

1 DANIEL L. WARSHAW (Bar No. 185365)
dwarshaw@pswlaw.com

2 **PEARSON, SIMON & WARSHAW, LLP**
15165 Ventura Boulevard, Suite 400
3 Sherman Oaks, California 91403
Telephone: (818) 788-8300
4 Facsimile: (818) 788-8104

5 MELISSA S. WEINER (*Pro hac vice*)
mweiner@pswlaw.com

6 **PEARSON, SIMON & WARSHAW, LLP**
800 LaSalle Avenue, Suite 2150
7 Minneapolis, Minnesota 55402
Telephone: (612) 389-0600
8 Facsimile: (612) 389-0610

9 Attorneys for Plaintiff Madison Copeland

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

MICHAEL FORD, NOE GAMBOA AND
MADISON COPELAND, individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

[24]7 .AI, INC.,

Defendant.

CASE NO. 5:18-CV-05859-BLF

CLASS ACTION

**DECLARATION OF MELISSA S.
WEINER IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES AND
COSTS AND SERVICE AWARDS;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT**

*Filed Concurrently with Notice of Motion and
Motion for Attorneys' Fees and Costs and
Service Awards Memorandum of Points and
Authorities in Support*

Date: January 27, 2022
Time: 9:00 A.M. (Pacific Time)

PEARSON, SIMON & WARSHAW, LLP
800 LASALLE AVENUE, SUITE 2150
MINNEAPOLIS, MINNESOTA 55402

PEARSON, SIMON & WARSHAW, LLP
800 LASALLE AVENUE, SUITE 2150
MINNEAPOLIS, MINNESOTA 55402

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Melissa S. Weiner declares:

1. I am counsel for Plaintiffs and the Settlement Class. I respectfully submit this declaration in further support of Plaintiffs’ Motion for Attorneys’ Fees and Costs and Service Awards Memorandum of Points and Authorities in Support.

2. I am a Partner at Pearson, Simon & Warshaw, LLP (“PSW”), one of the counsel of record for Plaintiffs in the above-captioned action.

3. A true and correct copy of the Pearson, Simon & Warshaw, LLP firm resume is attached as **Exhibit 1**.

4. PSW is an AV-rated civil litigation firm with offices in Los Angeles, San Francisco, and Minneapolis. The firm specializes in complex litigation, including state coordination cases and federal multi-district litigation. Its attorneys have extensive experience in antitrust, securities, consumer protection, and unlawful employment practices. PSW has the experience, resources, and expertise to successfully prosecute complex employment and consumer actions.

5. Biographies summarizing my experience and that of other attorneys at PSW are set forth in the firm resume attached as **Exhibit 1**. Also set forth in the firm resume are PSW’s recent case profiles.

6. PSW has prosecuted this litigation solely on a contingent-fee basis and has been at risk that it would not receive any compensation for prosecuting claims against Defendant.

RELEVANT FACTS AND PROCEDURE

7. On September 24, 2018, Plaintiff Copeland commenced his action on behalf of a class of similarly situated individuals against [24]7. AI, Inc., and alleging violation of the California's Unfair Competition Law as well as negligence, negligence per se, and unjust enrichment, filed as *Copeland v. [24]7. AI, Inc.*, No. 18-cv-05859 (ND. Cal).

8. On September 26, 2020, Plaintiffs Michael Ford, Noe Gamboa and Madison

1 Copeland filed a Second Consolidated Amended Class Action Complaint (“SAC”). The SAC
2 alleges that Defendant failed to secure and safeguard customers’ payment card data (“PCD”) and
3 other personally identifiable information (“PII”) that Defendant collected while Plaintiffs and Class
4 and Subclass members shopped on Best Buy’s, Sears’, and other companies’ websites or chatted
5 with customer service on Best Buy’s, Sears’, and other companies’ websites in the Fall of 2017.
6 (Dkt. No. 101.)
7

8 9. Plaintiffs asserted four causes of action: negligence, violation of California’s Unfair
9 Competition Law, Cal. Bus. & Prof. Code §§ 17200 *et seq.* (the “UCL”); breach of confidence; and
10 violation of Illinois Consumer Fraud and Deceptive Business Practices Act, 815 Ill. Comp. Stat.
11 Ann. §§ 505, *et seq.* (*Id.*)
12

13 10. Significant law and motion followed, including an appeal to the Ninth Circuit, where
14 Plaintiffs were successful in obtaining remand to this Court. (Dkt. 90.)
15

16 11. Following briefing on Defendant’s Motion to Dismiss, the Parties informed the Court
17 they had reached a Settlement.
18

19 12. Since its inception, PSW has actively participated in all aspects of the case, including,
20 but not limited to: (1) case investigation; drafting of the complaints; legal research; participating in
21 case strategy decisions; defending against motions to dismiss and transfer; conducting informal
22 discovery leading up to the mediation; preparing for and attending mediation; obtaining post-
23 mediation information; negotiating a complex Settlement Agreement; discussing the notice and
24 administration plans with the Settlement Administrator to ensure compliance with Due Process;
25 moving for and successfully obtaining preliminary approval; working in concert with the Settlement
26 Administrator; preparing notices; monitoring the Notice Program and claims administration; and
27 this Motion.
28

PEARSON, SIMON & WARSHAW, LLP
800 LASALLE AVENUE, SUITE 2150
MINNEAPOLIS, MINNESOTA 55402

1 13. Additionally, PSW participated in regular calls with Class Counsel. During these
2 weekly calls, various aspects of this Litigation were discussed.

3 **MEDIATION AND SETTLEMENT**

4 14. Following full briefing of Defendant’s Motion to Dismiss, counsel for the parties
5 discussed the possibility of a mediation in this case, and on March 10, 2021, the parties engaged in
6 an arm’s-length, remote, day-long mediation session under the direction of Mr. Rodney Max via
7 Zoom. (Dkt. 124, at 19.)

8 15. During the mediation, the parties agreed to terms forming the substance of the
9 Settlement. Negotiations of attorneys’ fees, costs, and expenses did not commence until agreement
10 on behalf of the Settlement Class had been finalized. *See* §¹ 10.2.

11 16. At all times, the months’-long negotiations and extensive efforts, which ultimately
12 resulted in the settlement presented to the Court, were adversarial, non-collusive, and conducted at
13 arm’s length.

14 17. Before selecting Epiq Systems, Inc. as the Claims Administrator, the Parties obtained
15 and reviewed another claims administrator bid. Epiq was ultimately selected based on its reputation
16 for excellent work and breadth of experience administering other similar consumer class actions.

17 18. The notice program created by the Claims Administrator and include: (1) Notice of
18 Settlement and Claim Form sent by electronic mail if an e-mail address is available or in the
19 alternative mailed through the through the United States Postal Service, to all members of the
20 Settlement Class who are identifiable to the Claims Administrator. Defendant shall request that Best
21
22
23

24 _____
25 ¹ Unless otherwise indicated, capitalized terms shall have the same meaning as they do in the
26 Settlement Agreement. References to “§ __” are to sections in the Settlement Agreement,
27 submitted as Exhibit A to the Declaration of Michael F. Ram In Support of Plaintiff’s Motion for
28 Preliminary Approval (the “Ram Decl.”) and all Settlement Agreement Exhibits are referred to as
“Ex #.”

PEARSON, SIMON & WARSHAW, LLP
800 LASALLE AVENUE, SUITE 2150
MINNEAPOLIS, MINNESOTA 55402

1 Buy provide the Claims Administrator with the name, email address (where available), and physical
2 address of each Settlement Class Member that Best Buy possesses; (2) creation of a Settlement
3 Website to be updates with information made available to the Settlement Class Members; and (3) a
4 toll-free telephone number through which Settlement Class Members can obtain additional
5 information about the settlement.
6

7 19. The Settlement reflects years of work, including pre-filing investigations, legal
8 research and analysis of the Settlement Class claims, filing amended complaints/consolidated
9 complaints; opposition motions and appeals work.

10 **PSW'S LODESTAR AND LITIGATION EXPENSES**

11 20. This declaration generally summarizes the work performed by PSW for Plaintiffs
12 and the Settlement Class Members in this litigation. As demonstrated below, PSW has worked
13 diligently to perform tasks throughout the entire course of this litigation, including initial case
14 investigation, filing of the initial Complaint, motion practice, settlement discussions, motions for
15 settlement approval and assistance with settlement administration for the Class Members.
16

17 21. Pursuant to the Settlement Agreement, Class Counsel now apply for a total fee and
18 cost award of \$450,000.00, which accounts for both the attorneys' fees for the law firms representing
19 the Class Representatives.
20

21 22. Counsel at PSW requests rates ranging from \$500.00 to \$1,050.00 for attorneys, and
22 \$225.00 for paralegals.

23 23. Not including the time expended in preparing the application for fees and expenses,
24 the table below details the hours billed and the amount billed at current rates through October 13,
25 2021 for PSW's attorneys and paralegals:
26
27
28

PEARSON, SIMON & WARSHAW, LLP
800 LASALLE AVENUE, SUITE 2150
MINNEAPOLIS, MINNESOTA 55402

ATTORNEY	TOTAL HOURS	HOURLY RATE	AMOUNT
Daniel Warshaw	7.30	\$1,050.00	\$7,665.00
Daniel Warshaw	.20	\$1,150.00	\$230.00
Daniel Warshaw	.30	\$1,190.00	\$357.00
Melissa Weiner	55.40	\$750.00	\$41,550.00
Melissa Weiner	1.90	\$800.00	\$1,520.00
Melissa Weiner	74.40	\$820.00	\$61,008.00
Joseph Bourne	111.80	\$670.00	\$74,906.00
Joseph Bourne	23.70	\$690.00	\$16,353.00
Joseph Bourne	11.70	\$720.00	\$8,424.00
Daniel Asiedu	57.70	\$500.00	\$28,850.00
PARALEGAL	TOTAL HOURS	HOURLY RATE	AMOUNT
Ellovene Grant	1.30	\$225.00	\$292.50
TOTAL:	345.70		\$241,155.50

This summary was prepared from contemporaneous, daily time records regularly prepared and maintained by PSW. Based upon experience in other matters, Class Counsel will likely expend dozens of additional hours bringing the settlement through completion.

24. PSW attorneys efficiently spent time on dedicated tasks in this litigation, categorized as follows:

CATEGORY	TOTAL HOURS	AMOUNT
Attorney Meeting / Strategy	7.50	\$5,543.00
Case Management	10.10	\$6,319.50
Court Appearance	14.60	\$11,133.00
Discovery	10.10	\$7,173.00
Client Meeting	2.00	\$1,385.00
Research	5.30	\$3,567.00
Pleadings / Motions	225.50	\$159,220.00
Settlement	63.80	\$41,835.00
Investigation	6.80	\$4,980.00
TOTAL:	345.70	\$241,155.50

25. The attorneys of PSW billed this case at their usual and customary hourly billing rates, which have been approved by courts presiding over similar complex class action lawsuits, and which are commensurate with the prevailing market rates attorneys of comparable experience and skill handling complex litigation, including:

a. *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litig.*, Case No.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1:14-cv-04391-VSB (S.D.N.Y.). In 2021, Judge Vernon S. Broderick issued an attorneys' fees award finding the following that the following PSW rates were reasonable: \$1,190 for Clifford H. Pearson, and Daniel L. Warshaw, \$750 for Melissa S. Weiner, \$690 for Joseph C. Bourne, and \$560 for Matthew A. Pearson.

b. *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litig.*, Case No. 4:14-md-2541-CW (N.D. Cal.). In 2019, Magistrate Judge Cousins issued an attorneys' fees award finding the following that the following PSW rates were reasonable: \$985 (2016) and \$1,035 (2017) for Clifford H. Pearson and Bruce L. Simon and, \$1,050 (2018) and \$1,150 (2019) for Clifford H. Pearson, Bruce L. Simon and Daniel L. Warshaw, \$520 (2017), \$720 (2015) and \$825 (2016) for Aaron M. Sheanin, \$650 (2018) and \$900 (2019) for Benjamin E. Shiftan, \$350 (2017) for Alexander L. Simon, \$400 (2018) and \$450 (2019) for Alexander L. Simon and Matthew A. Pearson, \$225 (2017) for Amanda C. Lunzer, and \$225 (2019) for Bradd J. Kopp and Elloween J. Grant. This award was adopted in whole by Judge Claudia Wilken.

c. *In re Credit Default Swaps Antitrust Litig.*, Case No. 1:13-md-02476-DLC (S.D.N.Y.). In 2016, the court issued an attorneys' fee award which included PSW at weighted average rates of \$958.07 for Clifford H. Pearson, \$935 Bruce L. Simon, \$827 for Daniel L. Warshaw, \$472.75 for Veronica W. Glaze, and \$385 for Matthew A. Pearson.

d. *In re: Cathode Ray Tube (CRT) Antitrust Litig.*, Case No. 3:07-cv-05944-JST (N.D. Cal.). In 2016, the court issued an attorneys' feed award which included PSW at rates of \$985 (2016) for Clifford H. Pearson, Bruce L. Simon and

1 Daniel L. Warshaw.

2 e. *James Eashoo v. Iovate Health Sciences U.S.A., Inc.*, Case No. 2:15-cv-01726-
3 BRO-PJW (C.D. Cal.). In 2016, the court issued an attorneys' feed award
4 which included PSW at rates of \$985 (2016) for Clifford H. Pearson and Daniel
5 L. Warshaw, \$385 (2016) for Matthew A. Pearson.

6 f. *Patricia Weckwerth et al. v. Nissan North America, Inc.*, Case No. 3:18-cv-
7 00588 (M.D. Tenn.). In 2020, the court issued an attorneys' feed award which
8 included PSW at the rate of \$1,150 (2010) for Daniel L. Warshaw, \$750 for
9 Melissa S. Weiner (2020) and \$670 (2020) for a senior level associate.

10 26. During the course of this action, PSW incurred \$3,455.81 in unreimbursed expenses.

11 These expenses were reasonably and necessarily incurred in connection with the prosecution of this
12 litigation. These expenses are reflected in the books and records of PSW and are a true and accurate
13 summary of the expenses for this case. The chart below details the expenses incurred by category:
14

15	CATEGORY	EXPENSE AMOUNT
16	Telephone, Conference Calls and Facsimile	\$17.75
17	Court Costs, Filing Fees and Transcripts	\$0
18	Delivery/Courier	\$110.70
19	Carfare, Travel and Meals	\$2,178.99
20	Legal Research	\$1,083.87
	Service of Process	\$64.50
	TOTAL	\$3,455.81

21 27. Settlement Class Counsels' firm resumes and declarations provide additional
22 information on these attorneys' background and experience, which the Court previously reviewed
23 in conjunction with the Order preliminarily approving the Settlement.

24 28. Class Counsel necessarily must continue to work with the Settlement Administrator,
25 review and respond to objections, move for final approval, handle appeals, and oversee the final
26 administration of benefits to Class Members. Based upon experience, this could amount to dozens
27 of additional hours of attorney time.
28

1 **PSW HAS A LENGTHY HISTORY REPRESENTING CONSUMERS**

2 29. PSW has a lengthy history of representing consumers, employees, businesses and
3 other clients in class action and other commercial litigation.

4 30. Melissa S. Weiner, a partner in the Minneapolis office of PSW has been working
5 diligently on behalf of the Class Members in this matter. Ms. Weiner has litigated a diverse body
6 of class actions—including consumer protection, product defect, intellectual property, food
7 litigation, automotive, false advertising and Fair Credit Reporting Act claims.

8 31. Since her admission to the bar in 2007, she has earned appointment in a variety of
9 MDLs and class actions throughout the country. She presently chairs the Plaintiffs’ Executive
10 Committee (“PEC”) in *In Re Santa Fe Natural Tobacco Company Marketing & Sales Practices*
11 *and Products Liability Litigation*, 1:16-md-02695-JB-LF (D.N.M.). In that role, she is responsible
12 for leading and directing pretrial matters, including the delegation of common benefit work
13 responsibilities to the members of the PEC. She had a substantial role in strategizing and preparing
14 the opposition to the motion to dismiss and was lead in arguing the motion to dismiss, which
15 resulted in a 249-page order favorable to the plaintiffs. Additionally, she co-led all strategy related
16 to class certification, which culminated with a one-week hearing in December 2020. Additionally,
17 in a contested motion, she was appointed as Co-Lead Interim Class Counsel in *In re Fairlife Milk*
18 *Products Marketing and Sales Practices Litigation*, MDL No. 2909, No. 19-cv-3924 (N.D. Ill.), a
19 nationwide false advertising class action. She was also appointed to the Plaintiffs’ Steering
20 Committee in *In re: Blackbaud, Inc., Customer Data Breach Litigation*, MDL No. 2972 (D.S.C.).

21 32. Additionally, Ms. Weiner has been appointed to the Plaintiffs’ Executive
22 Committee in *In Re: Luxottica of America, Inc. Data Security Breach Litigation* (S.D. Ohio)
23 (Appointed Interim Executive Committee Member) and *Culbertson v. Deloitte Consulting LLP*
24 (S.D.N.Y.) (Appointed to Plaintiffs’ Executive Committee) (a nationwide data breach class
25
26
27
28

1 action).

2 33. Equally a consistent contributor outside the courtroom, she is a frequent lecturer at
 3 food law and litigation conferences, serves in the non-profit sector and teaches food law as an
 4 adjunct professor at Mitchell Hamline School of Law. She is a member of the Executive
 5 Committee of Public Justice, a national nonprofit legal advocacy organization advocating for the
 6 rights of employees and consumers and presently serves as the Vice Chair of the Development
 7 Committee. Additionally, she serves on the Food & Drug Law Counsel for the Minnesota State
 8 Bar Association and frequently speaks at their FDA Forum. Ms. Weiner is especially proud of her
 9 work as former Co-Chair for the Mass Tort and Class Action Practice Group for the Minnesota
 10 Chapter of the Federal Bar Association where in collaboration with the Bench, she helped institute
 11 new recommended procedures for inclusion of newer and diverse attorneys in key litigation roles
 12 to combat the steep decline of in-court opportunities that disproportionately impacts women,
 13 diverse attorneys and other underrepresented groups.
 14

15
 16 **PSW HAS EXTENSIVE EXPERIENCE LITIGATING COMPLEX ACTIONS AND HAS**
 17 **ACHIEVED SIGNIFICANT RECOVERIES ON BEHALF OF CONSUMERS**

18 34. PSW has the experience, resources and ability to adequately represent the class
 19 members in this class action lawsuit.
 20

21 35. PSW's firm resume reflects that the attorneys in this case have successfully
 22 adjudicated some of the largest and most important class action lawsuits in the United States and
 23 have obtained approximately three billion dollars in settlements and verdicts in a wide range of
 24 cases.

25 36. For example, PSW served as Co-Lead Counsel in *In re Credit Default Swaps*
 26 *Antitrust Litigation*, MDL No. 2476 (S.D.N.Y.), an antitrust class action alleging an
 27 anticompetitive conspiracy by the largest international banks and financial institutions in the world
 28

1 to fix the price of credit default swaps. That case resulted in \$1.86 billion in settlements, making
 2 it one of the largest civil lawsuit recoveries in history.

3 37. PSW also served as Co-Lead Counsel on behalf of the Direct Purchaser Plaintiffs in
 4 *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.). In that case, we
 5 helped secure a settlement of over \$400 million for the Class and obtained an \$87 million verdict,
 6 before trebling, following a five-week trial against the only remaining defendant in the case,
 7 Toshiba Corporation and its related entities.
 8

9 38. PSW attorneys served as class counsel in *James v. UMG Recordings, Inc.*, Case
 10 No. 11-cv-01613-SI (N.D. Cal.) and *In re Warner Music Group Corp. Digital Downloads*
 11 *Litigation*, Case No. 12-cv-0559-RS (N.D. Cal.), nationwide class actions brought on behalf of
 12 recording artists and producers who alleged that they were systematically underpaid royalties by
 13 the record companies UMG Recordings and Warner Music Group. In groundbreaking class action
 14 settlements, PSW helped secure both past relief and future relief in perpetuity for eligible class
 15 members who receive royalties from the defendant record companies.
 16

17 39. PSW also served as counsel in a series of related class action lawsuits arising from
 18 the failure of major movie studios to adequately account for and pay home video revenue to profit
 19 participants, which resulted in class action settlements in the following cases:
 20

- 21 a. *Colin Higgins Productions, Ltd. v. Universal City Studios, LLC* (L.A. Super. Ct.
 22 Case No. BC499180);
- 23 b. *Colin Higgins Productions, LTD. v. Paramount Pictures Corporation* (L.A.
 24 Super. Ct. Case No. BC499179);
- 25 c. *Martindale, et al. v. Sony Pictures Entertainment, Inc.* (L.A. Super. Ct. Case
 26 No. BC499182); and
- 27 d. *Stanley Donen Films, Inc. v. Twentieth Century Fox Film Corporation* (L.A.
 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Super. Ct. Case No. BC499181).

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

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: October 18, 2021

/s Melissa S. Weiner
Melissa S. Weiner

PEARSON, SIMON & WARSHAW, LLP
800 LASALLE AVENUE, SUITE 2150
MINNEAPOLIS, MINNESOTA 55402

EXHIBIT 1



PEARSON | SIMON • WARSHAW LLP

LOS ANGELES
15165 VENTURA BOULEVARD
SUITE 400
SHERMAN OAKS, CA 91403
TEL (818) 788-8300
FAX (818) 788-8104

SAN FRANCISCO
350 SANSOME STREET
SUITE 680
SAN FRANCISCO, CA 94104
TEL (415) 433-9000
FAX (415) 433-9008

MINNEAPOLIS
800 LASALLE AVENUE
SUITE 2150
MINNEAPOLIS, MN 55402
TEL (612) 389-0600
FAX (612) 389-0610

WWW.PSWLAW.COM

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

CASE PROFILES

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

- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation*, Northern District of California, MDL No. 2451. PSW attorneys currently serve as co-lead counsel in this multidistrict litigation that alleges the NCAA and its member conferences violate the antitrust laws by restricting the value of grant-in-aid athletic scholarships and other benefits that college students who are football and basketball players can receive. PSW settled the damages case, recently obtaining final approval of a \$208 million dollar settlement. PSW attorneys with co-counsel have completed a bench trial for the injunctive portion of the case. A verdict for Plaintiffs was awarded, and the United States Supreme Court recently issued an Opinion affirming the verdict 9-0. *See NCAA v. Alston*, 141 S.Ct. 2141 (2021).
- *In re Credit Default Swaps Antitrust Litigation*, Southern District of New York, MDL No. 2476. PSW attorneys served as co-lead counsel and represented the Los Angeles County Employees Retirement Association (“LACERA”) in a class action on behalf of all purchasers and sellers of Credit Default Swaps (“CDS”) against twelve of the world’s largest banks. The lawsuit alleged that the banks, along with other defendants who controlled the market infrastructure for CDS trading, conspired for years to restrain the efficient trading of CDS, thereby inflating the cost to trade CDS. The alleged antitrust

PEARSON, SIMON & WARSHAW, LLP

conspiracy resulted in billions of dollars in economic harm to institutional investors such as pension funds, mutual funds, and insurance companies who used CDS to hedge credit risks on their fixed income portfolios. After nearly three years of litigation and many months of intensive settlement negotiations, PSW helped reach a settlement with the defendants totaling \$1.86 *billion* plus injunctive relief. On April 15, 2016, the Honorable Denise L. Cote granted final approval to the settlement, which is one of the largest civil antitrust settlements in history.

- *In re TFT-LCD (Flat Panel) Antitrust Litigation*, Northern District of California, MDL No. 1827. PSW served as co-lead counsel for the direct purchaser plaintiffs in this multidistrict litigation arising from the price-fixing of thin film transistor liquid crystal display (“TFT-LCD”) panels. Worldwide, the TFT-LCD industry is a multi-billion dollar industry, and many believe that this was one of the largest price-fixing cases in the United States. PSW helped collect over \$405 million in settlements before the case proceeded to trial against the last remaining defendant, Toshiba Corporation and its related entities. PSW partner Bruce L. Simon served as co-lead trial counsel, successfully marshaled numerous witnesses, and presented the opening argument. On July 3, 2012, PSW obtained a jury verdict of \$87 million (before trebling) against Toshiba. PSW later settled with Toshiba and AU Optronics to bring the total to \$473 million in settlements. In 2013, California Lawyer Magazine awarded Mr. Simon a California Lawyer of the Year Award for his work in the *TFT-LCD* case.
- *In re Potash Antitrust Litigation (No. II)*, Northern District of Illinois, MDL No. 1996. PSW partner Bruce L. Simon served as co-lead counsel for the direct purchaser plaintiffs in this multidistrict litigation arising from the price-fixing of potash sold in the United States. After the plaintiffs defeated a motion to dismiss, the defendants appealed, and the Seventh Circuit Court of Appeals agreed to hear the case *en banc*. Mr. Simon presented oral argument to the *en banc* panel and achieved a unanimous 8-0 decision in his favor. The case resulted in \$90 million in settlements for the direct purchaser plaintiffs, and the Court’s opinion is one of the most significant regarding the scope of international antitrust conspiracies. *See Minn-Chem, Inc. v. Agrium Inc.*, 683 F. 3d 845 (7th Cir. 2012).
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.*, Eastern District of New York, Case No. 1:17-cv-05495-MKB-ST. PSW, along with co-counsel, represents the North American Soccer League in a matter against the United States Soccer Federation and Major League Soccer alleging antitrust violations. The complaint alleges that U.S. Soccer and MLS have driven NASL out of business and have prevented NASL from competing against MLS (the sole Division I league) and the United Soccer League (the sole Division II league), which is affiliated with MLS.
- *In re Broiler Chicken Antitrust Litigation*, Northern District of Illinois, Case No. 1:16-cv-08637. PSW attorneys currently serve as interim co-lead counsel on behalf of direct purchaser plaintiffs. The complaint alleges that the nation’s largest broiler chicken

PEARSON, SIMON & WARSHAW, LLP

producers violated antitrust laws by limiting production and manipulating the price indices. Thus far, PSW and co-counsel have secured final approval of over \$169 million in settlements for the direct purchaser plaintiffs with numerous defendants remaining in the litigation.

- *In re Pork Antitrust Litigation*, District of Minnesota, Case No. 0:18-cv-01776. PSW attorneys currently serve as interim co-lead counsel on behalf of direct purchaser plaintiffs. The complaint alleges that the nation’s largest pork producers violated antitrust laws by limiting production and manipulating the price indices. Thus far, PSW and co-counsel have secured over \$100 million in settlements for the direct purchaser plaintiffs with numerous defendants remaining in the litigation.
- *Greg Kihn, et al. v. Bill Graham Archives, LLC, et al.*, Northern District of California Case No. 4:17-cv-05343-JSW. PSW attorneys currently serve as Class counsel in this certified copyright class action alleging that defendants broadcasted, continue to broadcast, or otherwise make available to the public, copyrighted musical works of Plaintiffs and the Class without proper licenses, as required under the Copyright Act.
- *Grace v. Apple, Inc.*, Northern District of California, 5:17-CV-00551. PSW partner Daniel L. Warshaw currently serves as class counsel in this California certified class action on behalf of consumers who allege Apple intentionally broke its “FaceTime” video conferencing feature for Apple iPhone 4 or iPhone 4S users operating on iOS 6 or earlier.
- *In re Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation*, District of New Mexico, Case No. 1:16-md-02695-JB-LF. PSW partner Melissa S. Weiner chairs the Executive Committee and PSW partner Daniel L. Warshaw serves on the executive committee. This class action alleges that defendants’ “natural” and “additive free” claims on their tobacco products were false and misleading to consumers.
- *In re Keurig Green Mountain Single-Serving Coffee Antitrust Litigation*, Southern District of New York, MDL No. 2542. In June 2014, Judge Vernon S. Broderick appointed PSW to serve as interim co-lead counsel on behalf of indirect purchaser plaintiffs in this multidistrict class action litigation. The case arises from the alleged unlawful monopolization of the United States market for single-serve coffee packs by Keurig Green Mountain, Inc. Keurig’s alleged anticompetitive conduct includes acquiring competitors, entering into exclusionary agreements with suppliers and distributors to prevent competitors from entering the market, engaging in sham patent infringement litigation, and redesigning the single-serve coffee pack products in the next version of its brewing system to lock out competitors’ products. PSW and co-counsel recently obtained final approval of a \$31 million settlement.
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.*, Northern District of California, Case No. 14-cv-0608. PSW attorneys currently serve as co-lead counsel in this

PEARSON, SIMON & WARSHAW, LLP

certified class action and FLSA collective action on behalf of minor league baseball players who allege that Major League Baseball and its member franchises violate the FLSA and state wage and hour laws by failing to pay minor league baseball players minimum wage and overtime.

- *In re KIND LLC “Healthy and All Natural” Litigation*, Southern District of New York, MDL No. 2645. PSW partner Daniel L. Warshaw currently serves as interim co-lead counsel in this multistate certified class action on behalf of consumers who allege that they purchased KIND snack bars that were falsely advertised as “all natural,” “non-GMO,” and/or “healthy.”
- *Trepte v. Bionaire, Inc.*, Los Angeles County Superior Court, Case No. BC540110. PSW attorneys served as Class Counsel in this certified class action alleging that the defendant sold defective space heaters. The complaint alleged that defendant breached the warranty and falsely advertised the safety of the heaters due to design defects that cause the heaters to fail – and, as a result of the failure, the heaters could spark, smoke and catch fire. Final approval of the class settlement was recently granted.
- *In re Carrier IQ Consumer Privacy Litigation*, Northern District of California, MDL No. 2330. PSW attorneys served as interim co-lead counsel in this putative nationwide class action on behalf of consumers who alleged privacy violations arising from software installed on their mobile devices that was logging text messages and other sensitive information.
- *Sciortino, et al. v. PepsiCo, Inc.*, Northern District of California, Case No. 14-cv-0478. PSW attorneys served as interim co-lead counsel in this putative California class action on behalf of consumers who alleged that PepsiCo failed to warn them that certain of its sodas contain excess levels of a chemical called 4-Methylimidazole in violation of Proposition 65 and California consumer protection statutes.
- *James v. UMG Recordings, Inc.*, Northern District of California, Case No. 11-cv-01613. PSW partner Daniel L. Warshaw served as interim co-lead counsel in this putative nationwide class action on behalf of recording artists and music producers who alleged that they had been systematically underpaid royalties by the record company UMG.
- *In re Warner Music Group Corp. Digital Downloads Litigation*, Northern District of California, Case No. 12-cv-00559. PSW attorneys served as interim co-lead counsel, with partner Bruce L. Simon serving as chairman of a five-firm executive committee, in this putative nationwide class action on behalf of recording artists and music producers who alleged that they had been systematically underpaid royalties by the record company Warner Music Group.
- *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, Northern District of California, MDL No. 1486. PSW partner Bruce L. Simon served as co-chair of discovery

PEARSON, SIMON & WARSHAW, LLP

and as a member of the trial preparation team in this multidistrict litigation arising from the price-fixing of DRAM, a form of computer memory. Mr. Simon was responsible for supervising and coordinating the review of almost a terabyte of electronic documents, setting and taking depositions, establishing and implementing protocols for cooperation between the direct and indirect plaintiffs as well as the Department of Justice, presenting oral arguments on discovery matters, working with defendants on evidentiary issues in preparation for trial, and preparation of a comprehensive pretrial statement. Shortly before the scheduled trial, class counsel reached settlements with the last remaining defendants, bringing the total value of the class settlements to over \$325 million.

- *In re Methionine Antitrust Litigation*, Northern District of California, MDL No. 1311. PSW partner Bruce L. Simon served as co-lead counsel in this nationwide antitrust class action involving a conspiracy to fix prices of, and allocate the markets for, methionine. Mr. Simon was personally responsible for many of the discovery aspects of the case including electronic document productions, coordination of document review teams, and depositions. Mr. Simon argued pretrial motions, prepared experts, and assisted in the preparation of most pleadings presented to the Court. This action resulted in over \$100 million in settlement recovery for the Class.
- *In re Sodium Gluconate Antitrust Litigation*, Northern District of California, MDL No. 1226. PSW partner Bruce L. Simon served as class counsel in this consolidated antitrust class action arising from the price-fixing of sodium gluconate. Mr. Simon was selected by Judge Claudia Wilken to serve as lead counsel amongst many other candidates for that position, and successfully led the case to class certification and settlement.
- *In re Citric Acid Antitrust Litigation*, Northern District of California, MDL No. 1092. PSW partner Bruce L. Simon served as class counsel in antitrust class actions against Archer-Daniels Midland Co. and others for their conspiracy to fix the prices of citric acid, a food additive product. Mr. Simon was one of the principal attorneys involved in discovery in this matter. This proceeding resulted in over \$80 million settlements for the direct purchasers.
- *Olson v. Volkswagen of America, Inc.*, Central District of California, Case No. CV07-05334. PSW attorneys brought this class action lawsuit against Volkswagen alleging that the service manual incorrectly stated the inspection and replacement intervals for timing belts on Audi and Volkswagen branded vehicles equipped with a 1.8 liter turbo-charged engine. This case resulted in a nationwide class settlement.
- *Swain et al. v. Eel River Sawmills, Inc. et al.*, California Superior Court, DR-01-0216. Bruce L. Simon served as lead trial counsel for a class of former employees of a timber company whose retirement plan was lost through management's investment of plan assets in an Employee Stock Ownership Plan. Mr. Simon negotiated a substantial settlement on

PEARSON, SIMON & WARSHAW, LLP

the eve of trial resulting in a recovery of approximately 40% to 50% of plaintiffs' damages after attorneys' fees and costs.

- *In re Homestore Litigation*, Central District of California, Master File No. 01-11115. PSW attorneys served as liaison counsel and class counsel for plaintiff CalSTRS in this securities class action. The case resulted in over \$100 million in settlements to the Class.
- *In re MP3.Com, Inc., Securities Litigation*, Southern District of California, Master File No. 00-CV-1873. PSW attorneys served as defense counsel in this class action involving alleged securities violations under Rule 10b-5.
- *In re Automotive Refinishing Paint Cases*, Alameda County Superior Court, Judicial Council Coordination Proceeding No. 4199. PSW attorneys served as class counsel with other law firms in this coordinated antitrust class action alleging a conspiracy by defendants to fix the price of automotive refinishing products.
- *In re Beer Antitrust Litigation*, Northern District of California, Case No. 97-20644 SW. PSW partner Bruce L. Simon served as primary counsel in this antitrust class action brought on behalf of independent micro-breweries against Anheuser-Busch, Inc., for its attempt to monopolize the beer industry in the United States by denying access to distribution channels.
- *In re Commercial Tissue Products Public Entity Indirect Purchaser Antitrust Litigation*, San Francisco Superior Court, Judicial Council Coordination Proceeding No. 4027. PSW partner Bruce L. Simon served as co-lead counsel for the public entity purchaser class in this antitrust action arising from the price-fixing of commercial sanitary paper products.
- *Hart v. Central Sprinkler Corporation*, Los Angeles County Superior Court, Case No. BC176727. PSW attorneys served as class counsel in this consumer class action arising from the sale of nine million defective fire sprinkler heads. This case resulted in a nationwide class settlement valued at approximately \$37.5 million.
- *Rueda v. Schlumberger Resources Management Services, Inc.*, Los Angeles County Superior Court, Case No. BC235471. PSW attorneys served as class counsel with other law firms representing customers of the Los Angeles Department of Water & Power ("LADWP") who had lead-leaching water meters installed on their properties. The Court granted final approval of the settlement whereby defendant would pay \$1.5 million to a *cy pres* fund to benefit the Class and to make grants to LADWP to assist in implementing a replacement program to the effected water meters.
- *In re Louisiana-Pacific Corp. Inner-Seal OSB Trade Practices Litigation*, Northern District of California, MDL No. 1114. PSW partner Bruce L. Simon worked on this

PEARSON, SIMON & WARSHAW, LLP

nationwide product defect class action brought under the Lanham Act. The proposed class was certified, and a class settlement was finally approved by Chief Judge Vaughn Walker.

- *In re iPod nano Cases*, Los Angeles County Superior Court, Judicial Council Coordination Proceeding No. 4469. PSW attorneys were appointed co-lead counsel for this class action brought on behalf of California consumers who own defective iPod nanos. The case resulted in a favorable settlement.
- *Unity Entertainment Corp. v. MP3.Com*, Central District of California, Case No. 00-11868. PSW attorneys served as defense counsel in this class action alleging copyright infringement.
- *Vallier v. Jet Propulsion Laboratory*, Central District of California, Case No. CV97-1171. PSW attorneys served as lead counsel in this toxic tort action involving 50 cancer victims and their families.
- *Nguyen v. First USA N.A.*, Los Angeles County Superior Court, Case No. BC222846. PSW attorneys served as class counsel on behalf of approximately four million First USA credit card holders whose information was sold to third party vendors without their consent. This case ultimately settled for an extremely valuable permanent injunction plus disgorgement of profits to worthy charities.
- *Morales v. Associates First Financial Capital Corporation*, San Francisco Superior Court, Judicial Council Coordination Proceeding No. 4197. PSW attorneys served as class counsel in this case arising from the wrongful sale of credit insurance in connection with personal and real estate-secured loans. This case resulted in an extraordinary \$240 million recovery for the Class.
- *In re AEFA Overtime Cases*, Los Angeles County Superior Court, Judicial Council Coordination Proceeding No. 4321. PSW attorneys served as class counsel in this overtime class action on behalf of American Express Financial Advisors, which resulted in an outstanding class-wide settlement.
- *Khan v. Denny's Holdings, Inc.*, Los Angeles County Superior Court, Case No. BC177254. PSW attorneys settled a class action lawsuit against Denny's for non-payment of overtime wages to its managers and general managers.
- *Kosnik v. Carrows Restaurants, Inc.*, Los Angeles County Superior Court, Case No. BC219809. PSW attorneys settled a class action lawsuit against Carrows Restaurants for non-payment of overtime wages to its assistant managers and managers.
- *Castillo v. Pizza Hut, Inc.*, Los Angeles County Superior Court, Case No. BC318765. PSW attorneys served as lead class counsel in this California class action brought by delivery

PEARSON, SIMON & WARSHAW, LLP

drivers who claimed they were not adequately compensated for use of their personally owned vehicles. This case resulted in a statewide class settlement.

- *Baker v. Charles Schwab & Co., Inc.*, Los Angeles County Superior Court, Case No. BC286131. PSW attorneys served as class counsel for investors who were charged a fee for transferring out assets between June 1, 2002 and May 31, 2003. This case resulted in a nationwide class settlement.
- *Eallonardo v. Metro-Goldwyn-Mayer, Inc.*, Los Angeles County Superior Court, Case No. BC286950. PSW attorneys served as class counsel on behalf a nationwide class of consumers who purchased DVDs manufactured by defendants. Plaintiffs alleged that defendants engaged in false and misleading advertising relating to the sale of its DVDs. This case resulted in a nationwide class settlement.
- *Gaeta v. Centinela Feed, Inc.*, Los Angeles County Superior Court, Case No. BC342524. PSW attorneys served as defense counsel in this class action involving alleged failures to pay wages, overtime, employee expenses, waiting time penalties, and failure to provide meal and rest periods and to furnish timely and accurate wage statements.
- *Leiber v. Consumer Empowerment Bv A/K/A Fastrack*, Central District of California, Case No. CV 01-09923. PSW attorneys served as defense counsel in this class action involving copyrighted music that was made available through a computer file sharing service without the publishers' permission.
- *Higgs v. SUSA California, Inc.*, Los Angeles County Superior Court Case No. BC372745. PSW attorneys are serving as co-lead class counsel representing California consumers who entered into rental agreements for the use of self-storage facilities owned by defendants. In this certified class action, plaintiffs allege that defendants wrongfully denied access to the self-storage facility and/or charged excessive pre-foreclosure fees.
- *Fournier v. Lockheed Litigation*, Los Angeles County Superior Court. PSW attorneys served as counsel for 1,350 residents living at or near the Skunks-Works Facility in Burbank. The case resolved with a substantial confidential settlement for plaintiffs.
- *Nasseri v. CytoSport, Inc.*, Los Angeles County Superior Court, Case No. 439181. PSW attorneys served as class counsel on behalf of a nationwide class of consumers who purchased CytoSport's popular protein powders, ready to drink protein beverages, and other "supplement" products. Plaintiffs alleged that these supplements contain excessive amounts of lead, cadmium and arsenic in amounts that exceed Proposition 65 and negate CytoSport's health claims regarding the products. The case resulted in a nationwide class action settlement which provided monetary relief to the class members and required the reformulation of CytoSport supplement products.

PEARSON, SIMON & WARSHAW, LLP

- *In re Samsung Top-Load Washing Machine Marketing, Sales Practice and Products Liability Litigation*, Western District of Oklahoma, Case No. 5:17-ml-02792-D. Plaintiffs allege that the top-load washing machines contain defects that cause them to leak and explode. PSW Partner Melissa S. Weiner was appointed to the Plaintiffs' Steering Committee in this multi-district class action.

PEARSON, SIMON & WARSHAW, LLP

ATTORNEY PROFILES

PARTNERS

CLIFFORD H. PEARSON

Clifford H. Pearson is a civil litigator, business lawyer and mediator focusing on complex litigation, class actions, and business law. In 2013, 2016 and 2021 Mr. Pearson was named by the *Daily Journal* as one of the Top 100 lawyers in California. Additionally, Mr. Pearson was named as one of the Daily Journal's 2019 Top Plaintiff Lawyers. He was instrumental in negotiating a landmark settlement totaling \$1.86 billion in *In re Credit Default Swaps Antitrust Litigation*, a case alleging a conspiracy among the world's largest banks to maintain opacity of the credit default swaps market. Mr. Pearson also negotiated \$473 million in combined settlements in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, an antitrust case in the Northern District of California that alleged a decade-long conspiracy to fix the prices of TFT-LCD panels and over \$90 million in *In re Potash Antitrust Litigation*, an antitrust case in the Northern District of Illinois that alleged price fixing by Russian, Belarusian and North American producers of potash, a main ingredient used in fertilizer. Mr. Pearson currently serves as co-lead counsel in both the *In re Broiler Chicken Antitrust Litigation* and *In re Pork Antitrust Litigation* antitrust class action cases alleging price fixing in the broiler and pork industries.

Before creating the firm in 2006, Mr. Pearson was a partner at one of the largest firms in the San Fernando Valley, where he worked for 22 years. There, he represented aggrieved individuals, investors and employees in a wide variety of contexts, including toxic torts, consumer protection and wage and hour cases. Over his 38-plus year career, Mr. Pearson has successfully negotiated substantial settlements on behalf of consumers, small businesses and companies. In recognition of his outstanding work on behalf of clients, Mr. Pearson has been regularly selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California). He has also attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Pearson is an active member of the American Bar Association, Los Angeles County Bar Association, Consumer Attorneys of California, Consumer Attorneys Association of Los Angeles, and Association of Business Trial Lawyers.

Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *In re Pork Antitrust Litigation* (D. Minn.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *City of Oakland v. The Oakland Raiders, et al.* (Los Angeles County Superior Court)

Education:

- Whittier Law School, Los Angeles, California – J.D. – 1981

PEARSON, SIMON & WARSHAW, LLP

- University of Miami, Miami, Florida – M.B.A. – 1978
- Carleton University, Ontario, Canada – B.A. – 1976

Bar Admissions:

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

Professional Associations and Memberships:

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

BRUCE L. SIMON

Bruce L. Simon is a partner emeritus at Pearson, Simon & Warshaw, LLP and has lead the firm to national prominence. Mr. Simon specializes in complex cases involving antitrust, consumer fraud and securities. He has served as lead counsel in many business cases with national and global impact.

In 2019, Mr. Simon was named as one of the *Daily Journal's* Top Plaintiff Lawyers. In 2018, Mr. Simon was awarded "Antitrust Lawyer of the Year" by the California Lawyers Association. In 2013 and 2016, Mr. Simon was chosen by the *Daily Journal* as one of the Top 100 attorneys in California. In 2013, he received the California Lawyer of the Year award from *California Lawyer Magazine* and was selected as one of seven finalists for Consumer Attorney of the Year by Consumer Attorneys of California for his work in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.). That year, Mr. Simon was included in the Top 100 of California's "Super Lawyers" and has been named a "Super Lawyer" every year since 2003. He has attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

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

Also, Mr. Simon was co-lead class counsel in *In re Credit Default Swaps Antitrust Litigation*, a case alleging a conspiracy among the world's largest banks to maintain opacity of the credit default

PEARSON, SIMON & WARSHAW, LLP

swaps market as a means of maintaining supracompetitive prices of bid/ask spreads. After three years of litigation and many months of intensive settlement negotiations, the parties in *CDS* reached a landmark settlement amounting to \$1.86 billion. It is one of the largest civil antitrust settlements in history.

Mr. Simon was also co-lead class counsel in *In re Potash Antitrust Litigation (II)*, MDL No. 1996 (N.D. Ill.), where he successfully argued an appeal of the district court's order denying the defendants' motions to dismiss to the United States Court of Appeals for the Seventh Circuit. Mr. Simon presented oral argument during an *en banc* hearing before the Court and achieved a unanimous 8-0 decision in his favor. The case resulted in \$90 million in settlements for the direct purchaser plaintiffs, and the Court's opinion is one of the most significant regarding the scope of international antitrust conspiracies.

More recently, Mr. Simon completed the trial seeking injunctive relief in the *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation*. The plaintiffs allege that the NCAA and its member conferences violate the antitrust laws by restricting the value of grant-in-aid athletic scholarships and other benefits that college football and basketball players can receive.

Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *In re Keurig Green Mountain Single-Serving Coffee Antitrust Litigation* (S.D.N.Y.)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)
- *In re Pork Antitrust Litigation* (D. Minn.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)

Reported Cases:

- *Minn-Chem, Inc. et al. v. Agrium Inc., et al.*, 683 F.3d 845 (7th Cir. 2012)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation*, 594 U.S. ____ (2021).

Education:

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

Bar Admissions:

- California

PEARSON, SIMON & WARSHAW, LLP

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

Recent Publications:

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

Professional Associations and Memberships:

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

DANIEL L. WARSHAW

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

Mr. Warshaw played an integral role in several of the firm's groundbreaking cases. In the *In re TFT-LCD (Flat Panel) Antitrust Litigation*, he assisted in leading this multidistrict to trial and securing \$473 million in recoveries to the direct purchaser plaintiff class. After the firm was

PEARSON, SIMON & WARSHAW, LLP

appointed as interim co-lead counsel in *In re Credit Default Swaps Antitrust Litigation*, Mr. Warshaw along with his partners and co-counsel successfully secured a \$1.86 billion settlement on behalf of the class.

Currently he serves in a lead or co-lead position in the following cases: *Grace v. Apple, Inc.*, 5:17-CV-00551-YGR (N.D. Cal.), a certified class action on behalf of consumers who allege that Apple intentionally broke its “FaceTime” video conferencing feature for iPhones with older operating systems that recently settled for \$18 million on behalf of a California class; *In re KIND LLC “Healthy and All Natural” Litigation*, MDL No. 2645, (S.D.N.Y.), a multistate certified class action on behalf of consumers who allege that they purchased KIND snack bars that were falsely advertised as “all natural,” and/or “non-GMO”; *Seene v. The Office of the Commissioner of Baseball*, 3:14-cv-00608-JCS (N.D. Cal.), a certified multistate class action alleging that Major League Baseball and its teams violate state and federal wage and hour laws relating to minor league players.

Mr. Warshaw’s cases have received significant attention in the press, and Mr. Warshaw has been profiled by the *Daily Journal* for his work in the digital download music cases. In 2019 and 2020, Mr. Warshaw was named as one of the Daily Journal’s Top Plaintiff Lawyers. And in 2020 he was also named one of the Daily Journal’s Top Antitrust Lawyers. Additionally, Mr. Warshaw has been selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California) every year since 2005. He has also attained Martindale-Hubbell’s highest rating (AV) for legal ability and ethical standards.

Mr. Warshaw has assisted in the preparation of two Rutter Group practice guides: *Federal Civil Trials & Evidence* and *Civil Claims and Defenses*. Mr. Warshaw is the founder and Chair of the Class Action Roundtable. The purpose of the Roundtable is to facilitate a high-level exchange of ideas and in-depth dialogue on class action litigation.

Current Cases:

- *Grace v. Apple, Inc.* (N.D. Cal.)
- *In Re: Keurig Green Mountain Single-Serve Coffee Antitrust Litigation* (S.D.N.Y.)
- *Greg Kihn, et al. v. Bill Graham Archives, LLC, et al.* (N.D. Cal.)
- *In re KIND LLC “Healthy and All Natural” Litigation* (S.D.N.Y.)
- *In re Pork Antitrust Litigation* (D. Minn.)
- *In re. Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation* (D. N.M.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)

Education:

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

PEARSON, SIMON & WARSHAW, LLP

Bar Admissions:

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

Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers, Board Member
- Consumer Attorneys of California
- Los Angeles County Bar Association, Complex Court Committee, Member
- Plaintiffs' Class Action Roundtable, Chair

BOBBY POUYA

Bobby Pouya is a partner in the firm's Los Angeles office, focusing on complex litigation, class actions, and consumer protection. Mr. Pouya has been an attorney with Pearson, Simon & Warshaw, LLP since 2007, and has extensive experience in representing clients in a variety of contexts. He has served as a primary member of the litigation team in multiple cases that resulted in class certification or a class-wide settlement, including cases that involved high-technology products, price fixing, consumer safety and false and misleading advertising. The cases that Mr. Pouya has worked on have resulted in hundreds of millions of dollars in judgments and settlements on behalf of effected plaintiffs and class members.

Mr. Pouya has served as one of the attorneys representing direct purchaser plaintiffs in several complex antitrust cases, including *In re Polyurethane Foam Antitrust Litigation* (N.D. Ohio) and *In re Fresh and Processed Potatoes Antitrust Litigation* (D. Idaho). Mr. Pouya is currently actively involved in the prosecution of *In re Broiler Chicken Antitrust Litigation* (N.D. Ill), *In re Pork Antitrust Litigation* (D. Minn.), *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.), as well as several prominent consumer class action lawsuits.

Mr. Pouya's success has earned him recognition by his peers as a Super Lawyers Rising Star (representing the top 2.5% of lawyers in Southern California age 40 or younger or in practice for 10 years or less) every year since 2008. Mr. Pouya earned his Juris Doctorate from Pepperdine University School of Law in 2006, where he received a certificate in dispute resolution from the prestigious Straus Institute for Dispute Resolution and participated on the interschool trial and mediation advocacy teams, the Dispute Resolution Law Journal and the Moot Court Board.

Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill)
- *In re Pork Antitrust Litigation* (D. Minn.)

PEARSON, SIMON & WARSHAW, LLP

- *In re Cattle Antitrust Litigation* (D. Minn.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *Greg Kihn, et al. v. Bill Graham Archives, LLC, et al.* (N.D. Cal.)

Education:

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

Publications:

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

Bar Admissions:

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

Professional Associations and Memberships:

- American Bar Association
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association

Professional Associations and Memberships:

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

MELISSA S. WEINER

Melissa S. Weiner is a partner and civil litigator whose work is squarely focused on combating consumer deception. Her experience is expansive, including class actions related to consumer protection, product defect, intellectual property, automotive, false advertising and the Fair Credit Reporting Act. Ms. Weiner has taken a leadership role in numerous large class actions and MDLs in cases across the country.

PEARSON, SIMON & WARSHAW, LLP

A contributor to her professional community, Ms. Weiner serves on the Executive Board for Public Justice as the Co-Vice Chair of the Development Committee, former co-chair of the Mass Tort and Class Action Practice Group for the Minnesota Chapter of the Federal Bar Association and serves on the Minnesota Bar Association Food & Drug Law Council. In recognition of her outstanding efforts in the legal community, each year since 2012, Ms. Weiner has been named a Super Lawyers *Rising Star* by Minnesota Law & Politics.

Ms. Weiner has been appointed to leadership positions in the following MDLs and consolidated cases:

- *In Re: Luxottica of America, Inc. Data Security Breach Litigation* (S.D. Ohio) (Appointed Interim Executive Committee Member);
- *Culbertson v. Deloitte Consulting LLP* (S.D.N.Y.) (Appointed to Plaintiffs' Executive Committee), a nationwide data breach class action
- *In Re: Fairlife Milk Products Marketing and Sales Practices Litigation* (N.D. Ill.) (Appointed Interim Co-Lead Counsel);
- *In Re: Deva Concepts Products Liability Litigation* (S.D.N.Y.) (Appointed Interim Co-Lead Counsel);
- *In Re Santa Fe Natural Tobacco Company Marketing & Sales Practices and Products Liability Litigation* (D.N.M.) (chair of the Plaintiffs' Steering Committee and member of the Plaintiffs' Oversight Committee);
- *In Re Samsung Top-Load Washing Machine Marketing, Sales Practices & Product Liability Litigation* (W.D. Okla.), (appointed to Plaintiffs' Executive Committee), a nationwide class action regarding a design defect in 2.8 million top loading washing machines, which resulted in a nationwide settlement;
- *In Re Windsor Wood Clad Window Product Liability Litigation* (E.D. Wis.), a nationwide class action regarding allegedly defective windows, which resulted in a nationwide settlement.
- *In Re: Blackbaud, Inc. Customer Data Security Breach Litigation* (D.S.C.), nationwide data breach class action, (appointed to Plaintiffs' Steering Committee).

Current Cases:

- *Aguilera v. NuWave, LLC* (N.D. Ill.) (product defect and false advertising)
- *Anurag Gupta v. Aeries Software, Inc.* (C.D. CA) (data breach)
- *Ashour v. Arizona Beverages USA LLC et al.* (S.D. NY) (false advertising/mislabeling)
- *Benson et al v. Newell Brands Inc., et al.* (N.D. IL) (false advertising/mislabeling)
- *Connor Burns v. Mammoth Media, Inc.* (C.D. CA) (data breach)
- *Culbertson v. Deloitte Consulting LLP* (S.D.N.Y.) (data breach)
- *Daniels v. Delta Air Lines, Inc.* (N.D. Ga.). (COVID-19 pandemic relief)
- *In Re: Deva Concepts Products Liability Litigation* (S.D.N.Y.) (false advertising/mislabeling)
- *In Re Fairlife Milk Products Marketing and Sales Practices Litigation* (N.D. IL) (false advertising)

PEARSON, SIMON & WARSHAW, LLP

- *Ford v. [24]7.AI, Inc.* (N.D. Cal.) (data breach)
- *In Re Pork Antitrust Litigation* (D. Minn.)
- *In Re Samsung Top-Load Washing Machine Marketing, Sales Practices, and Products Liability Litigation* (W.D. Okla.)
- *In Re Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation* (D. N.M.) (false advertising/mislabeling)
- *Wedra v. Cree, Inc.* (S.D.N.Y)

Education:

- William Mitchell College of Law - J.D. – 2007
- University of Michigan – Ann Arbor - B.A. – 2004

Bar Admissions:

- New York
- Minnesota
- Ninth Circuit Court of Appeals
- U.S. District Court, District of Minnesota
- U.S. District Court, Colorado
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York

Professional Associations and Memberships:

- Minnesota State Bar Association
- Federal Bar Association
- Public Justice

MICHAEL H. PEARSON

Michael H. Pearson is a Partner and civil litigator in the firm's Los Angeles office, focusing on complex litigation, class actions, and consumer protection. Mr. Pearson has extensive experience in representing clients in a variety of contexts. He has served as a member of the litigation team in multiple cases that resulted in class certification or a class-wide settlement, including cases that involved antitrust, business litigation, complex financial products, high-technology products, consumer safety, and false and misleading advertising. Specifically, he was instrumental in managing the review of tens of millions of documents and drafting pleadings in *In Re Credit Default Swaps Antitrust Litigation*, which was settled for \$1.86 billion, plus injunctive relief.

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

PEARSON, SIMON & WARSHAW, LLP

Associations, Consumer Attorneys of California, the Consumer Attorneys Association of Los Angeles and the Association of Business Trial Lawyers.

Mr. Pearson's success has earned him recognition by his peers as a Super Lawyers Rising Star (representing the top 2.5% of lawyers in Southern California age 40 or younger or in practice for 10 years or less) in 2017, 2018, 2019, and 2020.

Current Cases:

- *City of Oakland v. The Oakland Raiders, et al.* (N.D. Cal.)
- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *In re Pork Antitrust Litigation* (D. Minn.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)

Education:

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

Bar Admissions:

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

Professional Associations and Memberships:

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

BENJAMIN E. SHIFTAN

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

Prior to joining the firm, Mr. Shiftan litigated complex bad faith insurance cases for a national law firm. Before that, Mr. Shiftan served as a law clerk to the Honorable Peter G.

PEARSON, SIMON & WARSHAW, LLP

Sheridan, United States District Court for the District of New Jersey, and worked for a mid-sized firm in San Diego.

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

Current Cases:

- *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation* (S.D.N.Y.)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)

Education:

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

Bar Admissions:

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

Professional Associations and Memberships:

- San Francisco County Bar Association

TRIAL COUNSEL

THOMAS J. NOLAN

Thomas J. Nolan is Trial Counsel (Of Counsel) in the Sherman Oaks office of Pearson, Simon & Warshaw, LLP.

Mr. Nolan is widely recognized as one of the nation's leading trial attorneys, and has extensive civil and criminal trial experience representing corporations and individuals in complex litigation in state and federal courts.

PEARSON, SIMON & WARSHAW, LLP

Mr. Nolan is a former federal prosecutor and served as Chief of Fraud and Special Prosecutions in the Los Angeles United States Attorney's Office. He has been a member of the defense bar since 1979.

Mr. Nolan has represented both corporate plaintiffs and defendants across a wide range of complex civil litigation matters including class actions; a wide variety of contract disputes, including a three-month jury trial against 63 insurance carriers; unfair business practices and consumer fraud; as well as antitrust and intellectual property issues. Mr. Nolan is also recognized as a leading lawyer for "first of their kind" trials. His diverse experience was cited by media reports on his arrival at Latham, such as this [Bloomberg-BNA Law article](#).

Mr. Nolan has represented corporations and individuals in criminal DOJ prosecutions and SEC enforcement matters and in internal investigations involving FCPA allegations, securities fraud, money laundering, RICO, healthcare fraud, and insider trading violations.

He leverages extensive trial experience including winning jury verdicts of more than \$1 billion for his clients and defeating claims exceeding \$15 billion asserted against clients.

Notable Cases:

- Lead trial counsel for CashCall in defeating more than \$275 million in restitution and monetary claims sought by the CFPB.
- Served as lead trial counsel representing UBS Real Estate Securities Inc. in a closely watched three-week bench trial conducted in the US District Court, Southern District of New York.*
- Served as lead trial counsel representing the home mortgage division of a major bank against class action claims of racial discrimination in mortgage lending*
- Defended Peter Morton in securing a unanimous jury verdict awarding zero damages in a case alleging fraud, breach of fiduciary duty and invasion of privacy*
- Represented the founders of Skype Technologies S.A., with a consortium of private equity and venture capital firms led by Silver Lake, in the \$2.8 billion acquisition of Skype from eBay Inc.*
- Represented Tyco International Ltd. in a litigation in the US District Court for the Southern District of New York brought by holders of \$2.7 billion of notes issued by Tyco.*
- Served as lead trial counsel representing the consortium of underwriters of WorldCom Securities in securing a settlement on the eve of jury selection in one of the largest securities class action cases in history.*
- Represented Litton Industries in a high-profile monopoly antitrust lawsuit against Honeywell, Inc. in the US District Court for the Central District of California.*

**Represents experience from previous law firms.*

PEARSON, SIMON & WARSHAW, LLP

Accolades:

Mr. Nolan has served in numerous honorary positions and received numerous accolades over his extensive career, including:

- American College of Trial Lawyers – Fellow
- International Academy of Trial Lawyers – Fellow
- Loyola Marymount University – Board of Regents
- Loyola University School of Law at Los Angeles – Board of Directors
- Loyola University School of Law at Los Angeles – Champion of Justice Award
- Beverly Hills Bar Association – Excellence in Advocacy Award
- Association of Business Trial Lawyers – frequent lecturer
- Federal Bar Association – frequent lecturer
- California Bar Association – *Pro Bono* Lawyer of the Year
- *The Am Law Litigation Daily* – Litigator of the Week

Mr. Nolan has been selected for inclusion in *Chambers Global: The World's Leading Lawyers for Business*, and he is one of only 23 attorneys listed in the top tier of national trial attorneys by *Chambers USA: America's Leading Lawyers for Business*, which also ranks him in its top tier for general commercial litigation. In addition, Mr. Nolan has been profiled for 12 different years as one of the Top 100 most influential lawyers in California and as one of the Top 30 Securities Litigators in California by the *Daily Journal*. He was named Best Lawyers' 2015 Los Angeles Bet-the-Company Litigation Lawyer of the Year.

Education:

- Loyola Law School – Los Angeles, California – J.D. – 1975
- Loyola Marymount University – Los Angeles, California – B.B.A. – 1971

Bar Admissions:

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

OF COUNSEL

NEIL SWARTZBERG

Neil Swartzberg, Of Counsel to Pearson, Simon & Warshaw, LLP, has significant litigation and counseling experience, with a track record of providing advice and representation to individuals and companies on a variety of technology, consumer and finance related matters. He

PEARSON, SIMON & WARSHAW, LLP

has expertise in complex and commercial litigation, including in the intellectual property, consumer protection, antitrust, securities and class action context. Practicing in both federal and state courts, he has litigated price-fixing class actions, securities fraud suits and other consumer protection cases, as well as patent infringement, trade secret misappropriation and related intellectual property matters. Mr. Swartzberg also has experience negotiating licenses and similar agreements to resolve disputes in technology areas such the Internet, online banking, and telecommunications.

Mr. Swartzberg was a leading attorney in the Direct Purchaser Plaintiff class action *In re Static Random Access Memory (SRAM) Antitrust Litigation* (N.D. Cal.). He was also actively involved in several other antitrust class actions, such as *In re International Air Transportation Surcharge Antitrust Litigation* (N.D. Cal.), *Air Cargo Shipping Services Antitrust Litigation* (E.D.N.Y.), *In re Cathode Ray Tube (CRT) Antitrust Litigation* (N.D. Cal.), and *In re Optical Disk Drive (ODD) Antitrust Litigation* (N.D. Cal.). He has represented patent owners and companies in infringement cases for patents covering video game controllers, Internet search functionality, secure mobile banking transactions, and telecommunications switches.

Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *In re Pork Antitrust Litigation* (D. Minn.)
- *In re: Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation* (D.N.M.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)

Education:

- University of California, Davis, School of Law, Davis, California – J.D. – 2001
- State University of New York, Buffalo, Buffalo, New York – M.A. – 1994
- Duke University, Durham, North Carolina – A.B. – 1991

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- Federal Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Western District of Pennsylvania

Publications and Presentations:

- *American Bar Association, Section of Antitrust Law, 2020 Spring Conference, Presentation, Judge Jon S. Tigar: In re Cathode Ray Tube (CRT) Antitrust Litig.*

PEARSON, SIMON & WARSHAW, LLP

- *American Bar Association, Section of Antitrust Law, 2019 Spring Conference, Presentation, Bruce Simon: Challenges & Recent Developments in Class Certification: From the Plaintiffs' Perspective* (with Eric Mont)
- *The Hard Cell, Mobile banking and the Federal Circuit's "divided infringement" decisions*, Feb. 2013, Intellectual Property magazine, with Robert D. Becker.

Professional Associations and Memberships:

- American Bar Association

Languages:

- German (proficient)

ASSOCIATES

NAVEED ABAIE

Naveed Abaie is an associate in the firm's Los Angeles office focusing on consumer protection, antitrust, and business litigation.

He graduated from the University of San Diego, School of Law in 2017. While at the University of San Diego, Mr. Abaie earned his J.D. with a concentration in Business and Corporate Law. Mr. Abaie received his Bachelor's degree from the University of California, Berkeley Haas School of Business in 2012.

Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill)
- *In re Pork Antitrust Litigation* (D. Minn.)

Education:

- University of San Diego, California – J.D. – 2017
- University of California, Berkeley, California – B.A.– 2012

Bar Admissions:

- California

Professional Associations and Memberships:

- Iranian American Bar Association

MATTHEW A. PEARSON

Matthew A. Pearson is an associate in the firm's Los Angeles office focusing on antitrust, consumer protection, copyright, and business litigation. Mr. Pearson has represented clients in a variety of different matters and works closely with clients, co-counsel, and opposing counsel on all aspects of litigation.

PEARSON, SIMON & WARSHAW, LLP

In 2019, Mr. Pearson received the award for Outstanding Antitrust Litigation Achievement in Private Law Practice by the American Antitrust Institute for his work in the *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.) trial, which took place in September of 2018 and resulted in a verdict in Plaintiffs' favor. Additionally, in 2019, Mr. Pearson was selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California).

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

Current Cases:

- *In re Pork Antitrust Litigation* (D. Minn.)
- *Grace v. Apple, Inc.* (N.D. Cal.)
- *In re Keurig Green Mountain Single-Serving Coffee Antitrust Litigation* (S.D.N.Y.)
- *Greg Kihn, et al. v. Bill Graham Archives, LLC, et al.* (N.D. Cal.)
- *In re KIND LLC "Healthy and All Natural" Litigation* (S.D.N.Y.)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)
- *In Re Cattle Antitrust Litigation* (D. Minn.)

Education:

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

Bar Admissions:

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

Professional Associations and Memberships:

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

PEARSON, SIMON & WARSHAW, LLP

- Consumer Attorneys of California
- *Los Angeles* County Bar Association

BRIAN S. PAFUNDI

Brian S. Pafundi is an associate in the firm's Minneapolis office focusing on antitrust and consumer class actions.

Mr. Pafundi graduated from University of Florida Levin College of Law in 2010. After law school he worked as an Assistant Public Defender for the State of Minnesota where he handled a full and diverse caseload including felony trials.

Mr. Pafundi received his B.A. in Political Science in 2005 and a Master of Arts degree in Mass Communications in 2009, both from the University of Florida.

Education:

- University of Florida Levin College of Law – J.D. – 2010
- University of Florida College of Journalism and Communications – M.A. – 2009
- University of Florida College of Liberal Arts and Science – B.A. – 2005

Bar Admission:

- Minnesota

GREGORY N. ARENSON

Gregory N. Arenson is an associate in the firm's Minneapolis office focusing on class actions, consumer protection, and complex litigation.

Mr. Arenson has successfully shepherded cases from inception through trial. His background is in biomedical engineering and patent prosecution. Mr. Arenson was a judicial extern in the U.S. District Court for the District of Minnesota for the Honorable Judge Susan Richard Nelson, and was a member of the Intellectual Property Moot Court.

He is committed to serving the community. Mr. Arenson serves on the boards of the Minneapolis Jewish Federation and Jewish Community Relations Council: Minnesota & the Dakotas. He serves volunteered with the Steering Committees for the Twin Cities Cardozo Society and Partnership2Gether Minneapolis Rehovot. He has volunteered with LegalCORPS, providing business and IP advice for entrepreneurs. Mr. Arenson is the recipient of the 2016 Arthur T. Pfefer Memorial Award for his commitment to serving the community and demonstrating outstanding leadership potential.

Education:

- University of Minnesota Law School – J.D. – 2016
- University of Minnesota – B.Bm.E. Biomedical Engineering – 2013

PEARSON, SIMON & WARSHAW, LLP

Bar Admission:

- Minnesota
- U.S. District Court for the District of Minnesota
- U.S. Patent & Trademark Office