

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

IN RE FOREIGN EXCHANGE
BENCHMARK RATES ANTITRUST
LITIGATION

No. 1:13-cv-07789-LGS

**JOINT DECLARATION OF
VINCENT BRIGANTI & GREGORY S. ASCIOLLA**

Vincent Briganti and Gregory S. Ascioffa jointly declare pursuant to 28 U.S.C. § 1746 as follows:

1. Vincent Briganti is a shareholder with the firm Lowey Dannenberg Cohen & Hart P.C. (“Lowey”).

2. Gregory S. Ascioffa is a partner at the firm Labaton Sucharow LLP (“Labaton Sucharow”).

3. We both participated as Allocation Counsel in the above captioned matter and submit this declaration in support of the [Proposed] Plan of Distribution. The terms used herein have the same meanings as in the [Proposed] Plan of Distribution unless otherwise indicated.

4. **Experience of Allocation Counsel.** Lowey and Labaton Sucharow have extensive experience prosecuting claims under the Commodity Exchange Act (“CEA”), 7 U.S.C. §§ 1 *et seq.*, and Sherman Antitrust Act, 15 U.S.C. §§ 1 *et seq.*, including those arising out of the manipulation of financial benchmarks.

5. For example, Lowey successfully prosecuted, as court-appointed lead, co-lead, or individual plaintiff’s counsel, what were at the time the first, second, third, and fourth largest class action recoveries under the Commodity Exchange Act: *In re Sumitomo Copper Litig.*, No. 96 CV 4854 (S.D.N.Y.) (Pollack, J.) (\$149 million settlement); *Hershey v. Pacific Investment Management Corp.*, No. 05-C-4681 (RAG) (N.D. Ill.) (\$118.75 million settlement); *In re Natural Gas Commodity Litig.*, No. 03 CV 6186 (S.D.N.Y.) (Marrero, J.) (\$101 million settlement); and *In re Amaranth Natural Gas Commodities Litig.*, No. 07 Civ. 6377 (S.D.N.Y.) (Scheidlin, J.) (\$77.1 million settlement).

6. Lowey is currently court-appointed lead or class counsel in several cases alleging anticompetitive conduct and manipulation of the world’s most important financial benchmarks,

including the Euroyen Tokyo Interbank Offered Rate (“TIBOR”) and Yen London Interbank Offered Rate (“LIBOR”) (*Laydon v. Mizuho Bank et al.*, No. 12-cv-3419 (GBD) (S.D.N.Y.); *Sonterra Capital Master Fund Ltd. et al. v. UBS AG et al.*, No. 15-cv-5844 (GBD) (S. D.N.Y.)); Swiss Franc LIBOR (*Sonterra Capital Master Fund Ltd. et al. v. Credit Suisse Group AG et al.*, No. 15-cv-871 (SHS) (S.D.N.Y.)), the Euro Interbank Offered Rate (“Euribor”) (*Sullivan et al. v. Barclays PLC et al.*, No. 13-cv-2811 (PKC) (S.D.N.Y.)), and the London Silver Fixing (*In re: London Silver Fixing Ltd., Antitrust Litig.*, No. 14-md-2573 (VEC) (S.D.N.Y.)).

7. Because of its expertise in prosecuting commodities claims, Lowey has been asked to serve as allocation counsel in other commodities manipulation cases including: (1) *In re: Dairy Farmers of America, Inc. Cheese Antitrust Litig.*, No. 09-cv-3690 (N.D. Ill.), where Lowey was responsible for reviewing client transactions in milk and cheese futures contracts, researching and developing a plan of allocation, preparing for mediation, and negotiating the allocation of the net settlement fund on behalf of the “Non-Core Period” class members; and (2) *In re: Platinum and Palladium Commodities Litig.*, No. 10 Civ 3617 (S.D.N.Y.), where Lowey was responsible for reviewing the proposed plan of allocation and the impact of that plan of allocation on different subsets of platinum and palladium futures traders.

8. Lowey’s firm resume is attached as Exhibit A.

9. Labaton Sucharow has similarly extensive experience, having served as co-lead or plaintiffs’ class counsel in several cases involving the manipulation of various financial products, financial benchmarks, and commodities, including those with claims under the Commodity Exchange Act. For example, Labaton Sucharow served as co-lead or plaintiffs’ class counsel in: *In re Natural Gas Commodity Litig.*, No. 03 CV 6186 (S.D.N.Y.) (Marrero, J.) (\$101 million settlements); *National Metals, Inc. v. Sumitomo Corp., et al.*, No. GIC 734001 (Cal. Super. Ct.,

San Diego County) (over \$90 million in settlements); *In re Credit Default Swaps Antitrust Litig.*, No. 13-md-02476 (S.D.N.Y.) (Cote, J.) (\$1.9 billion in settlements); *In re Amaranth Natural Gas Commodities Litig.*, No. 07 Civ. 6377 (S.D.N.Y.) (Scheidlin, J.) (\$77.1 million settlement); *In re Municipal Derivatives Antitrust Litig.*, MDL No. 1950, 08 Civ. 2516 (S.D.N.Y.) (Marrero, J.) (over \$225 million in settlements); and *In re Optiver Commodities Litig.*, No. 08-cv-06842 (Preska, J.) (\$17 million in settlements).

10. In addition to these past achievements, Labaton Sucharow currently serves as co-lead counsel or plaintiffs' class counsel in several matters involving the manipulation of financial products, financial benchmarks, and commodities, including: *Alaska Electric Pension Fund v. Bank of America Corp., et al.*, No. 14-cv-7126 (S.D.N.Y.) (Furman, J.) (\$324 million in settlements); *In re Treasury Securities Auction Antitrust Litig.*, No. 15-md-02673 (S.D.N.Y.) (Gardephe, J.); *Boston Retirement Sys. v. Bank of America N.A., et al.*, No. 16-cv-03711 (S.D.N.Y.) (Ramos, J.); *In re Platinum and Palladium Antitrust Litigation*, No. 15-cv-9391 (S.D.N.Y.) (Woods, J.); and *In re Commodity Exchange, Inc., Gold Futures and Options Trading Litig.*, No. 14-md-02548 (S.D.N.Y.) (Caproni, J.).

11. Labaton Sucharow's firm resume is attached as Exhibit B.

12. **Well-Informed.** Class Counsel in this litigation designated Lowey and Labaton Sucharow as Allocation Counsel in late summer 2015 to represent the interests of Direct Settlement Class members, which includes those who entered into an FX Instrument directly with a Defendant in the over-the-counter ("OTC") market. Kirby McInerney LLP and Nussbaum Law Group, P.C. were designated as Allocation Counsel to represent the interests of Exchange-Only Settlement Class members, *i.e.*, those who only transacted in FX Instruments on a U.S. exchange (collectively "Exchange Counsel").

13. Our firms have been a part of this litigation from the very beginning and filed some of the first FX manipulation cases. *See Prudent Forex Fund I LLC et al. v. Barclays Bank PLC, et al.*, No. 13-cv-9237 (S.D.N.Y. Dec. 31, 2013); *United Food, et al. v. Barclays Bank PLC, et al.*, No. 14-cv-350 (S.D.N.Y. Jan. 17, 2014); *State-Boston Retirement Sys. v. Barclays Bank PLC, et al.*, No. 14-cv-0475 (S.D.N.Y. Jan. 24, 2014); *Newport News Employees' Retirement Fund v. Barclays Bank PLC, et al.*, No. 14-cv-752 (S.D.N.Y. Feb. 5, 2014). Thus Lowey and Labaton Sucharow were, and continue to be, well-informed about the legal issues and allocation challenges presented in this action and therefore well-positioned to serve as Allocation Counsel.

14. We remained well-informed as the litigation progressed by continuing to review subsequent pleadings, motions, and other filings to stay apprised of developing issues in this case.

15. To further inform our discussions as Allocation Counsel, Class Counsel hosted an all-day tutorial in November 2015, which included presentations by several experts on the FX market generally and specific information regarding how the misconduct alleged in this case would have affected FX Instrument prices. In addition, we conducted extensive legal research and frequently communicated with one another regarding all matters arising from our responsibilities as Allocation Counsel.

16. **Negotiations with Exchange Counsel**. Following this tutorial, we began engaging directly with Exchange Counsel to discuss allocation issues. The [Proposed] Plan of Distribution reflects the recommendations produced by months of arms-length negotiations.

17. The first phase of our negotiations with Exchange Counsel focused on whether any “legal discounts” should be applied to claims made by Direct Settlement Class and Exchange-Only Settlement Class members based on the strengths and weaknesses of their respective legal claims—that is, whether a member of either class should receive more or less for their exchange-

based or OTC-based transactions based on the legal theories of harm associated with those FX Instruments, as pleaded in the Complaint.

18. We met, in-person or telephonically, with Exchange Counsel six times during November and December 2015 to discuss this issue.

19. Our discussions culminated with a two-day, in-person negotiation hosted by Kirby McInerney LLP in late December 2015. After hearing presentations from both sides and arguing about the legal risks and merits of the claims brought by both Direct Settlement Class and Exchange-Only Settlement Class members, we determined that all claims demonstrated substantial merit and agreed with Exchange Counsel that no legal discounts should be applied.

20. Allocation Counsel promptly scheduled a conference call with Class Counsel and the Settlement Administrator to report this recommendation in January 2016.

21. The next phase of our negotiations addressed how to best distribute the Net Settlement Fund to Authorized Claimants that transacted in FX Exchange-Traded Instruments. Specifically, there was a concern that because members of both classes transacted in FX Exchange-Traded Instruments, an imbalance in claims rate among the Direct Settlement Class and Exchange-Only Settlement Class could result in disparate payments for the same legal claims.

22. We met, in-person or telephonically, with Exchange Counsel four times during January and February 2016 to discuss this and other issues, developing a list of factors that could be used to allocate the Net Settlement Fund among Class Members that transacted in FX Exchange-Traded Instruments.

23. Allocation Counsel recommended this list of factors to Class Counsel in a February 2016 joint conference call.

24. **Plan of Distribution.** In August 2016, Class Counsel provided a draft plan of distribution to Allocation Counsel for review.

25. At that time, we retained a Ph.D. economist and an expert on derivatives trading that has worked on developing plans of allocation in numerous complex commodities cases to assist with evaluating Class Counsel's proposal.

26. After consulting with our expert, we met with Class Counsel and their experts to discuss the economic assumptions and calculations underlying the plan of distribution to ensure that members of the Direct Settlement Class were being treated fairly.

27. We also held a joint teleconference with Exchange Counsel and Class Counsel to revisit the issue of allocating Net Settlement Funds to Authorized Claimants that transacted in FX Exchange-Traded Instruments. The [Proposed] Plan of Distribution reflects this discussion and values all exchange traded claims equally, achieving parity between the two Settlement Classes.

28. Thus, under the [Proposed] Plan of Distribution, Direct Settlement Class members will receive the full value of their legal claims with no "legal discounts" applied and recover for their FX Exchange-Traded Instruments at the same rate as those in the Exchange-Only Settlement Class. Based on our extensive experience in commodities and antitrust litigation, it is our opinion that the [Proposed] Plan of Distribution is fair to members of the Direct Settlement Class.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 31, 2016
White Plains, New York



Vincent Briganti

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 31, 2016
New York, New York

Gregory S. Ascioffa

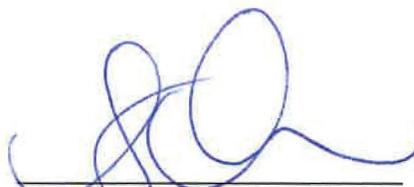
I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 31, 2016
White Plains, New York

Vincent Briganti

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 31, 2016
New York, New York



Gregory S. Ascioffa

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2016, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 31, 2016.

/s/ Christopher M. Burke
CHRISTOPHER M. BURKE
SCOTT+SCOTT, ATTORNEYS AT LAW, LLP
707 Broadway, Suite 1000
San Diego, CA 92101
Telephone: 619-233-4565
Facsimile: 619-233-0508
cburke@scott-scott.com

EXHIBIT A



New York
White Plains Plaza
One North Broadway
White Plains, NY 10601-2310
914-997-0500 Telephone
914-997-0035 Fax
www.lowey.com

Pennsylvania
Four Tower Bridge
200 Barr Harbor Drive, Suite 400
West Conshohocken, PA 19428-2977
610-941-2760 Telephone
610-862-9777 Fax

RESUME

Since the 1960s, Lowey Dannenberg Cohen & Hart, P.C. (“Lowey Dannenberg”) has represented sophisticated clients in complex litigation involving federal securities, commodities and antitrust violations, healthcare cost recovery actions, and shareholder and board actions.

Lowey Dannenberg has recovered hundreds of millions of dollars for these clients, which include Fortune 100 companies such as Aetna, Inc., Anthem, Inc., CIGNA, Humana, and Verizon, Inc.; some of the nation’s largest pension funds, *e.g.*, the California State Teachers’ Retirement System, the New York State Common Retirement Fund, and the New York City Pension Funds; and sophisticated institutional investors, including Federated Investors, Inc., who has more than \$355 billion in assets under management.

For its more than ten years of service to Fortune 100 health insurers in opt-out litigation involving state and federal fraud claims, Aetna and Humana publicly anointed Lowey Dannenberg their “Go To” outside counsel in a 2013 and 2014 survey published in Corporate Counsel Magazine.

LOWEY DANNENBERG’S COMMODITY PRACTICE

LANDMARK COMMODITY CLASS ACTION RECOVERIES

Lowey Dannenberg successfully prosecuted, as court appointed lead or co-lead counsel or individual plaintiff’s counsel, the most important and complex commodity manipulation actions since the enactment of the Commodity Exchange Act (“CEA”).



New York
White Plains Plaza
One North Broadway
White Plains, NY 10601-2310
914-997-0500 Telephone
914-997-0035 Fax
www.lowey.com

Pennsylvania
Four Tower Bridge
200 Barr Harbor Drive, Suite 400
West Conshohocken, PA 19428-2977
610-941-2760 Telephone
610-862-9777 Fax

Sumitomo

In *In re Sumitomo Copper Litigation* (“*Sumitomo*”), Master File No. 96 CV 4854 (S.D.N.Y.) (Pollack, J.), Lowey Dannenberg was appointed as one of three executive committee members. Stipulation and Pretrial Order No. 1, dated October 28, 1996, at ¶ 13. Plaintiffs’ counsel’s efforts in *Sumitomo* resulted in a settlement on behalf of the certified class of more than \$149 million, which is **the largest** class action recovery in the history of the CEA. *In re Sumitomo Copper Litig.*, 182 F.R.D. 85, 95 (S.D.N.Y. 1998). One of the most able and experienced United States District Court judges in the history of the federal judiciary, the Honorable Milton Pollack, took note of counsel’s efforts in *Sumitomo* in various respects, including the following:

The unprecedented effort of Counsel exhibited in this case led to their successful settlement efforts and its vast results. Settlement posed a saga in and of itself and required enormous time, skill and persistence. Much of that phase of the case came within the direct knowledge and appreciation of the Court itself. Suffice it to say, the Plaintiffs’ counsel did not have an easy path and their services in this regard are best measured in the enormous recoveries that were achieved under trying circumstances in the face of virtually overwhelming resistance.

In re Sumitomo Copper Litig., 74 F. Supp. 2d 393, 396 (S.D.N.Y. 1999). What Judge Pollack found to be “the skill and persistence” of counsel in *Sumitomo* will be brought to bear to represent the Class here as well.

In re Natural Gas

Lowey Dannenberg served as co-lead counsel in *In re Natural Gas Commodity Litigation*, Case No. 03 CV 6186 (VM) (S.D.N.Y.) (“*In re Natural Gas*”), which involved manipulation by more than 20 large energy companies of the price of natural gas futures



New York
White Plains Plaza
One North Broadway
White Plains, NY 10601-2310
914-997-0500 Telephone
914-997-0035 Fax
www.lowey.com

Pennsylvania
Four Tower Bridge
200 Barr Harbor Drive, Suite 400
West Conshohocken, PA 19428-2977
610-941-2760 Telephone
610-862-9777 Fax

contracts traded on the NYMEX. Plaintiffs alleged that defendants, including El Paso, Duke, Reliant, and AEP Energy Services, Inc., manipulated the prices of NYMEX natural gas futures contracts by making false reports of the price and volume of their trades to publishers of natural gas price indices across the United States, including Platts. Lowey Dannenberg won significant victories throughout the litigation including:

- defeating defendants' motions to dismiss (*In re Natural Gas*, 337 F. Supp. 2d 498 (S.D.N.Y. 2004));
- prevailing on a motion to enforce subpoenas issued to two publishers of natural gas price indices for the production of trade report data (*In re Natural Gas*, 235 F.R.D. 199 (S.D.N.Y. 2005)); and
- successfully certifying a class of NYMEX natural gas futures traders who were harmed by defendants' manipulation of the price of natural gas futures contracts traded on the NYMEX from January 1, 2000 to December 31, 2002. *In re Natural Gas*, 231 F.R.D. 171, 179 (S.D.N.Y. 2005) (granting class certification), *petition for review denied*, *Cornerstone Propane Partners, LP, et al. v. Reliant Energy Services, Inc., et al.*, Docket No. 05-5732 (2d Cir. August 1, 2006).

The total settlement obtained in this complex litigation—\$101 million—is the **third largest** recovery in the history of the CEA.

Amaranth

Lowey Dannenberg serves as co-lead counsel in *In re Amaranth Natural Gas Commodities Litigation*, Master File No. 07 Civ. 6377 (S.D.N.Y) (SAS) ("*Amaranth*").



New York
 White Plains Plaza
 One North Broadway
 White Plains, NY 10601-2310
 914-997-0500 Telephone
 914-997-0035 Fax
 www.lowey.com

Pennsylvania
 Four Tower Bridge
 200 Barr Harbor Drive, Suite 400
 West Conshohocken, PA 19428-2977
 610-941-2760 Telephone
 610-862-9777 Fax

Amaranth is a certified CEA class action alleging manipulation of NYMEX natural gas futures contract prices in 2006 by Amaranth LLC, one of the country's largest hedge funds, prior to its widely-publicized multi-billion dollar collapse in September 2006. Significant victories achieved by Lowey Dannenberg in the *Amaranth* litigation include:

- On April 27, 2009, plaintiffs' claims for primary violations and aiding-and-abetting violations of the CEA against Amaranth LLC and other Amaranth defendants were sustained. *Amaranth*, 612 F. Supp. 2d 376 (S.D.N.Y. 2009).
- On April 30, 2010, the Court granted plaintiffs' motion for pre-judgment attachment pursuant to Rule 64 of the Federal Rules of Civil Procedure and Section 6201 of the New York Civil Practice Law and Rules against Amaranth LLC, a Cayman Islands company and the "Master Fund" in the Amaranth master-feeder-fund hedge fund family. *Amaranth*, 711 F. Supp. 2d 301 (S.D.N.Y. 2010).
- On September 27, 2010, the Court granted plaintiffs' motion for class certification. *Amaranth*, 269 F.R.D. 366 (S.D.N.Y. 2010). In appointing Lowey Dannenberg as co-lead counsel for plaintiffs and the Class, the Court specifically noted "the impressive resume" of Lowey Dannenberg and that "plaintiffs' counsel has vigorously represented the interests of the class throughout this litigation." On December 30, 2010, the Second Circuit Court of Appeals denied Amaranth's petition for appellate review of the class certification decision.
- On April 11, 2012, the Court entered a final order and judgment approving the \$77.1 million dollar settlement reached in the action. The \$77.1 million dollar settlement is **more than ten times greater** than the \$7.5 million joint settlement achieved by the Federal Energy



New York
White Plains Plaza
One North Broadway
White Plains, NY 10601-2310
914-997-0500 Telephone
914-997-0035 Fax
www.lowey.com

Pennsylvania
Four Tower Bridge
200 Barr Harbor Drive, Suite 400
West Conshohocken, PA 19428-2977
610-941-2760 Telephone
610-862-9777 Fax

Regulatory Commission (“FERC”) and the Commodity Futures Trading Commission (“CFTC”) against Amaranth Advisors LLC and represented the **fourth largest** class action recovery in the 85-plus year history of the CEA.

Pacific Inv. Mgmt. Co. (“PIMCO”)

Lowey Dannenberg served as counsel to certified class representative Richard Hershey in a class action alleging manipulation by PIMCO of the multi-billion dollar market of U.S. 10-Year Treasury Note futures contracts traded on the Chicago Board of Trade (“CBOT”). The case settled in 2011 for \$118,750,000, the **second largest** recovery in the history of the CEA.

CURRENT PROSECUTION OF COMMODITY CLASS ACTIONS

Lowey Dannenberg continues to prosecute, as court appointed lead or co-lead counsel or individual plaintiff’s counsel, the most important and complex commodity manipulation actions since the enactment of the CEA.

Sullivan v. Barclays PLC et al.

Lowey Dannenberg is leading the prosecution against numerous global financial institutions responsible for the setting of the Euro Interbank Offered Rate (“Euribor”), a global reference rate used to benchmark, price and settle over \$200 trillion of financial products. Several Defendants in this litigation, which alleges violations of the CEA, Sherman Act and RICO, have already paid billions in fines to regulators for manipulating Euribor, and defendant Barclays Bank plc has been granted conditional leniency from the DOJ pursuant to ACPERA for alleged anticompetitive conduct relating to Euribor. On December 15, 2015, Judge Castel preliminarily approved a \$94 million settlement with Barclays plc and related Barclays’ entities



New York
 White Plains Plaza
 One North Broadway
 White Plains, NY 10601-2310
 914-997-0500 Telephone
 914-997-0035 Fax
 www.lowey.com

Pennsylvania
 Four Tower Bridge
 200 Barr Harbor Drive, Suite 400
 West Conshohocken, PA 19428-2977
 610-941-2760 Telephone
 610-862-9777 Fax

and appointed Lowey Dannenberg as Co-Class Counsel to the Settlement Class. *See Sullivan v. Barclays plc*, No. 13-cv-2811 (PKC), Order Preliminarily Approving Class Action Settlement and Conditionally Certifying a Settlement Class (ECF No. 234).

Laydon v. Mizuho Bank, Ltd. et al.; Sonterra Capital Master Fund Ltd. et al. v. UBS AG et al.

Lowey Dannenberg serves as court-appointed sole lead counsel in *Laydon v. Mizuho Bank, Ltd. et al.* 12-cv-03419 (S.D.N.Y.) (Daniels, J.) (“*Euroyen*”), a proposed class action against some of the world’s largest financial institutions arising from their intentional and systematic manipulation of the London Interbank Offered Rate for the Japanese Yen and Euroyen TIBOR (the Tokyo Interbank Offered Rate). The case alleges violations of the CEA, the Sherman Act, RICO and common law. Several Defendants named in the Euroyen rate-rigging lawsuit have already pled guilty to criminal charges of price fixing and paid billions in fines to regulators, and defendant UBS AG has been granted conditional leniency from the U.S. Department of Justice (“DOJ”) pursuant to the Antitrust Criminal Penalty Enhancement and Reform Act (“ACPERA”) for alleged anticompetitive conduct relating to the Euroyen market.

Sonterra Capital Master Fund Ltd. v Credit Suisse Group AG et al.

Lowey Dannenberg is court-appointed sole lead counsel against the numerous global financial institutions responsible for the setting of the Swiss Franc LIBOR. The case alleges that the institutions manipulated Swiss Franc LIBOR and Swiss Franc LIBOR-based derivatives prices, in violation of the CEA, Sherman Act and RICO. The case is currently pending before



New York
White Plains Plaza
One North Broadway
White Plains, NY 10601-2310
914-997-0500 Telephone
914-997-0035 Fax
www.lowey.com

Pennsylvania
Four Tower Bridge
200 Barr Harbor Drive, Suite 400
West Conshohocken, PA 19428-2977
610-941-2760 Telephone
610-862-9777 Fax

Judge Sidney H. Stein. *Sonterra Capital Master Fund Ltd. v Credit Suisse Group AG et al.*, Case No. 15-cv-871 (S.D.N.Y.).

Sonterra Capital Master Fund Ltd. v Barclays Bank plc et al.

Lowey Dannenberg is leading the prosecution against the numerous global financial institutions responsible for the setting of Pound Sterling LIBOR, alleging the manipulation of Sterling LIBOR and the prices of Sterling LIBOR-based derivatives, in violation of the CEA, Sherman Act and RICO. The case is currently pending before Judge Vernon S. Broderick. *Sonterra Capital Master Fund Ltd. v Barclays Bank plc et al.*, Case No. 15-cv-3538 (VSB) (S.D.N.Y.).

In re London Silver Fixing Ltd., Antitrust Litig.

Lowey Dannenberg is serving as co-lead counsel on behalf of a class of silver investors, including Commodity Exchange Inc. (“COMEX”) silver futures contracts traders, against the banks that allegedly colluded to fix the London Silver Fix, a global benchmark that impacts the value of more than \$30 billion in silver and silver financial instruments. The case alleges violations of the CEA and antitrust laws. In appointing Lowey Dannenberg, the Court praised Lowey Dannenberg’s experience, approach to developing the complaint, attention to details, and the expert resources that the firm brought to bear on behalf of the class. *See In re London Silver Fixing Ltd., Antitrust Litig.*, Case No. 14-md-2573 (VEC), ECF No. 17 (November 25, 2014) (S.D.N.Y.) (Caproni, J.).

Kraft Wheat Manipulation



New York
White Plains Plaza
One North Broadway
White Plains, NY 10601-2310
914-997-0500 Telephone
914-997-0035 Fax
www.lowey.com

Pennsylvania
Four Tower Bridge
200 Barr Harbor Drive, Suite 400
West Conshohocken, PA 19428-2977
610-941-2760 Telephone
610-862-9777 Fax

Lowey Dannenberg is court-appointed co-lead counsel for a class of wheat futures and options traders pursuing claims against Kraft Foods Group, Inc. and Mondelēz Global LLC alleging Kraft manipulated the prices of Chicago Board of Trade wheat futures and options contracts. The case is currently pending in the Northern District of Illinois before Judge Edmond E. Chang. *Ploss v. Kraft Foods Group, Inc. et al.*, 15-cv-2937 (N.D. Ill.).

Optiver

Lowey Dannenberg serves as co-lead counsel in a proposed class action alleging Optiver US, LLC and other Optiver defendants manipulated NYMEX light sweet crude oil, heating oil and gasoline futures contracts prices in violation of the CEA and antitrust laws. *In re Optiver Commodities Litigation*, Case No. 08 CV 6842 (S.D.N.Y.) (LAP), Pretrial Order No. 1, dated February 11, 2009. The Honorable Loretta A. Preska of the Southern District of New York granted final approval of a \$16.75 million settlement in June 2015.

In re Rough Rice Futures Litigation

Lowey Dannenberg serves as co-lead counsel in a putative class action involving the alleged manipulation of rough rice futures and options traded on the CBOT, in violation of the CEA. *In re Rough Rice Futures Litigation*, Case No. 11-cv-618 (JAN) (N.D. Ill.). Plaintiffs allege that, between at least October 1, 2007 and July 31, 2008, defendants repeatedly exceeded CBOT rough rice position limits for the purpose of manipulating CBOT rough rice futures and option contract prices. The Honorable John W. Darrah of the Northern District of Illinois granted final approval of the settlement in August 2015.

White v. Moore Capital Management, L.P.



New York
White Plains Plaza
One North Broadway
White Plains, NY 10601-2310
914-997-0500 Telephone
914-997-0035 Fax
www.lowey.com

Pennsylvania
Four Tower Bridge
200 Barr Harbor Drive, Suite 400
West Conshohocken, PA 19428-2977
610-941-2760 Telephone
610-862-9777 Fax

Lowey Dannenberg is counsel to a class representative in an action alleging manipulation of NYMEX palladium and platinum futures prices in 2007 and 2008. *White v. Moore Capital Management, L.P.*, Case No. 10 CV 3634 (S.D.N.Y.) (Pauley, J.). A settlement in the amount of \$70 million settlement received final approval in 2015.

In re Crude Oil Commodity Futures Litigation

Lowey Dannenberg is counsel to a proposed class representative and large crude oil trader in a proposed class action involving the alleged manipulation of NYMEX crude oil futures and options contracts. *In re Crude Oil Commodity Futures Litigation*, Case No. 11-cv-03600 (S.D.N.Y.) (Forrest, J.). The Court granted final approval to a \$16.5 million settlement in January 2016.

LOWEY DANNENBERG'S OTHER PRACTICE AREAS

ANTITRUST AND PRESCRIPTION OVERCHARGE LITIGATION

Lowey Dannenberg is the nation's premier litigation firm for health insurers to recover overcharges for prescription drug and other medical products and services. Our skills in this area are recognized by the largest payers for pharmaceuticals in the United States, including Aetna, CIGNA, Humana, and Anthem, Inc. (formerly WellPoint), who consistently retain Lowey Dannenberg, either on an individual or a class basis, to assert claims against pharmaceutical manufacturers for conduct, including monopoly and restraint of trade, resulting in overpriced medication.

In 1998, Lowey Dannenberg filed the first-ever generic delay class action antitrust cases for endpayers (a term reflecting consumers and health insurers). Those cases were centralized by



New York
 White Plains Plaza
 One North Broadway
 White Plains, NY 10601-2310
 914-997-0500 Telephone
 914-997-0035 Fax
 www.lowey.com

Pennsylvania
 Four Tower Bridge
 200 Barr Harbor Drive, Suite 400
 West Conshohocken, PA 19428-2977
 610-941-2760 Telephone
 610-862-9777 Fax

the JPML under the caption *In re Cardizem CD Antitrust Litigation*, MDL No. 1278 (E.D. Mich.).

Lowey Dannenberg serves as the lead class counsel for indirect purchaser endpayers in the following generic delay antitrust class action lawsuits (1) prosecuting motions to certify litigation classes; (2) taking depositions of fact and expert witnesses; and (3) prosecuting and/or defended summary judgment motions:

- *In re Cardizem CD Antitrust Litigation*, MDL No. 1278 (E.D. Mich.). Class certification, 200 F.R.D. 326 (E.D. Mich. 2001), Affirmance of partial summary judgment for plaintiffs, 332 F.3d 896 (6th Cir. 2003), \$80 million class settlement.
- *In re Terazosin Hydrochloride Antitrust Litigation*, MDL No. 1317 (S.D. Fla.). Certification of 17-state litigation class, 220 F.R.D. 672 (S.D. Fla. 2004), Approval of 17-state settlement (after submission of final pretrial order, jury interrogatories and *motions in limine*) for \$28.7 million, 2005 WL 251960 (July 8, 2005).
- *In re Wellbutrin XL Antitrust Litigation*, Civ. No. 08-2433. Certification of 6-state litigation class, 282 F.R.D. 126 (E.D. Pa. 2011), Sustaining class pleading of New York antitrust claims, the first post-*Shady Grove* decision to so hold—756 F. Supp. 2d 670 (E.D. Pa. 2010). Partial settlement for \$11.75 million (unreported). The case continues against the non-settling defendant.

Lowey Dannenberg has prosecuted and won three landmark decisions in favor of third party payer health insurers in prescription drug cases:

- *In re Avandia Marketing Sales Practices and Products Liability Litigation*, 685 F.3d 353 (3d Cir. 2012), *cert. denied, sub nom. GlaxoSmithKline v. Humana Med. Plans, Inc.*, 81 U.S.L.W. 3579 (Apr. 15, 2013) (establishing Medicare Advantage Organization's reimbursement recovery rights under the Medicare Secondary Payer Act).
- *Desiano v. Warner-Lambert*, 326 F.3d 339 (2d Cir. 2003) (establishing the direct (non-subrogation) rights of commercial health insurers to recover overcharges



New York
 White Plains Plaza
 One North Broadway
 White Plains, NY 10601-2310
 914-997-0500 Telephone
 914-997-0035 Fax
 www.lowey.com

Pennsylvania
 Four Tower Bridge
 200 Barr Harbor Drive, Suite 400
 West Conshohocken, PA 19428-2977
 610-941-2760 Telephone
 610-862-9777 Fax

from drug companies for drugs prescribed to their insureds). The case was subsequently settled for a confidential amount for 35 health insurers.

- *In re Neurontin Mktg. & Sales Practices Litigation*, 712 F.3d 51 (1st Cir. 2013) (holding drug manufacturers accountable to health insurers for RICO claims attributable to marketing fraud).

Lowey Dannenberg has defended and won dismissals for health insurers in the following class actions: *Wurtz v. Rawlings Co., LLC*, 933 F. Supp. 2d 480 (E.D.N.Y. 2013); *Meek-Horton v. Trover Solutions*, 910 F. Supp. 2d 690 (S.D.N.Y. 2013); *Potts v. Rawlings Co., LLC*, 897 F. Supp. 2d 185, 2012 (S.D.N.Y. 2012); *Kesselman v. The Rawlings Company, LLC*, 668 F. Supp. 2d 604 (S.D.N.Y. 2009); *Elliot Plaza Pharmacy v. Aetna U.S. Healthcare*, 2009 WL 702837 (N.D. Okla. March 16, 2009); *Main Drug, Inc. v. Aetna U.S. Healthcare*, 475 F.3d 1228 (11th Cir. 2007), *aff'g*, *Main Drug, Inc. v. Aetna U.S. Healthcare*, 455 F. Supp. 2d 1323 (M.D. Ala. 2006) and 455 F. Supp. 2d 1317 (M.D. Ala. 2005); and *Medfusion Rx, LLC v. Humana Health Plan, Inc.*, Case No. CV-08-PWG-0451-S (N.D. Ala.) (2008). We are currently defending the class action lawsuit *Roche, et al. v. Aetna, Inc., et al.*, Civ. 13-1377 (JHR) (D.N.J.).

In 2013, America's Health Insurance Plans, a national association representing the health insurance industry, hired Lowey Dannenberg to represent it before the United States Supreme Court as *amicus curiae* in *FTC v. Actavis, Inc.*, 133 S. Ct. 2223 (2013), concerning how "pay-for-delay" agreements between brand name drug companies and generic companies should be evaluated under federal antitrust law. We also successfully secured the first reported precedent reinvigorating class certification under New York's Donnelly (Antitrust) Act in federal court in the wake of the Supreme Court's *Shady Grove Orthopedic Assocs. v. Allstate Ins. Co.*, 130 S. Ct.



New York
 White Plains Plaza
 One North Broadway
 White Plains, NY 10601-2310
 914-997-0500 Telephone
 914-997-0035 Fax
 www.lowey.com

Pennsylvania
 Four Tower Bridge
 200 Barr Harbor Drive, Suite 400
 West Conshohocken, PA 19428-2977
 610-941-2760 Telephone
 610-862-9777 Fax

1431 (2010) decision. *In re Wellbutrin XL Antitrust Litig.*, 756 F. Supp. 2d 670, 677-80 (E.D. Pa. 2010).

Lowey Dannenberg is also currently prosecuting on behalf of its clients the following cases:

- *In re Nexium (Esomeprazole) Antitrust Litig.*, 12-md-02409-WGY (D. Mass.). Lowey Dannenberg represents 116 individual third party payer health insurers who have opted out of the certified litigation class in *Nexium* and filed separate actions in Pennsylvania state court. *Cariten Insurance Company, et al. v. AstraZeneca AB, et al.*, No. 002106 (Pa. Court of Common Pleas); *Time Insurance Company, et al. v. AstraZeneca AB, et al.*, No. 001903 (Pa. Court of Common Pleas). After being removed, our motions for remand were granted by two separate federal courts. *Time Ins. Co. v. AstraZeneca AB*, 2014 U.S. Dist. LEXIS 140110 (E.D. Pa. Oct. 1, 2014); *Cariten Insurance Company et al v. AstraZeneca AB*, 1:14-cv-13873-WGY, ECF No. 52 (D. Mass. Nov. 20, 2014). These matters are currently in the early stages of litigation.
- *Aggrenox Litigation*, Lowey Dannenberg represents Humana Inc. in a generic delay antitrust case against defendant Boehringer Ingelheim Pharmaceuticals, Inc., the Aggrenox brand manufacturer, and generic manufacturer Barr Pharmaceuticals Inc. (later acquired by Teva Pharmaceuticals), before Judge Underhill in the District of Connecticut, *Humana Inc. v. Boehringer Ingelheim Pharma GmbH & Co. KG, et al.*, No. 3:14-cv-00572 (D. Conn.) (SRU). Class actions on behalf of direct and indirect purchaser plaintiffs are pending in the same multidistrict litigation. *In re Aggrenox Antitrust Litigation*, MDL No. 2516 (D. Conn.) (SRU). The litigation asserts claims under state antitrust law, claiming a \$100 million co-promotion agreement was disguised pay-for-delay, and as a result, Humana has overpaid and continues to overpay for Aggrenox. On March 23, 2015, the Court sustained all but two of Humana's state law antitrust claims. *In re Aggrenox Antitrust Litig.*, 2015 U.S. Dist. LEXIS 35634 (D. Conn. Mar. 23, 2015).
- *Lidoderm Litigation*, Lowey Dannenberg represents Government Employees Health Association ("GEHA") in a generic delay antitrust case pending before Judge Orrick in the Northern District of California, concerning Lidoderm, the brand name for a prescription pain patch for the treatment of after-shingles pain, sold by Endo Pharmaceuticals, Inc., Teikoku Pharma USA, and Teikoku Seiyaku Co., Ltd. *Government Employees Health Association v. Endo Pharmaceuticals, Inc., et al.*, No. 3:14-cv-02180-WHO (N.D. Cal.). Class actions on behalf of direct and indirect purchaser plaintiffs are pending in the same multidistrict litigation. *In re Lidoderm Antitrust Litigation*, MDL No. 2521 (N.D. Cal.). On May 5, 2015, Judge Orrick



New York
White Plains Plaza
One North Broadway
White Plains, NY 10601-2310
914-997-0500 Telephone
914-997-0035 Fax
www.lowey.com

Pennsylvania
Four Tower Bridge
200 Barr Harbor Drive, Suite 400
West Conshohocken, PA 19428-2977
610-941-2760 Telephone
610-862-9777 Fax

granted in part and denied in part defendants' motion to dismiss GEHA's Second Amended Complaint, sustaining GEHA's claims under the laws of 32 states. *In re Lidoderm Antitrust Litig.*, 2015 U.S. Dist. LEXIS 58979 (N.D. Cal. May 5, 2015).

SECURITIES LITIGATION

Our clients' cases have involved financial fraud, auction rate securities, options backdating, Ponzi schemes, challenges to unfair mergers and tender offers, statutory appraisal proceedings, proxy contests and election irregularities, failed corporate governance, stockholder agreement disputes, and customer/brokerage firm arbitration proceedings.

Our investor litigation practice group has recovered billions of dollars in the aggregate. But the value of our accomplishments is measured by more than dollars. We have also achieved landmark, long term corporate governance changes at public companies, including reversing results of elections and returning corporate control to the companies' rightful owners, its stockholders.

Lowey Dannenberg's public pension fund clients include the New York City Pension Funds, the New York State Common Retirement Fund, the Maryland Employees' Retirement System, the Ohio Public Employees' Retirement Plan, and the Commonwealth of Pennsylvania State Employees' Retirement System. Representative institutional investor clients include Federated Investors, Inc., Glickenhau & Co., Millennium Partners LLP, Karpus Investment Management LLP, Amegy Bank, Monster Worldwide Inc., Zebra Technologies, Inc., and Delcath Systems, Inc.

Recent Recoveries

Recent achievements for our securities clients include the following:



New York
 White Plains Plaza
 One North Broadway
 White Plains, NY 10601-2310
 914-997-0500 Telephone
 914-997-0035 Fax
 www.lowey.com

Pennsylvania
 Four Tower Bridge
 200 Barr Harbor Drive, Suite 400
 West Conshohocken, PA 19428-2977
 610-941-2760 Telephone
 610-862-9777 Fax

- *In re Beacon Associates Litigation*, Civ. Act. No. 09-CV-0777 (S.D.N.Y.); *In re J.P. Jeanneret Associates, Inc., et al.*, 09-cv-3907 (S.D.N.Y.). Lowey Dannenberg represented several unions, which served as Lead Plaintiffs, in litigation arising from Bernie Madoff's Ponzi scheme. On March 15, 2013, the Honorable Colleen McMahon of the United States District Court for the Southern District of New York granted final approval of the \$219.9 million settlement of Madoff feeder-fund litigation encompassing the *In re Beacon* and *In re Jeanneret* class actions. Lowey Dannenberg as Liaison Counsel was instrumental in achieving this outstanding result. The settlement covered several additional lawsuits in federal and New York state court against the Settling Defendants, including suits brought by the United States Secretary of Labor and the New York Attorney General. Plaintiffs in these cases asserted claims under the federal securities laws, ERISA and state laws arising out of hundreds of millions of investment losses sustained by unions and other investors in Bernard Madoff feeder funds. The extraordinary recovery represents approximately 70% of investors' losses. This settlement, combined with money the victims are expected to recover from a separate liquidation of Madoff assets, is expected to restore the bulk of the pension funds for the local unions and other class members. In granting final approval, Judge McMahon praised both the result and the lawyering in these coordinated actions, noting that "[i]n the history of the world there has never been such a response to a notice of a class action settlement that I am aware of, certainly, not in my experience," and that "[t]he settlement process really was quite extraordinary." In her written opinion, Judge McMahon stated that "[t]he quality of representation is not questioned here, especially for those attorneys (principally from Lowey Dannenberg) who worked so hard to achieve this creative and, in my experience, unprecedented global settlement." *In re Beacon Associates Litig.*, 09 CIV. 777 CM, 2013 WL 2450960, at *14 (S.D.N.Y. May 9, 2013).
- As lead counsel for the New York City Pension Funds, Lead Plaintiff in *In re Juniper Networks, Inc. Sec. Litig.*, No. C-06-04327 JW (N.D. Cal), in 2010 we achieved a settlement in the amount of \$169.5 million, one of the largest settlements in an options backdating case, after more than three years of hard-fought litigation.
- We successfully challenged a multi-billion-dollar merger between Xerox Corp. and Affiliated Computer Systems ("ACS") which favored Affiliated's CEO at the expense of our client, Federated Investors, and other ACS shareholders. In following expedited proceedings, we achieved a \$69.0 million settlement as well as structural protections in the shareholder vote on the merger. The settlement was approved in 2010. *In re ACS Shareholder Litigation*, Consolidated C.A. No. 4940-VCP (Del. Ch.).



New York
 White Plains Plaza
 One North Broadway
 White Plains, NY 10601-2310
 914-997-0500 Telephone
 914-997-0035 Fax
 www.lowey.com

Pennsylvania
 Four Tower Bridge
 200 Barr Harbor Drive, Suite 400
 West Conshohocken, PA 19428-2977
 610-941-2760 Telephone
 610-862-9777 Fax

- We represented the New York State Common Retirement Fund as Lead Plaintiff in *In re Bayer AG Securities Litigation*, 03 Civ. 1546 (WHP) (S.D.N.Y.), a securities fraud class action, arising from Bayer's marketing and recall of its Baycol drug. Lowey Dannenberg was appointed as lead counsel for the New York State Common Retirement Fund at the inception of merits discovery, following the dismissal of the New York State Common Retirement Fund's former counsel. The class action was settled for \$18.5 million in 2008.
- Lowey Dannenberg's innovative strategy and aggressive prosecution produced an extraordinary recovery in the fall of 2005 for the New York City Pension Funds in the *WorldCom Securities Litigation*, substantially superior to that of any other WorldCom investor in either class or opt-out litigation. Following our advice to opt out of a class action in order to litigate their claims separately, the New York City Pension Funds recovered almost \$79 million, including 100% of their damages resulting from investments in WorldCom bonds. *In re WorldCom Securities Litigation*, Master File No. 02 Civ. 3288 (DLC) (S.D.N.Y.).
- In 2008, Lowey Dannenberg successfully litigated an opt-out case on behalf of our client Federated Investors, Inc., arising out of the *Tyco Securities Litigation*. The client asserted claims unavailable to the class (including a claim for violation of § 18 of the Securities Exchange Act of 1934 and a claim for violations of the New Jersey RICO statute). Pursuit of an opt-out strategy resulted in a recovery of substantially more than the client would have received had it merely remained passive and participated in the class action settlement.
- On March 19, 2007, the United States District Court for the Southern District of New York approved a \$79,750,000 settlement of a class action, in which Lowey Dannenberg acted as Co-Lead Counsel, on behalf of United States investors of Philip Services Corp., a bankrupt Canadian resource recovery company. \$50,500,000 of the settlement was paid by the Canadian accounting firm of Deloitte & Touche, LLP, which Lowey Dannenberg believes is the largest recovery from a Canadian auditing firm in a securities class action, and among the largest obtained from any accounting firm. *In re Philip Services Corp., Securities Litigation*, 98 Civ. 835 (AKH) (S.D.N.Y.) Earlier in the litigation, the United States Court of Appeals for the Second Circuit issued a landmark decision protecting the rights of United States citizens to sue foreign companies who fraudulently sell their securities in the United States. *DiRienzo v. Philip Services Corp.*, 294 F.3d (2d Cir. 2002).



New York
 White Plains Plaza
 One North Broadway
 White Plains, NY 10601-2310
 914-997-0500 Telephone
 914-997-0035 Fax
 www.lowey.com

Pennsylvania
 Four Tower Bridge
 200 Barr Harbor Drive, Suite 400
 West Conshohocken, PA 19428-2977
 610-941-2760 Telephone
 610-862-9777 Fax

- Lowey Dannenberg acted as co-lead counsel for a class of seatholders seeking to enjoin the merger between the New York Stock Exchange (“NYSE”) and Archipelago Holdings, Inc. As a result of the action, the merger terms were revised, providing the seatholders with more than \$250 million in additional consideration. In addition, the NYSE agreed to retain an independent financial adviser to report to the Court as to the fairness of the deal to the NYSE seatholders. Plaintiffs also provided the Court with their expert’s analysis of the new independent financial adviser’s report. Both reports were provided to the seatholders prior to the merger vote. The Court noted that “these competing presentations provide a fair and balanced view of the proposed merger and present the NYSE Seatholders with an opportunity to exercise their own business judgment with eyes wide open. The presentation of such differing viewpoints ensures transparency and complete disclosure.” *In re New York Stock Exchange/Archipelago Merger Litigation*, (N.Y. Sup. Ct. December 5, 2005).
- On September 25, 2006, Lowey Dannenberg helped Laddcap Value Partners win an emergency appeal, reversing a federal district court’s order disqualifying the votes Laddcap had solicited to replace the board of directors of Delcath Systems, Inc. Prior to our involvement in the case, on September 20, 2006, Laddcap, which was Delcath’s largest stockholder, had been enjoined by the district court from submitting stockholder consents it had solicited on the grounds of unproven claimed violations of federal securities law. After losing an injunction proceeding in the district court on September 20, 2006, and with the election scheduled to close on September 25, 2006, Laddcap hired Lowey Dannenberg to prosecute an emergency appeal, which was won on September 25, 2006, the last day of the election period. Shortly thereafter, the case was settled with Laddcap gaining seats on the board, reimbursement of expenses, and other benefits. *Delcath Systems, Inc. v. Laddcap Value Partners*, 2006 WL 27239981 (2d Cir. Sept. 25, 2006).
- Lowey Dannenberg represented Karpus Investment Management in its successful proxy contest and subsequent litigation to prevent the transfer of management by Citigroup to Legg Mason of the Salomon Brothers Municipal Partners Fund. We defeated the Fund’s preliminary injunction action which sought to compel Karpus to vote shares it had solicited by proxy but withheld from voting in order to defeat a quorum and prevent approval of the transfer. *Salomon Brothers Mun. Partners Fund, Inc. v. Thornton*, 410 F. Supp. 2d 330 (S.D.N.Y. 2006).



New York
 White Plains Plaza
 One North Broadway
 White Plains, NY 10601-2310
 914-997-0500 Telephone
 914-997-0035 Fax
 www.lowey.com

Pennsylvania
 Four Tower Bridge
 200 Barr Harbor Drive, Suite 400
 West Conshohocken, PA 19428-2977
 610-941-2760 Telephone
 610-862-9777 Fax

- Lowey Dannenberg represented Glickenhau & Co., a major registered investment advisor and, at the time, the second largest stockholder of Chrysler, in an individual securities lawsuit against DaimlerChrysler AG. Successful implementation of the firm's opt-out strategy led to a recovery for its clients far in excess of that received by other class members. *See In re DaimlerChrysler AG Sec. Litig.*, 197 F. Supp. 2d 42 (D. Del. 2002); *In re DaimlerChrysler AG Sec. Litig.*, Civ. Action 269 F. Supp. 2d 508 (D. Del. 2003).
- Following a three-day bench trial in a statutory appraisal proceeding, the Delaware Chancery Court awarded our clients, an institutional investor and investment advisor, \$30.43 per share plus compounded prejudgment interest, for a transaction in which the public shareholders who did not seek appraisal were cashed out at \$28 per share. *Doft & Co. v. Travelocity.com, Inc.*, No. Civ. A. 19734, 2004 WL 1152338 (May 20, 2004), *modified*, 2004 WL 1366994 (Del. Ch. June 10, 2004).
- In *MMI Investments, LP v. NDCHealth Corp., et al.*, 05 Civ. 4566 (S.D.N.Y.), Lowey Dannenberg filed an individual action on behalf of hedge fund, MMI Investments. The client's complaint asserted claims for violations of the federal securities laws and the common law, including claims not available to the class, most notably a claim for violation of § 18 of the Securities Exchange Act of 1934 and a claim for common law fraud. After aggressively litigating the client's claims, the Firm obtained a substantial settlement, notwithstanding the fact that the class claims were dismissed.
- Lowey Dannenberg, as Co-Lead Counsel on behalf of an institutional investor, obtained an injunction from the Delaware Supreme Court, enjoining a proposed merger between NCS Healthcare, Inc. and Genesis Health Ventures, Inc., which accepted our argument that the NCS board had breached its fiduciary obligations by agreeing to irrevocable merger lock-up provisions. As a result of the injunction, the NCS shareholders were able to obtain the benefit of a competing takeover proposal by Omnicare, Inc. of 300% more than that offered in the enjoined transaction, providing NCS's shareholders with an additional \$99 million. *Omnicare, Inc. v. NCS Healthcare, Inc.*, 818 A.2d 914 (Del. 2003).
- Lowey Dannenberg successfully represented an affiliate of Millennium Partners, a major private investment fund, in litigation in the Delaware Chancery Court that resulted in the voiding of two elections of directors of meVC Draper Fisher Jurvetson Fund 1, Inc., a NYSE-listed closed end mutual fund, on grounds of breach of fiduciary duty, and in a subsequent proxy contest litigation in the United States District Court for the Southern District of New York, that resulted in the replacement of the entire board of directors with Millennium's slate. *meVC Draper Fisher Jurvetson Fund 1, Inc. v. Millennium Partners*, 260 F. Supp. 2d 616 (S.D.N.Y. 2003); *Millenco L.P. v. meVC Draper Fisher Jurvetson Fund 1, Inc.*, 824 A.2d 11 (Del. Ch.



New York
White Plains Plaza
One North Broadway
White Plains, NY 10601-2310
914-997-0500 Telephone
914-997-0035 Fax
www.lowey.com

Pennsylvania
Four Tower Bridge
200 Barr Harbor Drive, Suite 400
West Conshohocken, PA 19428-2977
610-941-2760 Telephone
610-862-9777 Fax

2002).

- In a case in which Lowey Dannenberg acted as Lead Counsel, we obtained a \$27.25 million settlement on behalf of our client the Federated Kaufmann Fund and a class of purchasers of securities of CINAR Corporation. The court found that “the quality of [Lowey Dannenberg’s] representation has been excellent.” *In re CINAR Securities Litigation*, Master File No. 00 CV 1086 (E.D.N.Y., Dec. 2, 2002).
- In proceedings in which Lowey Dannenberg acted as co-counsel to a Bankruptcy Court-appointed Estate Representative, the firm obtained recoveries in a fraudulent conveyance action totaling \$106 million. *In re Reliance Securities Litigation*, MDL 1304 (D. Del. 2002).

LOWEY DANNENBERG’S RECOGNIZED EXPERTISE

The attorneys of Lowey Dannenberg have been repeatedly recognized by the courts as expert practitioners in the field of complex litigation.

For example, on March 15, 2013, the Honorable Colleen McMahon of the United States District Court for the Southern District of New York granted final approval of the \$219 million settlement of Madoff feeder-fund litigation encompassing the *In re Beacon* and *In re Jeanneret* class actions. In a subsequent written decision, with glowing praise, Judge McMahon stated:

- “The quality of representation is not questioned here, especially for those attorneys (principally from Lowey Dannenberg) who worked so hard to achieve this creative and, in my experience, unprecedented global settlement.”
- “I thank everyone for the amazing work that you did in resolving these matters. **Your clients - all of them - have been well served.**”
- “Not a single voice has been raised in opposition to this remarkable settlement, or to the Plan of Allocation that was negotiated by and between the Private Plaintiffs, the NYAG and the DOL.”
- “All formal negotiations were conducted with the assistance of two independent mediators - one to mediate disputes between defendants and the investors and another to mediate claims involving the Bankruptcy Estate. Class Representatives and other plaintiffs



New York
 White Plains Plaza
 One North Broadway
 White Plains, NY 10601-2310
 914-997-0500 Telephone
 914-997-0035 Fax
 www.lowey.com

Pennsylvania
 Four Tower Bridge
 200 Barr Harbor Drive, Suite 400
 West Conshohocken, PA 19428-2977
 610-941-2760 Telephone
 610-862-9777 Fax

were present, in person or by telephone, during the negotiations. The US Department of Labor and the New York State Attorney General participated in the settlement negotiations. **Rarely has there been a more transparent settlement negotiation. It could serve as a prototype for the resolution of securities-related class actions, especially those that are adjunctive to bankruptcies.**”

- **“The proof of the pudding is that an astonishing 98.72% of the Rule 23(b)(3) Class Members who were eligible to file a proof of claim did so (464 out of 470), and only one Class Member opted out [that Class Member was not entitled to recover anything under the Plan of Allocation]. I have never seen this level of response to a class action Notice of Settlement, and I do not expect to see anything like it again.”**

- **“I am not aware of any other Madoff-related case in which counsel have found a way to resolve all private and regulatory claims simultaneously and with the concurrence of the SIPC/Bankruptcy Trustee. Indeed, I am advised by Private Plaintiffs’ Counsel that the Madoff Trustee is challenging settlements reached by the NYAG in other feeder fund cases [Merkin, Fairfield Greenwich] which makes the achievement here all the more impressive.”**

In *Juniper Networks, Inc. Securities Litigation*, the Court, in approving the settlement, acknowledged that “[t]he successful prosecution of the complex claims in this case required the participation of highly skilled and specialized attorneys.” *In re Juniper Networks, Inc.*, C06-04327, Order dated August 31, 2010 (N.D. Cal.). In the *WorldCom Securities Litigation*, the Court repeatedly praised the contributions and efforts of the firm. On November 10, 2004, the Court found that “the Lowey Firm . . . has worked tirelessly to promote harmony and efficiency in this sprawling litigation. . . . [Lowey Dannenberg] has done a superb job in its role as Liaison Counsel, conducting itself with professionalism and efficiency. . . .” *In re WorldCom, Inc. Securities Litigation*, 2004 WL 2549682 (S.D.N.Y. Nov. 10, 2004).

In the *In re Bayer AG Securities Litigation*, 03 Civ. 1546 (S.D.N.Y. Dec. 15, 2008), Judge William H. Pauley III, in his order approving a settlement of \$18.5 million for the class of plaintiffs, noted that the attorneys from Lowey Dannenberg are “nationally recognized complex



New York
White Plains Plaza
One North Broadway
White Plains, NY 10601-2310
914-997-0500 Telephone
914-997-0035 Fax
www.lowey.com

Pennsylvania
Four Tower Bridge
200 Barr Harbor Drive, Suite 400
West Conshohocken, PA 19428-2977
610-941-2760 Telephone
610-862-9777 Fax

class action litigators, particularly in the fields of securities and shareholder representation,” that “provided high-quality representation.” *In re Bayer AG Securities Litigation*, 2008 WL 5336691, at *5 (S.D.N.Y. Dec. 15, 2008).

In the *In re Luminent Mortgage Capital, Inc. Securities Litigation*, No. C07-4073 (N.D. Cal.), Judge Phyllis J. Hamilton noted in the hearing for final approval of settlement and award of attorneys’ fees that “[t]he \$8 million settlement...is excellent, in light of the circumstance.” Judge Hamilton went on to say that “most importantly, the reaction of the class has been exceptional with only two opt-outs and no objections at all received.” *In re Luminent Mortgage Capital, Inc. Securities Litigation*, No. C07-4073-PJH, Hearing on Plaintiff’s Motion for Final Approval of Settlement/Plan of Allocation and for an Award of Attorneys’ Fees and Reimbursement of Expenses, April 29, 2009.

EXHIBIT B



Firm Resume

Antitrust and Competition Litigation

New York 140 Broadway | New York, NY 10005 | 212-907-0700 main | 212-818-0477 fax | www.labaton.com
Delaware 300 Delaware Avenue, Suite 1340 | Wilmington, DE 19801 | 302-573-2540 main | 302-573-2529 fax

Table of Contents

Firm Overview	1
Antitrust and Competition Litigation	2
Experience	2
Notable Successes	3
Ongoing Litigation.....	6
Reputation and Leadership in the Antitrust Bar	8
Court Commendations	8
Awards and Accolades	9
Bar Activities and Appointments.....	9
Thought Leadership.....	10
Community Involvement	11
Firm Commitments	11
Individual Attorney Commitments.....	12
Commitment to Diversity	13
Antitrust Team.....	14

Labaton Sucharow

Firm Overview

In our 50 years of practice, Labaton Sucharow has recovered billions of dollars for investors and consumers

Since its inception, Labaton Sucharow has become a highly revered litigation powerhouse, specializing in securities, M&A and derivative litigation, antitrust and competition, consumer protection, and whistleblower representation. The Firm's victories are drawn straight from the headlines, including historic settlements in litigation against AIG, Massey Energy, Schering-Plough, State Street, and Freeport-McMoRan Copper & Gold Inc.

Antitrust and Competition Litigation

Labaton Sucharow has a well-earned reputation for successfully investigating and litigating complex antitrust class actions. We have led the charge in some of the most significant private antitrust litigation in recent years, including *In re Air Cargo Shipping Services Antitrust Litigation* (more than \$1.2 billion in settlements). We have also been at the forefront in antitrust cases involving complex financial instruments and commodities manipulation, as well as cases of anticompetitive conduct in the healthcare industry, including pay-for-delay cases.

Securities Litigation

As a leader in the securities litigation field, the Firm is a trusted advisor to more than 200 institutional investors with collective assets under management in excess of \$2 trillion. The practice focuses on portfolio monitoring and domestic and international securities litigation for sophisticated institutional investors. Since the passage of the Private Securities Litigation Reform Act of 1995, we have recovered more than \$8 billion in the aggregate. Additionally, we continue to investigate and develop new forms of individual litigation involving complex financial instruments, such as residential mortgage-backed securities. Our success is driven by the Firm's robust infrastructure, which includes one of the largest in-house investigative teams in the plaintiffs bar.

M&A and Derivative Litigation

Our breadth of experience in shareholder advocacy has also taken us to Delaware, where we press for corporate reform through our Wilmington office. These efforts have already earned us a string of enviable successes, including one of the largest derivative settlements ever achieved in the Court of Chancery, a \$153.75 million settlement on behalf of shareholders in *In re Freeport-McMoRan Copper & Gold Inc. Derivative Litigation*.

Whistleblower Representation

Our Whistleblower Representation Practice leverages the Firm's securities litigation expertise to protect and advocate for individuals who report violations of the federal securities laws. Jordan A. Thomas, former Assistant Director and Assistant Chief Litigation Counsel in the Division of Enforcement at the SEC, leads the practice.

"Labaton Sucharow is 'superb' and 'at the top of its game.' The Firm's team of 'hard-working lawyers... push themselves to thoroughly investigate the facts' and conduct 'very diligent research.'"

-The Legal 500

Antitrust and Competition Litigation

Due to our record of success, the Firm is regularly appointed lead or co-lead counsel

Labaton Sucharow's Antitrust and Competition Litigation Practice challenges global anticompetitive conduct and has recovered more than \$2 billion on behalf of consumers injured by antitrust and commodities law violations, including price-fixing, price manipulation, and monopolization. The practice is led by Co-Chairs Gregory Ascioffa and Jay L. Himes, longtime leaders in the antitrust bar with significant government, defense, and trial experience. These diverse and specialized backgrounds speak to the invaluable prosecutorial insight and noteworthy settlements achieved by the Antitrust and Competition Litigation Practice.

The practice secured its leadership in the plaintiffs antitrust bar through pioneering work against monopolists in the pharmaceutical industry in the 1990s. More than two decades later, we continue to break new ground by filing novel cases under federal and state antitrust laws involving pharmaceutical products, as well as antitrust and commodities cases involving complex financial products. Our ability to investigate markets and unearth anticompetitive conduct is unmatched. Regulators have even followed our lead by conducting subsequent government investigations stemming from our cases.

The practice's client base includes pension funds, health and welfare funds, managed care organizations/insurers, municipalities and related quasi-government agencies, small businesses, large corporations, and individual consumers.

Experience

Labaton Sucharow has a distinguished record of success in prosecuting international price-fixing cartels. As co-lead counsel in *In re Air Cargo Shipping Services Antitrust Litigation*, we secured more than \$1.2 billion in recoveries from nearly 40 global airlines for price-fixing air cargo shipping services worldwide. In *In re Automotive Lighting Products Antitrust Litigation*, our antitrust attorneys demonstrated their willingness to litigate a global price-fixing conspiracy involving automotive lighting products all the way to trial. Our unwavering advocacy secured a settlement of more than \$50 million on the eve of trial. The practice also has extensive experience in prosecuting monopoly claims, including conduct involving exclusive dealing, coercive tying, and conditional pricing programs.

Labaton Sucharow is also leading the charge in investigating and filing high-profile price-fixing and manipulation cases involving complex financial derivative products, including U.S. treasury securities, foreign currency exchanges, interest rate swaps, and precious metals such as gold, platinum, and palladium. In the healthcare industry, we are challenging the world's largest pharmaceutical companies for anticompetitive conduct, including entering into agreements to delay the entry of lower cost generic drugs onto the market and engaging in sham litigation and fraud on the U.S. Patent & Trademark Office.

Notable Successes

Labaton Sucharow has achieved many outstanding results on behalf of its clients. Key highlights include:

Antitrust & Commodities Class Actions

- ***In re Air Cargo Shipping Services Antitrust Litigation, MDL No. 1775 (E.D.N.Y.)***
Serves as co-lead counsel and obtained more than \$1.2 billion in settlements, pending court approval, to resolve claims that major airlines participated in a global conspiracy to fix surcharges for air cargo shipping services
- ***In re Credit Default Swaps Antitrust Litigation, No. 13-md-2476 (S.D.N.Y.)***
Served as class counsel and represented class representative Essex Regional Retirement System and a class of direct purchasers of credit default swaps (CDS). Plaintiffs alleged that major CDS dealers conspired to, among other things, prevent the development of an exchange-based CDS trading platform so that they could maintain artificially high bid-ask spreads on their CDS trades with plaintiffs and the class. Plaintiffs secured nearly \$1.9 billion in settlements.
- ***In re Municipal Derivatives Antitrust Litigation, MDL No. 1950, 08-cv-2516 (S.D.N.Y.)***
Served as class counsel and obtained more than \$225 million in settlements from major financial institutions and brokers to resolve claims that they conspired to rig bids for investment contracts solicited by municipalities across the United States.
- ***In re Lorazepam and Clorazepate Antitrust Litigation, No. 99-cv-01082 (D.D.C.)***
Served as co-lead counsel and obtained \$135.4 million in settlements to resolve claims that Mylan Laboratories monopolized the supply of active ingredient for the anti-anxiety drugs Lorazepam and Clorazepate and implemented anticompetitive price increases for those drugs.
- ***In re Natural Gas Commodity Litigation, No. 03-cv-06186 (S.D.N.Y.)***
Served as co-lead counsel and obtained more than \$100 million in settlements to resolve claims that defendants manipulated the price of natural gas futures contracts traded on the New York Mercantile Exchange (NYMEX). The total settlement obtained in this complex litigation was the second largest class action recovery in the 85-year history of the Commodity Exchange Act.
- ***National Metals, Inc. v. Sumitomo Corporation et al., No. GIC 734001 (Cal. Super. Ct., San Diego County)***
Served as class counsel and obtained more than \$90 million in settlements to resolve claims that Sumitomo Corporation participated in a conspiracy to manipulate copper prices on the London Metals Exchange and worldwide in violation of California antitrust law.
- ***In re Buspirone Antitrust Litigation, No. 01-md-01413 (S.D.N.Y.)***
Served as class counsel and obtained a \$90 million settlement to resolve claims that Bristol-Myers Squibb engaged in monopolistic and other anticompetitive conduct in marketing BuSpar, an anti-anxiety drug.
- ***In re Amaranth Natural Gas Commodities Litigation, No. 07-cv-6377 (S.D.N.Y.)***
Served as class counsel and obtained a \$77.1 million settlement to resolve allegations that several energy trading firms and their employees manipulated the prices of NYMEX natural gas futures contracts.
- ***In re TriCor Indirect Purchaser Antitrust Litigation, No. 05-cv-00360 (D. Del)***
Served as co-lead counsel and obtained a \$65.7 million settlement to resolve claims that Abbott Laboratories and Fournier Industrie et Sante engaged in anticompetitive sham litigation to avoid competition on its cholesterol lowering drug, TriCor.

- ***In re Puerto Rican Cabotage Antitrust Litigation, No. 08-md-01960 (D.P.R.)***
Served as co-lead counsel and obtained \$52 million in settlements to resolve claims that defendants participated in a conspiracy to fix the prices of ocean freight services between the continental United States and Puerto Rico.
- ***In re Aftermarket Automotive Lighting Products Antitrust Litigation, No. 09-ml-02007 (C.D. Cal.)***
Served as co-lead counsel and obtained more than \$50 million in settlements to resolve claims that several manufacturers participated in an international conspiracy to fix the prices of aftermarket automotive lighting products.
- ***In re Stock Exchanges Options Trading Antitrust Litigation, No. 99-cv-00962 (S.D.N.Y.)***
Served as class counsel and obtained \$47 million in settlements to resolve claims that defendants participated in a conspiracy to restrict listing of equity options on national exchanges.
- ***In re Warfarin Sodium Antitrust Litigation, Nos. 02-3603, 02-3755, 02-3757, 02-3758 (D. Del.)***
Served as co-lead counsel and obtained \$44.5 million settlement to resolve claims that DuPont engaged in campaign of falsely disparaging its competitors' cheaper generic products for purposes of restraining competition in the warfarin sodium market. Labaton Sucharow successfully defended the settlement on appeal to the Third Circuit.
- ***In re Marine Hose Antitrust Litigation, No. 08-md-1888 (S.D. Fla.)***
Served as co-lead counsel and obtained \$31.7 million settlements to resolve claims that defendants participated in a conspiracy to fix the prices of and allocate markets for marine hose products.
- ***In re Flat Glass Antitrust Litigation (II), No. 08-mc-00180 (W.D. Pa.)***
Served as co-lead counsel and obtained more than \$22 million in settlements to resolve claims that defendants participated in conspiracy to fix the prices of construction flat glass.
- ***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 that defendants participated in a conspiracy to fix the prices of aftermarket automotive filters (oil, air, and fuel).
- ***In re Optiver Commodities Litigation, No. 08-cv-06842 (S.D.N.Y.)***
Served as class counsel and obtained a \$16.7 million settlement to resolve claims that Optiver Holding BV manipulated oil and gasoline futures contracts over a 24-day period in 2007.
- ***In re Abbott Labs Norvir Antitrust Litigation, No. 04-cv-01511 (N.D. Cal.)***
Served as co-lead counsel and obtained a \$10 million settlement to resolve claims that Abbott Laboratories unlawfully raised the price of Norvir, a critical HIV medication that is used in conjunction with other medications, in an attempt to limit competitors in the HIV drug market.
- ***Sandhaus v. Bayer AG, No. 00-cv-6193 (Dist. Ct. of Kansas, Johnson County)***
Served as co-lead counsel and obtained a \$9 million settlement , pending final approval, on behalf of a class of Kansas end-payors. Plaintiff alleged that Bayer agreed to pay generic manufacturers nearly \$400 million to abandon their patent challenge and refrain from launching a cheaper generic version of Cipro until 2003 so that Bayer could maintain supracompetitive prices for Cipro. The settlement is the largest ever for Kansas end-payors in pay-for-delay litigation.

- ***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 sole lead counsel and obtained more than \$5 million in settlements in two related class actions to resolve claims that defendants participated in a conspiracy to fix the prices of various marine products (foam-filled fenders and buoys and plastic marine pilings).

- ***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 calling for significant additional 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.

Ongoing Litigation

Antitrust and Commodities Class Actions

- ***In re Foreign Exchange Benchmark Rates Antitrust Litigation, No. 13-cv-07789 (S.D.N.Y.)***
Serves as class counsel and represents class representative Boston Retirement System and a class of individuals and entities that purchased foreign exchange products whose value was derived by reference to the WM/Reuters rates, a key benchmark in the foreign exchange (FX) market. Plaintiffs allege that major FX dealer banks conspired with each other to manipulate the WM/Reuters rates to enrich themselves at the expense of plaintiffs and the class. To date, the combined settlement amounts to more than \$2 billion. All of those settlements have included cooperation agreements. The court described this case as "extremely complex," involving complicated issues of antitrust law and complex subject matter of FX trading. The case continues against the remaining defendants.
- ***In re Platinum and Palladium Antitrust Litigation, No. 14-cv-9391 (S.D.N.Y.)***
Serves as co-lead counsel and represents a class of individuals and entities who transacted in platinum and palladium and platinum- and palladium-based financial derivative products, whose values were derived by reference to the London Platinum and Palladium Fixings. Plaintiffs allege that the major platinum and palladium dealers conspired to manipulate the prices of platinum and palladium during the London Platinum and Palladium Fixings. Labaton Sucharow conducted its own independent investigation based on non-public information and filed the first case in the nation.
- ***In re Opana ER Antitrust Litigation, No. 14-cv-10150 (N.D. Ill.)***
Serves as co-lead counsel and represents Mary Davenport and a class of end-payors against Endo, Penwest, and Impax. Plaintiffs allege that defendants entered into an unlawful and anticompetitive pay-for-delay agreement for the pain reliever drug, Opana ER.
- ***In re Treasury Securities Auction Antitrust Litigation, No. 15-md-2673 (S.D.N.Y.)***
Serves as class counsel and represents Boston Retirement System and Arkansas Teacher Retirement System. Plaintiffs allege that primary dealers of U.S. Treasury securities manipulated the markets for U.S. Treasuries and Treasuries-linked derivatives.
- ***Boston Retirement System v. Bank of America, N.A., No. 16-cv-3711 (S.D.N.Y.)***
Serves as class counsel and represents Boston Retirement System. Plaintiffs allege that dealer banks and their traders in the market for sub-sovereign, supranational, and agency bonds (SSA bonds) colluded with each other to fix the bid-ask spreads for SSA bonds to investors in the secondary market.
- ***In re Aggrenox Antitrust Litigation, No. 14-md-02516 (D. Conn.)***
Serves as class counsel and represents class representative Pipefitters Union Local No. 537 Health & Welfare Fund and a class of end-payors. Plaintiffs allege that that Boehringer Ingelheim paid generic competitors \$120 million in non-cash consideration to abandon its patent challenge and delay the launch of a cheaper generic Aggrenox product.
- ***In re Lidoderm Antitrust Litigation, No. 14-md-02521 (N.D. Cal.)***
Serves as class counsel and represents class representatives Iron Workers District Council of New England Welfare Fund and Letizia Gallotto and a class of end-payors. Plaintiffs allege that Endo Pharmaceuticals and Teikoku Seiyaku agreed to pay generic competitors over \$100 million in non-cash consideration to not launch a cheaper generic version of Lidoderm.

- ***In re Celebrex (Celecoxib) Antitrust Litigation, No. 14-cv-00395 (E.D. Va.)***
Serves as class counsel and represents class representative International Association of Heat and Frost Insulators and Asbestos Workers Local #6 Health and Welfare Fund and a class of end-payors. Plaintiffs allege that Pfizer fraudulently obtained a reissue patent from the U.S. Patent and Trademark Office and filed sham patent litigation to avoid competition to Pfizer's blockbuster drug anti-inflammatory drug, Celebrex, from incoming cheaper generics.
- ***Alaska Electrical Pension Fund, et al. v. Bank of America, Corp., No. 14-cv-7126 (S.D.N.Y.)***
Serves as class counsel and represents class representative Genesee County Employees' Retirement System and a class of individuals and entities that transacted in any financial instrument whose value was affected by defendants' conspiracy to manipulate ISDAFIX. Plaintiffs allege that major banks conspired to manipulate ISDAFIX, a key benchmark for valuing various interest rate derivatives (including swaps and swaptions), for purposes of enriching themselves at the expense of plaintiffs and the class. Plaintiffs have secured \$324 million in partial settlements to date. The case continues against the remaining defendants.
- ***In re Commodity Exchange, Inc. Gold Futures and Options Trading Litigation, No. 14-md-2548 (S.D.N.Y.)***
Serves as class counsel and represents class representative David Markun and a class of individuals and entities who transacted in gold and gold-based derivatives products, whose value was derived by reference to the London Gold Fixings. Plaintiffs allege that major gold dealers conspired to manipulate the prices of gold during the London Gold Fixings for purposes of enriching themselves at the expense of plaintiffs and the class.
- ***In re Capacitors Antitrust Litigation, No. 14-cv-03264 (N.D. Cal.)***
Serves as class counsel for a class of direct purchasers of aluminum, tantalum, and film capacitors. Plaintiffs allege that major capacitor manufacturers participated in an international conspiracy to fix the prices of aluminum, tantalum, and film capacitors.

Reputation and Leadership in the Antitrust Bar

Court Commendations

Many judges have remarked favorably on the Firm's experience and results achieved in class action litigation.

- "I want to thank you all for your professionalism in this . . . very lengthy and complicated matter . . . I appreciate your cooperation and the manner in which all of the attorneys conducted themselves in this litigation . . . It makes our job much easier when we have fine lawyers representing their clients in a professional manner."
 - Judge Donald L. Graham (granting final approval of partial settlement)
In re Marine Hose Antitrust Litigation, No. 08-md-01888 (S.D. Fla.)
- "I do want to just make the point that the advocacy has really been remarkable both on the papers and in the arguments today – I really appreciate it. It's been a pleasure to hear so many good litigators advocate their positions. So thank you."
 - Judge Viktor V. Pohorelsky (remarking on advocacy at hearing on the defendants' motions to dismiss)
In re Air Cargo Shipping Services Antitrust Litigation, MDL 1775 (E.D.N.Y.)
- "The Labaton firm is very well known to the courts for the excellence of its representation."
 - Judge Jed S. Rakoff (appointing Labaton Sucharow as Lead Counsel)
Middlesex County Retirement System v. Monster Worldwide, Inc., No. 07-cv-2237 (S.D.N.Y.)
- "Let me say that the lawyers in this case have done a stupendous job. They really have."
 - Chief Judge John Koeltl (approving \$90 million settlement with Bristol-Myers Squibb)
In Re Buspirone Antitrust Litigation, MDL No. 1413 (S.D.N.Y.)
- "The class counsel are well-qualified to litigate this type of complex class action, and they showed their effectiveness in the case at bar through the favorable cash settlement they were able to obtain."
 - Chief Judge Sue L. Robinson (approving \$44.5 million cash settlement)
In re Warfarin Sodium Antitrust Litigation, MDL No. 1232 (D. Del.)

Awards and Accolades

Industry publications and peer rankings consistently recognize the Firm as a respected leader in antitrust and securities litigation.

The National Law Journal

Hall of Fame Honoree and Top Plaintiffs' Firm (2006-2016)

Elite Trial Lawyers (2014-2015)

"Definitely at the top of their field on the plaintiffs' side"

Benchmark Litigation

Recognized in Antitrust and Securities Litigation (2012-2016)

"Clearly living up to its stated mission 'reputation matters'...consistently earning mention as a respected litigation-focused firm fighting for the rights of institutional investors"

Chambers & Partners USA

Band 1, top nationwide individual ranking, in Antitrust: Plaintiff (2014-2016)

Jay L. Himes noted as *"an aggressive litigator with a broad knowledge of the law"*

The Legal 500

Recognized in Antitrust (2010-2016)

"Zealous advocate for clients" and "they set the tone of strong advocacy that is balanced with true assessments of the risks that clients face in litigation."

Law360

"Most Feared Plaintiffs" Firm for the third year in a row (2013-2015), Class Action Practice Group of the Year (2012, 2014, and 2015), and Gregory Ascioffa named "Titan" and one of the most admired attorneys of the plaintiffs bar (2014)

"Known for thoroughly investigating claims and conducting due diligence before filing suit, and for fighting defendants tooth and nail in court"

Global Competition Review

Gregory Ascioffa, Jay L. Himes, and Lawrence A. Sucharow recognized as leading competition (U.S. plaintiff) lawyers (2014-2016)

2014 William T. Lifland Award

Jay L. Himes (presented to antitrust practitioners in recognition of their contributions and accomplishments in the field of antitrust)

Thomson Reuters' Super Lawyers

Gregory Ascioffa (2013-2016) and Jay L. Himes (2010-2016) in Antitrust Litigation

Bar Activities and Appointments

Along with their active caseload, Co-Chairs Gregory Ascioffa and Jay L. Himes make substantial contributions to the antitrust bar.

Gregory Ascioffa

- Chairman of the Horizontal Restraints Committee of the New York State Bar Association Antitrust Committee
- Co-Chairman of the Antitrust and Trade Regulation Committee of the New York County Lawyers' Association

- Member of the *Law360* Competition Editorial Advisory Board since 2013

Jay L. Himes

- Antitrust Law Section's delegate to the House of Delegates of the New York State Bar Association
- Co-Chair of the Antitrust Committee of the State Bar's Commercial and Federal Litigation Section
- Appointed and currently serving as the monitoring trustee in Bazaarvoice, Inc.'s compliance with its obligations under the proposed final judgment in the Department of Justice's most recent merger victory after trial—*United States of America v. Bazaarvoice, Inc.*, No. 13-cv-00133.

Thought Leadership

Asciolla and Himes are recognized for their experience and involvement in high-profile cases and frequently sought after by the media, including *The Wall Street Journal*, *Financial Times*, and *Law360* for commentary on global antitrust developments.

They also regularly organize and facilitate panels and lectures discussing the latest developments and trends in antitrust law and frequently publish work in national publications. Recent publications include:

- "A Turning of the Tide: Victim Redress Through Private Antitrust Litigation," *CPI Antitrust Chronicle*, July 18, 2016
- "Creating a Partial Solution to Delayed Generic Competition," *Law360*, June 24, 2016
- "Cash or No Cash — That is No Longer the Question!" *ABA Antitrust Health Care Chronicle*, April 22, 2016
- "Shall We Dance?" — Biologic-Biosimilar Competition Under the Biologics Price Competition and Innovation Act," *CPI Antitrust Chronicle*, December 14, 2015
- "Oil in the Joints or Monkey Wrench in the Gears: Deferred and Non-Prosecution Agreements in Antitrust Cases," *NYLitigator*, November 3, 2014
- "What's Located in Washington, Part of the Government and Rolling in Dough?" *Bloomberg BNA Daily Report for Executives*, March 12, 2014
- "Angels Rush in Where Fools Fear to Tread: State Enforcement Against Patent Trolls," *CPI Antitrust Chronicle*, January 1, 2014
- "When Blue Turns to Grey: Grand Jury Subpoenas for Foreign Documents Produced in Civil Litigation," *NYLitigator*, January 1, 2014

Labaton Sucharow

Community Involvement

As a result of our deep commitment to the community, Labaton Sucharow stands out in areas such as pro bono legal work and public and community service.

Firm Commitments

Brooklyn Law School Securities Arbitration Clinic

Labaton Sucharow partnered with Brooklyn Law School to establish a securities arbitration clinic. The program serves a dual purpose: to assist defrauded individual investors who cannot otherwise afford to pay for legal counsel; and to provide students with real-world experience in securities arbitration and litigation. Partners Mark S. Arisohn and Joel H. Bernstein lead the program as adjunct professors.

Change for Kids

Labaton Sucharow supports Change for Kids (CFK) as a leading sponsor of P.S. 182 in East Harlem. One school at a time, CFK rallies communities to provide a broad range of essential educational opportunities at under-resourced public elementary schools. By creating inspiring learning environments at our partner schools, CFK enables students to discover their unique strengths and develop the confidence to achieve.

The Lawyers' Committee for Civil Rights Under Law

Edward Labaton, Member, Board of Directors

The Firm is a long-time supporter of The Lawyers' Committee for Civil rights Under Law, a nonpartisan, nonprofit organization formed in 1963 at the request of President John F. Kennedy. The Lawyer's Committee involves the private bar in providing legal services to address racial discrimination.

Labaton Sucharow attorneys have contributed on the federal level to United States Supreme Court nominee analyses (analyzing nominees for their views on such topics as ethnic equality, corporate diversity, and gender discrimination) and national voters' rights initiatives.

Sidney Hillman Foundation

Labaton Sucharow supports the Sidney Hillman Foundation. Created in honor of the first President of the Amalgamated Clothing Workers of America, Sidney Hillman, the foundation supports investigative and progressive journalism by its awarding monthly and yearly prizes. Partner Thomas A. Dubbs is frequently invited to present these awards.

Volunteer Lawyers for the Arts (VLA)

Labaton Sucharow supports Volunteer Lawyers for the Arts, working as part of VLA's pro bono team representing low-income artists and nonprofit arts organizations. VLA is the leading provider of educational and legal services, advocacy, and mediation to the arts community.

Individual Attorney Commitments

Labaton Sucharow attorneys have served in a variety of pro bono and community service capacities:

- Pro bono representation of mentally ill tenants facing eviction, appointed as Guardian *ad litem* in several housing court actions.
- Recipient of a Volunteer and Leadership Award from a tenants' advocacy organization for work defending the rights of city residents and preserving their fundamental sense of public safety and home.
- Board Member of the Ovarian Cancer Research Fund – the largest private funding agency of its kind supporting research into a method of early detection and, ultimately, a cure for ovarian cancer.
- Director of the BARKA Foundation, which provides fresh water to villages in Burkina Faso.
- Founder of the Lillian C. Spencer Fund—a charitable organization that provides scholarships to underprivileged American children and emergency dental care to refugee children in Guatemala.

Our attorneys have also contributed to or continue to volunteer with the following charitable organizations, among others:

- | | |
|---|------------------------------------|
| ▪ American Heart Association | ▪ Legal Aid Society |
| ▪ Big Brothers/Big Sisters of New York City | ▪ Mentoring USA |
| ▪ Boys and Girls Club of America | ▪ National Lung Cancer Partnership |
| ▪ Carter Burden Center for the Aging | ▪ National MS Society |
| ▪ City Harvest | ▪ National Parkinson Foundation |
| ▪ City Meals-on-Wheels | ▪ New York Cares |
| ▪ Coalition for the Homeless | ▪ New York Common Pantry |
| ▪ Cycle for Survival | ▪ Peggy Browning Fund |
| ▪ Cystic Fibrosis Foundation | ▪ Sanctuary for Families |
| ▪ Dana Farber Cancer Institute | ▪ Sandy Hook School Support Fund |
| ▪ Food Bank for New York City | ▪ Save the Children |
| ▪ Fresh Air Fund | ▪ Special Olympics |
| ▪ Habitat for Humanity | ▪ Toys for Tots |
| ▪ Lawyers Committee for Civil Rights | ▪ Williams Syndrome Association |

Commitment to Diversity

Recognizing that business does not always offer equal opportunities for advancement and collaboration to women, Labaton Sucharow launched its Women's Networking and Mentoring Initiative in 2007.

The Women's Initiative, led by partner and Executive Committee member Martis Alex, reflects our commitment to the advancement of women professionals. The goal of the Initiative is to bring professional women together to collectively advance women's influence in business. Each event showcases a successful woman role model as a guest speaker. We actively discuss our respective business initiatives and hear the guest speaker's strategies for success. Labaton Sucharow mentors young women inside and outside of the firm and promotes their professional achievements. The Firm also is a member of the National Association of Women Lawyers (NAWL). For more information regarding Labaton Sucharow's Women's Initiative, please visit www.labaton.com/en/about/women/Womens-Initiative.cfm.

Further demonstrating our commitment to diversity in the legal profession and within our Firm, in 2006, we established the Labaton Sucharow Minority Scholarship and Internship. The annual award—a grant and a summer associate position—is presented to a first-year minority student who is enrolled at a metropolitan New York law school and who has demonstrated academic excellence, community commitment, and personal integrity.

Labaton Sucharow has also instituted a diversity internship which brings two Hunter College students to work at the Firm each summer. These interns rotate through various departments, shadowing Firm partners and getting a feel for the inner workings of the Firm.

Labaton Sucharow

Antitrust Team

The attorneys who are involved in the prosecution of antitrust and commodities litigation include former state and federal government enforcers, former in-house counsels, and former members of the defense bar.

The practice is led by Co-Chairs Gregory Ascioffa and Jay L. Himes. Other attorneys that are part of this practice are partners Lawrence A. Sucharow (Chairman of the Firm), Thomas A. Dubbs, Eric J. Belfi, Christopher J. McDonald, and Michael W. Stocker; Of Counsel Garrett J. Bradley and Karin E. Garvey; and associates Robin A. van der Meulen, Matthew J. Perez, and Rudi Julius.

Detailed biographies of the team's qualifications and accomplishments follow.

Labaton Sucharow



Gregory Ascioffa

Partner

email: gasciolla@labaton.com

t: 212-907-0827

f: 212-883-7527

Practice Areas

Antitrust & Competition Litigation

Consumer Protection Litigation

Education

Catholic University of America
J.D., 1993

Boston College
A.B., English and Economics, *cum laude*, 1987

Admissions

1994, New York
1996, District of Columbia

U.S. Court of Appeals

2013, Second Circuit
2013, Third Circuit

U.S. District Court

2007, Southern District of New York
2007, Eastern District of New York

Gregory Ascioffa, Co-Chair of the Firm's Antitrust and Competition Litigation Practice, focuses on representing businesses and public pension funds in complex antitrust and commodities class actions. Currently, Greg represents clients in global antitrust matters involving alleged price-fixing, benchmark and commodities manipulation, pay-for-delay, and other anticompetitive practices, including: *In re Air Cargo Shipping Services Antitrust Litigation*, *In re Credit Default Swaps Antitrust Litigation*, *Sandhaus v. Bayer AG*, *ISDAFIX Price-Fixing Litigation*, *In re Platinum and Palladium Antitrust Litigation*, and U.S. Treasury Securities manipulation cases, *State-Boston Retirement System v. Bank of Nova Scotia* and *Arkansas Teacher Retirement System v. Bank of Nova Scotia*.

Prior to joining Labaton Sucharow, Greg practiced antitrust litigation and counseling on behalf of clients worldwide at Morgan Lewis & Bockius LLP and Schulte Roth & Zabel LLP. He began his career as an attorney at the U.S. Department of Justice's Antitrust Division, where he focused on anticompetitive conduct in the healthcare industry.

Named a leading plaintiffs competition lawyer by *Global Competition Review* and recommended by *The Legal 500* for being "very effective plaintiffs' counsel" and for "always act[ing] with a good degree of professionalism," Greg is often recognized for his experience and involvement in high-profile cases. He is frequently sought after by the media, including *The Wall Street Journal*, *The New York Times*, *Financial Times*, and *Global Competition Review*, for commentary on global antitrust developments. Greg also makes substantial contributions to the antitrust bar. In 2016 he was elected to the Executive Committee of the New York State Bar Association (NYSBA) Antitrust Law Section. He currently serves as the Chairman of the Horizontal Restraints Committee of the NYSBA's Antitrust Committee as well as the Co-Chairman of the Antitrust and Trade Regulation Committee of the New York County Lawyers' Association. Greg regularly organizes and sits on panels and lectures discussing the latest developments and trends in antitrust law and frequently publishes work in national publications such as *The National Law Journal*, *New York Law Journal*, and *Law360*. Additionally, he serves on the *Law360* Competition Editorial Advisory Board.

As a law student at Catholic University, he served as a member of the Catholic University Law Review and was the Co-Founder and Executive Editor of the *CommLaw Conspectus: Journal of Communications Law & Policy*. He also earned a certificate after successfully completing the law school's Comparative and International Law Program.

Greg also represents clients in the arts in several pro bono matters involving art law and intellectual property.

Ongoing Cases

In re Aggrenox Antitrust Litigation

In re Capacitors Antitrust Litigation

In re Celebrex (Celecoxib) Antitrust Litigation

In re Commodity Exchange Inc. Gold Futures and Options Antitrust Litigation (Markun v. Bank of Nova Scotia)

In re Domestic Airline Travel Antitrust Litigation

In re Foreign Exchange Benchmark Rates Antitrust Litigation

In re Generic Digoxin and Doxycycline Antitrust Litigation

ISDAFIX Price-Fixing Litigation (Alaska Electrical Pension Fund v. Bank of America)

In re Lidoderm Antitrust Litigation

In re Liquid Aluminum Sulfate Antitrust Litigation

In re Opana ER Antitrust Litigation

In re Platinum and Palladium Antitrust Litigation (Modern Settings LLC v. BASF Metals Limited)

SSA Bonds Manipulation Action

In re Treasury Securities Auction Antitrust Litigation

Settled | Resolved Cases

In re Aftermarket Filters Antitrust Litigation

In re Air Cargo Shipping Services Antitrust Litigation

In re Credit Default Swaps Antitrust Litigation

In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation

In re Marine Hose Antitrust Litigation

Marine Products Antitrust Litigation

In re Natural Gas Commodity Litigation

In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation

Sandhaus v. Bayer Corp., et al.

Noteworthy

In the News

FX Week, Scott Faces Extradition to U.S. (07/22/2016)

FundFire, Mass. Pension Alleges Price Fixing in Latest Bank 'Scandal' (05/20/2016)

Law360, BofA, Others Accused of Fixing Agency Bond Prices (05/19/2016)

Policy and Regulatory Report (PaRR), Bank of America, Four Other Banks, Five Traders, Named in SSA Bond Antitrust Action (05/19/2016)

Press Release, Labaton Sucharow and Hausfeld File First Nationwide Class Action Alleging Global Conspiracy in \$9 Trillion SSA Bond Market (05/18/2016)

Law360, Second Circuit Aluminum Case Could Help Shape Antitrust Standing (03/18/2016)

Law360, Judge Garland Could Bring Greater Antitrust Focus to High Court (03/17/2016)

Law360, Ruling Signals Non-Cash Deals Won't Evade Actavis (02/23/2016)

Law360, Class Action Practice Group of the Year: Labaton Sucharow (01/08/2016)

FundFire, Pensions Pile into Massive Fixed Income Fraud Suit (12/14/2015)

Financial Times, Investor Lawsuits Pile up Claiming U.S. Treasury Market is Rigged (09/28/2015)

Reuters On the Case with Alison Frankel, For Shareholder Lawyers, Treasury Auction Antitrust Case is Next Big Thing (09/10/2015)

Law360, 1st UK Conviction Gives More Ammunition to Libor Plaintiffs (08/03/2015)

Policy and Regulatory Report (PaRR), U.S. Investors Step Up Benchmark Manipulation Antitrust Actions (07/29/2015)

New York Post, Big Banks Colluded to Rig Treasury Market Auctions: Suit (07/24/2015)

Law360, 3 Key Issues in the Foreign Antitrust Reach Cert. Fight (03/19/2015)

Law360, Nexium Ruling Offers Road Map For Pay-For-Delay Classes (01/23/2015)

Law360, JPML Sends Opana Pay-for-Delay Suits to Illinois (12/12/2014)

Law360, Nexium Verdict No Final Word on Pay-for-Delay (12/08/2014)

Global Competition Review (GCR), Lawsuit Puts Platinum and Palladium Prices Under Antitrust Scrutiny (11/30/2014)

Business Day TV, Banks Under Fire for "FIXING" Platinum Prices (11/26/2014)

The Wall Street Journal (WSJ), Lawsuit Alleges Palladium, Platinum Prices Manipulated (11/26/2014)

The Financial Times, Lawsuit Alleges Manipulation of Precious Metals Benchmark (11/26/2014)

Bloomberg, HSBC, Goldman Rigged Metals Prices for Years, Suit Says (11/26/2014)

Law360, Goldman Hit With More Metal-Rigging Claims (11/25/2014)

Law360, Titan of the Plaintiffs Bar: Gregory Ascioffa (11/14/2014)

FX Week, FX Settlements Strengthen Civil Law Suit in U.S. (11/12/2014)

Law360, 3 Key Holdings from DOJ's 9th Circ. AUO Win (07/11/2014)

FX Week, Traders Could Face Extradition to U.S. in Fixing Lawsuit (07/04/2014)

Global Competition Review (GCR), Global Competition Review's Plaintiffs' Antitrust Bar Survey (06/30/2014)

Global Competition Review (GCR), E-Books Settlement Depends on Apple Appeals (06/17/2014)

Law360, With Goldman, Bain Out, PE Players Pressured to Cut Deals (06/13/2014)

FX Week, FX Benchmark Manipulated More than 25% of the Time, Plaintiffs Say (04/09/2014)

Labaton Sucharow

Gregory Ascioffa
Partner

Law360, 7th Circ. FTAIA Ruling Curtails U.S. Antitrust Reach (04/01/2014)
Financial Times, Fears Over Gold Price Rigging Put Investors on Alert (02/24/2014)
Law360, NY Law Gives Antitrust Immunity to State Health Care System (10/25/2013)
Law360, JPML Centralizes Oil Price-Fixing Suits in NY (10/21/2013)
Law360, AUO Appeal to Test Foreign Reach of U.S. Antitrust Laws (10/17/2013)
Law360, Plaintiffs Attys Say EU Antitrust Litigation Plan Falls Short (06/12/2013)
Law360, EU Oil Price-Fixing Probe Could Rival Libor Scandal (05/21/2013)
Law360, Lawyers Weigh In on Supreme Court's Comcast Ruling (03/27/2013)
Law360, AUO Appeals Let 9th Circ. Revisit Antitrust Precedent (02/05/2013)
Global Competition Review (GCR), Potash Case Brings FTAIA to the Limelight (01/24/2013)
Law360, Marine Equipment Price-Fixing Suits Wind Down with Deals (05/10/2012)
Law360, Marine Equipment Sellers Pay \$5M in Antitrust Actions (07/27/2011)

Digital Library

Australian Broadcasting Network (ABC) – Sunday Extra, Banks on Trial (07/31/2016)
Business Day TV, Banks Under Fire for "FIXING" Platinum Prices (11/26/2014)

Special Mentions

Global Competition Review (GCR), Leading Competition Lawyer - U.S. Plaintiffs (2016)
Law360, Competition Editorial Advisory Board (2010, 2014-2016)
Law360, Named Labaton Sucharow Class Action Practice Group of the Year (2012, 2014-2015)
The Legal 500, Recommended in the Field of Class Action - Antitrust (2014-2016)
Law360, Titan of the Plaintiffs Bar (2014)
Former U.S. Department of Justice Attorney Gregory Ascioffa Elected Partner of Labaton Sucharow (02/20/2013)

Published & Presented

Collyer Bristow, Banking and Financial Disputes Debate (Panelist) (09/19/2016)
Banking Litigation Network, Trends in Class Action Litigation (Speaker) (07/01/2016)
Law360, Creating a Partial Solution to Delayed Generic Competition (06/24/2016)
New York State Bar Association (NYSBA), Watch Out Below! Avoiding Ethical Pitfalls in Class Action Litigation (Moderator) (01/28/2016)
Competition Policy International (CPI) Antitrust Chronicle, Shall We Dance?—Biologic-Biosimilar Competition Under the Biologics Price Competition and Innovation Act (December 2015)

Labaton Sucharow

Gregory Ascioffa
Partner

American Bar Association (ABA), The Promise and Pitfalls of Section 2: Recent Developments (Panelist) (10/27/2015)

New York State Bar Association (NYSBA), The Antitrust Implications of Conditional Sales (Moderator) (11/21/2014)

American Bar Association (ABA), Questioning the Integrity of Financial Benchmarks: Legal Tools and Practical Problems (Panelist) (01/23/2014)

NYLitigator, When Blue Turns to Grey: Grand Jury Subpoenas for Foreign Documents Produced in Civil Litigation (01/01/2014) *Awarded Reader's Vote in the 2015 Antitrust Writing Awards Cross Border category

The National Law Journal (NLJ), Europe Advancing Victims' Rights in Antitrust Actions (08/29/2013)

New York State Bar Association (NYSBA), From Microsoft to Google: What Have We Learned About Antitrust in Technology Platform Markets? (Moderator) (05/30/2013)

New York State Bar Association (NYSBA), The FTAlA After 30 Years: What Does The Recent Potash Decision Mean For The Future? (Moderator) (01/24/2013)

NYSBA State Bar News, Two New Court Rulings Say No Exception In Per Se Rule on International Price-Fixing (12/01/2012)

The National Law Journal (NLJ), Recent Cases on Antitrust Implications of Petitioning Foreign Governments (11/28/2011)

Insights & Analyses, DOJ and FTC Announce New Statement of Enforcement Policy Regarding Accountable Care Organizations (11/14/2011)

Westlaw Journal, Quantifying Antitrust Damages in Private Enforcement Actions Under Europeans Union Competition Law (May 2010)

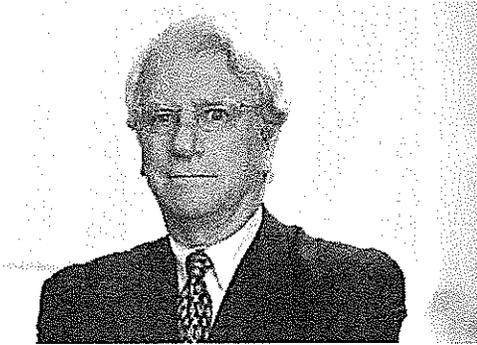
BNA Class Action Litigation, How Courts Analyze Guilty Pleas and Government Investigations When Considering the Plausibility of an Antitrust Conspiracy After Twombly (03/06/2010)

Law360, Iqbal and The Twombly Pleading Standard (06/15/2009)

The New York Law Journal, Analyzing Proper Pleading Standard for Commodity Manipulation Claims (02/10/2009)

ABA Antitrust Counselor, The Advantages of Not Opting Out of Class Action Litigation (February 2008)

Labaton Sucharow



Jay L. Himes
Partner

email: jhimes@labaton.com

t: 212-907-0834

f: 212-883-7501

Practice Areas

Antitrust & Competition Litigation

Consumer Protection Litigation

Education

University of Wisconsin Law School
J.D., *magna cum laude*, 1972

University of Wisconsin
B.A., 1970

Admissions

1974, New York

1982, U.S. Supreme Court

U.S. Court of Appeals

1975, Second Circuit

1982, Ninth Circuit

2001, Sixth Circuit

2001, D.C. Circuit

2010, Fifth Circuit

U.S. District Court

1972, Eastern District of Wisconsin

1972, Western District of Wisconsin

1975, Southern District of New York

1978, Eastern District of New York

Co-Chair of the Firm's Antitrust and Competition Litigation Practice, Jay Himes is experienced in all facets of antitrust and complex litigation generally. With more than 40 years, Jay focuses on representing plaintiffs in price-fixing class action cases and protects businesses from anticompetitive activities.

Jay also serves as the court-appointed trustee in the Department of Justice's 2014 merger victory after trial—*United States of America v. Bazaarvoice, Inc.*—with the responsibility to monitor Bazaarvoice's compliance with its obligations under the final judgment.

Jay is the 2014 recipient of the William T. Liffand Service Award, presented by the Antitrust Section of the New York State Bar Association for distinguished service. *Chambers USA* reports that sources described him as an "aggressive litigator with a broad knowledge of the law," and *The Legal 500's* sources called him "a very solid and highly experienced antitrust lawyer."

A regular speaker at conferences focusing on such subjects as antitrust, class actions, international arbitration, and data protection, Jay has authored many conference papers and published articles. He has lectured annually on U.S. cartel enforcement at the Zurich University of Applied Science's international competition and compliance programs offered to foreign competition law officials and practitioners in Geneva. He also has presented at panels in Hanoi, Krakow, Lisbon, Sao Paolo, Vienna, and Zurich, as well as in the United States.

Prior to joining Labaton Sucharow, Jay served for nearly eight years as the Antitrust Bureau Chief in the New York Attorney General's office. In that role, he served as the States' principal representative in the marathon 2001 negotiations that led to settlement of the governments' landmark monopolization case against Microsoft. Thereafter, Jay partnered with US DOJ officials to lead the Microsoft judgment monitoring and enforcement effort, activity that continued throughout his time at the Attorney General's office.

During his tenure as New York's chief antitrust official, Jay also led significant, high-profile antitrust investigations and enforcement actions. These cases included: *In re Buspirone Antitrust Litigation* (\$100 million settlement); *In re Cardizem CD Antitrust Litigation* (\$80 million settlement); and *In re Compact Disc Antitrust Litigation* (\$67 million settlement). Under Jay's leadership, the New York Bureau secured the two largest antitrust civil penalties recoveries ever achieved under the State's antitrust statute.

Prior to serving in the Attorney General's office, Jay practiced complex litigation for 25 years at Paul, Weiss, Rifkind, Wharton & Garrison LLP. There, he represented the 12 Federal Reserve Banks as plaintiffs in a price-fixing case against the nation's leading

Labaton Sucharow

Jay L. Himes
Partner

armored car companies, and defended a Revlon healthcare company in a series of price-fixing cases that spanned nearly a decade. Additionally, Jay handled a wide range of litigation, including securities class actions as well as contract, construction, constitutional, entertainment, environmental, real property, and tax litigation. Active in pro bono matters, Jay worked with the New York Civil Liberties Union, NAACP, and National Coalition for the Homeless, while also representing inmate and immigration asylum clients.

Jay is a member of the U.S. Advisory Board of the Loyola University Chicago School of Law's Institute of Consumer Antitrust Studies, the advisory board of the Bloomberg Law's *Antitrust & Trade Regulation Reporter*, and the editorial advisory group of the *Antitrust Chronicle*.

Jay serves as the Antitrust Section's delegate to the House of Delegates of the New York State Bar Association (NYSBA). He is also the past chair of the Antitrust Section of the NYSBA and currently co-chairs the antitrust committees of both the State Bar's Commercial and Federal Litigation Section and its International Section. Jay also serves as the secretary of NYSBA's International Section. Jay is also a member of antitrust, litigation, and intellectual property groups in the American Bar Association.

Jay graduated from the University of Wisconsin Law School, where he served as the Articles Editor of the *Wisconsin Law Review*. Following law school, he pursued independent study at the University of Oxford in England.

Ongoing Cases

In re Generic Digoxin and Doxycycline Antitrust Litigation

In re Liquid Aluminum Sulfate Antitrust Litigation

In re Opana ER Antitrust Litigation

In re Platinum and Palladium Antitrust Litigation (Modern Settings LLC v. BASF Metals Limited)

In re Pool Products Distribution Market Antitrust Litigation

SSA Bonds Manipulation Action

In re Treasury Securities Auction Antitrust Litigation

Settled | Resolved Cases

In re Aftermarket Automotive Lighting Products Antitrust Litigation

In re Air Cargo Shipping Services Antitrust Litigation

In re Flat Glass II Antitrust Litigation

In re Municipal Derivatives Antitrust Litigation

Noteworthy

In the News

Policy and Regulatory Report (PaRR), Banks Claim U.S. *Libor* Decision Supports Dismissal of Gold and Silver Benchmark Cases (06/26/2016)

Policy and Regulatory Report (PaRR), U.S. Second Circuit Revives Dismissed *Libor* Antitrust Claims for Litigation (05/23/2016)

Law360, DOJ Eyes Labaton Atty to Oversee \$168M Bazaarvoice Merger (06/30/2014)

Pool & Spa News, Manufacturer Settles in Antitrust Case (06/27/2014)

Competition Policy International (CPI), Interview Regarding Apple eBook Price-Fixing Verdict (07/10/2013)

CBSsports.com, Talks Resume; Is There Time? (11/23/2011)

Law360, Class Action In Flat Glass Antitrust MDL Can Proceed (02/11/2009)

Digital Library

The Capitol Forum, Antitrust Interview Series (05/01/2015)

Special Mentions

Global Competition Review (GCR), Leading Competition Lawyer – U.S. Plaintiff (2016)

Chambers & Partners USA, Plaintiffs' Antitrust Leading Individual (2014-2016)

The Legal 500, Recommended in the Field of Class Action – Antitrust (2010, 2012-2016)

Department of Justice, Labaton Sucharow Partner Jay L. Himes Selected to Oversee Antitrust Action (07/01/2014)

New York State Bar Association (NYSBA) Antitrust Section, 2014 William T. Liffand Award (01/30/2014)

Who's Who Legal, The International Who's Who of Competition Lawyers & Economists 2014 (03/01/2014)

Who's Who Legal, The International Who's Who of Business Lawyers 2014 (03/01/2014)

New York State Bar Association (NYSBA) Antitrust Section, Elected Chair (01/28/2011)

Published & Presented

NY Litigator, Antitrust Plays Whack-A-Mole As Exclusion of Competition by Drug Monopolists Pops Up Again: Gaming the "REMS" (Forthcoming)

New York State Bar Association (NYSBA) International Section, Developments in Victim Recovery Litigation (10/20/2016)

Zurich University of Applied Sciences, International Competition Law and Compliance Certificate Program (Lecturer) (07/08/2016)

New York State Bar Association (NYSBA) Commercial and Federal Litigation Spring

Labaton Sucharow

Jay L. Himes
Partner

Meeting, Commercial and Federal Litigation, On Higher Ground? Baseball's Antitrust Exemption (Moderator) (05/13/2016)

New York State Bar Association (NYSBA) International Section, European Regional Meeting 2016, Current Developments: International Commercial Arbitration (Co-Chair and Speaker) (04/07/2016)

NYLitigator, Whistle While You Work – For a Cartelist: Whistleblower Protection and Antitrust (Fall 2015)

International Law Practicum, I'm Never Too Far Away: Extradition of Non-U.S. Nationals Charged with Price-Fixing (Autumn 2015)

New York State Bar Association (NYSBA) Antitrust Section Horizontal Restraints Committee, Catch as Catch Can: Extradition of Cartel Members (Panelist) (11/04/2015)

New York State Bar Association (NYSBA) International Section, Seasonal Meeting 2015 (Chair and Speaker) (10/14/2015)

Zurich University of Applied Sciences, International Competition Law and Compliance Certificate Program (Lecturer) (07/10/15)

New York State Bar Association (NYSBA) International Section, European Conference 2015 (Co-Chair and Speaker) (03/12-13/2015)

New York State Bar Association (NYSBA) Antitrust Section Annual Meeting, New Wine in Old Wineskins or Old Wine in New Wineskins? 100+ Years of Antitrust (Panel Moderator) (01/29/2015)

NYLitigator, Oil in the Joints or Monkey Wrench in the Gears: Deferred and Non-Prosecution Agreements in Antitrust Cases (Fall 2014)

New York State Bar Association (NYSBA) International Section, Seasonal Meeting 2014, Class Action and Collective Action In Arbitration & Litigation (Panel Co-Chair) (10/15/2014)

Zurich University of Applied Sciences, International Competition Law and Compliance Certificate Program (Lecturer) (07/04/2014)

New York State Bar Association (NYSBA) Antitrust Section, Nowhere to Hide: Perspectives on Global Cartel Enforcement From the Japanese, Korean, and U.S. Antitrust Authorities and Practitioners (Moderator) (06/05/2014)

Bloomberg BNA Daily Report for Executives, What's Located in Washington, Part of the Government and Rolling in Dough? (03/12/2014)

New York University School of Law, American Association of Law Schools – Antitrust, and the Section of Antitrust Law of the ABA, Next Generation of Antitrust Scholarship – Antitrust Limits (Speaker) (01/17/14)

Competition Policy International (CPI) Antitrust Chronicle, Angels Rush in Where Fools Fear to Tread: State Enforcement Against Patent Trolls (01/01/2014)

NYLitigator, When Blue Turns to Grey: Grand Jury Subpoenas for Foreign Documents Produced in Civil Litigation (01/01/2014)

European Competition Journal, Two Bodies of Law Separated by a Common Mission: Unilateral Conduct by Dominant Firms at the IP/Antitrust Intersection in the EU and the US (December 2013)

New York State Bar Association (NYSBA) Antitrust Section, Antitrust Basics: An Introduction for New Attorneys (Panelist) (11/14/2013)

New York State Bar Association (NYSBA) International Section, Seasonal Meeting 2013, "Antitrust Enforcement Against International Cartels" (Speaker) (10/25/2013)

Concurrent Antitrust Criminal and Civil Proceedings: Identifying Problems and Planning for Success (Co-Editor) (07/24/2013)

Center for Competition and Commercial Law of the ZHAW School of Management, Certificate of Advanced Studies International Competition Law and Compliance Program (Lecturer) (07/03/2013)

New York State Bar Association (NYSBA) Antitrust Section, Antitrust in Hi-Tech Markets - Intervention or Restraint? (Speaker) (12/07/2012)

Bloomberg BNA, An Ounce of Prevention...: The Preservation Subpoena ('Subpoena Conservo') to Non-Parties as a Litigation Tool (11/22/2012)

New York State Bar Association (NYSBA) International Section, Seasonal Conference 2012, Where is the Love...We Can Work It Out. IP/Competition Law/Dominant Firms (Speaker) (10/12/2012)

American Bar Association (ABA), Section on Antitrust Law, State Enforcement, Agriculture and Food, and Exemptions and Immunities Committee, The Capper Volstead Exemptions in an Era of Supply Management and Vertical Integration (Speaker) (09/25/2012)

The Federal Bar Council and Antitrust Section of the New York State Bar Association, Antitrust Conspiracies, Class Actions, and Refusals to Deal: Parallels, Signals, Plus Factors and Agreements (Speaker) (06/04/2012)

Loyola University Chicago School of Law, Institute of Consumer Antitrust Studies 12th Annual Loyola Antitrust Colloquium (Speaker) (04/27/2012)

Competition Policy International (CPI) Antitrust Chronicle, New Toys For Old Games: eBooks – iTroubles (06/01/2012)

Antitrust Connect Blog, I Can't Make You Love Me If You Won't: Capper-Volstead Jilted by Sherman One (02/14/2012)

New York City Bar Association (NYSBA), Moot Court Competition Judge (02/01/2012)

New York State Bar Association (NYSBA) Antitrust Section, Annual Meeting Program (Program Chair) (01/26/2012)

New York State Bar Association (NYSBA) Entertainment, Arts, and Sports Law Section, New Models of Publishing: E-Books, Apps, Self-Publishing, and Other Challenges (Speaker) (01/23/2012)

New York University Law School and the ABA Next Generation of Antitrust Scholars Program (Speaker) (01/20/2012)

Bloomberg BNA Antitrust Trade & Regulation Report, No Rest(titution) For The Weary: Crime Victims and Treble Damages in Antitrust Cases (11/18/2011)

State Bar of Michigan, Annual Meeting: Corporate Leniency in an Era of Increased Antitrust Enforcement (Panelist) (09/16/2011)

Competition Policy International (CPI) Antitrust Chronicle, Duking It Out in Antitrust Price-Fixing: Class Actions After Dukes (08/01/2011)

New York State Bar Association (NYSBA), Annual Meeting (Program Chair), (01/27/2011)

Ohio State Bar Association (OSBA), 2nd Annual Great Lakes Antitrust Institute: Resale Price Maintenance - In Search of Certainty (Panelist) (10/29/2010)

American Bar Association (ABA) and New York State Bar Association (NYSBA), New York's Donnelly Act: Another Tool in the Chest? (Webinar Speaker) (07/22/2010)

Labaton Sucharow

Jay L. Himes
Partner

Competition Policy International (CPI) Antitrust Journal, *The Duchesses Come Out Swinging in Dukes: Restoring the Balance in Class Certification* (August 2010)

Competition Policy International (CPI) Antitrust Journal, *Just What the Doctor Ordered: A Second Opinion for Vertical Price-Fixing* (January 2010)

New York State Bar Association (NYSBA), *When Worlds Collide: Current Issues Affecting Parallel Public and Private Litigation* (01/28/2010)

Global Competition Policy (GCP), *It Ain't Funny How Time Slips Away: Amnesty Recipient Cooperation in Civil Antitrust Litigation* (August 2009)

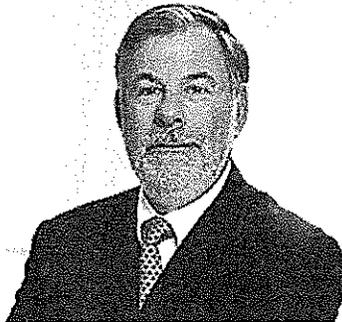
Bloomberg BNA Antitrust & Trade Regulation, *Monopoly Is What Happens While You're Busy Making Speeches: Change We Can Believe In Comes To The Antitrust Division* (06/12/2009)

Bloomberg BNA Class Action Litigation, *The Class Action Fairness Act: A Wolf in Wolves' Clothing* (05/08/2009)

NYLitigator, *Antitrust Looms Large in the Supreme Court's Past Term* (06/01/2008)

The materials appearing on this website are provided for informational purposes only and do not constitute legal advice. You should not take action based upon this information without consulting legal counsel. This site is not intended to create an attorney-client relationship. The hiring of a lawyer is an important decision that should not be based solely upon any single source of information, including advertising on this website. You may ask us to send you further information about us, and we urge you to review other sources of information about us.

Labaton Sucharow



Lawrence A. Sucharow

Chairman

email: lsucharow@labaton.com

t: 212-907-0860

f: 212-883-7060

Practice Areas

Securities Litigation

Antitrust & Competition Litigation

Financial Products & Services Litigation

Corporate Governance & Shareholder Rights Litigation

Mergers & Acquisitions Litigation

Derivative Litigation

REITs & Limited Partnerships Litigation

Client Monitoring & Case Evaluation

Consumer Protection Litigation

Education

Brooklyn Law School
J.D., *cum laude*, 1975

Baruch School of the City College of the City
University of New York
B.B.A., *cum laude*, 1971

Admissions

1976, New York
1980, New Jersey
2011, Arizona

2003, U.S. Supreme Court

U.S. Court of Appeals
1983, Second Circuit

U.S. District Court
1976, Southern District of New York
1976, Eastern District of New York
1980, District of New Jersey

With nearly four decades of experience, the Firm's Chairman, Lawrence A. Sucharow is an internationally recognized trial lawyer and a leader of the class action bar. Under his guidance, the Firm has earned its position as one of the top plaintiffs securities and antitrust class action firms in the world. As Chairman, Larry focuses on counseling the Firm's large institutional clients, developing creative and compelling strategies to advance and protect clients' interests, and the prosecution and resolution of many of the Firm's leading cases.

Over the course of his career, Larry has prosecuted hundreds of cases and the Firm has recovered billions in groundbreaking securities, antitrust, business transaction, product liability, and other class actions. In fact, a landmark case tried in 2002—*In re Real Estate Associates Limited Partnership Litigation*—was the very first securities action successfully tried to a jury verdict following the enactment of the Private Securities Litigation Reform Act (PSLRA). Experience such as this has made Larry uniquely qualified to evaluate and successfully prosecute class actions.

Other representative matters include: *Arkansas Teacher Retirement System v. State Street Corporation* (\$300 million settlement); *In re CNL Resorts, Inc. Securities Litigation* (\$225 million settlement); *In re Paine Webber Incorporated Limited Partnerships Litigation* (\$200 million settlement); *In re Prudential Securities Incorporated Limited Partnerships Litigation* (\$110 million partial settlement); *In re Prudential Bache Energy Income Partnerships Securities Litigation* (\$91 million settlement); and *Shea v. New York Life Insurance Company* (over \$92 million settlement).

Larry's consumer protection experience includes leading the national litigation against the tobacco companies in *Castano v. American Tobacco Co.*, as well as litigating *In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation*. Currently, he plays a key role in *In re Takata Airbag Products Liability Litigation* and a nationwide consumer class action against Volkswagen Group of America, Inc., arising out of the wide-scale fraud concerning Volkswagen's "Clean Diesel" vehicles. Larry further conceptualized the establishment of two Dutch foundations, or "Stichtingen" to pursue settlement of claims against Volkswagen on behalf of injured car owners and investors in Europe.

In recognition of his career accomplishments and standing in the securities bar, Larry was selected by *Law360* as one of the 10 Most Admired Securities Attorneys in the United States and as a Titan of the Plaintiffs Bar. Further, he is one of a small handful of plaintiffs' securities lawyers in the United States independently selected by each of *Chambers & Partners USA*, *The Legal 500*, *Benchmark Litigation*, and *Lawdragon* for their respective highest rankings. Referred to as a "legend" by his peers in *Benchmark Litigation*, *Chambers* describes him as an "immensely respected plaintiff advocate"

Labaton Sucharow

Lawrence A. Sucharow
Chairman

and a "renowned figure in the securities plaintiff world...[that] has handled some of the most high-profile litigation in this field." According to *The Legal 500*, clients characterize Larry as "a strong and passionate advocate with a desire to win." In addition, Brooklyn Law School honored Larry with the 2012 Alumni of the Year Award for his notable achievements in the field.

Larry has served a two-year term as President of the National Association of Shareholder and Consumer Attorneys, a membership organization of approximately 100 law firms that practice complex civil litigation including class actions. A longtime supporter of the Federal Bar Council, Larry serves as a trustee of the Federal Bar Council Foundation. He is a member of the Federal Bar Council's Committee on Second Circuit Courts, and the Federal Courts Committee of the New York County Lawyers' Association. He is also a member of the Securities Law Committee of the New Jersey State Bar Association and was the Founding Chairman of the Class Action Committee of the Commercial and Federal Litigation Section of the New York State Bar Association, a position he held from 1988-1994. In addition, Larry serves on the Advocacy Committee of the World Federation of Investors Corporation, a worldwide umbrella organization of national shareholder associations. In May 2013, Larry was elected Vice Chair of the International Financial Litigation Network, a network of law firms from 15 countries seeking international solutions to cross-border financial problems.

Ongoing Cases

Stichting Volkswagen Investors Claim

In re Takata Airbag Products Liability Litigation

Volkswagen Consumer Class Action

Settled | Resolved Cases

Arkansas Teacher Retirement System v. State Street Corp.

In re CNL Hotels & Resorts, Inc. Securities Litigation

In re Empire State Realty Trust, Inc. Investor Litigation

In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation

In re Prudential Bache Energy Income Partnerships

In re Prudential Securities Incorporated Limited Partnerships Litigation

In re Real Estate Associates Limited Partnership Litigation

Noteworthy

In the News

Law360, State Street to Pay \$530M in Foreign Exchange Fee Deal (07/26/2016)

Press Release, Labaton Sucharow Recovers \$300 Million from State Street in connection with FX Trades (07/26/2016)

Press Release, With Speedy Resolution Underway for U.S. Car Owners, Labaton Sucharow Invites VW to Resolve Same Issues in Own Backyard (04/22/2016)

Labaton Sucharow

Lawrence A. Sucharow
Chairman

Press Release, Oldest and Largest German Association for Private Investors Joins Stichting Volkswagen Investors Claims (03/14/2016)

Reuters, Can U.S. law firms push VW into investor settlement in Holland? (02/19/2016)

Reuters, U.S. Law Firms are Betting on Control of VW Litigation Overseas (12/2/2015)

Law360, Ford, Automakers Ask JPML to Move Air Bag Suits to Pa. (12/01/2014)

Law360, Most Feared Plaintiffs Firm: Labaton Sucharow (11/10/2014)

The National Law Journal (NLJ), Plaintiffs Move to Combine Airbag Cases in Florida (11/10/2014)

Law360, Titan of the Plaintiffs Bar: Lawrence Sucharow (11/05/2014)

Bloomberg News, Takata Airbag Customers Seek Joining of Lost-Value Suits (11/04/2014)

Law360, Car Owners Want Takata Air Bag Defect Suits Consolidated (11/04/2014)

Law360, Takata, Carmakers Face 1st Round of Exploding Air Bag Suits (10/28/2014)

Pensions & Investments (P&I), Precedent is Upheld on Class Action Lawsuits that are Spurred by Stock Losses (07/07/2014)

Law360, Analysis of the U.S. Supreme Court Ruling in *Halliburton v. Erica P. John Fund* (06/25/2014)

The Wall Street Journal (WSJ), The Morning Risk Report: The Big Securities-Fraud Ruling That Wasn't (06/24/2014)

Reuters - Alison Frankel's On the Case, SCOTUS Halliburton Ruling Could Backfire for Securities Defendants (06/23/2014)

AmLaw Litigation Daily, Securities Lawyers Dodge a Bullet with Halliburton Ruling (06/23/2014)

The National Law Journal (NLJ), Halliburton Ruling Aids Both Sides in Securities Litigation (06/23/2014)

Law360, High Court Sends Securities Class Actions Back to Basic(s) (06/23/2014)

The Recorder, After Shake Ups, Securities Bar is a Different Landscape (06/15/2014)

Pensions & Investments (P&I), Supreme Court to Revisit Investor Class Actions (11/18/2013)

Lawdragon, The Lawdragon 500 Lawyer Limelight: Lawrence Sucharow (04/08/2013)

Law360, REIT Shareholders Frustrated As Exec Pay Surpasses Returns (05/31/2012)

Reuters, Empire State Building IPO Could Bring Big Tax Bill (04/09/2012)

BLS Law Notes, Pay It Forward - Giving Back Paves the Road to the Future (11/01/2011)

Law360, 7 Tips for Maximizing Your Time Before the JPML (09/21/2010)

Law360, Cos. Turn to Plaintiffs Firms to Meet Litigation Needs (02/01/2010)

The National Law Journal (NLJ), Plaintiffs' Firm Unite on Shareholder Rights (08/31/2009)

The Wall Street Journal (WSJ), Unusually Structured REIT Got Bid, Now Firm Founder is Being Sued (07/20/2007)

Legal Week, U.S. Class Action Specialists Target U.K. Clients as Market Activity Intensifies (07/12/2007)

Labaton Sucharow

Lawrence A. Sucharow
Chairman

Digital Library

Law360, Analysis of the U.S. Supreme Court Ruling in Halliburton v. Erica P. John Fund (06/25/2014)

Wallstrip Chat, Relationship Between Corporations and Their Shareholders (02/09/2007)

Special Mentions

Global Competition Review (GCR), Leading Competition Lawyer - U.S. Plaintiffs (2016)

The Legal 500, Recommended in the Field of Securities Litigation (2007, 2009-2016)

Chambers & Partners USA, Plaintiffs' Securities Litigation Senior Statesman (2013-2016);
Leading Individual (2010-2012)

Brooklyn Law School, Alumni Committed to Employing Students (ACES) Honor Roll,
Platinum Participant (2015)

Law360, Titan of the Plaintiffs Bar (2014)

Benchmark Litigation, Antitrust, Products Liability, and Securities Litigation Star (2012-2015)

Who's Who Legal, The International Who's Who of Competition Lawyers & Economists 2014 (2014)

International Financial Litigation Network (IFLN), Lawrence A. Sucharow Elected Vice Chair (2013)

Lawdragon, Named One of the Leading Lawyers in America (2012)

World Federation of Investors, Lawrence A. Sucharow Appointed to the Advocacy Committee (2012)

Brooklyn Law School, Alumni of the Year (2012)

Law360, Most Admired Attorneys in America Series (2010)

The National Law Journal (NLJ), Plaintiffs' Hot List: Noteworthy Cases (2008)

Published & Presented

National Day of Social Security and Labor, American Pension Funds: General Characteristics, Investment Types, and Forms of Protection (Speaker) (05/14/2015)

American Association for Justice's Takata Airbag Recall Seminar, Next Steps (Speaker) (12/11/2014)

Axis Insurance and Kaufman Dolowich & Voluck, How will the Supreme Court's ruling on "fraud-on-the-market" presumption impact securities class action litigation? (Panelist) (06/26/2014)

International Financial Litigation Network (IFLN), Spring Meeting (Panelist) (05/12/2014 - 05/13/2014)

Responsible-Investor.com and ACI, National Summit of Fiduciary Responsibility (Speaker) (06/10/2011)

Labaton Sucharow

Lawrence A. Sucharow
Chairman

Bloomberg BNA, Class Action Litigation How Courts Analyze Guilty Pleas and Government Investigations When Considering the Plausibility of an Antitrust Conspiracy After Twombly (03/06/2010)

Securities Regulation & Law, Death of the Worldwide Class? (06/22/2009)

Pensions & Investments (P&I), Schapiro Takes Right Path on Market Reform (06/01/2009)

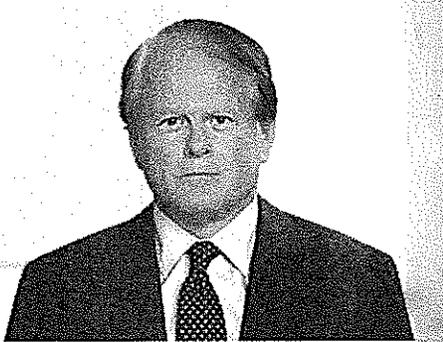
Brooklyn Law School, Dean's Roundtable Discussion (Host) (10/01/2008)

New York Law Journal, Executive Compensation (03/20/2008)

IPE Class Actions & Pensions, FIFO vs LIFO (05/01/2006)

The materials appearing on this website are provided for informational purposes only and do not constitute legal advice. You should not take action based upon this information without consulting legal counsel. This site is not intended to create an attorney-client relationship. The hiring of a lawyer is an important decision that should not be based solely upon any single source of information, including advertising on this website. You may ask us to send you further information about us, and we urge you to review other sources of information about us.

Labaton Sucharow



Thomas A. Dubbs

Partner

email: tdubbs@labaton.com

t: 212-907-0871

f: 212-883-7071

Practice Areas

Securities Litigation

Non-U.S. Securities Litigation

Client Monitoring & Case Evaluation

Antitrust & Competition Litigation

Education

University of Wisconsin-Madison
J.D., 1974

Fletcher School of Law and Diplomacy, Tufts
University
M.A., 1971

University of Wisconsin-Madison
B.A., 1969

Admissions

1976, New York

2010, U.S. Supreme Court

U.S. Court of Appeals

1976, Second Circuit

2004, Third Circuit

2007, Ninth Circuit

2002, Eleventh Circuit

U.S. District Court

1985, Southern District of New York

Thomas A. Dubbs focuses on the representation of institutional investors in domestic and multinational securities cases. Recognized as a leading securities class action attorney, Tom has been named as a top litigator by *Chambers & Partners* for seven consecutive years.

Tom has served or is currently serving as lead or co-lead counsel in some of the most important federal securities class actions in recent years, including those against American International Group, Goldman Sachs, the Bear Stearns Companies, Facebook, Fannie Mae, Broadcom, and WellCare. Tom has also played an integral role in securing significant settlements in several high-profile cases including: *In re American International Group, Inc. Securities Litigation* (settlements totaling more than \$1 billion); *In re Bear Stearns Companies, Inc. Securities Litigation* (\$275 million settlement with Bear Stearns Companies, plus a \$19.9 million settlement with Deloitte & Touche LLP, Bear Stearns' outside auditor); *In re HealthSouth Securities Litigation* (\$671 million settlement); *Eastwood Enterprises LLC v. Farha et al. (WellCare Securities Litigation)* (over \$200 million settlement); *In re Fannie Mae 2008 Securities Litigation* (\$170 million settlement); *In re Broadcom Corp. Securities Litigation* (\$160.5 million settlement with Broadcom, plus \$13 million settlement with Ernst & Young LLP, Broadcom's outside auditor); *In re St. Paul Travelers Securities Litigation* (\$144.5 million settlement); and *In re Vesta Insurance Group, Inc. Securities Litigation* (\$79 million settlement).

Representing an affiliate of the Amalgamated Bank, the largest labor-owned bank in the United States, a team led by Tom successfully litigated a class action against Bristol-Myers Squibb, which resulted in a settlement of \$185 million as well as major corporate governance reforms. He has argued before the United States Supreme Court and has argued 10 appeals dealing with securities or commodities issues before the United States Courts of Appeals.

Due to his reputation in securities law, Tom frequently lectures to institutional investors and other groups such as the Government Finance Officers Association, the National Conference on Public Employee Retirement Systems, and the Council of Institutional Investors. He is a prolific author of articles related to his field, and he recently penned "Textualism and Transnational Securities Law: A Reappraisal of Justice Scalia's Analysis in *Morrison v. National Australia Bank*," for the *Southwestern Journal of International Law* (2014). He has also written several columns in UK-wide publications regarding securities class action and corporate governance.

Labaton Sucharow

Thomas A. Dubbs
Partner

Prior to joining Labaton Sucharow, Tom was Senior Vice President & Senior Litigation Counsel for Kidder, Peabody & Co. Incorporated, where he represented the company in many class actions, including the First Executive and Orange County litigation and was first chair in many securities trials. Before joining Kidder, Tom was head of the litigation department at Hall, McNicol, Hamilton & Clark, where he was the principal partner representing Thomson McKinnon Securities Inc. in many matters, including the Petro Lewis and Baldwin-United class actions.

In addition to his *Chambers & Partners* recognition, Tom was named a Leading Lawyer by *The Legal 500*, an honor presented to only eight U.S. plaintiffs' securities attorneys. *Law360* also named him an "MVP of the Year" for distinction in class action litigation in 2012 and 2015, and he has been recognized by *The National Law Journal*, *Lawdragon 500*, and *Benchmark Litigation* as a Securities Litigation Star. Tom has received a rating of AV Preeminent from the publishers of the Martindale-Hubbell directory.

Tom serves as a FINRA Arbitrator and is an Advisory Board Member for the Institute for Transnational Arbitration. He is a member of the New York State Bar Association, the Association of the Bar of the City of New York, the American Law Institute, and he is a Patron of the American Society of International Law. He was previously a member of the Members Consultative Group for the Principles of the Law of Aggregate Litigation and the Department of State Advisory Committee on Private International Law. Tom also serves on the Board of Directors for The Sidney Hillman Foundation.

Ongoing Cases

In re BP p.l.c. Securities Litigation (BP p.l.c.- Deepwater Horizon)
California State Teachers' Retirement System v. Alvarez (Wal-Mart Derivative Litigation)
Claude A. Reese v. John Browne and Robert A. Malone (BP p.l.c.- Prudhoe Bay)
In re Facebook, Inc., IPO Securities and Derivative Litigation
In re Goldman Sachs Group, Inc. Securities Litigation
In re KBR, Inc. Securities Litigation
In re Petrobras Securities Litigation
Plumbers and Steamfitters Local 137 Pension Fund v. American Express Co.
In re Virtus Investment Partners, Inc. Securities Litigation
Volkswagen Bondholders Class Action (Boston Retirement System v. Volkswagen)

Settled | Resolved Cases

In re American International Group, Inc. Securities Litigation
In re Amgen Inc. Securities Litigation
In re Bear Stearns Companies, Inc. Securities Litigation
In re Bristol-Myers Squibb Securities Litigation
In re Broadcom Corp. Securities Litigation
In re Broadcom Corp. Securities Litigation - Ernst & Young Settlement
In re Celestica Inc. Securities Litigation

In re Computer Sciences Corporation Securities Litigation
Eastwood Enterprises, LLC v. Farha et al. (WellCare Securities Litigation)
In re Fannie Mae 2008 Securities Litigation
In re HealthSouth Securities Litigation
MCI WorldCom, Inc.
In re National Australia Bank Securities Litigation
In re St. Paul Travelers Securities Litigation I
In re St. Paul Travelers Securities Litigation II
In re STEC, Inc. Securities Litigation
In re Vesta Insurance Group, Inc. Securities Litigation

Noteworthy

In the News

Press Release, Labaton Sucharow Recovers \$95 Million in Securities Class Action Against Biotech Titan Amgen Inc. (07/20/2016)

Law360, Amgen to Pay \$95M in Class Action Securities Settlement (07/20/2016)

Pensions & Investments (P&I), VW Suit Maps Out New Route in U.S. Courts (06/27/2016)

Pensions & Investments (P&I), Equity and Bondholders File Lawsuits Against Volkswagen in U.S., Germany (06/21/2016)

Law360, VW Investors See Red, Want Green Over Emissions Fraud (06/21/2016)

Automotive News, Lawyers for VW Shareholders, Bondholders File Lawsuits in Germany, U.S. (06/21/2016)

Reuters, Bondholders File Proposed Class Action Against Volkswagen AG (06/21/2016)

Law360, Class Action Practice Group of the Year: Labaton Sucharow (01/08/2016)

Reuters, Facebook Must Face Shareholder Class Actions Over IPO (12/29/2015)

Law360, Class Action MVP: Labaton Sucharow's Thomas Dubbs (11/13/2015)

Law360, Most Feared Plaintiffs Firm: Labaton Sucharow (10/05/2015)

Law360, Class Action Group of the Year: Labaton Sucharow (01/28/2015)

Law360, Most Feared Plaintiffs Firm: Labaton Sucharow (11/10/2014)

The National Law Journal (NLJ), An Inside Look at Fannie's \$170M Securities Settlement (10/29/2014)

Law360, VIDEO: A Primer on Halliburton v. Erica P. John Fund (05/23/2014)

Pensions & Investments (P&I), Supreme Court Reconsiders Class-Action Securities Lawsuits (03/05/2014)

Law360, Justices Hint at Middle-Ground Option in Halliburton Args (03/05/2014)

Reuters, Facebook, Zuckerberg, Banks Must Face IPO Lawsuit - Judge (12/18/2013)

Law360, Investors Defend Suit Over Facebook IPO Losses (10/09/2013)

California Lawyer, Too Big to Sue? (12/1/2012)
Law360, Goldman Scoffs At Duty To Reveal SEC's Abacus Warning (05/21/2012)
Risk.net, SEC Charges Against Fannie Mae and Freddie Mac Execs are 'Effort to Rehabilitate Reputation' (12/20/2011)
The AmLaw Litigation Daily, Embattled WellCare Agrees to Settle Securities Class Action it Deal Valued at \$200 Million (08/09/2010)
International Bar Association, People Power Collective Actions in Europe (06/10/2010)
Reuters, U.S. Securities Fraud Lawsuits Rise as Crisis Ebbs (01/05/2010)
Financial Times, Supreme Court Curbs Actions Against Companies (06/22/2007)
The New York Times (NYT), Market Place; Bristol-Myers Chief Stays Cool Even After Lawsuits, the F.D.A. and the F.B.I. (07/29/2006)
The Star-Ledger, When it Comes to Doctors and Disease, the Ties Have it (02/26/2006)
Lawyers Weekly USA, \$185 Million Settlement Mandates Public Access to Drug Trials (02/13/2006)
New York Daily News, Koch Me If You Can (02/02/2006)

Digital Library

Law360, VIDEO: A Primer on Halliburton v. Erica P. John Fund (05/23/2014)
Strafford Publications Webinar, Libor Manipulation Litigation: Latest Trends and Developments (Speaker) (10/23/2012)
West LegalEdcenter Webinar, LIBOR: Securities, Antitrust and Regulatory Implications (Moderator) (09/06/2012)
Bloomberg Television, Discussion on Securities Class Action Statistics (01/09/2009)

Special Mentions

Law360, Class Action MVP of the Year (2015)
Law360, Named Labaton Sucharow Class Action Practice Group of the Year (2012, 2014-2015)
Benchmark Litigation, Securities Litigation Star (2012-2016)
The Legal 500, Leading Lawyers in the Field of Securities Litigation (2010-2016)
Chambers & Partners USA, Plaintiffs' Securities Litigation Leading Individual (2010-2016)
American Law Institute (ALI), Adviser (2015)
The National Law Journal (NLJ), Benchmarks and Billions: The Plaintiffs' Hot List (2015)
Law360, Class Action MVP of the Year (2012)
Lawdragon, Named One of the Leading Lawyers in America (2008 and 2012)
The Legal 500, Recommended in the Field of Securities Litigation (2010)
The National Law Journal (NLJ), Plaintiffs' Hot List: Noteworthy Cases (2006, 2009-2012 and 2014)

Published & Presented

Professional Liability Underwriting Society (PLUS), 2016 PLUS D&O Symposium (Panelist) (02/04/2016)

Practising Law Institute (PLI), Third Annual Institute on Current Developments in Latin American Cross-Border Securities Transactions 2015 (Speaker) (09/17/2015)

Corporate Disputes, A Major Victory for Investors: The U.S. Supreme Court's Decision in Halliburton Preserves the Status Quo in U.S. Securities Litigation (10/1/2014)

Corporate Disputes, Hot Topic: U.S. Securities Litigation and Enforcement (01/13/2014)

Southwestern Journal of International Law, Textualism and Transnational Securities Law: A Reappraisal of Justice Scalia's Analysis in Morrison v. National Australia Bank (2014)

LAPF Investments, Detroit Bankruptcy Ruling: Implications for Public Pension Plans (12/01/2013)

LAPF Investments, Arbitration Developments that Could Affect UK Investment in U.S. (10/01/2013)

LAPF Investments, Panic in Detroit: Municipal Bankruptcy and Lessons for City Pension Schemes (08/01/2013)

Strafford Publications Webinar, Libor Manipulation Litigation: Latest Trends and Developments (Speaker) (07/11/2013)

LAPF Investments, Two Groups of Investors File Separate Lawsuits Against RBS (04/01/2013)

Strafford Publications Webinar, Libor Manipulation Litigation: Latest Trends and Developments (Speaker)(10/23/2012)

West LegalEdcenter Webinar, LIBOR: Securities, Antitrust and Regulatory Implications (Moderator) (09/06/2012)

LAPF Investments, UK "Shareholder Spring" Shines a Spotlight on Governance Weaknesses (08/01/2012)

Federal Bar Council, 2012 Winter Bench & Bar Conference (02/07/2012)

LAPF Investments, Volker and Vickers are Bringing Necessary - Albeit Challenging - Change to U.S. and UK Financial Systems (02/01/2012)

LAPF Investments, Whistleblowers and Corporate Misconduct: the U.S. v. the UK (12/01/2011)

LAPF Investments, Playing the Blame Game at RBS (10/01/2011)

LAPF Investments, Market Volatility Leaves Room for Risky Practices (08/17/2011)

The George Washington University C-LEAF, Hedge Fund Regulation and Current Developments (Panelist) (06/08/2011)

LAPF Investments, PCAOB Proposals Promise Increased Transparency in Audit Industry (06/01/2011)

American Law Institute (ALI), Extraterritorial Application of Federal Securities Law (Speaker) (05/03/2011)

Association of the Bar of the City of New York, Securities Litigation Committee Program (Speaker) (04/25/2011)

Labaton Sucharow

Thomas A. Dubbs
Partner

Institute for Law & Economic Policy (ILEP), ILEP Access to Justice (04/07/2011)

LAPF Investments, Increased FDIC Lawsuits a Step in the Right Direction, But Too Little Too Late? (04/01/2011)

Federal Bar Council, 2011 Winter Bench & Bar Conference (02/25/2011)

LAPF Investments, Financial Stability Oversight Council's Proposed Metrics for Supervision of Non-Bank Financial Firms (02/01/2011)

LAPF Investments, 2010 - The Securities Year in Review (12/01/2010)

British Institute of International and Comparative Law (BIICL), Extraterritoriality and Collective Redress (Speaker) (11/15/2010)

Practising Law Institute (PLI), Securities Litigation & Enforcement Institute (Speaker) (10/14/2010)

LAPF Investments, Auditor Liability Still a Going Concern (10/01/2010)

Pensions Week, BP's Deep Water Horizon Has a Deep Impact on UK Pension Schemes (08/07/2010)

LAPF Investments, Latest Round of Basel Committee Proposed Reforms a Mixed Bag (08/01/2010)

Practising Law Institute (PLI), Supreme Court's Morrison v. National Australia Bank and "Foreign Cubed" Securities Fraud Actions 2010 (Speaker) (07/09/2010)

Law Seminars International, Morrison v. National Australia Bank (Speaker) (07/08/2010)

LAPF Investments, Deepwater Horizon's Deep Impact on Pension Schemes (06/01/2010)

Labaton Sucharow / The Scotsman, Beyond the Jurisdiction of U.S. Courts? U.S. Supreme Court to Decide Scope of Federal Securities Laws in Transnational Litigation (Commentator) (04/20/2010)

Labaton Sucharow / London Evening Standard, Beyond the Jurisdiction of U.S. Courts? U.S. Supreme Court to Decide Scope of Federal Securities Laws in Transnational Litigation (Commentator) (04/15/2010)

Labaton Sucharow / Morrish Solicitors, Beyond the Jurisdiction of U.S. Courts? U.S. Supreme Court to Decide Scope of Federal Securities Laws in Transnational Litigation (Commentator) (04/14/2010)

LAPF Investments, Morrison v. National Australia Bank (04/01/2010)

LAPF Investments, New Reform - United on Regulation, Divided on Details (12/01/2009)

LAPF Investments, Pension Funds Failing to Claim Potential Settlements (06/01/2009)

Pensions Age, The Bulwark of Private Investment (May 2009)

IDD Magazine, Shortsighted? (05/29/2009)

Pensions Age, Pensions & The People (April 2009)

The National Law Journal (NLJ), In Debt Crisis, an Arbitration Alternative - Investors Have a Stronger Claim Under Rules Established by a Financial Industry Regulator (03/16/2009)

International Financial Law Review, Don't Repeat UBS's Mistake (April 2009)

Pensions Age, Pensions & The People (February 2009)

Labaton Sucharow

Thomas A. Dubbs
Partner

Directors Monthly, The Impact of the LaPerriere Decision: Parent Companies Face Liability (February 2009)

Wisconsin Law Review, A Scotch Verdict on Regularity and Other Issues (01/01/2009)

BNA Tax & Accounting, Auditor Liability in the Wake of the Subprime Meltdown (11/14/2008)

Pensions Age, Pensions & The People (November 2008)

Legal Week, Fourth Annual Legal Week Litigation Forum 2008 (Panelist) (09/17/2008)

Legal Week, U.S. Focus: Time for Action (04/17/2008)

Institute for Law & Economic Policy (ILEP), 14th Annual Conference (Speaker) (04/10/2008)

Center for the Study of Financial Innovation (CSFI), Class Action Lawsuits: The Way Ahead? A Round-table on the UK's Litigation Culture (Speaker) (03/03/2008)

Institute for Law & Economic Policy (ILEP), 13th Annual ILEP Conference (Commentator) (04/20/2007)

Ohio Forum on Public Retirement, Ohio Forum on Public Retirement (Speaker) (01/29/2007)

Illinois Public Pension Fund Association (IPPFA), IPPFA Conference (Speaker) (10/01/2005)

National Conference on Public Employee Retirement Systems (NCPERS), Annual Conference (Speaker) (05/08/2005)

Government Finance Officers Association (GFOA), Winter Standing Committee Meeting (Speaker) (02/02/1999)

The materials appearing on this website are provided for informational purposes only and do not constitute legal advice. You should not take action based upon this information without consulting legal counsel. This site is not intended to create an attorney-client relationship. The hiring of a lawyer is an important decision that should not be based solely upon any single source of information, including advertising on this website. You may ask us to send you further information about us, and we urge you to review other sources of information about us.

Labaton Sucharow



Eric J. Belfi

Partner

email: ebelfi@labaton.com

t: 212-907-0878

f: 212-883-7078

Practice Areas

Securities Litigation

Non-U.S. Securities Litigation

Antitrust & Competition Litigation

Financial Products & Services Litigation

Consumer Protection Litigation

Client Monitoring & Case Evaluation

Education

St. John's University School of Law
J.D., 1995

Georgetown University
B.A., 1992

Admissions

1996, New York

U.S. District Court

1996, Southern District of New York

1996, Eastern District of New York

2002, Eastern District of Michigan

2004, District of Colorado

2006, Eastern District of Wisconsin

2013, District of Nevada

Representing many of the world's leading pension funds and other institutional investors, Eric J. Belfi is an accomplished litigator with experience in a broad range of commercial matters. Eric focuses on domestic and international securities and shareholder litigation. He serves as a member of the Firm's Executive Committee.

As an integral member of the Firm's Case Evaluation group, Eric has brought numerous high-profile domestic securities cases that resulted from the credit crisis, including the prosecution against Goldman Sachs. In *In re Goldman Sachs Group, Inc. Securities Litigation*, he played a significant role in the investigation and drafting of the operative complaint. Eric was also actively involved in securing a combined settlement of \$18.4 million in *In re Colonial BancGroup, Inc. Securities Litigation*, regarding material misstatements and omissions in SEC filings by Colonial BancGroup and certain underwriters.

Along with his domestic securities litigation practice, Eric leads the Firm's Non-U.S. Securities Litigation Practice, which is dedicated exclusively to analyzing potential claims in non-U.S. jurisdictions and advising on the risk and benefits of litigation in those forums. The practice, one of the first of its kind, also serves as liaison counsel to institutional investors in such cases, where appropriate. Currently, Eric represents nearly 30 institutional investors in over a dozen non-U.S. cases against companies including SNC-Lavalin Group Inc. in Canada, Vivendi Universal, S.A. in France, OZ Minerals Ltd. in Australia, Lloyds Banking Group in the UK, and Olympus Corporation in Japan.

Eric's international experience also includes securing settlements on behalf of non-U.S. clients including the UK-based Mineworkers' Pension Scheme in *In re Satyam Computer Securities Services Ltd. Securities Litigation*, an action related to one of the largest securities fraud in India which resulted in \$150.5 million in collective settlements. Representing two of Europe's leading pension funds, Deka Investment GmbH and Deka International S.A., Luxembourg, in *In re General Motors Corp. Securities Litigation*, Eric was integral in securing a \$303 million settlement in a case regarding multiple accounting manipulations and overstatements by General Motors.

Additionally, Eric oversees the Financial Products & Services Litigation Practice, focusing on individual actions against malfeasant investment bankers, including cases against custodial banks that allegedly committed deceptive practices relating to certain foreign currency transactions. He currently serves as lead counsel to Arkansas Teacher Retirement System in a class action against the State Street Corporation and certain affiliated entities, and he has represented the Commonwealth of Virginia in its False Claims Act case against Bank of New York Mellon, Inc.

Labaton Sucharow

Eric J. Belfi
Partner

Eric's M&A and derivative experience includes noteworthy cases such as *In re Medco Health Solutions Inc. Shareholders Litigation*, which he was integrally involved in the negotiation of the settlement that included a significant reduction in the termination fee.

Eric's prior experience included serving as an Assistant Attorney General for the State of New York and as an Assistant District Attorney for the County of Westchester. As a prosecutor, Eric investigated and prosecuted white collar criminal cases, including many securities law violations. He presented hundreds of cases to the grand jury and obtained numerous felony convictions after jury trials.

Eric is a member of the National Association of Public Pension Attorneys (NAPPA) Securities Litigation Working Group. He is frequent speaker on the topic of shareholder litigation and U.S.-style class actions in European countries and also has spoken on socially responsible investments for public pension funds.

Ongoing Cases

In re BP p.l.c. Securities Litigation (BP p.l.c.- Deepwater Horizon)

Claude A. Reese v. John Browne and Robert A. Malone (BP p.l.c.- Prudhoe Bay)

In re Commodity Exchange Inc. Gold Futures and Options Antitrust Litigation (Markun v. Bank of Nova Scotia)

Fortis SA/NV (Belgium)

In re Goldman Sachs Group, Inc. Securities Litigation

Lloyds Banking Group PLC (UK)

Olympus (Japan)

OZ Minerals (Australia)

Royal Imtech (Netherlands)

Saipem (Italy)

In re Takata Airbag Products Liability Litigation

Treasury Wines (Australia)

Vivendi Universal (France)

Settled | Resolved Cases

Arkansas Teacher Retirement System v. State Street Corp.

In re Colonial BancGroup, Inc. Securities Litigation

Construction Laborers Pension Trust of Greater St. Louis v. Autoliv, Inc.

In re General Motors Corp. Securities Litigation

In re Lehman Brothers Equity/Debt Securities Litigation

In re Medco/Express Scripts Merger Litigation

In re Molson Coors Brewing Co. Securities Litigation

In re Satyam Computer Services, Ltd. Securities Litigation

The City of Providence v. Aeropostale, Inc. et al.

Noteworthy

In the News

Law360, Rainmaker Q&A (08/15/2016)

Press Release, Labaton Sucharow Recovers \$300 Million from State Street in connection with FX Trades (07/26/2016)

Press Release, Labaton Sucharow Secures \$120 Million Recovery from Weatherford (07/01/2015)

Pensions & Investments (P&I), Public Pension Plans Take Shareholder Litigation International (07/21/2014)

Law360, Analysis of the U.S. Supreme Court Ruling in Halliburton v. Erica P. John Fund (06/25/2014)

CNBC.com, State Street Pays Full Price in Forex Settlement (02/18/2011)

Pensions Management, SRI Climbs Back Up the Agenda (09/01/2008)

American Lawyer, Plaintiffs Firms Score \$303 Million Class Action Settlement From GM, Deloitte (08/11/2008)

The Associated Press (AP), GM and Deloitte Settle Shareholder Suit (08/08/2008)

Digital Library

Law360, Analysis of the U.S. Supreme Court Ruling in Halliburton v. Erica P. John Fund (06/25/2014)

Special Mentions

National Association of Public Pension Attorneys (NAPPA), Securities Litigation Working Group (2015-2016)

The Legal 500, Recommended in the Field of Securities Litigation (2007, 2009-2011)

The National Law Journal (NLJ), Plaintiffs' Hot List: Noteworthy Cases (2008)

Published & Presented

Institutional Shareholder Services (ISS), Securities Class Action Services Panel Discussion (Panelist) (10/28/2015)

Euroshareholders, Legal Committee Meeting: Class Actions in the United States (Speaker) (04/08/2007)

Labaton Sucharow



Christopher J. McDonald

Partner

email: cmcdonald@labaton.com

t: 212-907-0861

f: 212-883-7061

Practice Areas

Securities Litigation

Antitrust & Competition Litigation

Education

Fordham University School of Law
J.D., 1992

Manhattan College
B.A., *cum laude*, 1985

Admissions

1993, New York

U.S. Court of Appeals

2006, Second Circuit
2005, Third Circuit
2009, Ninth Circuit
2007, Federal Circuit

U.S. District Court

1994, Southern District of New York
1994, Eastern District of New York

Christopher J. McDonald focuses on prosecuting complex securities fraud cases. Chris also works with the Firm's Antitrust & Competition Litigation Practice, representing businesses, associations, and individuals injured by anticompetitive activities and unfair business practices.

In the securities field, Chris is currently lead counsel in *In re Amgen Inc. Securities Litigation*. Most recently, he was co-lead counsel in *In re Schering-Plough Corporation / ENHANCE Securities Litigation*, which resulted in a \$473 million settlement, one of the largest securities class action settlements ever against a pharmaceutical company and among the ten largest recoveries ever in a securities class action that did not involve a financial reinstatement. He was also an integral part of the team that successfully litigated *In re Bristol-Myers Squibb Securities Litigation*, where Labaton Sucharow secured a \$185 million settlement, as well as significant corporate governance reforms, on behalf of Bristol-Myers shareholders.

In the antitrust field, Chris was most recently co-lead counsel in *In re TriCor Indirect Purchaser Antitrust Litigation*, obtaining a \$65.7 million settlement on behalf of the class.

Chris began his legal career at Patterson, Belknap, Webb & Tyler LLP, where he gained extensive trial experience in areas ranging from employment contract disputes to false advertising claims. Later, as a senior attorney with a telecommunications company, Chris advocated before government regulatory agencies on a variety of complex legal, economic, and public policy issues. Since joining Labaton Sucharow, Chris' practice has developed a focus on life sciences industries; his cases often involve pharmaceutical, biotechnology, or medical device companies accused of wrongdoing.

During his time at Fordham University School of Law, Chris was a member of the *Law Review*. He is currently a member of the New York State Bar Association and the Association of the Bar of the City of New York.

Settled | Resolved Cases

In re Amgen Inc. Securities Litigation

In re Beckman Coulter, Inc. Securities Litigation

In re Bristol-Myers Squibb Securities Litigation

In re Natural Gas Commodity Litigation

In re Schering-Plough Corporation / ENHANCE Securities Litigation

In re Stock Exchange Options Trading Antitrust Litigation

In re TriCor Indirect Purchaser Antitrust Litigation

Noteworthy

In the News

Press Release, Labaton Sucharow Recovers \$95 Million in Securities Class Action Against Biotech Titan Amgen Inc. (07/20/2016)

Law360, VIDEO: A Primer on Halliburton v. Erica P. John Fund (05/23/2014)

Forbes, Supreme Court May Hem In, But Not Overrule Securities Class-Action Theory (03/05/2014)

Law360, Top Plaintiffs Firms Say Amgen No License To Print Money (02/28/2013)

Pensions & Investments (P&I), Supreme Court Rules on Class Action, Gabelli Cases (02/27/2013)

Pink Sheet DAILY, Securities Fraud Class Action Suits Could Grow After Amgen's Supreme Court Loss (02/27/2013)

The New York Times (NYT), Merck Settles Suits Over Cholesterol Drug (02/14/2013)

Reuters, Merck to Pay \$688 Million to Settle Enhance Lawsuits (02/14/2013)

Digital Library

Law360, VIDEO: A Primer on Halliburton v. Erica P. John Fund (05/23/2014)

Special Mentions

The National Law Journal (NLJ), Plaintiffs' Hot List: Noteworthy Cases (2009 and 2014)

Published & Presented

Law Seminars International, Class Actions and Alternatives For Resolving Aggregate Claims (Panelist) (06/17/2013)

Labaton Sucharow



Michael W. Stocker

Partner

email: mstocker@labaton.com

t: 212-907-0882

f: 212-883-7082

Practice Areas

Securities Litigation

Corporate Governance & Shareholder Rights Litigation

Mergers & Acquisitions Litigation

Derivative Litigation

Client Monitoring & Case Evaluation

Antitrust & Competition Litigation

Consumer Protection Litigation

Education

University of California, Hastings College of the Law

J.D., 1995

University of Sydney

Master of Criminology degree, Law Department, 2001

University of California, Berkeley

B.A., 1989

Admissions

1995, California

2006, New York

U.S. Court of Appeals

2009, Second Circuit

2008, Eighth Circuit

1998, Ninth Circuit

U.S. District Court

2002, Northern District of California

2005, Central District of California

2007, Southern District of New York

2007, Eastern District of New York

2013, Southern District of California

As General Counsel to the Firm and a lead strategist on Labaton Sucharow's Case Development Team, Michael W. Stocker is integral to the Firm's investigating and prosecuting securities, antitrust, and consumer class actions.

Mike represents institutional investors in a broad range of class action litigation, corporate governance, and securities matters. He currently spearheads a number of securities class actions, including *In re Eros International Securities Litigation*, a case where we exposed a drama of fraud and nepotism involving a leading Bollywood film production/distribution company; *Murphy v. Precision Castparts Corp.*, a sprawling class action against a major industrial goods company in the aerospace and defense industry; and *Shoemaker v. Cardiovascular Systems, Inc.*, a case against a manufacturer of medical devices that recently settled a significant qui tam action arising from the same conduct.

In one of the most significant securities class actions of the decade, Mike played an instrumental part of the team that took on American International Group, Inc. and 21 other defendants. The Firm negotiated a recovery of more than \$1 billion. He was also key in litigating *In re Bear Stearns Companies, Inc. Securities Litigation*, where the Firm secured a \$275 million settlement with Bear Stearns, plus a \$19.9 million settlement with the company's outside auditor, Deloitte & Touche LLP.

In a case against one of the world's largest pharmaceutical companies, *In re Abbott Laboratories Norvir Antitrust Litigation*, Mike played a leadership role in litigating a landmark action arising at the intersection of antitrust and intellectual property law. The novel settlement in the case created a multimillion dollar fund to benefit nonprofit organizations serving individuals with HIV. In recognition of his work on *Norvir*, *The National Law Journal* named the Firm to the prestigious Plaintiffs' Hot List, and he received the 2010 Courage Award from the AIDS Resource Center of Wisconsin. Mike has also been recognized by *The Legal 500* in the field of Securities, M&A, and Antitrust Litigation and was named a Securities Litigation Star *Benchmark Litigation*.

Earlier in his career, Mike served as a senior staff attorney with the United States Court of Appeals for the Ninth Circuit and completed a legal externship with federal Judge Phyllis J. Hamilton, currently sitting in the U.S. District Court for the Northern District of California. He earned a B.A. from the University of California, Berkeley, a Master of Criminology from the University of Sydney, and a J.D. from University of California's Hastings College of the Law.

He is an active member of the National Association of Public Pension Plan Attorneys (NAPPA), the New York State Bar Association, and the Association of the Bar of the City of New York. Since 2013, Mike has served on *Law360*'s Securities Editorial Advisory Board, advising on timely and interesting topics warranting media coverage. For two

consecutive years (2015-2016), the Council of Institutional Investors has appointed Mike to the Markets Advisory Council, which provides input on legal, financial reporting, and investment market trends. In 2016, he was elected as a member of The American Law Institute, the leading independent organization in the United States producing scholarly work to clarify, modernize, and otherwise improve the law.

In addition to his litigation practice, Mike mentors youth through participation in Mentoring USA. The program seeks to empower young people with the guidance, skills, and resources necessary to maximize their full potential.

Ongoing Cases

California State Teachers' Retirement System v. Alvarez (Wal-Mart Derivative Litigation)

Cambridge Retirement System v. Slavko James Joseph Bosnjak (Unilife Derivative Litigation)

In re Commodity Exchange Inc. Gold Futures and Options Antitrust Litigation (Markun v. Bank of Nova Scotia)

In re Eros International Securities Litigation

In re Facebook, Inc., IPO Securities and Derivative Litigation

In re Foreign Exchange Benchmark Rates Antitrust Litigation

Murphy v. Precision Castparts Corp.

Norfolk County Retirement System v. Solazyme, Inc.

Shoemaker v. Cardiovascular Systems, Inc.

In re Takata Airbag Products Liability Litigation

Target Corporation

In re Treasury Securities Auction Antitrust Litigation

Settled | Resolved Cases

In re Abbott Laboratories Norvir Antitrust Litigation

In re American International Group, Inc. Securities Litigation

In re Bear Stearns Companies, Inc. Securities Litigation

Eastwood Enterprises, LLC v. Farha et al. (WellCare Securities Litigation)

In re Nu Skin Enterprises, Inc., Securities Litigation

Noteworthy

In the News

Bloomberg BNA Corporate Law & Accountability Report, Plaintiffs Firm Success Hinges on Bringing Right Cases (06/09/2016)

Law360, 5 Signs Your Firm Will Pass You Over for Partner (02/29/2016)

Labaton Sucharow

Michael W. Stocker
Partner

Press Release, Labaton Sucharow Partner Michael Stocker Appointed to the Council of Institutional Investors' 2016 Markets Advisory Council (02/05/2016)

Bloomberg Business, Primary Dealers Rigged Treasury Auctions, Investor Lawsuit Says (09/17/2015)

Boston Herald, Boston Pension Fund Leads Suit vs. Banks Over Collusion (07/25/2015)

Reuters, Lawsuit Accuses 22 Banks of Manipulating U.S. Treasury Auctions (07/23/2015)

Law360, The Five Biggest Legal Writing Gaffes and How to Avoid Them (05/20/2015)

Press Release, Labaton Sucharow Partner Michael Stocker Appointed to the Council of Institutional Investors' 2015 Markets Advisory Council (02/09/2015)

Law360, 7 Habits of Highly Effective Partners (10/31/2014)

Pensions & Investments (P&I), Pension-Related Cases Being Heard by the Supreme Court (10/13/2014)

Law360, Analysis of the U.S. Supreme Court Ruling in Halliburton v. Erica P. John Fund (06/25/2014)

Financial Times, 'Closet Indexers' Face Legal Action from Investors (05/25/2014)

Los Angeles Times, Investing Along With The Crowd (10/23/2013)

The Globe and Mail, Barrick Slapped With Investor Lawsuit Over Troublesome Project (08/05/2013)

Crain's New York Business, In 'Fab' Case, Wall Street Nemesis Switches Sides (07/09/2013)

Chicago Tribune, Missouri Pension Fund Sues JPMorgan Over 'Whale' Losses (04/15/2013)

Law360, New Citigroup Pay Plan May Not Soothe Shareholder Ire (02/22/2013)

AmLaw Litigation Daily, Susan Beck's Summary Judgement: Is Mary Jo White Tough Enough? There's One Way to Find Out (01/30/2013)

The Wall Street Journal (WSJ), Warning to Investors: We're an 'Emerging' Company (09/03/2012)

Crain's New York Business, If it Walks Like a Little Duck... (08/26/2012)

CFO, A New Risk Factor: The JOBS Act (06/15/2012)

Risk.net, Volcker Compliance-responsibility Aspect Splits Legal Opinion (04/17/2012)

BostInno, Is the JOBS Act a Snake Pit for Investors? (04/11/2012)

Compliance Week, Business Litigation: A Look Into 2012 (01/03/2012)

Pensions & Investments (P&I), Shareholders' Hands Tied by News Corp. Structure (07/25/2011)

Law360, Say-On-Pay Forces Cos. To Rethink Exec Perks (06/07/2011)

Digital Library

Australian Broadcasting Network (ABC) – Sunday Extra, Banks on Trial (07/31/2016)

Fox Business, 22 Wall Street Names Accused of Collusion (07/28/2015)

Law360, Analysis of the U.S. Supreme Court Ruling in Halliburton v. Erica P. John Fund (06/25/2014)

Labaton Sucharow

Michael W. Stocker
Partner

PBS, NewsHour Weekend (10/27/2013)

Bloomberg TV - Market Makers, JPMorgan White-Washed Firm's Analysis, Stocker Says (02/07/2013)

Vator, Crowdfunding debate - Dave McClure vs. Michael W. Stocker (07/19/2012)

Fox Business, Senate Bill Looks to Help Small Business with Crowd Funding (03/20/2012)

Special Mentions

American Law Institute (ALI), Elected Member (2016)

The Legal 500, Recommended in the Fields of Securities Litigation (2012-2013, 2015); Class Action – Antitrust (2016); M&A Litigation (2016)

Law360, Securities Editorial Advisory Board (2013-2016)

Council of Institutional Investors (CII), Markets Advisory Council (2015-2016)

Benchmark Litigation, Securities Litigation Star (2013-2015)

The National Law Journal (NLJ), Plaintiffs' Hot List (2011-2012)

The National Law Journal (NLJ), Plaintiffs' Hot List: Noteworthy Cases (2008)

Published & Presented

National Association of Public Pension Plan Attorneys (NAPPA) White Paper, Post-Morrison: The Global Journey Toward Asset Recovery (06/30/2016)

Practising Law Institute (PLI), Cyber Securities Litigation: When Data Breaches Become Fraud Suits (Speaker) (06/09/2016)

Labaton Sucharow, Alternative Investments for Pension Funds: Balancing Return and Transparency in Volatile Markets (Moderator) (05/12/2016)

Institute for Law and Economic Policy (ILEP), 22nd Annual Symposium, Private Suits While the Regulator Slumbers (Moderator) (04/08/2016)

State Financial Officers Foundation, 2015 Fall National Meeting (Panelist) (09/22/2015)

Daily Journal, Securities Act cases are surging in...state courts? (07/28/2015)

Institute for Law and Economic Policy (ILEP), 21st Annual Symposium (Panelist) (04/17/2015)

Council of Institutional Investors (CII), Teleconference: Halliburton Co. v. Erica P. John Fund, Inc. (Panelist) (07/16/2014)

Association of Benefit Administrators (ABA), 2014 Securities Litigation Overview (05/01/2014)

National Association of Public Pension Plan Attorneys (NAPPA), Mandatory Arbitration Agreements: A New Attack on Access to the Courts (04/30/2014)

Pensions & Investments (P&I), Accounting Danger Signs: Tools For Investors (07/30/2013)

American Banker, JPMorgan Shareholders Chose Wrong Side of History (06/04/2013)

Labaton Sucharow

Michael W. Stocker
Partner

West LegalEdcenter, Preparing to Clear OTC Derivatives to Ensure June 10th Compliance: The Brave New World of Swaps Clearing under Dodd-Frank (Webinar Speaker) (05/14/2013)

German Bar Association, Litigating Banking Claims in U.S. Courts - An Insight (Panelist) (04/22/2013)

Economia, Autonomy, HP and the FRC: Who Has the Most to Lose? (02/18/2013)

Ethisphere, Flawed Credit Ratings and the Impact on Investment (01/31/2013)

Lawyers Monthly Magazine, Legal Focus - USA: M&A Litigation (01/01/2013)

New York Law Journal, Requiring SEC to Perform Economic Analyses Hinders Financial Reform (12/17/2012)

Pensions & Investments (P&I), Rulemaking Chipping Away at Financial Reform (11/12/2012)

Brooklyn Law School, The JOBS Act and the Future of U.S. Capital Formation (11/07/2012)

Accounting Today, Return to Enron? (11/01/2012)

Corporate Counsel, Are Shareholders Happy With Your Company's Political Spending? (09/26/2012)

Business Insider, Startups, That Crowdfunding You're Raising May Scare Off Other Investors (08/21/2012)

Vator, Venture Shift (Speaker) (07/19/2012)

Financial Executive, The JOBS Act Creates Opportunities and Risks (06/01/2012)

National Conference on Public Employee Retirement Systems (NCPERS), Annual Conference (Panelist) (05/07/2012)

New York Law Journal, Financial Institutions Assume the Role of Plaintiffs in Securities Litigation (04/16/2012)

PEHUB, How JOBS Act Masks Pitfalls (04/09/2012)

Bloomberg Law Reports, What is the Most Important Volcker Rule Issue that Regulators Must Address Next Year? (01/03/2012)

Institutional Investor, A Scandal Like Olympus Can Happen in the U.S. (12/17/2011)

Council of Institutional Investors (CII), Dodd-Frank Teleconference Series: Recent Court Decision Overview - Credit Ratings Are Not Always Protected by the First Amendment (Speaker) (12/01/2011)

Pensions & Investments (P&I), Proposals to Reform Credit-Rating Firms Falling Short (10/31/2011)

Law360, The Benefits of Investor Protection (10/11/2011)

New York Law Journal, Government Reliance on Private Litigants Diverges with Court Trends (09/09/11)

West Professional Development, Developments in Handling Over-the-Counter Derivatives (Moderator) (08/11/2011)

Executive Counsel, U.S. Changing to Looser Accounting Standards (08/01/2011)

Corporate Counsel, Handle With Care (07/01/2011)

The Deal, Shell Game (06/26/2011)

Institutional Investor, Are Regulators Retreating From Dodd-Frank? (05/24/2011)

Labaton Sucharow

Michael W. Stocker
Partner

Forbes, Shadowy Shares: The Dark Side of Contingent Value Rights (05/09/2011)

Labaton Sucharow Webinar, Credit Rating Agencies and the Financial Crisis of 2007-2008: What Went Wrong - and Will it Happen Again? (Speaker) (04/21/2011)

Pensions & Investments (P&I), Resolving the Deadlock Over Credit Ratings (04/04/2011)

The National Law Journal (NLJ), M&A on the Rise - and Litigation May Well Follow (04/04/2011)

The Deal, Running On Empty (03/13/2011)

Labaton Sucharow Webinar, Securities Class Action Trials After the Financial Crisis (Moderator) (03/08/2011)

Executive Counsel, SEC Contemplating Government Reforms (12/01/2010)

The National Law Journal (NLJ), SEC Paper Focuses on Proxy Voting Shortcomings - Agency Signals it Has Serious Questions About Whether Current System Needs Structural Overhaul (11/15/2010)

New York Law Journal, Is the Shield Beginning to Crack? (11/15/2010)

Institutional Investor, What Wall Street Can Learn From the BP Spill (11/09/2010)

West Professional Development, The Future of Over-the-Counter Derivatives (Moderator) (11/01/2010)

Forbes, Automated Trading Leaving Retail Investors in the Dust (10/15/2010)

Directorship, Toyota Debacle Spurs Reform Questions (08/09/2010)

Corporate Counsel, Say What? Pay What? (08/05/2010)

West Professional Development, The Derivatives Market After the Financial Overhaul (Moderator) (08/03/2010)

Forbes, SEC Measures To Prevent Flash Crashes Are Sensible, But Are They Enough? (05/20/2010)

Pensions & Investments (P&I), A Recall for Toyota's Corporate Governance? (04/05/2010)

Pensions & Investments (P&I), Trade Talk: SEC Facing Thorny Issues with Flash Trading, Dark Pools, Naked Access (12/14/2009)

New York Law Journal, Eying Executive Compensation (11/17/2009)

Investment Week, Undermining Accounting Rules (10/19/2009)

New York Law Journal, Role of the Event Study in Loss Causation Analysis (08/20/2009)

The Deal Pipeline, Reality Check (05/27/2009)

The National Law Journal (NLJ), Japan's Past Recession Provides a Cautionary Tale (04/13/2009)

International Financial Law Review (IFR), Don't Repeat UBS's Mistake (April 2009)

The National Law Journal (NLJ), In Debt Crisis, an Arbitration Alternative - Investors Have a Stronger Claim Under Rules Established by a Financial Industry Regulator (03/16/2009)

Bloomberg BNA Securities Regulation & Law, Balancing the Scales: The Use of Confidential Witnesses in Securities Class Actions (01/19/2009)

Financial Executive, Key to Avoiding Compensation Suits (July-August 2008)

Bloomberg BNA Pharmaceutical Law & Industry, Analysis of Abbott Laboratories Antitrust Litigation (06/20/2008)

Labaton Sucharow

Michael W. Stocker
Partner

Lead Counsel, Supreme Court Decides Stoneridge Case (Spring 2008)

New York Law Journal, 'Tellabs': PSLRA Pleading Test Comparative, Not Absolute
(10/03/2007)

The materials appearing on this website are provided for informational purposes only and do not constitute legal advice. You should not take action based upon this information without consulting legal counsel. This site is not intended to create an attorney-client relationship. The hiring of a lawyer is an important decision that should not be based solely upon any single source of information, including advertising on this website. You may ask us to send you further information about us, and we urge you to review other sources of information about us.

Labaton Sucharow



Garrett J. Bradley Of Counsel

email: gbradley@labaton.com

t: 212-907-0735

f: 212-883-7035

Practice Areas

Securities Litigation

Antitrust & Competition Litigation

Financial Products & Services Litigation

Consumer Protection Litigation

Client Monitoring & Case Evaluation

Education

Boston College Law
J.D., 1995

Boston College
B.A., 1992

Admissions

1995, Massachusetts
2005, New York

U.S. District Court

1999, District of Massachusetts

U.S. Court of Appeals

1999, First Circuit

With more than 20 years of experience, Garrett J. Bradley focuses on representing leading pension funds and other institutional investors. Garrett has experience in a broad range of commercial matters, including securities, antitrust and competition, consumer protection, and mass tort litigation.

Prior to Garrett's career in private practice, he worked as an Assistant District Attorney in the Plymouth County District Attorney's office.

Garrett is a member of the Public Justice Foundation and the Million Dollar Advocates Forum, an exclusive group of trial lawyers who have secured multimillion dollar verdicts for clients.

Noteworthy

Special Mentions

National Association of Public Pension Attorneys (NAPPA), Securities Litigation Working Group (2015-2016)

Massachusetts Academy of Trial Attorneys, Legislator of the Year (2014)

Boston Magazine, Outstanding Young Lawyers (2010)

The American Trial Lawyers Association, Top 100 Trial Lawyers

The materials appearing on this website are provided for informational purposes only and do not constitute legal advice. You should not take action based upon this information without consulting legal counsel. This site is not intended to create an attorney-client relationship. The hiring of a lawyer is an important decision that should not be based solely upon any single source of information, including advertising on this website. You may ask us to send you further information about us, and we urge you to review other sources of information about us.

Labaton Sucharow



Karin E. Garvey
Of Counsel

email: kgarvey@labaton.com

t: (212) 907-0844

f: (212) 883-7044

Practice Areas

Antitrust & Competition Litigation

Education

Northwestern University School of Law
J.D., *cum laude*, 1997

Harvard University

A.B., *cum laude*, Sociology, 1994

Admissions

1999, New York

U.S. Court of Appeals

2006, Ninth Circuit

U.S. District Courts

2000, Southern District of New York

2001, Eastern District of New York

With nearly two decades of litigation experience, Karin E. Garvey focuses on representing businesses and public pension funds in complex antitrust class actions.

Prior to joining Labaton Sucharow, Karin practiced antitrust and general litigation at Kaye Scholer LLP, representing and counseling clients from a wide spectrum of industries including pharmaceuticals, cosmetics, building materials, film, finance, and private equity.

Karin brings significant experience in managing complex, multijurisdictional cases from initial case development through resolution and appeal. She has prepared and defended company executives for deposition, hearing, and trial and has conducted similar examinations of her opponents. Karin also has significant experience working with experts—including economists, toxicologists, materials scientists, valuation experts, foreign law experts and appraisers, among others—developing reports and testimony, preparing for and defending depositions, as well as taking depositions of opponents' experts. In addition, Karin has engaged in all phases of trial preparation and trial and has briefed and argued appeals.

Karin obtained her J.D., *cum laude*, from Northwestern University School of Law, where she was a Note and Comment Editor for the *Journal of Criminal Law and Criminology*. She earned her A.B., *cum laude*, in Sociology from Harvard University.

Karin is an Antitrust Section Member of the American Bar Association.

Ongoing Cases

In re Domestic Airline Travel Antitrust Litigation

In re Foreign Exchange Benchmark Rates Antitrust Litigation

In re Generic Digoxin and Doxycycline Antitrust Litigation

ISDAFIX Price-Fixing Litigation (Alaska Electrical Pension Fund v. Bank of America)

In re Lidoderm Antitrust Litigation

In re Liquid Aluminum Sulfate Antitrust Litigation

In re Opana ER Antitrust Litigation

In re Platinum and Palladium Antitrust Litigation (Modern Settings LLC v. BASF Metals Limited)

SSA Bonds Manipulation Action

In re Treasury Securities Auction Antitrust Litigation

Noteworthy

Published & Presented

Competition Policy International (CPI), *A Turning of the Tide: Victim Redress Through Private Antitrust Litigation* (07/18/2016)

Antitrust Health Care Chronicle, *Indirect Purchasers Face a High Bar in Certifying Class Actions Involving Claims of Delayed Generic Entry in the Pharmaceutical Industry in the Wake of Recent U.S. Supreme Court Decisions* (01/01/2015)

Bloomberg BNA- Antitrust & Trade Regulation Report, *Is Any Consideration a 'Payment'? The Continuing Struggle over How to Interpret *FTC v. Actavis** (01/09/2015)

Labaton Sucharow



Robin A. van der Meulen

Associate

email: rvandermeulen@labaton.com

t: 212-907-0754

f: 212-883-7004

Practice Areas

Antitrust & Competition Litigation

Consumer Protection Litigation

Education

Brooklyn Law School
J.D., 2009

Columbia University
B.A., 2002

Admissions

2010, New York

U.S. Court of Appeals
2011, Second Circuit

U.S. District Court
2010, Southern District of New York
2010, Eastern District of New York

Robin A. van der Meulen focuses on representing businesses and public pension funds in complex antitrust class actions.

Prior to joining Labaton Sucharow, Robin was a litigation associate at Willkie Farr & Gallagher LLP, where she practiced antitrust and commercial litigation. During law school, Robin served as a judicial intern in United States Bankruptcy Court for the Eastern District of New York for the Honorable Elizabeth S. Stong.

Robin obtained her J.D. from Brooklyn Law School where she was an Associate Managing Editor of the *Journal of Law and Policy* and a member of the Moot Court Honor Society. During her time there, she also earned the CALI Award for Excellence in Legal Writing I & II. Robin earned her B.A. from Columbia University.

Robin is a member of the Executive Committee of the Antitrust Law Section of the New York State Bar Association and the Advisory Board of the Antitrust Section's Health Care & Pharmaceutical Committee of the American Bar Association. Since 2012, Robin has been an editor of the *Health Care Antitrust Week-In-Review*, a weekly publication that summarizes antitrust news in the health care industry.

Ongoing Cases

In re Aggrenox Antitrust Litigation

In re Foreign Exchange Benchmark Rates Antitrust Litigation

In re Generic Digoxin and Doxycycline Antitrust Litigation

ISDAFIX Price-Fixing Litigation (Alaska Electrical Pension Fund v. Bank of America)

In re Pool Products Distribution Market Antitrust Litigation

SSA Bonds Manipulation Action

In re Takata Airbag Products Liability Litigation

In re Treasury Securities Auction Antitrust Litigation

Settled | Resolved Cases

In re Air Cargo Shipping Services Antitrust Litigation

In re Credit Default Swaps Antitrust Litigation

In re Municipal Derivatives Antitrust Litigation

Noteworthy

Published & Presented

Antitrust Health Care Chronicle, Cash or No Cash – That Is No Longer the Question!
(04/22/2016)

New York State Bar Association (NYSBA), Why Antitrust? (Panelist) (06/17/2015)

New York State Bar Association (NYSBA), Why Antitrust? (Panelist) (06/26/2014)

Bloomberg BNA Daily Report for Executives, What's Located in Washington, Part of
the Government and Rolling in Dough? (03/12/2014)

Labaton Sucharow



Matthew Perez

Associate

email: mperez@labaton.com

t: 212-907-0776

f: 212-883-7558

Practice Areas

Antitrust & Competition Litigation

Education

Benjamin N. Cardozo School of Law School
J.D., 2010

Swarthmore College
B.A., Political Science and History, 2006

Admissions

2010, New Jersey
2011, New York

U.S. District
2010, District of New Jersey
2012, Southern District of New York

Matthew Perez focuses on representing businesses and public pension funds in complex antitrust class actions.

Matthew joined Labaton Sucharow from the New York State Attorney General's office, where he served as a Volunteer Assistant Attorney General in the Antitrust Bureau. While there, he received the Louis J. Lefkowitz Memorial Award for his work investigating bid rigging and other illegal conduct in the municipal bond derivatives market, resulting in more than \$260 million in restitution to municipalities and nonprofit entities. He also investigated pay-for-delay matters involving multinational pharmaceutical companies. Prior to that, he served as an intern for the Honorable Richard B. Lowe III at the New York Supreme Court, Commercial Division.

Matthew obtained his B.A. in Political Science and History from Swarthmore College and his J.D. from Benjamin N. Cardozo School of Law School, where he was Executive Editor of the Cardozo Journal of Conflict Resolution and received the Jacob Burns Medal for Outstanding Contribution to the Law School.

Ongoing Cases

In re Aggrenox Antitrust Litigation

In re Capacitors Antitrust Litigation

In re Celebrex (Celecoxib) Antitrust Litigation

In re Commodity Exchange Inc. Gold Futures and Options Antitrust Litigation (Markun v. Bank of Nova Scotia)

In re Foreign Exchange Benchmark Rates Antitrust Litigation

In re Generic Digoxin and Doxycycline Antitrust Litigation

ISDAFIX Price-Fixing Litigation (Alaska Electrical Pension Fund v. Bank of America)

In re Lidoderm Antitrust Litigation

In re Opana ER Antitrust Litigation

In re Platinum and Palladium Antitrust Litigation (Modern Settings LLC v. BASF Metals Limited)

SSA Bonds Manipulation Action

In re Treasury Securities Auction Antitrust Litigation

Settled | Resolved Cases

In re Aftermarket Automotive Lighting Products Antitrust Litigation

In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation

Sandhaus v. Bayer Corp., et al.

Noteworthy

Published & Presented

Law360, *Creating a Partial Solution to Delayed Generic Competition* (06/24/2016)

NYLitigator, *Whistle While You Work – For a Cartelist: Whistleblower Protection and Antitrust* (Fall 2015)

Competition Policy International (CPI) *Antitrust Chronicle*, *Shall We Dance?— Biologic-Biosimilar Competition Under the Biologics Price Competition and Innovation Act* (December 2015)

Competition Policy International (CPI) *Antitrust Chronicle*, *Angels Rush in Where Fools Fear to Tread: State Enforcement Against Patent Trolls* (January 2014)

Labaton Sucharow



Rudi Julius

Associate

email: rjulius@labaton.com

t: 212-907-0648

f: 212-883-7502

Practice Areas

Antitrust & Competition Litigation

Education

Cornell Law School
J.D., 2013

Boston College
B.A., 2009

Admissions

2014, New York

Rudi Julius focuses on representing businesses and public pension funds in complex antitrust class actions.

Prior to joining Labaton Sucharow, Rudi was a litigation associate at Winston & Strawn LLP, where she practiced international antitrust, white collar criminal defense, and commercial litigation. She also previously served as a judicial intern for the Honorable Karen Wells Roby in the U.S. District Court in the Eastern District of Louisiana.

Rudi obtained her J.D. from Cornell Law School, where she was the General Editor of the *Cornell Journal of Law and Public Policy*. Rudi earned her B.A. from Boston College.

Ongoing Cases

In re Foreign Exchange Benchmark Rates Antitrust Litigation

In re Generic Digoxin and Doxycycline Antitrust Litigation

In re Liquid Aluminum Sulfate Antitrust Litigation

In re Opana ER Antitrust Litigation

In re Treasury Securities Auction Antitrust Litigation

Settled | Resolved Cases

In re Air Cargo Shipping Services Antitrust Litigation

Noteworthy

Published & Presented

New York State Bar Association (NYSBA), *Why Antitrust?* (Panelist) (06/16/2016)

Antitrust Health Care Chronicle, *Cash or No Cash – That Is No Longer the Question!* (04/22/2016)

International Law Practicum, *I'm Never Too Far Away: Extradition of Non-U.S. Nationals Charged with Price-Fixing* (Autumn 2015)