

v.

THE NEW YORK AND
PRESBYTERIAN HOSPITAL,

Defendant.

Case No. 1:25-cv-5571-BMC

**DECLARATION OF GREGORY ASCIOLLA IN SUPPORT OF MOTION TO APPOINT
DICELLO LEVITT LLP, GARWIN GERSTEIN & FISHER LLP, AND LIEFF
CABRASER HEIMANN & BERNSTEIN LLP AS INTERIM CO-LEAD CLASS
COUNSEL**

I, Gregory Asciolla, hereby declare and state as follows:

1. I am a partner of the law firm DiCello Levitt LLP and am counsel for Plaintiff UFCW Local 1500 Welfare Fund (“Plaintiff”) in the above-referenced litigation. I am licensed to practice law in the State of New York and am admitted to practice before this Court. I make this declaration in support of Plaintiff’s Motion to Appoint DiCello Levitt LLP, Garwin Gerstein & Fisher LLP, and Lieff Cabraser Heimann & Bernstein LLP as Interim Co-Lead Class Counsel for the Plaintiff Class. I have personal knowledge of the facts stated in this Declaration and, if called upon, could and would testify competent thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of DiCello Levitt LLP’s firm resume.

3. Attached hereto as **Exhibit B** is a true and correct copy of Garwin Gerstein & Fisher LLP’s firm resume.

4. Attached hereto as **Exhibit C** is a true and correct copy of Lieff Cabraser Heimann & Bernstein LLP’s firm resume.

5. Attached hereto as **Exhibit D** is a true and correct copy of Movants’ Proposed Time and Expense Protocol.

6. Attached hereto as **Exhibit E** is a true and correct copy of Movants’ Proposed Case Schedule.

7. Attached hereto as **Exhibit F** is a true and correct copy of DiCello Levitt LLP’s Trail Center Brochure.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 26th day of June 2026, in New York, New York.

/s/ Gregory S. Asciolla
Gregory S. Asciolla

EXHIBIT A



DICELLO LEVITT

Justice in all its
DIMENSIONS



DiCello Levitt is focused on achieving justice for its clients. The firm's attorneys are respected for their ability to win cases and working tirelessly for human beings who deserve the firm's best, whether they be victims in major injury cases, decision-makers for public clients tasked with finding the best lawyers for their communities, or leaders of national and global corporations harmed by misconduct in significant commercial matters. Every day, DiCello Levitt puts its reputation—and its capital—on the line for its clients.

DiCello Levitt has achieved top recognition as *ALM* and *The National Law Journal's* 2023 **Plaintiffs Firm of the Year** and 2023 **Trial Innovation Firm of the Year**, in addition to its high-ranking *Chambers USA* and *Benchmark Litigation* ratings. The firm's individual practice areas have also received distinguished accolades, including being named *Law360's* **Cybersecurity Practice Group of the Year** for three years in a row and *The National Law Journal's* 2023 **Environmental Protection Law Firm of the Year**.

Practice Areas

- Agriculture and Biotechnology
- Antitrust and Competition Litigation
- Civil and Human Rights Litigation
- Class Action Litigation
- Commercial Litigation
- Environmental Litigation
- Labor and Employment Litigation
- Mass Tort Litigation
- Personal Injury
- Privacy, Technology, and Cybersecurity
- Product Liability
- Public Client
- Securities and Financial Products Litigation
- Whistleblower Representation

Antitrust and Competition Litigation

DiCello Levitt's highly regarded antitrust attorneys have led the charge on some of the most significant private and public antitrust litigation over the last several decades, and our Antitrust and Competition Litigation Practice is nationally recognized for its successes in challenging global anticompetitive conduct. Our singular focus is to seek economic justice on behalf of businesses and consumers and right the wrongs against them through aggressive advocacy and skilled problem-solving. The practice's sophisticated client base includes small businesses, large corporations, public pension funds, health and welfare funds, State governments, municipalities and related quasi-government agencies, and individual consumers.



Our team of experienced antitrust attorneys is regularly appointed lead or co-lead plaintiffs' counsel, and it has been recognized by courts for its diversity and commitment to providing real opportunities to attorneys from historically underrepresented groups. Our antitrust attorneys have litigated some of the largest federal and state antitrust class action lawsuits in the United States, often filing the first case and advancing novel theories through its efforts. The firm handles claims ranging from price-fixing and market allocation conspiracies among competitors to monopolization of markets by industry giants. DiCello Levitt also combines its antitrust know-how with its experience in representing governmental entities. For instance, DiCello Levitt represents the State of New Mexico and the Commonwealth of Kentucky in connection with several price-fixing conspiracies.

Our antitrust attorneys have garnered national and international recognition, including top rankings from *Chambers & Partners* and *The Legal 500*. We are leaders in the antitrust field, including in bar associations and other antitrust organizations.

Our antitrust attorneys have a distinguished record of success in prosecuting multidistrict litigation involving international price-fixing cartels (detailed below). Notably, our antitrust attorneys have helped secure billions of dollars in recoveries, including in *In re Generic Pharmaceuticals Pricing Antitrust Litigation* (partial settlements of \$525 million to date); *In re European Government Bonds Antitrust Litigation* (\$120 million in settlements); and *Borozny v. Pratt & Whitney* (\$60.5 million in settlements).

Our antitrust attorneys are also trial-ready and have litigated matters up to and through trial. The antitrust team went to trial for three weeks in *In re Opana ER Antitrust Litigation* and, mid-trial, reached a settlement of \$15 million with one of the defendants on behalf of classes of consumers and health plans.



Notable Successes

DiCello Levitt's attorneys have achieved many outstanding results throughout their careers litigating antitrust class actions on behalf of their clients. Key highlights include:

In re European Government Bonds Antitrust Litigation, No. 19-cv-2601 (S.D.N.Y.)

Served as co-lead counsel for investor class and secured \$120 million in settlements in case alleging that several global financial institutions manipulated the price of European government bonds issued by sovereign European governments.

Borozny v. Pratt & Whitney, No. 21-cv-01657 (D. Conn.)

Serves as co-lead counsel on behalf of a class of aerospace engineers and secured \$60.5 million in settlements in class action alleging that a major aerospace industry manufacturer and several other companies unlawfully agreed not to hire one another's employees to restrict competition in the labor market for engineers and other skilled employees.

In re Surescripts Antitrust Litigation, No. 19-cv-06627 (N.D. Ill.)

Serves as co-lead counsel on behalf of independent pharmacies and secured settlements of \$49.5 million from defendants in class action alleging conspiracy to monopolize the e-prescription services market.

Fusion Elite All Stars v. Varsity Brands, LLC, No. 2:20-cv-2600 (W.D. Tenn.)

Served as co-lead counsel and obtained a \$43.5 settlement plus significant injunctive relief in a class action alleging monopolization against the largest cheerleading competition producer and oversight body for the sport.

In re Novartis and Par Antitrust Litigation, No. 1:18-cv-04361 (S.D.N.Y.)

Served as lead counsel for end-payors and secured a \$30 million settlement in case alleging that brand and generic drug manufacturers entered into an anticompetitive pay-for-delay agreement for the antihypertensive drug Exforge.

In re Platinum and Palladium Antitrust Litigation, No. 14-cv-9391 (S.D.N.Y.)

Served as co-lead counsel for investor class and secured \$20 million in settlements in class action alleging that the major platinum and palladium dealers conspired to manipulate the prices of platinum and palladium during the London Platinum and Palladium Fixings.

***In re Opana ER Antitrust Litigation, No. 14-cv-10150 (N.D. Ill.)***

Served as co-lead counsel for end-payors and secured a \$15 million settlement midtrial, alleging that brand and generic drug manufacturers entered into an anticompetitive pay-for-delay agreement for the pain reliever Opana ER.

In re Xyrem (Sodium Oxybate) Antitrust Litigation, No. 5:20-md-02966 (N.D. Cal.)

Serves as a member of the Plaintiffs' Steering Committee and secured \$199 million in settlements in case alleging that brand and generic pharmaceutical manufacturers entered into pay-for-delay agreements to delay the launch of a lower-priced generic Xyrem, among other anticompetitive conduct.

In re Air Cargo Shipping Services Antitrust Litigation, MDL No. 1775 (E.D.N.Y.)

Served as co-lead counsel (2006-2013) and obtained more than \$1.2 billion in settlements from over 30 international airlines to resolve claims alleging a global conspiracy to fix surcharges for air cargo shipping services.

Alaska Electrical Pension Fund v. Bank of America, Corp., No. 14-cv-7126 (S.D.N.Y.)

Served as class counsel for investor class and secured \$504.5 million in settlements from the major dealer banks to resolve claims alleging a conspiracy to manipulate ISDAFIX, a key benchmark for valuing various interest rate derivatives.

In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation, No. 11-md-02284 (E.D. Pa.)

Served as co-lead counsel and obtained a settlement, valued at \$600 million, calling for significant relief in the form of improved appeals process, increased warranty, and improved notice to resolve claims that DuPont misled consumers about the safety and effectiveness of Imprelis, an herbicide.

In re Foreign Exchange Benchmark Rates Antitrust Litigation, No. 13-cv-07789 (S.D.N.Y.)

Served as class counsel and allocation counsel for investor class and obtained more than \$2.3 billion in settlements from the major FX dealer banks to resolve claims alleging a conspiracy to fix the prices of foreign exchange transactions.

In re Lidoderm Antitrust Litigation, No. 14-md-02521 (N.D. Cal.)

Served as class counsel for end-payors and secured \$104.75 million in settlements to resolve claims alleging that brand and generic pharmaceutical manufacturers agreed to delay the launch of a cheaper generic version of the drug Lidoderm.



In re Aggrenox Antitrust Litigation, No. 14-md-02516 (D. Conn.)

Served as class counsel for end-payors and secured \$54 million in settlements to resolve claims alleging that brand and generic pharmaceutical manufacturers agreed to delay the launch of a cheaper generic version of the drug Aggrenox.

In re Marine Hose Antitrust Litigation, No. 08-md-1888 (S.D. Fla.)

Served as co-lead counsel and obtained \$31.7 million in settlements to resolve claims alleging several marine products manufacturers participated in a conspiracy to fix the prices of and allocate markets for marine hose products.

In re Aftermarket Filters Antitrust Litigation, No. 08-cv-4883. (N.D. Ill.)

Served as co-lead counsel and obtained nearly \$18 million in settlements to resolve claims alleging that numerous automotive parts manufacturers participated in a conspiracy to fix the prices of aftermarket automotive filters (oil, air, and fuel).

Ace Marine Rigging & Supply, Inc. v. Virginia Harbor Services, et al., No. 11-cv- 00436 (C.D. Cal.) and Board of Trustees of Commissioners of the Port of New Orleans v. Virginia Harbor Services, et al., No. 11-cv-00437 (C.D. Cal.)

Served as lead counsel and obtained more than \$5 million in settlements in two related class actions to resolve claims alleging that several marine product manufacturers conspired to fix the prices of various marine products (foam-filled fenders and buoys and plastic marine pilings).



Ongoing Litigation

In re Generic Pharmaceuticals Pricing Antitrust Litigation, No. 16-md-02724 (E.D. Pa.)

Serves on the Plaintiffs' Steering Committee on behalf of end-payors and secured settlements of \$525 million to date in a major class action alleging over 35 pharmaceutical manufacturers conspired to fix the prices of and allocate customers and markets for over 200 generic drugs.

In re Respimat Pharmaceuticals Antitrust Litigation, No. 1:25-md-03154-DJC (D. Mass.)

Serves as co-lead counsel for end-payers in case alleging that a pharmaceutical manufacturer thwarted generic competition for Combivent Respimat and Spiriva Respimat, both treatments for chronic obstructive pulmonary disease, by wrongfully listing device patents in the FDA's Orange Book.

In re Tecfidera Antitrust Litigation, 1:2024-cv-07387 (N.D. Ill.)

Serves on Plaintiffs' Steering Committee for end-payers in case alleging that a pharmaceutical manufacturer impaired competition from generic versions of its brand-name drug, Tecfidera, a treatment for multiple sclerosis, by entering into anticompetitive agreements with major PBMs to manipulate the placement of generic Tecfidera on PBM formularies and by engaging in product hopping (switching patients from an older version of Tecfidera to a new modification of the drug to thwart generic entry).

In re GoodRx and Pharmacy Benefit Manager Antitrust Litigation (No. II), 1:25-md-03148-MSM (D.R.I.)

Serves on Plaintiffs' Executive Committee for a class of independent pharmacies in a case against GoodRx and several of the country's largest Pharmacy Benefit Managers (PBMs)—CVS/Caremark, Express Scripts, MedImpact, and Navitus—alleging that Defendants entered into unlawful agreements under the auspices of GoodRx's "Integrated Savings Program" that led to price-fixed, lower reimbursement amounts that Defendant PBMs pay to independent pharmacies for dispensing generic drugs to patients.

In re Construction Equipment Antitrust Litigation, No. 1:25-cv-3487 (N.D. Ill.)

Serves as co-lead counsel in a consolidated class action against several major rental equipment companies alleging that they facilitated an unlawful conspiracy to fix rental prices for heavy equipment.

Biddle v. The Walt Disney Company, No. 5:22-cv-7317 (N.D. Cal.)

Serves as co-lead counsel on behalf of a nationwide class of Fubo subscribers alleging that defendant engaged in anticompetitive conduct in the market for streaming live pay television services.



In re Manufactured Home Lot Rents Antitrust Litigation, No. 23-cv-6715 (N.D. Ill.)

Serves as co-lead counsel on behalf of a nationwide class of manufactured (mobile) home lot renters (and filed the first case in the nation) in case alleging that defendants, the nation's largest provider of manufactured (mobile) home data (Datacomp) and several owners of manufactured home communities, conspired to raise prices of manufactured home lot rents by sharing non-public, competitively sensitive information through reports published by Datacomp.

In re Passenger Vehicle Replacement Tires Antitrust Litigation, No. 5:24-md-03107-SL (N.D. Ohio)

Serves as End-Payor Plaintiffs' Co-Lead Counsel in class action alleging that defendants—which include Continental, Goodyear, Bridgestone, Michelin, and Pirelli—engaged in large-scale price fixing of new replacement tires for passenger vehicles.

In re Crop Inputs Antitrust Litigation, No. 21-md-02993 (E.D. Mo.)

Serves on Plaintiffs' Steering Committee in class action alleging major crop input manufacturers, wholesalers, and retailers agreed to jointly boycott competing companies selling crop inputs online at lower prices.

Jones, et al. v. Fanatics Inc., et al., Consolidated Case No. 1:25-cv-05776-LTS-VF (S.D.N.Y.)

Serves as Co-Lead Counsel for the Indirect Purchaser Plaintiffs and the proposed classes alleging that Defendants have engaged in an anticompetitive scheme in the market for newly issued, fully licensed Major U.S. Professional Sports Leagues ("MLB, NFL, or NBA") trading cards ("Pro Sports Trading Cards") produced by Fanatics, resulting in inflated prices for purchasers of such cards.

World Association of Icehockey Players Unions North America Division et al v. National Hockey League et al, No. 2:24-cv-02135 (W.D. Wash.)

Serves as class counsel in landmark antitrust case alleging the Canadian Hockey League and its three regional leagues conspired to allocate markets and fix wages for teenage hockey players across North America.

In re Granulated Sugar Antitrust Litigation, No. 24-md-3110 (D. Minn)

Serves as class counsel for direct purchasers of granulated sugar in case alleging that major sugar producers conspired to artificially inflate the price of granulated sugar.



Goloja et al. v. Vail Resorts, Inc., and Alterra Mountain Company, No. 1:26-cv001191 (D. Colo.)

Serves as *de facto* lead class counsel for purchasers of multi-mountain season ski passes in case alleging anticompetitive bundling practices.

In re Archery Products Antitrust Litigation, No. 1:25-md-03160 (D. Colo.)

Serves as co-lead class counsel for direct purchasers of archery products in case alleging that major archery producers imposed higher prices through minimum advertising pricing programs.

People of Michigan v. BP, P.L.C., No. 1:26-cv-00254 (W.D. Mich.)

Represents the State of Michigan in case alleging major fossil fuel companies thwarted entry of renewable energy alternatives, resulting in higher prices of retail gasoline.

Coleman v. RealPage, Inc., No. 25 Civ 0093 (E.D. Ky.)

Represents the Commonwealth of Kentucky in case alleging price fixing of residential rental units in Kentucky through algorithms.



Select Members of DiCello Levitt's
Antitrust and Competition Litigation
Practice Group

**Greg Asciolla**

Partner

EMAIL

gasciolla@dicellolevitt.com

EDUCATION

Catholic University of America, J.D.

Boston College, A.B., *cum laude*

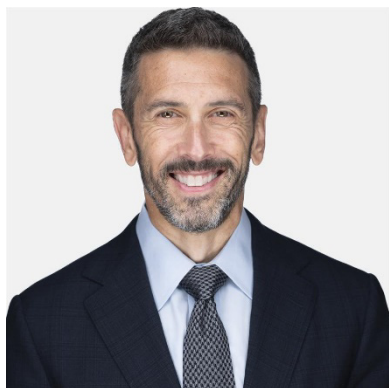
Greg Asciolla is a partner in DiCello Levitt's New York office, where he serves as Chair of the firm's Antitrust and Competition Litigation Practice, Managing Partner of the New York office, and Co-Chair of the DEI Committee. Greg focuses on representing businesses, public pension funds, and health and welfare funds in complex antitrust and commodities class actions, including price-fixing, monopolization, commodities manipulation, pay-for-delay agreements, and other anticompetitive practices. He also has successfully represented, pro bono, three Ugandan LGBTQ clients seeking asylum in the United States.

Recovering billions on behalf of his clients, Greg leads extensive investigations into potential anticompetitive conduct, often resulting in first-to-file cases. Prior to joining DiCello Levitt, Greg chaired a nationally recognized antitrust practice group and also served as a partner in the antitrust practice group at a top-ranked AmLaw100 firm. Greg began his career as an attorney in the Healthcare Task Force at the U.S. Department of Justice's Antitrust Division.

Greg is regularly appointed to leadership positions in major antitrust cases throughout the United States, including *Generic Drugs Pricing Antitrust Litigation*, *European Government Bonds Antitrust Litigation*, *Platinum and Palladium Antitrust Litigation*, *Surescripts Antitrust Litigation*, *Opana ER Antitrust Litigation*, *Borozny v. Raytheon*, and *Novartis and Par Antitrust Litigation*.

Named a "Titan of the Plaintiffs Bar" and "Competition/Antitrust MVP" by *Law360* as well as a leading plaintiffs' competition lawyer by *Global Competition Review* and *Chambers USA*, Greg is often recognized for his experience and involvement in high-profile cases. He has been named one of the "Leading Plaintiff Financial Lawyers in America" by *Lawdragon*, a "Distinguished Leader" by *New York Law Journal*, a "Litigation Star" by *Benchmark Litigation*, and a "Leading Lawyer" and a "Next Generation Lawyer" by *The Legal 500*, with sources describing him as "very effective plaintiffs' counsel" and "always act[ing] with a good degree of professionalism."

Greg makes substantial contributions to the antitrust bar. In 2016, he was elected to the Executive Committee of the New York State Bar Association Antitrust Law Section, where he served as the Finance Officer. He concurrently serves as Vice Chair of the ABA's Diverse Perspectives & Engagement Committee and Membership Director and Past-President of COSAL, the Committee to Support the Antitrust Laws. Greg is an annual invitee of the exclusive Antitrust Forum, serves as the U.S. representative to the Cross Border Legal Network, and is on the Advisory Board of the American Antitrust Institute. Mr. Asciolla was recently selected to Crain's New York Business 2023 list of Notable LGBTQIA+ Leaders and to Law360's 2023 Diversity & Inclusion Editorial Advisory Board. He is the former Co-Chair of the Antitrust and Trade Regulation Committee of the New York County Lawyers' Association.

**Alex Barnett****Partner****EMAIL**

abarnett@dicellolevitt.com

EDUCATION

St. John's University School of Law,
J.D.

University of Pennsylvania, B.A.

Alex Barnett is a partner in DiCello Levitt's New York office and a member of the firm's Antitrust and Competition Litigation Practice Group. An accomplished attorney with decades of experience in complex and class action litigation, Alex's practice focuses on advocating for consumers, public clients, and businesses injured by antitrust violations, unfair competition, and unlawful or unjust business practices.

For nearly 30 years, and with empathy for the persons and entities he represents, Alex has dedicated himself to litigation that is aimed at bringing about economic and social justice. His work has earned him a spot on *Lawdragon's* 500 Leading Plaintiff Financial Lawyers list every year from 2019 through 2025 and on *Lawdragon's* 500 Leading Global Antitrust and Competition Lawyers in 2025. In 2019, it earned him, along with his colleagues, the American Antitrust Institute's Outstanding Antitrust Litigation Achievement in Private Law Practice Award. And it has earned him invitations to serve as a panel speaker at conferences regarding antitrust law and class action practice.

Alex demonstrates his commitment to justice in his other endeavors as well. He is a past president of the Committee to Support the Antitrust Laws (COSAL), the only organization in the United States dedicated to lobbying for strong antitrust laws and effective private enforcement. He served as the vice chair of Public Justice's Food Project, which aims to address structural and institutional inequities in the food system. Prior to his litigation career, he served as the executive director of the International Association of Jewish Lawyers and Jurists (American Section), whose mission is the promotion of the rule of law.

Alex was on the advisory council of Rescuing Leftover Cuisine (RLC), a national nonprofit food rescue organization, operating across the United States and headquartered in New York City, that provides solutions to prevent excess wholesome cuisine from being wasted. In addition, Alex served as a volunteer for the following organizations: K.E.E.N. (Kids Enjoy Exercise Now), an organization dedicated to empowering youth with disabilities, providing them with access to recreational opportunities and helping them develop athletic skills; New York Cares, an organization that provides volunteer assistance to charities and nonprofit organizations throughout the metropolitan New York area; D.C. Cares, an organization that provides volunteer assistance to charities and nonprofit organizations throughout the Washington, D.C., area; and A Broader Image Inc., a Washington, D.C., nonprofit organization that provided internet access and other technology-based educational tools to children in inner-city schools.

Alex and his wife are active participants in the multiracial family community and have served as speakers for and supporters of various organizations dedicated to fostering understanding and acceptance of multiracial families, including LovingDay.org. They also founded a stuffed animal company and, through that entity, donated thousands of newly made stuffed animals to children in New York City's Homes for the Homeless program.

Alex is a graduate of the University of Pennsylvania and St. John's University School of Law.



Geralyn Trujillo
Partner

EMAIL

gtrujillo@dicellolevitt.com

EDUCATION

University of Texas at Austin
School of Law, J.D.

Georgetown University, B.S.

Geralyn Trujillo is a partner in DiCello Levitt's New York office and a member of the Antitrust and Competition Litigation Practice Group. With extensive experience litigating antitrust matters as a government enforcer and as defense counsel, Geralyn brings a unique strategic perspective to her cases. Her dedication to the practice of Antitrust law earned Geralyn a spot in *Lawdragon's* 500 Leading Global Antitrust & Competition Lawyers for 2025.

Before joining DiCello Levitt, Geralyn spent fifteen years in government service enforcing the antitrust laws at both the state and federal level. During her tenure at the Federal Trade Commission's Bureau of Competition, she served as lead attorney in significant matters resulting in Commission victories and led investigations across a variety of industries, with a focus on healthcare, digital platforms, and medical devices. At the Office of the New York State Attorney General, Geralyn investigated anticompetitive conduct and litigated cases involving pricing fixing and anticompetitive mergers and acquisitions.

Prior to her work in government, Geralyn spent ten years at an esteemed multinational law firm, representing public and private companies in antitrust matters, including mergers and acquisitions, civil antitrust litigation, and government investigations.

Geralyn is an active member of the Executive Committee and Diversity Committee of the New York State Bar Association's Antitrust Law Section, a member of the Attorney General Outreach Committee of COSAL, the Committee to Support the Antitrust Laws, a member of the American Bar Association's Antitrust Section, and a member of the Hispanic National Bar Association.



Carrie Syme
Partner

EMAIL

csyme@dicellolevitt.com

EDUCATION

New York University School of Law,
J.D., *cum laude*

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

Carrie Syme is a partner in DiCello Levitt's Antitrust and Competition Litigation Practice Group, bringing a formidable background in complex litigation, government enforcement, and trial advocacy. With over a decade of experience prosecuting high-stakes antitrust violations for the U.S. Department of Justice, Carrie is a tenacious advocate for those harmed by corporate misconduct and collusion.

Before joining DiCello Levitt, Carrie served for 13 years as a trial attorney in the DOJ's Antitrust Division, including more than two years as Assistant Chief of its New York office, where she led investigations and prosecutions involving price-fixing, bid-rigging, and market allocation conspiracies. She played a pivotal role in some of the division's largest and most complex cases, including on the winning trial team in *United States v. Apple Inc.* concerning the e-books market and a landmark series of criminal prosecutions of major banks and traders engaged in foreign currency exchange market manipulation.

Carrie also played a critical role in the DOJ's criminal enforcement efforts against anticompetitive employment practices, leading the investigation and prosecution against executives of major aerospace industry companies in one of the first criminal no-poach cases. Her extensive trial experience has sharpened her ability to navigate the most intricate antitrust disputes, making her a formidable litigator in the courtroom.

Prior to her government service, Carrie spent more than a decade at a prominent full-service law firm, where she handled commercial and intellectual property litigation for a diverse range of clients.



Jonathan Crevier
Partner

EMAIL

jcrevier@dicellolevitt.com

EDUCATION

Benjamin N. Cardozo School of Law,
J.D., *cum laude*

New York University, B.A., *magna
cum laude*

DiCello Levitt Partner Jonathan Crevier prosecutes complex antitrust class actions on behalf of businesses and consumers. He actively litigates cases against a number of the world's largest companies in antitrust matters involving price-fixing, monopolization, illegal information exchanges, exclusive dealing, tying, and other anticompetitive practices. Jonathan is heavily involved in one of the largest, most complex antitrust cases of all time, *In re Generic Pharmaceuticals Pricing Antitrust Litigation* (E.D. Pa.). He was also a member of DiCello Levitt's trial team in *In re Opana ER Antitrust Litigation* (N.D. Ill.).

As part of the firm's nationally recognized Antitrust and Competition Litigation Practice Group, Jonathan leads DiCello Levitt's antitrust investigation unit. In this capacity, Jonathan has investigated and filed several cutting-edge antitrust cases, including *In re Manufactured Home Lot Rents Antitrust Litigation* (N.D. Ill.) and *Unger v. The Walt Disney Company* (N.D. Cal.).

Prior to joining the firm, Jonathan was an associate in a nationally recognized competition and antitrust litigation group, where he represented plaintiffs in complex antitrust matters. He also previously served as a Judicial Intern for the Honorable Henry Pitman, U.S.M.J., in the District Court for the Southern District of New York.

Jonathan and his wife Christine live in Denver, Colorado where they are active in their local community and school district. Outside of work, Jonathan enjoys spending time outdoors.

**Noah Cozad****Associate****EMAIL**

ncozad@dicellolevitt.com

EDUCATION

University of Minnesota Law
School, J.D.

University of Minnesota, B.A.

Noah Cozad is an associate in DiCello Levitt's New York office litigating antitrust class actions against some of the world's largest and most powerful companies across diverse industries, including technology, agriculture, and entertainment. Noah works hard to ensure consumers and businesses can recover from the harms caused by unlawful price-fixing and monopolistic conduct.

Noah has contributed to a number of cases, including multiple class actions brought against meat packing companies for alleged price fixing; a class action brought by pharmacies alleging inflated fees and conspiracy to restrain trade; and a class action against manufactured home community owners for alleged conspiracy to fix home lot rental prices.

In law school, Noah acted as a community mediator in disputes, such as parenting and neighbor conflicts. After law school, he worked as a judicial clerk for a trial court judge in Minneapolis. In this position, Noah observed and was actively involved in a large variety of cases, from inception to trial. Noah has also represented clients pro bono, including one case against the federal government regarding an incarcerated individual denied necessary healthcare.

**Theo Salem-Mackall**

Associate

EMAIL

tsalemmackall@dicellolevitt.com

EDUCATIONGeorgetown University Law Center,
J.D., *cum laude*Colgate University, B.A., *magna cum
laude*

Theo Salem-Mackall is an associate at DiCello Levitt. His practice focuses on litigating high-level antitrust and competition matters across a wide range of industries.

Prior to joining DiCello Levitt, Theo clerked for Magistrate Judge Valerie Figueredo in the Southern District of New York. Theo also practiced at a major international law firm, working across their enforcement, litigation, and antitrust practice groups.

During his time at Georgetown University Law Center, Theo worked as a managing editor on the *Annual Survey of White Collar Crime* and on the Executive Board of the *American Criminal Law Review*. He interned in the Enforcement Division of the Securities and Exchange Commission and worked with Professor Maria Glover to help her generate a groundbreaking paper on mass arbitration. He also directly represented low-income tenants facing eviction proceedings in D.C. Superior Court and held a fellowship with the Washington Legal Clinic for the Homeless. Prior to law school, Theo spent over two years working as a paralegal at the Defense, Industrials, and Aerospace Section of the Antitrust Division of the Department of Justice.

**Jay R. Wexler**

Associate

EMAIL

jwexler@dicellolevitt.com

EDUCATION

Cornell Law School, J.D.

Cornell University, B.S.

Jay Wexler is an associate in DiCello Levitt's Antitrust and Competition Practice Group in New York. He represents individuals and businesses harmed by anticompetitive practices, using private litigation to hold powerful actors accountable.

Jay brings passion, creativity, and nearly a decade of experience investigating and litigating complex commercial and class action matters in venues across the country. Clients turn to Jay for his deep understanding of federal and state antitrust violations such as monopolization, monopoly leveraging, price fixing, wage fixing, no-poach agreements, illegal information exchanges, group boycotts, exclusive dealing, unfair competition, and tying. Jay litigates against companies and trade associations across a variety of industries, including consumer products, emerging technologies, securities, telecommunications, and sports.

Before joining DiCello Levitt, Jay clerked for the Honorable Anne M. Nardacci, U.S. District Judge for the Northern District of New York. Jay previously served as a trial attorney for a federal agency, where he prosecuted individuals and businesses for violating laws, regulations, or the terms of government agreements. He also worked as a litigation associate in the top-tier antitrust group of an international law firm, representing both plaintiffs and defendants—particularly in sports and technology cases involving employment or intellectual property issues. With the benefit of these experiences, Jay is well-acquainted with all aspects of federal litigation, from investigation through class certification, dispositive briefing, fact and expert discovery, evidentiary disputes, and ultimately trial and appeal.

Jay earned his law degree from Cornell Law School, where he was an articles editor for the *Journal of Law and Public Policy* and an administrative law research assistant. During law school, Jay also worked at a nonpartisan think tank where he researched and litigated civil rights and elections matters. Jay earned his bachelor's degree in industrial and labor relations from Cornell University, with minors in American law and society, German, and inequality studies.



Our Firm

From Our Founders

Seven years ago, we set out to create a law firm built on trust and respect, dedicated to pursuing and obtaining justice for those who have been wronged by powerful defendants. We wanted to pursue justice in a firm where every lawyer can be themselves, regardless of seniority, background, or circumstance.

Today, DiCello Levitt's lawyers are driving change—in the historic results we achieve on behalf of our clients and in our ongoing effort to shape and improve the policy landscape in the United States and around the world.



MARK DICELLO
CO-FOUNDING PARTNER



ADAM LEVITT
CO-FOUNDING PARTNER



Awards and Recognition

Chambers USA

Band 1:

Litigation: Mainly Plaintiffs, Illinois (2021-2025)

Bands 1 and 2:

Litigation: Mainly Plaintiffs, Alabama; Antitrust: Plaintiff, Nationwide; Product Liability: Plaintiffs, Nationwide (2022-2025); Antitrust: Mainly Plaintiff, New York (2021-2025)

Attorneys recognized: Adam Levitt, Greg Asciolla, Diandra “Fu” Debrosse, and Amy Keller

Chambers Global

Attorney recognized: Amy Keller

Benchmark Litigation

Highly Recommended Firm: Top Plaintiffs (2021-2026)

Plaintiff Firm of the Year Finalist (2024 and 2026)

Ranked: Competition/Antitrust (2023 and 2026)

Attorneys recognized: Mark DiCello, Adam Levitt, Greg Asciolla, Diandra “Fu” Debrosse, Greg Gutzler, Justin J. Hawal, Amy Keller, and Corban Rhodes

Law360

Cybersecurity and Privacy Practice Group of the Year (2020-2022)

Class Action Practice Group of the Year (2020)

Competition/Antitrust MVP: Greg Asciolla (2023)

Cybersecurity & Data Privacy MVP: David Straite (2022)

Lawdragon

500 Global Plaintiff Lawyers: Mark DiCello, Adam Levitt, Greg Asciolla, Diandra “Fu” Debrosse, Bobby DiCello, Greg Gutzler, and Amy Keller

500 Leading Lawyers: Mark DiCello, Adam Levitt, Greg Asciolla, Diandra “Fu” Debrosse, Bobby DiCello, and Amy Keller



500 Leading Litigators: Mark DiCello, Adam Levitt, Greg Asciolla, and Diandra “Fu” Debrosse

500 Leading Global Antitrust and Competition Lawyers: Greg Asciolla, Alex Barnett, Carrie Syme, and GERALYN Trujillo

500 Leading Global Cyber Lawyers: Nada Djordjevic, Amy Keller, Corban Rhodes, and David Straite

500 Leading Civil Rights and Plaintiff Employment Lawyers: Ken Abbarno, Bobby DiCello, and Diandra “Fu” Debrosse

500 Leading Environmental Lawyers: Dan Flynn, Scott Gilmore, and Anna Claire Skinnner

500 Leading Plaintiff Consumer Lawyers: Mark DiCello, Adam Levitt, Ken Abbarno, Diandra “Fu” Debrosse, Bobby DiCello, Scott Gilmore, Amy Keller, Dan Schwartz, and John E. Tangren

500 Leading Plaintiff Financial Lawyers: Adam Levitt, Greg Asciolla, Alex Barnett, Marisa N. DeMato, Bobby DiCello, Greg Gutzler, Steve Jodlowski, Amy Keller, Brian O’Mara, Roxana Pierce, Caroline M. Robert, Henry Rosen, and David Straite

The Legal 500

Ranked: Product Liability, Mass Tort and Class Action – Plaintiff; Antitrust: Civil Litigation/Class Actions – Plaintiff (2022 and 2024-2025); Securities Litigation: Plaintiff (2024-2025)

Attorneys recognized: Greg Asciolla, Alex Barnett, Jonathan Crevier, Amy Keller, Brian O’Mara, Roxana Pierce, and GERALYN Trujillo

The National Law Journal

Elite Trial Lawyers Civil Rights Winner (2024)

Elite Trial Lawyers Plaintiffs Firm of the Year (2023)

Practice areas of the year: Trial Strategy Innovation, Privacy/Data Breach, and Environmental Protection (2023)

Elite Women of the Plaintiffs Bar: Diandra “Fu” Debrosse (2023)

Elite Trial Lawyers: Justin Hawal and Amy Keller (2021)

Trailblazers: Mark DiCello (2020), Adam Levitt (2020), Ken Abbarno (2021), Diandra “Fu” Debrosse (2022), Greg Gutzler (2021), and David Straite (2022)

The New York Law Journal



New York Legal Awards Innovation Winner (2023)

Distinguished Leader Award: Greg Ascioffa (2023)

Leading in Diversity

DiCello Levitt believes in embedding diversity, equity, and inclusion into the firm's culture. The firm empowers attorneys from diverse backgrounds to reach their full potential while promoting a sense of belonging. Authenticity in the workplace gives DiCello Levitt a real competitive advantage.

The firm proudly includes a diverse group of women attorneys, minority associates and partners, and LGBTQIA+ attorneys and staff. Senior attorneys train and mentor younger talent from minority backgrounds in a conscious effort to build the next generation of diverse leaders.

DiCello Levitt's Diversity, Equity & Inclusion (DEI) Committee is dedicated to creating a workplace that prioritizes hiring, retention, and promotion of diverse talent. Driving societal change by fostering an inclusive workplace engenders leadership opportunities internally at the firm and externally in litigation management.

Diandra "Fu" Debrosse, managing partner of DiCello Levitt's Birmingham office, made legal history with her appointment as the first Black woman on the plaintiffs' side to co-lead two multidistrict litigations. Fu is also a co-founder and president of the advocacy group Shades of Mass, which promotes the appointment of Black and Brown attorneys to leadership roles in mass tort and class action lawsuits. DiCello Levitt proudly supports the group.

Greg Ascioffa, managing partner of the firm's New York office, is a leader for the LGBTQIA+ community in the legal profession, serving as vice chair of the American Bar Association Antitrust Law Section's Diversity Advanced Committee. In addition to co-chairing the firm's DEI Committee, Greg was selected to *Crain's New York Business'* 2023 list of Notable LGBTQIA+ Leaders and appointed to *Law360's* 2023 Diversity & Inclusion Editorial Advisory Board.

Other notable attorneys in the firm exemplify DiCello Levitt's commitment through their active involvement in various advocacy groups and committees. Partner David Straite serves on the LGBTQ Rights Committee of the New York City Bar Association. In 2023, David Straite, Amy Keller, Greg Ascioffa, Eli Hare, and Grant Patterson represented five LGBTQ+ students as pro bono amicus curiae to the U.S. Court of Appeals for the Ninth Circuit in a case addressing whether private religious universities may discriminate against LGBTQ+ student organizations. Their dedication, both within and outside the firm, underscores DiCello Levitt's belief that authentic DEI efforts strengthen the professional community and propel us toward a future where diversity is not just celebrated but integral to the pursuit of justice.



Supporting Lawyers of Color

Diandra “Fu” Debrosse co-founded Shades of Mass, an organization dedicated to encouraging the appointment of attorneys of color in national mass tort actions.

The DiCello Levitt Trial Center

At the DiCello Levitt Trial Center, the firm’s elite trial lawyers combine extensive litigation experience with a science-based, multidisciplinary approach to understand, engage, and connect with jurors. By applying its proprietary system to understand jurors’ decision-making processes, the Trial Center crafts the winning story.

The Trial Center leads high-stakes trials for DiCello Levitt’s clients, wielding advanced strategies to gain an edge over adversaries who cling to traditional trial methods. The center also trains DiCello Levitt’s lawyers to continuously improve their litigation strategies, trial preparation, and courtroom presentations.

Shaping the Future of Trial Science

The DiCello Levitt Trial Center serves as a training solution for the firm’s attorneys to sharpen their skills as they engage in significant and consequential litigation; as a research base for focus groups, mock trials, mediation, and arbitration; and as a platform for litigators to test their case with a science-informed method of trial preparation.

The Trial Center capitalizes on the latest research findings in linguistics, literacy, information processing, and cognitive neuroscience to interpret focus group feedback and craft compelling stories for trial. DiCello Levitt’s trial lawyers have led thousands of focus groups in the past decade, including comprehensive studies exploring myriad issues that influence jurors.

Trial First

The insights and strategy that DiCello Levitt has developed through the Trial Center have materially enhanced the firm’s productivity and effectiveness. The firm’s attorneys credit multiple landmark trial outcomes in recent years—including a \$102.6 million jury verdict in a class action trial against General Motors—to the Trial Center’s research and testing of hundreds of mock jurors in those cases.

Powered by Nationally Recognized Trial Lawyers

The Trial Center is helmed by Trial Team Leader Bobby DiCello and Trial Center Coordinator Ken Abbarno, who collaborate with other talented trial lawyers at DiCello Levitt. The Trial Center’s attorneys are among the nation’s most sought-after trial lawyers because of their knowledge and experience with the decision-making behavior of contemporary jurors and the art of trial messaging.

DiCello Levitt has received repeated accolades for the Trial Center’s innovative



accomplishments and contributions to the advancement of trial science, including from *The National Law Journal* and the *New York Law Journal*.

Practice Areas

Public Client

Multimillion dollar award to the State of New Mexico for airbag safety violations

In litigation against Honda and other auto manufacturers who sold vehicles with dangerous Takata airbag inflators, DiCello Levitt achieved settlements of tens of millions of dollars, including one settlement that was 600% higher, on a per-vehicle basis, than a multistate Attorney General group was able to obtain.

Holding McKinsey responsible for engineering opiate crisis through loathsome marketing strategies

DiCello Levitt represents numerous cities and counties across the United States seeking to hold McKinsey & Co., one of the world's largest consulting firms, responsible for widespread, abusive marketing and sales practices of opiates that have caused a public health crisis in these communities.

Environmental Litigation

Leading the most significant environmental litigation of our time—PFAS (“forever chemicals”)

DiCello Levitt's Environmental Litigation Practice Group is recognized among the best in the United States for successfully representing people, businesses, and communities, as well as state and local governments, in lawsuits against some of the largest companies in the world for polluting the environment and endangering human health. DiCello Levitt is frequently chosen by state and local governments to lead groundbreaking environmental contamination cases and is committed to helping people who have suffered exposure to harmful pollution, whether from an acute, catastrophic event or through years of continuous air, water, and soil contamination in their towns and neighborhoods. Known for their efficiency and effectiveness in navigating the complexities of environmental, health, and safety regulations, DiCello Levitt's attorneys help environmentally conscious corporate clients protect the environment through compliance with federal laws. The firm also guides businesses in the development of safety and health programs and assists companies with air, water, and waste permitting applications.

DiCello Levitt was named *The National Law Journal's* 2023 **Environmental Protection Law Firm of the Year**.

Civil and Human Rights Litigation



Seeking justice for mass shooting victims

In Buffalo, New York, on May 14, 2022, a gunman committed a racially motivated hate crime, killing ten Black people and wounding three others. DiCello Levitt serves as co-counsel with noted civil rights counsel Ben Crump and Terry Connors on behalf of eight of the victims, including the families of seven of those murdered, and has filed a lawsuit in New York State Supreme Court against Meta, Reddit, Amazon, Alphabet, Snap, and other social media companies—as well as firearm and body armor manufacturers—for contributing to the horrific mass shooting.

Ensuring accountability in Ohio police shooting that made worldwide headlines

The family of Jayland Walker, a 25-year-old Black man shot more than 40 times by police officers in Akron, Ohio, retained DiCello Levitt to ensure transparency and accountability in investigations and possible prosecution of the actions leading to their son's death.

Protecting voting rights all the way to the Supreme Court in Alabama redistricting case

DiCello Levitt filed a federal lawsuit alleging the congressional redistricting plan Alabama enacted in 2011 is malapportioned and racially gerrymandered because it packs Black voters into a single voting district and minimizes their influence in five majority-white districts. The case reached all the way to the U.S. Supreme Court, which, in June, ruled in favor of Black voters, upholding a key section of the Voting Rights Act and affirming the district court order that Alabama redraw its congressional map. DiCello Levitt partners Bobby DiCello and Diandra “Fu” Debrosse Zimmermann serve as regular commentators on high-profile matters.

Class Action Litigation

Rare class action jury trial against General Motors results in massive verdict

In less than one full day of jury deliberations after weeks of trial, DiCello Levitt achieved a rare class action jury verdict of \$102.6 million for an excessive oil consumption manufacturing defect in General Motors SUVs and light trucks.

One of the largest animal welfare consumer settlements in history

Following an undercover investigation revealing harrowing video evidence of animal abuse, DiCello Levitt obtained a \$21 million settlement and injunctive relief for a class of consumers of “fairlife” milk products related to deceptive marketing and overpayment based upon defendants’ misrepresentations of animal welfare in their manufacturing.

Taking aim at Ford for dangerous safety defects

DiCello Levitt serves as co-lead counsel on behalf of five certified classes comprising more than 700,000 owners of Ford trucks with defective brake master cylinders that can cause the brakes to fail without warning. Trial is scheduled for 2023. DiCello Levitt also represents proposed classes of Ford vehicle owners alleging that Ford knowingly advertised and sold certain truck models with a dangerous tailgate defect.



Holding Honda accountable for defective idle-stop feature

DiCello Levitt represents consumers in a group of class action lawsuits against Honda for selling and leasing certain Honda and Acura models that suffer from a dangerous defect that can cause their engines to stall while idling, putting the vehicles' drivers and other motorists at risk of serious injury and death.

Helping college students and families recoup COVID monies wrongly withheld

DiCello Levitt serves as class counsel on behalf of a certified class comprising more than 20,000 students who enrolled in on-campus classes at Grand Canyon University during the Spring 2020 semester and who paid fees for services and facilities that Plaintiffs allege were not provided by the University after the onset of the COVID-19 pandemic.

Representing communities affected by environmental disaster at Chemtool plant

DiCello Levitt serves as co-lead counsel in a class action brought by residents of Rockton, Illinois to recover property damage resulting from the catastrophic fire and explosions at a chemical plant operated by Chemtool Incorporated. The massive smoke, debris, and dust plume, visible from more than 100 miles away, darkened the skies and deposited burning and smoldering debris throughout the neighboring communities. The class was recently certified, bringing those damaged by this disaster one step closer to rebuilding their lives.

Privacy, Technology, & Cybersecurity

Data breach class action certified for trial, only the second in U.S. history

As co-lead counsel for a class of Marriott/Starwood customers, DiCello Levitt secured a landmark ruling from Maryland federal court certifying a data breach class action for trial—only the second such case in U.S. history to be certified. The breach, by Marriott's own admission, compromised the data of 133.7 million Starwood customers.

Historic settlement in Facebook data privacy dispute

DiCello Levitt's leadership of the *Facebook Internet Tracking* MDL resulted in an historic \$90 million settlement with Facebook parent Meta Platforms. Called a "game-changer" for the industry by the court, it is one of the ten largest data privacy settlements of all time and forced Facebook to delete improperly collected data for more than two million class members in a first-of-its kind injunction.

Leading critical data protection cases against Google

DiCello Levitt is co-leading two high-profile data privacy cases against Google. In *Calhoun v. Google*, we allege improper data collection from Chrome users who don't sync their browsers with their accounts, contrary to express promises in the Chrome contract.

A DiCello Levitt team of three women and three LGBTQ+ attorneys, which we believe is a diversity "first" in a data privacy class action, is challenging Google's practice of revealing



personal information in the “real time bidding” or “RTB” ad auction leading the *In re Google RTB Consumer Privacy Litigation*. The Court has denied Google’s motion to dismiss, allowing statutory, privacy tort, contract, and “breach of confidence” claims to proceed in this “biggest data breach in history.”

Labor and Employment Litigation

Protecting employees across the country in confidential employment lawsuits

In 2022, DiCello Levitt obtained more than \$100 million in confidential, racial discrimination settlements with Fortune 250 companies.

Representing Wisconsin prison officers from wage abuses

DiCello Levitt obtained certification of a class of thousands of correctional officers who should have been paid straight-time and overtime wages for time spent working before and after scheduled shifts at 37 facilities across the State of Wisconsin.



Mass Tort Litigation

Groundbreaking leadership in national MDL infant formula product liability lawsuit

Diandra “Fu” Debrosse Zimmermann made U.S. legal history, becoming the first Black woman ever appointed plaintiffs’ co-lead counsel in a multidistrict litigation. She was appointed to the role in the massive products liability MDL against two of the world’s largest manufacturers of infant formula, Abbott Laboratories and Mead Johnson. The litigation is comprised of hundreds of lawsuits filed across the U.S. by parents of premature infants who were fed the infant formulas Similac (Abbott) and Enfamil (Mead) and developed necrotizing enterocolitis (NEC), a deadly neonatal condition.

Protecting consumers from deadly pesticide and weed killer Paraquat

Since the 1960s, manufacturers have known that Paraquat exposure can cause serious injury or death. Recent studies show increased risk of Parkinson’s disease in populations with occupational exposure. Despite this, Chevron and Syngenta continue to market and sell the herbicide to farmers and landscapers across the United States. DiCello Levitt is actively involved in seeking justice for hundreds of victims of Chevron’s and Syngenta’s wrongful conduct.

Leading the effort to protect consumers from dangerous beauty products

DiCello Levitt has filed the first lawsuits in the United States pursuing damages for long-term exposure to hair relaxers made by L’Oréal, Namaste Laboratories, and other manufacturers, alleged to cause uterine cancer and other significant health problems. DiCello Levitt filed lawsuits in federal courts in New York, California, and Illinois on behalf of women with uterine cancer and other diseases. The products are widely used by, and the litigation is particularly relevant to, minority populations.

Fighting for 10,000 dedicated service members and their families

For decades, thousands of our nation’s dedicated service members and their families were poisoned by contaminated drinking water at Camp Lejeune—North Carolina’s U.S. Marine Corps base. The contaminants included chemicals linked to serious and potentially deadly diseases, including anemia, Parkinson’s, multiple cancers, and infertility. DiCello Levitt represents the families of more than 10,000 victims against the United States government.

Birmingham
T: 205.855.5700

New York
T: 646.933.1000

Chicago
T: 312.214.7900

San Diego
T: 619.923.3939

Cleveland
T: 440.953.8888

Santa Fe
T: 505.810.0770

Las Vegas
T: 702.723.9777

Washington, DC
T: 202.975.2288

DiCelloLevitt.com

EXHIBIT B

GARWIN GERSTEIN & FISHER LLP



88 Pine Street | 28th Floor | New York, NY | 10005

As a renowned law firm with a legacy of success spanning eight decades, **Garwin Gerstein & Fisher** has earned a formidable reputation as the go-to firm for complex antitrust litigation, consistently securing high-stakes victories as lead counsel in some of the nation's most prominent cases.

FIRM OVERVIEW

Originally established more than 80 years ago, **Garwin Gerstein & Fisher LLP** is one of the nation's top law firms specializing in complex class action litigation on behalf of plaintiffs.

The firm's primary focus is on representing businesses and individuals who have paid supracompetitive prices as a result of antitrust violations by price-fixing cartels and monopolies. In particular, GGF has an unparalleled reputation prosecuting antitrust litigation in healthcare markets.

For the past two decades, the firm's **ground-breaking work** challenging illegal agreements between brand and generic pharmaceutical companies that delay the onset of competition for prescription drugs has led to historic settlements and important appellate precedents.

Never one to shy away from a challenge, GGF routinely litigates complex issues at the intersection of antitrust law, patent law and economics in cases with billions of dollars at stake, fighting through all phases of a case—including class certification, summary judgment, trial and appeal—to secure the **best possible outcomes for our clients**.

LITIGATION SUCCESS

Our law firm is a leading force for antitrust plaintiffs, turning steadfast commitment into exceptional results.



Over \$4 Billion in Recoveries



25+ Leadership Positions in Complex Antitrust Litigation



100 Combined years of experience

PRAISE FROM THE BENCH

“I have spent days, many days, reading through the excellent briefing on both sides.”

In re Seroquel XR Antitrust Litig., No. 20-cv-1076 (D. Del.)
(Feb. 6, 2025 summary judgment and *Daubert* hearing)

“[T]his is a major case and a very large settlement . . . a really fair settlement for everyone involved. I commend the lawyers . . . representing their clients, the highest order.”

In re Suboxone Antitrust Litig., No. 13-md-2445 (E.D. Pa.)
(Feb. 27, 2024 final approval hearing)

“Class Counsel are skilled and effective class action litigators that have obtained a highly favorable settlement in an extremely complex case litigated over the course of ten years . . . [t]he legal issues involved here were complex, implicating a novel theory of a product hop antitrust scheme.”

In re Suboxone Antitrust Litig., No. 13-md-2445 (E.D. Pa.)
2024 U.S. Dist. LEXIS 33018 (Feb. 27, 2024)

“It was a real pleasure to have litigants like you come into this court. It was probably the hardest case on my docket, and you’ve made it simple, clear and understandable.”

In re Novartis and Par Antitrust Litig., No. 18-cv-4361 (S.D.N.Y.)
(May 16, 2023 final approval hearing)

“You are one of the leading attorneys in this field representing plaintiffs, and you showed your competence in the way you handled this case. I would also note that, given what’s at stake with this case, the number of times that you needed judicial intervention to resolve the dispute was very few. And I think it says something about the professionalism of both plaintiffs’ and defendants’ lawyers.”

In re Novartis and Par Antitrust Litig., No. 18-cv-4361 (S.D.N.Y.)
(January 6, 2023 preliminary approval hearing)

“I certainly agree that this is an excellent settlement for the class.”

In re Opana ER Antitrust Litig., No. 14-cv-10150 (N.D. Ill.)
(July 28, 2022 preliminarily approval hearing)

“This Court has consistently noted the exceptional efforts of class counsel . . . this proposed settlement is the result of a great deal of very fine lawyering on behalf of the parties and counsel that are before the Court . . . there’s been outstanding lawyering throughout.”

In re Relafen Antitrust Litig., 231 F.R.D. 52, 80 (D. Mass. 2005)
(approving settlement and quoting prior hearings)



KEY SETTLEMENTS

In re Seroquel XR Antitrust Litig., No. 20-cv-1076 (D. Del.). **Co-Lead Counsel** for direct purchasers. Settled in 2025 for **\$51 million**.

King Drug Company of Florence, Inc., et al. v. Abbot Laboratories, et al. (“Androgel”), No. 19-3565 (E.D. Pa.) **Co-lead Counsel** for direct purchasers. Settled in 2024 for undisclosed amount.

In re Lipitor Antitrust Litig., MDL No. 2332 (D.N.J.). **Co-lead Counsel** for direct purchasers. Partially settled in 2024 for **\$93 million**.

In re Suboxone Antitrust Litig., MDL No. 2445 (E.D. Pa.) **Co-lead Counsel** for direct purchasers. Settled in 2023 for **\$385 million**.

In re Novartis and Par Antitrust Litig., No. 18-cv-04361 (S.D.N.Y.). **Lead Counsel** for direct purchasers. Settled in 2023 for **\$126.9 million**.

Value Drug Co., v. Takeda Pharms., U.S.A. Inc., 21-cv-03500 (E.D. Pa) **Co-Counsel** for group of direct purchasers. Settled in 2023 for undisclosed amount.

In re Opana ER Antitrust Litig., No. 14-cv-10150 (N.D. Ill.). **Co-lead Counsel** for direct purchasers. Partially settled in 2022 for **\$145 million**.

In re Mushrooms Direct Purchaser Antitrust Litig., No. 06-0620 (E.D. Pa.). **Lead Counsel** for direct purchasers. Settled in 2020 for **\$45.7 million**.

In re Namenda Direct Purchaser Antitrust Litig., No. 15-07488 (S.D.N.Y.). **Co-Lead Counsel** for direct purchasers. Settled in 2019 for **\$750 million**.

In re Lidoderm Antitrust Litig., No. 14-md-02521 (N.D. Cal.). **Co-Lead Counsel** for direct purchasers. Settled in 2018 for **\$166 million**.

In re K-Dur Antitrust Litig., No. 01-cv-1652 (D.N.J.). **Co-lead Counsel** for direct purchasers. Settled in 2017 for **\$60.2 million**.

In re Aggrenox Antitrust Litig., No. 14-md-02516 (D. Conn.). **Lead Counsel** on behalf of direct purchasers. Settled in 2017 for **\$146 million**.

In re Asacol Antitrust Litig., No. 16-cv-11740 (D. Mass.). **Co-Lead Counsel** for direct purchasers. Settled in 2017 for **\$16 million**.

In re Prograf Antitrust Litig., No. 11-md-02422 (D. Mass). **Co-Lead Counsel** for a class of direct purchasers. Settled in 2015 for **\$98 million**.

In re Nexium Antitrust Litig., No. 12-md-2049 (D. Mass.). **Co-lead Counsel** for direct purchasers. Partially settled in 2015 for **\$24 million**.

King Drug Co. of Florence, Inc. v. Cephalon, Inc., No. 06-cv-1797 (E.D. Pa.). **Lead Counsel** for direct purchasers. Partially settled in 2015 for **\$512 million**.

In re Neurontin Antitrust Litig., MDL No. 1479 (D.N.J.). **Co-Lead Counsel** for a class of direct purchasers. Settled in 2014 for **\$190 million**.

In Re Hypodermic Products Direct Purchaser Antitrust Litig., No. 2:05-cv-01602 (D.N.J.). **Lead Counsel** for a class of direct purchasers. Settled in 2012 for **\$45 million**.

Natchitoches Parish Hospital Service District v. Tyco International, Ltd., No. 05-12024 (D. Mass.). **Lead Counsel** for a class of direct purchasers. Settled in 2010 for **\$32.5 million**.

In re Nifedipine Antitrust Litig., No. 03-MC-223 (D. D.C.). **Co-Lead Counsel** for a class of direct purchasers. Settled in 2010 for **\$35 million**.

In re Tricor Direct Purchaser Antitrust Litig., No. 05-cv-340 (D. Del.). **Lead Counsel** for a class of direct purchasers. Settled in 2009 for **\$250 million**.

Meijer, Inc. et al. v. Abbott Laboratories, No. 07-5985 (N.D. Cal.). **Co-Lead Counsel** for a class of direct purchasers. Settled in 2009 for **\$57 million**.

In re Relafen Antitrust Litig., No. 01-12239 (D. Mass.). **Co-Lead Counsel** for a class of direct purchasers. Settled in 2005 for **\$175 million**.

In re Remeron Antitrust Litig., No. 02 cv 02007 (D.N.J.). **Co-Lead Counsel** for a class of direct purchasers. Settled in 2005 for **\$75 million**.

In re Terazosin Hydrochloride Antitrust Litigation, 99-MDL-1317 (S.D. Fla.) **Co-Lead Counsel** for a class of direct purchasers. Settled in 2005 for **\$75 million**.

In re Cardizem CD Antitrust Litig., No. 99-md-1278 (E.D. Mich.). **Co-Lead Counsel** for class of direct purchasers. Settled in 2003 for **\$110 million**.

In re Buspirone Antitrust Litigation, MDL No. 1413 (S.D.N.Y.). **Co-Lead Counsel** for a class of direct purchasers. Settled in 2003 for **\$220 million**.



AWARDS & RECOGNITIONS



Outstanding Antitrust Litigation Achievement in Private Law Practice 2024

The American Antitrust Institute recognized **Garwin Gerstein & Fisher** for Outstanding Antitrust Litigation Achievement in Private Law Practice for its work in the case, *In re Suboxone Antitrust Litig.*, No. 2:13-MD-2445 (E.D. Pa.).

Outstanding Antitrust Litigation Achievement in Private Law Practice 2020

The American Antitrust Institute recognized **Garwin Gerstein & Fisher** for Outstanding Antitrust Litigation Achievement in Private Law Practice for its work in the case, *In re Namenda Direct Purchaser Antitrust Litig.*, No. 15-cv-7488 (S.D.N.Y.).

Outstanding Antitrust Litigation Achievement in Private Law Practice 2019

The American Antitrust Institute recognized **Garwin Gerstein & Fisher** for Outstanding Antitrust Litigation Achievement in Private Law Practice for its work in *King Drug Company of Florence, Inc. et al v. Cephalon, Inc., et al.*, No. 06-cv-1797 (E.D. Pa.).

Outstanding Antitrust Litigation Achievement in Private Law Practice 2017

The American Antitrust Institute recognized **Garwin Gerstein & Fisher** for Outstanding Antitrust Litigation Achievement in Private Law Practice for its work in. *In re K-Dur Antitrust Litig.*, No. 01-cv-1652 (D.N.J.).



AMERICAN
ANTITRUST
INSTITUTE

The Antitrust Annual Report produced by the Center for Litigation and Courts at the University of California College of the Law, San Francisco and The Huntington National Bank, has recognized **Garwin Gerstein & Fisher LLP** among the most successful plaintiffs antitrust firms in the country in every year since 2021. For the period 2009-25:

- #18 Largest Settlements Approved in 2025
- #11, 21, 32 and 47 in Largest Settlements
- #13 Lead Counsel in Class Recovery
- #25 Lead Counsel in Number of Settlements





GARWIN
GERSTEIN
FISHER LLP

Chambers
AND PARTNERS



The firm has a deep level of experience and understanding in litigating complex antitrust matters from the filing of the case all the way through a jury verdict and appeals.

Garwin Gerstein & Fisher LLP
Antitrust: Mainly Plaintiff
New York

Chambers
AND PARTNERS



"The firm has leadership of large scale cases involving numerous plaintiffs and defendants and a depth of experience in the pharmaceutical antitrust space."

Garwin Gerstein & Fisher LLP
Antitrust: Mainly Plaintiff
New York

Chambers
AND PARTNERS



Garwin Gerstein & Fisher LLP represent plaintiffs in a variety of complex antitrust litigation matters. The firm has particular strength in the pharmaceutical space and regularly develops and investigates new cases.

Garwin Gerstein & Fisher LLP
Antitrust: Mainly Plaintiff
New York

Chambers
AND PARTNERS



They are innovative about applying antitrust expertise across new cases and industries.

Garwin Gerstein & Fisher LLP
Antitrust: Mainly Plaintiff
New York



MEET OUR TEAM

As a leader in advocating for antitrust plaintiffs, our firm's achievements are a testament to the unity, strength and expertise of our partners, dedicated to delivering exceptional results and championing justice.

Bruce E. Gerstein

Managing Partner

CONTACT

(646) 291-4701

bgerstein@garwingerstein.com



Bruce Gerstein is the Managing Partner of Garwin Gerstein and Fisher LLP.

Over the course of a distinguished career spanning more than four decades, Bruce has blazed a trail—breaking new ground first in securities and then in antitrust, securing important appellate precedents that have shaped the law. He was among the first lawyers to bring cases challenging unlawful “pay-for-delay” agreements among pharmaceutical manufacturers that forestall the launch of more affordable generic drugs. Litigating these complex cases at the intersection of antitrust law, patent law, and economics, he has earned a reputation for his ability to present complicated issues in straightforward terms.

Bruce approaches each case with a focus on trial from the very beginning, and is widely recognized for his comprehensive involvement in all stages of litigation. He provides unparalleled strategic insight and advocacy to his clients by offering a distinct blend of legal acumen and investigative prowess, building on a background as an investigatory accountant. This allows him to effectively analyze complex financial transactions, identify patterns of misconduct, and uncover evidence of anticompetitive behavior.

Courts across the country have repeatedly named Bruce lead counsel in federal, multijurisdictional and state court cases throughout the United States. In addition to his expertise in trial advocacy, Bruce is a skilled appellate advocate—admitted in eight federal circuits—and is adept at navigating the complexities of appellate procedure. Whether seeking to preserve favorable trial outcomes or challenge adverse rulings on appeal, Bruce brings a depth of experience and insight to the appellate process, consistently delivering compelling advocacy that advances his clients’ interests.

As lead negotiator, Bruce has secured court-approved and private settlements that have recovered more than \$4 billion for businesses and individuals in high-stakes antitrust cases.

EXPERIENCE

In re Namenda Antitrust Direct Purchaser Litigation (S.D.N.Y.): Bruce served as lead counsel representing the direct purchaser class's prosecution of antitrust claims against Forest Laboratories, LLC ("Forest"), alleging that Forest engaged in a scheme to keep less expensive generic formulations of a vital Alzheimer's drug from patients. Served as lead negotiator, he secured a record-setting \$750 million recovery for the direct purchaser class on the eve of trial—the highest settlement ever for a case involving delayed generic entry. In recognition of these efforts, the American Antitrust Institute bestowed on the firm its 2020 award for Outstanding Antitrust Litigation Achievement in Private Law Practice.

In re Suboxone Antitrust Litig (E.D. Pa.): Bruce served as lead negotiator of a settlement that secured a \$385 million recovery for the direct purchaser class on the eve of trial.

In re Lamictal Direct Purchaser Antitrust Litig (3d Cir.): Bruce argued and won the appeal in this landmark case, establishing that reverse payments in "pay-for-delay" pharmaceutical litigation can involve transfers of value other than cash.

In re Provigil Antitrust Litigation (E.D. Pa.): Bruce steered the direct purchaser plaintiffs through more than a decade of litigation, culminating in his negotiating of the then-largest settlement ever, \$512 million. In recognition of these efforts, the American Antitrust Institute bestowed on the firm its 2019 award for Outstanding Antitrust Litigation Achievement in Private Law Practice.

In re K-Dur Antitrust Litigation (D.N.J.): Bruce served as lead counsel representing a class of direct purchasers during all phases of the litigation, and argued appeal before the Third Circuit Court of Appeals. In recognition of these efforts, the American Antitrust Institute bestowed on the firm its 2017 award for Outstanding Antitrust Litigation Achievement in Private Law Practice.

CREDENTIALS

Education

Brooklyn Law School, J.D., *honors* (1977)

Bernard M. Baruch College of The City University of New York (1972)

Bar Admissions

- New York

Court Admissions

- Supreme Court of the United States
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Northern District of New York
- U.S. District Court, Western District of New York
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Eleventh Circuit

Professional Associations

- Association of The Bar of the City of New York
- New York State Bar Association
- New York County Lawyers Association (NYCLA)

Licenses

- CPA (inactive)

Deborah A. Elman

Partner

CONTACT

(646) 291-4718

delman@garwingerstein.com



Deborah Elman has been a partner at Garwin Gerstein & Fisher LLP since 2022. With more than two decades of litigation experience, Ms. Elman focuses on representing businesses in high-profile, high-stakes antitrust class actions. She represents institutional clients and individuals in complex civil litigation, including class actions, opt-outs, derivative actions, and arbitrations.

Ms. Elman has been selected as a Super Lawyer from 2022-2026, named to the Lawdragon 500 Leading Plaintiff Financial Lawyers every year from 2019-2023, named to the 2025-2026 editions of the Lawdragon 500 Leading Global Antitrust & Competition Lawyers, and named a “Leading Lawyer” by The Legal 500, with sources describing her as having “expansive knowledge along with [a] calm, professional demeanor [that] instills great confidence.” She is a member of the American Antitrust Institute Advisory Board; President and Founder of the Amicus Committee for the Committee to Support Antitrust Laws (COSAL); a member of the Public Justice Foundation Executive Committee; and a Member of the Antitrust Section of the American Bar Association. She is a frequent speaker on topics involving class actions and expert witnesses and has contributed to such publications as the 2021, 2022, and forthcoming 2026 ABA *Antitrust Law Developments Annual Update*, the *Fordham Urban Law Journal*, the *New England Journal of Medicine* and the *American Journal of Public Health*. Prior to joining Garwin Gerstein & Fisher, LLP, Ms. Elman was an associate at two leading New York law firms and served as a law clerk for the Honorable William L. Standish in the United States District Court for the Western District of Pennsylvania.

EXPERIENCE

Ms. Elman represents classes of direct purchasers of pharmaceutical drugs who allege that drug manufacturers have violated federal antitrust law by wrongfully keeping less-expensive generic drugs off the market and/or by wrongfully impeding generic competition. Her work on generic suppression cases has contributed to significant settlements totaling hundreds of millions of dollars, including in the cases of *In re Novartis and Par [Exforge] Antitrust Litigation* and *Value Drug Co. v Takeda Pharmaceuticals U.S.A., Inc.* Ms. Elman currently is litigating several similar antitrust pharmaceutical cases, including *In re Niaspan Antitrust Litigation*, *Value Drug Co. v Bausch Health Companies Inc.*, and *In re Lamictal Direct Purchaser Antitrust Litigation*. Ms. Elman also serves on the Plaintiffs' Steering Committee in *In re Construction Equipment Rental Antitrust Litigation*.

Ms. Elman's experience litigating antitrust class actions also includes *In re Payment Card Interchange Fee & Merchant Discount Antitrust Litigation* and *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*.

Ms. Elman also played a significant role litigating and settling numerous cases related to the financial crisis, including more than fifteen actions arising out of wrongdoing involving the issuance of residential mortgage-backed securities (RMBS) and other complex financial products; successfully representing the lead plaintiffs in *In re Satyam Computer Services Ltd. Securities Litigation* (a case dubbed "The Enron of India") and *In Re Kinder Morgan Energy Partners, L.P. Derivative Litigation*; and representing institutional investors in *In re Merck and Co., Securities Derivative & ERISA Litigation* and *In re Petrobras Securities Litigation*.

CREDENTIALS

Education

University of Pittsburgh School of Law, J.D., *cum laude*

- Lead Executive Editor, Journal of Law and Commerce

Columbia University, M.P.H.

Columbia University, *cum laude*

Bar Admissions

- New York
- Pennsylvania

Court Admissions

- Supreme Court of the United States
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York
- U.S. District Court, Western District of Pennsylvania
- U.S. District Court, Northern District of Illinois
- U.S. Court of Appeals, D.C. Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Tenth Circuit

Professional Affiliations

- American Antitrust Institute: Advisory Board
- Public Justice Foundation: Executive Committee
- Committee to Support the Antitrust Laws (COSAL): President
- American Bar Association: Antitrust Section

David B. Rochelson

Partner

CONTACT

(646) 291-4708

drochelson@garwingerstein.com



For nearly 15 years, Mr. Rochelson has litigated large, complex antitrust actions on behalf of class purchasers, opt out purchasers, competitor plaintiffs and defendants, with a focus on monopolization claims. He specializes in crafting unique liability theories, finding the right expert, taking testimony from key witnesses, and briefing and arguing the motions that make or break a case. He has repeatedly brought cases all the way to trial and works tirelessly to maximize the recovery for his clients.

Mr. Rochelson has been selected as a Super Lawyer every year since 2022. He serves as Chair of the ABA Antitrust Section's Joint Conduct Committee, and regularly speaks and publishes on antitrust and ethics issues. He served as Project Chair of the brand new *Rule of Reason Handbook* (February 2026) — the first Antitrust Section publication devoted solely to this essential topic in over 25 years, incorporating contributions from dozens of top practitioners in the field. He also edited Chapter 1, "Restraints of Trade," in the Section's forthcoming Tenth Edition of its keystone publication, *Antitrust Law Developments*. After graduating from law school, Mr. Rochelson clerked for the Hon. William H. Walls (D.N.J.).

EXPERIENCE

Zoominfo Technologies v. ZenLeads Inc. (d/b/a Apollo.io) (D. Del.): Mr. Rochelson represents Apollo, a competitor in the market for sales intelligence data, asserting counterclaims against ZoomInfo, the dominant player in the market, for violations of the Sherman Act and Lanham Act. He drafted the counterclaims, steered them past ZoomInfo's motion to dismiss, and is currently leading all aspects of case litigation and strategy, including fact and expert discovery.

***In re Seroquel XR Antitrust Litig* (D. Del.):** Mr. Rochelson served as a primary member of the trial team in this complex litigation, alleging a conspiracy between brand and generic manufacturers of the blockbuster drug Seroquel XR. He argued key motions in limine and discovery motions, led dispositive motion briefing, and coordinated a team of more than 50 co-counsel. He and the team brought the case to the eve of trial and helped secure a settlement of \$51 million on behalf of a class of direct purchasers.

***Greystone Mortgage v. Equifax Workforce Solutions LLC* (E.D. Pa.):** Mr. Rochelson serves as lead class counsel in this antitrust action alleging that Equifax monopolizes the market for a billion-dollar data product, electronic verification of income and employment. Mr. Rochelson served as primary author of the complaint, briefed and argued the successful opposition to the motion to dismiss, and led the successful opposition to Defendants' motion to compel arbitration.

***Value Drug Co. v. Takeda Pharmaceuticals Inc.* (E.D. Pa.):** In a case alleging a conspiracy to restrict output of the drug colchicine, Mr. Rochelson served as a key member of the litigation team. At trial, his video depositions of Defendants' in-house counsel featured prominently in Plaintiffs' case. He crafted a successful opposition to summary judgment and motions challenging Defendants' privilege designations. The matter resolved with a favorable settlement mid-trial.

***United States v. Google LLC* (D.D.C.):** Mr. Rochelson represented a Fortune 100 company in interview before the United States Department of Justice and state attorneys general and managed compliance with related third-party subpoena for documents.

CREDENTIALS

Education

New York University School of Law, J.D., *cum laude* (2012)
Harvard College, *cum laude* (2005)

Bar Admissions

- New York

Court Admissions

- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, Eastern District of Michigan

LEADERSHIP POSITIONS

- Co-Chair, ABA Antitrust Section, Joint Conduct Comm., 2024 – present
- Vice Chair, ABA Antitrust Section, Joint Conduct Comm., 2021 – 2024
- Young Lawyer Rep., ABA Antitrust Section, Pricing Conduct Comm., 2020 – 2021
- Young Lawyer Rep., ABA Antitrust Section, Compet. Laws Outside the U.S., 2018 – 2020
- Managing Editor, *ABA Cartel & Joint Conduct Review*, 2017 – 2018

SPEAKING APPEARANCES AND PUBLICATIONS

- “Navigating Drug Shortages in Obstetric Care,” *O&G Open* (Feb. 26, 2026)
- *Rule of Reason Handbook*, Project Chair, ABA Antitrust Section Publications (Feb. 2026)
- *Antitrust Law Developments (Chapter 1)*, 10th Edition, Project Chair, ABA Antitrust Section Publications (*forthcoming*)
- “Third Party Subpoena Recipients: Enemies or Friends?”, Moderator, ABA Antitrust Section Spring Meeting (April 12, 2024) (Ethics)
- “*FTC v. Welsh, Carson*: The Government Challenge to Private Equity Roll-Ups,” Speaker, NYSBA Antitrust Section Monthly Meeting (Oct. 18, 2023)
- “If I Am Uninjured, Do I Not Bleed? The *Packaged Seafood* Decision,” Moderator, ABA Antitrust Section Webinar (June 22, 2022)
- “Meta Market Cap Drop Fuels Argument for an Antitrust Tweak,” *Law360* (March 4, 2022)
- “Is This the End of Mandatory Arbitration? Turning the Tables with Mass Arbitration,” Guest, ABA Antitrust Section podcast *Our Curious Amalgam*, Ep. #150 (Jan. 17, 2022)
- “Is This the End of Mandatory Arbitration?”, *Antitrust* (Dec. 2021)
- “Antitrust: A Day in the Life,” Moderator, ABA Antitrust Section Webinar (Nov. 15, 2021)
- “The Fix Is In! How to Investigate and Litigate Price Fixing Cases,” Moderator, ABA Antitrust Section Webinar (Dec. 8, 2020)
- “If There, Then Here: How Government Probes Help Antitrust Plaintiffs,” *Law360* (March 19, 2019) (Nominated for 2020 *Concurrences* Antitrust Writing Award)
- “How Do You Solve a Problem Like Algorithmic Price Fixing?”, Bloomberg Law Insights (Feb. 8, 2018) (Nominated for 2019 *Concurrences* Antitrust Writing Award)



CONTACT US



(212) 398-0055



garwingerstein.com



88 Pine Street, 28th Floor, New York, New York 10005

EXHIBIT C

LIEFF CABRASER FIRM RESUME

Lieff Cabraser Heimann & Bernstein, LLP

Lieff Cabraser Heimann & Bernstein, LLP is a 135+ attorney AV-rated law firm founded in 1972 with offices in San Francisco, New York, Nashville, and Munich. We have a diversified practice successfully representing plaintiffs throughout the U.S. and Europe in the fields of antitrust, civil rights and social justice, consumer protection, cybersecurity and data privacy, economic injury product defects, employment discrimination and unfair employment practices, environmental and toxic exposures, False Claims Act, personal injury and products liability, securities and financial fraud, and survivor rights and advocacy. Our clients include individuals, classes, groups of people, businesses, and public and private entities.

Lieff Cabraser has served as Court-appointed Plaintiffs' Lead or Class Counsel in state and federal coordinated, multi-district, and complex litigation throughout the United States. The Firm has, often with co-counsel, represented clients from across the globe in cases filed in American courts and in foreign jurisdictions.

This Firm Resume summarizes Lieff Cabraser's extensive and varied cases, including past successes and active matters; identifies the Firm's lawyers with links to their full biographies; and describes the Firm's community and legal organization engagement.

SAN FRANCISCO
NEW YORK
NASHVILLE
MUNICH
lieffcabraser.com

**Lieff
Cabraser
Heimann &
Bernstein**
Attorneys at Law

ANTITRUST

At the forefront of innovative and landmark cases promoting fair competition in the marketplace, Lieff Cabraser assists companies, governments, and consumers affected by anticompetitive conduct by assessing market circumstances and advising whether and how to pursue legal action. When we do advise litigation, our track record reflects remarkable successes for our clients.

Representative Current Cases



ELECTRICAL MEDICAL TRUST ET AL. V. U.S. ANESTHESIA PARTNERS ET AL.

Lieff Cabraser represents self-funded insurers who allege a multi-year scheme by private equity groups U.S. Anesthesia Partners,

Inc. and Welsh, Carson, Anderson & Stowe to monopolize hospital anesthesia services in Texas, drive up prices, and increase profits. Filed in November 2023, the class action complaint alleges that defendants pursued an “aggressive ‘buy and build’ consolidation strategy” to increase negotiating leverage with commercial payors and increase prices for anesthesia services without improving the efficiency or quality of healthcare. Plaintiffs seek to vindicate their rights under the federal antitrust laws and restore competition for anesthesiology services.

DALE, ET AL. V. DEUTSCHE TELEKOM AG, T-MOBILE US, INC., AND SOFTBANK GROUP CORP., NO. 1:22-CV-03189 (N.D. ILL.)

In June 2022, Lieff Cabraser and co-counsel filed a federal class action complaint against Deutsche Telekom, T-Mobile, and Softbank Group challenging the merger of T-Mobile and Sprint, a merger that reduced the overall number of mobile carriers in the U.S. from four to three and thereby removed all meaningful incentives for competition between the three remaining behemoths: the new T-Mobile, AT&T, and Verizon. As a result, small businesses and consumers in the United States who subscribe to national retail mobile wireless carriers, including AT&T and Verizon customers, have paid and continue to pay billions more for wireless service than they would have.

The lawsuit seeks the restoration of competition in one of the world’s largest and most concentrated markets. Every consumer and small business in the U.S. market is paying the price of this monstrously anticompetitive merger,

including AT&T and Verizon customers who no longer face any pricing challenges from the former mavericks of the telecom space.

The case follows two prior pre-merger attempts to stop the deal by the United States Department of Justice and a lawsuit by ten states. In both instances, T-Mobile made commitments to government regulators and a federal district court to continue to fiercely compete and at the same time help DISH emerge as a strong fourth competitor to replace Sprint. Neither promise was fulfilled.

In bringing this action, AT&T and Verizon subscribers seek to vindicate their rights under the antitrust laws for all nationwide wireless plan subscribers on AT&T or Verizon’s network; they seek to undo the merger, create the viable fourth competitor that was promised, and recover damages for the overcharges sustained in the interim.

REALPAGE RESIDENTIAL LEASE PRICE-FIXING

Lieff Cabraser represents lessees nationwide who allege they have overpaid for rent as a result of a cartel among the largest owners of multifamily residential real estate. The class action suit, filed in October 2022, alleges that these lessors used a common third party (RealPage) to collect and fix rent amounts, increasing rents above competitive levels. RealPage touts that it sets pricing for Lessors’ properties “as though we own them ourselves” — in other words, as plaintiffs detail in their complaint, the participating Lessors’ cartel replicates the market outcomes one would observe if they were a monopolist of residential leases (which is the goal of any cartel).



IN RE LITHIUM-ION BATTERIES ANTITRUST LITIGATION, MDL NO. 2420 (N.D. CAL.)

Lieff Cabraser serves as Co-Lead Counsel representing indirect purchasers in a class

action filed against LG, GS Yuasa, NEC, Sony, Sanyo, Panasonic, Hitachi, LG Chem, Samsung, Toshiba, and Sanyo for allegedly conspiring to fix and raise the prices of lithium-ion rechargeable batteries from 2002 to 2011. The defendants are the world's leading manufacturers of lithium-ion rechargeable batteries, which provide power for a wide variety of consumer electronic products. As a result of the defendants' alleged anticompetitive and unlawful conduct, consumers across the U.S. paid artificially inflated prices for lithium-ion rechargeable batteries. Lieff Cabraser and co-counsel have reached settlements totaling \$113.45 million with all defendants.



***IN RE TELESCOPES
ANTITRUST LITIGATION,
NO. 5:20-CV-03639-EJD
(N.D. CAL.)***

We serve as Interim Lead Counsel for indirect purchasers of amateur telescopes who allege an illegal price-fixing and market allocation

scheme intended to monopolize the consumer telescope manufacture and distribution markets. As a result of this conduct, purchasers of consumer telescopes have been illegally overcharged hundreds of millions of dollars for telescopes since at least 2005. As the class action complaint alleges, manufacturers Synta and Ningbo Sunny leveraged their 80% share of the U.S. telescope market to improperly set prices and monopolize the consumer telescope market in violation of antitrust law.



***IN RE MISSION
HEALTH ANTITRUST
LITIGATION, NO.
1:22-CV-00114-MR-
WCM (W.D. N.C.)***

Lieff Cabraser and co-counsel represent consumer plaintiffs in litigation against HCA Healthcare/Mission Health alleging the

hospital giant is abusing its market power to prevent insurers from offering patients financial incentives to use lower cost or higher quality services offered by competitors. As described in detail in the class action complaint, HCA Healthcare and Mission Health have restricted competition in their respective health care markets, substantially and artificially inflating health care prices paid by plaintiffs and the proposed class member

health plans. The lawsuit alleges that Mission Health's illegal practices have allowed it to reduce competition and keep its reimbursement rates to insurers higher than they otherwise would be, causing patients to pay significantly more for insurance as a result. The case against Mission Health is proceeding.

***IN RE: GENERIC PHARMACEUTICALS PRICING
ANTITRUST LITIGATION, MDL NO. 2724 (E.D. PA.)***

Beginning in February 2015, Lieff Cabraser conducted an extensive investigation into dramatic price increases of certain generic prescription drugs. Lieff Cabraser worked alongside economists and industry experts and interviewed industry participants to evaluate possible misconduct. In December of 2016, Lieff Cabraser, with co-counsel, filed the first case alleging price-fixing of Levothyroxine, the primary treatment for hypothyroidism, among the most widely prescribed drugs in the world. Lieff Cabraser also played a significant role in similar litigation over the drugs Propranolol and Clomipramine. These, and other similar cases, were consolidated and transferred to the Eastern District of Pennsylvania as *In Re: Generic Pharmaceuticals Pricing Antitrust Litigation*, MDL No. 2724. Lieff Cabraser is a member of the End-Payer Plaintiffs' Steering Committee.



***IN RE CALIFORNIA
BAIL BOND
ANTITRUST LITIG.,
3:19-CV-00717-JST
(N.D. CAL.)***

Lieff Cabraser serves as Interim Lead Class Counsel for a proposed class of purchasers of bail bonds in California.

This first-of-its-kind class action antitrust case brought by Lieff Cabraser and leading non-profit worker rights organizations alleges that California insurance companies, sureties and bail agents have conspired to unlawfully inflate California bail bond premiums since 2004. We represent the California plaintiffs alleging illegal price-fixing and collusion agreements to eliminate competitive pricing to consumers. Plaintiffs have successfully overcome the preponderance of defendants' claims of immunity, and have shown sufficient facts of a plausible antitrust conspiracy, reinforcing the principle that antitrust laws can significantly impact intentional inequities and advance the cause of economic justice. In November 2022, the Court denied defendants' motion to dismiss claims from the suit. The litigation is ongoing.

IN RE CAPACITORS ANTITRUST LITIGATION, NO. 3:14-CV-03264 (N.D. CAL.)

Lieff Cabraser is a member of the Plaintiffs' Steering Committee representing indirect purchasers in an electrolytic and film price-fixing class action lawsuit filed against the world's largest manufacturers of capacitors, used to store and regulate current in electronic circuits and computers, phones, appliances, and cameras worldwide. Lieff Cabraser has played a central role in discovery efforts, and assisted in opposing defendants' motions to dismiss and in opposing defendants' motions for summary judgment. Settlements with defendants NEC Tokin Corp., Nitsuko Electronics Corp., and Okaya Electric Industries Co., Ltd. have received final approval, and a settlement with Hitachi Chemical and Soshin Electric Co., Ltd. has received preliminary approval. Discovery continues with respect to the remaining defendants.

**IN RE DOMESTIC AIRLINE TRAVEL ANTITRUST LITIGATION, 1:15-MC-01404 (DISTRICT OF COLUMBIA)**

Lieff Cabraser represents consumers in a class action lawsuit against the four largest U.S. airline carriers: American Airlines, Delta Air,

Southwest, and United. These airlines collectively account for over 80 percent of all domestic airline travel. The complaint alleges that for years the airlines colluded to restrain capacity, eliminate competition in the market, and increase the price of domestic airline fares in violation of U.S. antitrust law. The proposed class consists of all persons and entities who purchased domestic airline tickets directly from one or more defendants from July 2, 2011 to the present. In February 2016, Judge Kollar-Kotelly appointed Lieff Cabraser to the three-member Plaintiffs' Executive Committee overseeing this multidistrict airline price-fixing litigation. Defendants filed a motion to dismiss, which was denied in October 2016. Subsequently, a settlement with Southwest Airlines was granted preliminary approval. Litigation continues as to the remaining defendants.

INTERNATIONAL ANTITRUST CASES

Lieff Cabraser has significant experience and expertise in antitrust litigation in Europe. Lieff Cabraser partner Dr. Katharina Kolb, head of the firm's Munich office, has experience in all aspects of German and European competition law, particularly antitrust litigation matters following anti-competitive behavior established by European competition authorities including German Federal Cartel Office and the European Commission.

Currently, one of the firm's major international antitrust cases involves the European truck cartel, which the European Commission fined more than €3.8 billion for colluding on prices and emissions technologies for more than 14 years. Lieff Cabraser is working with a range of funders to prosecute the claims of persons damaged by the European truck cartel, including many municipalities in Europe which purchased trucks for street cleaning, fire brigades, waste disposal, and other purposes.

Lieff Cabraser is also prosecuting other cartel damages cases in the EU, including the German quarto steel cartel, the German plant pesticides cartel, and the French meal voucher cartel, each of which have likely caused significant damages to customers.

**SCHWAB SHORT-TERM BOND MARKET FUND, ET AL. V. BANK OF AMERICA CORP., ET AL., NO. 11 CV 6409 (S.D.N.Y.); CHARLES SCHWAB BANK, N.A., ET AL. V. BANK OF AMERICA CORP., ET AL., NO. 11 CV 6411 (S.D.N.Y.); SCHWAB MONEY MARKET FUND,**

ET AL. V. BANK OF AMERICA CORP., ET AL., NO. 11 CV 6412 (S.D.N.Y.); THE CHARLES SCHWAB CORP., ET AL. V. BANK OF AMERICA CORP., ET AL., NO. 13 CV 7005 (S.D.N.Y.); AND BAY AREA TOLL AUTHORITY V. BANK OF AMERICA CORP., ET AL., NO. 14 CV 3094 (S.D.N.Y.) (COLLECTIVELY, "LIBOR")

Lieff Cabraser serves as counsel for The Bay Area Toll Authority ("BATA"), as well as The Charles Schwab Corporation and certain Schwab Funds, in individual lawsuits against Bank of America Corporation, Credit Suisse Group AG, JPMorgan Chase & Co., Citibank, Inc., and additional banks for allegedly manipulating the London Interbank Offered Rate ("LIBOR").

The complaints allege that beginning in 2007, the defendants conspired to understate their true costs of borrowing, causing the calculation of LIBOR to be set artificially low. As a result, Schwab, the Schwab Funds, and BATA received less than their rightful rates of return on their LIBOR-based investments. The complaints assert claims under federal antitrust laws, the federal Racketeer Influenced and Corrupt Organizations Act ("RICO"), and the statutory and common law of California. The actions were transferred to the Southern District of New York for consolidated or coordinated proceedings with the LIBOR multidistrict litigation pending there.

ANTITRUST

Representative Achievements & Successes



IN RE: RESTASIS ANTITRUST LITIGATION, MDL NO. 2819 (E.D.N.Y.)

Lieff Cabraser served as Co-Lead Counsel for indirect purchasers (third-party payors and consumers) of Restasis, a blockbuster drug used to treat dry-eye

disease. With co-counsel, we filed the first two class actions on behalf of indirect purchasers of Restasis, alleging a broad-based and ongoing anticompetitive scheme by pharmaceutical giant Allergan to maintain a market monopoly. The complaints detail a complex scheme by Allergan to list invalid patents with the FDA, accompanied by sham transfers of the invalid patents to secure immunity from challenge. This alleged scheme of government petitioning delayed competition from generic equivalents to Restasis that would have been just as safe and cheaper for consumers.

After several other lawsuits were filed, the Judicial Panel on Multidistrict Litigation granted Lieff Cabraser's motion to centralize all cases for pretrial proceedings. In late 2018, plaintiffs successfully defeated defendant's motion to dismiss the case. In May of 2020, the Court granted plaintiffs' class certification motion and plaintiffs' motion to exclude two of the defendant's experts, and the Second Circuit Court of Appeals denied defendant's appeal. In October 2021, the parties announced a settlement that would provide \$30 million to indirect Restasis purchasers. In August 2022, the Court approved the settlement.



SEAMAN V. DUKE UNIVERSITY, NO. 1:15- CV-00462 (M.D.N.C.)

Lieff Cabraser represented Dr. Danielle M. Seaman and a certified class of over 5,000 academic doctors at Duke and UNC in a class action lawsuit against Duke

University and Duke University Health System. The complaint charged that Duke and UNC entered into an express, secret agreement not to compete for each other's

faculty. The lawsuit sought to recover damages and obtain injunctive relief, including treble damages, for defendants' alleged violations of federal and North Carolina antitrust law.

On February 1, 2018, U.S. District Court Judge Catherine C. Eagles issued an order certifying a faculty class.

On September 24, 2019, Judge Eagles granted final approval to the proposed settlement of the case, valued at \$54.5 million. The settlement includes an unprecedented role for the United States Department of Justice to monitor and enforce extensive injunctive relief, which will ensure that neither Duke nor UNC will enter into or enforce any unlawful no-hire agreements or similar restraints on competition. Assistant Attorney General Delrahim remarked: "Permitting the United States to become part of this settlement agreement in this private antitrust case, and thereby to obtain all of the relief and protections it likely would have sought after a lengthy investigation, demonstrates the benefits that can be obtained efficiently for the American worker when public and private enforcement work in tandem."



NASHVILLE GENERAL V. MOMENTA PHARMACEUTICALS, ET AL., NO. 3:15-CV- 01100 (M.D. TENN.)

Lieff Cabraser represented AFCSME DC 37 and the Nashville General Hospital (the Hospital Authority of the Metropolitan

Government of Nashville) in a class-action antitrust case against defendants Momena Pharmaceuticals and Sandoz, Inc., for their alleged monopolization of enoxaparin, the generic version of the anti-coagulant blood clotting drug Lovenox, a highly profitable drug with annual sales of more than \$1 billion. The drug entered the market in 1995 and its patent was invalidated by the federal government in 2008, making generic production possible. The complaint alleged that defendants colluded to secretly bring the official batch-release testing standard for generics within the ambit of their patent, delaying the entry of the second generic competitor—a never-before-tried theory of liability. In 2019, the court certified a class of hospitals, third-party payors, and uninsured persons

in 29 states and DC, appointing Lief Cabraser sole lead counsel. In 2019, the parties agreed to a proposed settlement totaling \$120 million, the second largest indirect-purchaser antitrust pharmaceutical settlement fund in history after Cipro. On May 29, 2020, the Court granted final approval to the settlement.

IN RE DISPOSABLE CONTACT LENS ANTITRUST LITIGATION, MDL NO. 2626 (M.D. FLA.)

Lief Cabraser represented consumers who purchased disposable contact lenses manufactured by Alcon Laboratories, Inc., Johnson & Johnson Vision Care, Inc., Bausch + Lomb, and Cooper Vision, Inc. The complaint challenged the use by contact lens manufacturers of minimum resale price maintenance agreements with independent eye care professionals (including optometrists and ophthalmologists) and wholesalers. These agreements, the complaint alleged, operate to raise retail prices and eliminate price competition and discounts on contact lenses, including from “big box” retail stores, discount buying clubs, and online retailers. As a result, consumers across the United States paid artificially inflated prices. The case settled on terms favorable to plaintiffs.



HALEY PAINT CO. V. E.I. DUPONT DE NEMOURS AND CO. ET AL., NO. 10-CV-00318-RDB (D. MD.)

Lief Cabraser served as Co-Lead Counsel for direct purchasers of titanium dioxide in a nationwide class action lawsuit against E.I.

Dupont De Nemours and Co., Huntsman International LLC, Kronos Worldwide Inc., and Cristal Global (fka Millennium Inorganic Chemicals, Inc.), alleging a global cartel to fix the price of titanium dioxide, the world’s most widely used pigment for providing whiteness and brightness in paints, paper, plastics, and other products.

Plaintiffs charged that defendants coordinated increases in the prices for titanium dioxide despite declining demand, decreasing raw material costs, and industry overcapacity. Unlike some antitrust class actions, Plaintiffs proceeded without the benefit of any government investigation or proceeding. Plaintiffs overcame attacks on the pleadings, discovery obstacles, a rigorous class certification process that required two full rounds of briefing and expert analysis, and multiple summary judgment motions. In August 2012, the Court certified the class. Plaintiffs prepared fully for trial and achieved

a settlement with the final defendant on the last business day before trial. In December 2013, the Court approved a series of settlements with defendants totaling \$163 million.



CIPRO CASES I AND II, JCCP NOS. 4154 AND 4220 (CAL. SUPR. CT.)

Lief Cabraser represented California consumers and third party payors in a class action lawsuit filed in California state court

charging that Bayer Corporation, Barr Laboratories, and other generic prescription drug manufacturers conspired to restrain competition in the sale of Bayer’s blockbuster antibiotic drug Ciprofloxacin, sold as Cipro. Between 1997 and 2003, Bayer paid its would-be generic drug competitors nearly \$400 million to refrain from selling more affordable versions of Cipro.

The trial court granted defendants’ motion for summary judgment, and the California Court of Appeal affirmed in October 2011. Plaintiffs sought California Supreme Court review. The case was stayed after briefing pending the U.S. Supreme Court’s decision in *FTC v. Actavis*. Once the Supreme Court overturned lower federal court precedent from *Actavis* that pay-for-delay deals in the pharmaceutical industry were generally legal, plaintiffs and Bayer entered into settlement negotiations. In November 2013, the Trial Court approved a \$74 million settlement with Bayer.

On May 7, 2015, the California Supreme Court reversed the grant of summary judgment to defendants and resoundingly endorsed the rights of consumers to challenge pharmaceutical pay-for-delay settlements under California competition law. Working to the brink of trial, the plaintiffs reached additional settlements with the remaining defendants that brought the total recovery to \$399 million (exceeding plaintiffs’ damages estimate by approximately \$68 million), a result the trial court found “extraordinary.” The trial court granted final approval on April 21, 2017, adding that it was “not aware of any case” that “has taken roughly 17 years,” where, net of fees, end-payor “claimants will get basically 100 cents on the dollar[.]”

Lief Cabraser’s Cipro team received the 2017 American Antitrust Institute award for Outstanding Private Practice Antitrust Achievement for their

extraordinary work on the Cipro case. In addition, Lief Cabraser partners Eric B. Fastiff, Brendan P. Glackin, and Dean M. Harvey shared *The California Lawyer* and *The Daily Journal* 2016 "California Lawyers of the Year" Award for their work on the case.



IN RE TFT-LCD (FLAT PANEL) ANTITRUST LITIGATION, MDL NO. 1827 (N.D. CAL.)

Lief Cabraser served as Co-Lead Counsel for direct purchasers in litigation against the world's leading manufacturers of Thin Film Transistor

Liquid Crystal Displays. TFT-LCDs are used in flat-panel televisions as well as computer monitors, laptop computers, mobile phones, personal digital assistants, and other devices. Plaintiffs charged that defendants conspired to raise and fix the prices of TFT-LCD panels and certain products containing those panels for over a decade, resulting in overcharges to purchasers of those panels and products.

In March 2010, the Court certified two nationwide classes of persons and entities that directly purchased TFT-LCDs from January 1, 1999 through December 31, 2006, one class of panel purchasers, and one class of buyers of laptop computers, computer monitors, and televisions that contained TFT-LCDs.

Over the course of the litigation, the classes reached settlements with all defendants except Toshiba. The case against Toshiba proceeded to trial. In July 2012, the jury found that Toshiba participated in the price-fixing conspiracy. The case was subsequently settled, bringing the total settlements in the litigation to over \$470 million. For his outstanding work in the precedent-setting litigation, *California Lawyer* recognized Richard Heimann with a 2013 California Lawyer of the Year award.



IN RE MUNICIPAL DERIVATIVES LITIGATION, MDL NO. 1950 (S.D.N.Y.)

Lief Cabraser represented the City of Oakland, the County of Alameda, City of Fresno, and the Fresno County Financing Authority, along with

East Bay Delta Housing and Finance Agency, in a class

action lawsuit brought on behalf of themselves and other California entities that purchased guaranteed investment contracts, swaps, and other municipal derivatives products from Bank of America, N.A., JP Morgan Chase & Co., Piper Jaffray & Co., Societe Generale SA, UBS AG, and other banks, brokers and financial institutions. The complaint charged that defendants conspired to give cities, counties, school districts, and other governmental agencies artificially low bids for guaranteed investment contracts, swaps, and other municipal derivatives products, which are used by public entities to earn interest on bond proceeds.

The complaint further charged that defendants met secretly to discuss prices, customers, and markets for municipal derivatives sold in the U.S. and elsewhere; intentionally created the false appearance of competition by engaging in sham auctions in which the results were pre-determined or agreed not to bid on contracts; and covertly shared their unjust profits with losing bidders to maintain the conspiracy.



CALIFORNIA VITAMINS CASES, JCCP NO. 4076 (CAL. SUPR. CT.)

Lief Cabraser served as Co-Liaison Counsel and Co-Chairman of the Plaintiffs' Executive Committee on behalf of a class of California indirect vitamin purchasers in every level of the chain of distribution alleging that certain vitamin manufacturers engaged in price fixing of particular vitamins. In January 2002, the Court granted final approval to a \$96 million settlement. In December 2006, the Court granted final approval to over \$8.8 million in additional settlements.

SULLIVAN V. DB INVESTMENTS, NO. 04-02819 (D. N.J.)

Lief Cabraser served as Class Counsel for consumers who purchased diamonds from 1994 through March 31, 2006, in a class action lawsuit against the De Beers group of companies. Plaintiffs charged that De Beers conspired to monopolize the sale of rough diamonds in the U.S. In May 2008, the District Court approved a \$295 million settlement for purchasers of diamonds and diamond jewelry, including \$130 million to consumers.

The settlement also barred De Beers from continuing its illegal business practices and required De Beers to submit to the jurisdiction of the Court to enforce the settlement. In December 2011, the Third Circuit Court of Appeals affirmed the District Court's order approving the settlement. 667 F.3d 273 (3rd Cir. 2011).

The hard-fought litigation spanned several years and countries. Despite the tremendous resources available to the U.S. Department of Justice and state attorney generals, it was only through the determination of private plaintiffs' counsel that De Beers was finally brought to justice and the rights of consumers were vindicated. Lief Cabraser attorneys played key roles in negotiating the settlement and defending it on appeal. Discussing the DeBeers case, *The National Law Journal* noted that Lief Cabraser was "among the plaintiffs' firms that weren't afraid to take on one of the business world's great white whales."



NATURAL GAS ANTITRUST CASES, JCCP NOS. 4221, 4224, 4226 & 4228 (CAL. SUPR. CT.)

In 2003, the Court approved a landmark of \$1.1 billion settlement in class action litigation against El Paso Natural Gas Co. for manipulating the market for natural gas pipeline transmission capacity into California. Lief Cabraser served as Plaintiffs' Co-Lead Counsel and Co-Liaison Counsel in the Natural Gas Antitrust Cases I-IV. In June 2007, the Court granted final approval to a \$67.39 million settlement against a group of natural gas suppliers. Plaintiffs charged defendants with manipulating the price of natural gas in California during the California energy crisis of 2000-2001 by a variety of means, including falsely reporting the prices and quantities of natural gas transactions to trade publications, which compiled daily and monthly natural gas price indices; prearranged wash trading; and, in the case of Reliant, "churning" on the Enron Online electronic trading platform, which was facilitated by a secret netting agreement between Reliant and Enron. The 2007 settlement followed a settlement reached in 2006 for \$92 million with other energy suppliers.

METHIONINE CASES I AND II, JCCP NOS. 4090 & 4096 (CAL. SUPR. CT.)

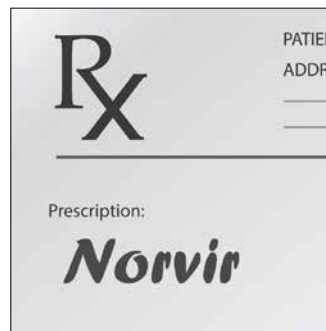
Lief Cabraser served as Co-Lead Counsel on behalf of indirect purchasers of methionine, an amino acid used primarily as a poultry and swine feed additive to enhance growth and production. Plaintiffs alleged that the companies illegally conspired to raise methionine prices to super-competitive levels. The case settled on terms favorable to plaintiffs.



MARCHBANKS TRUCK SERVICE V. COMDATA NETWORK, NO. 07-CV-01078 (E.D. PA.)

In July 2014, the Court approved a \$130 million settlement of a class action brought by truck stops and other retail fueling facilities that paid percentage-based transaction fees to Comdata on proprietary card transactions using Comdata's over-the-road fleet card. The complaint challenged arrangements among Comdata, its parent company Ceridian LLC, and three national truck stop chains: defendants TravelCenters of America LLC and its wholly owned subsidiaries, Pilot Travel Centers LLC and its predecessor Pilot Corporation, and Love's Travel Stops & Country Stores, Inc. The alleged anticompetitive conduct insulated Comdata from competition, enhanced its market power, and led to independent truck stops' paying artificially inflated transaction fees.

In addition to the \$130 million payment, the settlement required Comdata to change certain business practices to promote competition among payment cards used by over-the-road fleets and truckers and lead to lower merchant fees for the independent truck stops. Lief Cabraser served as Co-Lead Class Counsel in the litigation.



MEIJER V. ABBOTT LABORATORIES, NO. C 07-5985 CW (N.D. CAL.)

Lief Cabraser served as co-counsel for the group of retailers charging that Abbott Laboratories monopolized the market for AIDS medicines used in conjunction with Abbott's prescription

drug Norvir. These drugs, known as Protease Inhibitors, have enabled patients with HIV to fight off the disease and live longer. In January 2011, the Court denied Abbott's motion for summary judgment on plaintiffs' monopolization claim. Trial commenced in February 2011. After opening statements and the presentation of four witnesses and evidence to the jury, plaintiffs and Abbott Laboratories entered into a \$52 million settlement. The Court granted final approval to the settlement in August 2011.



**WHOLESALE
ELECTRICITY
ANTITRUST CASES I &
II, JCCP NOS. 4204 &
4205 (CAL. SUPR. CT.)**

Lieff Cabraser served as Co-Lead Counsel in the private class action litigation against Duke Energy Trading & Marketing, Reliant

Energy, and The Williams Companies for claims that the companies manipulated California's wholesale electricity markets during the California energy crisis of 2000-2001. Extending the landmark victories for California residential and business consumers of electricity, in September 2004 plaintiffs reached a \$206 million settlement with Duke Energy Trading & Marketing, and in August 2005 plaintiffs reached a \$460 million settlement with Reliant Energy, settling claims that the companies manipulated California's wholesale electricity markets during the California energy crisis of 2000-01. Lieff Cabraser earlier entered into a settlement for over \$400 million with The Williams Companies.

IN RE BUSPIRONE ANTITRUST LITIGATION,



**MDL NO. 1413
(S.D.N.Y.)**

In November 2003, Lieff Cabraser obtained a \$90 million cash settlement for individual consumers, consumer organizations, and third party payers that purchased BuSpar,

a drug prescribed to alleviate symptoms of anxiety. Plaintiffs alleged that Bristol-Myers Squibb Co. (BMS), Danbury Pharmacal, Inc., Watson Pharmaceuticals, Inc. and Watson Pharma, Inc. entered into an unlawful agreement in restraint of trade under which BMS paid a potential generic manufacturer of BuSpar to drop its

challenge to BMS' patent and refrain from entering the market. Lieff Cabraser served as Plaintiffs' Co-Lead Counsel.

**IN RE ELECTRICAL CARBON PRODUCTS ANTITRUST
LITIGATION, MDL NO. 1514 (D.N.J.)**

Lieff Cabraser represented the City and County of San Francisco and a class of direct purchasers of carbon brushes and carbon collectors on claims that producers fixed the price of carbon brushes and carbon collectors in violation of the Sherman Act. The case settled on terms favorable to plaintiffs.



**IN RE CARPET
ANTITRUST
LITIGATION, MDL NO.
1075 (N.D. GA.)**

Lieff Cabraser served as Class Counsel and a member of the trial team for a class of direct purchasers of twenty-ounce level loop polypropylene carpet. Plaintiffs, distributors

of polypropylene carpet, alleged that defendants, seven manufacturers of polypropylene carpet, conspired to fix the prices of polypropylene carpet by agreeing to eliminate discounts and charge inflated prices on the carpet. In 2001, the Court approved a \$50 million settlement of the case.

**IN RE LASIK/PRK ANTITRUST LITIGATION, NO. CV
772894 (CAL. SUPR. CT.)**

Lieff Cabraser served as a member of Plaintiffs' Executive Committee in class actions brought on behalf of individuals who underwent Lasik/PRK eye surgery. Plaintiffs alleged that defendants, the manufacturers of the laser system used for the laser vision correction surgery, manipulated fees charged to ophthalmologists and others who performed the surgeries, and that the overcharges were passed onto the patients. In December 2001, the Court approved a \$12.5 million settlement of the litigation.

**IN RE LUPRON MARKETING AND SALES PRACTICES
LITIGATION, MDL NO. 1430 (D. MASS.)**

In May 2005, the Court granted final approval to a settlement of a class action lawsuit by patients, insurance companies and health and welfare benefit plans that paid for Lupron, a prescription drug used to treat prostate cancer, endometriosis and precocious puberty. The settlement requires the defendants, Abbott

Laboratories, Takeda Pharmaceutical Company Limited, and TAP Pharmaceuticals, to pay \$150 million, inclusive of costs and fees, to persons or entities who paid for Lupron from January 1, 1985 through March 31, 2005. Plaintiffs charged that the defendants conspired to overstate the drug's average wholesale price ("AWP"), which resulted in plaintiffs paying more for Lupron than they should have paid. Lief Cabraser served as Co-Lead Plaintiffs' Counsel.



**IN THE MATTER OF THE ARBITRATION BETWEEN
COPYTELE AND AU OPTRONICS, CASE NO. 50
117 T 009883 13 (INTERNATIONAL CENTRE FOR
DISPUTE RESOLUTION)**

Lieff Cabraser successfully represented CopyTele, Inc. in a commercial dispute involving intellectual property. In 2011, CopyTele entered into an agreement with AU Optronics ("AUO") under which both companies would jointly develop two groups of products incorporating CopyTele's patented display technologies. CopyTele charged that AUO never had any intention of jointly developing the CopyTele technologies, and instead used the agreements to fraudulently obtain and transfer licenses of CopyTele's patented technologies. The case required the review of thousands of pages of documents in Chinese and in English, culminating in a two week arbitration hearing. The parties resolved the matter in December 2014 with CopyTele receiving \$9 million.

LABOR-ANTITRUST

Workers whose pay and mobility have been suppressed because of "no-poach" agreements have the right to seek lost income and to put an end to the unlawful restrictions. Lieff Cabraser's Labor Antitrust practice group leads the nation in representing workers asserting antitrust and competition claims against employers. It is the first practice group of its kind, bringing together the expertise of both antitrust and employment lawyers to ensure that workers receive the benefit of free competition for their labor.

Representative Current Cases



**ROE V. SURGICAL
CARE AFFILIATES,
LLC., ET AL., CASE NO.
1:21-CV-00305-ARW-
SRH (N.D. ILL.)**

We have been appointed Co-Lead Counsel for plaintiffs in a consolidated federal class action lawsuit against medical care

center giant Surgical Care Affiliates for violations of U.S. antitrust laws. The civil case comes in the wake of a federal indictment regarding SCA's alleged antitrust

violations, and alleges that employee compensation and mobility were criminally suppressed at Surgical Care Affiliates via illegal agreements between SCA and its competitors not to compete for each other's senior employees.

LABOR-ANTITRUST

Achievements & Successes



**IN RE: RAILWAY
INDUSTRY
EMPLOYEE NO-
POACH ANTITRUST
LITIGATION, MDL NO.
2850 (W.D. PA.)**

In late 2018, Lief Cabraser was selected as interim Co-Lead Counsel for plaintiffs in the consolidated “no-poach” employee

antitrust litigation against rail equipment companies Knorr-Bremse and Wabtec, the world’s dominant rail equipment suppliers. The complaint charged that the companies entered into unlawful agreements with one another not to compete for each other’s employees. Plaintiffs alleged that these agreements spanned several years, were monitored and enforced by defendants’ senior executives, and achieved their desired goal of suppressing employee compensation and mobility below competitive levels. Plaintiffs’ vigorous prosecution of the case led to settlements with both defendants of \$48.95 million, which were approved on August 26, 2020.



**SEAMAN V. DUKE
UNIVERSITY AND DUKE
UNIVERSITY HEALTH
SYSTEM, CASE NO.
1:15-CV-00462-CCE-
JLW (M.D. N.C.)**

We won a \$54.5 million settlement and the American Antitrust Institute’s 2019 award for “Outstanding Antitrust Litigation Achievement in

Private Law Practice” representing a class of over 5,000 academic doctors in a federal class action against Duke University and the UNC Health Care System alleging that their agreement not to compete for certain of each other’s employees (a “No-Hire” pact) illegally suppressed employee compensation. The settlement included an unprecedented role for the U.S. Department of Justice to monitor and enforce extensive injunctive relief.

**BINOTTI V. DUKE UNIVERSITY, CASE NO. 1:20-CV-00470
(M.D. N.C.)**

We won a \$19 million settlement representing a class of thousands of faculty members in a federal class action against Duke University and UNC alleging that their illegal agreement not to compete for certain of each other’s employees (a “No-Hire” pact) suppressed employee compensation and mobility. The litigation followed a prior case Lief Cabraser successfully resolved with respect to Duke and UNC medical faculty, which led to a certified class of all doctors of the two schools with academic appointments, and a class settlement of \$54.5 million.



**IN RE HIGH-TECH EMPLOYEE ANTITRUST LITIGATION,
NO. 11 CV 2509 (N.D. CAL.)**

Lief Cabraser served as Co-Lead Class Counsel in a consolidated class action charging that Adobe Systems Inc., Apple Inc., Google Inc., Intel Corporation, Intuit Inc., Lucasfilm Ltd., and Pixar violated antitrust laws by conspiring to suppress the pay of technical, creative, and other salaried employees. The complaint alleged that the conspiracy among defendants restricted recruiting of each other’s employees. On October 24, 2013, U.S. District Court Judge Lucy H. Koh certified a class of approximately 64,000 persons who worked in defendants’ technical, creative, and/or research and development jobs from 2005-2009. On September 2, 2015, the Court approved a \$415 million settlement with Apple, Google, Intel, and Adobe. Earlier, on May 15, 2014, the Court approved partial settlements totaling \$20 million resolving claims against Intuit, Lucasfilm, and Pixar. *The Daily Journal* described the case as the “most significant antitrust employment case in recent history,” adding that it “has been widely recognized as a legal and public policy breakthrough.”

Firm Acknowledgments

Lawdragon

Lawdragon 500 Leading Litigators: 22
Lawdragon Leading Plaintiff Financial Lawyers: 24
Lawdragon Leading Plaintiff Consumer Lawyers: 28
Global Plaintiff Lawyers: 14
Leading Plaintiff Employment & Civil Rights Lawyers: 10
Lawdragon 500X, The Next Generation: 13
Lawdragon 500 Leading Lawyers: 9 (7+2)

National Law Journal

Elite Trial Lawyers 2024: Employee Rights and Anti-Discrimination
50 Leading Plaintiffs Firms in America
Plaintiffs' Hot List Hall of Fame

New York Law Journal

Class Action Litigation Department of the Year

Benchmark

Labor & Employment Litigator of the Year
Tier 1 for Labor & Employment Litigation
Top 20 Firms for Litigation
Top Plaintiffs Firms

Best Lawyers

38 Outstanding Attorney Leaders
Top Tier Listing for Product Liability Law
Ones to Watch (9 lawyers)

The Daily Journal

California Lawyers of the Year: Juul Team (2023, 2024)
Leading Commercial Litigators (2)
Top Women Lawyers in California
Top Plaintiffs Lawyers in California
Top 40 Under 40 in California
Top 100 Lawyers in California
Top Labor & Employment Lawyers
Law360 Product Liability Practice Group of the Year
Law360 Practice Group of the Year – Product Liability
Law360 Practice Group of the Year – Class Action
Law360 Practice Group of the Year – Cybersecurity & Privacy
Product Liability Rising Stars
Titans of the Plaintiffs Bar

Nashville Post

In Charge Legal

Juve

20 Leading Lawyers in Cartel Damages Litigation in Germany

Chambers

Tier 1 for Plaintiffs' Litigation
Tier 1 for Products Liability
Tier 1 for General Litigation
Tier 1 for Labor & Employment / Plaintiffs

**Lieff
Cabraser
Heimann &
Bernstein**
Attorneys at Law

Brendan P. Glackin

PARTNER

Lieff Cabraser Heimann & Bernstein, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
t 415.956.1000
f 415.956.1008
bglackin@lchb.com



Trial Lawyer and Competition Advocate

Brendan P. Glackin chairs the firm's antitrust practice group. He has practiced antitrust law for over two decades and has tried more than 20 civil and criminal cases. He served as trial counsel in the liquid crystal displays (LCDs) price-fixing litigation (\$470 million in settlements); and the Norvir antitrust litigation. He also served as lead trial counsel for the firm in the titanium dioxide price-fixing class action (\$163.5 million in settlements), which settled days before jury selection. Mr. Glackin also recently served as lead trial counsel for a coalition of 39 state Attorneys General prosecuting Google for anticompetitive dominance of Android app distribution. He worked in that matter as a Special Assistant Attorney General for the State of Utah.

Mr. Glackin currently serves as lead counsel in a proposed federal class action challenging the 2020 merger of T-Mobile and Sprint. The merger reduced the overall number of mobile carriers in the U.S. from four to three and thereby fundamentally altered and reduced competition between the three remaining behemoths: the new T-Mobile, AT&T, and Verizon. The lawsuit seeks damages and the restoration of competition in one of the world's largest and most concentrated markets. He also leads the firm's representation of insurers against U.S. Anesthesia Partners, a private-equity-backed venture that has consolidated hospital-based anesthesia in Texas.

Mr. Glackin has led or made major contributions in past cases totaling over a billion dollars in recovery for consumers, workers and small businesses. In addition to his trial work, Mr. Glackin led the firm's representation of consumers in the lithium ion batteries price-fixing case (\$115 million recovered) and the generic enoxaparin monopolization case (\$120 million recovered). With others he received a 2016 "California Lawyer Attorney of the Year" (CLAY) award for his work in a case against drug makers for blocking access to affordable generics versions of the blockbuster drug Cipro (\$399 million in settlements).

He also earned, with others at the firm, a well-deserved 2019 "Outstanding Antitrust Litigation Achievement in Private Law Practice" award from the American Antitrust Institute (AAI) for his

work on *Seaman v. Duke*, a class action case around wage suppression, challenging a secret no-hire agreement between the Duke and UNC Medical School Deans which led to a final settlement of \$54.5 million in 2019. AAI similarly honored Mr. Glackin 2017 and 2020 for his work in other cases. Mr. Glackin also successfully argued class certification in the *In re High Tech Employees Antitrust Litigation* (\$435 million recovered).

Mr. Glackin regularly serves as faculty for National Institute for Trial Advocacy (NITA), the preeminent trial advocacy training program in the United States. He annually teaches negotiation skills for the Practising Law Institute (PLI). He serves as a Vice-Chair of the ABA Antitrust Section's U.S. Policy & Comments Committee, and helped re-establish the Executive Committee of the Antitrust Section of the Bar Association of San Francisco. He has been a regular panelist at the ABA Antitrust Section Spring Meeting, the pre-eminent gathering of antitrust lawyers in the world, as well as AAI's annual private enforcement conference. He routinely speaks, publishes, and teaches on antitrust issues.

Mr. Glackin has been recognized as one of Lawdragon's 500 Leading Lawyers in America consistently from 2019 to 2024, and The Daily Journal named him a Top Antitrust Lawyer in California in 2020. He has also been listed as a "Super Lawyer for Northern California" from 2013 to 2024.

Areas of Practice

Antitrust & Intellectual Property, Securities & Investor Fraud

Education

Harvard Law School, Cambridge, Massachusetts
J.D. (Cum Laude) - 1998
University of Chicago, Chicago, Illinois
A.B. - 1995

Bar Admissions

California, 1998
New York, 2000
United States Supreme Court, 2013
North Carolina Supreme Court, 2017
U.S. Court of Appeals, 2nd Circuit, 2013
U.S. Court of Appeals, 4th Circuit, 2016
U.S. Court Of Appeals, 6th Circuit, 2019
U.S. Court of Appeals, 9th Circuit, 2004
U.S. Court of Appeals, North Carolina, 2017
U.S. District Court, Central District of California, 2001
U.S. District Court, Eastern District of California, 2001
U.S. District Court, Northern District of California, 2001
U.S. District Court, Southern District of California, 2001
U.S. District Court, Southern District of New York, 2001

Professional Associations and Memberships

American Bar Association, Vice-Chair, Global Private Litigation Committee (2020)
National Institute for Trial Advocacy (NITA), Invited Faculty (2013-2026)
Practising Law Institute (PLI), Invited Faculty (2013-2026)
ABA Antitrust Section, Co-Chair (2021-23) and Vice-Chair (2020-21), Global Private Litigation Committee
ABA Antitrust Section, Vice-Chair International and U.S. Comments Committees (2023-2026)

Honors and Awards

Selected for inclusion by peers in The Best Lawyers in America in field of "Litigation – Antitrust," 2021-2026
"Top Antitrust Lawyers in California," Daily Journal, 2020, 2025
"Lawdragon 500 Global Plaintiff Lawyers," Lawdragon, 2024-2026
"Lawdragon 500 Leading Global Antitrust & Competition Lawyers," Lawdragon, 2025, 2026
"Lawdragon 500 Leading Lawyers in America," Lawdragon, 2023-2026
"Lawdragon 500 Leading Litigators in America," Lawdragon, 2025, 2026
"Lawdragon 500 Leading Plaintiff Financial Lawyers in America," Lawdragon, 2019-2026
"Thought Leader – Competition: Plaintiff," Lexology Index 2025
"Super Lawyer for Northern California," Super Lawyers, 2013-2025
"Top 10 Influential Plaintiff-Side Antitrust Lawyers in California," Business Today, 2023
"Titan of the Plaintiffs Bar," Law360, 2021
"Plaintiffs' Lawyer Trailblazer," National Law Journal, 2021
"Outstanding Private Practice Antitrust Achievement," American Antitrust Institute, 2019, 2020
"California Lawyer Attorney of the Year (CLAY) Award," California Lawyer, 2016

Publications & Presentations

Speaker, "Antitrust Trials: Recent Experiences with Parallel Litigation," ABA Litigation Section Antitrust Regional CLE Program, 2025
Faculty, "Strategizing Before a Negotiation," Practising Law Institute Negotiation Skills Workshop, 2024
Panelist, "Big Tech: Antitrust Lessons from the Battlefield," AAI 17th Annual Private Antitrust Enforcement Conference, 2023
Moderator, "Collective Actions in Europe: An Update," ABA Antitrust Law Section, 2021
"The Antitrust of Dominant Hospital Systems: United States v. CMHA and UFCW v. Sutter Health," ABA Antitrust Law Section, with Adam Gitlin, 2020
Antitrust and Silicon Valley: New Themes and Direction in Competition Law and Policy, Santa Clara University School of Law, 2019
Antitrust Trials: The View From the Trenches, 2013
Applying Settlements Offsets to Antitrust Judgments, ABA Spring Meetings, 2013
California Trial Advocacy, PLI, 2013
Building Trial Skills, NITA, 2013
Antitrust Institute: Developments & Hot Topics, 2011
Ramifications of American Needle, Inc. v. National Football League

**Lieff
Cabraser
Heimann &
Bernstein**
Attorneys at Law

Lin Y. Chan
Partner

Lieff Cabraser Heimann & Bernstein, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
t 415.956.1000
f 415.956.1008
lchan@lchb.com



A partner in Lieff Cabraser's San Francisco office, Lin Chan's successes include representing consumers (indirect purchasers) seeking justice for an alleged conspiracy to fix the prices of lithium-ion rechargeable batteries. Consumer plaintiffs achieved settlements totaling over \$113 million.

She also represented California consumers and third party payors charging that brand name and generic drug manufacturers conspired to restrain competition in the sale of Bayer's blockbuster antibiotic drug Ciprofloxacin (Cipro). In 2017, plaintiffs in the Cipro case settled with all remaining defendants, bringing the total recovery to \$399 million. Lin won AAI's Antitrust Enforcement award for "Outstanding Antitrust Achievement by a Young Lawyer" for her work on the Cipro drug antitrust cases. She also shared Lieff Cabraser's team award from the AAI's Antitrust Enforcement award for "Outstanding Private Practice Antitrust Achievement" for their work on the Cipro case.

Lin also represented direct purchasers of titanium dioxide against titanium dioxide manufacturers for conspiring to fix prices. The case settled on the eve of trial in 2013 for \$163 million.

Lin currently serves as co-lead counsel representing consumers who allege that the two leading manufacturers and distributors of consumer telescopes conspired to fix prices and monopolize the consumer telescope market in the United States.

Lin currently serves as a Lawyer Representative (2025-26 Co-Chair) for the Ninth Circuit Judicial Council and on the Board of Directors of the Bar Association of San Francisco. She served as 2023 President of the Asian American Bar Association of the Greater Bay Area. Lin was the inaugural recipient of AAI and COSAL's Hollis Salzman Memorial Leadership Award in 2021, awarded to a leader within the plaintiffs' antitrust bar who has advanced opportunities for other women and attorneys from underrepresented groups. She also served as Immediate Past President of COSAL and a member of the AAI's Advisory Board. Lin is Lieff Cabraser's Hiring Partner and leads the firm's Lawyers of Color Committee.

Prior to joining Lieff Cabraser, Lin litigated employment class actions at Goldstein, Demchak, Baller, Borgen & Dardarian. She also served as a law clerk to the Honorable Damon J. Keith of the Sixth Circuit U.S. Court of Appeals from 2007 to 2008.

Lin received her J.D. from Stanford Law School in 2007. While at Stanford, Lin was the Editor-in-Chief of the Stanford Journal of Civil Rights and Civil Liberties.

Areas of Practice

Employment, Antitrust, Qui Tam

Education

Stanford Law School, Stanford, California

J.D. - 2007

Law Journal: Stanford Journal of Civil Rights and Civil Liberties, Editor-in-Chief

Wellesley College, Wellesley, Massachusetts

B.A. (Summa Cum Laude) - 2001

Bar Admissions

California, 2008

U.S. Court of Appeals 7th Circuit, 2022

U.S. Court of Appeals 9th Circuit, 2011

U.S. Court of Appeals 10th Circuit, 2010

U.S. District Court, Central District of California, 2010

U.S. District Court, Northern District of California, 2008

U.S. District Court, District of New Mexico, 2017

Professional Associations and Memberships

Lawyer Representative to the Ninth Circuit Judicial Council, 2024-2026 (Co-Chair 2025-2026)

Bar Association of San Francisco (Board of Directors, 2024-present); Antitrust and Business Regulation Section (Co-Chair 2018-2019)

American Antitrust Institute (Advisory Board Member, 2019 – present)

American Bar Association Section of Civil Rights and Social Justice (Fair and Impartial Courts Committee Co-Chair, 2017-2019)

Asian Americans Advancing Justice – Asian Law Caucus (Executive Committee and Board Member, 2013-2019; Annual Dinner Committee Co-Chair, 2015-2016)

Asian American Bar Association (President, 2023; Officer, 2020-2022; Director-at-Large, 2017-2019; Women's Committee Co-Chair, 2016-2017; Civil Rights Committee Co-Chair, 2011-2016)

Committee to Support Antitrust Laws (COSAL) (Immediate Past President, 2023; President, 2022; Officer, 2019-2021)

Law360 Editorial Advisory Board, Competition, 2021, 2022

Public Justice

State Bar of California

Publications and Presentations

Panelist, Keeping Secrets Amidst Increased Employee Mobility, ABA Antitrust Section Spring Meeting, April 2025

Panelist, Allies: How to Find One and How to be One, COSAL Leadership & Diversity Summit, September 2024

Moderator, Starting and Running Your Own Law Firm, COSAL Leadership & Diversity Summit, October 2023

Panelist, Under the Umbrella: Antitrust Damages, ABA Antitrust Section Spring Meeting, April 2023

Panelist, Celebrating Women in Antitrust, California Lawyers Association, March 2023

Moderator, Antitrust and Diversity, Equity, and Inclusion in the Plaintiffs' Antitrust Bar, American Antitrust

Institute 15th Annual Private Antitrust Enforcement Conference (Nov. 10, 2021)
Panelist, The State of Private Enforcement: What 10-Year Trends Say About the Success of Antitrust Class Actions, American Antitrust Institute 14th Annual Private Antitrust Enforcement Conference (Nov. 10, 2020)
Moderator, Information Exchanges: Antitrust, RICO, and Tort Theories of Liability, American Bar Association Antitrust Section (July 2, 2020)
Panelist, API Representation, Bay Area Asian Pacific American Law Students Associations Conference (Jan. 25, 2020)
Panelist, Class Certification – The Evolving Relationship Between Damages and Predominance, American Bar Association 6th Annual Class Actions and Mass Torts Regional CLE Program (June 21, 2019)
Moderator, Gerrymandering and the New Supreme Court: Where Do We Go From Here?, American Bar Association (Sept. 6, 2018)
Panelist, Careers in the Private Sector, Pathways to Law Conference (Feb. 2018)
Moderator, Antitrust for HR: No-Poach and Wage-Fixing Agreements, Bar Association of San Francisco (Jan. 16, 2018)
Moderator, Challenging Non-Price Restraints, American Antitrust Institute Private Antitrust Enforcement Conference (Nov. 2017)
Panelist, Mediation and Settlement: Tips on Damages Analysis, New Case Law and Cy Pres, Bridgeport's 2017 Wage & Hour Litigation & Management Conference (Oct. 6, 2017)
Chapter Chair, Lindemann & Grossman, Employment Discrimination Law, Sixth Edition
Moderator, Workers in the New Tech Economy: Race and Gender Discrimination, Berkeley Journal of Employment and Labor Law (BJELL) 2016 Symposium (Feb. 26, 2016)
Panelist, Settlement Ethics: Negotiating Class Action Settlements the Right Way, 2016 14th Annual Impact Fund Class Action Conference (Feb. 2016)
Panelist, Empowering Asian Pacific American Women in the Law, Berkeley Law (Feb. 2016)
Moderator, What Making a Murderer Means for Fair and Impartial Courts: A Discussion with Dean Strang, American Bar Association Civil Rights and Social Justice Section (May 9, 2016)
Author, Do Federal Associated General Contractors Standing Requirements Apply to State Illinois Brick Repealer Statutes?, Business Torts & RICO News (Winter 2015)
Panelist, Federal and State Whistleblower Laws: What You Need to Know, Asian American Bar Association of the Greater Bay Area (Nov. 2014)
Panelist, Hey CAFA, Is That a Class Action: Mississippi ex rel Hood v. AU Optronics, ABA Section of Litigation (Jan. 30, 2014)
Author, California Supreme Court Clarifies State Class Certification Standards in Brinker, American Bar Association Labor & Employment Law Newsletter (Apr. 2013)
Presenter, Rule 23 Basics in Employment Cases, 11th Annual Impact Fund Employment Discrimination Class Action Conference (Feb. 2013)
Chapter Author, The Class Action Fairness Act: Law and Strategies (2013)
Co-Author, Clash of the Titans: Iqbal and Wage and Hour Class/Collective Actions, BNA, Daily Labor Report, 80 DLR L-1 (Apr. 28, 2010)
Chapter Co-Chair, Lindemann & Grossman, Employment Discrimination Law, Fifth Edition (2012)
Chapter Update Chair, Lindemann & Grossman, Employment Discrimination Law Cumulative Supplement (2010, 2014, 2015)

Past Employment Positions

Goldstein, Borgen, Dardarian & Ho (formerly Goldstein, Demchak, Baller, Borgen & Dardarian), Associate, 2008 - 2013
Judge Damon J. Keith, Sixth Circuit Court of Appeals, Law Clerk, 2007 - 2008
Stanford Immigrants' rights Clinic, Clinic Student, 2006 - 2007

Union Organizer, Service Employees International Union & SEIU Local 250, 2002 - 2004

Chinese University of Hong Kong, Wellesley-Yenching Teaching Fellow, 2001 - 2002

Honors and Awards

Selected for inclusion by peers in The Best Lawyers in America in field of "Litigation – Antitrust," 2021-2026

"Lawdragon 500 Leading Global Antitrust & Competition Lawyers," Lawdragon, 2025, 2026

"Lawdragon 500 Leading Litigators in America," Lawdragon, 2025, 2026

"Lawdragon 500 Leading Plaintiff Financial Lawyers in America," Lawdragon, 2019-2026

"Lawdragon 500 Leading Plaintiff Employment & Civil Rights Lawyers in America," Lawdragon, 2018-2025

"Super Lawyer for Northern California," Super Lawyers, 2019-2025

"Unity Award," Minority Bar Coalition, Asian American Bar Association, 2024

"Top 50 Women Super Lawyer," Super Lawyers, 2023, 2024

"Top 100 Northern California Super Lawyer," Super Lawyers, 2023-2024

"Hollis Salzman Memorial Leadership Award," American Antitrust Institute & Committee to Support the Antitrust Laws (COSAL), 2021

"Top Antitrust Lawyers in California," Daily Journal, 2021

"Rising Star for Northern California," Super Lawyers, 2015-2018

"40 and Under Hot List," Benchmark Litigation, 2018

"Outstanding Antitrust Achievement by a Young Lawyer," American Antitrust Institute, 2017

"Outstanding Private Practice Antitrust Achievement," American Antitrust Institute, 2017

"Rising Star for Competition Law," Law360, 2017

**Lieff
Cabraser
Heimann &
Bernstein**
Attorneys at Law

Rebecca Pearl Chang

Of Counsel

Lieff Cabraser Heimann & Bernstein, LLP
250 Hudson Street, 8th Floor
New York, NY 10013
t 212.355.9500
f 212.355.9592
rchang@lchb.com



Rebecca Chang is Of Counsel in Lieff Cabraser's New York office, where she works litigating class actions around the country involving antitrust violations.

As an antitrust lawyer, Ms. Chang served as counsel in several major antitrust actions, including cases against poultry processors, telephone service providers, and dominant national real estate brokerages.

Ms. Chang also has substantial experience representing whistleblowers under the False Claims Act and the SEC's whistleblower program. She has litigated such cases involving Medicare fraud, private equity fraud, accounting schemes, misleading financial product sales, violations of the Stark anti-kickback laws, and contractors defrauding state or government agencies.

Ms. Chang obtained her undergraduate degree from Yale University and her law degree from Harvard Law School, where she was an editor-in-chief of the Harvard Civil Rights-Civil Liberties Law Review and a Dean's Scholar in Corporations, Property and Taxation. Ms. Chang was also an Honors Program Intern in the Office of General Counsel at the SEC in Washington, DC, and a Ford Foundation Public Interest Fellow at the National Consumer Law Center.

Prior to Harvard Law, Ms. Chang worked in Hong Kong, helping oversee a multi-million-dollar portfolio of philanthropic grants and social enterprise investments. She also worked as a program manager in an economic policy research group.

Ms. Chang is fluent in Mandarin Chinese, and admitted to the bar in New York and Washington, DC.

Areas of Practice

Antitrust, False Claims Act

Education

Harvard Law School

J.D. cum laude, 2016]

Editor-in-Chief, Harvard Civil Rights-Civil Liberties Law Review

Yale University

B.A. cum laude, 2008

Bar Admissions

New York

District of Columbia

U.S. District Court, Southern District of New York

U.S. District Court, Eastern District of New York

U.S. District Court, District of D.C.

U.S. District Court, District of Colorado

EXHIBIT D

UFCW Local 1500 Welfare Fund v. The New York and Presbyterian Hospital, No. 2:25-cv-5023-BMC
(E.D.N.Y.)

PROPOSED TIME AND EXPENSE AUTHORIZATION AND REPORTING PROTOCOL

I. Time Reporting

A. Contemporaneous Records: Time submissions (described below) must be based on contemporaneously kept records. Failure to keep time contemporaneously may be grounds for denial of a firm's subsequent request for fees or expense reimbursements. Time spent reviewing and submitting time entries is not compensable and should not be submitted.

B. Report Increments: Time must be recorded in tenth of an hour (six minute) increments. Individual entries should have a specific task code associated with each particular period of time, as provided in the attached summary monthly time report template and listed below. Under no circumstances should a submitting firm create new categories for use in its submission. Block billing is not acceptable.

C. Task Codes: On the monthly time report, each time entry must be categorized using one of the following Task Code Categories. Under no circumstances should a submitting firm create new categories for use in its submission:

1. Investigation, Factual Research
2. Discovery
3. Document Review
4. Pleadings, Briefs (Including Legal Research)
5. Court Appearances & Preparation
6. Class Certification
7. Trial & Preparation
8. Litigation Strategy
9. Expert Work
10. Mediation, Settlement, Settlement Administration
11. Fee/Expense Proceedings (non-billable)
12. Appeals
13. Case Management

D. Detailed Descriptions: Timekeepers must record contemporaneously specific and detailed descriptions of the work performed. The subject matter of the assignment and other counsel involved must be included in all descriptions.

E. Non-Duplicative Work: Time reported must be reasonable and necessary and shall

not exceed the fair value of the services performed. Co-lead counsel shall use their best efforts to avoid overstaffing, including attendance at depositions and hearings. Unnecessarily duplicative work by multiple lawyers in the same firm will be rejected.

F. Billing Rates: Professional time is to be reported using billing rates current at the time the work is performed.

II. Expenses

Only reasonable and appropriate expenses incurred while performing work to advance the litigation will be eligible for consideration of compensable expenses. Basic office supplies and routine secretarial time should not be included as a case expense. Every expense needs to be detailed and specific. All costs and expenses are to be recorded using actual cost figures; no case costs or expenses should be a profit center for the reporting firm.

Attorneys shall keep receipts for all expenses. Credit-card receipts or monthly credit card statements are an appropriate form of verification. Hotel and restaurant costs must be proven by credit card statements, hotel invoice, or restaurant bill. The description of unclaimed expenses on the statement or invoice may be redacted. Receipts need not be submitted on a monthly basis but shall be maintained by the attorneys and may be requested later by lead counsel or the Court as a condition of payment.

Except in extraordinary circumstances, all travel reimbursements are subject to the following limitations:

A. Airfare: Only the price of a coach seat for a reasonable itinerary will be reimbursed. Business/first class airfare will not be fully reimbursed except when it does not cost more than coach fare (as shown by contemporaneous documentation). Use of a private aircraft will not be reimbursed. If business class/first class airfare is used on domestic flights, and it costs more than coach fare, then the difference between the business class/first class airfare and coach fare must be shown on the travel reimbursement form, and only the coach fare will be reimbursed.

B. Hotel: Hotel room charges for the average available room rate of a business hotel, such as the Hyatt, Westin, and Marriott hotels (or comparable), in the city in which the stay occurred will be reimbursed. Unless a special discounted rate is negotiated, luxury hotels (e.g. “5-star” hotels or other hotels with an average available room rate greatly exceeding that of a business hotel) will not be fully reimbursed but will be reimbursed at the average available rate of a business hotel.

C. Rental Cars: Travelers are required to obtain the lowest, logical, published rate available. If an attorney’s corporate credit cards have rental car insurance coverage, they should be rented with the firm credit card and additional insurance coverage from the rental agency should be declined. Every effort should be made to return the rental car with a full tank of gas.

D. Meals: Meal expenses must be reasonable.

III. Time and Expense Reports

Each firm is responsible for creating and maintaining **detailed, contemporaneously prepared time records** for all work performed in the case, in addition to the **summary time and expense reports submitted on a monthly basis** in accordance with the deadlines below. The detailed reports may be requested at any time and will be reviewed prior to submission of any lodestar to the Court as part of any fee petition.

The time and expense reports will be compiled and maintained by one of the lead counsel. We are attaching an Excel spreadsheet template for your use in preparing **monthly** summary time and expense reports. Submissions must be made using this template. **Please submit all reports on a monthly basis to Anita Brijmohan at abrijmohan@garwingerstein.com.**

With respect to your first submission, please include all time and expenses accrued for this action through _____. **The initial cumulative report is due _____.** All time should be reported at the billing rates in effect at your firm during the particular month(s) for which you are reporting.

Thereafter, please submit **monthly** reports by the **21st day of the month** (or the next business day thereafter if the last day is a weekend/holiday) for the preceding month.

All time and expense submissions will be subject to review by lead counsel, and, if requested, by the Court.

THE BELOW IS APPLICABLE IN THE EVENT THE COURT APPOINTS ADDITIONAL FIRMS TO POSITIONS BELOW LEAD COUNSEL (E.G., STEERING COMMITTEE)

As you know, one of the important responsibilities of lead counsel is to establish protocols for time and expense authorization and reporting, as well as to regularly collect, monitor, and regulate the time and expenses of all counsel working on a matter. Thus, co-lead counsel have established the following protocol for reporting time and expenses in this litigation.

The failure to comply with this protocol may result in no further work being assigned to the subject firm and/or time being stricken from any lodestar submitted to the Court as part of any future motion for attorneys' fees.

I. Authorization to Work on Behalf of the Class

A. Lead Counsel Authorization. All work completed on behalf of the class must be specifically authorized by lead counsel. Any work performed without authorization may not be compensable. Submission of monthly time and expense reports does not constitute lead counsel's acquiescence in or acceptance of reported time.

B. Staffing. Unless otherwise authorized by lead counsel, no non-lead firm should have more than one partner and one associate on any task assigned to that firm, including conference calls.

C. Depositions. Unless otherwise authorized by lead counsel, no non-lead firm should have more than two attorneys, or one attorney and one paralegal, in attendance when taking or defending a deposition.

D. Court Attendance. No one other than lead counsel shall appear in Court without advance approval from lead counsel.

E. Read and Review. General review of court filings, orders, transcripts, emails, articles, or other documents not directly related to work assigned by lead counsel will not be considered compensable time and should not be submitted.

F. Contract Attorneys/Document Review. No contract attorneys should be assigned to review documents in this case without lead counsel's prior written approval. The hourly rate for all document reviewers will be their usual and customary hourly rate but shall not exceed \$400.00 per hour (subject to change at the time of the fee request). The hourly rate for any foreign language document reviewers will be their usual and customary hourly rate but shall not exceed \$450.00 per hour (subject to change at the time of the fee request).

EXHIBIT E

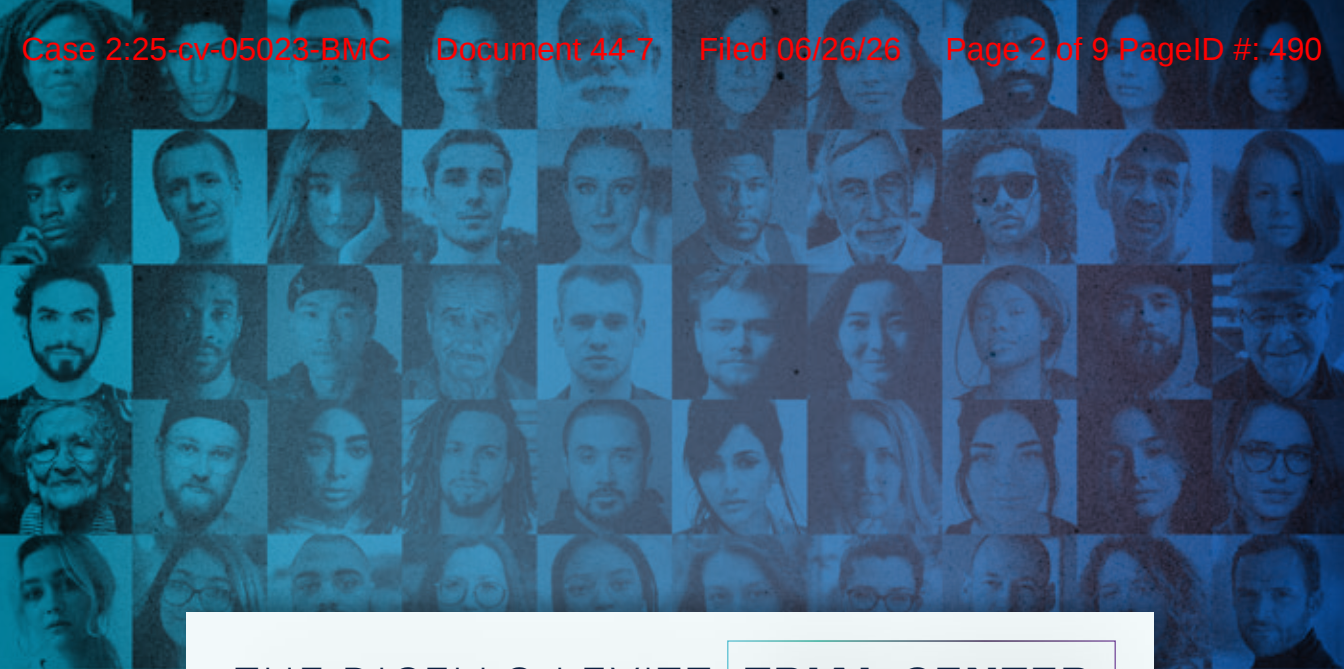
UFCW Local 1500 Welfare Fund v. The New York & Presbyterian Hosp.,
No. 2:25-cv-5023 (E.D.N.Y.)

Proposed Case Schedule

Event	Plaintiff's Proposal
Protective Order and ESI Protocol	August 25, 2026
Decision on Motion to Dismiss (Time "T")	T + 0
Rule 26(a)(1) Initial Disclosures	T + 14 days
Join New Parties or Amend Pleadings	T + 30 days
Fact Discovery Substantial Completion	T + 6 months
Fact Discovery Deadline	T + 14 months
Experts: Opening Reports	T + 15 months
Experts: Rebuttal Reports	T + 16.5 months
Experts: Reply Reports	T + 18 months
Expert Discovery Deadline	T + 19.5 months
Class Cert & related <i>Daubert</i> Opening Briefs	T + 21.5 months
Class Cert & related <i>Daubert</i> Opposition Briefs	T + 22.5 months
Class-related <i>Daubert</i> Replies	T + 23.5 months
Class Cert Reply	T + 24 months
Summary Judgment & related <i>Daubert</i> Opening Briefs ¹	T + 26.5 months
Summary Judgment & related <i>Daubert</i> Opposition Briefs	T + 27.5 months
Summary Judgment & related <i>Daubert</i> Reply Briefs	T + 28.5 months
PTO	TBD
Trial Date	TBD

¹ If any party files an early summary judgment or *Daubert* motion, the opposition shall be due 30 days after the opening brief and the reply shall be due 21 days after the opposition.

EXHIBIT F



THE DICELLO LEVITT **TRIAL CENTER**

THE HEART OF A JURY THE ART OF A TRIAL



DICELLO LEVITT

THE DICELLO LEVITT TRIAL CENTER

At the DiCello Levitt Trial Center, our elite lawyers combine their trial experience with cognitive neuroscience and advanced scientific methods to understand, engage, and influence jurors. Applying a proprietary approach to uncovering jurors' decision-making processes, the Trial Center reveals the winning message in every case.

The Trial Center's litigators lead high-stakes trials wielding our advanced strategies to gain an edge over adversaries who cling to tired, ineffective, traditional trial methods. We also train lawyers to achieve higher-level performance in their litigation strategies, trial preparation, and courtroom presentations.

The Trial Center serves as



1

A training solution to sharpen lawyers' trial skills as they engage in high-stakes cases



2

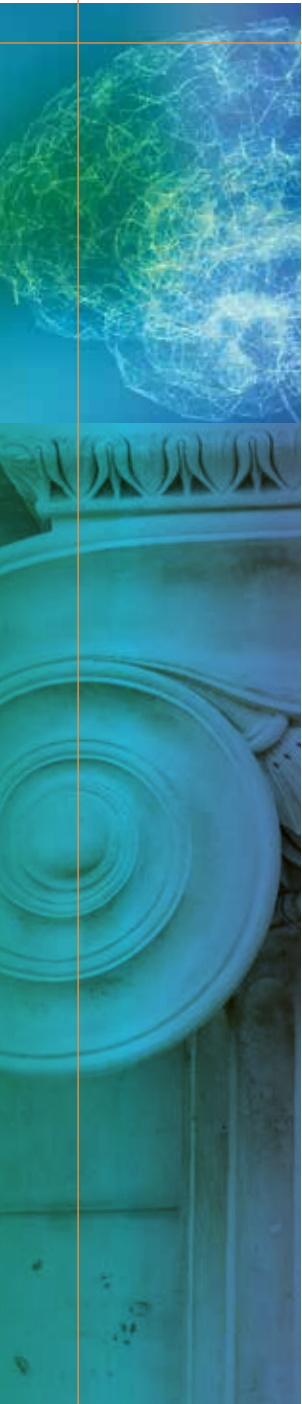
Research base for focus groups, mock trials, mediation, and arbitration



3

Platform for litigators to empirically test the strengths and weaknesses of a case with a science-informed method of trial preparation

THE TRIAL CENTER IN-DEPTH



SUPERIOR, PROPRIETARY APPROACH

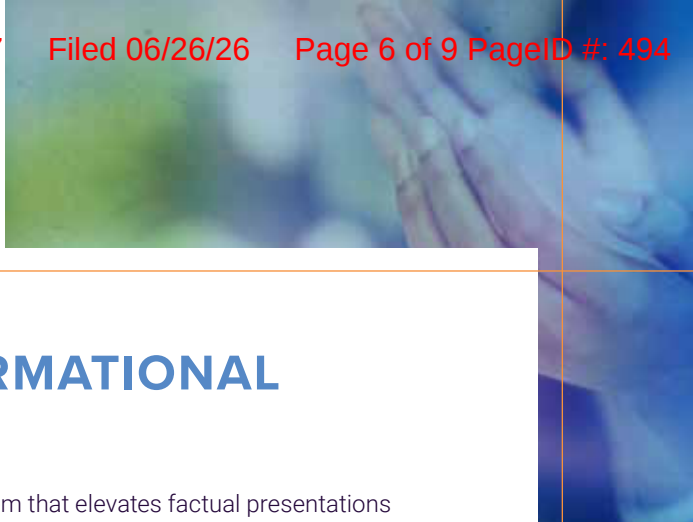
The Trial Center capitalizes on the latest research findings in linguistics, literacy, information processing, and cognitive neuroscience to interpret focus group feedback and formulate advanced trial strategies that outpace the traditional litigation methodologies of our adversaries.

Our trial lawyers have conducted thousands of specialized focus groups in the past 10 years, including comprehensive studies about issues of consequence for judges and juries alike.

POWERED BY RENOWNED TRIAL LAWYERS

Trial Team Leader Bobby DiCello and Trial Center Coordinator Ken Abbarno collaborate with other talented advocates at DiCello Levitt. The Trial Center's lawyers are among the nation's most sought-after counsel. In addition to a deep bench of experience, they carry a strong understanding of the contemporary juror's decision-making behavior and are fluent in the art of trial messaging.

With established track records in winning high-stakes cases, our trial lawyers are frequently called upon to consult with law firms nationwide on all aspects of trial preparation, depositions, motion practice, and theme and message development. They lead specialized focus groups, mock trials, and jury decision-making research.



SHAPING TRANSFORMATIONAL STORYLINES

The Trial Center is powered by a proprietary system that elevates factual presentations with transformational storytelling. This strategy is rooted in a deep understanding of rational choice behavior, and it ultimately compels judges and jurors to embrace a client's case.

We strive for excellence. From theme-building and case framing to refinement of messaging and courtroom visuals, every aspect of a trial presentation is carefully envisioned, tested, and executed.

THOUSANDS OF FOCUS GROUPS AND THE ART OF MESSAGING

DiCello Levitt has led thousands of focus groups in the past decade, including comprehensive studies that explore a myriad of issues that influence jury mindsets. Such efforts can deliver outstanding results. For example, when representing General Motors, our lawyers conducted 20-plus focus groups in the district where the case was tried. The insights we gained enabled us to crystallize our messages and formulate our story, achieving a rare class action jury verdict of over \$100 million.

DiCello Levitt's litigators are among the nation's most sought-after trial lawyers due to their unique experiences in the art of the modern courtroom. They often are called upon to teach the "Art of Messaging" to other lawyers to help them understand and apply the neuroscience of communicating critical concepts to judges and juries.



MEET THE TRIAL CENTER LEADERS



Bobby DiCello

A force in the trial bar, Bobby has obtained record verdicts in cases thought unwinnable while also leading cutting-edge research into juror decision-making in the politically polarized jury system. Public Justice awarded Bobby its prestigious Trial Lawyer of the Year award for his work in the landmark *Black v. Hicks* police brutality and corruption case in the city of East Cleveland, Ohio.



Ken Abbarno

A top-tier trial lawyer who handles cases in multiple jurisdictions across the United States, Ken has been recognized by industry organizations and his peers as an elite trial lawyer. Ken was recently named to *Lawdragon's* "500 Leading Plaintiff Consumer Lawyers," and has also been recognized as a "Plaintiffs' Lawyers Trailblazer" by *The National Law Journal*.

ABOUT DICELLO LEVITT

Built on a strong foundation of integrity and experience, DiCello Levitt devotes itself to justice for our clients through class actions, business litigations, personal injury cases, and whistleblower advocacy. Our lawyers are renowned for their ability to litigate and win cases and for their skill in imparting their science-driven trial knowledge to other lawyers through the DiCello Levitt Trial Center.



MARK DICELLO,
FOUNDING PARTNER

After 20 years of jury trials and serving in lead roles in some of the nation’s largest personal injury cases, Mark DiCello co-founded DiCello Levitt to create a first-of-its kind firm that brings together top talent in the most important areas of complex litigation.



ADAM LEVITT,
FOUNDING PARTNER

One of America’s leading advocates for plaintiffs in complex multidistrict, commercial, public client, and class action litigation, DiCello Levitt co-founder Adam Levitt has scored billions of dollars in wins for his clients, reflecting his resolve for justice in all its dimensions.

RECOGNITIONS



ALM | LAW.COM
Elite Trial Lawyers
Trial Strategy Innovation
Firm of the Year



ALM | LAW.COM
Elite Trial Lawyers
Plaintiffs Firm of the Year



Chambers USA
Band 1 - Litigation:
Mainly Plaintiffs 2024



Public Justice
2021 Trial Lawyer
of the Year

Birmingham

T: 205.855.5700

New York

T: 646.933.1000

Chicago

T: 312.214.7900

San Diego

T: 619.923.3939

Cleveland

T: 440.953.8888

Santa Fe

T: 505.810.0770

Las Vegas

T: 702.723.9777

Washington, DC

T: 202.975.2288

DiCelloLevitt.com



DICELLO LEVITT