

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

*IN RE: CATTLE AND BEEF ANTITRUST  
LITIGATION*

Case No. 0:22-MD-3031 (JRT/JFD)

**DECLARATION OF SHANA E.  
SCARLETT IN SUPPORT OF  
CONSUMER INDIRECT  
PURCHASER PLAINTIFFS’  
MOTION FOR CLASS  
CERTIFICATION**

This Document Relates to:

*Consumer Indirect Purchaser Plaintiff  
Actions*

I, Shana E. Scarlett, state under oath, as follows:

1. I am a partner at Hagens Berman Sobol Shapiro LLP. I am admitted to this Court *pro hac vice*, and am one of the Interim Co-Lead Counsel (along with Lockridge Grindal Nauen P.L.L.P.) appointed by the Court to represent the Consumer Indirect Purchaser Plaintiffs in this litigation. I submit this declaration in support of the Consumer Indirect Purchaser Plaintiffs’ Motion for Class Certification. I have full knowledge of the matters stated herein and would testify to these facts if called upon.

2. Attached hereto are true and correct copies of the following exhibits:

<b>Exhibit Number</b>	<b>Description</b>	<b>Filed Under Seal</b>
1.	Document Bates-numbered TYSONBEEF03018949, produced in the above-captioned action (Kathol Ex. 328)	X
2.	Document Bates-numbered NationalBeef-00727819, produced in the above-captioned action	X

Exhibit Number	Description	Filed Under Seal
3.	Document Bates-numbered CARGILL000100037, produced in the above-captioned action (Carlgren Ex. 1542)	X
4.	Document Bates-numbered CARGILL001929460, produced in the above-captioned action	X
5.	Document entered as Randy Carlgren Deposition Exhibit 1547 at the Deposition of Randy Carlgren taken in the above-captioned action on July 10, 2024	
6.	Document Bates-numbered CARGILL001913660, produced in the above-captioned action	X
7.	Document Bates-numbered TYSONBEEF01252033, produced in the above-captioned action	X
8.	Document Bates-numbered NationalBeef-00057192, produced in the above-captioned action (McGee Ex. 1611)	X
9.	Document Bates-numbered JBS-0001318435, produced in the above-captioned action	X
10.	Document Bates-numbered JBS-0002188917, produced in the above-captioned action	X
11.	Excerpts of Certified Deposition Transcript of Timothy Klein taken in the above-captioned action on August 7, 2024	X
12.	Document Bates-numbered CARGILL001289013, produced in the above-captioned action	X
13.	Document Bates-numbered TYSONBEEF00330300, produced in the above-captioned action (Strickholm Ex. 1162)	X
14.	Excerpts of Certified Deposition Transcript of Monte Lowe taken in the above-captioned action on July 18, 2024	X
15.	Document Bates-numbered NationalBeef-01696162, produced in the above-captioned action (Lowe Ex. 1762)	X
16.	Document Bates-numbered NationalBeef-00023526, produced in the above-captioned action (Klein Ex. 1602)	X
17.	Document Bates-numbered TYSONBEEF01664332, produced in the above-captioned action	X

Exhibit Number	Description	Filed Under Seal
18.	Document Bates-numbered TYSONBEEF03612749, produced in the above-captioned action	X
19.	Document Bates-numbered TYSONBEEF00432185, produced in the above-captioned action	X
20.	Document Bates-numbered TYSONBEEF01661864, produced in the above-captioned action	X
21.	Document Bates-numbered NationalBeef-01105767, produced in the above-captioned action	X
22.	Document Bates-numbered TYSONBEEF00416867, produced in the above-captioned action (Brooks Ex. 1262)	X
23.	Document Bates-numbered TYSONBEEF00348953, produced in the above-captioned action	X
24.	Document Bates-numbered TYSONBEEF03275404, produced in the above-captioned action	X
25.	Document Bates-numbered TYSONBEEF01426314, produced in the above-captioned action	X
26.	Document Bates-numbered TYSONBEEF00436185, produced in the above-captioned action	X
27.	James MacDonald, U.S.D.A. ECON. RSCH. SERV., <i>Concentration in U.S. Meatpacking Industry and How It Affects Competition and Cattle Prices</i> , Jan. 25, 2024, <a href="https://www.ers.usda.gov/amber-waves/2024/january/concentration-in-u-s-meatpacking-industry-and-how-it-affects-competition-and-cattle-prices/">https://www.ers.usda.gov/amber-waves/2024/january/concentration-in-u-s-meatpacking-industry-and-how-it-affects-competition-and-cattle-prices/</a> (last visited Sept. 11, 2024)	
28.	Document Bates-numbered NationalBeef-00419991, produced in the above-captioned action (Lowe Ex. 1761)	X
29.	Document Bates-numbered NationalBeef-00950021, produced in the above-captioned action Klein Ex. 2039)	X
30.	Document Bates-numbered TYSONBEEF00476366, produced in the above-captioned action (Kieffer Ex. 204)	X

Exhibit Number	Description	Filed Under Seal
31.	Document Bates-numbered JBS-0001302439, produced in the above-captioned action (Williams Ex. 1720)	X
32.	Document Bates-numbered NationalBeef-00267770, produced in the above-captioned action (Klein Ex. 2040).	X
33.	Document Bates-numbered CARGILL001383724, produced in the above-captioned action (Chandler Ex. 2146).	X
34.	Document Bates-numbered HALES081139, produced in the above-captioned action	
35.	Document Bates-numbered NationalBeef-01697714, produced in the above-captioned action (Lowe Ex. 1763)	X
36.	Document Bates-numbered JBS-0002827403, produced in the above-captioned action	X
37.	Excerpts of Certified Deposition Transcript of Arthur Wagner taken in the above-captioned action on June 28, 2024	X
38.	Document Bates-numbered NationalBeef-00046888, produced in the above-captioned action (Wagner Ex. 1478)	X
39.	Document Bates-numbered NationalBeef-00046889, produced in the above-captioned action (Wagner Ex. 1478A)	X
40.	Document Bates-numbered NationalBeef-00692435, produced in the above-captioned action (Wagner Ex. 1479)	X
41.	Document Bates-numbered JBS-0002320638, produced in the above-captioned action	X
42.	Document Bates-numbered JBS-0002516077, produced in the above-captioned action (Byers Ex. 1371)	X
43.	Excerpts of Certified Deposition Transcript of Al Byers taken in the above-captioned action on June 26, 2024	X
44.	Document Bates-numbered CARGILL000094434, produced in the above-captioned action	X
45.	Document Bates-numbered CARGILL001311979, produced in the above-captioned action	X

Exhibit Number	Description	Filed Under Seal
46.	Document Bates-numbered CARGILL001297405, produced in the above-captioned action (Keating Ex. 2452)	X
47.	Document Bates-numbered CARGILL001297407, produced in the above-captioned action (Keating Ex. 2452A)	X
48.	Document Bates-numbered CARGILL000099841, produced in the above-captioned action	X
49.	Excerpts of Certified Deposition Transcript of John Keating (Volume 1) taken in the above-captioned action on September 4, 2024	X
50.	Excerpts of Certified Deposition Transcript of David Holloway taken in the above-captioned action on April 26, 2024	X
51.	Document Bates-numbered JBS-0000295294, produced in the above-captioned action	X
52.	Document Bates-numbered NationalBeef-00062406, produced in the above-captioned action	X
53.	Document Bates-numbered NationalBeef-01396517, produced in the above-captioned action	X
54.	Document Bates-numbered TYSONBEEF02095131, produced in the above-captioned action (Brooks Ex. 1249)	X
55.	Document Bates-numbered NationalBeef-00782038, produced in the above-captioned action (Klein Ex. 2034)	X
56.	Document Bates-numbered NationalBeef-00008441, produced in the above-captioned action	X
57.	Document Bates-numbered JBS-0000166249, produced in the above-captioned action (Holloway Ex. 637)	X
58.	Document Bates-numbered CARGILL000229388, produced in the above-captioned action (Keating Ex. 2443)	X
59.	Document Bates-numbered CARGILL001429314, produced in the above-captioned action (Birkhofer Ex. 78)	X
60.	Document Bates-numbered TYSONBEEF01356804, produced in the above-captioned action (Sorensen Ex. 820)	X

Exhibit Number	Description	Filed Under Seal
61.	Document Bates-numbered TYSONBEEF01340139, produced in the above-captioned action	X
62.	Document Bates-numbered CFish_0000141929, produced in the above-captioned action	X
63.	Document Bates-numbered JBS-0002460801, produced in the above-captioned action (Rose Ex. 1824)	X
64.	Excerpts of Certified Deposition Transcript of Larry Rose taken in the above-captioned action on July 23, 2024	X
65.	Excerpts of Certified Deposition Transcript of Dan Brooks taken in the above-captioned action on June 19, 2024	X
66.	Document Bates-numbered NationalBeef-00222732, produced in the above-captioned action (Lowe Ex. 1786)	X
67.	Document Bates-numbered NationalBeef-00004142, produced in the above-captioned action (Klein Ex. 2041)	X
68.	Document Bates-numbered CARGILL001399268, produced in the above-captioned action (Abrahamson Ex. 1856)	X
69.	Document Bates-numbered CARGILL000001172, produced in the above-captioned action	X
70.	Document Bates-numbered NationalBeef-00251006, produced in the above-captioned action	X
71.	Document Bates-numbered TYSONBEEF00001002, produced in the above-captioned action	X
72.	Document Bates-numbered JBS-0000773560, produced in the above-captioned action	X
73.	Document Bates-numbered TYSONBEEF01642792, produced in the above-captioned action	X
74.	Document Bates-numbered HALES204856, produced in the above-captioned action	
75.	Document Bates-numbered NationalBeef-00209147, produced in the above-captioned action (Lowe Ex. 1801)	X

Exhibit Number	Description	Filed Under Seal
76.	Document Bates-numbered CARGILL001189962, produced in the above-captioned action	X
77.	Excerpts of Certified Deposition Transcript of Jon Kathol taken in the above-captioned action on March 29, 2024	X
78.	Excerpts of Certified Deposition Transcript of Glenn Strickholm taken in the above-captioned action on June 12, 2024	X
79.	Document Bates-numbered TYSONBEEF00281144, produced in the above-captioned action (Strickholm Ex. 1172)	X
80.	Document Bates-numbered TYSONBEEF00578579, produced in the above-captioned action (Strickholm Ex. 1175)	X
81.	Document Bates-numbered TYSONBEEF00426665, produced in the above-captioned action (Holbrook Ex. 257)	X
82.	Document Bates-numbered NationalBeef-00004859, produced in the above-captioned action	X
83.	James M. MacDonald, et al., U.S.D.A. ECON. RSCH. SERV., <i>Concentration and Competition in U.S. Agribusiness</i> , Jun. 2023, <a href="https://www.ers.usda.gov/webdocs/publications/106795/eib-256.pdf?v=7459">https://www.ers.usda.gov/webdocs/publications/106795/eib-256.pdf?v=7459</a> Document Bates-numbered NationalBeef-00004859, produced in the above-captioned action	
84.	Document Bates-numbered JBS-0000503320, produced in the above-captioned action	X
85.	Document Bates-numbered TYSONBEEF00804288, produced in the above-captioned action (Kathol Ex. 340)	X
86.	Document Bates-numbered TYSONBEEF00473241, produced in the above-captioned action (Holbrook Ex. 265)	X
87.	Excerpts of Certified Deposition Transcript of Karl D. Skold taken in the above-captioned action on May 9, 2024	X
88.	Document Bates-numbered CARGILL000154155, produced in the above-captioned action	X
89.	Document Bates-numbered CARGILL001238251, produced in the above-captioned action (Zerr Ex. 382)	X

Exhibit Number	Description	Filed Under Seal
90.	Excerpts of Certified Deposition Transcript of Simon McGee (Volume 2) taken in the above-captioned action on July 11, 2023	X
91.	Document Bates-numbered CARGILL000137501, produced in the above-captioned action (Zerr Ex. 383)	X
92.	Document Bates-numbered JBS-0000312849, produced in the above-captioned action (Skold Ex. 734)	X
93.	Excerpts of Certified Deposition Transcript of Nate Birkhofer taken in the above-captioned action on February 7, 2024	X
94.	Document Bates-numbered NationalBeef-00210779, produced in the above-captioned action (Lowe Ex. 1799)	X
95.	Document Bates-numbered CARGILL000907570, produced in the above-captioned action	X
96.	Document Bates-numbered JBS-0000392465, produced in the above-captioned action	X
97.	Document Bates-numbered NationalBeef-00298725, produced in the above-captioned action	X
98.	Document Bates-numbered TYSONBEEF03141215, produced in the above-captioned action	X
99.	Document Bates-numbered JBS-0001425815, produced in the above-captioned action (Holloway Ex. 625)	X
100.	Excerpts of Certified Deposition Transcript of Phil Groetken taken in the above-captioned action on February 21, 2024	X
101.	Excerpts of Certified Deposition Transcript of Jerry Holbrook taken in the above-captioned action on March 13, 2024	X
102.	Hagens Berman Sobol Shapiro LLP Firm Resume	
103.	Lockridge Grindal Nauen P.L.L.P.	

I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED: September 25, 2024

/s/ Shana E. Scarlett  
SHANA E. SCARLETT

**CERTIFICATE OF SERVICE**

The undersigned attorney of record hereby certifies that a true and correct copy of the foregoing was filed electronically through the Court's CM/ECF system. Notice and a copy of this filing will be served upon all counsel of record by operation of the Court's CM/ECF system.

DATED: September 25, 2024

*s/ Shana E. Scarlett*  
SHANA E. SCARLETT

# Exhibit 1

## Filed Under Seal

# Exhibit 2

## Filed Under Seal

# Exhibit 3

## Filed Under Seal

# Exhibit 4

## Filed Under Seal

# **EXHIBIT 5**

2017-003523 SHD Total Pages: 7  


WHEN RECORDED, RETURN TO:

This space reserved for recording information.

**SPECIAL WARRANTY DEED**

**CARGILL MEAT SOLUTIONS CORPORATION**, a Delaware corporation, formerly known as Excel Corporation ("**Grantor**"), for and in consideration of the sum of Ten Dollars (\$10.00) cash and other good and valuable consideration to it in hand paid by **PLAINVIEW FACILITY PROJECT, LLC**, a Texas limited liability company ("**Grantee**"), the receipt and sufficiency of which are hereby acknowledged, by these presents does GRANT, BARGAIN, SELL and CONVEY unto Grantee the real property situated, lying and being in the County of Hale, State of Texas, more specifically described on **Exhibit A** attached hereto and made a part hereof, together with all improvements thereon ("**Property**").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee and its successors and assigns, forever, subject to (i) existing taxes and assessments for current and subsequent years; (ii) easements, right of ways, covenants, conditions, restrictions, reservations, exceptions, and other matters of record; (iii) zoning, subdivision, building code and land use laws imposed by any governmental authority have jurisdiction over the Property, and Grantor does hereby bind himself, its successors and assigns, to warrant the title against its acts and none other.

**Restrictive Covenant:** By acceptance of this Special Warranty Deed, Grantee hereby accepts the following restrictive covenant that shall run with the land:

**THE GRANTEE, ITS SUCCESSORS AND ASSIGNS, WILL NOT, AND WILL NOT PERMIT ANY THIRD PARTY TO, USE THE PROPERTY CONVEYED HEREIN OR ANY PORTION THEREOF TO SLAUGHTER OR PROCESS CATTLE OR OTHERWISE OPERATE AS A BEEF PACKING HOUSE FOR A PERIOD OF FIVE (5) YEARS FROM THE DATE OF THIS DEED. NOTICE OF THIS RESTRICTIVE COVENANT MUST APPEAR IN ALL DEEDS TRANSFERRING ANY INTEREST IN THIS PROPERTY DURING THE RESTRICTIVE PERIOD.**

#13792411

PLAINTIFF EXHIBIT  
Randy Carigren  
In Re: Cattle Arbitral Litigation  
**1547**

EXECUTED as of November 9, 2017.

**CARGILL MEAT SOLUTIONS CORPORATION**

By: *Randy K. Carlgren*  
Name: Randy K. Carlgren  
Title: Vice President, Group Financial Planning & Analysis Lead

STATE OF KANSAS     )  
  )  
COUNTY OF SEDGWICK )

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of November, 2017, by Randy K. Carlgren, in his capacity as Vice President, Group Financial Planning & Analysis Lead of **CARGILL MEAT SOLUTIONS CORPORATION**, a Delaware corporation, on behalf of said corporation.

*Sandra Carrier*  
Notary Public



My Commission Expires: \_\_\_\_\_

Tax Statements Shall be Sent to:

Plainview Facility Project, LLC  
2 Baines Court  
Argyle, TX 76226

**Exhibit A**  
**Legal Description**

**TRACT 1:**

A 198.2197 acre (8,634,453 square foot) tract of land being part of the same property of a called 240.69 acre tract recorded in Hale County Records Volume 506, Page 451, located in South one half of Section Number Fifteen, Block JK-3, Hale County, Texas, and part of a called 69.877 acre tract recorded in Hale County Records Volume 574, Page 249, located in South one half of Section Number Fifteen, Block JK-3, Hale County, Texas, and part of a called 1.77 acre tract recorded in Hale County Records Volume 584, Page 471 and Volume 662, Page 67, located in Southwest quarter of Section Number Fifteen, Block JK-3, Hale County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at the Southwest corner of Section 15, Block JK-3, Hale County, Texas;

Thence, along the South line of said Section 15, South 89 degrees 19 minutes 03 seconds East, for a distance of 130.00 feet to a 5/8 inch iron rod with a yellow plastic cap marked "1ST AMER 4052532444" set for corner in the East Right-of-Way Line of the Santa Fe Railroad, said point being the Southwest corner of the called 240.69 acre tract and the Point of Beginning;

Thence, along said East Right-of-Way line, North 00 degrees 38 minutes 39 seconds East, for a distance of 2660.12 feet to a 3/8 inch iron rod found for the Northwest corner of the called 69.877 acre tract;

Thence, along the North line of the called 69.877 acre tract, South 89 degrees 18 minutes 58 seconds East, for a distance of 1605.53 feet to a 5/8 inch iron rod with a yellow plastic cap marked "1st AMER 4052532444" set for corner;

Thence, departing the North line of the called 69.877 acre tract, South 00 degrees 38 minutes 57 seconds West, for a distance of 1150.83 feet to a 5/8 inch iron rod with a yellow plastic cap marked "1ST AMER 4052532444" set for corner;

Thence, South 89 degrees 47 minutes 53 seconds East, for distance of 2454.65 feet to a 5/8 inch iron rod with a yellow plastic cap marked "1ST AMER 4052532444" set for corner;

Thence, South 00 degrees 10 minutes 07 seconds West, for a distance of 857.74 feet to a 5/8 inch iron rod with a yellow plastic cap marked "1ST AMER 4052532444" set for corner;

Thence, South 89 degrees 19 minutes 03 seconds East, for a distance of 1013.19 feet to the East line of called 240.69 acre tract and to a 5/8 inch iron rod with a yellow plastic cap marked "1ST AMER 4052532444" set for corner;

Thence, along said East line, South 00 degrees 10 minutes 07 seconds West for a distance of 672.15 feet to a 5/8 inch iron rod with a yellow plastic cap marked "1ST AMER 4052532444" set for corner at the Southeast corner of the called 240.69 acre tract in the South line of said Section 15 from which a 1/2 inch iron rod found for the Southeast corner of said Section 15, Block JK-3 bears: South 89 degrees 19 minutes 03 seconds East, a distance of 60.84 feet;

Thence, along the South line of said Section 15, North 89 degrees 19 minutes 03 seconds West, for a distance of 3172.84 feet to a 5/8 inch iron rod with a yellow plastic cap marked "1ST AMER 4052532444" set for corner at the Southeast corner of a called 1.302 acre tract, recorded in Volume 684, Page 117, Hal County, Texas Records;

Thence, along the East line of said 1.302 acre tract, North 00 degrees 40 minutes 57 seconds East, for a distance of 271.71 feet to the Northeast corner of said 1.302 acre tract and to a 5/8 inch iron rod with a yellow plastic cap marked "1ST AMER 4052532444" set for corner;

Thence, along the North line of said 1.302 acre tract, North 89 degrees 19 minutes 03 seconds West 208.71 feet to the Northwest corner of said 1.302 acre tract and to a 5/8 inch iron rod with a yellow plastic cap marked "1ST AMER 4052532444" set for corner;

Thence, along the West line of said 1.302 acre tract, South 00 degrees 40 minutes 57 seconds West, for a distance of 271.71 feet to the South line of said Section 15 and the Southwest corner of said 1.302 acre tract and to a 5/8 inch iron rod with a yellow plastic cap marked "1ST AMER 4052532444" set for corner;

Thence, along said South line North 89 degrees 19 minutes 03 seconds West, for a distance of 1704.35 feet to the Point of Beginning and containing 198.2197 acres (8,634,453 square feet) of land.

**TRACT 2: INTENTIONALLY DELETED**

**TRACT 3:**

A 1.77 acre tract out of the Southwest part of Section 15, Block JK-3, Hale County, Texas;

BEGINNING at a point in the South line and 890.5 feet East of the S.W. corner of Section 15, Block JK-3, Hale County, Texas;

THENCE S 89 degrees 58 minutes 10 seconds E, 222.2 feet to a point;

THENCE, N 00 degrees 06 minutes 10 seconds E, 347.6 feet to a corner of fence;

THENCE, N 89 degrees 58 minutes 10 seconds W, along fence line, at 192.2 feet past corner of fence, in all 222.2 feet to a point;

THENCE, S 00 degrees 06 minutes 10 seconds W, 347.6 feet to the place of beginning and containing 1.77 acres.

TRACT 4:

All of the Northeast One-Fourth (NE/4) of Section 16, Block JK-3, Hale County, Texas,

SAVE AND EXCEPT

A 6.262 acre tract out of the Northwest corner of the Northeast Quarter of Survey No. 16, Block JK-3, Hale County, Texas:

BEGINNING at a 3/8 inch steel rod set in the North line and 2634 feet West of a 5/8 inch steel rod found for the Northeast corner of Survey No. 16, Block JK-3, Hale County, Texas, said 3/8 inch steel rod being in the West side of a power pole line and 20.5 feet South of the center of pavement of F.M. Highway No. 3, 183;

THENCE South at 22 feet past the South right-of-way line of said F.M. Highway No. 3, 183 in all 522 feet along the West side of said pole line and the West line of the Northeast Quarter of said survey to a 3/8 inch steel rod;

THENCE East 522.72 feet to a 3/8 inch steel rod;

THENCE North 522.0 feet to a 3/8 inch steel rod set in the North line of said survey;

THENCE West 522.72 feet along the North line of said survey to the POINT OF BEGINNING and containing 6.264 acres of which 6.0 acres are outside highway right-of-way easement; and the tract contains a total of 153.736 acres.

TRACT 5:

All of the Christian Sander Homestead Survey, Abstract No. 723, Patent No. 217, Volume 25, dated January 26, 1893, Hale County, Texas, recorded in Volume 1, Page 129, Patent Records, Hale County, Texas.

TRACT 6:

All of the East one-half of the J.M. Martin Pre-emption Survey, Patent No. 126, Volume 25, dated October 19, 1892, Hale County, Texas, recorded in Volume 1, Page 95, Patent Records, Hale County, Texas.

TRACT 7:

All of the West one-half of the J.M. Martin Pre-emption Survey, Patent No. 126, Volume 25, dated October 19, 1892, Hale County, Texas, recorded in Volume 1, Page 95, Patent Records, Hale County, Texas.

TRACT 8:

All of the J.C. Glenn Survey, Abstract No. 598, Patented to C.H. Gilbert, Assignee of J.C. Glenn, by Patent No. 373, Volume 25, dated May 8, 1893, Hale County, Texas, also recorded in Book 1, Page 131, Patent Records, of Hale County, Texas.

TRACT 9:

All of the W.H. Postwood Pre-emption Survey No. 1, Abstract No. 607, Patent No. 175, Volume No. 24, dated September 18, 1891, Hale County, Texas, also recorded in Book 1, Page 73, Patent Records of Hale County, Texas.

TRACT 10:

Being 215 acre tract out of the W. T. Darby Homestead Survey, Abstract No. 967, Patent No. 125, Volume 25, dated October 19, 1892, Hale County, Texas, recorded in Volume 1, Page 93, Patent Records, Hale County, Texas; and the L. Lee Dye Homestead Survey, Abstract No. 1185, Patent No. 228, Volume 30, dated April 14, 1900, Hale County, Texas, recorded in Volume 1, Page 205, Patent Records, Hale County, Texas as held on ground; more fully described by metes and bounds:

COMMENCING at a 3/8 inch steel rod found in the centerline of F.M. Highway No. 400 and the centerline of a county road to the East for the Southwest corner of the W.T. Darby Survey, Hale County, Texas, as held on the ground, said rod being 56.22 feet North of a nail found for the Southeast corner of Survey 17, Block JK-3;

THENCE N 89 degrees 45 minutes 39 seconds E 50 feet along the centerline of said county road to a 1/2 inch steel rod set in the East right-of-way line of said highway;

THENCE N 00 degrees 01 minutes 15 seconds W 1052.35 feet along the East right-of-way line of said highway to a 1/2 inch steel rod for the POINT OF BEGINNING of the herein described tract;

THENCE N 00 degrees 01 minutes 15 seconds W 1028.84 feet along the East right-of-way line of said highway to a 1/2 inch steel rod, from which an irrigation well bears N 00 degrees 01 minutes 15 seconds W 15 feet and N 89 degrees 58 minutes 45 seconds E 19 feet;

THENCE N 89 degrees 58 minutes 45 seconds E 50 feet to a 1/2 inch steel rod;

THENCE N 00 degrees 01 minutes 15 seconds W 50 feet to a 1/2 inch steel rod;

THENCE S 89 degrees 58 minutes 45 seconds W 50 feet to a 1/2 inch steel rod set in said right-of-way line;

THENCE N 00 degrees 01 minutes 15 seconds W 557.14 feet to a corner post in the North line of said Darby Survey, as held on the ground;

THENCE S 89 degrees 39 minutes E 2569 feet to a 1/2 inch steel rod set in original position of disturbed corner post for the Northeast corner of said Darby Survey as held on the ground;

THENCE N 00 degrees 09 minutes W 21.94 feet to a corner post found for the Northwest corner of said Dye Survey as held on the ground;

THENCE N 89 degrees 54 minutes 28 seconds E 1368.98 feet to a corner post found for the Northeast corner of said Dye Survey as held on the ground;

THENCE S 00 degrees 18 minutes 48 seconds E, passing a corner post on the North side of said county road, in all, 2680.32 feet to a 1/2 inch steel rod set in the centerline of said county road for the Southeast corner of said Dye Survey;

THENCE S 89 degrees 45 minutes 39 seconds W 2808.37 feet along the South lines of said Dye and Darby Surveys, as held on the ground, to a 1/2 inch steel rod;

THENCE N 00 degrees 01 minutes 15 seconds W 1036.99 feet to a 1/2 inch steel rod;

THENCE N 89 degrees 28 minutes 10 seconds W 1143.26 feet to the POINT OF BEGINNING and containing 215 acres, including county road on the South.

CERTIFIED FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS



*Latrice Kemp*

Latrice Kemp County Clerk  
Harris County, Texas  
11/13/2017 03:28 PM  
Fee: \$50.00  
2017-003583 SMO

# Exhibit 6

## Filed Under Seal

# Exhibit 7

## Filed Under Seal

# Exhibit 8

## Filed Under Seal

# Exhibit 9

## Filed Under Seal

# Exhibit 10

Filed Under Seal

# Exhibit 11

Filed Under Seal

# Exhibit 12

Filed Under Seal

# Exhibit 13

Filed Under Seal

# Exhibit 14

Filed Under Seal

# Exhibit 15

Filed Under Seal

# Exhibit 16

Filed Under Seal

# Exhibit 17

Filed Under Seal

# Exhibit 18

Filed Under Seal

# Exhibit 19

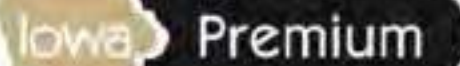
Filed Under Seal

# Exhibit 20

Filed Under Seal

ECF No. 873-19  
Unsealed by  
Agreement of the  
Parties

**EXHIBIT 21**  
**FILED UNDER SEAL**



Family Farm Raised • Black Angus

Weekly Iowa Premium Media Report  
September 21, 2018

PETA calls for criminal charges vs. Iowa Premium, employees  
Tama News-Herald  
September 15, 2018

Alleged "botched stunning incidents" in the killing of five steers at Iowa Premium in Tama have resulted in a call from PETA (People for the Ethical Treatment of Animals) for Tama Police Chief Jason Bina to investigate.

Colin Henstock, identified as a PETA investigations specialist, claims in a letter to Bina sent on Tuesday, Sept. 11, the supervisory public health veterinarian observed the process.

Incidents were reported by PETA on May 10, and August 1, 7 and 8 in which Henstock says "an ineffective stun of a steer using the hand-held captive bolt gun" occurred.

"These disturbing revelations show that this steer-if not four others-suffered a prolonged, agonizing death at Iowa Premium," PETA Senior Vice President Daphna Nachminovitch said in a news release. "PETA is calling for a criminal investigation on behalf of all cows who suffered at this facility and the members of the public who care about them."

The PETA release calls upon Police Chief Bina "to investigate the slaughterhouse and, as appropriate, file criminal cruelty-to-animal charges against the facility and the workers responsible for the botched stunning incidents..."

Bina confirmed to The News-Herald he had received an email on Tuesday from PETA making the investigation request. He said he forwarded it to the office of Tama County Attorney Brent Heeren for possible direction on the matter.

Iowa Premium did not return a request for comment before News-Herald deadline on Wednesday.

Iowa Premium employs more than 850 at the Tama been plant and has been in operation here since October, 2014.

The plant first opened in 1972 and operated under various ownership until then-owner IBP closed it at the end of 1999. The plant was shut down for a time then reopened again in 2001 under Valley Pride, a Wisconsin-based company which closed operations in about a year. Iowa Cattlemen also opened and then closed the plant after about one and one-half years. It then sat idle from about 2004-14.

New company plans to open in shuttered Tyson Foods plant in Cherokee  
Radio Iowa  
September 20, 2018

A newly formed company is planning to do business in a northwest Iowa Tyson Foods plant that was shut down in 2014.

Bill Anderson, executive director for Cherokee Area Economic Development, says the Iowa Food Group has acquired the facility. The announcement falls on homecoming week for Cherokee Schools. "Four years ago, during homecoming week, Tyson closed their doors for the last time.



Before its closure, Tyson was Cherokee's largest employer. Like many rural communities, the town of about 4,900 has steadily lost population in recent years.

"For a small community, this is a shot in the arm," Anderson said. "It gives you an opportunity to maybe reverse the trends."

Though Tyson has agreed to the sale, the Arkansas-based conglomerate still will have limited control over the facility: The deed limits the amount of cattle that can be processed at the plant for the next 10 years.

It also requires Iowa Food Group to submit affidavits at least quarterly to update Tyson on all cattle-processing activity.

Tyson officials declined to comment Wednesday.

"There are no hard feelings on our part," said Cherokee City Administrator Sam Kooiker. "We're just grateful to be moving forward."

Newspaper story prompts action on mothballed plant

While city leaders were "thrilled" with the news, Kooiker said Tyson remains critically important in Iowa.

The company employs thousands of Iowans, including those at nearby plants in Perry and Storm Lake.

Kooiker credited a 2016 Des Moines Register story on the conflict, and the ensuing public pressure, for motivating Tyson to leave the plant behind.

The day after the story published, U.S. Sen. Chuck Grassley wrote to Tyson's CEO, pressuring the company to find a resolution.

"We had the governor's office involved. We had Sen. Grassley's office involved," Kooiker said. "Your story helped to bring it to a head."

Cherokee may consider economic development incentives, though nothing has been determined yet.

"All the options are on the table," the city administrator said. "There will certainly be discussions as it moves forward."

Facing mounting public pressure, Tyson offered to buy out its lease in July 2016.

But that \$400,000 offer went nowhere, as the property owner worried about ongoing costs of security, maintenance, utilities and property taxes — all of which Tyson had covered under its lease agreement.

The plant was finally listed for sale by July 2017, and a Tyson spokeswoman said the company was "always willing to consider serious proposals for future uses of the facility."

Iowa Food Group may work together with Tyson

# Exhibit 22

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# **EXHIBIT 27**



An official website of the United States government [Here's how you know](#)



USDA Economic Research Service (/)

MENU



Feature: Food Markets & Prices

January 25, 2024

# Concentration in U.S. Meatpacking Industry and How It Affects Competition and Cattle Prices

by James M. MacDonald (/authors/ers-staff-directory/james-m-macdonald/)



wages in meatpacking plants rose faster than overall inflation, only a small part of the spread's increase can be attributed to rising costs at packing plants.

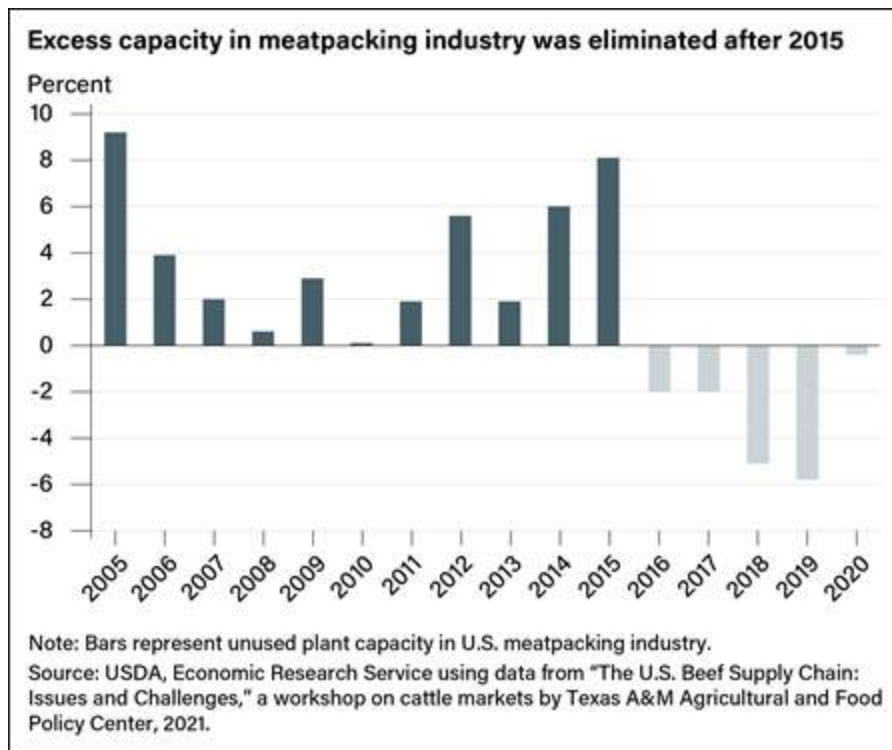
Something appears to have changed after 2015.

## What Happened After 2015?

The increase in the farm-to-wholesale choice beef price spread coincided with another market development, the disappearance of excess capacity in the industry. In the meatpacking industry, firms design plants with a specific capacity in mind, and the plants can produce under that capacity. They also can produce more than their designed capacity by adding evening and weekend shifts.

When the industry is operating below capacity, packers have an incentive to bid aggressively for cattle. Firms incur capital and labor costs whether the plant is fully in use or not. A plant will then incur only small additional costs for processing 50 to 100 more cattle when operating under capacity, and they can make money on that extra lot of cattle even when paying more than they paid for the rest of their cattle. What's more, extended periods of operating under capacity affect company strategies, as packers and their cattle buyers develop routines to persistently search and bid aggressively for additional cattle to run through the plant.

During the industry's late 20th century consolidation, U.S. beef consumption and production grew slowly. A decline in per capita consumption was only partly offset by a growing U.S. population and rising beef exports, and total U.S. beef production in 2015 was only 5 percent greater than it was in 1977. As a result, actual production in U.S. beef plants often fell well below the plants' designed capacity. The industry operated below capacity every year from 2005 through 2015, and other evidence indicates it operated below designed capacity before 2005 as well. By 2015, excess capacity amounted to 8 percent of the industry's designed capacity.



Over time, the industry gradually reduced its designed capacity as small and midsize packing plants closed. Those plants faced higher per-animal processing costs and could not operate profitably in a competitive environment for cattle purchases. As capacity gradually shrank, actual production grew — although slowly — and by 2016 packers were adding extra weekday and Saturday shifts to use plants more intensively and to generate production above designed capacity.

When plants run at or above capacity, increasing production raises labor expenses because plants must pay workers overtime to fill extra shifts. The increased workload also adds capital maintenance and replacement expenses as equipment is used more intensively. Meatpackers and their buyers are then less likely to bid higher for additional cattle, and in extended periods of full capacity they can adjust strategies to bid less aggressively on all the cattle they buy. This helps account for the wide expansion in spreads after 2015.

### Market Adjustments: Entry into Meatpacking

Rising spreads, if they reflect increased profits for meatpackers, should lead to market adjustments as existing packers expand plants and new firms enter the business. Recently, there has been evidence of both. One of the top four packers added capacity at its plants, and a second bought another plant and announced

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# **EXHIBIT 34**

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**From:** Bruce Best  
**Sent:** Friday, July 11, 2014 8:51 AM CDT  
**To:** David L Hales  
**Subject:** Re: national

that is interesting i did hear yesterday that they were only going to kill 1 plant this week and were contemplating none next week. ..doesn't say much for the packer anticipating big increase in numbers..at least doesn't say it to me...just like yesterday's 2-3 lower cash on S8 lower futures. says they still have inventory concerns

On Fri, Jul 11, 2014 at 8:29 AM, David L. Hales <[david@halestradingco.com](mailto:david@halestradingco.com)> wrote.

In the for what it is worth area – national says no more Saturday kills

David L. Hales

Hales Trading Co.,Inc.

Hales Cattle Letter

Office: 806 463 7144

Cell: 806 674 0510

Fax: 806 467 2331

e-mail: [david@halestradingco.com](mailto:david@halestradingco.com)

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# **EXHIBIT 74**

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**From:** Bruce Bass  
**Sent:** Tuesday, December 22, 2015 1:08 PM CST  
**To:** David Hales  
**Subject:** Re

could be jbs punishing tyson as well...

On Tue, Dec 22, 2015 at 12:57 PM, David L. Hales <[dahl@hales tradingco.com](mailto:dahl@hales tradingco.com)> wrote:

Ibs just went to 124 Tyson bidding 122. As you say – zoom zoom

David L. Hales

Hales Trading Co., Inc.

Hales Castle Letter

Office: 806 463 2144

Cell: 806 674 0510

Fax: 806 467 2331

e mail: [dahl@hales tradingco.com](mailto:dahl@hales tradingco.com)

**From:** Bruce Bass [<mailto:bbass2303@qmail.com>]  
**Sent:** Tuesday, December 22, 2015 12:42 PM  
**To:** David Hales  
**Subject:**

now hear everyone but tyson is picking off a few at 122... ks and tx...national supposedly buying for this sat... cms next week and jbs maybe this week? no tyson

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# Exhibit 81

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# Exhibit 82

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# **EXHIBIT 83**



Economic Research Service  
U.S. DEPARTMENT OF AGRICULTURE

Economic  
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Service

Economic  
Information  
Bulletin  
Number 256

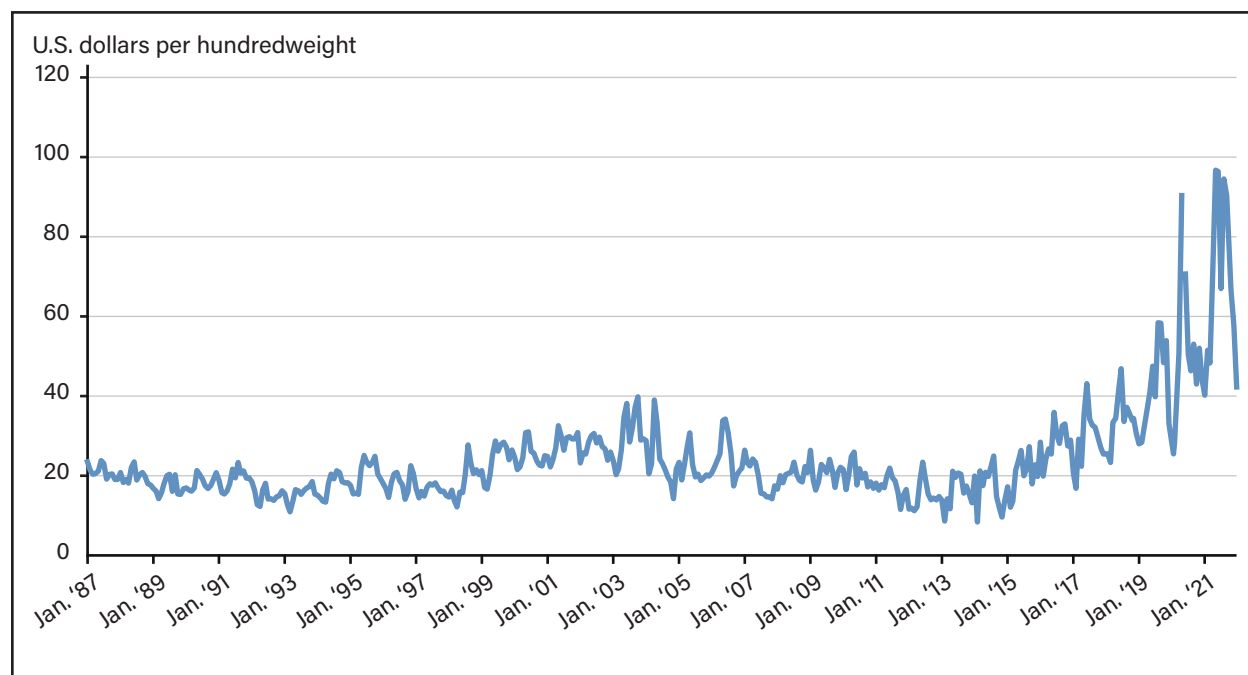
June 2023

# Concentration and Competition in U.S. Agribusiness

James M. MacDonald, Xiao Dong, and Keith O. Fuglie



Figure 7

**Farm-to-wholesale choice beef spreads, 1987–2021**

Note: U.S. dollars are adjusted to 1987 levels with the Producer Price Index.

Source: USDA, Economic Research Service.

A striking new development occurred around 2015: on average, the spread doubled between 2015 and 2019.<sup>33</sup> While hourly production worker wages in meatpacking rose by about 16 percent between 2015 and 2019, the increase in the farm-to-wholesale spread far exceeded the impact of labor costs. In short, price spreads increased substantially after 2015, after displaying no strong trend over the previous 30 years.

Research by the U.S. Government Accountability Office (GAO) supports the suggestion that rising price spreads could be due to (local) market concentration. The GAO's 2018 report (GAO, 2018) analyzed the sources of differences in prices paid for fed cattle during 2013–16, updating a model used in the 1996 Packers and Stockyards Program report noted above. Some results were consistent with earlier research: Higher-quality cattle fetched higher prices, and more uniform lots of cattle also realized higher prices; larger feedlots obtained higher prices, and larger plants paid more. But the research also found a noticeably stronger impact of local market concentration on cattle prices: Prices paid in a county with a relatively high level of concentration (the 75th percentile) were 9 percent lower than in a county with a relatively low concentration of cattle sales (the 25th percentile). This is a substantially larger impact of market concentration than that found in studies of transactions in the 1980s and 1990s.

### *Changes in Industry Production Capacity*

With slow or stagnant growth in the demand for beef, many plants in the 1980s and 1990s ran at less than full capacity much of the time. This insight led to research analyses, initiated by in Crespi et al. (2010), that focused on the idea that monopsony power might vary with the cattle cycle. In an analysis of data from 1988 through 2006, those authors found that markdowns (reductions in cattle price due to monopsony) increased

<sup>33</sup> The wide fluctuations later in the period reflect several dramatic events, including a fire that shut the nation's largest packing plant for months and the COVID epidemic that shut several packing plants. But note that the sharp increase in the spread occurred before those events.

# Exhibit 84

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ECF No. 873-81  
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Agreement of the  
Parties

**EXHIBIT 87**  
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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

IN RE CATTLE AND BEEF : CIVIL NO.  
ANTITRUST LITIGATION : 22-md-03031 (JRT/JFD)  
:

\* \* \*

VIDEOTAPE DEPOSITION OF KARL SKOLD

May 9, 2024

HIGHLY CONFIDENTIAL

\* \* \*

1       how you solve problems, beef buyers. It's all across  
2       the chain. And for me, that's the sad part with this.

3               Q.    Is it your understanding that four  
4       packers control roughly 75 to 80 percent of the  
5       beef-packing industry?

6               MR. RASHID:  Objection.  Form.

7               You can answer.

8               A.    So of fed beef and -- of fed beef I think  
9       that's maybe where I'm probably more familiar with the  
10      concentration.  The concentration has stayed kind of  
11      upper 70s so to low 80s for decades, and you've seen  
12      that, and it's declined a little bit recently.

13              And part of the reason why you've had  
14      that concentration is it's a very -- packing, unless  
15      you've been in it, is a very hard business to be in.  
16      You have high fixed costs.  You have labor --  
17      attracting a lot of labor in facilities where a lot of  
18      people don't want to work.  To attract those it tends  
19      to be -- often there's people who stay there for their  
20      career, but a lot of it, you're attracting people  
21      where they don't want to work.  It's a messy, cold  
22      environment; so to attract people to work there.  And  
23      it's a just-in-time environment, so you have all sorts  
24      of people who -- that things can happen, because  
25      cattle get purchased every day.

1 we're making money. And the concentration has been  
2 there in part because it's very hard to enter the  
3 business, and it takes a long time to close plants.  
4 It takes a long time to open plants too.

5 Q. (BY MS. SCARLETT) So how many people,  
6 outside of your counsel, have you had the discussion  
7 about this lawsuit with?

8 A. Two or three, maybe. Maybe my boss.  
9 Maybe some of the cattle procurement people. That's  
10 about it.

11 Q. Can you give us their names?

12 A. It would be like Fred Nichols, Steve  
13 Williams, and Rafa Harada.

14 Q. How many occasions did you discuss this  
15 lawsuit with them?

16 A. Two or three, maybe. Two. Not much.

17 Q. What was it you said to them?

18 A. Just how disappointed. Just what I said,  
19 if I can repeat it. I didn't say that whole thing.

20 Q. Did you discuss -- did you discuss it in  
21 a group or one-on-one with them?

22 A. Just one-on-one.

23 Q. And what did they say to you?

24 A. They're kind of like, It's kind of part  
25 of the game we have to play; it's just part of the

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REPORTER'S CERTIFICATE

STATE OF COLORADO )  
 ) ss.  
CITY AND COUNTY OF DENVER )

I, KIRSTEN M. THORNGATE, a Registered Professional Reporter, do hereby certify that previous to the commencement of the examination, the witness was duly sworn or affirmed by me to testify to the truth.

I further certify that this deposition was taken in shorthand by me at the time and place herein set forth and thereafter reduced to a typewritten form; that the foregoing constitutes a true and correct transcript.

I further certify that I am not related to, employed by, nor of counsel for any of the parties or attorneys herein, nor otherwise interested in the result of the within action.



Kirsten M. Thorngate  
Registered Professional Reporter

# Exhibit 88

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# Exhibit 89

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ECF No. 873-84  
Unsealed by  
Agreement of the  
Parties

**EXHIBIT 90**  
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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

IN RE CATTLE AND BEEF

ANTITRUST LITIGATION )

)

This Document Relates ) Civil No. 22-md-03031

to: ) (JRT/JFD)

All Actions )

\*HIGHLY CONFIDENTIAL\*

VOLUME 2

VIDEOTAPED ZOOM REALTIME DEPOSITION OF  
SIMON McGEE, a Witness, on behalf of the Consumer  
Indirect Purchaser Plaintiffs, Direct Purchaser  
Plaintiffs, Commercial Indirect Purchaser  
Plaintiffs, Cattle Plaintiffs, Cattle Feeder  
Plaintiffs, and Direct Action Plaintiffs before  
Peggy E. Corbett, CSR, CCR, RDR, pursuant to  
Notice on the 11th day of July, 2024, at the  
Kansas City Airport Marriott, 775 Brasilia Ave,  
Kansas City, Missouri 64153.

1 expected to have some effect on the demand for  
2 certain cuts of beef, but the degree of influence  
3 is debatable and likely quite different across  
4 different cuts of beef." Do you see that?

5 A. I do.

6 Q. Can you explain your understanding of  
7 how and why the price of pork and chicken might  
8 have an influence on the price over certain cuts  
9 of beef?

10 MS. WOLF: Objection to form.

11 MR. YEARICK: Foundation.

12 THE WITNESS: Oh, boy.

13 MR. LOUD: Speculation.

14 A. I think with, for example, ground beef,  
15 which is a lower priced item, someone making, a  
16 consumer making a decision whether they're going  
17 to buy ground beef or buy chicken breasts or buy  
18 pork chops, that might be some price sensitivity  
19 on that, but if someone wants to buy a prime  
20 strip loin to grill, I don't think they care the  
21 first thing about what chicken and pork prices  
22 are.

23 Since the date of this e-mail, 2015,  
24 I've learned a little bit more about that, I've  
25 read a little bit more from the academic,

1 economic people about correlations between beef  
2 and other proteins.

3 And sitting here today I'd tell you that  
4 I think the correlations are thought to be  
5 calculated to be very weak.

6 Q. For all?

7 A. Between beef and other proteins. I  
8 don't know about between pork and chicken. It's  
9 not something that I would pay attention to.

10 Q. I'd like to -- you can put that aside.  
11 I'd like to pull up plaintiffs' Exhibit 1598.  
12 Again, Mr. McGee, do you recall being asked  
13 questions about this document yesterday?

14 A. I don't recall that, but I'm not  
15 doubting it. It was a long day yesterday.

16 Q. All right, fair enough. In the top  
17 e-mail, so it's your response to Tim Klein, you  
18 write that you should have thought to update your  
19 report quote "based on the much lower cutout and  
20 higher cattle estimate after yesterday. These  
21 cattle prices have gotten away from us...we need  
22 to see some kill cuts." Do you see that?

23 A. I do.

24 Q. When you say "these cattle prices have  
25 gotten away from us," what did you mean?

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C E R T I F I C A T E

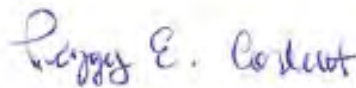
I, Peggy E. Corbett, a Certified Court Reporter of the State of Missouri, do hereby certify:

That prior to being examined the witness was by me duly sworn;

That said deposition was taken down by me in shorthand at the time and place hereinbefore stated and was thereafter reduced to writing under my direction;

That I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested in the action.

WITNESS my hand and seal this 15th day of July, 2024.



-----  
PEGGY E. CORBETT,  
CCR No. 143, RDR, CRR

# Exhibit 91

## Filed Under Seal

# Exhibit 92

## Filed Under Seal

# Exhibit 93

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# Exhibit 94

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# Exhibit 95

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# Exhibit 96

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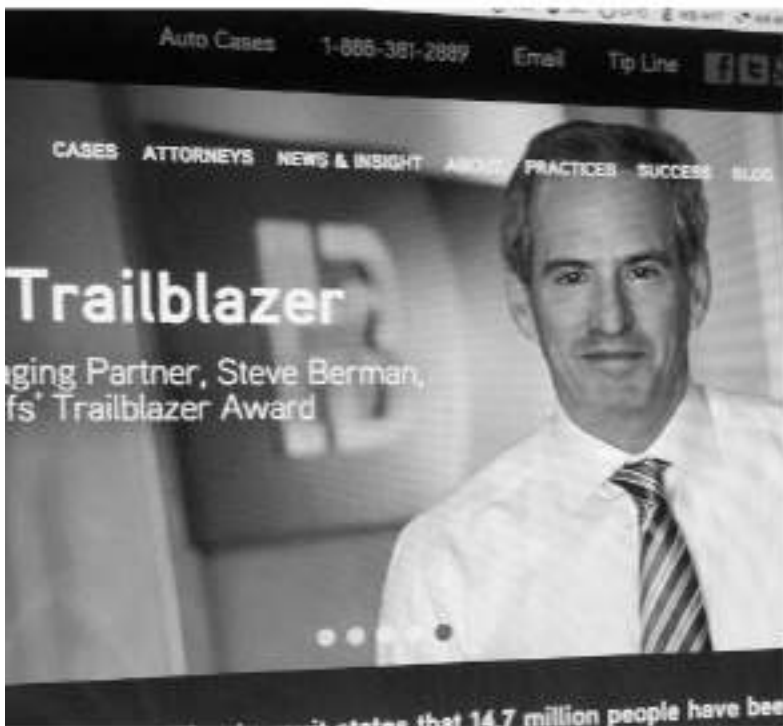
# Exhibit 101

Filed Under Seal

# **EXHIBIT 102**



# HAGENS BERMAN



Hagens Berman is a national leader in class-action litigation driven by an international team of legal powerhouses. With a tenacious spirit, we are motivated to make a positive difference in people's lives.

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## INTRODUCTION

# The Firm

Hagens Berman Sobol Shapiro LLP was founded in 1993 with one purpose: to help victims with claims of fraud and negligence that adversely impact a broad group. Through the firm's focus on class-action litigation and other complex, multi-party cases, it fights for those seeking representation against wrongdoing and fraud. As the firm grew, it expanded its scope while staying true to its mission of taking on important cases that implicate the public interest and the greater good. We represent plaintiffs including consumers, inventors, investors, workers, the environment, governments, whistleblowers and others.

---

**We are one of the nation's leading class-action law firms and have earned an international reputation for excellence and innovation in ground-breaking litigation against large corporations.**

---

## OUR FOCUS

Our focus is to represent plaintiffs in [antitrust](#), [consumer fraud](#), [employment](#), [environmental](#), [intellectual property](#), [product liability](#), [securities and investment fraud](#), [sexual harassment](#), tort and [whistleblower law](#) cases. Our firm is particularly skilled at managing multistate and nationwide class actions through an organized, coordinated approach. Our skilled team implements an efficient and aggressive prosecutorial strategy to place maximum pressure on defendants.

## WE WIN

We believe excellence stems from a commitment to try each case, vigorously represent the best interests of our clients and obtain maximum recovery. Our opponents know we are determined and tenacious. They respect our skills and recognize our track record of achieving top results for those who need it most.

## WHAT MAKES US DIFFERENT

We are driven to return to the class every possible portion of its damages — our track record proves it. While many class action or individual plaintiff cases result in large legal fees and no meaningful outcome for the client or class, Hagens Berman finds ways to return real value to the victims of corporate fraud and malfeasance through damages and real change.

## AN INTERNATIONAL REACH

Our firm offers clients an international scope of practice. We have flourished through our core network of U.S. offices, and with a global expansion, Hagens Berman has grown geographically to where our eyes have always been: trends of fraud, negligence and wrongdoing taking form anywhere in the world. The firm now does business through endeavors in London and Amsterdam. Our reach is not limited to the cities where we maintain offices. We have cases pending in several countries and have a vested interest in fighting global instances of oppression and injustice.

INTRODUCTION

## Locations

### SEATTLE

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Seattle, WA 98101  
T 206-623-7292  
F 206-623-0594

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F 708-628-4950

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F 602-840-3012

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F 510-725-3001

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F 213-330-7152

### SAN DIEGO

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INTRODUCTION

## Quotes

“[A] clear choice emerges. That choice is the Hagens Berman firm.”

— *U.S. District Court for the Northern District of California, In re Optical Disk Drive Products Antitrust Litigation (Appointing the firm lead counsel in the case which would later usher in \$205 million in settlements.)*

“Landmark consumer cases are business as usual for Steve Berman.”

— *The National Law Journal, naming Steve Berman one of the 100 most influential attorneys in the nation for the third time in a row*

“Berman is considered one of the nation’s top class action lawyers.”

— *Associated Press*

“unprecedented success in the antitrust field”

— *California Magistrate Judge Nathanael M. Cousins  
A July 2015 order awarding attorneys’ fees in student-athlete name and likeness litigation*

“All right, I think I can conclude on the basis with my five years with you all, watching this litigation progress and seeing it wind to a conclusion, that the results are exceptional... You did an exceptionally good job at organizing and managing the case...”

— *U.S. District Court for the Northern District of California, In re Dynamic Random Access Memory Antitrust Litigation (Hagens Berman was co-lead counsel and helped achieve the \$406 million class settlement.)*

“aggressive and independent advocacy”

— *Hon. Thomas M. Durkin in an order appointing Hagens Berman as interim class counsel in In re Broiler Chicken Antitrust Litigation*

“Class counsel has consistently demonstrated extraordinary skill and effort.”

— *Hon. James Selna, Central District of California, In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation, (The firm was appointed co-lead counsel without submitting to lead the case, and later achieved what was then the largest settlement in history brought against an automaker – \$1.6 billion.)*

“...I have never worked with such professional, decent counsel.”

— *Hon. Dennis M. Cavanaugh, United States District Judge (Retired), Transcript Of Proceedings Fairness Hearing for In re Mercedes-Benz Emissions Litigation, (Hagens Berman helped secure a \$700 million settlement for class members and served as interim class counsel.)*

“...the track record of Hagens Berman[‘s] Steve Berman is...impressive, having racked... a \$1.6 billion settlement in the Toyota Unintended

Acceleration Litigation and a substantial number of really outstanding big-ticket results.”

— Hon. Milton I. Shadur, Senior U.S. District Judge, naming Hagens Berman interim class counsel in Stericycle Pricing MDL (Hagens Berman served as lead counsel and secured a \$295 million settlement.)

“...when you get good lawyers this is what happens; you get these cases resolved.”

— Hon. Dennis M. Cavanaugh, United States District Judge (Retired), Proceedings Fairness Hearing for In re Mercedes-Benz Emissions Litigation

“...Class counsel have devoted considerable time and resources to this litigation...”

— Hon. Dennis M. Cavanaugh, United States District Judge (Retired), Proceedings Fairness Hearing for In re Mercedes-Benz Emissions Litigation

“...This result...puts significant money into the pockets of all of the class members, is an excellent result. ...I’ve also looked at the skill and quality of counsel and the quality of the work... and find that to have been at a high level.”

— Hon. Beth Labson Freeman, United States District Judge, Final Approval of Settlement Hearing for Dean Sheikh et al v. Tesla, Inc.

“...respective clients certainly got their money’s worth with these attorneys and the work that they did on their behalf. ...Plaintiffs did an excellent job on behalf of their clients in this case.”

— Hon. Dennis M. Cavanaugh, United States District Judge (Retired)  
Proceedings Fairness Hearing for In re Mercedes-Benz Emissions Litigation

“Class Member reaction to the Mercedes Settlement is overwhelmingly positive.”

— Hon. Dennis M. Cavanaugh (Ret.) Special Master, In re Mercedes-Benz Emissions Litigation

“I will reiterate that class counsel has demonstrated over many years, superior experience and capability in handling class actions of this sort.”

— Hon. Beth Labson Freeman, United States District Judge, Final Approval of Settlement Hearing for Dean Sheikh et al v. Tesla, Inc.

“Not only did they work hard and do what was appropriate under the circumstances; their behavior was exemplary throughout. They were fair and firm. There were no pushovers involved here.”

— Hon. Dennis M. Cavanaugh, United States District Judge (Retired), Proceedings Fairness Hearing for In re Mercedes-Benz Emissions Litigation

“Class Counsel are extremely qualified and competent counsel who have experience and expertise prosecuting complex class actions...successfully tried class actions to jury verdicts and...also obtained billions of dollars in settlements...”

— Judge Magnuson, Final CBL Approval Order

“Plaintiffs have zealously litigated this case on behalf of the class over the course of eight years...the reaction of the class members has been overwhelmingly positive.”

— Hon. Jeffrey S. White  
Order finalizing \$28 million settlement in class-action against Schneider National Carriers Inc.

“The level of representation of all parties in terms of the sophistication of counsel, was, in my view, of the highest levels. I can’t imagine a case in which there was really a higher quality of representation across the board than this one.”

— Hon. William E. Smith, District Judge, U.S. District Court for the District of Rhode Island  
In re Loestrin 24 Antitrust Litigation, Master File No. 1:13-md-2472 (D.R.I.)  
Final Approval Hearing on the direct purchaser settlement (\$120M)

“...counsel provided strong representation for the class. Class counsel discovered and developed this case without the benefit of a government investigation’s coattails. In total, class counsel reviewed 578,790 documents, deposed 19 fact and opposing-expert witnesses, and consulted with and retained 10 expert witnesses of their own.”

— Hon. William Alsup, District Judge  
U.S. District Court for the Northern District of California, In re Glumetza Antitrust Litigation

“Class counsel also successfully defeated defendants’ motions to dismiss, certified a Rule 23 class, and defeated defendants’ summary judgment motions prior to reaching an agreement with all three defendants to settle this action mere weeks before the trial date. Class counsel accomplished all of this despite vigorous opposition from large multi-national companies with high-quality representation from six national law firms.”

— Hon. William Alsup, District Judge  
U.S. District Court for the Northern District of California, In re Glumetza Antitrust Litigation

“The settlement was achieved at arm’s length only after DPPs’ highly skilled and experienced counsel had received and reviewed the voluminous discovery and exchanged over 30 expert reports with defendant...”

— Hon. Nina Gerson, District Judge

*U.S. District Court for the Eastern District of New York, In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation*

“I can’t imagine attorneys litigating a case more rigorously than you all did in this case. It seems like every conceivable, legitimate, substantive dispute that could have been fought over was fought over to the max.”

— Hon. William E. Smith, District Judge, U.S. District Court for the District of Rhode Island

*Final Approval Hearing on the direct purchaser settlement (\$120M), In re Loestrin 24 Antitrust Litigation*

## INTRODUCTION

## Victories & Settlements

Since its founding, the firm has secured settlements valued at more than \$320 billion on behalf of class members in large-scale complex litigation.

### \$260 BILLION

#### STATE TOBACCO LITIGATION

Hagens Berman represented 13 states prosecuting major actions against Big Tobacco. The settlement led to a multistate settlement requiring the tobacco companies to pay the states and submit to advertising and marketing restrictions. It was the largest civil settlement in history.

### \$25 BILLION

#### VISA CHECK/MASTERMONEY ANTITRUST LITIGATION

The firm served as co-lead counsel in what was then the largest antitrust settlement in history. The class-action lawsuit alleged that Visa and MasterCard engaged in an anticompetitive scheme to monopolize the debit card services market and charge merchants artificially inflated interchange fees by tying merchant acceptance of their debit card services, Visa Check and MasterMoney, to merchant acceptance of their credit card services. Settlements secured categories of relief that court decisions valued at as much as \$25-87 billion.

### \$14.7 BILLION

#### VOLKSWAGEN EMISSIONS LITIGATION

Hagens Berman was named a member of the plaintiffs' steering committee and part of the settlement negotiating team in this monumental case that culminated in the largest automotive settlement in history. The firm was the first law firm to file against Volkswagen regarding its Dieselgate emissions-cheating scandal.

### \$1.6 BILLION

#### TOYOTA UNINTENDED ACCELERATION LITIGATION

Hagens Berman served as co-lead counsel and secured what was then the largest automotive settlement in history in this class action that recovered \$1.6 billion for vehicle owners.

### \$1.6 BILLION

#### VOLKSWAGEN FRANCHISE DEALERS LITIGATION

The firm served as lead counsel representing VW franchise dealers in this lawsuit related to VW's Dieselgate scandal. The settlement recovered nearly full damages for the class.

### \$1.45 BILLION

#### MERACORD

The firm secured a default judgment on behalf of consumers for a useless debt-settlement conspiracy, following years of plaintiff victories in the case. Hagens Berman filed its lawsuit in 2011, on behalf of consumers nationwide, claiming the company violated Washington law and the federal Racketeer Influenced and Corrupt Organizations Act.

### \$1.3 BILLION

#### HYUNDAI KIA THETA II GDI FIRE HAZARD LITIGATION I

Hagens Berman is co-lead counsel in this case accusing automakers of selling vehicles with failure-prone engines that could sometimes catch fire. The case is still pending litigation pertaining to other affected models.

### \$700 MILLION

#### MERCEDES BLUETEC EMISSIONS LITIGATION

A monumental settlement was reached on behalf of owners of Mercedes vehicles affected by Daimler's emissions cheating. The case was initially filed and researched by Hagens Berman, based on the firm's independent vehicle testing, and the firm served as co-lead counsel. The consumer settlement followed a \$1.5 billion settlement between Mercedes and the U.S. Justice Department and California Air Resources Board. The settlement includes an \$875 million civil penalty for violating the Clean Air Act.

**\$700 MILLION****WASHINGTON PUBLIC POWER SUPPLY SYSTEM (WPPSS) SECURITIES LITIGATION**

Hagens Berman represented bondholders and the trustee in a class action stemming from the failure of two nuclear projects. Plaintiffs were awarded a \$700 million settlement.

**\$568 MILLION****APPLE E-BOOKS ANTITRUST LITIGATION**

Hagens Berman served as co-lead counsel against Apple and five of the nation's largest publishing companies and secured a combined \$568 million settlement, returning class members nearly twice their losses in recovery, following the firm's victory over Apple after it appealed the case to the U.S. Supreme Court.

**\$535 MILLION****CHINA MEDIAEXPRESS HOLDINGS, INC. SECURITIES LITIGATION**

Hagens Berman, which served as lead counsel in the case, alleged on behalf of a class of investors that China MediaExpress Holdings made false and misleading statements, including misrepresentations about its revenues, the number of buses in its network and the nature of its business relationships. The lawsuit resulted in relief for investors valued at \$535 million.

**\$470 MILLION****LCD ANTITRUST LITIGATION**

Hagens Berman served as a member of the Executive Committee representing consumers in multi-district litigation. Total settlements exceeded \$470 million.

**\$453 MILLION****GLUMETZA ANTITRUST LITIGATION**

The court denied summary judgment and paved the way for trial in this litigation against brand and generic manufacturers of the diabetes drug Glumetza. Hagens Berman served as co-lead counsel for the direct purchaser class. U.S. District Judge William Alsup approved \$453.85 million in settlements resolving direct purchasers' allegations. The result was the largest antitrust recovery to receive final approval in 2022.

**\$444 MILLION****MCKESSON DRUG LITIGATION**

Hagens Berman was lead counsel in a series of racketeering cases against McKesson for drug pricing fraud that settled for more than \$444 million on the eve of trials.

**\$383.5 MILLION****DAVITA HEALTHCARE PERSONAL INJURY LITIGATION**

A Denver jury awarded a monumental \$383.5 million verdict to families of three patients who died after receiving dialysis treatments at DaVita clinics.

**\$406 MILLION****DRAM ANTITRUST LITIGATION**

The firm was co-lead counsel in this antitrust case which settled for \$406 million in favor of purchasers of dynamic random access memory chips.

**\$385 MILLION****SUBOXONE ANTITRUST LITIGATION**

Hagens Berman was co-lead counsel in this pharmaceutical antitrust class action alleging defendants violated federal antitrust laws by delaying generic competition for its blockbuster opioid addiction medicine, Suboxone.

**\$340 MILLION****RANBAXY INC.**

Hagens Berman served as co-lead counsel representing Meijer Inc. and Meijer Distribution Inc. in a class-action lawsuit against drugmaker Ranbaxy. The lawsuit alleged it recklessly stuffed the generic drug approval queues with grossly inadequate applications and deceiving the FDA into granting tentative approvals to lock in statutory exclusivities to which Ranbaxy was not entitled. Ranbaxy then excluded competition at the expense of U.S. drug purchasers. The settlement was part of a \$485 million settlement for all plaintiffs. The result was the second largest antitrust recovery to receive final approval in 2022.

**\$338 MILLION****AVERAGE WHOLESALE PRICE DRUG LITIGATION**

Hagens Berman was lead counsel in this ground-breaking drug pricing case against the world's largest pharmaceutical companies, resulting in a victory at trial. The court approved a total of \$338 million in settlements.

**\$325 MILLION****NEURONTIN PFIZER LITIGATION**

The firm brought suit against Pfizer and its subsidiary, Parke-Davis, accusing the companies of a fraudulent scheme to market and sell the drug Neurontin for a variety of "off-label" uses for which it is not approved or medically efficacious.

## \$307 MILLION

### ECODIESEL EMISSIONS CHEATING LITIGATION

The firm achieved a settlement on behalf of owners of EcoDiesel Dodge 1500 and Jeep Grand Cherokee vehicles in response to Fiat Chrysler's emissions-cheating. Under the settlement, class members who repair their vehicles and submit a claim will receive \$3,075. The total value of the deal is estimated at \$307 million, granted all owners submit a valid claim.

## \$300 MILLION

### HYUNDAI/KIA HYDRAULIC ELECTRONIC CONTROL UNIT (HECU) FIRE HAZARD

Approximately three million Hyundai and Kia vehicles nationwide were affected by a dangerous defect in the hydraulic and electronic control units (HECU), also known as anti-lock brake (ABS) modules which posed a risk of non-collision engine fires. Conservatively, plaintiffs' experts valued the settlement achieved by Hagens Berman as co-class counsel in the range of \$326 million to \$652 million.

## \$295 MILLION

### STERICYCLE, STERI-SAFE LITIGATION

Hagens Berman served as lead counsel representing small businesses including veterinary clinics, medical clinics and labs in a class-action lawsuit alleging Stericycle's billing practices and accounting software violated consumer laws and constituted breach of contract.

## \$255 MILLION

### HYUNDAI & KIA FUEL ECONOMY LITIGATION

Hagens Berman filed a class-action lawsuit on behalf of consumers alleging Hyundai and Kia overstated fuel economy for many vehicles they sold in the United States.

## \$250 MILLION

### ENRON ERISA LITIGATION

Hagens Berman was co-lead counsel in this ERISA litigation, which recovered in excess of \$250 million, the largest ERISA settlement in history.

## \$250 MILLION

### BOFA COUNTRYWIDE APPRAISAL RICO

Hagens Berman served as co-lead counsel in a nationwide class-action lawsuit against Bank of America, Countrywide Financial and appraisal firm LandSafe Inc. on behalf of a class of home buyers accusing the suit's defendants of carrying out a series of phony appraisals in an attempt to secure more loans.

## \$235 MILLION

### CHARLES SCHWAB SECURITIES LITIGATION

The firm was lead counsel in this action alleging fraud in the management of the Schwab YieldPlus mutual fund. A \$235 million class settlement was approved by the court.

## \$234 MILLION

### AEQUITAS CAPITAL MANAGEMENT

The firm settled this case on behalf of 1,600 investors of the now-defunct Aequitas companies. It is believed to be the largest securities settlement in Oregon history.

## \$218 MILLION

### JP MORGAN MADOFF

Hagens Berman settled this case on behalf of Bernard L. Madoff investors in a suit filed against JPMorgan Chase Bank, its parents, subsidiaries and affiliates. The settlement against JPMorgan involved three simultaneous, separately negotiated settlements totaling more than \$2.2 billion.

## \$215 MILLION

### USC, DR. GEORGE TYNDALL SEXUAL ABUSE AND HARASSMENT

The firm served as co-lead counsel and secured a \$215 million settlement on behalf of a class of thousands of survivors of sexual assault against the University of Southern California and its Dr. George Tyndall, the full-time gynecologist at USC's student health clinic.

## \$212 MILLION

### TOYOTA, LEXUS DENSO FUEL PUMP DEFECT

Hagens Berman represented consumers in a lawsuit alleging that Toyota Motor Corp. sold vehicles with faulty engines made by Denso International America Inc. The defect left vehicle owners at risk of spontaneous vehicle shutdown, engine stall and other safety risks that increased the likelihood of a crash or injury. The settlement brought relief to more than 3.3 million vehicle owners.

## \$208 MILLION

### NCAA SCHOLARSHIP CAP ANTITRUST LITIGATION

Hagens Berman was co-lead counsel in the damages portion of this historic antitrust class action claiming the NCAA unlawfully capped the value of athletic scholarships. In a historic ruling, the U.S. Supreme Court unanimously upheld a trial victory regarding the injunctive portion of the case securing monumental improvements for college athletes, and forever changing college sports. Steve Berman served as trial counsel.

**\$205 MILLION****OPTICAL DISC DRIVES (ODD) ANTITRUST LITIGATION**

Hagens Berman served as lead counsel on behalf of consumers in a lawsuit filed against Philips, Pioneer and others for artificially inflating the price of ODDs.

**\$200 MILLION****NEW ENGLAND COMPOUNDING PHARMACY MENINGITIS OUTBREAK LITIGATION**

Hagens Berman attorneys served as lead counsel for the plaintiffs' steering committee on behalf of plaintiff-victims of the 2012 fungal meningitis outbreak that led to more than 64 deaths and hundreds of joint infection cases.

**\$181 MILLION****BROILER CHICKEN ANTITRUST LITIGATION**

Hagens Berman serves as interim class counsel in a case against Tyson, Purdue and 16 other chicken producers for allegedly conspiring to stabilize chicken prices by reducing production. The firm continues to litigate the case against remaining defendants.

**\$169 MILLION****ANIMATION WORKERS**

Hagens Berman was co-lead counsel for a class of approximately 10,000 animators and other artistic workers in an antitrust class action against Pixar, DreamWorks, The Walt Disney Company, Sony and others for allegedly conspiring to restrain competition and suppress industry wages. A \$169 million settlement resulted in a payment of more than \$13,000 per class member.

**\$150 MILLION****FLONASE ANTITRUST LITIGATION**

Hagens Berman was co-lead counsel representing purchasers in this case alleging GlaxoSmithKline filed petitions to prevent the emergence of generic competitors to its drug Flonase to overcharge consumers and purchasers of the drug, which would have been priced lower had a generic competitor been allowed to come to market.

**\$150 MILLION****LUPRON CONSUMER LITIGATION**

Hagens Berman served as co-lead counsel on behalf of consumers and third-party payors who purchased the drug Lupron. Under the terms of the settlement, TAP Pharmaceuticals paid \$150 million on behalf of all defendants.

**\$125 MILLION****PHARMACEUTICAL AWP LITIGATION**

Hagens Berman was lead counsel against 11 pharmaceutical companies, including Abbott Laboratories and Watson Pharmaceuticals, resulting in multiple settlements between 2006 and 2012. Defendants agreed to pay \$125 million in a nationwide settlement for intentionally inflating reports of the average wholesale prices (AWP) on certain prescription medications.

**\$123.4 MILLION****EXPEDIA LITIGATION**

Hagens Berman led this class action arising from bundled "taxes and service fees" that Expedia collects when its consumers book hotel reservations. Plaintiffs alleged that by collecting exorbitant fees as a flat percentage of the room rates, Expedia violated both the Washington Consumer Protection Act and its contractual commitment to charge as service fees only "costs incurred in servicing" a given reservation.

**\$120 MILLION****GENERAL MOTORS**

Hagens Berman represented owners of GM-branded vehicles as co-lead counsel in a national class-action lawsuit seeking compensation, statutory penalties and punitive damages against GM on behalf of owners of millions of vehicles affected by alleged safety defects and recalls. The court granted final approval to a \$120 million settlement on behalf of affected GM vehicle owners on Dec. 18, 2020. Under the settlement, a trust controlled by creditors in GM's 2009 bankruptcy contributed up to \$50 million.

**\$120 MILLION****LOESTRIN ANTITRUST LITIGATION**

Hagens Berman served as interim co-lead counsel for the certified class of direct purchasers. The parties reached a proposed settlement shortly before trial.

**\$113 MILLION****BATTERIES ANTITRUST LITIGATION**

Hagens Berman served as co-lead counsel and secured a settlement in this class-action lawsuit against some of the largest electronics manufacturers for allegedly illegally fixing the price of lithium-ion batteries, pushing costs higher for consumers.

**\$108 MILLION****FIAT CHRYSLER LOW OIL PRESSURE**

As co-lead counsel, Hagens Berman represented a class of owners of Fiat Chrysler vehicles allegedly prone to spontaneous shut off when oil pressure is low. A federal judge approved a settlement valued at \$108 million comprised of comprehensive relief including extended warranties, software upgrades, free testing and repairs and repair reimbursements.

**\$100 MILLION****APPLE IOS APP STORE LITIGATION**

In this lawsuit against Apple, the firm served as interim lead counsel in this matter and represented U.S. iOS developers against the tech giant. The suit accused Apple of monopolizing distribution services for iOS apps and in-app digital products, allegedly resulting in commission overcharges. Apple agreed to pay \$100 million and make developer-friendly changes to its App Store policy.

**\$100 MILLION****OPPENHEIMER CORE BOND AND CHAMPION INCOME FUNDS LITIGATION**

Hagens Berman obtained settlements in two cases alleging that various Oppenheimer entities and certain individual defendants made materially false or misleading statements and omissions to the investing public regarding the investment profile and objectives of the two funds.

**\$100 MILLION****TENET HEALTHCARE**

Hagens Berman achieved a settlement on behalf of uninsured patients who received care at Tenet facilities nationwide, alleging that the patients were charged excessive prices at 114 hospitals owned and operated by Tenet Healthcare. The suit claimed that Tenet took advantage of the uninsured and working poor who did not have the economic leverage to negotiate lower rates, while giving discounts to HMO's and other large payers.

**\$100 MILLION****TREMONT LITIGATION**

The firm filed a class action on behalf of investors alleging the company and others grossly neglected fiduciary duties by turning capital over to Bernard Madoff Investment Securities.

**\$98 MILLION****PROGRAF ANTITRUST LITIGATION**

Hagens Berman served as court-appointed co-lead class counsel representing a class of direct purchasers of Prograf. The antitrust lawsuit alleges that Astellas violated antitrust laws by filing a petition with the FDA as a means of delaying entry of a generic version of Prograf, a drug used to prevent organ rejection by kidney, liver, heart and lung transplant patients.

**\$95 MILLION****APPLECARE**

This class action secured compensation for iPhone, iPad and iPod owners who bought AppleCare or AppleCare+ coverage. The suit accused Apple of using inferior, refurbished or used parts in device replacements, despite promising to provide consumers with a device "equivalent to new in performance and reliability," and Hagens Berman reached a settlement with the tech giant in April 2022, resolving these claims.

**\$94 MILLION****CELEBREX ANTITRUST LITIGATION**

Hagens Berman litigated claims on behalf of a certified class of direct purchasers alleging Pfizer obtained reissuance of a follow-on patent by defrauding the Patent and Trademark Office. The case settled just weeks before trial.

**\$92.5 MILLION****BOEING SECURITIES LITIGATION**

Boeing and Hagens Berman agreed to a settlement to this shareholder suit filed in November 1997 by Hagens Berman. The settlement, the then second largest awarded in the Northwest, affected tens of thousands of Boeing common stock shareholders.

**\$90 MILLION****GOOGLE PLAY STORE APP DEVELOPERS**

The firm filed a class action on behalf of Android app developers for violating antitrust laws by allegedly illegally monopolizing markets for Android app distribution and in-app payment processing. A \$90 million settlement has been preliminarily approved.

# PRACTICE AREAS

## PRACTICE AREAS

**Antitrust**

Hagens Berman works to preserve fair trade and healthy marketplace competition by protecting consumers and businesses from price-fixing, market allocation agreements, monopolistic schemes and other trade restraints. The firm's lawyers have earned an enviable reputation as experts in this often confusing and combative area of commercial litigation in which we have recovered nearly \$30 billion in settlements for our clients. Our attorneys have a deep understanding of legal and economic issues within the marketplace, allowing us to employ groundbreaking market theories that shed light on restrictive anti-competitive practices. Our cases have returned more than \$320 billion across all practice areas.

Hagens Berman represents millions of class members in high-profile class-action lawsuits and takes on major antitrust litigation to improve market conditions for consumers, businesses and investors. We have represented plaintiffs in markets as diverse as college sports, app development, debit and credit card services, personal computer components, electric and gas power, airlines and internet services, and we have prevailed against some of the world's largest corporations. The firm has also taken on wage-fixing antitrust agreements in various industries including animation, food production and aerospace engineering.

The firm's antitrust cases span the reaches of anticompetitive behavior, impacting even the realm of college sports. In the Keller and O'Bannon cases, the firm represented college athletes against the NCAA and Electronic Arts Inc. claiming the companies illegally use college football and basketball players' names and likenesses in video games without permission or consent from the player. In those matters, the firm secured a total \$60 million in settlements, and checks went out to about 15,000 players, some up to \$7,600, with a median around \$1,100.

Hagens Berman has also brought about significant changes already to the NCAA's policies and procedures regulating payments. In NCAA Grants-in-Aid Scholarships Litigation, the firm brought an antitrust class action against the NCAA on behalf of college athletes, claiming that the NCAA had violated the law when it kept the class from being able to receive compensation provided by schools or conferences for athletic services other than cash. Following a \$208 million settlement in the damages portion of the case — an almost 100% recovery of single damages — the Supreme Court upheld the favorable opinion of the Ninth Circuit in a 9-0 ruling regarding injunctive relief. Justice Kavanaugh's opinion further underscored the massive win for plaintiffs and the ruling's ongoing effects: "The NCAA couches its arguments for not paying student athletes in innocuous labels. But the labels cannot disguise the reality: The NCAA's business model would be flatly illegal in almost any other industry in America," pushing for further scrutiny of the NCAA's regulations. After the ruling, the NCAA relaxed some of the name, image and likeness (NIL) restrictions and the market for NIL revenues exploded reaching almost \$5 billion this year. Few antitrust decisions have been so transformative.

The firm continues its work litigating against the NCAA regarding name, image and likeness (NIL) rights. Currently Hagens Berman is co-lead counsel in *House v. NCAA*, which challenges current restrictions on athletes NIL rights and seeks damages for lost NIL opportunities. In *House*, plaintiffs seek a share of the golden goose, namely, NCAA and conference

broadcast and licensing revenues. So far, the firm has cleared two monumental hurdles in the lawsuit receiving class certification status for both the injunctive and damages portions of the case, for classes representing more than 184,000 college athletes.

The firm has also generated substantial recoveries on behalf of health plans and consumers in antitrust cases involving pharmaceutical companies abusing patent rights to block generic drugs from coming to market. Hagens Berman's settlements accounted for 35% of total U.S. antitrust settlements that reached final approval in 2022, including the two largest antitrust recoveries to receive final approval, [In re Glumetza Antitrust Litigation](#) (\$453.85 million settlement) and [In re Ranbaxy Generic Drug Application Antitrust Litigation](#) (\$340 million settlement). Hagens Berman has served as lead or co-lead counsel in landmark antitrust litigation in many matters, including Paxil Direct Purchaser Litigation (\$100 million), Relafen Antitrust Litigation (\$75 million), Tricor Indirect Purchaser Antitrust Litigation (\$65.7 million), and Augmentin Antitrust Litigation (\$29 million).

Representative antitrust successes include:

#### **VISA CHECK/MASTERMONEY ANTITRUST LITIGATION**

Hagens Berman was co-lead counsel in this landmark antitrust case involving Visa and Mastercard. The case alleged the credit card giants engaged in anticompetitive practices to monopolize the debit card services market and impose artificially inflated interchange fees on merchants. The court valued the settlement between \$25 billion and \$87 billion, making it the largest antitrust settlement in U.S. history at the time.

**RESULT:** \$3.05 billion settlement and injunctive relief valued at more than \$23 billion

#### **APPLE E-BOOKS LITIGATION**

With state attorneys general, the firm served as lead counsel to secure a settlement with publishing companies that conspired with Apple to fix e-book prices. The firm then took on Apple for its part in the price-fixing conspiracy. In the final stage, the U.S. Supreme Court denied appeal from Apple, bringing the consumer payback amount to more than twice the amount of losses suffered by the class of e-book purchasers. This represents one of the most successful recoveries in any antitrust lawsuit in the country.

**RESULT:** \$568 million in total settlements

#### **LG PHILIPS AND TOSHIBA LCD ANTITRUST LITIGATION**

Hagens Berman filed a class action against more than 20 manufacturers of TFT LCD products, including LG Philips and Toshiba, claiming the companies engaged in a conspiracy to fix, raise, maintain and stabilize the price of electronic products and devices. After years of representing consumers in multi-district litigation, the case against Toshiba went to trial. In 2012, Toshiba was found guilty of price-fixing and settled.

**RESULT:** \$470 million in total settlements

#### **DYNAMIC RANDOM ACCESS MEMORY (DRAM) ANTITRUST LITIGATION**

The suit claimed DRAM (Dynamic Random Access Memory) manufacturers secretly agreed to reduce the supply of DRAM, a necessary component in a wide variety of electronics, which artificially raised prices. The class included equipment manufacturers, franchise distributors and purchasers.

**RESULT:** \$406 million settlement

#### **OPTICAL DISK DRIVES ANTITRUST LITIGATION**

Hagens Berman fought on behalf of consumers in a lawsuit filed against Philips, Pioneer and others for artificially inflating the price of ODDs for consumers.

**RESULT:** \$205 million in total settlements

**BROILER CHICKEN ANTITRUST LITIGATION**

Hagens Berman serves as co-lead counsel in this massive antitrust class action asserting that the nation's largest broiler chicken producers – Tyson, Pilgrim's Pride, Perdue and a host of others – conspired to fix the price of chicken for consumers by up to 50 percent since 2009. Settlements will offer compensation to millions of American consumers who have unknowingly overpaid for chicken products for years.

**RESULT:** \$181 million in total settlements. The firm continues to litigate against remaining defendants

**ANIMATION WORKERS ANTITRUST LITIGATION**

Hagens Berman served as co-lead counsel for a nationwide class of approximately 10,000 animators and other artistic workers in an antitrust class-action case filed against Pixar, DreamWorks, The Walt Disney Company, Sony, Blue Sky Studios and others for allegedly conspiring to restrain competition to suppress compensation. The settlement resulted in a payment of more than \$13,000 per class member.

**RESULT:** \$169 million settlement

**LITHIUM-ION BATTERIES ANTITRUST LITIGATION**

Hagens Berman filed a class-action lawsuit against some of the largest electronics manufacturers for illegally fixing the price of lithium-ion batteries, pushing costs higher for consumers.

**RESULT:** \$113 million in total settlements

**APPLE IOS APP DEVELOPERS**

The firm achieved a \$100 million settlement with Apple on behalf of US iOS app developers and developers of in-app products sold on Apple's App Store following the filing of an antitrust class-action lawsuit. The suit accused Apple monopolized U.S. distribution for iOS apps and in-app digital products, resulting in commission overcharges to developers. The settlement brings important changes to App Store policies and practices, and U.S. iOS developers with less than \$1 million in annual proceeds from App Store sales can receive hundreds to tens of thousands of dollars in compensation.

**RESULT:** \$100 million settlement

**GOOGLE PLAY STORE APP DEVELOPERS**

The firm achieved a \$90 million settlement with Google on behalf of roughly 43,000 US Android app developers and developers of in-app products sold on Google's Play Store following the filing of an antitrust class-action lawsuit. The firm filed the class action against Google for violations of antitrust laws by illegally monopolizing markets for Android app distribution and in-app payment processing.

**RESULT:** \$90 million settlement

**PORK ANTITRUST LITIGATION**

In this antitrust class action, the firm's investigation revealed that since 2014, pork producers such as Tyson, Hormel and others colluded to knowingly reduce pork production to artificially inflate prices. The pork producers engaged in a conspiracy that has cost American consumers millions of dollars over the years, and so far Hagens Berman's antitrust team have achieved multiple settlements with defendants and continues to litigate claims against those remaining.

**RESULT:** \$95 million in settlements

**GENERIC PHARMACEUTICAL PRICING ANTITRUST LITIGATION**

Hagens Berman filed multiple lawsuits against numerous generic pharmaceutical companies for conspiring to increase and set prices on inexpensive, commonly used generic drugs. In 2022, U.S. District Judge Cynthia M. Rufe preliminarily approved \$86 million in settlements with Sun Pharmaceutical Industries Inc., Taro Pharmaceuticals USA Inc. and

Breckenridge Pharmaceutical Inc. for direct purchasers and indirect resellers to settle price-fixing allegations. The U.S. Department of Justice has since opened a criminal probe into the matter following Hagens Berman's case.

**RESULT:** \$86 million settlement

#### **RELAFEN ANTITRUST LITIGATION**

In 2006, Judge William Young issued preliminary approval of a proposed settlement between GlaxoSmithKline and a class of consumers and third-party payors who purchased the drug Relafen or its generic alternatives. Under the terms of the settlement, the defendants paid damages of \$75 million to class members. Of the total settlement amount, \$25 million was allocated to consumers and \$50 million was used to pay the claims of insurers and other third-party payors.

**RESULT:** \$75 million settlement

#### **DAIRY PRICE-FIXING LITIGATION**

The firm filed a class-action suit against several large players in the dairy industry, including the National Milk Producers Federation, Dairy Farmers of America, Land O'Lakes, Inc., Agri-Mark, Inc. and Cooperatives Working Together that together produce nearly 70 percent of milk consumed in the U.S. The suit alleged the groups conspired to fix U.S. milk prices through an organized scheme to limit production, involving the needless, premature slaughtering of 500,000 cows.

**RESULT:** \$52 million settlement

#### **PANASONIC RESISTORS ANTITRUST LITIGATION**

Hagens Berman was co-lead counsel, representing direct purchasers of linear resistors, a device in electronics used to limit electric current, against an alleged cartel of manufacturers who conspired to limit linear resistor price competition for nearly a decade.

**RESULT:** \$50.25 million settlement

#### **TOYS "R" US BABY PRODUCTS ANTITRUST LITIGATION**

The complaint claimed Toys "R" Us and several baby product manufacturers violated provisions of the Sherman Antitrust Act by conspiring to inflate prices of high-end baby products, including car seats, strollers, high chairs, crib bedding, breast pumps and infant carriers. The lawsuit asked the court to end what it claims are anti-competitive activities and sought damages caused by the company's actions.

**RESULT:** \$35.5 million settlement

#### **EA MADDEN NFL ANTITRUST LITIGATION**

The firm represented a class of consumers against Electronic Arts (EA) alleging it violated antitrust and consumer laws by inflating the price of EA-published videogames. The lawsuit alleged EA established agreements with the National Football League, The NFL Players Union, Arena Football League and the National Collegiate Athletic Association that drove competition out of the market and prevented new competitors from entering.

**RESULT:** \$27 million settlement

#### **HOTEL ROOM OVERPRICING**

The nation's largest hotel chains settled a class-action lawsuit brought by consumers of hotel room reservations booked online. Consumers represented by Hagens Berman alleged hotel chains agreed to restrain competition for paid search advertising for hotel rooms associated with defendants' brand names, depriving consumers free, competitive information, and raising the price of hotel rooms booked online.

**RESULT:** The parties reached a confidential settlement.

**REAL ESTATE COMMISSIONS ANTITRUST LITIGATION**

The firm represents home sellers accusing the National Association of Realtors (NAR) and the largest real estate brokerage firms in the United States of conspiring to artificially inflate commissions associated with home sales – in part by implementing rules that require home sellers to pay commission to the agent representing the buyer. As of May 2024, the firm has reached \$980.9 million in settlements with all defendants in *Moehrl v NAR* and *Burnett v NAR*, and with some of the defendants in *Gibson v NAR*. The litigation is pending against remaining defendants in *Gibson v NAR*. The courts in *Moehrl* and *Burnett* certified damages and injunctive relief classes of sellers who sold their home through a Multiple Listing Service (MLS) during the relevant time periods, as well as current and future owners of residential real estate in affected jurisdictions who are currently listing or will list homes on an MLS. Class settlements encompass sellers who listed their homes on an MLS anywhere in the United States. In an order related to expert discovery, the court said that the buyer-broker policies challenged in the lawsuit facilitate “keeping buyers in the dark and severely restricting negotiations over buyer-broker commissions.”

**RESULT:** The firm has reached settlements totaling over \$980.9 million. The court has granted final approval of the settlements with Anywhere Real Estate (\$83.5 million), Keller Williams Realty Inc. (\$70 million), and RE/MAX (\$55 million). The Court has further granted preliminary approval of settlements with NAR (\$418 million), Compass (\$57.5 million), The Real Brokerage Inc. (\$9.25 million), Douglas Elliman (\$7.75 million), @properties (\$6.5 million), and Realty ONE (\$5 million). The case is pending against remaining defendants. The New York Times reported that Steve Brobeck, Ph.D., who served as the executive director of Consumer Federation of America for nearly four decades, estimates that the \$100 billion spent per year on residential real estate commissions will probably decline by between \$20 billion and \$50 billion, if the settlement with NAR is approved by the court.

# APPELLATE VICTORIES

## APPELLATE VICTORIES

## Strengthening Consumer Law

At Hagens Berman, we distinguish ourselves not merely by the results we obtain, but by how we obtain them. Few class-action firms have our firm's combination of resources and acumen to see a case through as long as needed to obtain a favorable outcome. Our attorneys were instrumental in obtaining these federal appellate decisions that have shaped consumer law and bolstered the rights of millions nationwide:

- *Tershakovec v. Ford Motor Co., Inc.*, 79 F.4th 1299 (11th Cir. 2023) (affirming class certification under laws of several states and remanding for trial)
- *Hernandez v. Illinois Inst. of Tech.*, 63 F.4th 661 (7th Cir. 2023) (claims for breach of contract and unjust enrichment upheld for failure to provide in-person education during COVID-19 pandemic)
- *In re Evenflo Co., Inc., Mktg., Sales Pracs. & Prod. Liab. Litig.*, 54 F.4th 28, 32 (1st Cir. 2022) (consumers had standing to challenge overpayment for defective car booster seats)
- *In re Lumber Liquidators Chinese-Manufactured Flooring Prod. Mktg., Sales Pracs. & Prod. Liab. Litig.*, 27 F.4th 291 (4th Cir. 2022) (affirming fee award as authorized by Class Action Fairness Act)
- *NCAA v. Alston*, 141 S. Ct. 2141 (2021) (landmark decision invalidating NCAA antitrust restrictions on compensating student athletes)
- *Shaffer v. George Washington Univ.*, 27 F.4th 754 (D.C. Cir. 2022) (students adequately alleged universities breached contract to provide in-person education during COVID-19 pandemic)
- *United Food & Com. Workers Loc. 1776 & Participating Emps. Health & Welfare Fund v. Takeda Pharm. Co. Ltd.*, 11 F.4th 118 (2d Cir. 2021) (monopolization sufficiently alleged and brand drug manufacturer's combination patents did not claim brand drug under Hatch-Waxman Act)
- *Cherry v. Dometic Corp.*, 986 F.3d 1296 (11th Cir. 2021) (administrative feasibility identifying absent class members not required for class certification)
- *In re Suboxone (Buprenorphine Hydrochloride & Naloxone) Antitrust Litig.*, 967 F.3d 264 (3d Cir. 2020) (upholding certified class of direct purchasers alleging anticompetitive conduct impeding market entry of generic versions of Suboxone)
- *In re NCAA Grant-in-Aid Cap Antitrust Litig.*, 958 F.3d 1239 (9th Cir. 2020) (affirming injunction in favor of student athletes against NCAA, later sustained by Supreme Court in *NCAA v. Alston*, 141 S. Ct. 1231 (2020))
- *In re Lumber Liquidators Chinese-Manufactured Flooring Prod. Mktg., Sales Pracs. & Prod. Liab. Litig.*, 952 F.3d 471 (4th Cir. 2020) (approving class action settlement concerning defective laminate flooring)
- *In re Lantus Direct Purchaser Antitrust Litig.*, 950 F.3d 1 (1st Cir. 2020) (drug manufacturer improperly listed insulin patent in FDA's Orange Book to extend monopoly)

- *In re Avandia Mktg., Sales & Prod. Liab. Litig.*, 945 F.3d 749 (3d Cir. 2019) (state law claims against manufacturer of type-2 diabetes drug not preempted by federal law)
- *In re Hyundai & Kia Fuel Econ. Litig.*, 926 F.3d 539 (9th Cir. 2019) (*en banc*) (upholding nationwide settlement class and providing guidance for district courts on choice-of-law inquiry in settlement context)
- *City of Miami v. Wells Fargo & Co.*, 923 F.3d 1260 (11th Cir. 2019) (municipality adequately alleged causation for discrimination violating Fair Housing Act)
- *In re Avandia Mktg., Sales Pracs. & Prod. Liab. Litig.*, 924 F.3d 662 (3d Cir. 2019) (vacating protective order for impeding common law right of public access to court filings)
- *In re Volkswagen "Clean Diesel" Mktg., Sales Pracs., & Prod. Liab. Litig.*, 895 F.3d 597 (9th Cir. 2018) (affirming \$10 billion nationwide settlement providing relief to one-half million consumers for Volkswagen's emissions cheating and misleading "clean diesel" advertising)
- *In re Lipitor Antitrust Litig.*, 868 F.3d 231 (3d Cir. 2017) (direct purchasers of Lipitor and Effexor plausibly alleged unlawful reverse payment settlement agreements in violation of antitrust laws)
- *In Matter of Motors Liquidation Co.*, 829 F.3d 135 (2d Cir. 2016) (General Motors bankruptcy reorganization did not bar claims stemming from defective ignition switches)
- *George v. Urban Settlement Servs.*, 833 F.3d 1242 (10th Cir. 2016) (complaint adequately alleged Bank of America's mortgage modification program violated RICO)
- *In re Loestrin 24 Fe Antitrust Litig.*, 814 F.3d 538 (1st Cir. 2016) ("reverse payments" for antitrust purposes under Actavis are not limited to cash payments)
- *Osborn v. Visa Inc.*, 797 F.3d 1057 (D.C. Cir. 2015) (complaint adequately alleged Visa and MasterCard unlawfully agreed to restrain trade in setting ATM access fees)
- *Little v. Louisville Gas & Elec. Co.*, 805 F.3d 695 (6th Cir. 2015) (Clean Air Act did not preempt state nuisance claims against coal plant for polluting surrounding community)
- *City of Miami v. Citigroup Inc.*, 801 F.3d 1268 (11th Cir. 2015) (reversing dismissal of complaint alleging Citigroup violated Fair Housing Act by pattern of discriminatory lending)
- *Rajagopalan v. NoteWorld, LLC*, 718 F.3d 844 (9th Cir. 2013) (non-party could not invoke arbitration clause against plaintiff suing debt services provider)
- *In re Neurontin Mktg. & Sales Practices Litig.*, 712 F.3d 21 (1st Cir. 2013) (affirming \$142 million verdict for injury suffered from RICO scheme by Neurontin manufacturer Pfizer)
- *In re NCAA Student-Athlete Name & Likeness Licensing Litig.*, 724 F.3d 1268 (9th Cir. 2013) (First Amendment did not shield video game developer's use of college athletes' likenesses)
- *Garcia v. Wachovia Corp.*, 699 F.3d 1273 (11th Cir. 2012) (Wells Fargo could not rely on Concepcion to evade waiver of any right to compel arbitration)
- *Agnew v. Nat'l Collegiate Athletic Ass'n*, 683 F.3d 328 (7th Cir. 2012) (NCAA bylaws limiting scholarships per team and prohibiting multi-year scholarships are subject to antitrust scrutiny and do not receive pro-competitive justification at pleading stage)
- *In re Lupron Mktg. & Sales Practices Litig.*, 677 F.3d 21, 24 (1st Cir. 2012) (approving cy pres provision in \$150 million settlement)

- *In re Pharm. Indus. Average Wholesale Price Litig.*, 582 F.3d 156 (1st Cir. 2009) (AstraZeneca illegally published inflated average wholesale drug prices, thereby giving windfall to physicians and injuring patients who paid inflated prices)

We set ourselves apart not only by getting results but by litigating every case through to finish – to trial and appeal, if necessary. This tenacious drive has led our firm to generate groundbreaking precedents in consumer law.

Hagens Berman has also been active in state courts nationwide. Notable examples of our victories include:

- *Franklin v. CSAA Gen. Ins. Co.*, 532 P.3d 1145, 1146 (Ariz. 2023) (injured drivers may “stack” or combine UIM coverages where multiple vehicles are insured under a single insurance policy)
- *In re Funko, Inc. Sec. Litig.*, 19 Wash. App. 2d 1045 (2021) (complaint adequately alleged violations of the Securities Act of 1933)
- *Hernandez v. Restoration Hardware, Inc.*, 409 P.3d 281 (Cal. 2018) (successfully arguing on behalf of amicus curiae that class action objectors must intervene to appeal)
- *Purdue Pharma L.P. v. State*, 256 So. 3d 1 (Miss. 2018) (refusing to transfer venue in litigation against leading opioid manufacturers)
- *Garza v. Gama*, 379 P.3d 1004 (Ariz. Ct. App. 2016) (reinstating certified class in wage-and-hour action prosecuted by Hagens Berman since 2005)
- *In re Farm Raised Salmon Cases*, 42 Cal. 4th 1077 (Cal. 2008) (Federal Food, Drug and Cosmetic Act did not preempt state claims for deceptive marketing of food products)
- *Pickett v. Holland Am. Line-Westours, Inc.*, 35 P.3d 351 (Wash. 2001) (reversing state court of appeals and upholding class action settlement with cruise line)

LEGAL TEAM



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#### YEARS OF EXPERIENCE

41

#### PRACTICE AREAS

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[Securities](#)  
[Sexual Abuse & Harassment](#)  
[Sports Litigation](#)  
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#### BAR ADMISSIONS

- Illinois
- Washington
- Foreign Registered Attorney in England and Wales

#### COURT ADMISSIONS

- Supreme Court of the United States
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Second Circuit

#### MANAGING PARTNER

## Steve W. Berman

Served as co-lead counsel against Big Tobacco, resulting in the **largest settlement in world history**, and at the time **the largest automotive, antitrust, ERISA and securities settlements in U.S. history**

#### INTRODUCTION

Steve Berman has dedicated this career as a class-action plaintiffs' lawyer to improving the lives of those most in need. He represents large classes of consumers, investors and employees in large-scale, complex litigation held in state and federal courts. Steve's trial experience has earned him significant recognition and led The National Law Journal to name him one of the 100 most powerful lawyers in the nation, and to repeatedly name Hagens Berman one of the top 10 plaintiffs' firms in the country. Steve's class-action lawsuits have led to record-breaking settlements, historic changes to industries and made real change possible for millions of individuals.

Steve co-founded Hagens Berman in 1993 after his prior firm refused to represent several young children who consumed fast food contaminated with E. coli — Steve knew he had to help. In that case, Steve alleged that the poisoning was the result of Jack in the Box's cost cutting measures and negligence. He was further inspired to build a firm that vociferously fought for the rights of those most in need. Berman's innovative approach, tenacious conviction and impeccable track record have earned him an excellent reputation and numerous historic legal victories. He is considered one of the nation's most successful class-action attorneys and has been praised for securing tangible benefits for class members, as well as outstanding monetary relief. Steve is particularly known for his tenacity in forging settlements that return a high percentage of recovery or meaningful industry change to class members.

[Print & Online Feature Interviews »](#)

#### CURRENT ROLE

- Managing Partner of Hagens Berman Sobol Shapiro LLP and Hagens Berman EMEA LLP (UK)

#### CURRENT CASES

Steve leads the firm's efforts in the areas of antitrust, consumer protection and more, maintaining a leading edge amid shifting trends and technology. His active cases concern billions of dollars in damages and affect hundreds of millions of individuals. Steve's caseload spans several industries, including technology, college sports, agriculture and wages and include the following highlights.

#### ANTITRUST LITIGATION

The antitrust lawsuits that Steve Berman has led have secured settlements valued at more than \$27 billion, spotlighting anticompetitive practices that have harmed consumers across various industries. Steve's outstanding work in this field has earned the firm accolades and awards, and his current caseload speaks to the breadth of the firm's impact.

- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the D.C. Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Federal Claims
- U.S. District Court for the District of Colorado
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Central District of Illinois
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Eastern District of Washington
- U.S. District Court for the Western District of Washington
- Supreme Court of Illinois
- Supreme Court of Washington

**EDUCATION**



University of Chicago Law School, J.D., 1980



University of Michigan, B.A., 1976

CASE	DESCRIPTION
<a href="#">Amazon Buy Box</a>	Class action against Amazon for violating state consumer protection laws through the alleged use of a biased algorithm <b>Status:</b> Complaint filed
<a href="#">Amazon E-Books Price-Fixing Co-Lead Counsel</a>	Class action accusing Amazon of establishing an illegal monopoly of the e-books market and charging artificially inflated prices <b>Status:</b> Court denies Amazon’s motion to dismiss monopoly claims
<a href="#">Amazon Online Retailer Consumer Antitrust (Frame-Wilson) Interim Co-Lead Counsel</a>	Class action accusing Amazon of increasing prices for online purchases made via other retailers <b>Status:</b> Amazon’s motion to dismiss claims denied
<a href="#">Amazon.com Antitrust (De Coster) Co-Lead Counsel</a>	Class action accusing Amazon of violating federal antitrust laws, causing customers to pay artificially high prices for products purchased via Amazon <b>Status:</b> Motion to dismiss denied
<a href="#">Apple iCloud Antitrust</a>	Class action accusing Apple of violating antitrust laws and establishing a monopoly through its iOS cloud-based storage policies <b>Status:</b> Complaint filed
<a href="#">Apple Pay Payment Card Issuer Antitrust</a>	Class action accusing Apple of intentionally monopolizing the billion-dollar mobile wallet market on iOS platforms, forcing payment card issuers to pay supracompetitive fees and stifling innovation <b>Status:</b> Motion to dismiss denied in part
<a href="#">Real Estate Commissions Antitrust Co-Lead Counsel</a>	Class action against four national broker franchises alleging parties illegally inflated commissions associated with home sales <b>Status:</b> Settlements reached totaling \$693.2 million
<a href="#">RealPage Rent Price-Fixing – State of Arizona Retained Counsel</a>	Retained by Arizona Attorney General Kris Mayes in a consumer-protection lawsuit on behalf of the state of Arizona alleging leasing companies colluded to artificially increase the price of rent <b>Status:</b> Complaint filed
<a href="#">NCAA Student-Athlete Name, Image and Likeness Co-Lead Counsel</a>	Class action representing current and former NCAA college athletes accusing the NCAA and its conferences of illegally limiting the compensation athletes may receive for the use of their names, images and likenesses <b>Status:</b> Settlement reached
<a href="#">Visa Mastercard ATM Co-Lead Counsel</a>	Class action alleging that Visa and MasterCard, with BofA, JP Morgan Chase and Wells Fargo, established uniform agreements with U.S. banks, preventing ATM operators from setting access fees below the level of fees charged on Visa’s and MasterCard’s networks \$197.5 million settlement with Visa and Mastercard receives preliminary approval, bringing total settlements to \$264.2 million if approved

**AGRICULTURE ANTITRUST LITIGATION**

The firm’s total settlements in this area of litigation is valued at more than \$636.32 million and have affected the lives of U.S. consumers and employees in the meat-processing industry. As inflation continues to rise, combatting anticompetitive schemes raising the cost of food is an issue pertinent to families across the nation.

## AWARDS

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STATE OF WASHINGTON  
THE NATIONAL LAW JOURNAL

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CASE	DESCRIPTION
Poultry Processing Wage-Fixing Antitrust Interim Co-Lead Counsel	Class action alleging wage-fixing agreement between the nation's biggest poultry companies <b>Status:</b> Settlements reached totaling \$217.2 million
Red Meat Processing Wage-Fixing Antitrust	Class action against the nation's largest meat processing companies alleging a yearslong wage-fixing agreement, causing employees to receive far less than legally owed <b>Status:</b> Settlements reached pending approval totaling \$138.5 million
Beef Antitrust Interim Co-Lead Counsel	Class action alleging major food corporations engaged in illegal conduct regarding the marketing and sales of beef products <b>Status:</b> Motion to dismiss denied
Broiler Chicken Antitrust Co-Lead Counsel	Class action accusing major food corporations of increasing the price of chicken in violation of antitrust laws <b>Status:</b> Settlements totaling \$181 million are pending court approval, class certification granted
Pork Antitrust Co-Lead Counsel	Class action alleging pork producers colluded to reduce pork production to artificially inflate prices <b>Status:</b> Settlements reached totaling \$95 million
Turkey Antitrust Interim Co-Lead Counsel	Class action alleging antitrust scheme by food corporations <b>Status:</b> Settlement reached with Tyson for \$4.62 million, seven remaining defendants

**AUTO DEFECT & EMISSIONS LITIGATION**

Hagens Berman's settlements in automotive defect and emissions lawsuits are collectively valued at more than \$21.4 billion and have led to significant safety protocols and changes in the auto industry. Steve's expertise leading complex litigation has led him to be hand-selected to champion the rights of vehicle owners. He remains dedicated to unearthing new instances of defect coverups, emissions cheating and safety concerns, utilizing the firm's resources to lead the charge against negligence.

CASE	DESCRIPTION
Daimler Mercedes BlueTEC Emissions – Australia Advisory Role	Following Hagens Berman's \$700 million settlement with Mercedes for alleged emissions cheating in the U.S., the firm has taken an advisory role in comparable litigation against Daimler filed in Australia. <b>Status:</b> Pending and active
FCA Dodge RAM 2500/3500 Emissions – 2007-2012 & 2013-2023	Class action alleging Fiat Chrysler/Stellantis and Cummins placed emissions-cheating defeat devices in affected RAM trucks <b>Status:</b> 2007-2012 models: motion to dismiss denied in part; 2013-2023 models: complaint filed
FCA Chrysler Pacifica Hybrid Minivan Fire Hazard Co-lead Counsel	Class action against Fiat Chrysler/Stellantis alleging a defect in the design of Chrysler Pacifica hybrid minivans results in spontaneous fires while vehicle is parked and off <b>Status:</b> Motion to dismiss denied
General Motors CP4 Fuel Pump Defect Class Counsel	Class action alleging Chevy Silverado and GMC Sierra trucks with a Duramax diesel 6.6 V8 engine are equipped with a defective high-pressure fuel injection pump. <b>Status:</b> Class certification granted

**SECURITIES LITIGATION**

Hagens Berman's total settlements in securities litigation valued at more than \$2.9 billion, and Steve's efforts in this area have helped to recover losses for millions of individuals who have been blindsided by instances of fraud and disinformation orchestrated by publicly traded companies.

CASE	DESCRIPTION
Plantronics, Inc. (NYSE: PLT) Co-Lead Counsel	Class action representing Plantronics investors seeking to recover damages caused by violations of the Securities Exchange Act of 1934 <b>Status:</b> Motion to dismiss denied
Vaxart, Inc. (NASDAQ: VXRT) Lead Counsel	Class action against Vaxart and controlling shareholder, Armistice, alleging claims under federal securities laws <b>Status:</b> \$12.015 million partial settlement reached
Zillow Group, Inc. (NASDAQ: Z, ZG) Lead Counsel	Class action alleging defendants falsely touted the durability and acceleration of Zillow Offers and improvements to pricing models <b>Status:</b> Motion to dismiss denied

**RECENT SUCCESS**

Steve Berman has achieved monumental settlements within the last two years, bringing hundreds of millions of dollars of relief to classes of everyday individuals affected by pricing schemes, automotive defects and other instances of wrongdoing. Through his recent case work, Steve maintains Hagens Berman's edge and excellence in class-action litigation.

CASE NAME	DATE	RECENT SUCCESS
<a href="#">NCAA Student-Athlete Name, Image and Likeness</a> Co-Lead Counsel	07/26/24	Motion filed seeking preliminary approval of settlement
<a href="#">Visa MasterCard ATM</a> Co-Lead Counsel	07/26/23	\$197.5 million settlement with Visa and Mastercard receives preliminary approval
<a href="#">Real Estate Commissions Antitrust</a> Co-lead Counsel	04/23/24	\$418 million settlement with NAR receives preliminary approval
<a href="#">Hyundai / Kia Engine Fire Hazard</a> Co-lead Counsel	04/09/24	Settlement receives final approval
<a href="#">NCAA/EA Video Games Likeness</a> Co-lead Counsel	03/04/24	10,000 athletes revive EA College Football Videogame following NIL litigation
<a href="#">Hyundai / Kia Car Theft Defect</a> Co-Lead Counsel	10/31/23	Settlement receives preliminary approval
<a href="#">University of Washington College Tuition Payback</a>	06/29/23	Class certification granted
<a href="#">Hyundai / Kia Hydraulic Electronic Control Unit (HECU) Fire Hazard</a>	05/05/23	Settlement receives final approval

<a href="#">CP4 Fuel Pump Defect – GM/Ford/FCA</a>	03/31/23	Motion to dismiss denied
<a href="#">Pork Antitrust Co-Lead Counsel</a>	09/27/22	Settlement agreements reached
<a href="#">Amazon.com Consumer Fraud</a>	09/14/22	California AG files similar case, echoing Hagens Berman’s claims
<a href="#">Poultry Processing Wage-Fixing Antitrust Interim Co-Lead Counsel</a>	07/19/22	Motions to dismiss denied

### CAREER HIGHLIGHTS

Steve’s career highlights encompass the top cases in world history both in their historical significance and in their monetary relief. Steve’s total settlements are valued at more than \$316 billion, including the infamous Big Tobacco litigation of the 90s, and have had major national impact. Steve’s career highlights include Enron pension protection, justice for victims of Harvey Weinstein, restitution for those affected by Volkswagen’s Dieselgate scandal, the complete remaking of college sports compensation and more.

His career focus remains clear: steadfast representation for those most in need across the nation. Steve’s cases have brought widespread benefit to classes of individuals spanning industries and decades. Lawsuits he has settled have reunited Hungarian Holocaust survivors with priceless family heirlooms, and also enacted major changes in youth soccer and NCAA sports to promote safety and minimize the risk of concussions. Below are Steve’s outstanding career highlights.

CASE/ROLE	SETTLEMENT VALUE	NATIONAL IMPACT
<a href="#">State Tobacco Litigation</a> Special Assistant Attorney General Representing 13 States	\$260 billion	<b>Largest civil settlement in history</b> The multi-state agreement required tobacco companies to pay the states \$260 billion and submit to broad advertising and marketing restrictions, leaving a lasting and widespread impact.
<a href="#">Visa Check/MasterMoney Antitrust Litigation</a> Co-lead Counsel	\$25 billion	<b>Largest antitrust settlement in U.S. history at the time</b> Agreements with Visa and Mastercard secured relief valued at as much as \$25-87 billion, and injunctive relief reducing interchange rates, among other benefits.
<a href="#">Volkswagen/Porsche/Audi Emissions Scandal</a> Plaintiffs’ Steering Committee and Settlement Negotiating Team	\$14.7 billion	<b>Largest ever brought against any automaker</b> Hagens Berman’s automotive legal team was the first to file in this historic lawsuit against Volkswagen for its emissions cheating and masking of harmful pollutants, culminating in a historic settlement.
<a href="#">Volkswagen Franchise Dealerships</a> Lead Counsel	\$1.67 billion	The firm achieved a monumental settlement on behalf of Volkswagen dealerships across the U.S. blindsided by the automaker’s emissions cheating, returning an average payment to each Dealer Settlement Class Member of approximately \$1.85 million.

<a href="#">Toyota Sudden, Unintended Acceleration</a> Co-lead Counsel	\$1.6 billion	<b>Largest automotive settlement in history at the time</b> The firm did not initially seek to lead this litigation but was sought out by the judge for its wealth of experience in managing very complex class-action MDLs.
<a href="#">Hyundai / Kia Theta II GDI Engine Fire Hazard Settlement</a> Co-lead Counsel	\$1.3 billion	The firm achieved a settlement in response to a defect in 4.1 million Hyundai and Kia vehicles equipped with Theta II GDI engines putting owners at risk for spontaneous, non-collision engine fires or premature engine failure.
<a href="#">Mercedes BlueTEC</a> Co-lead Counsel	\$700 million	Spurred by the firm's success in the Volkswagen Dieselgate case, Steve independently tested diesel vehicles across manufacturers, uncovering additional instances of emissions-cheating, masked via illegal defeat devices.
<a href="#">Apple E-Books Antitrust</a> Co-lead Counsel	\$568 million	This antitrust lawsuit alleged Apple and five of the nation's top publishers colluded to raise the price of e-books for U.S. consumers. Steve's litigation resulted in an unheard of recovery equal to twice consumers' actual damages. Apple took the case to the U.S. Supreme Court, where it denied Apple's request to review the case.
<a href="#">McKesson Drug Class Litigation</a> Co-lead Counsel	\$350 million	Steve was named co-lead counsel in this action that led to a rollback of benchmark prices of hundreds of brand name drugs, and relief for third-party payers and insurers. His discovery of the McKesson scheme led to follow up lawsuits by governmental entities and recovery in total of over \$600 million.
<a href="#">Average Wholesale Price Litigation</a>	\$338 million	Drug prices charged to consumers and payers across the nation are significantly more than the cost to produce them. In many cases, Big Pharma conspires with other companies to create these false profits. Hagens Berman has helped several classes of plaintiffs obtain multimillion-dollar judgments.
<a href="#">Enron Pension Protection Litigation</a> Co-lead Counsel	\$250 million	Attorneys represented 24,000 Enron employees claiming the company recklessly endangered retirement funds, causing some employees to lose hundreds of thousands of dollars almost overnight, in a major economic milestone in U.S. history.
<a href="#">BoA Homeloans</a>	\$250 million	Following the historic market crash in 2008, Hagens Berman filed this class action against Bank of America, Countrywide and LandSafe, alleging their collusion was in direct violation of the RICO Act and other laws.
<a href="#">McKesson Governmental Entity Class Litigation</a> Lead Counsel	\$82 million	Steve was lead counsel for a nationwide class of local governments that resulted in a settlement for drug price-fixing claims.

JPMorgan Madoff Lawsuit	\$218 million	This historic settlement against JPMorgan involved three simultaneous, separately negotiated settlements totaling more than \$2.2 billion, in which Hagens Berman returned hundreds of millions of dollars on behalf of Bernard L. Madoff investors.
NCAA Athletic Grant-in-Aid Cap Antitrust Co-lead Counsel	\$208 million	Steve pioneered this historic case which forever changed NCAA sports and the lives of 53,748 class members. The case culminated in a \$208 million settlement regarding damages and injunctive relief secured through a unanimous U.S. Supreme Court decision in favor of plaintiffs. According to the Court, the NCAA “permanently restrained and enjoined from agreeing to fix or limit compensation or benefits related to education” that conferences or schools may make available. Schools are now allowed to provide benefits tethered to education up to \$6,000 annually
Apple iOS App Developers Class Counsel	\$100 million	Hagens Berman represented developers of iOS apps sold via Apple’s App Store or featuring in-app sales, alleging the tech giant engaged in anticompetitive practices that harmed developers. The settlement brings important changes to App Store policies and practices. U.S. iOS app developers with less than \$1 million per year in proceeds from App Store sales through all associated developer accounts across the nation can receive hundreds to tens of thousands of dollars from the fund.
Google Play Store App Developers Co-lead Counsel	\$90 million	This antitrust class action accused Google of monopolizing its Play Store through anticompetitive policies, affecting small businesses across the nation. Attorneys for the class of roughly 43,000 Android app developers say some class members will likely see payments in the hundreds of thousands of dollar
Zuora Investor Fraud Lead Counsel	\$75.5 million	In a showcase of Steve’s securities litigation expertise, this settlement achieved in 2023 provides significant relief to purchasers of the securities of Zuora across the U.S.
NCAA Concussions Lead Counsel	\$75 million	Hagens Berman served as lead counsel in this multidistrict litigation against the NCAA, achieving medical monitoring and injunctive relief in the form of changes to concussion management and return-to-play guidelines. The lawsuit alleged the institutions neglected to protect college athletes from concussions and their aftermath at schools across the country.

<p><a href="#">NCAA/Electronic Arts Name and Likeness</a> Co-lead Counsel</p>	<p>\$60 million</p>	<p>This first-of-its-kind lawsuit ushered in the first time that hardworking college athletes saw some of the profits from the use of their likeness in video games. More than 24,000 individuals were eligible to receive payment, and checks were issued for up to \$7,600, with a median around \$1,100.</p>
<p><a href="#">Harvey Weinstein Sexual Harassment</a></p>	<p>\$17.1 million</p>	<p>As the #MeToo movement hit a fever pitch moment, Hagens Berman's Steve Berman represented a class of those harmed by Harvey Weinstein, a kingpin of sexual harassment in Hollywood. The firm litigated the case through to bankruptcy proceedings in 2020.</p>
<p><a href="#">Youth Soccer Concussions</a></p>		<p>Steve pioneered this first-of-its-kind lawsuit that ended heading for US Soccer's youngest players to diminish risk of concussions and traumatic brain injuries, changing the game for youth players across the U.S.</p>

## ACTIVITIES

- In April of 2021, the University of Michigan School for Environment and Sustainability (SEAS) launched the Kathy and Steve Berman Western Forest and Fire Initiative with a philanthropic gift from Steve (BS '76) and his wife, Kathy. The program will improve society's ability to manage western forests to mitigate the risks of large wildfires, revitalize human communities and adapt to climate change. Steve studied at the School of Natural Resources (now SEAS) and volunteered as a firefighter due to his focus on environmental stewardship. [Read more »](#)
- In 2003, the University of Washington announced the establishment of the Kathy and Steve Berman Environmental Law Clinic. The Berman Environmental Law Clinic draws on UW's environmental law faculty and extensive cross-campus expertise in fields such as Zoology, Aquatic and Fishery Sciences, Forest Resources, Environmental Health and more. In addition to representing clients in court, the clinic has become a definitive information resource on contemporary environmental law and policy, with special focus on the Pacific Northwest.

## RECOGNITION

- 500 Global Plaintiff Lawyers, Lawdragon, 2024
- 500 Leading Lawyers in America, Plaintiff Financial Lawyers, Lawdragon, 2023-2024
- 500 Leading Lawyers in America, Plaintiff Consumer Lawyers, Lawdragon, 2024
- Lawyer of the Year, Litigation, Securities Litigation, Best Lawyers, 2024
- The Best Lawyers in America, Antitrust Litigation, Best Lawyers, 2024
- The Best Lawyers in America, Securities Litigation, Best Lawyers, 2024
- The Best Lawyers in America, Plaintiffs Mass Tort Litigation/Class Actions, Best Lawyers, 2024
- The Best Lawyers in America, Plaintiffs Product Liability Litigation, Best Lawyers, 2024
- Legal Lion of the Week as part of the litigation team that achieved class certification in NCAA Student-Athlete Name, Image and Likeness, Law360, 2023

- Best Lawyers in America in Litigation, Securities and Product Liability Litigation, Plaintiffs and Other Areas of Note, 2023
- Washington Super Lawyers, 1999-2023
- Titan of the Plaintiffs Bar, Law360, 2018, 2020, 2022
- Leading Commercial Litigators, The Daily Journal, 2022
- Hall of Fame, Lawdragon, 2022
- Plaintiffs' Attorneys Trailblazer, The National Law Journal, 2017, 2022
- Sports & Entertainment Law Trailblazer, The National Law Journal, 2021
- Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2021, 2019, 2018
- Class Action MVP of the Year, Law360, 2016-2020
- Elite Trial Lawyers, The National Law Journal, 2014-2016, 2018-2019
- 500 Leading Lawyers in America, Lawdragon, 2014-2019
- State Executive Committee member, The National Trial Lawyers, 2018
- Class Actions (Plaintiff) Law Firm of the Year in California, Global Law Experts, 2017
- Finalist for Trial Lawyer of the Year, Public Justice, 2014
- One of the 100 most influential attorneys in America, The National Law Journal, 2013
- Most powerful lawyer in the state of Washington, The National Law Journal, 2000
- One of the top 10 plaintiffs' firms in the country, The National Law Journal

#### PRESENTATIONS

- Steve is a frequent public speaker and has been a guest lecturer at Stanford University, University of Washington, University of Michigan and Seattle University Law School.

#### PERSONAL INSIGHT

Steve was a high school and college soccer player and coach. Now that his daughter's soccer skills exceed his, he is relegated to being a certified soccer referee and spends weekends being yelled at by parents, players and coaches (as opposed to being yelled at by judges during the week). Steve is also an avid cyclist and is heavily involved in working with young riders on the international Hagens Berman Axeon cycling team.

**PARTNER****Elaine T. Byszewski**


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Part of the team that was recognized for Outstanding Antitrust Litigation Achievement by American Antitrust Institute in 2018

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**YEARS OF EXPERIENCE**

21

**PRACTICE AREAS**

[Antitrust Litigation](#)

[Appellate Litigation](#)

[Class Action](#)

[Consumer Rights](#)

[Qui Tam](#)

**BAR ADMISSIONS**

- California

**COURT ADMISSIONS**

- Seventh Circuit Court of Appeals
- Ninth Circuit Court of Appeals
- U.S. District Court for the Northern District of California
- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Southern District of California

**EDUCATION**

**HARVARD  
LAW SCHOOL**

Harvard Law School, J.D.,  
cum laude, 2002

**CURRENT ROLE**

- Partner and Management Committee Member, Hagens Berman Sobol Shapiro LLP
- Ms. Byszewski has represented direct and indirect purchasers in complex antitrust and consumer class actions resulting in billions of dollars of settlements, including cases against major protein producers, car manufacturers and drug manufacturers, among others
- Currently, Ms. Byszewski focuses her practice on brief writing for a wide variety of firm cases, including:
  - Antitrust cases involving collusion by major meat processors and other antitrust cases on behalf of indirect and direct purchasers
  - Auto defect cases and other product defect cases on behalf of consumers
  - College refund cases seeking return of tuition paid for promised in-person and on-campus education not received during the pandemic

**RECENT SUCCESS**

- Drafted petition for en banc review in *Hyundai & Kia Fuel Economy Litig.*, which was granted and resulted in affirmance of the nationwide class action settlement in 2019.
- Litigated *Milk Antitrust* from complaint filing to settlement of \$52 million and received the American Antitrust Institute's 2018 award for *Outstanding Antitrust Litigation Achievement in Private Law Practice*.
- Member of litigation team that settled *Toyota Unintended Acceleration Litigation* for \$1.6 billion and was a finalist for Public Justice's 2014 *Trial Lawyer of the Year* award.

**EXPERIENCE**

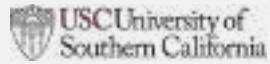
- Prior to joining Hagens Berman, Ms. Byszewski focused her practice on labor and employment litigation and counseling. During law school she worked in the trial division of the office of the Attorney General of Massachusetts.

**RECOGNITION**

- 500 Global Plaintiff Lawyers, Lawdragon, 2024
- 500 Leading Plaintiff Financial Lawyers, Lawdragon, 2020, 2022-2024

**NOTABLE CASES**

- *Broiler Chicken Antitrust*



Connecticut College, B.A., 1999

#### AWARDS

- Lawdragon 500 Leading Plaintiff Financial Lawyers, 2020, 2022

- [Pork Antitrust](#)
- [Poultry Processing Wage Fixing Antitrust](#)
- [Turkey Antitrust](#)
- [Dairy Cooperatives Antitrust Litigation](#)
- [Toyota Unintended Acceleration](#)
- [Hyundai/Kia](#)
- [Ford Spark Plugs](#)
- [AstraZeneca Pharmaceuticals \(Nexium\) Litigation](#)
- Merck (Vioxx) Litigation
- Berkeley Nutraceuticals (Enzyte) Litigation
- Solvay Pharmaceuticals (Estratest) Litigation
- Costco Wage and Hour Litigation

#### PUBLICATIONS

- “Valuing Companion Animals in Wrongful Death Cases: A Survey of Current Court and Legislative Action and A Suggestion for Valuing Loss of Companionship,” *Animal Law Review*, 2003, Winner of the Animal Law Review’s 5th Annual Student Writing Competition
- “What’s in the Wine? A History of FDA’s Role,” *Food and Drug Law Journal*, 2002
- “ERISA and RICO: New Tools for HMO Litigators,” *Journal of Law, Medicine & Ethics*, 2000

#### PERSONAL INSIGHT

Ms. Byszewski enjoys spending time with her husband and their two sons.



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#### YEARS OF EXPERIENCE

8

#### PRACTICE AREAS

Antitrust Litigation  
Class Action  
Consumer Rights  
High Tech Litigation

#### INDUSTRY EXPERIENCE

- Film Development

#### BAR ADMISSIONS

- California

#### COURT ADMISSIONS

- U.S. District Court for the Northern District of California
- U.S. District Court for the Central District of California
- U.S. District Court for the Southern District of California

#### CLERKSHIPS

- Honorable Jerome Farris of the U.S. Court of Appeals for the Ninth Circuit, 2013-2014

#### EDUCATION

**HARVARD  
LAW SCHOOL**

Harvard Law School, magna cum laude, 2013

#### PARTNER

## Rio S. Pierce

Rio focuses his practice on enforcing antitrust laws and ensuring fair and free markets for the benefit of consumers.

#### CURRENT ROLE

- Partner, Hagens Berman Sobol Shapiro LLP

#### RECENT SUCCESS

- *In re Broiler Chicken Antitrust Litig.*, No. 16-CV-08637 (N.D. Ill.), part of team at Hagens Berman for indirect purchaser class; recovery to date of \$106 million
- *In re Pork Antitrust Litig.*, No. 18-CV-01776 (D. Minn.), part of team at Hagens Berman serving as co-lead counsel for indirect purchaser class; recovery to date of \$20 million
- *Qualcomm Antitrust Litigation*, No. 5:17-md-02773 (N.D. Cal.), part of team at Hagens Berman acting as counsel for indirect purchaser class that resulted in certified class of hundreds of millions of consumers
- *In re Optical Disk Drive Antitrust Litig.*, No. 10-md-02143 (N.D. Cal.), team at Hagens Berman acting as lead counsel for indirect purchaser class; recovery of \$205 million

#### EXPERIENCE

- Prior to joining Hagens Berman, Mr. Pierce worked as an associate for two years at Munger, Tolles & Olson, where he gained significant experience in class action and complex commercial litigation. Mr. Pierce also did extensive pro bono work on immigration matters.
- Law Clerk, U.S. Court of Appeals for the Ninth Circuit, Judge Jerome Farris, 2013-2014
- Associate, Munger Tolles & Olson, 2014-2016

#### ACTIVITIES

- Serves on the executive committee of the Antitrust Section of the Bar Association of San Francisco

#### LEGAL ACTIVITIES

- American Association for Justice

#### RECOGNITION

- 500 Leading Lawyers in America, Plaintiff Financial Lawyers, Lawdragon, 2024
- Top 40 Under 40 Civil Plaintiff Trial Lawyers in California, The National Trial Lawyers, 2021
- Chayes Fellow, National Prosecuting Authority in Cape Town, South Africa
- Teaching Fellow, Copyright EdX



#### PUBLICATIONS

- "A Heavy Hand or A Light Touch: What Force Will California's Anti-SLAPP Statute Have After *Baral v. Schnitt*?" *California Litigation Review*, 2015

#### PERSONAL INSIGHT

A proud California native, Rio loves exploring the whole state, especially Big Sur. Prior to law school, Rio worked at Miramax for several years and still loves a good indie film. In his free time, Rio enjoys making pies.



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#### YEARS OF EXPERIENCE

21

#### PRACTICE AREAS

Antitrust Litigation  
Class Action  
Consumer Rights  
High Tech Litigation

#### INDUSTRY EXPERIENCE

- Technology Companies
- Internet Companies
- Agricultural Companies

#### BAR ADMISSIONS

- California

#### COURT ADMISSIONS

- Second Circuit Court of Appeals
- Seventh Circuit Court of Appeals
- Ninth Circuit Court of Appeals
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the Northern District of California
- U.S. District Court for the Central District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the Eastern District of California

#### PARTNER

## Shana E. Scarlett

Shana has achieved hundreds of millions of dollars in recovery for classes in antitrust matters, and has been named a Northern California Super Lawyer and top California antitrust attorney.

#### CURRENT ROLE

- Partner, Hagens Berman Sobol Shapiro LLP
- Managing Partner of Hagens Berman's Berkeley office
- Practice is devoted entirely to representing plaintiffs in complex litigation, and primarily in the areas of antitrust and unfair competition

#### RECENT SUCCESS

Ms. Scarlett has played a leading role in obtaining sizable settlements for antitrust plaintiffs in the following cases:

- *In re Broiler Chicken Antitrust Litig.*, No. 16-CV-08637 (N.D. Ill.), co-lead counsel for indirect purchaser class; recovery to date of \$181 million
- *In re Animation Workers Antitrust Litig.*, No. 14-cv-4062 (N.D. Cal.), team at Hagens Berman acting as co-lead counsel for class of workers; recovery of nearly \$169 million
- *In re Lithium Ion Batteries Antitrust Litig.*, No. 13-md-02420 (N.D. Cal.), team at Hagens Berman acting as co-lead counsel for indirect purchaser class; recovery of \$113.45 million
- *In re Electronic Books Antitrust Litig.*, No. 11-md-02293 (S.D.N.Y.), team at Hagens Berman acting as co-lead counsel for indirect purchaser class; recovery of \$568 million
- *In re Optical Disk Drive Antitrust Litig.*, No. 10-md-02143 (N.D. Cal.), team at Hagens Berman acting as lead counsel for indirect purchaser class; recovery of \$205 million
- *In re Railway Industry Employee No-Poach Antitrust Litigation*, MDL No. 2850 (W.D. Pa.), team at Hagens Berman on executive committee; recovery of \$48.95 million

#### EXPERIENCE

- Associate, Coughlin Stoia Geller Rudman & Robbins LLP, 2004-2007
- Associate, Milberg Weiss Bershad Hynes & Lerach LLP, 2002-2004
- Associate, Lieff Cabraser Heimann & Bernstein LLP, 2001-2002

#### LEGAL ACTIVITIES

- Panelist, Class Actions: What You Need to Know Now Recent Developments in Class Action Litigation, Federal Bar Association, Northern District of California Chapter, November 2023

## EDUCATION

**Stanford**  
**Law School**

Stanford Law School, J.D.



THE UNIVERSITY  
OF BRITISH COLUMBIA

University of British Columbia,  
B.A.

## AWARDS

THE NATIONAL  
LAW JOURNAL  
**2018 TOP VERDICTS**  
MEDICAL MALPRACTICE  
**\$383,500,000**

- Panelist, Complex Litigation Ethics Conference: UC Law San Francisco, The Ethics of Court-Appointed Neutrals, October 2023
- Panelist, Antitrust and Unfair Competition Law, California Lawyers Association, Views from the Top, November 2021
- Panelist, American Antitrust Institute, Taken and Defending Depositions of Economists in Panelist, American Antitrust Institute, Taken and Defending Depositions of Economists in Private Class Actions, November 2019
- Panelist, American Bar Association, Key Considerations for Working with Expert Witnesses in Class Actions, September 2019
- Panelist, American Antitrust Institute, The Consumer and Food Sovereignty: Concentration and its Effects on Food Prices, Choice, and Quality, December 2018
- Panelist, Complex Litigation E-Discovery Forum: Tar and Validation Protocols, September 2018
- Panelist, spoke at the request of Judge Gonzalez Rogers on distribution of settlements and best practices of notice, Civil Law Symposium: Class Actions for the Northern District Practice Program, September 2018
- Panelist, The Impact Fund, Advanced Class Notice Issues, August 2018
- Panelist, American Bar Association Meeting: Procedural Steps and Pitfalls in Antitrust Class Actions, May 2018
- Panelist, Northern District Judicial Conference: Class Actions, April 2018
- Panelist, Class Certification — Making Sense of Class Certification Doctrine, Economics and Econometrics, American Antitrust Institute, Nov. 2017

## RECOGNITION

- 500 Leading Plaintiff Financial Lawyers, Lawdragon, 2020-2024
- 500 Leading Plaintiff Consumer Lawyers, Lawdragon, 2022-2024
- Thought Leaders, Competition, Who's Who Legal, 2024
- The Best Lawyers in America, Plaintiffs Mass Tort Litigation/Class Actions, Best Lawyers, 2024
- Top 100, National Trial Lawyers, 2023-2024
- Thought Leaders, Global Elite, Who's Who Legal, 2022, 2024
- Northern California Super Lawyer, 2013-2024
- Chambers and Partners, Band 1 Ranking, Antitrust, 2022-2024
- Top Women Attorneys In Northern California, *San Francisco Magazine*, 2022
- Top Plaintiff Lawyers, *The Daily Journal of California*, 2022
- Top Antitrust Attorney, *The Daily Journal of California*, 2021-2022
- Top 100 Civil Plaintiff Trial Lawyers in California, The National Trial Lawyers, 2021-2022
- Top 50 Women, Northern California Super Lawyers, 2020-2021
- Rising Star, Super Lawyers, 2009-2011

### NOTABLE CASES

Ms. Scarlett is also serving as lead or co-lead class counsel in the following cases currently being litigated:

- *Klein v. Meta Platforms*, No. 20-cv-08570 (N.D. Cal.), co-lead counsel for a consumer class against Facebook for gaining a monopoly through deceptive data use and collection practices
- *In re Pork Antitrust Litig.*, No. 18-CV-01776 (D. Minn.), co-lead counsel for indirect purchaser class
- *In re Beef Purchasers Antitrust Litig. (Peterson v. JBS USA Food Co. Holdings et al.)*, No. 0:19-cv-01129 (D. Minn.), co-lead counsel for indirect purchaser class
- *In re Turkey Antitrust Litig.*, No. 1:19-cv-08318 (N.D. Ill.), co-lead counsel for direct purchaser class
- *Jien v. Perdue Farms, Inc.*, No. 19-cv-2521 (D. Md.), co-lead counsel for class of hourly and salaried workers

### PERSONAL INSIGHT

Shana is Canadian and the daughter of the noted Canadian jurist, the Hon. Edward D. Scarlett. When not in the Berkeley office of Hagens Berman, Shana usually can be found in Canada with her four sisters, nine nieces and nephews.



**PARTNER**

## Breanna Van Engelen

Breanna advocates on behalf of consumers in complex litigation, including in antitrust cases and cases involving unfair competition.

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**YEARS OF EXPERIENCE**

7

**PRACTICE AREAS**

Antitrust Litigation  
Class Action  
Consumer Rights

**BAR ADMISSIONS**

- Washington

**EDUCATION**



Washington State University,  
B.A., magna cum laude

**CURRENT ROLE**

- Partner, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

Prior to joining Hagens Berman, Breanna was an associate at K&L Gates LLP in Seattle, where she focused on Internet and technology law. Breanna took one of the first electronic impersonation cases in Washington state to trial. At trial, she secured an \$8.9 million dollar verdict for her clients – the largest verdict ever awarded to a non-celebrity in an electronic impersonation/invasion of privacy case.

**RECOGNITION**

- 2018-2019 Public Service & Leadership Award recipient

**MEDIA INTERVIEWS AND COMMENTARY**

- Brooke Jarvis, “How One Woman’s Digital Life Was Weaponized Against Her,” WIRED, Nov. 11, 2017

**PRESENTATIONS**

- “Taking the Distribution of Intimate Images to Trial,” Presentation at 9th Annual Domestic Violence Symposium (Seattle, WA September 2017)

**PERSONAL INSIGHT**

Breanna grew up in Idaho, where she learned to ski in the winter and race horses on mountain trails in the summer. Before becoming an attorney, Breanna taught at a pre-school in eastern Washington. When she’s not working, you can find Breanna on her parents’ ranch in Texas, taking care of the land and snuggling animals.

**ASSOCIATE****Abby Wolf**

Abby cares deeply about justice and fairness. Through class actions, she is focused on exposing the truth, holding the powerful accountable and helping consumers fight back against corporate wrongdoing.

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**PRACTICE AREAS**

[Antitrust Litigation](#)  
[Class Action](#)  
[Consumer Rights](#)

**BAR ADMISSIONS**

- California

**COURT ADMISSIONS**

- U.S. Court of Appeals for the Fourth Circuit
- U.S. District Court for the Northern District of California
- U.S. District Court for the Central District of California

**CLERKSHIPS**

- U.S. District Court for the Eastern District of California, Judge Dale A. Drozd 2020-2021
- U.S. District Court for the Southern District of West Virginia, Judge Joseph R. Goodwin 2016-2017

**EDUCATION**

University of California, Berkeley,  
B.A., 2011



University of California, Davis  
School of Law, King Hall, J.D.,  
2016

**CURRENT ROLE**

- Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- Prior to joining Hagens Berman, Abby was an associate at Lieff Cabraser Heimann & Bernstein LLP, where she worked on behalf of cities, counties and Native American tribes in the nationwide opioid litigation. She also represented survivors of the 2017 and 2018 wildfires in California sparked by the negligence of local utility companies.

**RECOGNITION**

- Lawyer to Watch, California Lawyer Association, Antitrust and Unfair Competition Law Section, 2023
- Northern California Rising Star, Super Lawyers, 2023-2024

**PUBLICATIONS**

- "*The World Still Looks to California: The CalECPA as a Model Step for Privacy Reform in the Digital Age*," The Journal of Law and Technology at Texas, Aug. 1, 2017

**PRESENTATIONS**

- Panelist, "Public Nuisance Law and Its Impact on the Opioid Litigation and Future Mass Torts," Mass Torts Committee Breakout, Jan. 31, 2020

**PERSONAL INSIGHT**

When not practicing law, Abby enjoys yoga, baking and spending time with her dog, Hector.

# **EXHIBIT 103**



# **LOCKRIDGE GRINDAL NAUEN PLLP**

*MINNEAPOLIS • CHICAGO • BOSTON*

**In Re: Cattle and Beef Antitrust Litigation**

**Case Number: 0:22-md-03031-JRT-JFD**



## LOCKRIDGE GRINDAL NAUEN PLLP

Founded in 1978, Lockridge Grindal Nauen PLLP represents clients across the country of all shapes and sizes, taking the time to understand each client's goals and aspirations before tailoring our representation to meet their individual needs, whether in the courtroom or the state capitol.

Our clients include small and large businesses, both local and national; cities, counties, and political subdivisions; tribal governments; healthcare professionals and organizations; trade and industry associations; health and pension funds; unions; and issue-based coalitions. Lockridge Grindal Nauen's attorneys and government relations professionals are assisted by an extensive support staff. The firm has offices in Minneapolis, Chicago, and Boston.

For over 45 years, Lockridge Grindal Nauen PLLP has advocated on behalf of clients impacted by illegal business operations. Our antitrust team has prosecuted national and global cartels on behalf of businesses and individuals injured by anticompetitive conduct. We have obtained billions in settlements and verdicts for our clients and classes.

Since 1890, when Congress passed the Sherman Antitrust Act, protecting and promoting a competitive economy has been a bedrock American principle. The United States and many states have adopted laws and regulations to protect free and open markets and prohibit unfair competition. Companies that disregard these laws injure not just the companies with which they compete for business but the consumers who rely on their goods and services. Enforcement of antitrust laws helps to promote healthy competition and, therefore, robust economies.



## LGN'S ANTITRUST LAWYERS

LGN's antitrust experts are leaders in the field. Our team members hold a variety of leadership positions: serving on the Board of Directors and Advisory Board of the American Antitrust Institute, past Presidents of the Committee to Support the Antitrust Laws (COSAL), the Minnesota State Bar Association's Antitrust Law Section, the Antitrust Law Advisory Board of Strafford Publications, and the American Bar Association Antitrust Section's Committees such as the Membership Committee. We also have served as contributing authors to national and international antitrust law treatises and other publications, including the American Bar Association's Antitrust Law Developments publication. We have participated in the Federal Practice Committee for the District of Minnesota and Merit Selection Panels for the District of Minnesota and are members of the Sedona Conference.

## BREADTH AND DEPTH OF ANTITRUST LITIGATION

Enforcing antitrust regulations requires thorough investigation, development of creative strategies, and dealing with statutes across jurisdictions. The attorneys at LGN lead high-stakes antitrust litigation challenging collusion, such as bid-rigging agreements, price-fixing, exchanging pricing information among competitors, and horizontal market division, including agreements not to compete. We also challenge illegal monopolies and attempts to monopolize, illegal joint ventures, and other conduct that unreasonably restrains trade and violates federal and state antitrust and fair competition laws.

## PRAISE FOR OUR ANTITRUST TEAM

For over 45 years, our antitrust team has fought for fair markets and open competition that has led to recovering billions of dollars in damages on behalf of injured class members. Our antitrust team is experienced in pre-lawsuit investigations; complex discovery issues, including e-discovery, expert discovery, Daubert motions, trials; and all other aspects of cutting-edge antitrust litigation.

Courts have repeatedly praised our antitrust team. For instance, U.S. District Judge John Gleeson (ret.) described us as "highly experienced practitioners in complex litigation generally and antitrust litigation specifically." *Precision I*, 2013 WL 4525323, at \*16; *Precision II*, 2015 WL 6964973, at \*8 ("The settlement amounts proposed here attest to Class Counsel's abilities."). U.S. District Chief Judge Ruben Castillo (ret.) recognized not only "the outstanding result obtained for the Class" but also "the quality of work product and quantity of work" we performed. *In re Potash Antitrust Litig. (II)*, Case No. 1:08-cv-06910, Doc. No. 589 at 2 ¶ 5.



## **DIVERSITY, EQUITY, AND INCLUSION AT LGN**

Lockridge Grindal Nauen is committed to embracing and reflecting the diversity of the clients we serve and our community and to developing, maintaining, and expanding an inclusive work environment. LGN recognizes our firm is stronger when we include all individuals regardless of gender, race, ethnicity, national origin, sexual orientation, gender identity or expression, or physical ability.

A commitment to diversity, equity, and inclusion has long been part of our mission and approach. Lockridge Grindal Nauen's anti-racism resolution sets out our vision and actions to further our commitment to an inclusive work environment, legal profession, and society.

A highlight of that resolution includes establishing a diversity, equity, and inclusion committee, consisting of professionals from across the firm, including firm leadership, that meets regularly to monitor and address the firm's efforts at achieving a diverse and inclusive firm, and which regularly shares and sponsors educational opportunities and events to the firm.

Other important implementations at LGN include employing practices consistent with the Mansfield Rule when making hires for all levels of employment, in order to ensure that there is an opportunity for diverse applicants and candidates to be considered and establishing a pro bono policy that supports providing legal work at no charge so that disadvantaged persons have access to quality legal representation.





# W. JOSEPH BRUCKNER

PARTNER

For more than thirty years Joe Bruckner has litigated antitrust and competition matters, and practices in complex business litigation in federal and state courts nationwide. He co-chairs LGN's antitrust practice and is regularly appointed lead and co-lead class counsel by courts in nationwide antitrust litigation. Mr. Bruckner graduated with honors from Creighton University School of Law, where he was the editor-in-chief of the Creighton Law Review. He served as a law clerk to the Honorable Donald P. Lay, then Chief Judge of the United States Court of Appeals for the Eighth Circuit.

He serves on the Board of Directors of the American Antitrust Institute, on the Advisory Board of the ABA Antitrust Section Price Conduct Committee, and on the Antitrust Law Advisory Board of Strafford Publications and Seminars. He chaired the Minnesota State Bar Association Antitrust Law Section, and served as president of the Committee to Support the Antitrust Laws. He is a contributing author of *The International Handbook on Private Enforcement of Competition Law* (2010), and *Private Enforcement of Antitrust Laws in the United States* (2012). He speaks at antitrust and complex litigation conferences and programs locally and nationwide.





# BRIAN CLARK

PARTNER

Brian D. Clark is a partner at LGN and co-chair of its antitrust practice. Mr. Clark serves on the Advisory Board for the American Antitrust Institute, has been consistently named as a Super Lawyer by his peers, and is ranked by Chambers USA. In 2021, Mr. Clark and his team received the American Antitrust Institute's Outstanding Achievement in Litigation Award. Mr. Clark has led the charge in many recent antitrust cases in the agricultural area, including price-fixing cases involving chicken, pork, beef, turkey, and peanuts. To date, in these cases alone, Mr. Clark has helped recover over \$500 million.

Mr. Clark has been extensively involved in numerous nationwide antitrust class actions, including: *In re Peanut Farmers Antitrust Litig.*, No. 2:19-cv-00463 (E.D. Va.) (personally appointed co-lead counsel); *In re Pork Antitrust Litig.*, No. 18-cv-01776 JRT-HB (D. Minn.) (Co-Lead Counsel); *In re Broiler Chicken Antitrust Litig.*, No. 16-cv-08637 (N.D. Ill.) (Co-Lead Counsel); *In re Beef Purchasers Antitrust Litig.* (aka, Peterson v. JBS USA Food Co. Holdings et al.), No. 0:19-cv-01129 (D. Minn.) (Co-Lead Counsel); *In re Turkey Antitrust Litig.*, No. 1:19-cv-08318 (N.D. Ill.) (Co-Lead Counsel); *In re Surescripts Antitrust Litigation*, No. 1:19-cv-06627 (N.D. Ill.) (Co-Lead Counsel); Kleen Prods. LLC, et al. v. Int'l Paper, et al., No. 10-cv-05711 (N.D. Ill.) (Plaintiffs' Executive Committee); and *In re Liquid Aluminum Sulfate Antitrust Litig.*, No. 2:16-md-02687 (D.N.J.) (represented indirect purchaser plaintiffs).

Mr. Clark has extensive e-discovery experience and expertise. Mr. Clark leads LGN's e-discovery practice group in which he advises clients of all sizes on e-discovery matters, and taught e-discovery at the University of Minnesota Law School for five years. Mr. Clark is the founder and President of the Complex Litigation E-Discovery Forum, a plaintiffs' attorney e-discovery group with hundreds of members focused on e-discovery best practices and strategies. He is also a former member of the Sedona Working Group 1 Steering Committee.

Mr. Clark is a 2009 magna cum laude graduate of the University of Minnesota Law School where he was elected Co-Editor-in-Chief of the Minnesota Journal of International Law and was a member of the Order of the Coif. Before law school, Mr. Clark was an AmeriCorps volunteer in Alaska and a canoe guide in the Boundary Waters Canoe Area Wilderness of Northern Minnesota.





# KYLE POZAN

SENIOR COUNSEL

Kyle Pozan has spent his career focusing his practice on antitrust class actions, complex business litigation, and other civil litigation matters. Kyle has considerable experience with written and oral fact discovery, having taken depositions in some of the nation's largest class action cases, briefing class certification, and drafting and arguing dispositive motions. He is also well-versed in all areas of e-discovery and has used his experience in that field to leverage outstanding results for his clients.

Kyle currently serves as a member of The Sedona Conference, Working Group 1's Drafting Team on eDiscovery Implications of the Internet of Things, and he was previously a member of The Sedona Conference, Working Group 1's Brainstorming Group on Discovery and Preservation of Data from the Internet of Things (IoT). He also serves as Co-Chair of the Corporate Practice Committee for the Chicago Bar Association's Young Lawyers Section.

Kyle is passionate about giving back to the community. In the past, he was a mentor for high school students at a local charter school and represented an indigent individual in a pro bono criminal appeal. Kyle is also a certified volunteer mediator.

For three consecutive years, Kyle was selected as an Illinois Super Lawyers Rising Star in the area of class actions, an honor given to no more than 2.5% of lawyers under the age of 40. While in law school, Kyle served as an Editor of the Seventh Circuit Review, which published his work.





# SIMEON MORBHEY

SENIOR COUNSEL

Simeon A. Morbey is Senior Counsel at LGN where he practices in the firm's antitrust and e-discovery groups. Mr. Morbey has successfully represented plaintiffs in complex class action antitrust litigation for over a decade. He has significant experience in all phases of litigation, including coordinating discovery efforts, class certification, summary judgment, and trial. In 2021, Mr. Morbey received the prestigious American Antitrust Institute Award for Outstanding Antitrust Litigation Achievement by a Young Lawyer for his work on behalf of America's peanut farmers in the *In re Peanut Farmers Antitrust Litigation*.

Mr. Morbey has been actively involved in many nationwide antitrust class actions, including: *In re Peanut Farmers Antitrust Litig.*, No. 2:19-cv-00463 (E.D. Va.) (Co-Lead Counsel); *In re Pork Antitrust Litig.*, No. 18-cv-01776 JRT-HB (D. Minn.) (Co-Lead Counsel); *In re Broiler Chicken Antitrust Litig.*, No. 16-cv-08637 (N.D. Ill.) (Co-Lead Counsel); *In re Beef Purchasers Antitrust Litig.* (aka, Peterson v. JBS USA Food Co. Holdings et al.), No. 0:19-cv-01129 (D. Minn.) (Co-Lead Counsel); and *In re Turkey Antitrust Litig.*, No. 1:19-cv-08318 (N.D. Ill.) (Co-Lead Counsel). Additionally, Mr. Morbey has experience litigating claims on behalf of a certified class alleging that Farmers Insurance places unlawful limitations on the medical benefits available to insureds under its no-fault automobile insurance policies. See *Taqueria El Primo LLC et al. v. Farmers Group, Inc.*, No. 19-cv-3071 (D. Minn.).

Mr. Morbey is a member of and contributor to the Complex Litigation E-Discovery Forum, which is a forum for plaintiffs-side complex litigation attorneys to discuss best practices for e-discovery. He is also an active member of the Minnesota Chapter of the Federal Bar Association and a founding co-chair of the chapter's Civil Discovery Practice Group.

Mr. Morbey is a 2010 graduate of the University of St Thomas School of Law, where he was elected Chairman of the Board of Advocates and was a Senior Editor for the Journal of Law and Public Policy. Before law school, Mr. Morbey worked as a high school English and Mathematics teacher in Tbilisi, Republic of Georgia.





# ARIELLE WAGNER

ASSOCIATE

Arielle Strong Wagner practices primarily in the firm's antitrust, generative AI, data breach, and tribal government representation groups, representing consumers, small businesses, and tribes in complex litigation throughout the United States. In her antitrust practice, Arielle focuses on plaintiffs-side class actions involving claims of price fixing, restraint of trade, monopolization, and attempted monopolization in various industries such as pharmaceuticals, food and agriculture, technology, and retail products. In her generative AI practice, Arielle represents creators who find their work replicated or utilized without consent. Arielle's tribal government representation practice includes experience in the areas of Federal Indian Law, tribal sovereign immunity and environmental law and regulations.

Arielle is a Past President of the Minnesota American Indian Bar Association. She is passionate about issues related to diversity and inclusion in the legal industry, and serves on the Executive Committee of Twin Cities Diversity in Practice. Arielle was named a Minnesota Attorney of the Year for her work on a pro bono appeal that resulted in the overturn of a conviction after an illegal stop. She was named an 'Up & Coming Attorney' by Minnesota Lawyer in 2021, was named a Minnesota Rising Star by Super Lawyers each year since 2022, and has also been recognized by North Star Lawyer for her pro bono work.

Arielle is from the Lake Vermilion Reservation in Tower, Minnesota (population 500). She is an enrolled citizen of the Bois Forte Band of Lake Superior Chippewa.

