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7 *Co-Counsel for Plaintiffs and the Class*

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST DISTRICT**

10 COLIN HIGGINS PRODUCTIONS, LTD.,

11 Plaintiff,

12 v.

13 PARAMOUNT PICTURES  
CORPORATION, and DOES 1-100,

14 Defendant.

15  
16  
17  
18 AND RELATED CASES  
19  
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28

**CONFORMED COPY**  
**ORIGINAL FILED**  
Superior Court of California  
County of Los Angeles

SEP 08 2016

Sherri R. Carter, Executive Officer/Clerk  
By: Isabel Arellanes, Deputy

Case No. BC499179

Related Cases: BC499180, BC499181,  
BC499182, BC500040, and BC540146

CLASS ACTIONS

**DECLARATION OF DANIEL L.  
WARSHAW IN SUPPORT OF  
PLAINTIFFS' MOTIONS FOR FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT AND ATTORNEYS'  
FEES, COSTS, AND SERVICE AWARDS**

Date: November 7, 2016

Time: 10:00 A.M.

Dept.: 323

Assigned for All Purposes to:  
Hon. Elihu M. Berle, Dept. 323

871022.2

DECLARATION OF DANIEL L. WARSHAW IN SUPPORT OF PLAINTIFFS' MOTIONS FOR FINAL  
APPROVAL OF CLASS ACTION SETTLEMENT AND ATTORNEYS' FEES, COSTS, AND SERVICE  
AWARDS

1 I, Daniel L. Warshaw, hereby declare as follows:

2 1. I am an attorney duly admitted to practice before this Court. I am a partner of  
3 Pearson, Simon & Warshaw, LLP (“PSW”), one of the law firms representing Plaintiffs Colin  
4 Higgins Productions, Ltd. (“CHP”) and Michael Elias (collectively, “Plaintiffs”) and the proposed  
5 Class in this action.

6 2. I submit this declaration in support of the Plaintiffs’ Motion for Final Approval of  
7 Class Action Settlement and Motion for Attorneys’ Fees, Costs, and Service Awards. I am  
8 personally familiar with the facts set forth in this declaration. If called as a witness I could and  
9 would competently testify to the matters stated herein.

10 **A. The Work Performed by PSW in This Litigation**

11 3. Throughout this case, the law firms and lawyers representing Plaintiffs and the  
12 Class members worked in a collaborative and efficient manner to provide excellent representation  
13 while minimizing duplication wherever possible. Plaintiffs’ counsel operated as an “executive  
14 committee” that considered and decided case strategy and the issues at hand, then delegated tasks  
15 among Plaintiffs’ counsel. For example, certain attorneys were assigned to various tasks, such as  
16 drafting discovery, participating in depositions, and motions practice, whereas other attorneys  
17 were assigned to research and analysis of key issues in the case. At times, attorneys from different  
18 firms would join forces to jointly take on the primary responsibility of a task, and at other times,  
19 one attorney would handle a task based on the assessment of the time and resources needed for the  
20 task. To avoid redundancy and unnecessary expense, to the extent possible, Plaintiffs’ counsel also  
21 assigned certain attorneys to appear for depositions as well as certain hearings and conferences.

22 4. During the course of this litigation, PSW participated in numerous facets of the  
23 case, including: (1) Drafting the relevant pleadings, such as the complaints in the action, Plaintiffs’  
24 opposition Paramount’s demurrer and motion to strike, and Plaintiffs’ opposition to Paramount’s  
25 motion for summary judgment and summary adjudication; (2) Conducting discovery, including  
26 drafting Plaintiffs’ discovery to Paramount, reviewing discovery and documents produced by  
27 Paramount, and deposing Paramount executives; (3) Settlement related activities, including

1 drafting the mediation brief, preparing for and attending mediation and settlement negotiations,  
2 reviewing and revising the settlement documents, and obtaining court approval of the settlement;  
3 (4) Preparing for and attending hearings including status conferences, discovery hearings, and  
4 hearings on and Defendants' motions, and (5) Case management and litigation strategy, including  
5 the distribution of assignments and development of a litigation plan.

6 5. I believe this work performed contributed to the beneficial result reached for class  
7 members in this case. The work performed by PSW is set forth in further detail the paragraphs  
8 below and PSW's detailed time and billing records that are being contemporaneously lodged with  
9 the Court.

10 6. PSW and its co-counsel filed the original complaint in the action on behalf of  
11 Plaintiff CHP on January 16, 2013. Paramount challenged the complaint in accordance with the  
12 Court's procedures by initially sending dispute letter, and subsequently filing a demurrer and  
13 motion to strike. PSW worked with its co-counsel to oppose and prepare for the hearing on  
14 Paramount's demurrer and motion to strike on June 14, 2013. The Court overruled Paramount's  
15 demurrer and denied its motion to strike, both in their entirety. PSW assisted with the preparing  
16 Plaintiffs' First Amended Complaint, filed on December 17, 2013.

17 7. PSW drafted Plaintiffs' discovery to Paramount, including Special Interrogatories,  
18 Requests for Admissions and Requests for Production of Documents. Paramount objected to these  
19 requests and sought to limit the production of class discovery. PSW and co-counsel engaged in  
20 the necessary meet and confer efforts and motion practice to obtain this discovery, then reviewed  
21 and analyzed Paramount's responses and documents once they were produced.

22 8. PSW participated in the negotiation of the parameters of Paramount's production  
23 relating to the random sample of films in the Class, attempting to ensure that the production was  
24 fairly representative of all of the films in the Class. PSW and co-counsel engaged in the review  
25 and analysis of these documents.

26 9. PSW also worked with co-counsel to prepare Plaintiffs' responses to written  
27 discovery and documents requests propounded by Paramount.

1           10.     On June 6, 2014 Paramount filed a motion for summary judgment and summary  
2 adjudication. PSW worked with co-counsel to defend against this motion by conducting the  
3 deposition of Paramount's person most qualified, drafting Plaintiffs' opposition papers, and  
4 preparing for the hearing on the motion. On May 18, 2015 the Court denied Paramount motion for  
5 summary judgment in its entirety, and the motion for summary adjudication on all claims except  
6 for Plaintiffs' conversion cause of action.

7           11.     After Plaintiffs defeated Paramount's motion for summary judgment, the parties  
8 initiated settlement discussions and retained the Hon. Louis M. Meisinger (Ret.) of ADR Services  
9 to serve as a mediator. PSW prepared for and participated in the parties' all-day mediation with  
10 Judge Meisinger on November 18, 2015. During this initial mediation, the parties made  
11 substantial progress regarding the scope and terms of a class action settlement. In the weeks  
12 following the initial session, PSW participated in additional settlement discussions to finalize the  
13 material terms of the settlement. These negotiations involved all aspects of the settlement, and  
14 were conducted by PSW and its co-counsel at all times with the interests of the Class Members in  
15 mind.

16           12.     Once the parties reached an agreement on the settlement terms, PSW worked on  
17 drafting the detailed Class Action Settlement Agreement. Given the complex nature of this class  
18 action, drafting the Settlement Agreement took significant care and effort. The parties finally  
19 executed a Stipulation and Agreement of Settlement on May 13, 2016.

20           13.     PSW worked with co-counsel to prepare Plaintiffs' Motion for Preliminary  
21 Approval of the Settlement Agreement and handle the hearing on Plaintiffs' Motion for  
22 Preliminary Approval. The Court granted preliminary approval to the Settlement on June 26,  
23 2016.

24           14.     PSW and co-counsel prepared the notice documents and ensured that the notice  
25 was distributed by the settlement administrator in accordance with the notice plan and the Court's  
26 Preliminary Approval Order.

1 15. PSW worked on additional tasks and projects throughout the course of this  
2 litigation, which are reflected in PSW's detailed time and billing records, which are being lodged  
3 with the Court.

4 **B. The Attorneys' Fees and Costs Incurred by PSW**

5 16. The summary schedule attached as Exhibit "1" hereto, and further summarized  
6 below, together with the detailed time and lodestar records being lodged with the Court, are a true  
7 and correct reflection of the time spent by PSW working on this case up to August 16, 2016. The  
8 summary schedule was prepared based on the lodged, contemporaneous time records of all work  
9 performed. All of the tasks performed, and the time expended, were reasonable and necessary for  
10 the prosecution and ultimate settlement of the claims of Plaintiffs and the Class.

11 17. A summary of PSW's lodestar calculation sorted by professionals is set forth as  
12 follows:

<b>TIMEKEEPER AND POSITION</b>	<b>TIME</b>	<b>HOURLY RATE</b>	<b>LODESTAR</b>
Alexander L. Simon – Law Clerk	0.475	\$175.00	\$83.13
Alexander R. Safyan - Associate	74.675	\$403.76	\$30,151.13
Bobby Pouya – Associate	148.800	\$550.22	\$81,872.00
Clifford H. Pearson – Senior Partner	13.700	\$985.00	\$13,494.50
Daniel L. Warshaw – Senior Partner	113.325	\$793.92	\$89,970.75
Ellovene J. Grant – Paralegal	3.975	\$194.81	\$774.38
<b>TOTAL</b>	<b>354.95</b>		<b>\$216,345.88</b>

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1 18. A summary of PSW's lodestar calculation sorted by categories of work performed  
2 is set forth as follows:

<b>Work Performed</b>	<b>Time</b>	<b>Lodestar</b>
Analysis/Strategy/Attorney Meetings	38.55	\$22,568.62
Case Management	33.875	\$18,747.75
Court Appearance	25.35	\$19,943.00
Discovery	72.775	\$37,687.88
Document Review	1.4	\$1,046.00
Experts	0.8	\$572.00
Research	9.5	\$4,109.00
Pleadings/Motions	82.5	\$46,027.63
Settlement	90.2	\$65,644.00
<b>TOTAL</b>	<b>354.95</b>	<b>\$216,345.88</b>

15 19. The schedule attached as Exhibit "1" and time and lodestar records lodged with the  
16 Court indicate the total number of hours expended by PSW on this case as of August 16, 2016, are  
17 354.95, with a total lodestar for that time period of \$216,345.88 which was calculated based on the  
18 hourly rate in effect at the time the work was performed. I estimate that my firm will spend  
19 another 20 hours working on the approval and administration of the settlement from August 16,  
20 2016 through the conclusion of the case.

21 20. The hourly rates for the attorneys and staff identified herein at the time the work  
22 was performed are commensurate with the prevailing market rates for attorneys of comparable  
23 experience and skill handling complex litigation. This Court recently approved PSW's hourly rates  
24 in approving the settlement in the related case, *Colin Higgins Productions, Ltd. v. Universal City*  
25 *Studios, LLC.*, BC499180 (L.A. Sup. Ct.). Additionally, all reasonable attempts were made to  
26 assign tasks to time-keepers at the appropriate billing rates.

1           21. Attached hereto as Exhibit “2” is a true and correct summary of expenses incurred  
2 by PSW during the course of this litigation up to August 19, 2016. The expenses pertaining to this  
3 case are reflected in the books and records of my firm. This expense summary was prepared based  
4 on expense vouchers, check records and other documents and is an accurate record of the  
5 expenses. Exhibit “2” indicates a total of \$11,012.46 in expenses incurred by PSW up to August  
6 19, 2016, in connection with the prosecution of this litigation. I believe the litigation expenses  
7 incurred were reasonable and necessary given the complex nature and scope of the case.

8           **C. PSW’s Experience, Qualifications and Views on the Settlement**

9           22. The attorneys at PSW have represented a wide range of clients in complex  
10 litigation and class actions. A complete profile of PSW’s attorneys and summary of the numerous  
11 complex litigation matters in which they have obtained successful results, is set forth in PSW’s  
12 firm resume attached hereto as Exhibit “3.”

13           23. PSW’s firm resume reflects that the attorneys in this case have successfully  
14 adjudicated some of the largest and most important class action lawsuits in the United States and  
15 have obtained approximately *three billion dollars* in settlements and verdicts in a wide range of  
16 complex cases.

17           24. For example, PSW currently serves as Co-Lead Counsel in *In re Credit Default*  
18 *Swaps Antitrust Litigation*, MDL No. 2476 (S.D.N.Y.), an antitrust class action alleging an  
19 anticompetitive conspiracy by the largest international banks and financial institutions in the world  
20 to fix the price of credit default swaps. That case recently resulted in \$1.86 billion in settlements  
21 that are pending approval by the trial court, making it one of the largest civil lawsuit settlements in  
22 history.

23           25. PSW also served as Co-Lead Counsel on behalf of the Direct Purchaser Plaintiffs in  
24 *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.). In that case, we  
25 helped secure a settlement of over \$400 million for the Class and obtained an \$87 million verdict,  
26 before trebling, following a five-week trial against the only remaining defendant in the case,  
27 Toshiba Corporation and its related entities. The court in that case approved PSW’s hourly rates

1 and granted their full request for a 30% fee award, which was higher than the Ninth Circuit’s  
2 benchmark of 25%.

3           26.     PSW attorneys served as class counsel in *James v. UMG Recordings, Inc.*, Case  
4 No. 11-cv-01613-SI (N.D. Cal.) and *In re Warner Music Group Corp. Digital Downloads*  
5 *Litigation*, Case No. CV 12-0559-RS (N.D. Cal.) (“WMG”), nationwide class actions brought on  
6 behalf of recording artists and producers who alleged that they were systematically underpaid  
7 royalties by the record companies UMG and Warner Music Group. In groundbreaking class  
8 action settlements, PSW helped secure both past relief and future relief in perpetuity for eligible  
9 class members who receive royalties from the defendant record companies.

10           27.     In addition to those listed above, PSW has served as lead or co-lead counsel in  
11 some of the most advanced and cutting-edge class actions in the country, including: *In re Lithium*  
12 *Ion Batteries Antitrust Litigation*, MDL No. 2420 (N.D. Cal.); *In re Potash Antitrust Litigation*  
13 *(II)*, MDL No. 1996 (N.D. Ill.); and *In re Carrier IQ Consumer Privacy Litigation*, MDL No.  
14 2330 (N.D. Cal.).

15           28.     As the Court is aware, PSW also served as co-counsel for the Class in the related  
16 case, *Colin Higgins Productions, Ltd. v. Universal City Studios, LLC.*, BC499180 (L.A. Sup. Ct.),  
17 wherein the Court granted plaintiffs’ motions for final approval of class action settlement and  
18 attorneys’ fees, costs, and incentive awards.

19           29.     Based on my experience and practice, I believe the hourly rates charged by PSW  
20 are consistent with the rates charged in the Los Angeles legal community for attorneys of similar  
21 caliber and experience.

22           30.     Based upon my experience in similar class action litigation and this case, I believe  
23 that the proposed settlement is fair, reasonable and adequate and in the best interests of the Class  
24 Members.

25           31.     The Settlement only calls for a *cy pres* distribution to the Motion Picture &  
26 Television Fund of uncashed settlement checks if the cost of a second distribution is not justified.  
27 Myself and my co-counsel have carefully considered the proposed *cy pres* remedy and the goal in  
28



1 formulating this proposal was to make a grant to an organization that represents the interests of  
2 absent class members. Here, those class members are individuals who were alleged to not have  
3 been paid the amounts due them for their work in the film industry over a period of decades. The  
4 proposed *cy pres* recipient, the Motion Picture & Television Fund, has requested funds to support  
5 and maintain long-term projects that will provide substantial benefits and a variety of services to  
6 economically disadvantaged class members who worked in the entertainment industry. Neither my  
7 firm, nor I, have any interest or involvement in the governance or work of the Motion Picture &  
8 Television Fund.

9  
10 I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct.

12 Executed on September 7, 2016, at Sherman Oaks, California.

13  
14 

15 Daniel L. Warshaw

# **EXHIBIT 1**

**Movie Royalties- CHP v. Paramount Pictures Corp., et al.**  
**TIME REPORT**

**FIRM NAME: PEARSON, SIMON & WARSHAW, LLP**  
**REPORTING PERIOD: Case Inception through August 25, 2016**

**Categories:**

- |   |                                    |
|---|------------------------------------|
| (1) Analysis/Strategy/Attorney Meetings | (8) Fact Investigation/Development |
| (2) Case Management                     | (9) Research                       |
| (3) Client Meeting                      | (10) Pleadings / Motions           |
| (4) Court Appearance                    | (11) Settlement                    |
| (5) Discovery                           |                                    |
| (6) Document Review                     |                                    |
| (7) Experts- Work or Consult            |                                    |

**Status:**

- (P) Partner  
(A) Associate  
(LC) Law Clerk  
(PL) Paralegal

NAME	STATUS	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	Total Hours	Hourly Rate	Amount
Daniel L. Warshaw	P	11.125	5.800		6.575	3.750		0.800		1.475	11.100		<b>40.625</b>	\$ 715.00	\$ 29,046.88
Daniel L. Warshaw	P	3.250	2.050		1.525	12.225	1.300				4.125		<b>24.475</b>	\$ 775.00	\$ 18,968.13
Daniel L. Warshaw	P	4.225	2.625		14.800	0.800					0.975	24.800	<b>48.225</b>	\$ 870.00	\$ 41,955.75
Clifford H. Pearson	P											13.700	<b>13.700</b>	\$ 985.00	\$ 13,494.50
Alexander R. Safyan	A	10.750	2.550			15.350				6.150	5.075		<b>39.875</b>	\$ 375.00	\$ 14,953.13
Alexander R. Safyan	A	2.700	2.025			8.475	0.100				1.500		<b>14.800</b>	\$ 385.00	\$ 5,698.00
Alexander R. Safyan	A		0.200			2.000				1.400	2.300	14.100	<b>20.000</b>	\$ 475.00	\$ 9,500.00
Bobby Pouya	A	3.925	8.250		1.875	7.175					23.675		<b>44.900</b>	\$ 475.00	\$ 21,327.50
Bobby Pouya	A	1.075	7.150			16.475					14.100		<b>38.800</b>	\$ 495.00	\$ 19,206.00
Bobby Pouya	A	1.500	1.750		0.400	4.700					19.150	37.600	<b>65.100</b>	\$ 635.00	\$ 41,338.50
Ellowene Grant	PL		0.075			1.825					0.500		<b>2.400</b>	\$ 175.00	\$ 420.00
Ellowene Grant	PL		1.400		0.175								<b>1.575</b>	\$ 225.00	\$ 354.38
Alexander L. Simon	LC									0.475			<b>0.475</b>	\$ 175.00	\$ 83.13
													<b>0.000</b>	\$ -	\$ -
													<b>0.00</b>	\$ -	\$ -
													<b>0.00</b>	\$ -	\$ -
<b>TOTALS</b>		<b>38.550</b>	<b>33.875</b>	<b>0.000</b>	<b>25.350</b>	<b>72.775</b>	<b>1.400</b>	<b>0.800</b>	<b>0.000</b>	<b>9.500</b>	<b>82.500</b>	<b>90.200</b>	<b>354.950</b>		<b>\$ 216,345.88</b>

# **EXHIBIT 2**

**PEARSON, SIMON & WARSHAW, LLP**

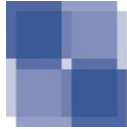
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Tax I.D. # 04-3832496

Statement Date: August 19, 2016  
Account No.: 5408.00002

*Colin Higgins Productions, Ltd. v. Paramount Pictures Corporation*

Category	Total
Arbitrator/Mediator	\$5,195.00
Court Fees	\$131.29
Delivery Service / Messengers	\$223.96
Hearing Transcripts	\$19.73
Litigation Fund Assessments	\$3,333.25
Litigation Support Vendors (Case Anywhere / Court House News)	\$714.80
Meals	\$168.80
Mileage	\$0.00
Online Research - Westlaw	\$11.71
Photocopies	\$708.85
Postage	\$5.52
Telephone Conference Calls	\$16.24
Travel / Parking	\$483.31
<b>TOTAL</b>	<b>\$11,012.46</b>

# **EXHIBIT 3**



## PEARSON | SIMON • WARSHAW LLP

### LOS ANGELES OFFICE

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Pearson, Simon & Warshaw, LLP (“PSW”) is an AV-rated civil litigation firm with offices in Los Angeles and San Francisco. The firm specializes in complex litigation, including state coordination cases and federal multi-district litigation. Its attorneys have extensive experience in antitrust, securities, consumer protection, and unlawful employment practices. The firm handles national and multi-national class actions that present cutting edge issues in both substantive and procedural areas. PSW attorneys understand how to litigate difficult and large cases in an efficient and cost-effective manner, and they have used these skills to obtain outstanding results for their clients, both through trial and negotiated settlement. They are recognized in their field for excellence and integrity, and are committed to seeking justice for their clients.

### CASE PROFILES

PSW attorneys currently hold, or have held, a leadership role in the following representative cases:

- *In re Credit Default Swaps Antitrust Litigation*, Southern District of New York, MDL No. 2476. PSW attorneys recently served as co-lead counsel and represented the Los Angeles County Employee Retirement Association (“LACERA”) in a class action on behalf of all purchasers and sellers of Credit Default Swaps (“CDS”) against twelve of the world’s largest banks. The lawsuit alleged that the banks, along with other defendants who controlled the market infrastructure for CDS trading, conspired for years to restrain the efficient trading of CDS, thereby inflating the cost to trade CDS. The alleged antitrust conspiracy resulted in billions of dollars in economic harm to institutional investors such as pension funds, mutual funds, and insurance companies who used CDS to hedge credit risks on their fixed income portfolios. After nearly three years of litigation and many months of intensive settlement negotiations, PSW helped reach a settlement with the defendants totaling \$1.86 *billion* plus injunctive relief. On April 15, 2016, the Honorable Denise L. Cote granted final approval to the settlement, which is one of the largest civil antitrust settlements in history.

- *In re TFT-LCD (Flat Panel) Antitrust Litigation*, Northern District of California, MDL No. 1827. PSW served as co-lead counsel for the direct purchaser plaintiffs in this multidistrict litigation arising from the price-fixing of thin film transistor liquid crystal display (“TFT-LCD”) panels. Worldwide, the TFT-LCD industry is a multi-billion dollar industry, and many believe that this was one of the largest price-fixing cases in the United States. PSW helped collect over \$405 million in settlements before the case proceeded to trial against the last remaining defendant, Toshiba Corporation and its related entities. PSW partner Bruce L. Simon served as co-lead trial counsel, successfully marshaled numerous witnesses, and presented the opening argument. On July 3, 2012, PSW obtained a jury verdict of \$87 million (before trebling) against Toshiba. PSW later settled with Toshiba and AU Optronics to bring the total to \$473 million in settlements. In 2013, California Lawyer Magazine awarded Mr. Simon a California Lawyer of the Year Award for his work in the *TFT-LCD* case.
- *In re Potash Antitrust Litigation (No. II)*, Northern District of Illinois, MDL No. 1996. PSW partner Bruce L. Simon served as interim co-lead counsel for the direct purchaser plaintiffs in this multidistrict litigation arising from the price-fixing of potash sold in the United States. After the plaintiffs defeated a motion to dismiss, the defendants appealed, and the Seventh Circuit Court of Appeals agreed to hear the case *en banc*. Mr. Simon presented oral argument to the *en banc* panel and achieved a unanimous 8-0 decision in his favor. The case resulted in \$90 million in settlements for the direct purchaser plaintiffs, and the Court’s opinion is one of the most significant regarding the scope of international antitrust conspiracies. *See Minn-Chem, Inc. v. Agrium Inc.*, 683 F. 3d 845 (7th Cir. 2012).
- *In re Lithium Ion Batteries Antitrust Litigation*, Northern District of California, MDL No. 2420. PSW attorneys serve as interim co-lead counsel for the direct purchaser plaintiffs and represent the Liquidating Trustee for the Circuit City Stores, Inc. Liquidating Trust in this multidistrict class action litigation arising from the price-fixing of lithium ion batteries. The case involves allegations of collusive activity by a cartel made up of the world’s largest manufacturers of lithium ion batteries, which are used in everything from cellular phones to cameras, laptops, and tablet computers. PSW filed one of the earliest cases on behalf of the direct purchasers and successfully argued before the Joint Panel on Multidistrict Litigation for consolidation of the cases in the Northern District of California. PSW, along with its co-counsel, organized a leadership structure of three firms, winning appointment by Judge Gonzalez Rogers as co-lead counsel for the putative class of direct purchasers on May 17, 2013.



- *In re Keurig Green Mountain Single-Serving Coffee Antitrust Litigation*, Southern District of New York, MDL No. 2542. In June 2014, Judge Vernon S. Broderick appointed PSW to serve as interim co-lead counsel on behalf of indirect purchaser plaintiffs in this multidistrict class action litigation. The case arises from the alleged unlawful monopolization of the United States market for single-serve coffee packs by Keurig Green Mountain, Inc. Keurig’s alleged anticompetitive conduct includes acquiring competitors, entering into exclusionary agreements with suppliers and distributors to prevent competitors from entering the market, engaging in sham patent infringement litigation, and redesigning the single-serve coffee pack products in the next version of its brewing system to lock out competitors’ products.
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation*, Northern District of California, MDL No. 2451. PSW attorneys currently serve as interim co-lead counsel in this multidistrict litigation that alleges the NCAA and its member conferences violate the antitrust laws by capping the value of grant-in-aid athletic scholarships at far below the actual cost of attending school, and far below what the free market would bear.
- *In re KIND LLC “Healthy and All Natural” Litigation*, Southern District of New York, MDL No. 2645. PSW partner Daniel L. Warshaw currently serves as interim co-lead counsel in this putative nationwide class action on behalf of consumers who allege that they purchased KIND snack bars that were falsely advertised as “all natural,” “non-GMO,” and/or “healthy.”
- *In re Carrier IQ Consumer Privacy Litigation*, Northern District of California, MDL No. 2330. PSW attorneys currently serve as interim co-lead counsel in this putative nationwide class action on behalf of consumers who allege privacy violations arising from software installed on their mobile devices that was logging text messages and other sensitive information.
- *Sciortino, et al. v. PepsiCo, Inc.*, Northern District of California, Case No. 14-cv-0478. PSW attorneys currently serve as interim co-lead counsel in this putative California class action on behalf of consumers who allege that PepsiCo failed to warn them that certain of its sodas contain excess levels of a chemical called 4-Methylimidazole in violation of Proposition 65 and California consumer protection statutes.
- *James v. UMG Recordings, Inc.*, Northern District of California, Case No. 11-cv-01613. PSW partner Daniel L. Warshaw served as interim co-lead counsel in this putative nationwide class action on behalf of recording artists and music producers who alleged that they had been systematically underpaid royalties by the record company UMG.

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- *Trepte v. Bionaire, Inc.*, Los Angeles County Superior Court Case No. BC540110. PSW partner Daniel L. Warshaw is serving as primary counsel in a putative class action against Sunbeam Products, Inc. which alleges that Sunbeam's ceramic tower heaters are defective and are a fire hazard.
- *In re Warner Music Group Corp. Digital Downloads Litigation*, Northern District of California, Case No. 12-cv-00559. PSW attorneys served as interim co-lead counsel, with partner Bruce L. Simon serving as chairman of a five-firm executive committee, in this putative nationwide class action on behalf of recording artists and music producers who alleged that they had been systematically underpaid royalties by the record company Warner Music Group.
- *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, Northern District of California, MDL No. 1486. PSW partner Bruce L. Simon served as co-chair of discovery and as a member of the trial preparation team in this multidistrict litigation arising from the price-fixing of DRAM, a form of computer memory. Mr. Simon was responsible for supervising and coordinating the review of almost a terabyte of electronic documents, setting and taking depositions, establishing and implementing protocols for cooperation between the direct and indirect plaintiffs as well as the Department of Justice, presenting oral arguments on discovery matters, working with defendants on evidentiary issues in preparation for trial, and preparation of a comprehensive pretrial statement. Shortly before the scheduled trial, class counsel reached settlements with the last remaining defendants, bringing the total value of the class settlements to over \$325 million.
- *In re Methionine Antitrust Litigation*, Northern District of California, MDL No. 1311. PSW partner Bruce L. Simon served as co-lead counsel in this nationwide antitrust class action involving a conspiracy to fix prices of, and allocate the markets for, methionine. Mr. Simon was personally responsible for many of the discovery aspects of the case including electronic document productions, coordination of document review teams, and depositions. Mr. Simon argued pretrial motions, prepared experts, and assisted in the preparation of most pleadings presented to the Court. This action resulted in over \$100 million in settlement recovery for the Class.
- *In re Sodium Gluconate Antitrust Litigation*, Northern District of California, MDL No. 1226. PSW partner Bruce L. Simon served as class counsel in this consolidated antitrust class action arising from the price-fixing of sodium gluconate. Mr. Simon was selected by Judge Claudia Wilken to serve as lead counsel amongst many other candidates for that position, and successfully led the case to class certification and settlement.

- *In re Citric Acid Antitrust Litigation*, Northern District of California, MDL No. 1092. PSW partner Bruce L. Simon served as class counsel in antitrust class actions against Archer-Daniels Midland Co. and others for their conspiracy to fix the prices of citric acid, a food additive product. Mr. Simon was one of the principal attorneys involved in discovery in this matter. This proceeding resulted in over \$80 million settlements for the direct purchasers.
- *Olson v. Volkswagen of America, Inc.*, Central District of California, Case No. CV07-05334. PSW attorneys brought this class action lawsuit against Volkswagen alleging that the service manual incorrectly stated the inspection and replacement intervals for timing belts on Audi and Volkswagen branded vehicles equipped with a 1.8 liter turbo-charged engine. This case resulted in a nationwide class settlement.
- *Swain et al. v. Eel River Sawmills, Inc. et al.*, California Superior Court, DR-01-0216. George S. Trevor and Bruce L. Simon served as lead trial counsel for a class of former employees of a timber company whose retirement plan was lost through management's investment of plan assets in an Employee Stock Ownership Plan. Mr. Trevor and Mr. Simon negotiated a substantial settlement on the eve of trial resulting in a recovery of approximately 40% to 50% of plaintiffs' damages after attorneys' fees and costs.
- *In re Digital Microwave Securities Litigation*, Northern District of California, C-90-20241. George S. Trevor was one of the principal attorneys for a plaintiff class alleging fraud in the financial reporting of a public company. Defendants included the accounting firm Arthur Andersen. Mr. Trevor negotiated a settlement of nearly \$20 million, despite the absence of any director's and officer's liability insurance.
- *In re Hawaiian and Guamanian Cabotage Antitrust Litigation*, Western District of Washington, MDL No. 1972. PSW partner Bruce L. Simon served as interim co-lead counsel for the plaintiffs in this multidistrict litigation arising from violations of the federal antitrust laws with respect to domestic ocean shipping services between the continental United States and Hawaii and/or between the continental United States and the Territory of Guam.
- *In re Homestore Litigation*, Central District of California, Master File No. 01-11115. PSW attorneys served as liaison counsel and class counsel for plaintiff CalSTRS in this securities class action. The case resulted in over \$100 million in settlements to the Class.

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- *In re MP3.Com, Inc., Securities Litigation*, Southern District of California, Master File No. 00-CV-1873. PSW attorneys served as defense counsel in this class action involving alleged securities violations under Rule 10b-5.
- *In re Ivan F. Boesky Securities Litigation*, Southern District of New York, MDL No. 732. George S. Trevor, while at the firm of Gold & Bennett, was one of the principal attorneys representing a class of former shareholders of the Pacific Lumber Company. The case was consolidated with numerous other shareholder class actions before the Honorable Milton Pollack. Mr. Trevor personally took numerous depositions and examined Michael Milken pursuant to Mr. Milken's settlement agreement with the Pacific Lumber class. He was also part of the trial team in New York when the case settled the evening before trial. The resulting settlement of \$144 million was estimated to be the fourth largest securities litigation settlement at the time.
- *In re Automotive Refinishing Paint Cases*, Alameda County Superior Court, Judicial Council Coordination Proceeding No. 4199. PSW attorneys served as class counsel with other law firms in this coordinated antitrust class action alleging a conspiracy by defendants to fix the price of automotive refinishing products.
- *In re Beer Antitrust Litigation*, Northern District of California, Case No. 97-20644 SW. PSW partner Bruce L. Simon served as primary counsel in this antitrust class action brought on behalf of independent micro-breweries against Anheuser-Busch, Inc., for its attempt to monopolize the beer industry in the United States by denying access to distribution channels.
- *In re Commercial Tissue Products Public Entity Indirect Purchaser Antitrust Litigation*, San Francisco Superior Court, Judicial Council Coordination Proceeding No. 4027. PSW partner Bruce L. Simon served as co-lead counsel for the public entity purchaser class in this antitrust action arising from the price-fixing of commercial sanitary paper products.
- *Hart v. Central Sprinkler Corporation*, Los Angeles County Superior Court, Case No. BC176727. PSW attorneys served as class counsel in this consumer class action arising from the sale of nine million defective fire sprinkler heads. This case resulted in a nationwide class settlement valued at approximately \$37.5 million.
- *Rueda v. Schlumberger Resources Management Services, Inc.*, Los Angeles County Superior Court, Case No. BC235471. PSW attorneys served as class counsel with

other law firms representing customers of the Los Angeles Department of Water & Power (“LADWP”) who had lead leaching water meters installed on their properties. The Court granted final approval of the settlement whereby defendant would pay \$1.5 million to a *cypres* fund to benefit the Class and to make grants to LADWP to assist in implementing a replacement program to the effected water meters.

- *In re Louisiana-Pacific Corp. Inner-Seal OSB Trade Practices Litigation*, Northern District of California, MDL No. 1114. PSW partner Bruce L. Simon worked on this nationwide product defect class action brought under the Lanham Act. The proposed class was certified, and a class settlement was finally approved by Chief Judge Vaughn Walker.
- *In re iPod nano Cases*, Los Angeles County Superior Court, Judicial Council Coordination Proceeding No. 4469. PSW attorneys were appointed co-lead counsel for this class action brought on behalf of California consumers who own defective iPod nanos. The case resulted in a favorable settlement.
- *Unity Entertainment Corp. v. MP3.Com*, Central District of California, Case No. 00-11868. PSW attorneys served as defense counsel in this class action alleging copyright infringement.
- *Vallier v. Jet Propulsion Laboratory*, Central District of California, Case No. CV97-1171. PSW attorneys served as lead counsel in this toxic tort action involving 50 cancer victims and their families.
- *Nguyen v. First USA N.A.*, Los Angeles County Superior Court, Case No. BC222846. PSW attorneys served as class counsel on behalf of approximately four million First USA credit card holders whose information was sold to third party vendors without their consent. This case ultimately settled for an extremely valuable permanent injunction plus disgorgement of profits to worthy charities.
- *Morales v. Associates First Financial Capital Corporation*, San Francisco Superior Court, Judicial Council Coordination Proceeding No. 4197. PSW attorneys served as class counsel in this case arising from the wrongful sale of credit insurance in connection with personal and real estate-secured loans. This case resulted in an extraordinary \$240 million recovery for the Class.
- *In re AEFA Overtime Cases*, Los Angeles County Superior Court, Judicial Council Coordination Proceeding No. 4321. PSW attorneys served as class counsel in this

overtime class action on behalf of American Express Financial Advisors, which resulted in an outstanding classwide settlement.

- *Khan v. Denny's Holdings, Inc.*, Los Angeles County Superior Court, Case No. BC177254. PSW attorneys settled a class action lawsuit against Denny's for non-payment of overtime wages to its managers and general managers.
- *Kosnik v. Carrows Restaurants, Inc.*, Los Angeles County Superior Court, Case No. BC219809. PSW attorneys settled a class action lawsuit against Carrows Restaurants for non-payment of overtime wages to its assistant managers and managers.
- *Castillo v. Pizza Hut, Inc.*, Los Angeles County Superior Court, Case No. BC318765. PSW attorneys served as lead class counsel in this California class action brought by delivery drivers who claimed they were not adequately compensated for use of their personally owned vehicles. This case resulted in a statewide class settlement.
- *Baker v. Charles Schwab & Co., Inc.*, Los Angeles County Superior Court, Case No. BC286131. PSW attorneys served as class counsel for investors who were charged a fee for transferring out assets between June 1, 2002 and May 31, 2003. This case resulted in a nationwide class settlement.
- *Eallonardo v. Metro-Goldwyn-Mayer, Inc.*, Los Angeles County Superior Court, Case No. BC286950. PSW attorneys served as class counsel on behalf a nationwide class of consumers who purchased DVDs manufactured by defendants. Plaintiffs alleged that defendants engaged in false and misleading advertising relating to the sale of its DVDs. This case resulted in a nationwide class settlement.
- *Gaeta v. Centinela Feed, Inc.*, Los Angeles County Superior Court, Case No. BC342524. PSW attorneys served as defense counsel in this class action involving alleged failures to pay wages, overtime, employee expenses, waiting time penalties, and failure to provide meal and rest periods and to furnish timely and accurate wage statements.
- *Leiber v. Consumer Empowerment Bv A/K/A Fasttrack*, Central District of California, Case No. CV 01-09923. PSW attorneys served as defense counsel in this class action involving copyrighted music that was made available through a computer file sharing service without the publishers' permission.

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- *Higgs v. SUSA California, Inc.*, Los Angeles County Superior Court Case No. BC372745. PSW attorneys are serving as co-lead class counsel representing California consumers who entered into rental agreements for the use of self-storage facilities owned by defendants. In this certified class action, plaintiffs allege that defendants wrongfully denied access to the self-storage facility and/or charged excessive pre-foreclosure fees.
- *Fournier v. Lockheed Litigation*, Los Angeles County Superior Court. PSW attorneys served as counsel for 1,350 residents living at or near the Skunks-Works Facility in Burbank. The case resolved with a substantial confidential settlement for plaintiffs.
- *Nasseri v. CytoSport, Inc.*, Los Angeles County Superior Court, Case No. 439181. PSW attorneys are serving as class counsel on behalf of a nationwide class of consumers who purchase CytoSport's popular protein powders, ready to drink protein beverages, and other "supplement" products. Plaintiffs allege that these supplements contain excessive amounts of lead, cadmium and arsenic in amounts that exceed Proposition 65 and negate CytoSport's health claims regarding the products.

## **ATTORNEY PROFILES**

### **PARTNERS**

#### **CLIFFORD H. PEARSON**

Clifford H. Pearson is a civil litigator and business lawyer focusing on complex litigation, class actions, and business law. In 2013, Mr. Pearson was named by the *Daily Journal* as one of the Top 100 lawyers in California. He was instrumental in negotiating settlements that totaled \$473 million in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, an antitrust case in the Northern District of California that alleged a decade-long conspiracy to fix the prices of TFT-LCD panels, and over \$90 million in *In re Potash Antitrust Litigation*, an antitrust case in the Northern District of Illinois that alleged price fixing by Russian, Belarusian and North American producers of potash, a main ingredient used in fertilizer.

Before creating the firm in 2006, Mr. Pearson was a partner at one of the largest firms in the San Fernando Valley, where he worked for 22 years. There, he represented aggrieved individuals, investors and employees in a wide variety of contexts, including toxic torts, consumer protection and wage and hour cases. Over his 30-plus year career, Mr. Pearson has successfully negotiated substantial settlements on behalf of consumers, small businesses and companies. In recognition of his outstanding work on behalf of clients, Mr. Pearson has been regularly selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California). He has also attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Pearson is an active member of the American Bar Association, Canadian Bar Association, Los Angeles County Bar Association, Consumer Attorneys of California, Consumer Attorneys Association of Los Angeles, Association of Business Trial Lawyers and a Practitioner of Foreign Law in British Columbia, Canada.

#### **Current Cases:**

- *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal.)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)

#### **Education:**

- Whittier Law School, Los Angeles, California – J.D. – 1981
- University of Miami, Miami, Florida – M.B.A. – 1978
- Carleton University, Ontario, Canada – B.A. – 1976



## PEARSON, SIMON & WARSHAW, LLP

### Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

### Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers
- Canadian Bar Association
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association

## BRUCE L. SIMON

Bruce L. Simon has led Pearson, Simon & Warshaw, LLP to national prominence. Mr. Simon specializes in complex cases involving antitrust, consumer fraud, and securities laws. He has served as lead counsel in many business cases with national and global impact.

In 2013, Mr. Simon was chosen by the *Daily Journal* as one of the Top 100 attorneys in California. He received the California Lawyer of the Year award from *California Lawyer Magazine* and was selected as one of seven finalists for Consumer Attorney of the Year by Consumer Attorneys of California for his work in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.). That year, Mr. Simon was included in the Top 100 of California's "Super Lawyers" and has been named a "Super Lawyer" every year since 2003. He has attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Simon was co-lead class counsel in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, a case that lasted over five years and resulted in \$473 million recovered for the direct purchaser plaintiffs. Mr. Simon served as co-lead trial counsel and was instrumental in obtaining an \$87 million jury verdict (before trebling). He presented the opening argument and marshalled numerous witnesses during the six-week trial.

More recently, Mr. Simon was co-lead class counsel in *In re Credit Default Swaps Antitrust Litigation*, a case alleging a conspiracy among the world's largest banks to maintain opacity of the credit default swaps market as a means of maintaining supracompetitive prices of bid/ask spreads. After three years of litigation and many months of intensive settlement negotiations, the parties in *CDS* reached a landmark settlement amounting to \$1.86 billion. It is one of the largest civil antitrust settlements in history.

Mr. Simon was also co-lead class counsel in *In re Potash Antitrust Litigation (II)*, MDL No. 1996 (N.D. Ill.), where he successfully argued an appeal of the district court's order denying

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the defendants' motions to dismiss to the United States Court of Appeals for the Seventh Circuit. Mr. Simon presented oral argument during an *en banc* hearing before the Court and achieved a unanimous 8-0 decision in his favor. The case resulted in \$90 million in settlements for the direct purchaser plaintiffs, and the Court's opinion is one of the most significant regarding the scope of international antitrust conspiracies.

### Current Cases:

- *In re Keurig Green Mountain Single-Serving Coffee Antitrust Litigation* (S.D.N.Y.)
- *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal.)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)

### Reported Cases:

- *Minn-Chem, Inc. et al. v. Agrium Inc., et al.*, 683 F.3d 845 (7th Cir. 2012)

### Education:

- University of California, Hastings College of the Law, San Francisco, California – J.D. – 1980
- University of California, Berkeley, California – A.B. – 1977

### Bar Admissions:

- California
- Supreme Court of the United States
- Ninth Circuit Court of Appeals
- Seventh Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

### Recent Publications:

- Class Certification Procedure, Ch. V, ABA Antitrust Class Actions Handbook (3d ed.), with Alexander R. Safyan (forthcoming)
- Reverse Engineering Your Antitrust Case: Plan for Trial Even Before You File Your Case, *Antitrust*, Vol. 28, No. 2, Spring 2014
- *The Ownership/Control Exception to Illinois Brick in Hi-Tech Component Cases: A Rule That Recognizes the Realities of Corporate Price Fixing*, ABA International Cartel Workshop February 2014, with Aaron M. Sheanin
- *Matthew Bender Practice Guide: California Unfair Competition and Business Torts*, LexisNexis, with Justice Conrad L. Rushing and Judge Elia Weinbach (Updated 2013)
- *The Questionable Use of Rule 11 Motions to Limit Discovery and Eliminate Allegations in Civil Antitrust Complaints in the United States*, ABA International Cartel Workshop February 2012, with Aaron M. Sheanin

**Professional Associations and Memberships:**

- California State Bar Antitrust and Unfair Competition Section, Advisor and Past Chair
- ABA Global Private Litigation Committee, Co-Chair
- ABA International Cartel Workshop, Steering Committee
- American Association for Justice, Business Torts Section, Past Chair
- Business Torts Section of the American Trial Lawyers Association, Past Chair
- Hastings College of the Law, Board of Directors (2003-2015), Past Chair (2009-2011)

**DANIEL L. WARSHAW**

Daniel L. Warshaw is a civil litigator and trial lawyer who focuses on complex litigation, class actions, and consumer protection. Mr. Warshaw has held a lead role in numerous state and federal class actions, and obtained significant recoveries for class members in many cases. These cases have included, among other things, antitrust violations, high-technology products, automotive parts and false and misleading advertising. Mr. Warshaw has also represented employees and employers in a variety of class actions, including wage and hour, misclassification and other Labor Code violations.

Mr. Warshaw played an integral role in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, where he negotiated the ESI protocol and managed a document review process that featured nearly 8 million documents in multiple languages and 136 reviewers. He currently serves as interim co-lead counsel in a series of groundbreaking class actions involving the alleged underpayment of royalties to artists, producers and directors in the music and film industries. These cases have received significant attention in the press, and Mr. Warshaw has been profiled by the *Daily Journal* for his work in the digital download music cases. In recognition of his outstanding work, Mr. Warshaw has been selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California) every year since 2005. He has also attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Warshaw has assisted in the preparation of two Rutter Group practice guides: *Federal Civil Trials & Evidence* and *Civil Claims and Defenses*. Since 2012, Mr. Warshaw has served as the Chair of the Plaintiffs' Class Action Forum sponsored by Cambridge International Forums, Inc. The purpose of the Forum is to facilitate a high-level exchange of ideas and in-depth dialogue on class action litigation.

**Current Cases:**

- *In re KIND LLC "Healthy and All Natural" Litigation* (S.D.N.Y.)
- *In re Carrier IQ, Inc., Consumer Privacy Litigation* (N.D. Cal.)
- *Higgins v. Paramount Pictures Corp.* (and related cases) (LA Sup. Ct.)
- *Sciortino, et al. v. PepsiCo, Inc.* (N.D. Cal.)

**Education:**

- Whittier Law School, Los Angeles, California – J.D. – 1996
- University of Southern California – B.A. – 1992

**Bar Admissions:**

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

**Professional Associations and Memberships:**

- American Bar Association
- Association of Business Trial Lawyers
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association, Executive Committee of the Litigation Section
- Plaintiffs' Class Action Forum, Chair

**SENIOR COUNSEL**

**GEORGE S. TREVOR**

George S. Trevor has focused his practice for the past 26 years representing investors in securities class actions, securities arbitrations, and complex business litigation. Since joining Pearson, Simon & Warshaw, LLP in 2009 as Senior Counsel, Mr. Trevor has been the senior attorney on a number of the firm's important cases. Those include *In re Credit Default Swaps Antitrust Litigation*, where the firm helped secure a historic \$1.86 billion settlement on behalf of purchasers and sellers of CDS, and *In re Lehman Securities and ERISA Litigation*, where the firm represented California public entities that purchased Lehman securities prior to its bankruptcy.

Mr. Trevor also represents bankruptcy trustees as special litigation counsel against former directors, professionals and financial institutions, and recently obtained a substantial settlement on behalf of an investor plaintiff class against a national bank alleged to have aided and abetted a Ponzi scheme.

Prior to joining Pearson, Simon & Warshaw, LLP, Mr. Trevor was managing partner of Trevor & Weixel LLP. Mr. Trevor's significant cases at Trevor & Weixel included a class action brought on behalf of former employees of Eel River Sawmills. Mr. Trevor was instrumental in obtaining a \$5 million settlement for a class of approximately 400 workers who had lost significant amounts promised to them under the company's Employee Stock Ownership Plan. Mr. Trevor was lead trial counsel in a multi-claimant securities arbitration against a brokerage firm tried in New Orleans in 2007-2008. Following twenty days of hearing and immediately prior to the panel's decision, Mr. Trevor negotiated substantial settlements on behalf of all claimants.

Mr. Trevor also practiced for 11 years at Gold & Bennett. Among his cases there was a class action brought on behalf of the former shareholders of the Pacific Lumber Company. In 1985, Charles Hurwitz launched a hostile takeover of Pacific Lumber. Mr. Hurwitz, assisted by Michael Milken and Ivan Boesky, succeeded in forcing a shareholder buyout at \$40 per share. The class action complaint alleged that the buyout was obtained through the dissemination of fraudulent offering materials to shareholders. On the eve of trial, Mr. Hurwitz agreed to a \$52 million settlement. Combined with other settlements, the Pacific Lumber shareholders received over \$140 million in additional compensation for their shares, one of the largest recoveries in securities litigation at the time. Mr. Trevor was also instrumental in the recovery of \$19.2 million by the shareholders of Digital Microwave Corporation. Mr. Trevor has litigated cases against hedge funds, real estate limited partnerships, software and hardware companies, alternative energy companies and accounting firms, among others.

## PEARSON, SIMON & WARSHAW, LLP

### Current Cases:

- *In re CytRx Corporation Securities Litigation* (and related cases) (C.D. Cal.)
- *L.A. Taxi Cooperative, Inc., et al. v. Uber Technologies, Inc., et al.* (N.D. Cal.)

### Education:

- University of California, Hastings College of the Law, San Francisco, California – J.D. – 1986
- University of California, Berkeley, California – A.B. – 1980 (Phi Beta Kappa, High Honors in Rhetoric and Distinction in General Scholarship).

### Bar Admissions

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, District of Arizona

### Reported Cases

- *Musick Peeler & Garrett v. Wausau Ins.*, 508 U.S. 286 (1993)
- *Lippitt v. Raymond James*, 340 F.3d 1033 (9th Cir. 2003)
- *Daniels v. Centennial Group*, 16 Cal.App.4th 467 (Cal. Ct. App. 1993)
- *Boston Telecommunications v. Deloitte Touche*, 278 F. Supp 2d 1041 (N.D. Cal. 2003)
- *In re Silicon Graphics*, 970 F.Supp 746 (N.D. Cal. 1997)
- *Lilley v. Charren*, 936 F.Supp 708 (N.D. Cal. 1996)
- *In re Digital Microwave Corp. Securities Litigation*, 1992 U.S. Dist. LEXIS 18469 (N.D. Cal. 1992)
- *In re Adobe Systems, Inc. Securities Litigation*, 767 F. Supp. 1023 (N.D. Cal. 1991)

### Professional Associations and Memberships

- American Bar Association, Member, 1992 – present
- Committee of Business and Corporate Litigation
- Public Investors Bar Association, Member, 2000 – present

OF COUNSEL

AARON M. SHEANIN

Aaron M. Sheanin, Of Counsel to Pearson, Simon & Warshaw, LLP, has extensive experience in complex litigation matters in federal and state courts, including the prosecution of antitrust and consumer class actions. He has litigated numerous securities fraud and corporate governance cases on behalf of individual and institutional investors, and has advised state pension funds and private institutions with respect to securities and antitrust matters. Mr. Sheanin also has experience litigating telecommunications, employment discrimination, defective product, and bankruptcy matters.

Mr. Sheanin is responsible for leading the Direct Purchaser Plaintiff class action in *In re Lithium Ion Batteries Antitrust Litigation*. He was actively involved in all aspects of *In re TFT-LCD (Flat Panel) Antitrust Litigation*, and was an integral member of the trial team. For his work on that case, Mr. Sheanin was nominated by the Consumer Attorneys of California as a finalist for Consumer Attorney of the Year. Mr. Sheanin served as co-lead counsel in *In re American Express Financial Advisors Securities Litigation* (\$100 million settlement), as co-lead counsel on behalf of lead plaintiff the Kansas Public Employees' Retirement System in the securities class action *Scheiner v. i2 Technologies* (\$84.85 million in settlements), and as co-chair of the discovery committee in *In re Natural Gas Antitrust Cases* (\$160 million in settlements).

From 2002 to 2011, Mr. Sheanin gained extensive experience prosecuting class actions and other complex cases as an associate and a partner with Girard Gibbs LLP and as an associate with Lieff, Cabraser, Heimann & Bernstein, LLP. From 1999 to 2001, Mr. Sheanin was a *pro se* law clerk for the United States Court of Appeals for the Second Circuit.

**Current Cases:**

- *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal.)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)
- *In re Optical Disc Drive Products Antitrust Litigation* (N.D. Cal.)

**Education:**

- Columbia University School of Law, New York, New York – J.D. – 1999
- University of California, Berkeley, Berkeley, California – A.B. – 1993

**Bar Admissions:**

- California
- New York
- New Jersey
- Ninth Circuit Court of Appeals
- Second Circuit Court of Appeals
- U.S. District Court, Central District of California

## PEARSON, SIMON & WARSHAW, LLP

- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, District of Colorado

### **Publications and Presentations:**

- *Appellate Courts Grapple with the Foreign Trade Antitrust Improvements Act*, Competition: The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California, Vol. 23, No. 2 (Fall 2014), with Craig C. Corbitt.
- *The Ownership/Control Exception to Illinois Brick in Hi-Tech Component Cases: A Rule That Recognizes the Realities of Corporate Price Fixing*, ABA International Cartel Workshop February 2014, with Bruce L. Simon
- *The Questionable Use of Rule 11 Motions to Limit Discovery and Eliminate Allegations in Civil Antitrust Complaints in the United States*, ABA International Cartel Workshop February 2012, with Bruce L. Simon
- American Bar Association, Task Force on Contingent Fees (Tort Trial and Insurance Practice Section)
- “California Class Actions Practice and Procedure” (Matthew Bender, 1st Ed. 2003), contributing author

### **Professional Associations and Memberships:**

- California State Bar Antitrust and Unfair Competition Section, Executive Committee
- Antitrust Section of the San Francisco Bar Association, Executive Committee
- American Bar Association
- New York Bar Association



## ASSOCIATES

### BOBBY POUYA

Bobby Pouya is a civil litigator and trial lawyer in the firm's Los Angeles office, focusing on complex litigation, class actions, and consumer protection. Mr. Pouya has been an attorney with Pearson, Simon & Warshaw since 2006, and has extensive experience in representing clients in a variety of contexts. He has served as a primary member of the litigation team in multiple cases that resulted in class certification or a classwide settlement, including cases that involved high-technology products, consumer safety and false and misleading advertising. Mr. Pouya's success has earned him recognition by his peers as a Super Lawyers Rising Star (representing the top 2.5% of lawyers in Southern California age 40 or younger or in practice for 10 years or less) every year since 2008.

Mr. Pouya has served as one of the attorneys representing direct purchaser plaintiffs in several MDL antitrust cases, including *In re Polyurethane Foam Antitrust Litigation* (N.D. Ohio) and *In re Fresh and Processed Potatoes Antitrust Litigation* (D. Idaho). Mr. Pouya earned his Juris Doctorate from Pepperdine University School of Law in 2006, where he received a certificate in dispute resolution from the prestigious Straus Institute for Dispute Resolution and participated on the interschool trial and mediation advocacy teams, the Dispute Resolution Law Journal and the Moot Court Board.

#### Current Cases:

- *Higgins v. Paramount Pictures Corp.* (and related cases) (L.A. Sup. Ct.)
- *Sciortino, et al. v. PepsiCo, Inc.* (N.D. Cal.)

#### Education:

- Pepperdine University School of Law, Malibu, California – J.D. – 2006
- University of California, Santa Barbara, California – B.A., with honors – 2003

#### Recent Publications:

- *Should Offers Moot Claims?*, Daily Journal, Oct. 10, 2014, with Alexander R. Safyan
- *Central District Local Rules Hinder Class Certification*, Daily Journal, April 9, 2013, with Alexander R. Safyan

#### Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

## PEARSON, SIMON & WARSHAW, LLP

### Professional Associations and Memberships:

- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association
- San Fernando Valley Bar Association

## VERONICA W. GLAZE

Veronica W. Glaze is an associate in the firm's Los Angeles office, focusing on antitrust, consumer, and business litigation. Ms. Glaze was a member of the trial team in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, and was actively involved in representing the direct purchaser plaintiffs at all stages of the case. In 2013, Ms. Glaze was recognized by Consumer Attorneys of California as a finalist for its "Consumer Attorney of the Year" award for her work in the case. Ms. Glaze also worked on key aspects of the direct purchaser plaintiffs' case in *In re Potash Antitrust Litigation (II)*, an MDL antitrust case that alleged price fixing by Russian, Belarusian and North American producers of potash. While at Pearson, Simon, & Warshaw, Ms. Glaze has become particularly adept at managing the electronic review of documents at all stages of litigation. She has also gained extensive experience managing the review of foreign language documents and resolving discovery issues concerning the use of translations throughout the litigation process.

Ms. Glaze matriculated at Pomona College in Claremont, California and received her Bachelor of Arts in English Literature, with minors in Black Studies and Politics. She earned her Juris Doctorate in 2008 from Pepperdine University School of Law. While in law school, Mrs. Glaze was a member of Pepperdine's Moot Court Board and worked as a research assistant to Professor Carol A. Chase. Ms. Glaze is also a former law clerk for the Legal Aid Foundation of Los Angeles.

### Current Cases:

- *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal.)
- *In re Cathode Ray Tube (CRT) Antitrust Litigation* (N.D. Cal.)

### Education:

- Pepperdine University School of Law, Malibu, California – J.D. – 2008
- Pomona College, Claremont, California – B.A. – 2004

### Bar Admissions:

- California
- U.S. District Court, Northern District of California
- U.S. District Court, Central District of California

## PEARSON, SIMON & WARSHAW, LLP

### Professional Associations and Memberships:

- John M. Langston Bar Association, Board Member
- Black Women Lawyers Association of Los Angeles, Scholarship Committee Member
- Consumer Attorneys of California, Member
- Los Angeles County Bar Association, Member
- Consumer Attorneys Association of Los Angeles, Member
- San Fernando Valley Bar Association, Member

### Honors and Awards:

- Consumer Attorneys of California's Consumer Attorney of the Year, award finalist, 2013
- John M. Langston Bar Association's President's Award, 2013

## ALEXANDER R. SAFYAN

Alexander R. Safyan is an associate in the firm's Los Angeles office, focusing on antitrust, consumer, and business litigation. Mr. Safyan has worked on many of the firm's class actions, including drafting complex complaints, motions, and discovery. Mr. Safyan has also served as the principal attorney on some of the firm's non-class cases, representing individuals and companies in contract disputes on both sides of the "v." In recognition of his work on behalf of clients, Mr. Safyan has been selected by his peers as a Super Lawyers Rising Star (representing the top 2.5% of lawyers in Southern California age 40 or younger or in practice for 10 years or less) for 4 straight years.

Mr. Safyan is a prolific writer, having been published multiple times by the *Daily Journal* and co-authored papers and presentations with some of the firm's senior attorneys. Further, Mr. Safyan published a law review comment titled *A Call for International Regulation of the Thriving "Industry" of Death Tourism*, which has been cited by multiple other publications. Mr. Safyan earned his Bachelor of Arts degree, *cum laude*, in political science from the University of Southern California in 2008. He earned his Juris Doctorate, *cum laude*, from Loyola Law School Los Angeles in 2011, graduating as a member of the Order of the Coif.

### Current Cases:

- *In re CytRx Corporation Securities Litigation (and related cases)* (C.D. Cal.)
- *In re KIND LLC "Healthy and All Natural" Litigation* (S.D.N.Y.)
- *Sciortino, et al. v. PepsiCo, Inc.* (N.D. Cal.)

### Education:

- Loyola Law School Los Angeles, Los Angeles, California – J.D., *cum laude* – 2011
- University of Southern California, Los Angeles, California – B.A., *cum laude* – 2008

### Recent Publications:

- Class Certification Procedure, Ch. V, ABA Antitrust Class Actions Handbook (3d ed.), with Bruce L. Simon (forthcoming)
- *Should Offers Moot Claims?*, Daily Journal, Oct. 10, 2014, with Bobby Pouya

## PEARSON, SIMON & WARSHAW, LLP

- *Central District Local Rules Hinder Class Certification*, Daily Journal, April 9, 2013, with Bobby Pouya
- *Brantley v. NBC Uni: Tying Consumers' Hands in Bringing Antitrust Tying Claims*, Daily Journal, April 12, 2012, with Clifford H. Pearson
- *A Call for International Regulation of the Thriving "Industry" of Death Tourism*, 33 LOY. L.A. INT'L & COMP. L. REV. 287 (2011)

### Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

### Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers, Young Lawyers Division
- Los Angeles County Bar Association (Serves as Liaison to the Executive Committee of the Antitrust and Unfair Business Practices Section)

## MICHAEL H. PEARSON

Michael H. Pearson is an associate in the firm's Los Angeles office, focusing on antitrust, personal injury, and business litigation. Mr. Pearson has represented clients in high-stakes personal injury, mass tort, and product liability cases.

Mr. Pearson received his Bachelor of Science degree from Tulane University in 2008, majoring in Finance with an Energy Specialization. He received his Juris Doctorate from Loyola Law School Los Angeles in 2011. Mr. Pearson is an active member in a number of legal organizations, including the American, Los Angeles County and San Fernando Valley Bar Associations, Consumer Attorneys of California, the Consumer Attorneys Association of Los Angeles and the Association of Business Trial Lawyers.

### Current Cases:

- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)
- *L.A. Taxi Cooperative, Inc., et al. v. Uber Technologies, Inc., et al.* (N.D. Cal.)
- *Trepte v. Bionaire, Inc.* (L.A. Sup. Ct.)

### Education:

- Loyola Law School Los Angeles, Los Angeles, California – J.D. – 2011
- Tulane University, New Orleans, Louisiana – B.S., *magna cum laude* – 2008

## PEARSON, SIMON & WARSHAW, LLP

### Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

### Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association
- San Fernando Valley Bar Association

## BENJAMIN E. SHIFTAN

Benjamin E. Shiftan is a litigator in the firm's San Francisco office. Since joining the firm in 2014, Mr. Shiftan has focused on complex class action litigation, including antitrust, product defect, and consumer protection cases.

Prior to joining the firm, Mr. Shiftan litigated complex bad faith insurance cases for a national law firm. Before that, Mr. Shiftan served as a law clerk to the Honorable Peter G. Sheridan, United States District Court for the District of New Jersey, and worked for a mid-sized firm in San Diego.

Mr. Shiftan graduated from the University of San Diego School of Law in 2009. While in law school, he served as Lead Articles Editor of the San Diego International Law Journal and competed as a National Team Member on the Moot Court Board. Mr. Shiftan won the school's Paul A. McLennon, Sr. Honors Moot Court Competition. At graduation, he was one of ten students inducted into the Order of the Barristers. Mr. Shiftan graduated from the University of Virginia in 2006.

### Current Cases:

- *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation* (N.D. Cal.)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)

### Education:

- University of San Diego School of Law, San Diego, CA – J.D. – 2009
- University of Virginia, Charlottesville, VA – B.A. – 2006

### Bar Admissions:

- California

## PEARSON, SIMON & WARSHAW, LLP

- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

### **Professional Associations and Memberships:**

- San Francisco County Bar Association

## MATTHEW A. PEARSON

Matthew A. Pearson is an associate in the firm's Los Angeles office focusing on antitrust, personal injury, and business litigation. Mr. Pearson has represented clients in a variety of different matters, including toxic tort litigation, business litigation, products liability, and high-stakes personal injury matters.

Mr. Pearson received his Bachelor of Science degree from the University of Arizona in 2010, majoring in Business Management. He received his Juris Doctorate from Whittier Law School in 2013. Mr. Pearson is an active member in a number of legal organizations, including the American Bar Association, American Association for Justice, Association of Business Trial Lawyers, Consumer Attorneys Association of Los Angeles, Consumer Attorneys of California, and the Los Angeles County Bar Association.

### **Current Cases:**

- *L.A. Taxi Cooperative, Inc., et al. v. Uber Technologies, Inc., et al.* (N.D. Cal.)

### **Education:**

- Whittier Law School, California – J.D. – 2013
- University of Arizona: Eller College of Management – B.S.– 2010

### **Bar Admissions:**

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

### **Professional Associations and Memberships:**

- American Bar Association
- American Association for Justice
- Association of Business Trial Lawyers
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California

## PEARSON, SIMON & WARSHAW, LLP

- Los Angeles County Bar Association

### ALEXANDER L. SIMON

Alexander L. Simon is a litigator in the firm's San Francisco office. Since joining the firm as a law clerk in 2013 and an attorney in 2015, Mr. Simon has focused on complex class action litigation, including antitrust, product defect, and consumer protection cases.

Mr. Simon graduated from Loyola Law School in 2015. While in law school, he served as the Chief Production Editor of the *Loyola of Los Angeles Entertainment Law Review* from 2014-2015. His comment titled *With Great Power Comes Great Responsibility: Gary Friedrich's Battle with Marvel For Artist Rights* was published by the law review that same year. In 2014, Mr. Simon also participated in Loyola Law School's Copyright Moot Court. Mr. Simon graduated from the University of California, Berkeley in 2009 where he was a member of Freshman Men's Crew during the 2005-2006 season. During his senior year of high school, he was the "two" seat of the Saint Ignatius College Preparatory Varsity 8 boat that won the US Rowing Youth Invitational National Championship.

#### Current Cases:

- *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal.)
- *L.A. Taxi Cooperative, Inc., et al. v. Uber Technologies, Inc., et al.* (N.D. Cal.)

#### Education:

- Loyola Law School, Los Angeles, California – J.D. – 2015
- University of California, Berkeley, Berkeley, California – B.A. – 2009

#### Recent Publications:

- *With Great Power Comes Great Responsibility: Gary Friedrich's Battle with Marvel For Artist Rights*, 35 Loy. L.A. Ent. L. Rev. 211 (2015)

#### Bar Admissions:

- California
- U.S. District Court, Southern District of California
- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Eastern District of California

#### Professional Associations and Memberships:

- San Francisco County Bar Association
- California Young Lawyers Association

#### Community Service:

- Prime Time Mock Trial Coach at Ralph Waldo Emerson Middle School in Los Angeles (2014)

## PEARSON, SIMON & WARSHAW, LLP

- Volunteer at the Theatre of Terror (2013) and Raymond Hill Mortuary (2014) Haunted Houses benefiting the South Pasadena Arts Council and South Pasadena Educational Foundation

### MEREDITH C. DOYLE

Meredith C. Doyle is an associate in the firm's San Francisco office, focusing on antitrust, consumer, and business litigation.

Ms. Doyle earned her Bachelor of Arts degree, *cum laude*, from Claremont McKenna College in 2011, majoring in Government with a Leadership focus. She was a member of the varsity women's soccer team all four years, and contributed to two SCIAC League Championship wins. She received her Juris Doctorate from Pepperdine Law School in 2014. In law school, Ms. Doyle served as an Executive Editor of Pepperdine's *Dispute Resolution Law Journal* from 2013 to 2014. The Journal published her article, *Circles of Trust: Using Restorative Justice to Repair Organizations Marred by Sex Abuse*, in 2014. Ms. Doyle was also co-chair of Pepperdine Law School's Honor Board from 2013 to 2014. Ms. Doyle is an active member in a number of legal organizations, including the American Bar Association, Los Angeles County Bar Association, and the Association of Business Trial Lawyers.

#### Current Cases:

- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)
- *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal.)
- *L.A. Taxi Cooperative, Inc., et al. v. Uber Technologies, Inc., et al.* (N.D. Cal.)

#### Education:

- Pepperdine University School of Law, Los Angeles, California – J.D. – 2014
- Claremont McKenna College, Claremont, California – B.A., *cum laude* – 2011

#### Bar Admissions:

- California
- U.S. District Court, Southern District of California (pending)
- U.S. District Court, Central District of California (pending)
- U.S. District Court, Northern District of California (pending)
- U.S. District Court, Eastern District of California (pending)

#### Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers
- Los Angeles County Bar Association
- San Francisco County Bar Association (forthcoming)