

1 Marc M. Seltzer (54534)
mseltzer@susmangodfrey.com
2 SUSMAN GODFREY L.L.P.
1900 Avenue of the Stars, Suite 1400
3 Los Angeles, CA 90067-6029
Phone: (310) 789-3100
4 Fax: (310) 789-3150

Howard Langer (*Pro Hac Vice*)
hlanger@langergrogan.com
LANGER GROGAN AND DIVER PC
1717 Arch Street, Suite 4020
Philadelphia, PA 19103
Tel: (215) 320-5660
Fax: (215) 320-5703

5 Scott Martin (*Pro Hac Vice*)
smartin@hausfeld.com
6 HAUSFELD LLP
33 Whitehall Street, 14th Floor
7 New York, NY 10004
Tel: (646) 357-1100
8 Fax: (2121) 202-4322

9 [Additional Counsel on Signature Page]

10 *Plaintiffs' Co-Lead Counsel*

11
12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14
15 IN RE: NATIONAL FOOTBALL
LEAGUE'S "SUNDAY TICKET"
16 ANTITRUST LITIGATION

Case No.: 2:15-ml-02668-PSG (JEMx)

17
18 THIS DOCUMENT RELATES TO ALL
ACTIONS

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
CLASS CERTIFICATION**

JUDGE: Hon. Philip S. Gutierrez
DATE: December 16, 2022
TIME: 1:30 p.m.
COURTROOM:
First Street Courthouse
350 West 1st Street
Courtroom 6A
Los Angeles, CA 90012

19
20
21
22
23
24
25
26
27
28

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on December 16, 2022, at 1:30 p.m., or as
3 soon thereafter as counsel may be heard, in the courtroom of the Honorable Philip
4 S. Gutierrez, Chief United States District Judge, Courtroom 6A, United States
5 Courthouse, 350 West 1st Street, Los Angeles, CA 90012, Plaintiffs will and
6 hereby do move pursuant to Rule 23 of the Federal Rules of Civil Procedure for an
7 order certifying two classes regarding Plaintiffs' claims defined as follows:

8 **Commercial Class.** All DirecTV commercial subscribers that
9 purchased the NFL Sunday Ticket from DirecTV, or its subsidiaries,
10 at any time between June 17, 2011 and the date of the Court's class
11 certification order ("Commercial Class"). The Commercial Class
12 excludes the Defendants and any of their current or former parents,
13 subsidiaries, or affiliates. The Commercial Class also excludes all
14 judicial officers presiding over this action and their immediate family
15 members and staff, and any juror assigned to this action.

16 **Residential Class.** All DirecTV residential subscribers that purchased
17 the NFL Sunday Ticket from DirecTV, or its subsidiaries, at any time
18 between June 17, 2011 and the date of the Court's class certification
19 order ("Residential Class"). The Residential Class excludes the
20 Defendants and any of their current or former parents, subsidiaries, or
21 affiliates. The Residential Class also excludes all judicial officers
22 presiding over this action and their immediate family members and
23 staff, and any juror assigned to this action.

24 Plaintiffs also hereby move the Court to appoint Plaintiffs Ninth Inning Inc.,
25 dba The Mucky Duck, and 1465 Third Avenue Restaurant Corp., dba Gael Pub, as
26 class representatives for the Commercial Class, and Plaintiffs Robert Gary
27 Lippincott, Jr. and Jonathan Frantz as class representatives for the Residential
28 Class.

1 Plaintiffs further move the Court to appoint Marc M. Seltzer and Susman
2 Godfrey L.L.P., Scott Martin and Hausfeld LLP, and Howard Langer and Langer,
3 Grogan & Diver P.C. as class counsel for both the Commercial Class and
4 Residential Class pursuant to Rule 23(g) of the Federal Rules of Civil Procedure.

5 This motion for class certification is based upon this notice, the concurrently-
6 filed memorandum of points and authorities, the exhibits and declarations
7 submitted in connection thereto, the pleadings, documents, and records on file in
8 this action, any argument that may be presented to the Court on this motion, and
9 such other matters as the Court deems appropriate.

10 This motion is made following the conference of counsel pursuant to the
11 meet and confer requirements of Local Rule 7-3 that took place on August 15,
12 2022.¹

13 Dated: August 19, 2022

Respectfully submitted,

14
15 By: /s/ Marc M. Seltzer
16 Marc M. Seltzer

17 Marc M. Seltzer (54534)
18 mseltzer@susmangodfrey.com
19 SUSMAN GODFREY L.L.P.
20 1900 Avenue of the Stars, Suite 1400
21 Los Angeles, CA 90067
22 Tel: (310) 789-3100
23 Fax: (310) 789-3150

24 Arun Subramanian (*Pro Hac Vice*)
25 asubramanian@susmangodfrey.com
26 William C. Carmody (*Pro Hac Vice*)
bcarmody@susmangodfrey.com
Seth Ard (*Pro Hac Vice*)
sard@susmangodfrey.com
Tyler Finn (*Pro Hac Vice*)
tfinn@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1301 Avenue of the Americas, 32nd Fl.
New York, NY 10019

27 ¹ Due to the unavailability of defendants' counsel to hold the meet and confer on
28 August 12, 2022, the parties agreed to conduct the meet and confer on August 15,
2022. Plaintiffs have been advised by the NFL Defendants that they agree that the
parties have complied with Local Rule 7-3.

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

Tel: (212) 336-8330
Fax: (212) 336-8340

Ian M. Gore (*Pro Hac Vice*)
igore@susmangodfrey.com
SUSMAN GODFREY L.L.P.
401 Union Street, Suite 3000
Seattle, WA 98101
Tel: (206) 505-3841
Fax: (206) 516-3883

Scott Martin (*Pro Hac Vice*)
smartin@hausfeld.com
HAUSFELD LLP
33 Whitehall Street, 14th Floor
New York, NY 10004
Tel: (646) 357-1100
Fax: (212) 202-4322

Christopher L. Lebsock (184546)
clebsock@hausfled.com
HAUSFELD LLP
600 Montgomery St., Suite 3200
San Francisco, CA 94111
Tel: (415) 633-1908
Fax: (415) 633-4980

Farhad Mirzadeh (*Pro Hac Vice*)
fmirzadeh@hausfeld.com
HAUSFELD LLP
888 16th Street, N.W., Suite 300
Washington, DC 20006
Tel: (202) 540-7200
Fax: (202) 540-7201

Howard Langer (*Pro Hac Vice*)
hlanger@langergrogan.com
Edward Diver (*Pro Hac Vice*)
ndiver@langergrogan.com
Peter Leckman (235721)
pleckman@langergrogan.com
Kevin Trainer (*Pro Hac Vice*)
ktrainer@langergrogan.com
LANGER GROGAN AND DIVER PC
1717 Arch Street, Suite 4020
Philadelphia, PA 19103
Tel: (215) 320-5660
Fax: (215) 320-5703

Plaintiffs' Co-Lead Counsel

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

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

IN RE: NATIONAL FOOTBALL
LEAGUE’S “SUNDAY TICKET”
ANTITRUST LITIGATION

Case No.: 2:15-ml-02668–PSG (JEMx)

THIS DOCUMENT RELATES TO ALL
ACTIONS

**[PROPOSED] ORDER GRANTING
PLAINTIFFS’ MOTION FOR
CLASS CERTIFICATION**

This matter is before the Court on Plaintiffs’ Motion for Class Certification. The Court has considered the motion, all other papers filed relating to the motion, other documents and pleadings filed in this action, and the arguments of counsel.

IT IS HEREBY ORDERED that:

1. Plaintiffs’ Motion for Class Certification is GRANTED.
2. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Court hereby certifies the following “Commercial Class” for purposes of Plaintiffs’ claims in this action:

All DirecTV commercial subscribers that purchased the NFL Sunday Ticket from DirecTV, or its subsidiaries, at any time between June 17, 2011 and the date of the Court’s class certification order (“Commercial Class”). The Commercial Class excludes the Defendants and any of their current or former parents, subsidiaries, or affiliates. The Commercial Class also excludes all judicial officers presiding over

1 this action and their immediate family members and staff, and any juror assigned
2 to this action.

3 3. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Court
4 further certifies the following “Residential Class” for purposes of Plaintiffs’ claims in
5 this action:

6 All DirecTV residential subscribers that purchased the NFL Sunday Ticket from
7 DirecTV, or its subsidiaries, at any time between June 17, 2011 and the date of the
8 Court’s class certification order (“Residential Class”). The Residential Class
9 excludes the Defendants and any of their current or former parents, subsidiaries, or
10 affiliates. The Residential Class also excludes all judicial officers presiding over
11 this action and their immediate family members and staff, and any juror assigned
12 to this action.

13 4. The Court certifies both the Commercial Class and the Residential Class as
14 injunctive relief classes pursuant to Rule 23(b)(2), and damages classes pursuant to Rule
15 23(b)(3).

16 5. The Court appoints Plaintiffs Ninth Inning Inc., dba The Mucky Duck, and
17 1465 Third Avenue Restaurant Corp., dba Gael Pub, as class representatives for the
18 Commercial Class.

19 6. The Court further appoints Plaintiffs Robert Gary Lippincott, Jr. and
20 Jonathan Frantz as class representatives for the Residential Class.

21 7. Pursuant to Rule 23(g) of the Federal Rules of Civil Procedure, the Court
22 appoints the Marc M. Seltzer and Susman Godfrey L.L.P., Scott Martin and Hausfeld
23 LLP, and Howard Langer and Langer, Grogan & Diver P.C. as class counsel for both the
24 Commercial Class and Residential Class.

25 8. Within 45 days of this Order, Plaintiffs shall file a motion to disseminate
26 class notice with a proposed form of notice for the Commercial Class and a separate form
27 of notice for the Residential Class.

IT IS SO ORDERED.

1
2
3 Dated: _____

PHILIP S. GUTIERREZ
Chief United States District Judge

1 Marc M. Seltzer (54534)
mseltzer@susmangodfrey.com
2 SUSMAN GODFREY L.L.P.
1900 Avenue of the Stars, Suite 1400
3 Los Angeles, CA 90067-6029
Phone: (310) 789-3100
4 Fax: (310) 789-3150

Howard Langer (*Pro Hac Vice*)
hlanger@langergrogan.com
LANGER GROGAN AND DIVER PC
1717 Arch Street, Suite 4020
Philadelphia, PA 19103
Tel: (215) 320-5660
Fax: (215) 320-5703

5 Scott Martin (*Pro Hac Vice*)
smartin@hausfeld.com
6 HAUSFELD LLP
33 Whitehall Street, 14th Floor
7 New York, NY 10004
Tel: (646) 357-1100
8 Fax: (2121) 202-4322

9 [Additional Counsel on Signature Page]

10 *Plaintiffs' Co-Lead Counsel*

11
12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14

15 IN RE: NATIONAL FOOTBALL
LEAGUE'S "SUNDAY TICKET"
16 ANTITRUST LITIGATION

Case No.: 2:15-ml-02668-PSG (JEMx)

17
18 THIS DOCUMENT RELATES TO ALL
19 ACTIONS

**DECLARATION OF MARC M.
SELTZER IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

JUDGE: Hon. Philip S. Gutierrez
DATE: December 16, 2022
TIME: 1:30 p.m.
COURTROOM: First Street Courthouse
350 West 1st Street
Courtroom 6A
Los Angeles, CA 90012

20
21
22
23
24
25
26
27
28

1 I, Marc M. Seltzer, hereby declare:

2 1. I am a member in good standing of the bar of this Court, an active
3 member of the State Bar of California, a partner in the law firm of Susman Godfrey
4 L.L.P., and was appointed interim co-lead counsel for the Plaintiffs in the above-
5 captioned matter. I have personal knowledge of the facts set forth herein, and if
6 called as a witness, could and would testify competently thereto.

7 2. I make this declaration in support of Plaintiffs' Motion for Class
8 Certification.

9 3. Susman Godfrey is a nationally-recognized law firm that focuses
10 entirely on high-stakes commercial litigation. The firm maintains offices in
11 Houston, Seattle, Los Angeles, and New York. A copy of Susman Godfrey's firm
12 profile is attached as Exhibit 1.

13 4. I have practiced law in this district and in courts across the country for
14 nearly five decades, and have been appointed to serve as plaintiffs' lead counsel in
15 several class action cases, including one of three co-lead counsel in *In re Toyota*
16 *Motor Corp. Unintended Acceleration Litig.*, Case No. CV 10-ML-2151 (C.D.
17 Cal.), which settled for \$1.6 billion. The Court in the *Toyota* litigation remarked
18 that "[c]lass counsel has consistently demonstrated extraordinary skill and effort" in
19 representing the interests of the plaintiff class. Dkt. No. 3933 at 12. In *White v.*
20 *NCAA*, 06-cv-0999 (C.D. Cal.), I served as co-lead counsel and achieved benefits
21 netting the class approximately \$220 million. My experience in managing complex
22 litigation resulted in me being named a Law360 "Class Action MVP" in 2013, one
23 of only three attorneys in the nation to receive that honor. I have also demonstrated
24 leadership in this case, including in successfully arguing before the Ninth Circuit to
25 obtain a reversal of the Court's prior dismissal in this case. A copy of my attorney
26 profile is attached as Exhibit 2.

27 6. My colleague Bill Carmody is part of the Susman Godfrey team
28 involved in this action. A copy of his attorney profile is attached as Exhibit 3.

EXHIBIT 1
to the Declaration
of Marc M. Seltzer

The Susman Godfrey Difference

For over forty years, Susman Godfrey has focused its nationally recognized practice on just one thing: high-stakes commercial litigation. We are one of the nation's leading litigation boutique law firms, with offices in Houston, Los Angeles, New York and Seattle. We have a unique perspective, the will to win, and an uncommon structure, which taken together provide the way to win.

The Will to Win

At Susman Godfrey, we want to win because we are stand-up trial attorneys, not discovery litigators. We approach each case as if it is headed for trial. Everything that we do is designed to prepare our attorneys to persuade a jury. When you are represented by Susman Godfrey, the opposing party will know that you are willing to take the case all the way to a verdict if necessary; this fact alone can make a good settlement possible.

Susman Godfrey has a longstanding reputation as one of the premier firms of trial lawyers in the United States. We are often brought in on the eve of trial to "rescue" troubled cases or to take the reins when the case requires trial lawyers with a proven record of courtroom success.

We also want to win because we share the risk with our clients. We prefer to work on a contingency-fee basis so that our time and efforts pay off only when we win. Our interests are aligned with our clients—we want to achieve the best-possible outcome at the lowest possible cost.

Finally, we want to win because each of our attorneys shares a commitment to your success. Each attorney at the firm—associate as well as partner—examines every proposed contingent fee case and has an equal vote on whether or not to accept it. The resulting profit or loss affects the compensation of every attorney at the firm. This model has been a tremendous success for both our attorneys and our clients. In recent years, we have achieved the highest profit-per-partner results in the nation. Our associates have enjoyed performance bonuses equal to their annual salaries. When you win, our attorneys win.

Unique Perspective

Susman Godfrey represents both plaintiffs and defendants. We thrive on variety, flexibility, and creativity. Clients appreciate the insights that our broad experience brings. "I think that's how they keep their tools sharp," says one.

Many companies who have had to defend cases brought by Susman Godfrey on behalf of plaintiffs are so impressed with our work in the courtroom that they hire us themselves next time around—companies like El Paso Corporation, Georgia-Pacific Corporation, Mead Paper, and Nokia Corporation.

We know from experience what motivates both plaintiffs and defendants. This dual perspective informs not just our trial tactics, but also our approach to settlement negotiations and mediation

presentations. We are successful in court because we understand our opponent's case as well as our own.

An Uncommon Structure

At Susman Godfrey, our clients hire us to achieve the best possible result in the courtroom at the least possible cost. Because we learned to run our practice on a contingency-fee model where preparation of a case is at our expense, we have developed a very efficient approach to commercial litigation. We proved that big cases do not require big hours. And, because we staff and run all cases using the same model, clients who prefer to hire us by the hour also benefit from our approach.

There is no costly pyramid structure at Susman Godfrey. As a business, we are lean, mean and un-leveraged—with a two-to-one ratio between partners and associates. To counter the structural bloat of our opponents, who often have three associates for each partner, we rely on creativity and efficiency.

Susman Godfrey's experience has taught what is important at trial and what can be safely ignored. We limit document discovery and depositions to the essential. For most depositions and other case-related events we send one attorney and one attorney alone to handle the matter. After three decades of trials, we know what we need—and what is just a waste of time and money.

Unparalleled Talent

Susman Godfrey prides itself on a talent pool as deep as any firm in the country. Clerking for a judge in the federal court system is considered to be the best training for a young trial attorney, 100% of our Associates and over 90% of our Partners served in these highly sought-after clerkships after law school. Ten of our trial lawyers have clerked at the highest level—for Justices of the United States Supreme Court.

Our associates are not document-churning drones. Each associate at Susman Godfrey is expected to second-chair cases in the courtroom from the start. Because we are so confident in their abilities, we consider associates for partnership after seven years with the firm, unless they joined us following a federal judicial clerkship. In that case, we give credit for the clerkship, and the partnership track is generally six years. We pay them top salaries and bonuses, make them privy to the firm's financials, and let them vote—on an equal standing with partners—on virtually all firm decisions.

Each trial attorney at Susman Godfrey is invested in our unique model and stands ready to handle your big-stakes commercial litigation.

A Record of Winning

One of Susman Godfrey's early cases, the Corrugated Container antitrust trial, led to one of the highest antitrust jury verdicts ever obtained. Since that extraordinary start, the firm has remained devoted to helping businesses and individuals achieve similarly extraordinary results.

Recent high-profile victories include:

- Secured a \$600 million settlement for residents of Flint, Michigan in the nationally followed Flint Water Crisis litigation.
- Won a \$706.2 million unanimous jury verdict for client HouseCanary, in a breach of contract and misappropriation of trade secrets case against Quicken Loans affiliate, Title Source, Inc. The judgement appears at number four on *The National Law Journal's* "Top 100 Verdicts of the Year" list.
- Won a \$25.25 million jury verdict for client, Steven Lamar, in a contract and intellectual property dispute with Dr. Dre and Jimmy Iovine over the iconic Beats headphones — this verdict was also included on *The National Law Journal's* "Top 100 Verdicts of the Year" list.
- Secured a favorable settlement for Uber in its epic battle against Google's Waymo over self-driving car technology.
- Won a jury verdict valued at \$128 million for client General Electric, in its legal battle against the Nebraska Investment Finance Authority.
- Secured one of the largest settlement awards ever to a single whistleblower in a False Claims Act case—over \$450 million from Novartis Pharmaceuticals, who was accused of defrauding Medicare and Medicaid by illegally paying kickbacks to pharmacies so they would recommend Novartis's medications to doctors and patients.
- Secured a settlement valued at \$100 million for a certified class of plaintiffs in a copyright infringement class action against well-known music streaming service, Spotify.
- Recovered \$40 million for a class of derivatives investors in a securities class action against Valeant Pharmaceuticals International, Inc. The deal is believed to be the largest recovery ever obtained on behalf of derivative investors in history.
- Won a \$50.3 million federal jury verdict for client, Green Mountain Glass, in a patent infringement lawsuit against Ardagh Glass, Inc. This verdict was #34 on *The National Law Journal's* "Top 100 Verdicts of 2017" list.
- Secured a \$91.25 million settlement for insurance policy owners in *37 Besen Parkway, LLC v. John Hancock Life Insurance Company*
- Secured nearly \$600 million with various international investment banks on behalf of our plaintiff clients in the ongoing LIBOR antitrust class action. The agreement with these banks represents the resolution of claims by investors that transacted directly with the

international banks on the panel to determine US Dollar LIBOR. Just recently the class that Susman Godfrey represents became the first and only class certified by the SDNY.

- Won a \$70 million judgement for Wellstat Therapeutics against BTG International, Inc. in a pharmaceutical contract dispute in the Delaware Court of Chancery.
- Secured a settlement valued at \$73 million while representing Flo & Eddie (the founding members of 60's music group, The Turtles) along with a class of owners of pre-1972 sound recordings for copyright violations by music provider Sirius XM. Susman Godfrey attorneys on this matter were named "California Lawyer Attorneys of the Year" by *The Daily Journal* for their legal work on this case.
- Won an over \$43.2 million federal court jury award in favor of Apache Deepwater LLC and against W&T Offshore in an oil and gas related breach of contract case having to do with deepwater wells in the Gulf of Mexico. This verdict was named by *The National Law Journal* as one of "The Top 100 Verdicts of 2016" and appeared on Texas Lawyer's "Hall of Fame Verdicts" in 2019.
- Secured over \$1.2 billion with several international automobile parts suppliers in the In Re Automotive Parts (Auto Parts) price-fixing class action. The multidistrict litigation, pending in the United States District Court for the Eastern District of Michigan, alleges long-running global collusion by auto parts companies to fix prices of automotive component parts.
- Secured as lead counsel in a case that challenged Phoenix Life Insurance Company's and PHL Variable Insurance Company's decision to raise the cost of insurance ("COI") nationwide on life insurance policy owners. The case settled with plaintiffs receiving a \$48.5 million cash fund, COI freeze through 2020, and a covenant by Phoenix not to challenge the policies, worth \$9 billion in face value.
- Secured a \$244 million settlement in a federal monopolization and antitrust class action against News Corporation (News Corp) on behalf of a certified class of more than 500 consumer packaged goods companies. The media giant also agreed to change its business practices regarding in-store advertising.

Pro Bono

Susman Godfrey is committed to improving the laws and the legal system by representing those who cannot afford to pay for legal services. We encourage our attorneys to participate in pro bono opportunities and make firm resources available to ensure our pro bono efforts are meaningful and effective.

Lawyers at Susman Godfrey are often tapped by trial and appellate courts across the country to assist on precedent-setting pro bono matters. We also regularly partner with various organizations to drive forward significant and timely pro bono litigation. These organizations include, among many, the American Civil Liberties Union (ACLU), the Civil Rights Corps, the Texas Fair Defense Project, the Next Generation Action Network Legal Advocacy, and the International Rescue Committee.

Susman Godfrey LLP

4

In 2021, Susman Godfrey launched its [Minority-Owned Business \(MOBUS\) Pro Bono Program](#) which provides legal representation to minority-owned businesses in Houston in connection with commercial litigation, such as breach of contract, fraud, and other business disputes.

Susman Godfrey has been included on [National Law Journal's Pro Bono Hot List](#) and our lawyers have been honored with awards such as [Texas Lawyer's Attorney of the Year](#), [University of Texas School of Law's Distinguished Alumnus for Community Service Award](#), and [Texas Appleseed's J. Chrys Dougherty Good Apple Award](#).

Should you want to partner with Susman Godfrey on a pro bono initiative, you can contact our Pro Bono Committee at ProBono@susmangodfrey.com.

The cases below illustrate the variety and importance of the matters we litigate pro bono.

Constitutional Challenges

- ***O'Donnell v. Harris County***. For decades, the Harris County Jail held tens of thousands of people who were arrested for misdemeanors but were financially unable to post bail. Though arrested for the same minor offense, a person with money could avoid jail entirely while an indigent person would spend days or weeks in jail before determination of merits. Along with Civil Rights Corps and the Texas Fair Defense Project, Susman Godfrey represents on a pro bono basis a class of indigent arrestees who challenged the constitutionality of Harris County's money bail practices. After an eight-day evidentiary hearing, the US District Court found Harris County's system unconstitutional and ordered broad injunctive relief. After the bail reforms went into effect, the US Court of Appeals for the Fifth Circuit affirmed the district court's rulings that the system was unconstitutional. In the first year in which the injunctive relief was in effect, more than 12,000 people were released from jail.

Human Rights/Anti-Discrimination

- ***Faculty, Alumni and Students Opposed to Racial Preferences v. New York University Law Review***. Susman Godfrey defended New York University Law Review against allegations that its diversity and inclusiveness initiatives violate federal bias law by favoring female and minority applicants and authors. The Hon. Edgardo Ramos of the Southern District of New York granted the motion filed by Susman Godfrey to dismiss the case. The Second Circuit later affirmed the decision.
- ***Texas v. United States of America and the International Rescue Committee***. Represented the International Rescue Committee (IRC) pro bono when the state of Texas sued to block the federal government and the IRC from resettling any Syrian refugees in Texas. Working with the ACLU, and the Southern Poverty Law Center, the team defeated the state's multiple requests for injunctive relief. The federal district court later dismissed all of the state's claims.

- **Jared Woodfill et al. v. Annise Parker et al.** Served as lead trial counsel for the city of Houston and won a jury verdict and a final judgment in a closely-watched trial over a challenge to Houston's Equal Rights Ordinance, a law that prohibits discrimination based on an individual's sex, race, color, ethnicity, national origin, age, familial status, marital status, military status, religion, disability, sexual orientation, genetic information, gender identity, or pregnancy in city employment and city services, city contracts, public accommodations, private employment (excluding religious organizations), and housing. The city asked Susman Godfrey to represent it pro bono and defend the ordinance. After a two-week trial, the jury issued its verdict resoundingly in the city's favor. After two months of post-verdict briefing, the court issued a final judgment in favor of the city.
- **International Franchise Ass'n, Inc. et al. v. City of Seattle, et al.** Retained by the city of Seattle on a partial pro bono basis to defend its landmark \$15 per hour minimum wage ordinance. Several Seattle franchise businesses challenged the ordinance on a number of legal grounds, including violation of the Equal Protection Clause and Dormant Commerce Clause of the US Constitution. The district court denied the plaintiff franchise group's motion for a preliminary injunction and found that the plaintiffs had failed to demonstrate a likelihood of succeeding on the merits of any of their claims.

Death Penalty Appeals/Prisoners' Rights

- **David Daniels et al. v. Dallas County Sheriff Marian Brown.** Partnered with the American Civil Liberties Union, ACLU of Texas, Civil Rights Corps, and the Next Generation Action Network Legal Advocacy Fund to bring a federal class-action lawsuit for emergency relief to remedy the Dallas County Jail's ongoing failure to manage the extraordinary risks COVID-19 poses to its detainees, staff, and the larger community.
- **In re: Alfred DeWayne Brown.** Represented a wrongfully convicted man, Alfred Dewayne Brown, in his now successful quest to obtain an "actual innocence" finding from the Harris County D.A.'s office after nearly a decade on death row for a murder he didn't commit.
- **Harris v. Fischer.** Secured an important pro bono appellate victory on behalf of a former Bedford Hills Correctional Facility inmate who alleged her Fourth and Eighth Amendment rights were violated during a body cavity search while she was incarcerated. In its ruling, the US Court of Appeals for the Second Circuit vacated the district court's decision dismissing the case and remanded for further consideration.
- **Death Penalty Appeals.** Handled several death penalty appeals focusing on the requirement for the State of Texas to release information about the chemicals used to put prisoners to death in order for counsel to protect the rights of their clients not to be subject to cruel and unusual punishment. In one case, the Susman Godfrey team obtained an injunction against execution due to this issue.

Other Significant Pro Bono Work

- **Alley Theater v. Hanover Insurance Co.** The Tony Award-winning Alley Theatre, the oldest professional theatre company in Texas and the third-oldest resident theatre in the

country, suffered devastating destruction during Hurricane Harvey, incurring millions in losses from property damage, lost income and expenses. Susman Godfrey represented the Theatre pro bono in insurance litigation related to hurricane-caused business interruption. Susman Godfrey first secured a partial summary judgment ruling on behalf of Alley in a coverage lawsuit against Hanover over claims the theatre was not properly reimbursed for hurricane-related business interruption losses. The firm later scored a second victory for the theater when they settled the final piece of the litigation.

- **First Presbyterian Church of Houston v. Presbytery of the New Covenant, Inc.** Represented First Presbyterian Church of Houston (FPC), one of the oldest congregations in Houston, in a property dispute against the Presbyterian Church (PCUSA), which claimed for close to 30 years that it has a trust interest in FPC’s property in Houston, Texas. The Court ruled in FPC’s favor on summary judgment, entering final judgment and a permanent injunction against the Presbytery of the New Covenant and finding that the PCUSA has no interest in FPC’s property. After appellate arguments, the parties settled, with the denomination releasing any claim to any interest in FPC’s property.
- **Law Center to Prevent Gun Violence.** For years, Susman Godfrey has provided pro bono legal research, consultation, and strategy advice to the Law Center to Prevent Gun Violence regarding measures to regulate the sale and use of firearms.

Office Locations

Houston

1000 Louisiana St
Suite 5100
Houston, TX, 77002
T: 713-651-9366
F: 713-654-6666

Los Angeles

1900 Avenue of the Stars
Suite 1400
Los Angeles, CA 90067
T: 310-789-3100
F: 310-789-3150

New York

1301 Avenue of the Americas
32nd Floor
New York, NY 10019
T: 212-336-8330
F: 212-336-8340

Seattle

1201 Third Avenue
Suite 3800
Seattle, WA 98101
T: 206-516-3880
F: 206-516-3883

EXHIBIT 2
to the Declaration
of Marc M. Seltzer

SUSMAN GODFREY L.L.P.



Marc M. Seltzer Partner

Los Angeles
(310) 789-3102
mseltzer@susmangodfrey.com

Overview

Marc Seltzer has practiced law for more than forty-five years, litigating complex cases in state and federal courts throughout the United States. Before joining Susman Godfrey, he was a principal in the law firm of Corinblit & Seltzer, a Professional Corporation. Marc Seltzer's relationship with the lawyers of Susman Godfrey began in the late 1970's, when he worked with Steve Susman on the *Corrugated Container* antitrust case. In the ensuing years, Mr. Seltzer joined forces with Susman Godfrey on a number of other cases. In February 1998, Marc Seltzer became a partner of the firm, and opened the firm's Los Angeles office. Since then, the firm's Los Angeles office has become one of the leading litigation boutiques in California.

Marc Seltzer's involvement in nationally prominent litigation began in the mid-1970's, when he was tapped by Jack Corinblit to work on the massive *Equity Funding* securities litigation. That case consisted of more than 100 consolidated class and individual cases, and was settled in 1976 for over \$60 million, then the largest recovery ever achieved in a securities fraud class action. See *In re Equity Funding Corp. of America Securities Litigation*, 438 F. Supp. 1303 (C.D. Cal. 1977). Later, in the 1980's, Mr. Seltzer was appointed by the Los Angeles federal court to serve as sole lead counsel to represent the plaintiff class in the *ZZZZ Best* securities fraud case. The *ZZZZ Best* fraud was described by the United States Attorney for the Central District of California as "the most massive and elaborate securities fraud perpetrated on the West Coast in over a decade," harking back to the *Equity Funding* case. The case resulted in several important published decisions sustaining plaintiffs' claims. See *In re ZZZZ Best Securities Litigation*, 864 F. Supp. 960 (C.D. Cal. 1994).

Since joining the firm, Mr. Seltzer has continued to represent both plaintiffs and defendants in a wide variety of high stakes cases. Among other prominent cases, Mr. Seltzer served as co-trial counsel with Steve Susman in representing Frank McCourt in his marital property litigation with his former wife which involved competing claims to ownership of the Los Angeles Dodgers. In 2015, Mr. Seltzer successfully argued the appeal taken by Ms. McCourt from the order denying her motion to set aside the settlement reached in that case.

In the *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, Marc Seltzer was appointed by the Court to serve as one of the co-lead counsel for the economic loss class action plaintiffs. After three years of hard fought litigation, an historic settlement was reached valued by the Court at approximately \$1.6 billion, with the class receiving net benefits valued at approximately \$1.4 billion.

Mr. Seltzer is currently leading Susman Godfrey's efforts as one of co-lead counsel for plaintiffs in *In re Automotive Parts Antitrust Litigation*, pending in the Detroit federal court. The United States Department of Justice has called the cartels that are the subject of this litigation the largest group of price-fixing conspiracies

ever uncovered. The cases have been partially settled for more than a billion dollars.

In 2019, Seltzer was named one of the "[Thought Leaders in Competition – Plaintiff](#)" by *Who's Who Legal* (Law Business Research Ltd). Seltzer is one of only seventeen lawyers in the United States and one of only twenty six lawyers across the world to receive this distinction.

In [2020](#) and [2021](#) Seltzer was named one of California's "Top Antitrust Lawyers" by the *Los Angeles Daily Journal*. In 2018, Seltzer was named one of thirty "[Top Plaintiffs Lawyers](#)" and one of the "[Top 100 Lawyers](#)" in California by the same publication. He was named a "[Top Plaintiffs Lawyer](#)" again in 2022. Seltzer was honored twice in late 2017 for his ground-breaking antitrust work. In December, 2017, he was named an "[Competition MVP](#)" by *Law360* and in September 2017, Seltzer was named a "[Giant Slayer](#)" by *The Recorder* (ALM Publication). These recognition were in large part due to his leadership roles in *In re: Auto Parts* and *In re Animation Workers Antitrust Litigation*, the latter in which Seltzer took on the world's largest animation companies, including Disney, Pixar, Lucasfilm Ltd., Dreamworks and Sony, on behalf of animation employees and recovered nearly \$170 million.

In December 2013, Mr. Seltzer was named to *Law360's* annual list of legal "[MVPs](#)." He was one of just three attorneys in the nation selected by *Law360* for recognition in the Class Action category. He has also been named to the *International Who's Who of Competition Lawyers & Economists*. Nominees were selected by *Global Competition Review* based upon "comprehensive, independent survey work with both general counsel and private practice lawyers worldwide." Seltzer has been named to this list many times, most recently in 2018.

Additionally, Mr. Seltzer's many significant class action achievements helped secure Susman Godfrey's recognition as *Law360's* "Class Action Group of the Year" in [2017](#) and [2018](#).

Over his many years of practice, Mr. Seltzer has also represented defendants in antitrust, securities, copyright, trademark, trade secret, unfair competition, class action and other complex litigation.

Mr. Seltzer has also been recognized for his service to the legal community.

Education

- University of California at Berkeley (B.A., 1969)
- UCLA School of Law (J.D., 1972)

Honors and Distinctions

- Selected as one of the 30 Top Plaintiff Lawyers in all of California in [2018](#) and in [2022](#) by *The Los Angeles Daily Journal*
- Selected as one of the Top Antitrust Lawyers in California in [2020](#) and [2021](#) by *The Los Angeles Daily Journal*.
- Recognized by the American Jewish Committee (AJC) at its 39th [Annual Learned Hand Award](#) Dinner (2019)
- Recognized by the [National Association of Legal Fee Analysis](#) (Specializing in Attorney's Fees and Legal Billing) as "*Highly Experienced in Dealing with Fee Issues Arising in Complex Litigation.*" (2019, 2020)
- Recognized for [Outstanding Antitrust Litigation Achievement in Private Law Practice](#) by the [American Antitrust Institute](#) (2019) for work on *In re: Automotive Parts Antitrust Litigation*.
- Recognized on Lawdragon 500's list of the country's Leading Plaintiff Financial Lawyers ([2019](#), [2020](#), [2021](#), [2022](#))

- Named one of the [Thought Leaders in Competition – Plaintiff](#) by Who’s Who Legal (Law Business Research Ltd) – (2019, 2020, [2021](#))
- Ranked by Martindale-Hubble as a Judicial AV Preeminent Lawyer – the highest possible rating in both legal ability and ethical standards (2017 -2022)
- Selected as one of the [Top 100 Lawyers in California](#) in 2018 by *The Los Angeles Daily Journal*
- Recognized by Chambers U.S. for Litigation: General Commercial in California (2018, 2019, 2020)
- Recognized by Chambers U.S. for Antitrust Litigation in California (2020)
- Named a “Leading Lawyers” for “Antitrust – Civil litigation/Class Actions – Plaintiff” by The Legal 500 (2018, 2019, 2020, 2021)
- Named to the Global Competition Review’s *Who’s Who Legal: Competition* – a guide to the world’s leading competition lawyers and economists (2018, 2019, 2020).
- Named a [Giant Slayer](#) by *The Recorder* (2017, ALM)
- Named a [Competition MVP](#) by *Law360* (2017)
- Selected as one of the 30 [Top Plaintiff Lawyers in all of California in 2016](#) by *The Los Angeles Daily Journal*
- Named a “Super Lawyer” by Southern California Law & Politics magazine (2004-2022, Thomson Reuters)
- Named a [National Practice Area Star](#) by *Benchmark Litigation* (2019, 2022)
- Named a Litigation Star by *Benchmark Litigation* (2014 – 2022)
- Named by *US News* as one of the *Best Lawyers in America* for Commercial Litigation and Litigation – Securities (Los Angeles, 2016-2022, Woodward-White, Inc.)
- Named a “[Class Action MVP](#)” by *Law360* (2013)
- Recipient, 2012 Jewish Federation of Los Angeles’ Bruce I. Hochman-Maimonides Torch of Justice Award
- Recipient, 2004 American ORT Jurisprudence Award
- Named one of Law Dragon’s 500 Leading Plaintiff’s Lawyers (2007)
- Named one of Law Dragon’s 100 Lawyers You Need To Know in Securities Litigation (2008)

Books and Articles

- Co-author, California Federal Civil Rules (LexisNexis 2017)
- Co-author, California State Antitrust and Unfair Competition Law (Matthew Bender & Co. 2014), published by the Antitrust and Unfair Competition Law Section, State Bar of California
- “Choosing Between Class and Derivative Actions,” published in Second Annual Institute, Class and Derivative Litigation in the 1990’s — The New Frontier (Prentice Hall Law & Bus. 1991); and the same topic for subsequent Annual Institutes
- “Measures of Damages in Private Actions for Violations of the Federal Securities Laws: The Basic Rules and Selected Problems,” published in Securities Litigation 1990 (PLI 1990)
- “Shareholders’ Derivative Suits in Contests for Corporate Control,” published in Securities Litigation 1986: Prosecution and Defense Strategies (PLI 1986)

Professional Associations and Memberships

- Past Vice-Chair of the Executive Committee, Antitrust and Unfair Competition Law Section, State Bar of California

- Past President and current member of the Board of Directors of the Ninth Judicial Circuit Historical Society
- Past President and current member of the Board of Directors of the Legal Aid Foundation of Los Angeles
- Life Member of the American Law Institute
- Member, Advisory Board of the American Antitrust Institute
- Member, The Chancery Club
- Member, Board of Directors of the American Constitution Society for Law and Policy
- Member, Board of Directors of the National Equal Justice Library
- Member, Board of Directors, American Friends of Hebrew University, Western Region
- Member, Board of Trustees of the Lawyers Committee for Civil Rights Under Law
- Member, Board of Directors of the Friends of the Los Angeles County Law Library
- Life Fellow of the American Bar Foundation
- Member, American Bar Association (and its Business Law, Antitrust Law, Torts and Insurance Law, and Litigation Sections)
- Member, Board of Counselors for Equal Justice Works

Notable Representation

- In re: *Libor-Based Financial Instruments Antitrust Litigation*, Susman Godfrey serves as court-appointed co-lead counsel in this consolidated antitrust proceeding arising out of the LIBOR scandal. Seltzer is one of most senior members of the Susman Godfrey trial team in this litigation. Susman Godfrey represents the over-the-counter direct purchaser class, which was certified by the Court in 2018- the only one of several proposed classes to receive certification. Recent agreements with several defendants have brought settlements to date to nearly \$600 million. Each of the settling defendants has also agreed to cooperate in the ongoing litigation against the remaining non-settling defendants.
- *In re Animation Workers Antitrust Litigation*, consolidated class actions filed in San Jose federal court on behalf of animation workers who were allegedly subject to wage suppression as a result of “no poaching” agreements by their employers. Marc Seltzer and the firm were appointed to serve as co-lead counsel for the plaintiffs. Over \$168 million in settlements, before fees and expenses, were secured for the benefit of the class. Seltzer was named a “[Giant Slayer](#)” by *The Recorder* (2017, ALM Publication) for his work on this case.
- *In re Korean Air Lines Co., Ltd. Antitrust Litigation*, consisting of more than eighty consolidated antitrust class action cases pending in the Los Angeles federal court. Marc Seltzer was appointed by the Los Angeles federal court to serve as one of the co-lead counsel for the class. Plaintiffs alleged that the two airline company defendants conspired to fix the prices of tickets for travel between the United States and Korea. The case was settled for \$86 million in cash and travel vouchers, with the class receiving approximately \$60 million.
- *Schulein, et al. v. Petroleum Development Corp., et al.*, a case in which Marc Seltzer served as lead counsel for the plaintiffs in a class action brought in Santa Ana federal court on behalf of more than 7000 limited partners who invested in 12 oil and gas limited partnerships. Plaintiffs alleged the defendants made false and misleading statements and omitted material information regarding the value of the partnerships in proxy statements used to solicit votes in favor of mergers that cashed the plaintiffs out of their investments. After three years of hard fought litigation, the case was settled on the eve of trial for \$37.5 million, with the class receiving approximately \$24 million.
- *In re Structured Settlement Litigation*, a series of consolidated class actions were brought in the Los Angeles Superior Court in which Marc Seltzer served as one of the lead counsel for the plaintiffs. The plaintiffs were parties to structured settlements that resolved their personal injury and wrongful death cases. They were victimized years later by the alleged fraudulent conversion of U.S. Treasury bonds

backing their settlements. The litigation was settled for approximately \$130 million. More than \$100 million was distributed to the class.

- *McGuire v. Dendreon Corp.*, consolidated securities fraud class action cases filed in Seattle federal court in which Marc Seltzer was appointed by the Court to serve as lead counsel for the class. Plaintiffs alleged that defendants had made false and misleading statements about a new drug that the company planned to sell. The case was settled for \$16.5 million, with the class receiving approximately \$12 million.
- *Clark v. AdvanceMe, Inc.*, a class action brought in Los Angeles federal court challenging financial arrangements with retail merchants under California's laws against usury. Marc Seltzer served as lead counsel for the class. The case was settled for approximately \$23.4 million in cash and other economic consideration, with the class receiving approximately \$19 million.
- *CLRB Hanson Industries, LLC v. Google, Inc.*, a class action for alleged overcharging for advertising services which was settled for \$20 million, with the class receiving \$15 million. Marc Seltzer successfully argued the appeal from the judgment approving the settlement before the Ninth Circuit. See 465 Fed. Appx. 617 (9th Cir. 2012)
- *In Re Universal Service Fund Telephone Billing Practices Litigation*, an antitrust and breach of contract class action involving more than fifty consolidated cases in which Marc Seltzer served as co-lead counsel for plaintiffs. The case was settled as to one defendant for benefits to the class totaling \$25 million, and tried to a verdict as to the remaining defendant. The jury found in favor of defendant on the antitrust claim and returned a verdict in favor of plaintiffs on the breach of contract claim which was affirmed by the Tenth Circuit. The trial court issued numerous published decisions in this matter. See, e.g., *In Re Universal Service Fund Telephone Billing Practices Litigation*, 300 F. Supp.2d 1107 (D. Kan. 2003).
- *Masimo Corp. v. Tyco Healthcare Group L.P.*, an individual antitrust case for monopolization and restraint of trade in which Marc Seltzer served as co-trial counsel for the plaintiff. The case was tried to a verdict resulting in an award in favor of our client. A new trial was granted as to damages. On retrial, the Court awarded approximately \$45 million in damages (after trebling). The Ninth Circuit affirmed the liability verdict and damages award. See 350 Fed. Appx. 95 (9th Cir. 2009). Our client received a net recovery of approximately \$27 million.
- *White v. NCAA*, an antitrust class action brought in Los Angeles federal court challenging limitations on financial assistance provided by colleges and universities to student athletes. Marc Seltzer served as co-lead counsel for the plaintiff class. The case was settled for benefits netting the class approximately \$220 million, plus court-approved attorneys' fees and costs.
- *Livid Holdings, Ltd. v. Salomon Smith Barney, Inc.*, a securities fraud case brought on behalf of an investor in a start up company. Marc Seltzer was retained to represent the plaintiff on appeal following the dismissal of the action by the trial court, and was successful in overturning the dismissal of the case. See *Livid Holdings Ltd. v. Salomon Smith Barney, Inc.*, 416 F.3d 940 (9th Cir. 2005). The case was subsequently settled for a confidential amount.
- *In Motorcar Parts & Accessories Securities Litigation*, fourteen consolidated securities fraud class actions in which Marc Seltzer was appointed by the Los Angeles federal court to serve as lead counsel for the class. The case was settled for \$7.5 million. See *Z-Seven Fund, Inc. v. Motorcar Parts & Accessories*, 231 F.3d 1215 (9th Cir. 2000).
- *In re IDB Communications Group, Inc. Securities Litigation*, in which Marc Seltzer served as one of four co-lead counsel appointed by the Los Angeles federal court to represent the plaintiff class in more than twenty consolidated securities fraud class action cases. The case was settled for \$75 million.
- *In re Taxable Municipal Bond Securities Litigation*, in which four lawyers, including Marc Seltzer, served on Plaintiffs' Executive Committee, and together with plaintiffs' lead counsel, supervised and managed every aspect of the litigation. This litigation was a consolidated multi-district proceeding brought on behalf of defrauded purchasers of taxable municipal bonds. The case resulted in numerous reported decisions on important recurring issues arising under the federal securities laws. See, e.g., *In re Taxable Municipal Bond Litigation*, [1993 Transfer Binder] Fed. Sec. L. Rep. (CCH) 97,742 (E.D. La. 1993). After several years of intense litigation, the case was settled for approximately \$110 million.

- *Cowles v. Gannett Outdoor Co., Inc.*, of Southern California, coordinated class actions brought in Los Angeles federal court for an alleged conspiracy to suppress competition for leases for billboards sites in Southern California in violation of § 1 of the Sherman Act. Marc Seltzer served as co-lead counsel for the class. The case was settled for \$6.5 million.
- *Slaven v. B. P. America, Inc.*, a class action brought in Los Angeles federal court on behalf of fishermen and business owners for economic losses suffered as a result of the spill of more than 200,000 gallons of crude oil from a tanker off the coast of Huntington Beach, California that befouled coastal waters and nearby beaches. The case was brought under the Trans-Alaska Pipeline Authorization Act, admiralty law and the law of California, and resulted in several published decisions in the district court and the Ninth Circuit. See, e.g., *Slaven v. B. P. America, Inc.*, 973 F.2d 1468 (9th Cir. 1992). Marc Seltzer served as co-lead counsel for the class. The case was ultimately settled for \$4 million, plus court-approved attorneys' fees and costs.
- *In re Carnation Company Securities Litigation*, consolidated class actions for violation of the federal securities laws brought in Los Angeles federal court. The plaintiffs alleged that false denials were made relating to the potential takeover of Carnation Company by Nestle, S.A., before the merger of the two firms was announced. Marc Seltzer served as co-lead counsel for the class. The case was settled for \$13 million.
- *In re International Technology Securities Litigation*, consolidated securities class actions filed in Los Angeles federal court. The plaintiffs alleged that the Company's financial statements were materially misleading for failing to earlier write off or set up appropriate accounting reserves relating to the Company's off-site waste disposal operations. Marc Seltzer served as co-lead counsel for plaintiffs. The case was settled for \$12 million in cash and newly-issued securities.
- *Guenther v. Cooper Life Sciences, Inc.*, a combined stockholders class and derivative action brought in San Francisco federal court for alleged false and misleading statements regarding the Company's products and prospects. Marc Seltzer served as co-lead counsel for plaintiffs. The case was settled for \$9.85 million in cash plus non-cash economic benefits valued at \$8.3 million.
- *Heckmann v. Ahmanson*, consolidated class and derivative actions arising out of the alleged "greenmailing" of the Walt Disney Co. by Saul Steinberg. Marc Seltzer was one of the lead counsel for the class of stockholders. The case was settled after three weeks of trial for approximately \$60 million. See *Heckmann v. Ahmanson*, [1989 Transfer Binder] Fed. Sec. L. Rep. ¶ 94, 447 (Cal. Sup. Ct. April 12, 1989) (order denying summary judgment).
- *Financial Federation, Inc. v. Ashkenazy*, in which Marc Seltzer and his co-trial counsel successfully defended at trial an anti-takeover case brought by a financial institution in Los Angeles federal court under the federal securities laws and the RICO statute against persons who allegedly sought to take control of the institution. See *Financial Federation, Inc. v. Ashkenazy*, [1984 Transfer Binder] Fed. Sec. L. Rep. (CCH) 91,489 (C.D. Cal. 1983).
- *Green v. Occidental Petroleum Corp.*, in which Marc Seltzer, together with co-counsel, represented plaintiffs in consolidated securities fraud class action cases that established important precedent in the Ninth Circuit regarding the certification of plaintiff classes and the computation of damages in securities fraud cases. See *Green v. Occidental Petroleum Corp.*, 541 F.2d 1335 (9th Cir. 1976). The case was settled for \$12 million.
- *Wool v. Tandem Computers, Inc.*, a securities fraud class action in which Marc Seltzer played a leading role. One of the notable achievements in this case was a victory for the plaintiffs in the Ninth Circuit which established important precedent concerning the measure of damages recoverable in federal securities fraud class action cases, the standard for "controlling person" liability under the federal securities laws and the requirements for pleading fraud with the particularity specified under Rule 9(b), Fed.R. Civ. P. See *Wool v. Tandem Computers, Inc.*, 818 F.2d 1433 (9th Cir. 1987). Following the issuance of the Ninth Circuit's decision, the case was settled for \$16.5 million.
- *Plaine v. McCabe*, a securities class action, in which Marc Seltzer argued before the Ninth Circuit, obtaining a substantial victory for plaintiffs, and establishing significant precedent in the Ninth Circuit regarding the standards for liability and remedies for violations of tender offer disclosure rules under the federal securities laws. See *Plaine v. McCabe*, 797 F.2d 713 (9th Cir. 1986).

- *Biben v. Card*, consolidated securities fraud class actions where Marc Seltzer served as co-lead counsel for plaintiffs. The plaintiffs achieved substantial pretrial victories, including establishing the validity of their claims under the federal securities laws against the defendants in that case. See *Biben v. Card*, [1984-1985 Transfer Binder] Fed. Sec. L. Rep. (CCH) 92,010 (W.D. Mo. 1985), on denial of motion for reconsideration, [1984-1985 Transfer Binder] Fed. Sec. L. Rep. (CCH) 92,083 (W.D. Mo. 1985). The case settled for approximately \$12 million.
- *Sanwa Bank California v. Facciani*, where Marc Seltzer was co-lead counsel for a plaintiff class in which settlements totaling approximately \$26 million in cash were obtained on behalf of defrauded investors who were victimized by an alleged Ponzi scheme.
- *In re California Indirect-Purchaser Infant Formula Antitrust Class Action Litigation*, comprised of several consolidated consumer class actions brought for alleged price-fixing of infant formula products. Marc Seltzer was appointed by the Court to serve as one of two co-lead counsel for plaintiffs and the class. The case was settled for approximately \$20 million.
- *Small v. Sunset Park*, where Marc Seltzer was lead counsel for a class of investors involving an alleged Ponzi scheme in which settlements totaling more than \$16.8 million were achieved (\$11.8 million net to the class), including \$12 million paid in settlement by a then “Big Five” accounting firm.
- *In re Applied Magnetics Corporation Securities Litigation*, consolidated securities fraud class actions, filed in Los Angeles federal court, where Marc Seltzer was appointed co-lead counsel for the class. Plaintiffs successfully defended against defendants’ motion to dismiss plaintiffs’ consolidated complaint. See *In re Applied Magnetics Corp. Sec. Litig.*, [1994-1995 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶ 98,345 (C.D. Cal. 1994). The case was subsequently settled.
- *Schneider v. Traweek*, federal and state court securities fraud class actions in which Marc Seltzer served as lead counsel for the plaintiffs. Significant victories were obtained on plaintiffs’ behalf in defeating motions to dismiss and in obtaining class certification. See *Schneider v. Traweek* [1990 Transfer Binder] Fed. Sec. L. Rep. (CCH) 95,419 and 95,505 (C.D. Cal. 1990). The case was settled for approximately \$14 million, \$10.8 million net to the class.
- *Johnson v. Boston*, where Marc Seltzer was co-lead counsel for a nationwide class of investors in promissory notes victimized by an alleged Ponzi scheme. Approximately \$20 million in settlements were obtained for the defrauded investors.
- *Lilienthal v. Levi Strauss & Co.*, an individual minority shareholder’s action for alleged breach of fiduciary duty by the majority owners, which resulted in a judgment after trial for the plaintiff providing for a recovery in excess of \$3 million. Plaintiff subsequently collected more than \$2 million net of attorneys’ fees. Marc Seltzer was co-trial counsel for the plaintiff with Jack Corinblit.

EXHIBIT 3
to the Declaration
of Marc M. Seltzer

SUSMAN GODFREY

BILL CARMODY

PARTNER

Bet Your Business Litigation	pg. 2
Selected Case Briefs	pg. 4
Trial References	pg. 7



bcarmody@susmangodfrey.com

New York, NY tel: 212-336-8334

fax: 212-336-8340

Admitted in New York and Texas

EDUCATION:

United States Merchant Marine Academy
Kings Point, N.Y. (B.S. 1981)

The University of Tulsa College of Law
(J.D. with honors, 1988). Order of the
Curule Chair, TULSA LAW JOURNAL

Hall of Fame Inductee, The University of
Tulsa College of Law

Distinguished Alumni, The University of Tulsa

Trial Lawyers College (2000)

With the trial of a generation captivating the nation, ABC News needed an authority on the psychology of juries. Millions of viewers were following the O. J. Simpson murder trial, and ABC wanted to show America how jurors really decide cases. It tracked down a heralded Texas trial lawyer known for his use of mock trials, Bill Carmody, who was busy preparing a long-shot case for a fired employee of a large steel company. ABC filmed Bill's presentation of the evidence to the mock jurors as well as their deliberations. The network used the footage...and so did Bill. He played ABC's tape of the mock jury's deliberations at an eleventh hour mediation session – and his client walked away with a substantial settlement.



In the decades since, Bill Carmody's reputation has only grown. Today he is a nationally recognized trial lawyer who tries bet-the-company cases for plaintiffs and defendants in state and federal courts throughout the country. He is a permanent member of Susman Godfrey's Executive Committee and heads its New York office. Carmody is best known for stepping into big high-stakes trials shortly before they are set to begin and getting paid on his results. He's described as a storyteller with a "preternatural ability" to connect with juries – and "someone whose core skill set is persuading a lay jury in a complex business case." [Click for press coverage.](#)

RECENT WORK

- In what's been described as the "tech trial of the century" – the epic clash over self-driving car technology that pitted Google/Waymo against Uber – Bill stepped in shortly before trial to defend Uber. Although Waymo sought damages of almost \$2 billion, Bill and his team got all of Waymo's experts' damages opinions struck. After Bill's public and private opening statements and the presentation of four days of evidence to a federal jury in San Francisco, this high-profile case ended in a favorable settlement. *Benchmark Litigation* awarded Bill and his team the National Impact Case of the Year for their work. [Click for press coverage.](#)



Uber attorney Bill Carmody (R) and Waymo attorney Charles Verhoeven (L) at the Phillip Burton Federal Building after the trial ended in San Francisco. (Getty Images)

- In one of the largest individual claims to be litigated this century, WeWork founder Adam Neumann turned to Bill Carmody as part of a multi-firm trial team after SoftBank withdrew its offer to buy up to \$3 billion in WeWork stock from Mr. Neumann and other shareholders. The litigation was placed on an expedited schedule in the Delaware Chancery Court. Days before trial was set to begin, the case settled as reported by *The New York Times* and media outlets throughout the world. [Click for press coverage.](#)
- For General Electric, Bill successfully tried a contract case before a jury in the Southern District of New York, leading to a judgment in favor of GE worth more than \$160 million. [Click for press coverage.](#)
- On behalf of a pharmaceutical industry whistleblower, Bill and his team prosecuted novel anti-kickback claims in the *Novartis* qui tam litigation that resulted in total settlements of \$465 million – which for a case of its kind is the largest recovery ever. [Click for press coverage.](#)
- The City of Baltimore – whose citizens are more likely to die of an opioid overdose than those of nearly any other city in the country – retained Bill and recently filed suit to hold opioid manufacturers and distributors responsible for the harm they’ve done to the city. [Click for press coverage.](#)
- On behalf of some of California’s largest political subdivisions that claimed to be overcharged by the “Big 3” wireless carriers, Bill and his team recently secured settlements totaling \$175 million. [Click for press coverage.](#)
- As co-lead counsel in the nationwide LIBOR antitrust litigation, for Yale University and a class of purchasers of LIBOR-based instruments, Bill and his team have led a fight through the United States Supreme Court to overcome Defendants’ motions to dismiss Plaintiffs’ price-fixing claims, certify a national litigation class, and secure settlements so far with 4 of the 16 Defendants for \$590 million. [Click for press coverage.](#)
- Bill and his team won a summary judgment that was upheld on appeal in late 2017 by the New Jersey Supreme Court for Dan Loeb and his hedge fund Third Point in the *Fairfax* litigation, where plaintiffs sought damages of \$8 billion. [Click for press coverage.](#)

BET YOUR BUSINESS LITIGATION

Whether representing plaintiffs or defendants, Bill puts his money where his mouth is by betting on his ability to win for his clients. A pioneer in structuring success-based fee deals, he aligns his interests with those of his clients by making his fees dependent on the success he earns – and not on hours billed. [Click for press coverage.](#) It’s a creative approach to billing in a profession that doesn’t often stray outside the box.

That’s never been a problem for Bill, whose bold and creative trial tactics have earned the respect of his peers, the media, and legal educators. He has been elected to *Law360*’s esteemed Trials Editorial Advisory Board in 2019, ‘20 and ‘21. Carmody previously taught Trial Advocacy at Southern Methodist University School of Law, and served on the law school’s Executive Board. Currently, he serves



on the Board of Trustees of The University of Tulsa. He is also a member of the American Board of Trial Advocates, a fellow of the Litigation Counsel of America, and a fellow of the American Bar Foundation.

Carmody's ranked in the [Chambers USA Guide](#) to America's Leading Lawyers in three departments, including its ranking of Nationwide Trial Lawyers and General Commercial Litigation in New York. According to *Chambers*:

"Clients call on Bill for big high-stakes matters. He's the real deal."

"Bill Carmody is on every client's shortlist if there is a case to try... A leader, strategist and negotiator. If you want to win, you want Bill on your side."

Clients praise Carmody as a "born trial lawyer," and highly rate his ability to "swoop into a complicated case, master it, and try it ... He can turn complex legal matters into a telling story, and he then finds stories that resonate with the jury."

He is routinely included in *Benchmark's Top 100 Trial Lawyers*. According to *Benchmark*, Carmody is a "universally recognized and nationally hired" trial lawyer, and here is how his peers describe him:

"When you hire him, your metric should not just be 'How much do I want to win?' but more 'How much can I afford to lose?' If the answer is 'I can't,' you should hire Bill."

"Of all the lawyers I've worked with in all my years, this guy [Carmody] was the best in every respect. As a trial lawyer he could do it all. He's based in New York now but stylistically was absolutely 'Texas hot!' He is just in another league."

Carmody is listed in *The Best Lawyers in America* in six categories, including Bet-the-Company Litigation. Bill has been named to the *National Law Journal's* lists of Elite Trial Lawyers and Plaintiffs' Attorney Trailblazers. He is also listed in *Who's Who Legal* in Commercial Litigation. His peers have voted him both a "New York Super Lawyer" and a "Texas Super Lawyer", and he's listed in *The Legal 500*, in addition to being selected among America's Top 100 High Stakes Litigators by *America's Top 100*. Carmody was honored by [Law360](#) as one of its 10 Titans of the Plaintiffs Bar. He is also perennially listed in the *Lawdragon 500*, the guide to America's leading 500 lawyers and was lauded as one of its 41 [Legal Legends](#).

Carmody was a top three finalist in 2018 for the *New York Law Journal's Attorney of the Year*. In 2019 *Lawdragon* selected Bill as one of its [Leading Plaintiff Financial Lawyers](#) and *The National Law Journal* selected him as one of its [Masters of the Courtroom](#) - Winning Litigators. In 2021, *Benchmark* placed Bill on its shortlist – of six lawyers – for Trial Lawyer of the Year.

Carmody appears frequently in national and international media, and his trials have been featured in hundreds of publications, including *The New York Times*, *The Wall Street Journal*, *The Washington Post*, *The Financial Times*, the *San Francisco Chronicle*, *Business Week*, *Bloomberg*, *The National Law Journal*, *Texas Lawyer*, and *The American Lawyer*. He has been profiled by [Lawdragon](#) in its "Producers" series, by [Law 360](#) for its "Trial Pro" series, and by [Forbes](#). While his trial tactics and betting on his clients' results have received widespread acclaim, most important to Bill and his clients are the victories earned in the courtroom – and following are just a few.

SELECTED CASE BRIEFS

Dare To Be Different

“I’ve dealt with lots of trial lawyers and, by far, Bill Carmody is the best I’ve ever seen.”

In a huge defense victory, Bill orchestrated events outside the lawsuit to defeat a local hero in his hometown court. Carmody’s client, a Dallas investment brokerage, got sued for over \$50 million. The businessman who had sued Bill’s client in his “small pond,” the little town of Rockport, Texas.

The case stood second on the trial docket. If the first case went as set, Carmody’s case would be bumped for months. A postponement could have cost the brokerage an advantage it had gained during discovery: Although Bill had deposed all of the opponent’s experts, he had shielded his client’s key expert from deposition. So, the opposition was ill prepared for the expert’s trial testimony. If the case was reset, the opposition would be able to depose the expert and erase their disadvantage.

To prevent this, Bill took the unprecedented step of brokering a deal in which his client funded a \$180,000 settlement of the first case on the docket. This enabled Carmody’s case to be tried while his client still had the edge. Bill did go to trial and won a resounding take-nothing judgment – and jury debriefing confirmed the deciding role of the key expert’s testimony. Bill’s client also won a counterclaim of almost \$700,000.

Despite the plaintiff’s vigorous attempts to overturn the take-nothing judgment, this remarkable victory withstood appellate scrutiny; it was affirmed by both the Corpus Christi Court of Appeals and the Texas Supreme Court. Wowed with Carmody’s results throughout the trial and appellate process, the company’s CEO remarked: “I’ve dealt with lots of trial lawyers and, by far, Bill Carmody is the best I’ve ever seen.” *Bill Woodruff, CEO, Wm. K. Woodruff and Co., Dallas, Texas.*



For media coverage of the brokered settlement, see *National Law Journal*, February 2, 1998, “Two Texas Litigators Leapfrog to Trial Win.”

David Beats Goliath

By uncovering evidence of commercial fraud, Bill helped a small contractor conquer a multi-national conglomerate. This “David v. Goliath” scenario pitted Carmody’s plaintiff client against one of the world’s largest oil companies. The case centered around the defendant’s refusal to pay for refinery construction work performed by the plaintiff in El Paso. But Bill capitalized on then-favorable venue rules to hold the case more than 800 miles away, in Beaumont – where the oil company had recently laid off hundreds of workers.

“Any firm can supply lots of bodies. I’d rather have just one brain like Bill Carmody’s.”

The case was originally viewed only as a million-dollar breach of contract claim; however, Carmody identified a wholly different type of claim that his client’s previous lawyers had missed. It capitalized on the oil company’s most vulnerable conduct – its reckless disregard for worker safety. The argument was novel: The defendant’s false assurances of safe working conditions inside crude oil towers constituted fraudulent misrepresentations. While the damages of the workers who suffered illnesses were obvious, much less



obvious was his client’s fraud damages, in the form of increased workers compensation premiums. After an arduous 2-month trial – featuring a paperless, multi-media presentation, complete with an in-court full-size model of a quarter section of a crude oil tower – the jury found that the oil company committed fraud and awarded Bill’s client over \$61 million.

To cash in on this big verdict, Bill quickly negotiated a substantial confidential settlement on behalf of his client. The client’s reaction to this happy ending? “Any firm can supply lots of bodies. I’d rather have just one brain like Bill Carmody’s.”
Jerry Strickland, CEO, AltairStrickland, Inc., Houston, Texas.

See, *National Law Journal*, February 10, 1997, “The Big Numbers of 1996” and *Dallas Business Journal*, January 17-23, 1997, “Carmody Firm May be Tiny, but Judgment was Mighty.”

Eleventh Hour Save

“It’s never too late to bring in Bill Carmody.”

In a perfect world, a lawyer would always have unlimited time and resources to prepare for trial. But the world is not perfect and, often, time is not on your side. In a case where he suited up for the defense, Carmody demonstrated the experience and guts required to take over and win big at the eleventh hour.

The case arose when a life insurance company was sued in a class action case by 25,000 of its policyholders. The plaintiff class alleged that the insurer had breached the terms of its policies, causing the plaintiffs to be overcharged for their insurance. The class sought \$108 million in damages. In this bet-your-company case, a loss could have wiped out the company’s net worth – and forced a shutdown.

The case had been pending for five years, as the insurance company was represented by a large, full-service law firm. But with the make-or-break trial looming, the insurance company decided it needed a proven trial lawyer – someone who made his reputation in the courtroom.

So, just 6 days before trial, the insurer asked Carmody to try the case. Carmody quickly learned the case cold, devised the trial strategy, and presented the case during an eight-day jury trial. The jury promptly and unanimously delivered a complete defense verdict – and the case was dismissed. Given a new lease on life, the company heaved a sigh of relief and its General Counsel praised Carmody’s command: “Just six days before trial, most lawyers would have refused to take the case. But Bill Carmody thought of, and seized upon, every tactical advantage. Bill was a clutch performer winning us an incredible trial victory.” *Bryan R. Newcombe, General Counsel, Legal & General America, Inc., Rockville, Maryland.*



See, *The American Lawyer*, Sept. 2007, Big Suits, “Beller et al. v. William Penn.”



TRIAL REFERENCES

It's one thing just to read about the way Bill Carmody tries a case. But the best proof of his unique approach comes from talking to people who have actually seen Carmody at work. The following people are clients who have hired Carmody to represent them, lawyers who tried a case with or against him, and judges who presided over one of Carmody's trials. All are willing to speak with you about Bill Carmody's prowess in the courtroom.

Clients	
Brad Berenson	General Counsel TPG San Francisco, CA 415-743-6363
Richard Heyman	CEO Seragon Pharmaceuticals San Diego, CA 858-735-4581
Avi Katz	Pres./Gen. Counsel Loral Space & Communications New York, NY 212-697-1105
Chris Moore	General Counsel Angelo Gordon New York, NY 212-962-2009
Robert Mnuchin	CEO Mnuchin Gallery New York, NY 212-861-6269
Bryan Newcombe	Gen. Counsel Legal & General America Rockville, MD 301-294-6968
Josh Targoff	General Counsel Third Point LLC New York, NY 212-715-3403
Co-counsel	
Daryl Barger	Hartline, Dacus, Barger, Dreyer & Kern Corpus Christi, TX 361-866-8009
Mike Carlinsky	Quinn Emanuel New York, NY 212-849-7000
Matthew Dontzin	Dontzin, Nagy & Fleissig New York, NY 212-717-2900
Karen Dunn	Boies Schiller Flexner Washington, DC 202-895-5235
Gordon Shapiro	Jackson Walker Dallas, Texas 214-953-6059
Johnny Ward	Ward & Smith Longview, Texas 903-935-3868
Opposing Counsel	
Trent Bausch	Cline Williams Omaha, Nebraska 402-397-1700
David Beck	Beck, Redden & Secrest Houston, Texas 713-951-3700
Josh Dubin	Dubin Law New York, New York 212-219-1469
Barry McNeil	Haynes and Boone Dallas, Texas 214-651-5000
Paul Saunders	Cravath, Swaine & Moore New York, New York 212-474-1404
Orin Synder	Gibson Dunn New York, New York 212-351-2400
Jeffrey Tillotson	Tillotson Law Firm Dallas, Texas 214-382-3040
Charles Verhoeven	Quinn Emanuel San Francisco, California 415-875-6600
Judges	
Hon. William Alsup	U.S. District Court San Francisco, California 415-522-2020
Hon. Sidney Fitzwater	U.S. District Court Dallas, Texas 214-753-2333
Hon. David Godbey	U.S. District Court Dallas, Texas 214-753-2700
Hon. Marilyn Huff	U.S. District Court San Diego, California 619-557-6016
Hon. William J. Monahan	Santa Clara Superior Court San Jose, CA 408-882-2270
Hon. Lorna G. Schofield	U.S. District Court New York, New York 212-805-0288
Hon. Ira Warshawsky	Supreme Court, Comm. Div. Nassau Co., New York 516-571-3351

†Bill has been listed in Lawdragon 500 (Lawdragon Lawyer Profiles and Legal News) since its inception in 2003. Super Lawyers are published in Law & Politics Magazine by Thomson Reuters. Bill was a Texas Super Lawyer from 2003 to 2006 and a New York Super Lawyer from 2008 through 2018. Bill has been listed in The Best Lawyers in America (published by Woodward White Inc.) since 2004.
 *Attorney advertising **Prior results do not guarantee similar future outcomes ***Internet mail is not fully secure or private. Therefore, please do not transmit confidential information via Internet mail. Transmission of information is not intended to and does not create an attorney-client relationship. Please do not assume that your communications sent using Internet mail are privileged or confidential. Please do not send Susman Godfrey any confidential information via the Internet without previously consulting one of our attorneys. ****Nothing on this web page is intended to represent that Susman Godfrey currently represents any particular clients mentioned because matters and client relationships naturally terminate from time to time. Copyright © 2018 SUSMAN GODFREY L. P. Attorneys at Law. All rights reserved. Unless otherwise noted in website - Not certified by Texas Board of Legal Specialization.

EXHIBIT 4
to the Declaration
of Marc M. Seltzer

SUSMAN GODFREY L.L.P.



Arun Subramanian Partner, Pro Bono Chair

New York
(212) 471-8346
asubramanian@susmangodfrey.com

Overview

Arun is a partner at Susman Godfrey; a member of the firm's Executive Committee; a former law clerk to three Federal judges, including Justice Ruth Bader Ginsburg; and has been appointed by the Chief Justice of the United States to serve on the Advisory Committee for the Federal Rules of Evidence.

"His intellectual horsepower is rivaled by few. He can take in information, analyze it very quickly and come up with a solution quicker than anyone."

As quoted in Chambers USA NY Commercial Litigation, 2022

Arun has tried and arbitrated high-stakes cases on both sides of the "v," and has successfully recovered over a billion dollars for public and private entities who were the victims of fraud and other illegal conduct. Arun's expertise isn't limited to any practice area. He has taken up the cause of public entities and whistleblowers in False Claims Act cases, victims of trafficking in child pornography, consumers and individuals injured by unfair and illegal practices, and has for over a decade focused on complex commercial litigation, including antitrust, patent infringement, and breach of contract cases.

"[Arun is] an 'agile thinker' with the ability to 'master complex problems and distill them to their essence in writing and presentation to the court'"

Assured Guaranty General Counsel and Managing Director, Ed Newman

Arun has been actively involved in a variety of landmark matters for Susman Godfrey. No matter the arena, Arun has a proven track record of success. This includes:

- Securing over \$400 million for state and federal governmental entities in *United States ex rel. Kester v. Novartis Pharmaceuticals Corp.* Working collaboratively with state and federal enforcement agencies, Arun and his team at SG have recovered over \$600 million for the public fisc in the False Claims Act arena.
- Recovering \$590 million in settlements in the ongoing LIBOR price-fixing class action. Susman Godfrey, as co-lead counsel to the OTC plaintiffs, won class certification on behalf of the class and continues to pursue relief against the global banks alleged to have conspired to fix the "LIBOR" financial benchmark.
- Achieving a complete jury victory in Tyler, Texas as co-lead counsel on behalf of defendant Globus Medical in a spinal insert patent infringement suit brought by Flexuspine, a local Tyler company.

- Securing a trailblazing judgment victory of over \$100 million for client Assured Guaranty against Flagstar Bank in one of the first trials concerning repurchases of faulty RMBS—a significant milestone in forcing banks to honor contractual commitments made which they sought to avoid after the financial crisis.

“He’s able to get right to the heart of the matter quickly. He is super thoughtful and articulate, has an amazing skill set, and is very tough when he has to be”

Client quote in Chambers USA NY Commercial Litigation, 2021

Arun also focuses on briefing and arguing appeals in both state and federal court, including securing important rulings on [emotional distress claims under New York law](#), the [validity of inventors’ patents under Section 101 of Patent Act](#), [prisoners’ rights under the Fourth and Eighth Amendments](#), and [unjust enrichment claims arising under New York law](#). Most recently, Arun was counsel of record for the respondents before the Supreme Court in *Ninth Inning v. NFL*, where the Court rejected the NFL and DirecTV’s bid for certiorari, leaving in place the Ninth Circuit’s decision upholding antitrust claims asserted by a nationwide class of “Sunday Ticket” consumers. You can read Arun’s brief in opposition to the petition for certiorari [here](#).

“He had a really good handle on reading the judges and he also has a very deep understanding of the law.”

Client quote in Chambers USA NY Commercial Litigation, 2018

Outside of the courtroom, Arun contributes to the legal community by taking on pro bono cases and has for years served on the pro bono panel for the United States Court of Appeals for the Second Circuit. Arun serves as Chairperson of Susman Godfrey’s 2022 Pro Bono Committee and is also a longtime Director of the *Columbia Law Review*, one of the Nation’s pre-eminent legal journals. You can read Arun’s recent piece for the *Review*, honoring the career and legacy of the late Justice Ginsburg, here: [“A Titan Among Us: On Dissents, Waymaking, and Strong Coffee.”](#) Arun was recently named a member of the Development Committee for [The Appellate Project](#), an organization that provides opportunities for minority lawyers and law students in the field of appellate law.

“Arun Subramanian is praised by clients for his ‘strategic thinking, legal expertise and client communications.’ He acts for both plaintiffs and defendants in large-scale disputes, including antitrust, breach of contract and healthcare mandates.”

As quoted in Chambers USA NY Commercial Litigation, 2020

Education

- Columbia Law School, J.D., 2004; Executive Articles Editor, *Columbia Law Review*; James Kent & Harlan Fiske Stone Scholar
- Case Western Reserve University, B.A., Computer Science & English, 2001: *summa cum laude*

Clerkship

- Honorable Ruth Bader Ginsburg, Supreme Court of the United States
- Honorable Gerard Lynch, United States District Court for the Southern District of New York
- Honorable Dennis Jacobs, United States Court of Appeals for the Second Circuit

Notable Representations

WHISTLEBLOWER & FALSE CLAIM ACT LITIGATION

- ***State of California ex rel. On the Go Wireless v. CELLCO Partnership et al.*** Served as counsel to a whistleblower and numerous political subdivisions in California—including the University of California system, the California State University System, and the City of Sacramento—in a ground-breaking False Claims Act lawsuit against wireless carriers AT&T, Sprint, Verizon, and T-Mobile. The whistleblower alleged that the carriers fraudulently overbilled the government for wireless services by failing to provide contractually required “lowest cost available” service by means of “optimization reports.” We secured record settlements with the four telecommunication giants valued at \$174 million for the government plaintiffs in California and Nevada.
- ***United States ex rel. Kester v. Novartis Pharmaceuticals Corp.*** Working collaboratively with the United States Attorney’s Office for the Southern District of New York and several state attorneys general, secured over \$400 million in settlements for state and federal governmental entities in a case alleging Novartis defrauded the Medicare and Medicaid programs by illegally paying kickbacks to pharmacies so that they would recommend Novartis drugs to doctors and patients. The recovery was the largest of its kind for the type of pharmacy kickback scheme involved in the case.
- ***United States of America ex rel. Martinez v. Apria Healthcare Group.*** Representing three whistleblowers and working with the United States Attorney’s Office for the Southern District of New York, secured a \$40.5 million settlement in a False Claims Act case from Apria Healthcare Group, Inc. and its affiliate, Apria Healthcare LLC (Apria). Arun and a team from SG represented qui tam whistleblowers who alleged that Apria continually charged federal health programs, including Medicare and Medicaid, for rentals of non-invasive medical ventilators that were not being used by patients, or that were being used in a therapy mode that did not qualify for the billing codes used. After investigating the relators’ allegations, the United States government intervened in the case and filed its own complaint, which closely tracked the allegations first made by the firm’s clients.

REGULATORY AND BANKING

- ***In re: Libor-Based Financial Instruments Antitrust Litigation.*** Representing the City of Baltimore, Yale University, and other public and private entities damaged by the fixing of LIBOR, a global financial benchmark and “the world’s most important number,” Arun and SG have secured \$590 million in settlements to date as co-lead counsel for the over-the-counter direct purchaser class, which was the only class certified by the District Court in 2018. The case is proceeding against the non-settling banks in the Southern District of New York.
- ***Assured Guaranty Municipal Corp v Flagstar Bank.*** As counsel to Assured Guaranty, Arun and SG secured a judgment valued at \$90 million plus contractual interest and attorneys’ fees and costs in a case involving breach of contract by the originator and sponsor of residential mortgage-backed securities. This amount was substantially all of the damages sought by Assured Guaranty in the first case of its kind to go to trial. The ruling was a significant milestone in forcing the banks to honor the contractual commitments they made and had long sought to avoid after the financial crisis.

INTELLECTUAL PROPERTY

- ***Flexuspine Inc. v. Globus Medical Inc.*** Represented Globus Medical in spinal insert patent infringement litigation brought by Flexuspine, Inc., a local Tyler company. After SG secured the grant of summary judgment on one of Flexuspine's patents, and after a week-long trial in Tyler, a jury in the U.S. District Court for the Eastern District of Texas issued a take-nothing verdict in Globus Medical's favor.
- ***BASCOM v. AT&T Corp.*** Served as lead counsel to client Bascom Global Internet Services in a patent infringement case against AT&T. The District Court, following developing Supreme Court and Federal Circuit caselaw under 35 U.S.C. §101 dismissed the case. Arun argued the appeal of the District Court's ruling before the Federal Circuit, which overturned the lower court's decision. This is one of the first cases to uphold a software patent under the Supreme Court's *Alice* decision after a string of losses doled out to plaintiffs by the appellate court.

PROTECTING THE RIGHTS OF CONSUMERS, EMPLOYEES, AND THE PUBLIC

- ***Jane Doe v. MindGeek USA Incorporated et al.*** Arun and partners Krysta Kauble Pachman and Davida Brook recently filed and are prosecuting a class action on behalf of victims of trafficking in child pornography against PornHub and its parent company, MindGeek. The case alleges that the defendants violated federal sex trafficking and child pornography laws by knowingly posting, enabling the posting of and profiting from thousands of pornographic videos featuring persons under the age of 18.
- ***Jane Doe v. Reddit, Inc.*** Currently prosecuting a class action on behalf of victims against Reddit, Inc. for violation of federal sex trafficking laws and California's child pornography laws. Plaintiffs allege that Reddit facilitates sex trafficking and the distribution of child pornography on its site by targeting individuals who are seeking access to child pornography, failing to appropriately moderate its subreddits, and failing to take action in response to victims who have notified Reddit of the presence of child pornography.
- ***Rich v. Fox News.*** Represented Joel and Mary Rich, the parents of Seth Rich, in a groundbreaking lawsuit against Fox News and its collaborators for intentional infliction of emotional distress and related torts stemming from Fox's news coverage concerning Seth Rich's murder. The case was initially dismissed by the District Court. Arun argued the case before the United States Court of Appeals for the Second Circuit, and the court reversed the district court's dismissal of the Riches' claims. The case subsequently settled on confidential terms. You can read the *New York Times*' coverage of the case [here](#).
- ***FASORP v. New York University and the NYU Law Review.*** Defending New York University and the NYU Law Review's efforts to foster diversity in its faculty and on the NYU Law Review against challenges under Title VI and Title IX. Susman Godfrey won a motion to dismiss all of the claims against NYU and the Law Review, and won the case at the Second Circuit on appeal. You can read the District Court's order [here](#) and more about the decision [here](#), [here](#),* and [here](#)*. (*subscription required).
- ***Avi Dorfman v. Compass*** Represented Avi Dorfman in a co-founder dispute against real estate brokerage Compass. After Arun argued and beat back Compass's bid for summary judgment both in the trial court and on appeal, the parties settled on confidential terms, with Compass acknowledging Dorfman's role as a founding team member.
- ***City of Baltimore Opioid Litigation.*** Representing the Mayor and City Council of Baltimore in fraud and public tort litigation against the manufacturers and distributors of opioids, whose conduct has devastated cities, counties, and states nationwide. Baltimore's case is currently pending in the Circuit Court of Baltimore City.
- ***Mittal v. Investment Technology Group Inc.*** After a multi-day arbitration, won an award totaling millions of dollars for Hitesh Mittal, the former head of head of liquidity management at Investment Technology Group Inc (ITG), before the Financial Industry Regulatory Authority. Mittal, a former ITG employee, claimed that the brokerage wrongly implicated him in a regulatory probe that he says led to his termination from hedge fund AQR Capital Management. Read more about the win in *Bloomberg* [here](#).
- ***In re: NYC Bus Tour Antitrust Litigation.*** SG was appointed lead counsel for consumers who had been overcharged for "hop on, hop off" bus rides in New York City for years, based on a horizontal agreement to

fix prices between the two largest providers of bus rides in the city, Coach USA and City Sights. These competitors formed a joint venture accounting for 99% of New York City's hop-on, hop-off sightseeing bus tours. Arun and his team secured millions of dollars in recoveries for the consumer class and worked collaboratively with the New York Attorney General's office and Department of Justice in pursuing relief against the Defendants.

- ***Clark v. AdvanceMe, Inc.*** Represented merchants, including restaurant owners, in a class action brought in Los Angeles federal court challenging AdvanceMe's "cash advance" lending program under California's laws against usury. The case was successfully settled for millions of dollars in cash, forgiven debt and other consideration to members of the class.
- ***Ileana D. Platt & Rafael Urquidi v. Barclays Capital Inc.*** Prevailed on behalf of clients Ileana Platt and Rafael Urquidi against claims by Barclays Capital that the bank was entitled to recover \$4 million in bonuses paid to the two former brokers. Hundreds of note collection cases are litigated every year that result in banks being awarded a full recovery, but for the second time in three years, Susman Godfrey successfully defeated the claims before the FINRA panel.
- ***Harris v. Fischer.*** Appointed by the Second Circuit to represent Audra Lynn Harris on her appeal of the dismissal of claims that her Fourth and Eighth Amendment rights were violated during a body cavity search while she was incarcerated. Arun successfully briefed and argued the case before the Second Circuit, securing a vacatur of the District Court's dismissal and remand for further proceedings. Arun continued his representation of Ms. Harris on remand and after depositions of the corrections officers involved in the search, the case was settled on confidential terms.
- ***Plavin v. GHI.*** Leading a putative class action brought by a retired NYPD officer on behalf of hundreds of thousands of New York City police officers, front-line workers, and other employees and retirees against Group Health Incorporated (GHI), challenging GHI's improper out-of-network benefits policies and misleading disclosures concerning the scope of coverage under GHI's health plans. The New York Court of Appeals affirmed the "consumer oriented" nature of the misleading statements alleged in the complaint and the Third Circuit subsequently confirmed the sufficiency of the Plaintiffs' complaint. The case is proceeding in District Court.

BREACH OF CONTRACT

- ***Saba Capital CEF Opportunities v. Voya Prime Rate Trust.*** After a hearing in Arizona state court, Arun and a team from SG secured a preliminary injunction for Saba Capital that precluded a closed-end fund, its trustees, and its investment advisor from attempting to entrench themselves by enforcing a anti-voting bylaw that was enacted during a shareholder proxy contest and would prevent a free and fair vote of shareholders in the fund to choose the fund's managers.
- ***Wade Emory Johnson v. Transparent Value, LLC.*** Achieved a total victory for client Wade Emory Johnson in a "David v. Goliath" breach of contract arbitration against Transparent Value, LLC, a subsidiary of global bank Guggenheim Partners. After a four-day hearing, the AAA arbitration panel awarded Johnson damages and securities worth millions of dollars (net of attorneys' fees and expenses). The award was subsequently confirmed in full by the New York State Supreme Court.
- ***Neumann et al. v. SoftBank.*** SG represented Adam Neumann—founder of WeWork—in litigation in Delaware Chancery Court concerning SoftBank's efforts to terminate a \$3 Billion tender offer owed to WeWork's shareholders, including thousands of its employees, under the terms of the governing "Master Transaction Agreement." The case settled on confidential terms just weeks before trial was set to commence.
- ***GenOn Energy, Inc. v. NRG Retail LLC.*** Successfully represented GenOn Energy, Inc. in a multi-million-dollar breach of contract action against NRG Retail, LLC filed in New York Supreme Court. The case was settled on confidential terms shortly after Arun filed a pre-discovery motion for summary judgment against NRG.

Honors and Distinctions

- [Leading Litigator in Commercial Litigation](#), Chambers USA (2020, 2021, 2022)
- 500 Leading Lawyers in the US, *Lawdragon* (2020, 2021, 2022)
- 500 Leading Plaintiff Financial Lawyers List, *Lawdragon* (2019, 2020, 2021, 2022)
- [Recommended Practitioner, Dispute Resolution—General Commercial Disputes](#), Legal 500 (2017-2021)
- [Super Lawyer](#), New York Super Lawyers (2020, 2021, Thomson Reuters)
- [Rising Star](#), New York Super Lawyers (2014-2019, Thomson Reuters)
- Up & Coming Lawyer – General Commercial Litigation, Chambers USA, (2016 – 2018)
- [Future Star](#), Benchmark Litigation (2022, Euromoney)
- Under 40 Hot List, Benchmark Litigation (2016, 2017, 2018, Euromoney)
- [Rising Star](#), *New York Law Journal* (2018, ALM)
- [Rising Star](#) – Bankruptcy Litigation, *Euromoney Legal Media* (2018)
- Leading Patent Practitioner, International Asset Management Patent 1000 (2018)
- Outstanding Service to the Legal Aid Society (2016, 2018)
- [Outstanding Antitrust Litigation Achievement in Private Law Practice](#), American Antitrust Institute, for work on *In re: Municipal Derivatives Antitrust Litigation* (2016)

Articles

- [“A Titan Among Us: On Dissents, Waymaking, and Strong Coffee.”](#) Columbia Law Review (2021)
- [“Clerking For Ginsburg: How To Play The Long Game,”](#) *Law360* (2018)
- [“Winning on the Road,”](#) *The Corporate Counselor* (ALM, 2016)
- “Will the Supreme Court Weigh in on Claim Construction Appeals?” *IPWatchdog* (2014)
- “Assessing the Rights of IRU Holders in Uncertain Times,” *103 L. Rev.* 2094 (2003)

Professional Associations and Memberships

COURT ADMISSIONS

- New York State Bar
- United States District Court for the Eastern and Southern Districts of New York, the Eastern and Western Districts of Texas, and the Eastern District of Michigan
- United States Court of Appeals for the Second, Third, Sixth, Ninth and Federal Circuits
- Supreme Court of the United States

PROFESSIONAL ASSOCIATIONS

- Member of the Advisory Committee for the Federal Rules of Evidence
- Board of Directors, The Columbia Law Review Association, Inc.
- Board of Directors, Fund for Modern Courts

- Member of the Advisory Council, The Sonia & Celina Sotomayor Judicial Internship Program
- Member of the Development Committee, [The Appellate Project](#)
- Fellow, American Bar Foundation

EXHIBIT 5
to the Declaration
of Marc M. Seltzer

SUSMAN GODFREY L.L.P.



Seth Ard Partner

New York
(212) 471-8354
sard@susmangodfrey.com

Overview

Seth Ard, a partner in Susman Godfrey's New York office and a member of the firm's Executive Committee, has secured substantial litigation victories for both plaintiffs and defendants. For plaintiffs, Ard was co-lead counsel for a certified class of insurance policy owners, helping them achieve what the Court in the Southern District of New York described as "the best settlement pound for pound for the class that I've ever seen." For defendants, Ard has obtained take-nothing judgments for NASDAQ and Dorfman Pacific in contract and intellectual property actions seeking tens of millions of dollars. Since 2019, Mr. Ard has been named one of the country's Leading Plaintiff Financial Lawyers by *Lawdragon*.

Before joining the firm, Mr. Ard clerked for the Honorable Shira A. Scheindlin of the United States District Court for the Southern District of New York, and for the Honorable Rosemary S. Pooler of the United States Court of Appeals for the Second Circuit. Mr. Ard graduated magna cum laude from Harvard Law School and completed his undergraduate work first in his class with a perfect GPA from Michigan State University, with dual degrees in philosophy and French literature. For the past three years, Ard has been recognized as a "Rising Star" in New York by Super Lawyers magazine.

Education

- Michigan State University, first in class, highest honors (B.A., Philosophy & French Literature, 1997)
- Northwestern University (M.A., A.B.D., Philosophy, 2003)
- Harvard Law School, magna cum laude (J.D. 2007)

Clerkship

Law Clerk to the Honorable Shira A. Scheindlin, United States District Court for the Southern District of New York, 2008-2009

Law Clerk to the Honorable Rosemary S. Pooler, United States Court of Appeals for the Second Circuit, 2007-2008

Honors and Distinctions

- Recognized on Lawdragon 500's 2019 list of the country's Leading Plaintiff Financial Lawyers ([2019](#), [2020](#), [2021](#) [2022](#))

- 2013-2015 listings of Super Lawyers “Rising Stars” in New York (Law & Politics Magazine, Thomson Reuters)
- Teaching and Research Assistant for Professor Arthur Miller (Harvard Law School)
- Teaching Assistant for Professor Jon Hanson (Harvard Law School)
- Editorial Board, Harvard Civil Rights/Civil Liberties Law Review

Professional Associations and Memberships

State of New York

Notable Representations

In re LIBOR-Based Financial Instruments Litigation (SDNY) Along with Bill Carmody, Marc Seltzer, and Arun Subramanian, Ard serves as co-lead counsel for the class of over-the-counter purchasers of LIBOR-based instruments, directly representing Yale University and the Mayor and City Council of Baltimore as named plaintiffs. We reached a \$120 million settlement with Barclays, and pursue claims against the rest of the 16 LIBOR panel banks.

In re Municipal Derivatives Litigation (SDNY) Along with Bill Carmody and Marc Seltzer, Ard serves as co-lead counsel to a class of municipalities suing 10 large banks and broker for rigging municipal auctions. On behalf of the class and class counsel, Ard argued final approval and fee application motions approving cash settlements in excess of \$100 million, as well as several key discovery motions against defendants and the DOJ that paved the way for those settlements.

Fleisher et al. v. Phoenix Life Insurance Company (SDNY) Along with Steven Sklaver and Frances Lewis, Ard served as class counsel in a seminal action challenging 2 cost of insurance increases by Pheonix. After winning class certification and defeating two motions for class decertification and a motion for summary judgment, the case settled the day of the final Pretrial Conference in a settlement valued by the Court at over \$140 million. Judge Colleen McMahon praised Susman Godfrey’s settlement of the case as “an excellent, excellent result for the class,” which “may be the best settlement pound for pound for the class that I’ve ever seen.”

Globus Medical v. Bonutti Skeletal (EDPA) Along with Jacob Buchdahl and Arun Subramanian, Ard represents defendant Bonutti Skeletal in patent litigation brought by Globus Medical. Ard successfully argued a partial motion to dismiss the patent complaint, defeating claims of indirect infringement, vicarious liability and punitive damages.

Sentius v. Microsoft (NDCA) Along with Max Tribble and Vineet Bhatia, Ard represented plaintiff Sentius in a patent infringement suit against Microsoft. A few weeks before trial, Ard successfully argued a Daubert motion that sought to exclude plaintiff’s survey expert. The case settled on highly favorable terms within 24 hours of that motion being denied. Previously, Ard had successfully argued an early summary judgment motion and supplemental claim construction, both of which would have gutted plaintiff’s claims.

Jefferies v. NASDAQ Arbitration (New York) Along with Steve Susman and Steve Morrissey, Ard represented NASDAQ and its affiliate IDCG in an arbitration in New York. The plaintiff, Jefferies & Co., sought tens of millions of dollars in damages based on a claim that it was fraudulently induced to clear interest rate swaps through the IDCG clearinghouse. After a one week arbitration trial in the fall of 2012, at which Ard put on NASDAQ’s expert and crossed Jefferies’ expert, the Panel issued a decision in January 2013 denying all of Jefferies’ claims and awarding no damages. The arbitrators were former Judge Layn Phillips, Judge Vaughn R. Walker, and Judge Abraham D. Sofaer.

GMA v. Dorfman Pacific (SDNY) Along with Bill Carmody and Jacob Buchdahl, Ard obtained a complete defense victory on summary judgment in a trademark infringement dispute before Judge Forrest in SDNY.

We were hired after the close of discovery and after our client had suffered significant discovery sanctions that threatened to undermine its defense. We were able to overturn those sanctions, reopen discovery and obtain key admissions during a deposition of Plaintiff's CEO, and win on summary judgment (without argument and based on briefing done by Ard).

Washington Mutual Bankruptcy (Bkrcty. Del.) Along with Parker Folse, Edgar Sargent, and Justin Nelson, Ard represented the Official Committee of Equity Holders in Washington Mutual, Inc. at two trials contesting \$7 billion reorganization plans that would have wiped out shareholders stemming from the largest bank failure in American financial history. Both plans were supported by the debtor and all major creditors. After the first trial, at which Ard put on the Equity Committee's expert and crossed the debtor's expert, the Judge denied the plan of reorganization. The debtors and creditors negotiated a new reorganization plan that again would have wiped out shareholders. After the second trial, at which Ard put on the Equity Committee's expert, crossed the debtor's expert, and conducted a full-day cross examination of hedge fund Appaloosa Management that held over \$1 billion in creditor claims and that was accused of insider trading, the Court again denied the plan of reorganization, finding that the Equity Committee stated a viable claim of insider trading against the hedge funds. The Equity Committee then negotiated with the debtor and certain key creditors a resolution that provided shareholders with 95 percent of the post-bankruptcy WaMu plus other assets in a package worth hundreds of millions of dollars – an outstanding result especially given that when we were appointed counsel, the debtor tried to disband the equity committee on the ground that equity was “hopelessly out of the money” without any chance of recovery.

Lincoln Life v. LPC Holdings (Supreme Court Onandaga, New York) Along with Steven Sklaver and Arun Subramanian, Ard represented an insurance trust in STOLI litigation against an insurance company seeking to rescind a life insurance policy with a face value of \$20 million. After Ard argued and won a hotly contested motion to compel in which the Court threatened to revoke the pro hoc license of opposing counsel, Lincoln settled the case on very favorable terms.

EXHIBIT 6
to the Declaration
of Marc M. Seltzer

SUSMAN GODFREY L.L.P.



Ian Gore
Partner

Seattle
(206) 505-3841
igore@susmangodfrey.com

Overview

Ian Gore represents both plaintiffs and defendants in high-stakes litigation in federal and state courts across the United States. Ian has been recognized with the American Antitrust Institute's [Outstanding Antitrust Litigation Achievement by a Young Lawyer Award](#) and was a part of the Susman Godfrey team recognized by *Benchmark Litigation's* [National Impact Case of the Year](#). He was also recognized as a [Rising Star of the Plaintiffs Bar](#) by *National Law Journal's* Elite Trial Lawyers series (2022, ALM).

Ian's practice covers a variety of practice areas, including antitrust and competition, commercial disputes, intellectual property, product liability, and energy disputes. On the plaintiffs' side, Ian has recovered nearly \$200 million for his clients. For defendants, Ian has successfully defended clients against billions of dollars of potential exposure.

Some of Ian's significant matters include:

ANTITRUST & COMPETITION

- ***In re National Football League's "Sunday Ticket" Antitrust Litigation (C.D. Cal.)***. Ian plays a leading role in the team appointed by the Court to serve as co-lead counsel for the plaintiffs in this multidistrict class action case. In this case that has the potential to impact sports broadcasting, plaintiffs challenge the structure behind Sunday Ticket, including the elimination of competition among the NFL's teams and the NFL's decision to offer Sunday Ticket to DIRECTV on an exclusive basis. Ian was instrumental in his team's [success](#) in upholding the plaintiffs' allegations before the Ninth Circuit and later when the [Supreme Court declined](#) to review that decision. The case is ongoing.
- ***Markson v. CRST International, Inc. (C.D. Cal.)***. Ian leads a team of lawyers from Susman Godfrey and three other firms in a class action against several trucking companies for an alleged agreement among those companies not to poach each other's contract drivers. Specifically, Ian successfully opposed multiple motions to dismiss and won multiple discovery motions against the defendants. To date, Ian and the Susman Godfrey team have secured \$9.75 million in settlements for the class (pending Court approval; net recovery to be determined) and the case is ongoing against the remaining defendants.
- ***In re Dental Supplies Antitrust Litigation (E.D.N.Y.)***. Ian was a part of a team of lawyers from Susman Godfrey appointed co-lead counsel for the plaintiffs in a nationwide antitrust class action against the largest distributors of dental supplies and equipment. Plaintiffs alleged that the defendants had illegally agreed not to compete on prices for products sold to dental offices and laboratories. In 2018, a settlement was reached [for \\$80 million](#) (net recovery \$48 million). Ian was honored by the American Antitrust Institute with the [Outstanding Antitrust Litigation Achievement by a Young Lawyer Award](#) for his work on this matter.
- ***Waymo v. Uber (N.D. Cal.)***. Ian and a team from Susman Godfrey were hired by Uber Technologies, Inc.

just months before [trial](#) in the lawsuit between Waymo and Uber regarding self-driving car technology. Alphabet's Waymo claimed more than \$2 billion in damages against Uber over allegations of stolen trade secrets and patent infringement. In a critical move, Ian's team got all of Waymo's expert damages opinions struck and the case settled during the first week of trial. The case was highly publicized in the media, including the [New York Times](#), [Reuters](#), [CNN](#), [Wired](#), and [The Verge](#). *Benchmark Litigation* awarded Ian and the Susman Godfrey team [National Impact Case of the Year](#) for their work on this matter.

COMMERCIAL DISPUTES

- ***Mirada Energy v. Oasis Petroleum (Texas State Court)***. On behalf of Mirada Energy, Ian prosecuted claims against Oasis Petroleum for breach of a contractual right to participate in midstream oil and gas facilities that Oasis constructed to serve the prolific Wild Basin area in the Bakken and Three Forks shale plays in North Dakota. The case [settled](#) with Oasis agreeing to pay Mirada Energy \$42.75 million.
- ***Papua New Guinea Oil and Gas Dispute (International Centre for Dispute Resolution)***. Ian represented a group of oil and gas investors in a dispute arising from oil and gas interests in Papua New Guinea. The dispute was resolved after the conclusion of a full arbitration hearing.
- ***Quality Is Our Recipe (Wendy's) v. DavCo. (Ohio State Court)***. Ian defended one of the largest Wendy's franchisees in a lawsuit brought by Wendy's in a franchise compliance dispute. The case had significant implications for the relationship between franchisors and franchisees, particularly within the Wendy's franchise system, and resulted in a favorable settlement with the purchase of DavCo's franchised restaurants.

INTELLECTUAL PROPERTY

- ***Fitbit v. Jawbone (International Trade Commission)***. Ian defended Jawbone in a patent infringement action before the ITC. Ian briefed motions regarding the invalidity of Fitbit's patents and argued at the *Markman* hearing before the presiding administrative law judge. Ian and the Susman Godfrey team successfully secured a [ruling](#) that Fitbit's patents were invalid.

PRODUCT LIABILITY

- ***Blitz Gas Can Litigation – Walmart (Federal Courts in Arizona, Kansas, New Jersey, and Texas; State Courts in Arkansas and Oklahoma)***. Ian successfully defended Walmart in several product liability lawsuits in state and federal courts arising from injuries caused by plastic portable gasoline containers manufactured by Blitz. The cases were resolved with favorable dispositive motions or settlements.

PRO BONO

- ***Military Discharge Upgrade***. For several years, Ian has represented a former Marine that was discharged from the Marine Corps with a bad conduct discharge. Ian's client later discovered that he suffered from a severe form of post-traumatic stress disorder that caused the behavior underlying the court-martial. Ian extensively researched the legal and factual record, obtained a forensic psychiatrist to evaluate his client, and prepared an application to the Naval Discharge Review Board. Despite a [record](#) of being one of the most difficult fora to receive a discharge upgrade, the Board granted an upgrade to Ian's client.

Ian joined Susman Godfrey after starting his career in the U.S. Army. After graduating from the U.S. Military Academy (West Point) as a distinguished cadet, Ian went served for five years as a military intelligence officer. During that time, Ian deployed in support of operations in both Iraq and Afghanistan.

After his military service, Ian graduated *cum laude* from Harvard Law School, where he was the Editor-in-Chief of the *Harvard Journal on Legislation*. Upon graduation, Ian clerked for the Honorable Dennis Jacobs of the U.S. Court of Appeals for the Second Circuit.

Education

- U.S. Military Academy (West Point), distinguished cadet (B.S.)
- Harvard Law School, *cum laude* (J.D.)

Clerkship

Law Clerk to the Honorable Dennis Jacobs, United States Court of Appeals for the Second Circuit, 2013-2014

Honors and Distinctions

- [Rising Stars of the Plaintiffs Bar](#), *National Law Journal's* Elite Trial Lawyers (2022, ALM)
- [Outstanding Antitrust Litigation Achievement by a Young Lawyer](#), American Antitrust Institute for work on *In re: Dental Supplies Antitrust Litigation* (2019)
- [National Impact Case of the Year Award](#), Benchmark Litigation for *Waymo LLC v. Uber Technologies, Inc.* (2019)
- Editor-in-Chief, *Harvard Journal on Legislation*
- Dean's Award for Community Leadership, Harvard Law School
- Bronze Star, U.S. Army

Professional Associations and Memberships

- U.S. Supreme Court
- State of Washington
- State of New York
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York

EXHIBIT 7
to the Declaration
of Marc M. Seltzer

SUSMAN GODFREY L.L.P.



Tyler Finn Associate

New York
(212) 729-2016
tfinn@susmangodfrey.com

Overview

Tyler Finn joined Susman Godfrey after clerking for Judge Amalya Kearse of the U.S. Court of Appeals for the Second Circuit and Judge Ronnie Abrams of the U.S. District Court for the Southern District of New York. He received his J.D. from Columbia Law School, where he was an Essays and Reviews Editor for the Columbia Law Review and a recipient of the Ruth Bader Ginsburg prize. Before entering the legal profession, Tyler served as an electoral officer with the Organization of American States, providing electoral assistance to governments throughout Latin America and the Caribbean. He holds a master's degree in comparative politics from New York University and a bachelor's degree from Oberlin College.

Education

Columbia Law School (J.D.)

New York University (M.A. in Politics)

Oberlin College (B.A. with High Honors in Politics)

Clerkship

Honorable Ronnie Abrams, United States District Court for the Southern District of New York

Honorable Amalya Kearse, United States Court of Appeals for the Second Circuit

Honors and Distinctions

Ruth Bader Ginsburg Prize

Wilfred Feinberg Prize

Charles Bathgate Beck Prize

James Kent Scholar

Essays and Reviews Editor, *Columbia Law Review*

Publications

Qualified Immunity Formalism: “Clearly Established Law” and the Right to Record Police Activity, 119 Colum. L. Rev. 445 (2019)

Professional Associations and Memberships

State Bar of New York

EXHIBIT 8
to the Declaration
of Marc M. Seltzer

SUSMAN GODFREY L.L.P.



Armstead Lewis Associate

Houston
(713) 653-7852
alewis@susmangodfrey.com

Overview

Armstead Lewis represents clients in federal and state courts across the country in a wide variety of high stakes matters including business disputes, trust and probate litigation, real estate litigation, telecommunication contract disputes, civil rights litigation, and energy disputes. The common thread in each case he takes on is his strategy – Armstead takes the time to understand his client’s goals and helps them visualize what success looks like for their particular dispute.

Armstead’s recent prominent matters include:

- ***YH Lex Estates LLC v. HFZ, et al.*** A real estate action in which Armstead obtained \$18.1 million in summary judgment rulings against three different defendants for YH Lex Estates LLC in a New York state court over unpaid debt. Armstead initially won an early summary judgment ruling against one of the two guarantors of an unpaid real estate project-related loan. Armstead later won a unanimous summary judgment ruling on appeal against the real estate firm defendant and the other guarantor.
- ***Huston-Tillotson University v. Nextel Spectrum Acquisition Corp.*** An Educational Broadband Service license contract dispute, where Armstead settled a breach of contract matter on behalf of Huston-Tillotson University, a historically black college and university, against Sprint/T-Mobile. Huston-Tillotson held an Educational Broadband Service license that it leased to Sprint/T-Mobile and alleged that the wireless carrier breached contractual obligations. Armstead’s leadership and commitment to this matter led to a confidential settlement for the University.
- ***State of Louisiana and Louisiana Parishes v. Chevron.*** An environmental dispute where Armstead is defending American multinational energy corporation, Chevron, in more than forty lawsuits relating to the loss of marsh land in Louisiana filed by Louisiana Parishes and the Louisiana Department of Natural Resources.
- ***KHC, LLC, et al. v. Kim Ogg, et al.*** A constitutional violation case where he represented a defendant in the multi-defendant litigation seeking the dismissal of § 1983 claims linked to alleged violations of constitutional rights. Armstead’s dedicated work in this matter positioned his client for success by helping secure dismissal of many alleged claims in pre-trial motions and a confidential settlement.

Armstead’s understanding of how to effectively advocate for his clients is primarily attributed to the mentoring he has received from judges on the federal judiciary. Prior to joining Susman Godfrey, Armstead completed federal clerkships for Chief Judge Carl E. Stewart of the United States Court of Appeals for the Fifth Circuit and Judge Ed Kinkeade of the United States District Court for the Northern District of Texas. During law school, he also worked as a legal extern for Judge Frank M. Hull of the United States Court of Appeals for the Eleventh Circuit and Judge Amy Totenberg of the United States District Court for the Northern District of Georgia. These experiences gave him an in-depth knowledge of the workings of the bench as well as an

appreciation and understanding of both sides of the “v.”

Armstead further incorporates his training in business – which includes an M.B.A. and experience writing and researching about new developing business and consumer bankruptcy issues – as a means to understand client goals and navigate them toward favorable results.

Armstead graduated with honors from Emory University School of Law where he was Editor in Chief of the *Emory Bankruptcy Developments Journal*. For his publication in the *Emory Bankruptcy Developments Journal*, Armstead received the Keith J. Shapiro Award for excellence in consumer bankruptcy writing. Armstead also earned a B.B.A. in business management and M.B.A. from Dallas Baptist University. Armstead remains an active alumnus of Dallas Baptist University and serves on the Dallas Baptist University Alumni Board.

Education

Emory University (J.D., *with honors*)

Dallas Baptist University (M.B.A.)

Dallas Baptist University (B.B.A., business management)

Clerkship

Law Clerk to the Honorable Carl E. Stewart, Chief Judge, United States Court of Appeals for the Fifth Circuit (2017-2018)

Law Clerk to the Honorable Ed Kinkeade, United States District Court for the Northern District of Texas (2016-2017)

Honors and Distinctions

Editor in Chief, *Emory Bankruptcy Developments Journal*

Keith J. Shapiro Writing Award for Excellence in Consumer Bankruptcy Writing

Professional Associations and Memberships

State Bar of Texas

United States Court of Appeals for the Fifth Circuit

Houston Young Lawyers Association

1 Marc M. Seltzer (54534)
2 **SUSMAN GODFREY L.L.P.**
3 1900 Avenue of the Stars, Suite 1400
4 Los Angeles, CA 90067-6029
5 Phone: (310) 789-3100
6 Fax: (310) 789-3150
7 mseltzer@susmangodfrey.com

8 Scott Martin (*Pro Hac Vice*)
9 smartin@hausfeld.com
10 Irving Scher (*Pro Hac Vice*)
11 ischer@hausfeld.com
12 **HAUSFELD LLP**
13 33 Whitehall Street, 14th Floor
14 New York, NY 10004
15 Tel: (646) 357-1100
16 Fax: (2121) 202-4322

17 *Plaintiffs' Co-Lead Counsel*

18 Howard Langer (*Pro Hac Vice*)
19 hlanger@langergrogan.com
20 Edward Diver (*Pro Hac Vice*)
21 ndiver@langergrogan.com
22 Peter Leckman (235721)
23 pleckman@langergrogan.com
24 **LANGER GROGAN & DIVER, P.C.**
25 1717 Arch Street, Suite 4130
26 Philadelphia, PA 19103
27 Tel: (215) 320-5660
28 Fax: (215) 320-5703

19 **UNITED STATES DISTRICT COURT**
20 **CENTRAL DISTRICT OF CALIFORNIA**

21 IN RE: NATIONAL FOOTBALL
22 LEAGUE'S "SUNDAY TICKET"
23 ANTITRUST LITIGATION

24 THIS DOCUMENT RELATES TO
25 ALL ACTIONS

26 Case No. 2:15-ml-02668-PSG (JEMx)

27 **DECLARATION OF SCOTT A.
28 MARTIN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

Judge: Hon. Philip S. Gutierrez

1 I, Scott A. Martin, declare as follows:

2 1. I am a partner of the law firm Hausfeld LLP and attorney of record
3 (Court-appointed Co-Lead Counsel) for Plaintiffs in this action. I have personal
4 knowledge of the facts set forth in this declaration and, if called as a witness, could
5 and would testify competently thereto. I am admitted *pro hac vice* to practice before
6 the United States District Court for the Central District of California in this action.

7 2. I make this declaration in support of Plaintiffs' Motion for Class
8 Certification.

9 3. In 2016, this Court appointed me personally and my law firm, Hausfeld
10 LLP, as one of the Interim Co-Lead Plaintiffs' Counsel, with responsibilities to
11 supervise, direct, and oversee the management of the litigation. In making its
12 selections, this Court recognized the Interim Co-Lead Plaintiffs' Counsel's
13 demonstrated ability to cooperate and make decisions on behalf of the Plaintiffs, as
14 well as the highly qualified nature of the attorneys and law firms chosen for this role.

15 4. Since 2016, I and my law firm, Hausfeld LLP—alongside our fellow
16 Interim Co-Lead Plaintiffs' Counsel—have exercised our Court-appointed
17 responsibilities to (1) brief and argue motions and file opposing briefs in proceedings
18 initiated by other parties; (2) initiate and conduct discovery proceedings; (3) act as
19 spokesperson at pretrial conferences; (3) negotiate with defense counsel; (4) call
20 meetings of plaintiffs' counsel where appropriate; (4) make work assignments to
21 plaintiffs' counsel to facilitate the orderly and efficient prosecution of this litigation
22 and to avoid duplicative or unproductive effort; (5) consult with and employ experts;
23 (6) coordinate and communicate with defendants' counsel with respect to all matters
24 related to this litigation; and (7) supervise, direct, and coordinate the activities of
25 plaintiffs' counsel, among other tasks. Acting together, Interim Co-Lead Plaintiffs'
26 Counsel have cooperatively and diligently prosecuted the litigation on behalf of our
27 clients and the proposed classes.

28

1 5. I and my law firm, Hausfeld LLP—alongside our fellow Interim Co-
2 Lead Plaintiffs’ Counsel—are committed to continue prosecuting this matter, and to
3 continue advocating zealously for the proposed classes, through trial and on appeal.

4 6. Attached as Exhibit 1 is a true and correct copy of Hausfeld’s “Firm
5 Resume,” which details Hausfeld’s recent leadership roles in various class action
6 antitrust cases; our experience in handling class actions, other complex litigation, and
7 the types of claims asserted in the action; our recent antitrust class recoveries; and
8 various recognitions from federal courts and legal publications. Also included with
9 Exhibit 1 are true and correct copies of my professional profile and the professional
10 profiles of key team members from my firm, including my partner Sathya Gosselin
11 and our associates Farhad Mirzadeh and Samuel Maida.

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

14 EXECUTED on this 19th day of August 2022 in New York, New York.

15
16
17
18
19
20
21
22
23
24
25
26
27
28

 /s/ Scott A. Martin
Scott A. Martin

EXHIBIT 1
to the Declaration
of Scott A. Martin

HAUSFELD FIRM RESUME

www.hausfeld.com



About Hausfeld

In the last decade, Hausfeld attorneys have won landmark trials, negotiated complex settlements among dozens of defendants, and recovered billions of dollars for clients both in and out of court. Renowned for skillful prosecution and resolution of complex and class-action litigation, Hausfeld is the only claimants' firm to be ranked in the top tier in private enforcement of antitrust/competition law in both the United States and the United Kingdom by The Legal 500 and Chambers & Partners. Our German office was also ranked by The Legal 500 for general competition law.

From our locations in Washington, D.C., Boston, New York, Philadelphia, San Francisco, Amsterdam, Berlin, Brussels, Paris, Düsseldorf, Stockholm, and London, Hausfeld contributes to the development of law in the United States and abroad in the areas of Antitrust/Competition, Commercial and Financial Disputes, Environmental and Product Liability, Human Rights, and Technology and Data Breach. Hausfeld attorneys have studied the global integration of markets—and responded with innovative legal theories and a creative approach to claims in developed and emerging markets.

Hausfeld was founded by Michael D. Hausfeld, who is widely recognized as one of the country's top civil litigators and a leading expert in the fields of private antitrust/competition enforcement and international human rights. The New York Times has described Mr. Hausfeld as one of the nation's "most prominent antitrust lawyers," while Washingtonian Magazine characterizes him as a lawyer who is "determined to change the world—and succeeding," noting that he "consistently brings in the biggest judgments in the history of law."

Antitrust and competition litigation

Hausfeld's reputation for leading groundbreaking antitrust class actions in the United States is well-earned. Having helmed more than 40 antitrust class actions, Hausfeld attorneys are prepared to **litigate and manage cases with dozens of defendants** (*In re Blue Cross Blue Shield Antitrust Litigation*, with more than thirty defendants), **negotiate favorable settlements for class members and clients** (*In re Air Cargo Shipping Services Antitrust Litigation*, settlements of more than \$1.2 billion, and *In re Blue Cross Blue Shield Antitrust Litigation*, \$2.67 billion settlement), **take on the financial services industry** (*In re Foreign Exchange Antitrust Litigation*, with settlements of more than \$2.3 billion), take cartelists to trial (*In re Vitamin C Antitrust Litigation*, trial victory of \$162 million against Chinese manufacturers of Vitamin C), and **push legal boundaries where others have not** (*O'Bannon v. NCAA*, another trial victory in which the court found that NCAA rules prohibiting additional scholarship payments to players as part of the recruiting process are unlawful).



Hausfeld is 'the world's leading antitrust litigation firm.'

Politico

HAUSFELD

FOR THE CHALLENGE

Hausfeld: a global reach

Hausfeld's international reach enables it to advise across multiple jurisdictions and pursue claims on behalf of clients worldwide. Hausfeld works closely with clients to deliver outstanding results while always addressing their business concerns. Hausfeld does so by anticipating issues, considering innovative strategies, and maximizing the outcome of legal disputes in a way that creates shareholder value. Its inventive cross border solutions work to the benefit of the multinational companies it often represents.

Creative solutions to complex legal challenges

Hausfeld lawyers consistently apply forward-thinking ideas and creative solutions to the most vexing global legal challenges faced by clients. As a result, the firm's litigators have developed numerous innovative legal theories that have expanded the quality and availability of legal recourse for claimants around the globe that have a right to seek recovery. Hausfeld's impact was recognized by the Financial Times, which honored Hausfeld's European team with the "Innovation in Legal Expertise - Dispute Resolution," award, which was followed up by FT commending Hausfeld's North American team for its innovative work in the same category. In addition, The Legal 500 has ranked Hausfeld as the only top tier claimants firm in private enforcement of antitrust/competition law in both the United States and the United Kingdom. For example, the landmark settlement that Hausfeld negotiated to resolve claims against Parker ITR for antitrust overcharges on marine hoses represented the first private resolution of a company's global cartel liability without any arbitration, mediation, or litigation—creating opportunities never before possible for dispute resolution and providing a new model for global cartel settlements going forward.

Unmatched global resources

The firm combines its U.S. offices on both coasts and vibrant European presence with a broad and deep network around the globe to offer clients the ability to seek redress or confront disputes in every corner of the world and across every industry. With over 160 lawyers in offices in Washington, D.C., Boston, New York, Philadelphia, San Francisco, Amsterdam, Berlin, Düsseldorf, Brussels, Paris, Stockholm, and London, Hausfeld is a "market leader for claimant-side competition litigation" (The Legal 500).



A prominent litigation firm, renowned for its abilities representing plaintiffs in multidistrict class action antitrust suits across the country involving a wide variety of antitrust issues including monopolization, price manipulation and price-fixing.

Chambers and Partners



Hausfeld, which 'commits extensive resources to the most difficult cases,' widely hails as one of the few market-leading plaintiff firms.

The Legal 500



Primarily in the antitrust capacity, Hausfeld is an undisputed trailblazer, identified as a ubiquitous presence by peers on both the plaintiff and defense sides of the 'V.'

Benchmark Litigation

HAUSFELD

FOR THE CHALLENGE

Antitrust litigation

Hausfeld's antitrust litigation experience is unparalleled

Few, if any, U.S. law firms are litigating more class actions on behalf of companies and individuals injured by anticompetitive conduct than Hausfeld. The firm has litigated cases involving price-fixing, price manipulation, monopolization, tying, and bundling, through individual and class representation and has experience across a wide variety of industries, including automotive, aviation, energy, financial services, food & beverage, healthcare, manufacturing, retail, and the transportation and logistics sectors. Clients rely on us for our antitrust expertise and our history of success in the courtroom, and at the negotiation table, and the firm does not shy away from challenges, taking on some of the most storied institutions.



Hausfeld, 'one of the most capable plaintiffs' firms involved in the area of civil cartel enforcement,' is [w]idely recognised as a market leader for claimant-side competition litigation... [It is the] market leader in terms of quantity of cases, and also the most advanced in terms of tactical thinking.

The Legal 500

Hausfeld is not only trusted by its clients, it is trusted by judges to pursue these claims, as evidenced by the fact that the firm has been appointed as lead or co-lead counsel in dozens of antitrust cases in the last decade. In one example, Judge Morrison C. England of the Eastern District of California praised Hausfeld for having "the breadth of experience, resources and talent necessary to navigate" cases of import.

Recognizing the firm's antitrust prowess, Global Competition Review has opined that Hausfeld is "one of—if not the—top Plaintiffs' antitrust firm in the U.S." The Legal 500 and Chambers and Partners likewise consistently rank Hausfeld among the top five firms in the United States for antitrust

litigation on behalf of plaintiffs. And in naming Hausfeld to its Plaintiffs' Hot List, The National Law Journal opined that Hausfeld "punches above its weight" and "isn't afraid to take on firms far larger than its size and deliver results, especially in antitrust litigation."

Hausfeld has achieved outstanding results in antitrust cases

Hausfeld lawyers have achieved precedent-setting legal decisions and historic trial victories, negotiated some of the world's most complex settlement agreements, and have collectively recovered billions of dollars in settlement and judgments in antitrust cases. Key highlights include:

- ***In re Foreign Exchange Benchmark Rates Antitrust Litig.*, 13-cv-7789 (S.D.N.Y.)**
Hausfeld serves as co-lead counsel in this case alleging financial institutions participated in a conspiracy to manipulate a key benchmark in the foreign exchange market. To date, the firm has obtained over **\$2.3 billion** in settlements from **fifteen defendants**. The case is ongoing against the remaining defendant.
- ***In re LIBOR-Based Financial Instruments Antitrust Litig.*, No. 11-md-2262 (S.D.N.Y.)**
Hausfeld serves as co-lead counsel in this case against sixteen of the world's largest financial institutions for conspiring to fix LIBOR, the primary benchmark for short-term interest rates. To date, the firm has obtained **\$590 million** in settlements with four defendants. An antitrust class has been certified and the case is ongoing against the remaining defendants.
- ***In re Blue Cross Blue Shield Antitrust Litig.*, No. 13-mdl- 2496 (N.D. Ala.)**
The Court appointed Hausfeld attorneys as co-lead counsel, and to the Plaintiffs' Steering Committee, in this case against Blue Cross Blue Shield entities. This case was brought against over 30 Blue Cross companies and its trade association (BCBSA), and alleges that they illegally agreed not to compete with each other for health insurance subscribers across the United States. After defeating motions to dismiss, Hausfeld marshalled evidence from a record that consisted of over 14 million documents from more than thirty defendants and won a landmark ruling when the district court ruled that the per se standard would

HAUSFELD

FOR THE CHALLENGE

be applied to defendants' conduct. In November 2020, the Court granted preliminary approval to the proposed settlement agreement resolving the claims of Blue Cross Blue Shield subscribers for \$2.67 billion. In addition to monetary relief, the settlement proposes systemic injunctive relief that will change the landscape for competition in healthcare.

- ***O'Bannon v. NCAA, No. 09-cv-03329 (N.D. Cal.)***

In the landmark *O'Bannon* litigation, Hausfeld represented college athletes who collectively alleged that the NCAA, its members, and its commercial partners, violated federal antitrust law by unlawfully foreclosing former players from receiving any compensation related to the use of their names, images, and likenesses in television broadcasts, rebroadcasts, and videogames. In 2013, the plaintiffs announced a \$40 million settlement agreement with defendant Electronic Arts, Inc., which left the NCAA as the remaining defendant. Following trial in 2014, the Court determined that the NCAA had violated the antitrust laws and issued a permanent injunction. The Ninth Circuit affirmed the NCAA's violation of the antitrust laws and upheld significant injunctive relief—the practical effect of which is that college athletes can now each receive up to \$5,000 more every year as part of their scholarship package (to cover their education, travel and medical expenses, and acquire pre-professional training as they enter the work force).

- ***In re Vitamin C Antitrust Litig., No. 06-md-01738 (E.D.N.Y.)***

Hausfeld serves as co-lead counsel in the first class antitrust case in the United States against Chinese manufacturers. Hausfeld obtained settlements for the class of **\$22.5 million from two of the defendants**—the first after summary judgment, and the second just before closing arguments at trial. Days later, the jury reached a verdict against the remaining defendants, and the court entered a judgment for **\$148 million** after trebling the damages awarded. On appeal to the U.S. Supreme Court, our clients prevailed, and the case was remanded for further consideration by the Second Circuit.

- ***In re Dental Supplies Antitrust Litig., No. 1:16-cv-00696 (E.D.N.Y.)***

Hausfeld served as co-lead counsel in this litigation in which a proposed class of private dental practices claimed that the four major distributors of dental products and equipment conspired to fix margins, divide markets and allocate customers, and orchestrate industry boycotts of lower-priced, innovative rivals. The Federal Trade Commission filed a related lawsuit against the dental distributor companies a year after the private plaintiffs first initiated their action, borrowing legal theories first investigated and advanced by the private plaintiffs. In 2019 the private plaintiffs' action was settled just minutes before a class certification Daubert hearing was set to commence for **\$80 million**.

- ***In re Disposable Contact Lens Antitrust Litig., No. 3:15-md-2626-J-20JRK (M.D. Fla.)***

Hausfeld serves as one of the three co-lead counsel for a nationwide class of consumers alleging horizontal and vertical conspiracies by the four leading contact lens manufacturers and their primary distributor to impose minimum resale price maintenance policies called "unilateral pricing policies," or "UPPs." case. On June 16, 2016, the court overseeing the litigation denied the defendants' motion to dismiss; on December 4, 2018, the court certified litigation classes of consumers who purchased contact lenses subject to UPPs; and on November 27, 2019, the Court denied the defendants' four motions for summary judgment. Plaintiffs have thus far reached settlements with three defendants in the case: Bausch & Lomb, CooperVision, and ABB Optical Group totaling more than \$40 million.

- ***In re International Air Passenger Surcharge Antitrust Litig., No. 06-md-01793 (N.D. Cal.)***

Hausfeld served as co-lead counsel in this case against two international airlines alleged to have fixed fuel surcharges on flights between the United States and United Kingdom. Lawyers at the firm negotiated a groundbreaking **\$200 million** international settlement that provides recovery for both U.S. purchasers under U.S. antitrust laws and U.K. purchasers under U.K. competition laws.

HAUSFELD

FOR THE CHALLENGE

- ***In re Municipal Derivatives Antitrust Litig., No. 08-cv-2516 (S.D.N.Y.)***

Hausfeld served as co-lead counsel in this case against banks, insurance companies, and brokers accused of rigging bids on derivative instruments purchased by municipalities. The firm obtained over **\$200 million** in settlements with more than **ten defendants**.

- ***In re Automotive Aftermarket Lighting Products Antitrust Litig., No. 09-ML-2007 (C.D. Cal.)***

Hausfeld served as co-lead counsel in this case against three manufacturers for participating in an international conspiracy to fix the prices of aftermarket automotive lighting products. The firm obtained over **\$50 million** in settlements.

- ***In re Processed Egg Products Antitrust Litig., No. 08-cv-04653 (E.D. Pa.)***

Hausfeld served as co-lead counsel in this case alleging that egg producers, through their trade associations, engaged in a scheme to artificially inflate egg prices by agreeing to restrict the supply of both laying hens and eggs. The firm obtained over **\$135 million** in settlements, won certification of a class of shell egg purchasers, and tried the case against the remaining defendants.

- ***In re American Express Anti-Steering Rules Antitrust Litig., No. 11-md-2221 (E.D.N.Y.)***

As lead counsel, Hausfeld represents a two classes of merchants against American Express (“Amex”): Amex-accepting merchants and merchants that accept Visa, MasterCard, and/or Discover cards but not Amex (the “V/MC/D Class”). The merchants allege that Amex violated antitrust laws by requiring them to accept all Amex cards, and by preventing them from steering their customers to other payment methods. The V/MC/D Class also asserted that Amex’s conduct had, among other things, created an elevated price “umbrella” marketwide and stifled price competition among other card networks. In January 2020, Judge Garaufis granted Amex’s motion to compel arbitration of the Amex Class’ claims, and he dismissed the V/MC/D Class’ claims. An appeal addressing umbrella liability is pending.

- ***In re Domestic Airline Travel Antitrust Litig., No. 15-1404 (CKK) (D.D.C.)***

Hausfeld serves as co-lead counsel for a proposed class of domestic air passengers that collectively allege the defendants, the four major U.S. passenger air carriers — United, American, Delta, and Southwest — conspired to fix domestic airfares by colluding to limit their respective capacity. The passengers allege that Defendants, in which a common set of investors owned significant shares during the conspiracy period, carried out the conspiracy through repeated assurances to each other on earnings calls and other statements that they each were engaging in “capacity discipline”. In October 2016, the court denied defendants’ motion to dismiss. Since that time, the firm has obtained **\$60 million** in settlements with American and Southwest. The litigation against United and Delta is ongoing.

HAUSFELD

FOR THE CHALLENGE

Litigation achievements

Significant trial victories

While many law firms like to talk about litigation experience, Hausfeld lawyers regularly bring cases to trial—and win. Among our trial victories are some of the largest antitrust cases in the modern era. For example, in ***O'Bannon v. NCAA (N.D. Cal.)***, we conducted a three-week bench trial before the chief judge of the Northern District of California, resulting in a complete victory for college athletes who alleged an illegal agreement among the National Collegiate Athletic Association and its member schools to deny payment to athletes for the commercial licensing of their names, images, and likenesses. Our victory in the *O'Bannon* litigation followed the successful trial efforts in ***Law v. NCAA (D. Kan.)***, a case challenging earning restrictions imposed on assistant college coaches in which the jury awarded **\$67 million** to the class plaintiffs that one of our lawyers represented.

In ***In re Vitamin C Antitrust Litigation (E.D.N.Y.)***, we obtained, on behalf of our direct purchaser clients, a **\$148 million** jury verdict and judgment against Chinese pharmaceutical companies that fixed prices and controlled export output of Vitamin C—on the heels of \$22.5 million in settlements with other defendants, which represented the first civil settlements with Chinese companies in a U.S. antitrust cartel case. Years earlier, we took on a global vitamin price-fixing cartel in ***In re Vitamins (D.D.C.)***, in which we secured a **\$1.1 billion settlement** for a class of vitamin purchasers and then took the remaining defendants to trial, culminating in a **\$148 million jury verdict**.

Our trial experience extends to intellectual property matters and general commercial litigation as well. Recently, we represented entertainment companies that sought to hold internet service provider Cox Communications accountable for willful contributory copyright infringement by ignoring the illegal downloading activity of its users. Following a trial in ***BMG Rights Management (US) LLC, v. Cox Enterprises, Inc. (E.D. Va.)***, the jury returned a **\$25 million verdict** for our client. After the defendants appealed and prior to a new trial, the parties settled.

Exceptional settlement results

Over the past decade, Hausfeld has recouped over \$20 billion for clients and the classes they represented. We

are proud of our record of successful dispute resolution. Among our settlement achievements, a selection of cases merit special mention.

Most recently, on November 30, 2020, the Court granted preliminary approval to the proposed settlement agreement in ***In re Blue Cross Blue Shield Antitrust Litigation (M.D. Ala.)***, resolving the claims of Blue Cross Blue Shield subscribers represented by Hausfeld for \$2.67 billion. In addition to monetary relief, the settlement proposes systemic injunctive relief that will change the landscape for competition in healthcare.

In the high profile ***In re Foreign Exchange Benchmark Rates Antitrust Litigation (S.D.N.Y.)***, we negotiated settlements totaling more than \$2.3 billion with fifteen banks accused of conspiring to manipulate prices paid in the foreign-exchange market. In another case involving allegations of pricefixing among the world's largest airfreight carriers, ***In re Air Cargo Shipping Services Antitrust Litigation (E.D.N.Y.)***, we negotiated settlements with more than 30 defendants totaling over \$1.2 billion—all in advance of trial. In the ongoing ***In re: LIBOR-Based Financial Instruments Antitrust Litigation (S.D.N.Y.)*** case, we have secured settlements to date totaling \$590 million with Barclays (\$120 million), Citi (\$130 million), Deutsche Bank (\$240 million), and HSBC (\$100 million). The court has granted final approval to each of these settlements.

Hausfeld served as class counsel in ***Hale v. State Farm Mutual Automobile Insurance Co. (S.D.Ill.)***. This case involved allegations that State Farm worked to help elect an Illinois state supreme court justice in order to overturn a billion-dollar judgment against it. On the day opening statements were to be delivered to the jury, State Farm agreed to settle for \$250 million. Finally, in the global ***Marine Hose*** matter, we broke new ground with the first private resolution of a company's global cartel liability without any arbitration, mediation, or litigation. That settlement enabled every one of Parker ITR's non-US marine-hose purchasers to recover up to 16% of their total purchases.

These cases are just a few among dozens of landmark settlements across our practice areas.

HAUSFELD

FOR THE CHALLENGE

Reputation and leadership in the antitrust bar

Court commendations

Judges across the country have taken note of Hausfeld's experience and results achieved in antitrust litigation.



This has just been an absolute gem of an experience from the standpoint of having the opportunity to have just great lawyers fighting over something that's really important and significant.

– District Judge R. David Proctor

In re Blue Cross Blue Shield Antitrust Litigation, MDL No. 2406 (N.D. Ala.) (granting preliminary approval of settlement in case where Hausfeld serves as co-lead counsel.)



All class actions generally are more complex than routine actions... But this one is a doozy. This case is now I guess nearly more than ten years old. The discovery as I've noted has been extensive. The motion practice has been extraordinary... The recovery by the class is itself extraordinary. The case, the international aspect of the case is extraordinary. Chasing around the world after all these airlines is an undertaking that took enormous courage.

– Judge Brian M. Cogan

In re Air Cargo Shipping Services Antitrust Litigation, No. 06-md-1775 (E.D.N.Y.)



Comparing Hausfeld's work through trial to *Game of Thrones*: 'where individuals with seemingly long odds overcome unthinkable challenges... For plaintiffs, their trial victory in this adventurous, risky suit, while more than a mere game, is nothing less than a win...'

– Magistrate Judge Nathanael M. Cousins

O'Bannon v. Nat'l College Athletic Ass'n, No. 09-cv-3329 (N.D. Cal.)



Hausfeld lawyers achieved 'really, an outstanding settlement in which a group of lawyers from two firms coordinated the work... and brought an enormous expertise and then experience in dealing with the case.'
Hausfeld lawyers are 'more than competent. They are outstanding.'

– Judge Charles R. Breyer

In re International Air Passenger Surcharge Antitrust Litig., No. 06-md-01793 (N.D. Cal.) (approving a ground-breaking \$200 million international settlement that provided recovery for both U.S. purchasers under U.S. antitrust laws, and U.K. purchasers under U.K. competition laws.)



Hausfeld has 'the breadth of experience, resources and talent necessary to navigate a case of this import.'
Hausfeld 'stands out from the rest.'

– District Judge Morrison C. England Jr.

Four In One v. SK Foods, No. 08-cv-3017 (E.D. Cal.)



The class is represented by what I would describe as an all-star group of litigators...

– District Judge David R. Herdon

Hale v. State Farm, No. 12-cv-00660-DRH-SCW (S.D. Ill.)

HAUSFELD

FOR THE CHALLENGE

Awards and recognitions



The Legal 500

In 2021, for the 12th consecutive year, Hausfeld was ranked in the top tier nationally for firms in antitrust civil litigation and class actions by The Legal 500. The publication described Hausfeld lawyers as “top-notch in all respects and particularly expert in everything about antitrust law.” The publication has previously stated that:

Hausfeld lawyers are, “pragmatic, smart and focused litigation experts,” and the firm is “at the top of its game,” with “a number of heavyweight practitioners.”

“DC firm Hausfeld LLP remains top-notch in antitrust litigation... Hausfeld LLP is one of the most capable plaintiffs firms involved in the area of civil cartel enforcement, and is handling some of the major cartel-related cases...”

Hausfeld is a “market transformer,” the “most innovative firm with respect to antitrust damages,” is “[d]riven by excellence,” “anticipates the evolving needs of clients,” and delivers “outstanding advice not only in legal terms but also with a true entrepreneurial touch. . . .”

Concurrences

Antitrust Publications & Events

Concurrences

In 2020, the Hausfeld Competition Bulletin article titled, “Data Exploiting as an Abuse of Dominance: The German Facebook Decision,” authored by Hausfeld lawyer Thomas Höppner, was awarded Concurrences’ 2020 Writing Award in its Unilateral Conduct (Business) category.

In 2018, an article authored by Hausfeld lawyer Scott Martin, joined by co-authors Brian Henry and Michaela Spero, was awarded Concurrences’ 2018 Writing Award for Private Enforcement (Business) Category. The article, “Cartel Damage Recovery: A Roadmap for In-House Counsel,” was originally published in Antitrust Magazine.

In 2017, Hausfeld’s Competition Bulletin was selected to be ranked among the top antitrust firms distributing newsletters and bulletins. Hausfeld is the only Plaintiffs’ firm to be ranked, and we secured the number one spot for Private Enforcement Newsletters.

In 2015, Hausfeld Partners Michael Hausfeld, Michael Lehmann and Sathya Gosselin won the Concurrences’ 2015 Antitrust Writing Awards in the Private Enforcement (Academic) category for their article, “Antitrust Class Proceedings—Then and Now,” Research in Law and Economics, Vol. 26, 2014.



Benchmark Litigation

In 2021, for the second consecutive year, Benchmark Litigation highlighted Hausfeld as a leader in the domain of dispute resolution, recognizing the firm at the national level, as well as regionally on both coasts.

Hausfeld was ranked by Benchmark for Antitrust/Competition Nationwide, and is one of only a small handful of plaintiff-side firms on the list. Hausfeld was also honored as a ‘Recommended Top Plaintiff Firm’ Nationwide, and described by the publication as “an undisputed trailblazer, identified as a ubiquitous presence by peers on both the plaintiff and defense sides of the ‘V.’” A peer on the defense side commented to the publication that Hausfeld is always in mix among antitrust and sports matters, “at least in the biggest and

HAUSFELD

FOR THE CHALLENGE

best cases.” Further to Hausfeld’s national recognitions, Benchmark recognized several individuals in the firm’s San Francisco and Washington, DC offices.



2020 Antitrust Report

In 2021, for a third consecutive year, Hausfeld has been recognized as one of the leading claimant firms for recovery in antitrust litigation in the US. In the 2020 Antitrust Annual Report, published by the University of San Francisco Law School and The Huntington National Bank, Hausfeld is listed as the top firm out of the 25 analyzed, having achieved an aggregate settlement recovery totaling over \$5.24 billion over 12 years from 2009-2020. Hausfeld also ranked first among lead counsel in relation to the number of complaints filed in US federal courts (Hausfeld was responsible for 292 filings between 2009 and 2020) and first among lead counsel in the total amounts recovered for class members (Hausfeld recovered 113 settlements for its clients between 2009 and 2020 totaling over \$5.24 billion).



Who's Who Legal

In 2019, Who's Who Legal honored Hausfeld as the 'Competition Plaintiff Firm of the Year,' noting that the firm is, "a giant in the competition plaintiff field that once again demonstrates the strength and depth of its expertise..."

In 2018, the publication recognized the firm as "[a] powerhouse in the plaintiffs' litigation field, with particularly deep capability in competition matters," highlighting "nine outstanding litigators."



Financial Times

In 2019, the Financial Times named Hausfeld one of the 25 'Most Innovative Law Firms: Overall' in North America. Notably, Hausfeld was the only plaintiffs' firm to make the list. In 2018, the Financial Times' Innovative Lawyers Report honored Hausfeld with the 'Innovation in Legal Expertise - Dispute Resolution' award for the firm's work with Dutch transportation insurer TVM. The Financial Times followed up this award by commending Hausfeld in its 2018 North America Innovative Lawyers Report for its representation of plaintiffs in *In Re Foreign Exchange Benchmark Rates Antitrust Litigation*. Hausfeld is proud to be the only plaintiffs' firm to have received recognition in the category of 'dispute resolution' for 2018 on both sides of the Atlantic.

In 2016, the Financial Times named Hausfeld as a top innovative law firm. Writing about Hausfeld's innovation in the legal market, the Financial Times noted: "The firm has taken the litigation finance model to Germany, to turn company inhouse legal departments into profit centres."

In 2015, Michael Hausfeld was recognized by the Financial Times as one of the Top 10 Innovative Lawyers in North America.

In 2013, Hausfeld won the Financial Times Innovative Lawyer Dispute Resolution Award. The FT stated that Hausfeld has "[p]ioneered a unique and market-changing litigation funding structure that improved accessibility and enabled victims to pursue actions with little or no risk."



U.S. News & World Report & Best Lawyers

Hausfeld was the only firm awarded the honor of best law firm in the 'Litigation – Antitrust' category by U.S. News and Best Lawyers in its 2022 Best Law Firms edition.

HAUSFELD

FOR THE CHALLENGE



Global Competition Review

In 2021, the firm won Global Competition Review's award for "Litigation of the Year – Cartel Prosecution" in recognition of the firm's work on *In re Blue Cross Blue Shield Antitrust Litigation*. After eight years of litigation, the proposed class of subscribers secured a \$2.67 billion settlement from the Blue Cross Blue Shield (BCBS) network, which was preliminarily approved in 2020 and pending final approval.

In 2018, Hausfeld attorneys were awarded Global Competition Review's "Litigation of the Year – Cartel Prosecution" commending its work on *In re Vitamin C Antitrust Litigation*. In this historic case, the Supreme Court ruled in favor of Hausfeld's clients, setting forth criteria and a framework for courts to use when assessing the credibility and weight to give to a foreign government's expression of its own laws.

In 2016, Hausfeld was awarded Global Competition Review's "Litigation of the Year – Cartel Prosecution" for its work on *In re Foreign Exchange Antitrust Benchmark Litigation*. The award recognized Hausfeld's success in the Foreign Exchange litigation to date, which has included securing settlements for more than \$2.3 billion in on behalf of a class of injured foreign exchange investors and overcoming three motions to dismiss in the action.

In 2015, Hausfeld attorneys were awarded Global Competition Review's "Litigation of the Year – Non-Cartel Prosecution," which recognized their trial victory in *O'Bannon v. NCAA*, a landmark case brought on behalf of college athletes challenging the NCAA's restrictions on payment for commercial licensing of those athletes' names, images, and likenesses in various media.



U.S. News & World Report

Since 2016, U.S. News & World Report – Best Law Firms has named Hausfeld to its top tier in both Antitrust Law and Litigation, and among its top tiers in Commercial Litigation. Hausfeld was also recognized in New York, San Francisco, and Washington, DC in Antitrust Law, Litigation, Mass Torts and Commercial Litigation.

American Antitrust Institute

In 2021, Hausfeld and its co-counsel received the American Antitrust Institute's award for 'Outstanding Antitrust Litigation Achievement in Private Law Practice' for collective work on behalf of our clients in *In re Blue Cross Blue Shield Antitrust Litigation*.

In 2018, Hausfeld and its co-counsel received the American Antitrust Institute's award for 'Outstanding Antitrust Litigation Achievement in Private Law Practice' for their trial and appellate victories in *In re Vitamin C Antitrust Litigation*.

In 2016, the American Antitrust Institute honored two Hausfeld case teams—*In re Air Cargo Shipping Services Antitrust Litig.* (E.D.N.Y.) and *In re Municipal Derivatives Antitrust Litig.* (S.D.N.Y.)—with its top award for Outstanding Antitrust Litigation Achievement in Private Law Practice. Taken together, these two cases have yielded settlements of over \$1.4 billion to class members after nearly a decade of litigation. The award celebrates private civil actions that provide significant benefits to clients, consumers, or a class and contribute to the positive development of antitrust policy.

In 2015, Hausfeld and fellow trial counsel won the American Antitrust Institute's award for Outstanding Antitrust Litigation Achievement in Private Law Practice for their trial and appellate victories in *O'Bannon v. NCAA*.



HAUSFELD

FOR THE CHALLENGE



Chambers & Partners

In 2021, Chambers and Partners named Hausfeld to its highest tier, Band 1, for “Antitrust: Plaintiff – USA – Nationwide,” noting that the firm:

“has fantastic lawyers who are out-of-the-box thinkers, client service-oriented and a pleasure to work with.”

Hausfeld was one of just five law firms ranked in Band 1. Hausfeld’s New York office was also named to Band 1 for “Antitrust: Mainly Plaintiff – New York.”

The publication has also previously noted about the firm:

“Able to deploy a deep bench of trial attorneys with outstanding litigation experience,” and is “renowned for its abilities representing plaintiffs in multidistrict class action antitrust suits across the country involving a wide variety of antitrust issues.”

Clients reported to the publication that “Hausfeld is a great partner that makes sure to understand our perspective,” and peers have commended the firm’s “terrific, deep bench.”

- A reputation as a “[m]arket-leading plaintiffs’ firm with considerable experience in antitrust class action suits and criminal cartel investigations.”
- “[N]umerous successes in the area, resulting in major recovery or settlements for its clients.”
- Firm Chair Michael Hausfeld’s record as “a very successful and able antitrust litigator,” and “one of the titans of the Plaintiffs Bar.”

Additionally, between 2016 and 2020, Chambers & Partners UK ranked Hausfeld in the top tier among London firms representing private claimants in competition matters and recognized the firm’s accomplishments in Banking Litigation. .



National Law Journal

In 2015, Hausfeld was named to the National Law Journal’s “Plaintiffs Hot List” for the fourth year in a row. The publication elaborated:

“Hausfeld’s creative approaches underpinned key antitrust wins last year, including a trailblazing victory for former college athletes over the use of their likenesses in television broadcasts and video games...” and Hausfeld, along with its co-counsel, “nailed down a \$99.5 million settlement with JPMorgan Chase & Co. in January in New York federal court for alleged manipulation of market benchmarks. And it helped land nearly \$440 million in settlements last year, and more than \$900 million thus far, in multidistrict antitrust litigation against air cargo companies.”

In 2014, The National Law Journal named Hausfeld as one of a select group of America’s Elite Trial Lawyers, as determined by “big victories in complex cases that have a wide impact on the law and legal business.” The award notes that Hausfeld is among those “doing the most creative and substantial work on the plaintiffs side.”

HAUSFELD

FOR THE CHALLENGE

Diversity, equity & inclusion

Hausfeld is committed to diversity and inclusion, because we know that embracing a variety of viewpoints and backgrounds allows us to gain better insights and strengthen our practice. Our diversity is reflected throughout our dozens of case teams leading class actions across the country. We are proud that half of our lawyers are women, who lead some of the largest price-fixing and market manipulation antitrust MDLs in the United States on behalf of our firm.

Hausfeld's Diversity, Equity and Inclusion Committee is committed to examining and improving all aspects of our hiring, benefits, training, support, and promotion practices to ensure that we maintain the highest standards for ourselves, and continually strive for improvement. We seek to ensure that all of our attorneys are provided the resources they need to excel, and are given opportunities to lead, both within and outside the firm.

Thought leadership

Hausfeld lawyers do more than litigation. They exercise thought leadership in many fields. Hausfeld lawyers host, lecture at, and participate in leading legal conferences worldwide and address ground-breaking topics including: the pursuit of damages actions in the United States and the European Union on behalf of EU and other non-U.S. plaintiffs; nascent private civil enforcement of EU competition laws; application of the FTAIA; the impact of *Wal-Mart Stores, Inc. v. Dukes* and *Comcast Corp. v. Behrend* on class certification; reforms to the Federal Civil Rules of Procedure; emerging issues in complex litigation; and legal technology and electronic discovery.

Hausfeld attorneys have presented before Congressional subcommittees, regulators, judges, business leaders, in-house counsel, private lawyers, public-interest advocates, elected officials and institutional investors, and hold leadership positions in organizations such as the American Bar Association, the American Antitrust Institute, the Women Antitrust Plaintiffs' Attorneys network group, the Sedona Conference and the Institute for the Advancement of the American Legal System.

Selected articles

- **“Confusion continues in the antitrust evaluation of Most Favored Nations Provisions,”** Irving Scher, Hausfeld Competition Bulletin/Lexology (Spring 2021)
- **“Supreme Court Justices foreshadow a turbulent future for the NCAA,”** Swathi Bojedla & Eduardo Carlo, Hausfeld Competition Bulletin/Lexology (Summer 2021)
- **“Can a non-signatory compel arbitration?”** Walter D. Kelley Jr., Hausfeld Competition Bulletin/Lexology (Summer 2021)
- **“*Briseño v. Henderson*: new considerations for class action settlements today,”** Christopher Lebsack & Kyle Bates, Hausfeld Competition Bulletin/Lexology (Summer 2021)
- **“Umbrella Liability: Has Its Time Come?”** Michael D. Hausfeld and Irving Scher, Competition Policy International (October 24, 2020)
- **“Third Circuit’s Suboxone Class Certification Affirmance Clarifies Commonality and Predominance Requirements,”** Swathi Bojedla, Hausfeld Competition Bulletin/Lexology (Fall 2020)
- **“Class Actions & Competition Law, An Overview Of EU and National Case Law,”** Michael D. Hausfeld, Anthony Maton, David R. Wingfield, Concurrences e-Competition Bulletin - Special Issue on Class Actions (August 27, 2020)
- **“Personal Jurisdiction in Federal Class Actions: Three New Rulings but Little Clarity,”** Sarah LaFreniere, Hausfeld Competition Bulletin/Lexology (Spring 2020)
- **“In Defense of Class Actions: A Response to Makan Delrahim’s Commentary on the UK Mastercard Case,”** Michael D. Hausfeld, Irving Scher, Laurence T. Sorokin, Competition Policy International (June 8, 2020)
- **“From Silicon Valley to the Burger Joint: The Evolving Landscape of Vertical ‘No-Poach’ Cases,”** Jeanette Bayoumi, Hausfeld Competition Bulletin/Lexology (Fall 2019).
- **“Social Media and Antitrust: A Discovery Primer,”** Nathaniel C. Giddings & Aaron Patton, Antitrust Magazine (Summer 2018).

Scott Martin

Partner

New York

✉ smartin@hausfeld.com

☎ +1 646 357 1195

in <https://www.linkedin.com/pub/scott-martin/10/100/747>



EXPERIENCE

Antitrust/Competition

- *In re National Football League's "Sunday Ticket" Antitrust Litigation* – Scott serves as co-lead counsel on behalf of businesses against DirecTV, a leading provider of digital entertainment in the United States, and the National Football League (“NFL”), alleging that the NFL’s exclusive agreement to allow DirecTV to broadcast out-of-market Sunday NFL football games violated the antitrust laws.
- *In re Libor-Based Financial Instruments Antitrust Litigation* – Class action lawsuit alleging a global conspiracy by some of the world’s largest financial institutions to manipulate LIBOR. The manipulation of LIBOR, which is the primary benchmark for short-term interest rates for trillions of dollars-worth of financial transactions worldwide, is alleged to have caused billions of dollars in damage to municipalities, businesses, and investors.
- *In re Blue Cross Blue Shield Antitrust Litigation* – In one of the largest and most complex antitrust class action cases ever litigated, Scott represents tens of millions of subscriber plaintiffs alleging higher premiums and loss of competition in the market for health insurance due to a conspiracy among 36 insurer defendants to allocate geographic territories. In 2018, the subscriber plaintiffs achieved summary judgment on the application of a per se standard to the alleged conduct, streamlining the case for class certification and trial.
- *Core-Mark NY CMSA Litigation* – Multi-plaintiff action asserted against leading distributors of cigarettes and other consumer goods in New York under the Cigarette Marketing Sales Act.
- Scott regularly presents compliance talks to businesspersons at industry-leading apparel, industrial, retailing, and distribution clients.
- Scott currently is providing competition advocacy before the Federal Trade Commission and merger advice to a Fortune 100 company.

Environmental & Product Liability

- *SCWA v. Dow, et al. and SCWA v. 3M Company, et al.* – Scott is currently representing the largest municipal groundwater provider in the United States for recovery in various water contamination matters.

Public Entity

We have extensive experience representing public and governmental entities, including state Attorneys General Offices, municipal utility boards, and counties in high-stakes investigations and litigation involving a variety of legal practice areas, including antitrust, consumer protection, financial services, and environmental law. The firm's public entity portfolio includes:

- Retention by state Attorneys General Offices for antitrust litigation against Big Tech platforms.
- Retention by the largest public water supplier in the country relating to environmental contamination.
- Retention by public entities to pursue antitrust claims relating to fraud in financial markets; and
- Retention by the state of West Virginia in one of the earliest cases against the pharmaceutical industry relating to the opioid crisis, filed decades before the current wave of opioid litigation.

OVERVIEW

Experience

Scott is co-chair of the firm's Antitrust practice group. Scott's perspective is a unique one, as prior to joining the firm in 2015, he played major roles in defending antitrust and class action cases as a partner in two leading international law firms. Over the course of more than 25 years, he also has negotiated resolutions of numerous regulatory investigations and actions on behalf of corporate clients. Scott's practice extends to bench and jury trials in both federal and state courts, complex federal multidistrict actions, class actions involving direct and indirect purchasers, *parens patriae* cases, FTC and DOJ investigations as well as other regulatory actions, and *qui tam* litigation.

Clients

Scott has two decades of counseling experience across a broad range of industries on pricing, distribution, competitive intelligence, joint ventures, and non-compete agreements, among other competition issues, and has designed antitrust compliance programs for some of the world's largest corporations.

EDUCATION

Stanford Law School, J.D., 1990

Stanford University, A.B., with honors, 1987

BAR ADMISSIONS

New York

District of Columbia

Supreme Court of the United States

Numerous Federal District and Circuit Courts

AFFILIATIONS

Fellow, American Bar Foundation

Programs Officer, American Bar Association, Antitrust Law Section (2021-22)

- Previous positions include: Secretary and Communications Officer, Council member, Chair of Trial Practice Committee, Chair of Civil RICO Committee, Chair of Global Private Litigation Conference, and Editorial Board of Antitrust Law Developments, (among others)

Executive Committee, New York State Bar Association, Antitrust Section

Editorial Board (Competition), *Law360* (2012-2018)

Treasurer and Board of Directors member, WHEDco (leading Bronx non-profit housing, educational and community development organization)

NEWS

Legal 500 US 2022 ranks Hausfeld as top-tier in Antitrust for 13th consecutive year

ANTITRUST / COMPETITION / UNITED STATES / JUN 24 2022

Hausfeld renews numerous Tier 1 rankings in Chambers and Partners USA 2022

ANTITRUST / COMPETITION / TECHNOLOGY & DATA BREACH / UNITED STATES / JUN 15 2022

The Legal 500 US (2021) ranks Hausfeld as first tier in Antitrust for a 12th consecutive year

ANTITRUST / COMPETITION / UNITED STATES / JUN 17 2021

Hausfeld wins 2021 GCR award for 'Litigation of the Year - Cartel Prosecution'

ANTITRUST / COMPETITION / UNITED STATES / MAY 24 2021

Hausfeld nominated for 'Litigation of the Year' and 'Litigator of the Year' by GCR Awards 2021

ANTITRUST / COMPETITION / UNITED STATES / FEB 18 2021

Seven Hausfeld lawyers named to Lawdragon list of '500 Leading Lawyers in America' for 2021

ANTITRUST / COMPETITION /

Hausfeld Honored with AAI's Award for Outstanding Litigation Achievement in Private Law Practice

ANTITRUST / COMPETITION / UNITED STATES / NOV 11 2021

Lawdragon Plaintiff Financial Lawyers Guide Honors 15 Hausfeld Lawyers in 2021

COMMERCIAL & FINANCIAL DISPUTES / UNITED STATES / SEP 01 2021

Chambers and Partners USA (2021) recognizes Hausfeld and its lawyers in its highest tier

ANTITRUST / COMPETITION / TECHNOLOGY & DATA BREACH / UNITED STATES / MAY 21 2021

ABA Antitrust Section Nominating Committee taps two Hausfeld Partners

ANTITRUST / COMPETITION / UNITED STATES / MAY 10 2021

Peekya App hires global law firm Hausfeld for antitrust case claiming Google has monopolized mobile app marketplace

ANTITRUST / COMPETITION / UNITED STATES / SEP 30 2020

Fifteen Hausfeld lawyers named to Lawdragon Plaintiff Financial Lawyer Guide 2020

COMMERCIAL & FINANCIAL DISPUTES /

Best Lawyers 2021 recognizes six Hausfeld lawyers on both coasts

ANTITRUST / COMPETITION /
ENVIRONMENTAL & PRODUCT LIABILITY /
COMMERCIAL & FINANCIAL DISPUTES /
UNITED STATES / AUG 20 2020

The Legal 500 US (2020) ranks Hausfeld as first tier in 'Antitrust' for an 11th consecutive year

ANTITRUST / COMPETITION / UNITED STATES /
JUN 12 2020

U.S. News & World Report and Best Lawyers rank Hausfeld as a top firm for 2020

ANTITRUST / COMPETITION /
COMMERCIAL & FINANCIAL DISPUTES /
UNITED STATES / NOV 01 2019

Fifteen Hausfeld lawyers named to Lawdragon Plaintiff Financial Lawyer Guide 2019

COMMERCIAL & FINANCIAL DISPUTES /
UNITED STATES / SEP 19 2019

U.S. News & World Report and Best Lawyers rank Hausfeld as a top firm for 2019

ANTITRUST / COMPETITION /
COMMERCIAL & FINANCIAL DISPUTES /
UNITED STATES / NOV 20 2018

Hausfeld LLP names Bonny Sweeney and Scott Martin as U.S. Antitrust practice group Co-Chairs

ANTITRUST / COMPETITION / UNITED STATES /
NOV 19 2018

Hausfeld achieves historic healthcare ruling in Blue Cross Blue Shield Antitrust Litigation

ANTITRUST / COMPETITION / UNITED STATES / MAY 03 2018

Hausfeld expands to New York, welcoming renowned antitrust litigators Scott Martin and Irving Scher

Chambers and Partners USA (2020) again recognizes Hausfeld and its lawyers in its highest tier

ANTITRUST / COMPETITION / UNITED STATES /
APR 24 2020

Super Lawyers recognizes 21 Hausfeld lawyers spanning both coasts and multiple practice areas

ANTITRUST / COMPETITION /
COMMERCIAL & FINANCIAL DISPUTES /
ENVIRONMENTAL & PRODUCT LIABILITY /
HUMAN RIGHTS / UNITED STATES / NOV 18 2019

The Legal 500 US (2019) ranks Hausfeld as first tier in 'Antitrust' for a 10th consecutive year

ANTITRUST / COMPETITION / UNITED STATES /
MAY 30 2019

Chambers and Partners USA (2019) recognizes Hausfeld and its lawyers in its highest tier

ANTITRUST / COMPETITION / UNITED STATES /
APR 29 2019

Six Hausfeld lawyers recognized in 2019 edition of 'Best Lawyers in America'

ANTITRUST / COMPETITION /
COMMERCIAL & FINANCIAL DISPUTES /
ENVIRONMENTAL & PRODUCT LIABILITY /
UNITED STATES / AUG 28 2018

Chambers and Partners USA (2018) recognizes Hausfeld and its lawyers

ANTITRUST / COMPETITION / UNITED STATES /
MAY 22 2018

EVENTS

ABA's 2019 Global Private Litigation Conference

ANTITRUST / COMPETITION / BERLIN 17 JUN 2019

/

Scott has been asked to speak at a wide array of events over the course of his career including:

- "Honest Broker Or Advocate: Effective Expert Testimony," ABA Section of Antitrust Law Virtual Spring Meeting (April 2020), Panelist
- "Competition Tort Claims Around the Globe," ABA Section of Antitrust Law Spring Meeting, (March 2019), Panelist
- "Competitor Collaborations: US and EU Joint Venture Law," ABA Section of Antitrust Law (April 2013), Speaker
- "'Have I Got a Deal for You': Big Sellers, Big Issues," New York City Bar Association (January 2013), Speaker
- "Discovery by Leaps and Bounds: Practical Issues in International Antitrust Cases," ABA Section of Antitrust Law (November 2012), Moderator
- "Comcast v. Behrend: Rigorous Analysis – How Much Is Too Much?" New York State Bar Association, Antitrust Law Section (October 2012), Speaker
- "Pricing Fundamentals: Pricing Tied to Other Offerings," ABA Section of Antitrust Law (February 2012), Speaker
- "Settling Class Action Litigation," American Antitrust Institute 5th Annual Future of Private Antitrust Enforcement Conference, (December 2011), Speaker
- "Trying a Case Involving Mixed Vertical and Horizontal Restraints: The Legal, Economic and Practical Considerations," ABA Section of Antitrust Law (October 2011), Speaker
- "International Cartel Enforcement in the Digital Age: Collection and Use of Evidence Beyond Borders," New York State Bar Association Antitrust Law Section, (January 2011), Speaker
- "New York's Donnelly Act: Another Tool in the Chest?" NYSBA Antitrust Law Section and ABA Section of Antitrust Law (July 2010), Speaker
- "Pricing Issues," PLI Antitrust Counseling & Compliance Seminar (February 2010), Speaker
- "Robinson-Patman - Price Discrimination," Practising Law Institute Advanced Antitrust Seminar: Distribution & Marketing (annually 2003-2009), Speaker
- "Tying and Bundling -- Consumer-Friendly Offers or Exclusionary Conduct?" ABA Section of Antitrust Law (May 2009), Speaker
- "Mastering the Discovery Process for the General Counsel: How to Master the Costs and Burdens of Federal Discovery," Incisive Media (November 2008), Speaker
- "Bundled Discounts: Careful Practice in the Face of Unsettled Law," Ohio State Bar Association Antitrust Institute (November 2008), Speaker
- "Antitrust Developments – A Busy Supreme Court Term Plus A Look at Joint Marketing Activities and Information Sharing," ABA Section of Environment, Energy and Resources, 21st Annual Petroleum Refining and Marketing Law Roundtable (October 2006), Speaker
- "Antitrust Meets Civil RICO on a Grand Scale," ABA Section of Antitrust Law (March 2006), Session Chair
- "Vive le Difference: Dealing Effectively with State Enforcers," ABA Section of Antitrust Law (March 2006), Speaker
- ABA Antitrust Litigation Course: Mock Trial (October 2005), Defense Counsel
- "Lest We Not Forget: State Law Constraints on Price by Robinson-Patman Act," ABA Section of Antitrust

- "Defending Against Employee Raiding," ABA Section of Antitrust Law (March 2005), Session Chair
- "Assessing an Unfair Competition Case Under California Section 17200," ABA Section of Antitrust Law (March 2004), Session Chair
- "Price Discrimination and Slotting Allowances," Conference Board Antitrust Conference (March 2003), Speaker
- "The Front Lines: Prudent Business Decision-Making in Light of the New Realities of Distribution," (March 2003), Speaker

PUBLICATIONS

Books and Chapters:

- "Settlement Practice from Both a Plaintiff and Defense Perspective," Chapter, American Antitrust Institute Handbook on Private Enforcement of Competition Law U.S. Edition (2012) Co-Author
- "Litigating International Antitrust Cases," J. von Kalinowski, Chapter, Antitrust Counseling and Litigation Techniques (2007 and update), Author
- "Private Antitrust Litigation," Chapter, Global Competition Review - Getting the Deal Through (2005), Co-Author
- "Advising Foreign Clients on US Antitrust Law," Chapter, Asia Pacific Antitrust & Trade Review (2005), Co-Author
- "Antitrust Adviser," Two-volume treatise, 5th ed., Co-Editor
- "Business Torts & Unfair Competition," Chapter: Section 5 of the FTC Act, Co-Author
- Handbook (3d ed.) Chapter (New York), State Antitrust Practice and Statutes (three editions), Co-Author
- "Competition Damages Actions in the EU: Law and Practice," 2d ed., Contributor

Articles:

- "Cartel Damage Recovery: A Roadmap for In-House Counsel," Antitrust Magazine, [Winner, Concurrences Writing Award] (Fall 2017), Co-Author
- "SCWA Pursues Legal Action Against Companies Responsible for PFOS, PFOA and 1,4-Dioxane Contamination," Lexology (Nov. 2017), Co-Author
- "Horizontal conspiracy complaints face different fates under Twombly 'plausibility' standard," Lexology, (Oct. 2015), Co-Author
- "After American Needle, Is Everything Old New Again?" Law360 (Aug. 4, 2010), Author
- "Can Anyone Keep a Secret Anymore? Beware the differing privilege regimes in the global environment," New York Law Journal (Nov. 16, 2009), Author
- "The linkLine Decision: Section 2 Gets Squeezed Further," GCP: The Online Magazine for Global Competition Policy (April 2009), Author
- "Antitrust Injury in Robinson-Patman Cases: What's Left?" GCP: The Online Magazine for Global Competition Policy, (Nov. 2008), Author
- "One Year Post-'Twombly,' Trends Emerge," New York Law Journal (Aug. 25, 2008), Author
- "A Rule Of Reason For Vertical Price Fixing - Part II," The Metropolitan Corporate Counsel, Volume 15, No. 11 (Nov. 2007), Co-Authored with Fiona A. Schaeffer
- "A Rule Of Reason For Vertical Price Fixing - Part I," The Metropolitan Corporate Counsel, Volume 15, No. 10 (Oct. 2007), Author
- "Antitrust in Distribution - Tying, Bundling and Loyalty Discounts, Resale Pricing Restraints, Price Discrimination - Part I," The Metropolitan Corporate Counsel, Volume 14, No. 4 (April 2006), Author

WHAT OTHERS SAY

- Outstanding Antitrust Litigation Achievement in Private Law Practice, an honor he received as part of the *In re Blue Cross Blue Shield Antitrust Litigation* case team in 2021

Best Lawyers

- Best Lawyer since 2012
 - Antitrust Law
 - Litigation - Antitrust

A past client commented, "I was extremely impressed with his knowledge and attentiveness as well as his ability to truly enjoy servicing his client in a productive and cost-effective manner."

Chambers

- Band 1, Antitrust: Mainly Plaintiff, New York since 2015
- Leading Lawyer since 2006

Sources reported, "He's an expert in antitrust and how it's applied from a commercial perspective. He's an incredible partner." "He has a great reputation and is very collegial." "He is a very good plaintiffs' lawyer." (Chambers US, Antitrust: Mainly Plaintiff, New York, 2021)

"Co-chair of the antitrust group, Scott Martin lends plaintiff clients his cutting-edge expertise in antitrust litigation honed over years of defense-side representation. He regularly appears in state and federal jury and bench trials in the most complex of matters." (Chambers US, Antitrust: Mainly Plaintiff, New York, 2020)

Global Competition Review

- Litigation of the Year - Cartel Prosecution in 2021: an honor he received as part of the *In re Blue Cross Blue Shield Antitrust Litigation* case team.

Legal 500

- Recommended Lawyer, Antitrust - Civil Litigation/Class Actions: Plaintiff since 2015

Sources have stated that Scott is "friendly, engaging, and spot-on," that "he is extremely polished, an expert in the field and a pleasure to work with," and that "Melinda Coolidge and Scott Martin go above and beyond at all hours to provide the best level of customer service. They are always there with an explanation." (Legal 500 US, Antitrust - Civil Litigation/Class Actions: Plaintiff, 2020)

Super Lawyers

- Super Lawyer, Antitrust Litigation in New York since 2006

Other

- Outstanding Antitrust Litigation Achievement in Private Law Practice: an honor he received by the American Antitrust Institute in 2016 for *In re Air Cargo Antitrust Litigation*.
- International Who's Who of Competition Lawyers and Economists, Lawdragon, International Who's Who of Business Lawyers, and others often reflect recognition of Scott's work by his peers.

Clients, colleagues, and adversaries have referred to Scott in print variously as a "terrifically talented and surefooted litigator" and "an astute operator who always adds value to proceedings" while also serving as a "business-oriented lawyer who looks to see what the overall issues are and determines how best to approach the representation of those interests, including common sense approaches to exit strategies where feasible."

Partner
Washington, DC

he/him/his

✉ sgosselin@hausfeld.com

☎ +1 202 540 7175

in <http://www.linkedin.com/pub/sathya-gosselin/3b/bbb/b6a/>



OVERVIEW

Experience

Sathya Gosselin is a partner in the firm's Washington, DC office, where he advises a diverse array of clients, helping each navigate complex litigation and achieve dispute resolution. Sathya takes a hands-on approach to litigation, working with a small team to secure favorable results at the trial and appellate levels and deliver outstanding client service. His work in the arenas of antitrust, intellectual property, and sports and entertainment have earned him various awards and the recognition of his peers.

Clients

Sathya represents clients across a broad range of industries, including sports, hospitality, healthcare, transportation, software, film, and music. His client roster has included entertainers and athletes, Fortune 500 companies, apparel retailers, movie theaters, non-profit organizations, software manufacturers, and startups, among others.

Representative clients include:

- Citizens for Responsibility and Ethics in Washington
- CRH Americas
- Denver Film Society
- DJ Erick Morillo
- Ed O'Bannon
- Lotte Global Logistics
- Peabody Energy
- PepsiCo
- Run Gum
- Sims Metal Management
- The Avalon Theatre
- Trammo

EDUCATION

Cornell Law School, J.D., 2007 (Symposium Editor, Cornell Law Review)

Vassar College, B.A., Religion, 1999 (with honors)

BAR ADMISSIONS

District of Columbia

California

AFFILIATIONS

Professorial Lecturer in Law, The George Washington University Law School

Elected Fellow, American Bar Foundation

Vice Chair, Trade, Sports and Professional Associations Committee, ABA Section of Antitrust Law (2020-Present)

Law360 Sports Editorial Advisory Board (2016-2018)

Antitrust Representative, American Bar Association Section of Environment, Energy, and Resources' Special Committee on Section, Division, and Forum Coordination, (2013-2014)

Young Lawyer Representative, Transportation and Energy Industries Committee, Section of Antitrust Law, American Bar Association, (2013 - 2014)

Member, Section of Antitrust Law, American Bar Association

NEWS

Lawdragon Plaintiff Financial Lawyers Guide Honors 15 Hausfeld Lawyers in 2021

COMMERCIAL & FINANCIAL DISPUTES / UNITED STATES / SEP 01 2021

Hausfeld welcomes historic US Supreme Court victory for college athletes

ANTITRUST / COMPETITION / UNITED STATES / JUN 21 2021

Super Lawyers recognizes 21 Hausfeld lawyers spanning both coasts and multiple practice areas

ANTITRUST / COMPETITION / COMMERCIAL & FINANCIAL DISPUTES / ENVIRONMENTAL & PRODUCT LIABILITY / HUMAN RIGHTS / UNITED STATES / NOV 18 2019

Fifteen Hausfeld lawyers named to Lawdragon Plaintiff Financial Lawyer Guide 2019

COMMERCIAL & FINANCIAL DISPUTES /

Rail shippers defeat BNSF, CSX, NS, and UP's attempts to insulate anticompetitive conduct from liability

ANTITRUST / COMPETITION / UNITED STATES / FEB 19 2021

Fifteen Hausfeld lawyers named to Lawdragon Plaintiff Financial Lawyer Guide 2020

COMMERCIAL & FINANCIAL DISPUTES / UNITED STATES / AUG 28 2020

The Legal 500 US (2019) ranks Hausfeld as first tier in 'Antitrust' for a 10th consecutive year

ANTITRUST / COMPETITION / UNITED STATES / MAY 30 2019

"At the top of its game" - The Legal 500 (2018) again recognizes Hausfeld and its lawyers as first tier in Antitrust

ANTITRUST / COMPETITION / UNITED STATES / JUN 08 2018

ANTITRUST / COMPETITION / UNITED STATES / APR 16 2018

EVENTS

ABA Webinar: Emerging Public and Private Enforcement Issues

ANTITRUST / COMPETITION / ONLINE 16 DEC 2021

/

ABA Panel Discussion 'NCAA v. Alston: The Decision'

ONLINE 16 JUL 2021

/

- "Sports and Antitrust: Enforcement Trends on Both Sides of the Atlantic," ABA (May 31, 2022), Panelist
- "*NCAA v. Alston*: Sports and Antitrust Law Going Forward," Philadelphia Bar Association (Apr. 27, 2022)
- "Plaintiff Side Litigation," Cornell Law School Alumni Panel (Feb. 23, 2021), Panelist
- "Competition Advocacy, State Occupational Licensing, and Private Certification - Perspectives from Federal Agencies and State Attorneys General" ABA Section of Antitrust Law (May 6, 2019)
- "Recent Noteworthy Litigation and Trends to Watch," ABA Section of Antitrust Trade, Sports, and Professional Associations Committee's Post-Spring Meeting Town Hall, (April 29, 2019)
- "Sports Law," University of Florida Levin College of Law 2019 Sports Law Symposium (March 1, 2019), Panelist
- "*Alston v. NCAA*: Will 'Amateurism' Survive?" ABA Trade, Sports, and Professional Associations Committee (Jan. 8, 2019)
- "Antitrust Exemptions in Sports—& More," Legal Talk Network (Aug. 17, 2018)
- "Practicing as an Antitrust and Sports Lawyer," ABA Section of Antitrust Law (May 23, 2018)
- "Recent Developments in Global Class Actions," ABA Section of Antitrust Law Spring Meeting (April 12, 2018)
- "NCAA Amateurism and the *O'Bannon* Litigation," University of Texas School of Law Continuing Legal Education (March 23, 2018)
- "Working With Experts and Economic Evidence in Class Actions," ABA Section of Antitrust Law (Feb. 26, 2018)
- "What's Next -- Hot Issues at the Nexus of Consumer Protection, Antitrust, and Sports," ABA Section of Antitrust Law (Dec. 5, 2017)
- "*O'Bannon* in the Supreme Court," ABA Section of Antitrust Law (Aug. 4, 2016)
- "Hot Topics in Pro Sports," Cozen O'Connor - Sports Law for Rookies and Veterans (April 15, 2016)
- Oregon Law Summer Sports Institute (Summer 2016; Summer 2015), Guest lecturer
- "Developments in Antitrust Cases against Sports Leagues," American Antitrust Institute Private Antitrust Enforcement Conference (Nov. 18, 2015)
- "Trying the Class Action: Practical Tips From the Pros Seminar," American Association for Justice (June 2015)
- "Amateurism and NCAA Compliance," University of Florida Levin College of Law 2015 Sports Law Symposium (March 27, 2015)
- "Antitrust and the NCAA: The *O'Bannon* Litigation and More," ABA Section of Antitrust Law (Dec. 5, 2014)
- "The *O'Bannon* Litigation and the Future of the NCAA and College Athletics," District of Columbia Bar (Nov. 7, 2014)

Publications:

- "The Ethical Evolution of the NCAA," Association of Corporate Counsel Docket (cover article Jan. 2020), Author
- Antitrust Law Developments (Eighth), Contributing author
- "Antitrust Class Proceedings – Then and Now," Research in Law and Economics (Vol. 26, 2014), Co-Authored with Michael D. Hausfeld, Godron C. Rausser, Gareth J. Macartnery and Michael P. Lehmann
- "'CAT'-astrophe: The Failure of 'Follow-On' Actions," International Cartel Workshop, Presented by the ABA Section of Antitrust Law & The International Bar Association (Feb. 1-3, 2012), Co-Authored with Michael D. Hausfeld, Brent W. Landau
- "The Novelty of Wal-Mart v. Dukes," American Bar Association, Business Torts & Civil RICO Committee, Business Torts & RICO News (Vol. 8, Issue 1, Fall 2011), Co-Authored with Brian A. Ratner
- "E-Discovery Today: The Fault Lies Not In Our Rules....," 4 FED. CTS. LAW REV. 2 (2011), Hausfeld LLP and Milberg LLP
- "Parents, Be Aware of the Behavior of Your Children: Intra-Enterprise Accountability and Extraterritorial Jurisdiction in the European Union," 2010 ABA/IBA International Cartel Workshop (Feb. 10-12, 2010), Co-Authored with Michael D. Hausfeld
- "The United States Heightens Plaintiff's Burden of Proof on Class Certification: A Response," Global Competition Litig. Rev., (Volume 2 Issue 4/2009), Co-Authored with Michael D. Hausfeld and Steig D. Olson

Press:

- United States District Court for the District of Columbia, Judge Paul Friedman denied a motion by the defendant railroads BNSF, CSX, NS, and UP to exclude certain evidence from future antitrust trials. The press has been covering this development and Sathya Gosselin has been quoted in this Railway Age [article](#), and this Freightwaves [article](#), (Feb. 19, 2021)
- "Sports Betting May Further Complicate NCAA Antitrust Concerns," Bloomberg (June 4, 2018)
- "Federal probe could uncover deeper roots in college basketball scandal," USA Today (Sept. 30, 2017)
- "US judge sends former UNC athletes' lawsuit back to North Carolina courts," The News & Observer (Apr. 27, 2017)
- "MLB Wearable Tech Experiment Raises Athlete Privacy Issues," Law360 (Mar. 14, 2017)
- "Olympian Nick Symmonds's Company Files Lawsuit vs USOC and USATF," Sports Illustrated (Jan. 20, 2016)
- "U.S. Appeals Court Finds NCAA Pay Rules Violate Antitrust Law," Reuters (Sept. 30, 2015)
- "As College Football Season Kicks Off, the NCAA Is Still 'Under Siege,'" The Huffington Post (Sept. 4, 2015)
- "Game Over for Two-a-Days," The Daily Beast (Aug. 31, 2015)
- "Focus Returns to College Antitrust Cases," Sports Business Journal (Aug. 24, 2015)
- "Symmonds 'at a Flashpoint for Athletes' Rights,'" Sports Business Journal (Aug. 17, 2015)
- "Lawyers: Class-action ball now in UNC, NCAA court," The Herald-Sun (Feb. 19, 2015)
- "NCAA Athletes Should Get Publicity Pay, SAG Tells 9th Circ." Law360 (Jan. 29, 2015)
- "Former UNC Student-Athletes Detail Fake 'Paper Classes' in New Lawsuit against School and NCAA," Business Insider (Jan. 23, 2015)
- "Athletes Slap NCAA, UNC with Suit Claiming Sham Classes," Law360 (Jan. 22, 2015)
- "Oliver Luck brings own perspective to NCAA on O'Bannon name and likeness issue," USA Today (Jan. 16, 2015)
- "Big Suits," The American Lawyer (Sept. 29, 2014)
- "Law360's Weekly Verdict: Legal Lions & Lambs" Law360 (Aug. 14, 2014)
- "O'Bannon Trial: Former player testifies about eligibility requirements," Pittsburgh Post-Gazette (June 16, 2014)
- "Reclaiming their image: College athletes sue NCAA for cut of profits," Fault Lines/AIJazeera America (June 10, 2014)

✓ PERSPECTIVES

ABA 'Our Curious Amalgam' - The Alston Decision and What It Means for Sports Antitrust Law - a discussion with Sathya Gosselin

ANTITRUST / COMPETITION / UNITED STATES / SEP 01 2021

✓ WHAT OTHERS SAY

American Antitrust Institute

- Outstanding Antitrust Litigation Achievement in Private Law Practice: an honor he received as part of the *O'Bannon v. NCAA* case team in 2015.

Concurrences

- Winner, Academic: Private Enforcement category in 2015 for his co-authored article titled, "[Antitrust Class Proceedings - Then and Now](#)"

Global Competition Review

- Finalist, Lawyer of the Year - Under 40 in 2017
- Litigation of the Year - Non-Cartel Prosecution: an honor he received as part of the *O'Bannon v. NCAA* case team in 2015.

Law360

- Named one of just five top lawyers under the age of 40 leading the class-action field in 2014.

Sathya has an "adept skill set," a "penchant for high-stakes litigation," and "close attention to detail." (Law360, 2014)

Lawdragon

- Leading Plaintiff Financial Lawyer since 2019

The Legal 500

- Recommended Lawyer, Antitrust - Civil Litigation/Class Actions: Plaintiff since 2017

A "young star" who "works on the most complex cases brilliantly." (Legal 500 US, Antitrust - Civil Litigation/Class Actions: Plaintiff, 2017)

Super Lawyers

- Super Lawyer, Antitrust Litigation in 2022
- Rising Star, Antitrust Litigation from 2016-2021

✓ EXPERIENCE

Antitrust/Competition

Recent engagements include:

- *O'Bannon v. NCAA* – Serving as trial counsel in the landmark litigation, in which Sathya examined and cross-examined witnesses at trial, deposed key NCAA executives, briefed complex constitutional issues advanced by the NCAA and television networks, and helped negotiate a \$40 million settlement with Electronic Arts, Inc., which was distributed among current and former college athletes.
- *In re Rail Freight Fuel Surcharge Antitrust Litigation* – Serving as counsel to dozens of rail-freight shippers in a high-profile antitrust case concerning alleged fuel-surcharge collusion among the nation's largest rail-freight carriers.
- Representing specialty-film exhibitors in antitrust litigation concerning a dominant theater chain's abuse of its nationwide 'circuit' power to coerce film distributors into undesirable exclusivity arrangements that harm competition.
- Representing health plans—alongside 47 state attorneys general—that allege that the nation's largest generic drug manufacturers fixed prices and allocated markets on dozens of generic drugs, injuring patients and their insurers through dramatically higher prices.

Human Rights

- Submitting an amicus brief in the Supreme Court of the United States on behalf of international human-rights scholars urging the Court to grant review as to whether customary international law excuses exhaustion of local remedies where a state accused of wrongdoing unduly delays the local remedial process.

Intellectual Property

- Representing a leading software manufacturer in copyright-infringement litigation against the federal government.
- Defending an apparel retailer against false intellectual-property infringement claims.

Sports & Entertainment

- Representing a corporate sponsor of track & field athletes in first-of-its-kind antitrust litigation against the U.S. Olympic Committee and USA Track & Field concerning unduly restrictive limitations on athlete sponsorships.
- Negotiating a favorable settlement for a royalty-rights holder in the college athletics space.
- Obtaining a complete judgment for an internationally acclaimed DJ in commercial litigation.

WHAT OTHERS SAY

- *Legal 500 US, 2017*
Sathya is a 'young star,' who 'works on the most complex cases brilliantly.'
- *Law360, 2014*
Sathya has an 'adept skill set,' a 'penchant for high-stakes litigation,' and 'close attention to detail.'

WHAT I THINK

ABA 'Our Curious Amalgam' - The Alston Decision and What It Means for Sports Antitrust Law - a discussion with Sathya Gosselin

ANTITRUST / COMPETITION / UNITED STATES / SEP 01 2021

S. Farhad Mirzadeh

Associate

Washington, DC

✉ fmirzadeh@hausfeld.com

☎ +1 202 849 4763



OVERVIEW

Experience

Farhad's practice focuses on antitrust, complex litigation, sports and entertainment, and civil and human rights. Farhad earned his J.D. from The George Washington University Law School, where he served as Senior Production Editor for the *George Washington Journal of Energy & Environmental Law*. During his time at law school, he served as a law clerk for the U.S. Environmental Protection Agency's Office of Enforcement and Compliance Assurance. Additionally, he was a student attorney in the Small Business & Community Economic Development Clinic.

Prior to joining Hausfeld, Farhad worked at a Washington, D.C. firm where he handled a wide range of transactional, litigation, and antitrust matters.

EDUCATION

The George Washington University Law School, J.D., 2018

University of North Texas, B.A., 2013

BAR ADMISSIONS

District of Columbia

Texas

AFFILIATIONS

Student Attorney, Small Business and Community Economic Development Clinic (2018)

Senior Production Editor, *George Washington Journal of Energy and Environmental Law* (2017-2018)

Member, Moot Court Board, The George Washington University Law School (2016-2018)

Member, Alternative Dispute Resolution Board, The George Washington University Law School (2016-2018)

NEWS

EVENTS

PUBLICATIONS

- "GETTING TO YES: Antitrust Class Settlements from a Plaintiffs' Point of View", presented at ABA Antitrust Section's 14th International Cartel Workshop (June 2022), Co-Authored with Megan Jones and Jane Shin

PERSPECTIVES

EXPERIENCE

Antitrust/Competition

- *In re Domestic Airline Travel Antitrust Litigation* – A class action lawsuit alleging a conspiracy by United, American, Delta, and Southwest to artificially inflate domestic airline ticket prices by limiting capacity.
- *In re Local TV Advertising Antitrust Litigation* – Representing a class of TV advertisers in multidistrict litigation alleging broadcast giants violated federal law by conspiring to fix prices for local TV advertisements.

Samuel Maida

Associate

San Francisco

✉ smaida@hausfeld.com

📞 +1 415-513-1411



EXPERIENCE

Antitrust/Competition

In re National Football League's "Sunday Ticket" Antitrust Litigation – proposed class action alleging that the NFL's exclusive agreement to allow DirecTV to broadcast out-of-market Sunday NFL football games violated the antitrust laws.

In re Da Vinci Surgical Robot Antitrust Litigation – proposed class action alleging that Intuitive Surgical engages in an anticompetitive scheme pursuant to which it ties the purchase or lease of its da Vinci surgical robot to the additional purchase of da Vinci maintenance and repair services, including the repair and replacement of the surgical system's EndoWrists.

Technology & Data Breach

In re Wawa, Inc. Data Security Litigation – proposed class of financial institutions alleging the convenience-store chain's negligence resulted in a massive data breach, compromising more than 30 million payment cards used at up to 850 store locations on the East Coast.

OVERVIEW

Experience

Sam's practice primarily focuses on complex antitrust matters in federal courts across the country. Sam earned his J.D. from the University of California, Irvine School of Law. During his time at UC Irvine, Sam externed for the Federal Trade Commission, Bureau of Competition, for the U.S. House of Representatives in the office of Congresswoman Katie Porter, and for the Superior Court of Santa Barbara with the Honorable Brian Hill.

Prior to joining Hausfeld, Sam was an associate at a defense firm where he was responsible for initial case evaluation, pleadings, discovery and depositions, motion practice, court appearances and arguments, expert

retention and preparation, settlement negotiations, as well as mediation and trial workup.

Clients

Sam represents classes of individual consumers as well as small and large businesses who have been harmed by the anticompetitive conduct or negligence of others.

Sam earned his B.A. in Economics from the University of California, Santa Barbara.

Sam is bilingual in English and Arabic.

EDUCATION

University of California, Irvine School of Law, J.D., 2020

University of California, Santa Barbara, B.A., Economics, *High Honors*, 2015

BAR ADMISSIONS

California

AFFILIATIONS

Member, American Bar Association Section on Antitrust Law

NEWS

EVENTS

PUBLICATIONS

PERSPECTIVES

1 Marc M. Seltzer (54534)
2 **SUSMAN GODFREY L.L.P.**
3 1900 Avenue of the Stars, Suite 1400
4 Los Angeles, CA 90067-6029
5 Phone: (310) 789-3100
6 Fax: (310) 789-3150
7 mseltzer@susmangodfrey.com

8 Scott Martin
9 smartin@hausfeld.com
10 Irving Scher
11 ischer@hausfeld.com
12 **HAUSFELD LLP**
13 33 Whitehall Street, 14th Floor
14 New York, NY 10004
15 Tel: (646) 357-1100
16 Fax: (2121) 202-4322

17 *Attorneys for Plaintiffs*

Howard Langer
hlanger@langergrogan.com
Edward Diver
ndiver@langergrogan.com
Peter Leckman
pleckman@langergrogan.com
LANGER GROGAN & DIVER, P.C.
1717 Arch Street, Suite 4020
Philadelphia, PA 19103
Tel: (215) 320-5660
Fax: (215) 320-5703

18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA**

20 IN RE: NATIONAL FOOTBALL
21 LEAGUE'S "SUNDAY TICKET"
22 ANTITRUST LITIGATION

23 THIS DOCUMENT RELATES TO
24 ALL ACTIONS

Case No. 2:15-ml-02668-PSG (JEMx)

**DECLARATION OF HOWARD
LANGER IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

JUDGE: Hon. Philip S. Gutierrez
DATE: December 16, 2022
TIME: 1:30 p.m.
COURTROOM: 6A
First Street Courthouse
350 West 1st Street
Los Angeles, CA 90012

Discovery Cutoff Date: 8/5/22
Pretrial Conference Date: 2/9/24
Trial Date: 2/22/24

1 I, Howard Langer, declare as follows:

2 1. I am a partner at the law firm of Langer, Grogan & Diver P.C., and
3 attorney of record for Plaintiffs in this action. I am admitted to practice in the United
4 States District Court for the Central District of California in this action *pro hac vice*.
5 I am competent to testify to the matters stated herein and have personal knowledge
6 of the facts and statements in this declaration.

7 2. I submit this declaration in support of the Plaintiffs' Motion for Class
8 Certification of Their Antitrust Claims.

9 3. I am the founding partner of Langer, Grogan & Diver, P.C. I am also
10 Professor of Law (Adjunct) at the University of Pennsylvania Law School where I
11 have taught antitrust law since 2002. I am the author of *The Competition Law of*
12 *United States* (Wolters Kluwer 2d. Ed. 2015). I have practiced law since 1977 and
13 have specialized throughout my career in complex litigation, particularly antitrust
14 law and class actions. I served as sole lead counsel in *In re Linerboard Antitrust*
15 *Litigation*, 305 F.3d 145 (3d Cir. 2002), which, at the time, resulted in the largest
16 antitrust recovery in the Third Circuit. My firm also served as sole lead counsel in
17 antitrust actions challenging the broadcast practices of the National Hockey League
18 and Major League Baseball. *See Laumann v. Nat'l Hockey League*, 56 F. Supp. 3d
19 280 (S.D.N.Y. 2014). I have also served as co-lead counsel in a number of antitrust
20 class actions, including among others, *In re Commercial Tissue Products Antitrust*
21 *Litigation*, 183 F.R.D. 589 (N.D. Fla. 1998), and *In re Carbon Dioxide Antitrust*
22 *Litigation*, 149 F.R.D. 229 (M.D. Fla. 1993). More information about my firm and
23 its work can be found at langergrogan.com.

24 4. Edward Diver, Peter Leckman and Kevin Trainer are the primary
25 attorneys from Langer Grogan & Diver, P.C., that have worked on this matter.

26 5. A copy of my attorney profile, which has been downloaded from the
27 firm's website, is attached as Exhibit 1.

28

1 6. A copy of Edward Diver’s attorney profile, which has been downloaded
2 from the firm’s website, is attached as Exhibit 2.

3 7. A copy of Peter Leckman’s attorney profile, which has been
4 downloaded from the firm’s website, is attached as Exhibit 3.

5 8. A copy of Kevin Trainer’s attorney profile, which has been downloaded
6 from the firm’s website, is attached as Exhibit 4.

7 I declare under penalty of perjury under the laws of the United States that the
8 foregoing is true and correct to the best of my knowledge.

9 Signed on this 19th day of August 2022 in Philadelphia, Pennsylvania.

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

/s/ Howard Langer
Howard Langer

EXHIBIT 1
to the Declaration
of Howard Langer

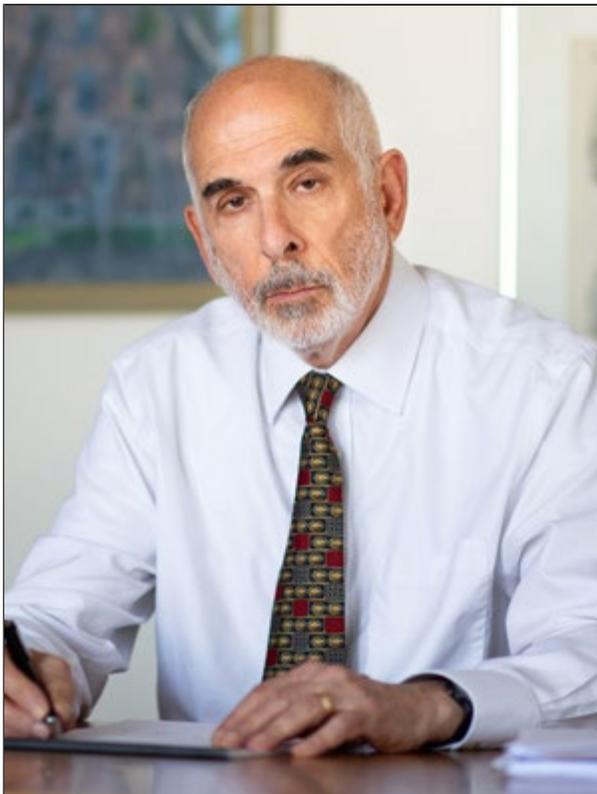


Langer Grogan & Diver P.C.

[Home](#) » [Our Team](#) » [Howard Langer](#)

Howard Langer

Founding Partner



Academic Positions

- Professor of Law (Adjunct) University of Pennsylvania Law School 2004-2021
- Visiting Fellow, Centre for Competition Law and Policy , Oxford 2009
- Visiting Professor, University of Tokyo Law School, 2014

Admissions

- Pennsylvania
- Supreme Court of the United States
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the Federal Circuit
- United States District Court for the Eastern District of Pennsylvania
- United States District Court for the Northern District of California
- United States District Court for the Western District of New York

hlanger@langergrogan.com | [215.320.5660](tel:215.320.5660) | [DOWNLOAD V-CARD](#)

Howard Langer, a founding partner of the firm, has specialized in complex commercial litigation, particularly antitrust law, since graduating the University of Pennsylvania Law School in 1977. He was lead counsel in *In re Linerboard Antitrust Litigation*, which resulted in what was then the largest antitrust recovery ever in the Third Circuit. He was lead counsel in two class actions that recovered over \$150 million and \$37.5 million respectively, the full sums wrongfully taken from the victims' accounts of telemarketing frauds. *Faloney v. Wachovia Bank* and *Reyes v. Netdeposit, LLC*. In 2016, he shared the award of the American Antitrust Institute for Outstanding Antitrust Litigation Achievement in Private Law Practice for his work in two cases involving the broadcasting of major sports leagues. He is presently co-lead counsel in *In re Nat'l Football League's Sunday Ticket Antitrust Litig.*, No. 17-56119, 2019 WL 3788253 (9th Cir. Aug. 13, 2019), which sustained the plaintiffs' challenge to the National Football League's broadcast policies. In 2019, Howard received the William J. Brennan, Jr. award of the Volunteers for the Indigent Program of the Philadelphia Bar Association for his extensive work on behalf of the underprivileged.

Howard is Professor of Law (Adjunct, 2004-2021) at the University of Pennsylvania Law School where he teaches antitrust law. He has been a visiting professor at the University of Tokyo Law School and a visiting fellow at the Centre for Competition Law and Policy at Oxford. A fourth edition of his treatise, *Competition Law in the United States*, was published in 2019 by Wolters Kluwer. Howard graduated from the City College of New York, magna cum laude, and holds a master's degree from the University of Toronto.

Best Lawyers 2021 ranks Howard as the leading antitrust lawyer in Philadelphia. Chambers & Partners USA Guide has written: "'Terrific' Howard Langer, 'does a spectacular job for his client,' acknowledge his peers. They attribute his success to his 'clear thinking, knowledge of the law and understanding of economic theory.'" In *Cullen v. Whitman Medical Corp.*, 197 F.R.D. 136, 149 (E.D. Pa. 2002), Judge Anita Brody wrote, of Howard: "'if there's anyone who is ... going to be able to do that, you will be able to do it ... you go after it and you don't let it go....'" At the conclusion of *Linerboard*, Judge Jan DuBois spoke of the quality of the lawyering: "I'm going to end on this note, that when the President of the United States called me and said he was going to nominate me to this position I never dreamed it would be quite as good as it has been in this case." Trans. March 24, 2006 at 86.

Representative Cases Include: #:10377

In re Nat'l Football League's Sunday Ticket Antitrust Litig., No. 17-56119, 2019 WL 3788253 (9th Cir. Aug. 13, 2019) which reversed a dismissal of plaintiffs' claim that the National Football League's "Sunday Ticket" marketed with DirecTV violated the Sherman Act.

Reyes v. Netdeposit, LLC, 802 F. 3d 469 (3d Cir. 2015) definitively established the propriety of the consumer class action under the Racketeering and Corrupt Organizations Act. After the Third Circuit reversed denial of class certification in this case, the case settled for \$37.5 million, the full damages inflicted on the class. Over 300,000 class members were sent their recoveries without the need to file claims.

Faloney v. Wachovia Bank, N.A., 254 F.R.D. 204 (E.D. Pa. 2008) a class action, brought under the RICO Act, alleged that a major national bank abetted over one hundred fraudulent telemarketing schemes. The bank was required to mail checks totaling over \$150 million to over 500,000 persons representing a full recovery of all funds that had been taken from the victims' accounts. It represents the largest consumer recovery ever within the Third Circuit.

In re Linerboard Antitrust Litig., 305 F.3d 145 (3d Cir. 2002) alleged a national conspiracy by manufacturers of corrugated boxes to restrict output and raise prices. After Howard argued a landmark appeal affirming the district court's certification of a national class of box purchasers, the case settled for over \$200 million which was, at the time, among the largest antitrust recoveries and was for many years the largest such recovery in the Third Circuit.

Laumann v. National Hockey League, No. 12-1817 (S.D.N.Y. 2015) and *Garber v. Office of the Commissioner of Baseball*, No. 12-3704 (S.D.N.Y. 2015), in which, after hard-fought litigation, the National Hockey League and Major League Baseball settled antitrust allegations related to the leagues' division of broadcast markets to protect home teams from competition in their geographic territory. The settlements significantly reduced prices to millions of consumers and have been valued at more than \$200 million.

Beilowitz v. General Motors Corp., 233 F. Supp. 2d 631 (D.N.J. 2002), in which the court entered a preliminary injunction enjoining implementation of a new national parts distribution plan by General Motors, remains among the leading cases under the New Jersey Franchise Practices Act.

Amarel v. Connell, 102 F.3d 1494 (9th Cir. 1996); *In re Linerboard*; and *Chemi SpA v. GlaxoSmithKline*, 356 F. Supp. 2d 495 (E.D. Pa. 2005) together, established basic principles of the law of standing under federal antitrust law. In each, Howard's clients stood in unusual relationships with defendants, and in each case, Howard successfully argued the propriety of the plaintiff's suit.

Public Interest

Howard founded the firm with John Grogan with a goal of providing access to justice to those who would not otherwise have that access. The firm's work in the public interest has been frequently recognized. In 2006, each of its named partners received the Equal Justice Award of Community Legal Services. Howard also was instrumental in establishing the Langer Grogan & Diver Fund for Social Justice and the

#10878
Langer Grogan & Diver Social Justice Fellowship at the Law School of University of Pennsylvania.

Howard is a member of the Board of Directors of the Public Interest Law Center, and a member of the Board of Trustees of the Jewish Family and Children's Service of Philadelphia. Howard also serves as a member of the Board of Directors of the Magee Rehabilitation Hospital Foundation.

Howard has had a particular interest in the rights of guest workers. He successfully defended, pro bono, leading human rights organizations in a defamation suit brought by an alleged major human trafficker, ultimately winning thousands of dollars in sanctions. *Orian v. Federation Intern. des Droits de L'Homme*, 2012 WL 994643 (C.D.Cal. 2012).

Publications/Presentations

- Competition Law of The United States, Wolters Kluwer (4th Ed. 2019)

Awards/Memberships

- Justice William J. Brennan Award for Pro Bono Service, Philadelphia Bar Association 2019
 - Equal Justice Award, Community Legal Service 2006
 - Social Justice Award, Jewish Social Policy Network 2011
 - American Law Institute
 - American Inns of Court
 - Best Lawyers in America
 - Chambers Guide
-

EXHIBIT 2
to the Declaration
of Howard Langer



Langer Grogan & Diver P.C.

[Home](#) » [Our Team](#) » Edward Diver

Edward Diver

Partner



Admissions

- Pennsylvania
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Sixth Circuit
- United States Court of Appeals for the Federal Circuit

- United States District Court for the Eastern District of Pennsylvania

ndiver@langergrogan.com | [215.320.5663](tel:215.320.5663) | [DOWNLOAD V-CARD](#)

Ned Diver is a partner and has worked at the firm since 2005. He focuses on consumer and antitrust law, as well as civil rights. He is a leading specialist in sports antitrust law, with a particular expertise in professional league television practices. He is currently one of the principal attorneys representing consumers challenging the National Football League's system of distributing game telecasts. *See In re NFL's "Sunday Ticket" Antitrust Litigation*, 933 F.3d 1136 (9th Cir. 2019) (reversing district court and holding that consumers stated claim that NFL broadcasting restrictions violate the antitrust laws).

Previously, he was lead counsel in major challenges on behalf of consumers to the broadcasting practices of Major League Baseball and the National Hockey League, which resulted in settlements in 2015 and 2016 providing hundreds of millions of dollars in savings to consumers, as well as important changes to sports broadcasting markets. *See Garber v. Office of the Commissioner of Baseball*, No. 12-3704 (S.D.N.Y.) (obtained settlement creating over \$200 million in savings for consumers as well as increased availability of MLB telecasts); *Laumann v. National Hockey League*, No. 12-1817 (S.D.N.Y.) (obtained settlement increasing out-of-market broadcast availability and lowering prices worth tens of millions of dollars to consumers). For this work, Ned received the award for Outstanding Antitrust Litigation Achievement in Private Law Practice from the American Antitrust Institute and has received numerous other awards for other matters.

Ned has represented individuals, corporations, and classes in a broad range of industries from banking and financial products to pharmaceuticals. *Apotex Inc. v. Sanofi-Aventis*, No. L-2828-08 (N.J. Sup. Ct.) (lead arbitration counsel in dispute concerning attempt to settle patent litigation); *Johnson v. Advance America*, No. 07-3142 (E.D. Pa.) (lead counsel in action challenging payday lender's practices in Pennsylvania); *Reyes v. Zions First National Bank*, No. 10-345 (E.D. Pa.) (recovered \$37.5 million to fraud victims in RICO action); *Faloney v. Wachovia Bank, NA*, No. 07-1455 (E.D. Pa.) (recovered over \$150 million for consumers victimized by fraud in RICO action); *Buck v. Stankovic*, 485 F. Supp. 2d 576 (M.D. Pa. 2007) (obtained preliminary injunction upholding immigrant's constitutional right to marry).

Ned graduated *summa cum laude* from the University of Pennsylvania Law School and was an editor of the Law Review. He also received a Ph.D. in philosophy from the University of Pennsylvania. He served as law clerk to Honorable Louis H. Pollak, United States District Judge for the Eastern District of Pennsylvania, and Honorable Anthony J. Scirica, Circuit Judge of the United States Court of Appeals for the Third Circuit, including an additional year as special clerk to assist Judge Scirica in his role as chair of the Committee on Rules of Practice and Procedure.

Public Interest

Ned is actively involved in a wide range of constitutional rights and other pro bono litigation. He is a director of the ACLU of Philadelphia and spent more than a decade as a member of the legal committee of the Philadelphia Chapter. He has regularly worked with the ACLU on litigation involving issues such

as free speech, the right to marry, and immigrants' rights. He has also worked frequently with public interest lawyers seeking assistance in bringing complex litigation. He has received awards from HIAS and Council Migration Service of Philadelphia and Community Legal Services for this work.

Awards/Memberships

- American Antitrust Institute, Outstanding Antitrust Litigation Achievement in Private Law Practice, 2016
- Jewish Social Policy Advocacy Network, Social Justice Award, 2011
- Community Legal Service, Equal Justice Award, 2006
- HIAS and Council Migration Service of Philadelphia, Pro Bono Award, 2007
- Super Lawyer, 2011-2022
- Member, American Law Institute
- Member, Sports Lawyers Association
- Director, ACLU of Philadelphia

Languages

English, Spanish (full professional proficiency, CEFR Level C1, SIELE 1 Exam).

EXHIBIT 3
to the Declaration
of Howard Langer



Langer Grogan & Diver P.C.

[Home](#) » [Our Team](#) » Peter Leckman

Peter Leckman

Partner



Education

- University of California, Berkeley School of Law, J.D., *Order of the Coif*, 2004
- Wesleyan University, *Phi Beta Kappa*, 1999

Admissions

- Pennsylvania
- District of Columbia (inactive)
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Sixth Circuit
- United States Court of Appeals for the Seventh Circuit
- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Eastern District of Pennsylvania
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California
- United States District Court for the Eastern District of California
- United States District Court for the Central District of California
- United States District Court for the District of Colorado

pleckman@langergrogan.com | [215.320.5660](tel:215.320.5660) | [DOWNLOAD V-CARD](#)

Peter Leckman is a partner at the firm and focuses on antitrust and consumer class actions. Peter is an elected member of the American Law Institute and also serves on the University of Pennsylvania Law School's adjunct faculty, teaching antitrust and racketeering law.

Peter's antitrust practice has most recently focused on the application of the antitrust laws to sports broadcasting. Together with fellow partners Ned Diver and Howard Langer, he served as lead counsel in a pair of lawsuits challenging the broadcast practices of the National Hockey League and Major League Baseball. The settlement of these cases changed the sports broadcasting landscape, lowering prices and increasing options for consumers. The result led the American Antitrust Institute to honor Ned, Howard, and Peter with their "Outstanding Antitrust Litigation Achievement in Private Law Practice" award. The firm is currently challenging the National Football League's broadcast practices.

Peter has also sought to hold accountable financial institutions that enable telemarketing and internet frauds. Most recently, the firm obtained a \$37.5 million settlement in *Reyes v. Zions First National Bank*, a case that alleged the bank had violated the Racketeering Influenced Corrupt Organizations (RICO) Act by knowingly processing fraudulent transactions. The settlement recovered over \$8 million more than had been debited from consumers' accounts.

Peter has an active pro bono practice focusing on election law and civil rights. He routinely co-counsels with the American Civil Liberties Union and other local non-profits.

Prior to joining the firm, Peter worked as an attorney at Lieff, Cabraser, Heimann & Bernstein, LLP and Altshuler Berzon LLP in San Francisco. While at Altshuler, Peter was part of a team of lawyers that won California Lawyer magazine's "California Attorney of the Year" awards for defending voting rights and for litigating fraud claims against the for-profit University of Phoenix.

Peter is a graduate of the University of California, Berkeley School of Law, where he was selected as a member of the Order of the Coif. During law school, Peter was an editor of the California Law Review and Director of the International Human Rights Student Board.

After law school, Peter served as a law clerk to Judge Diane P. Wood of the United States Court of Appeals for the Seventh Circuit.

Awards/Memberships

- Adjunct Teaching Award, University of Pennsylvania Law School
 - Member, American Law Institute
 - Outstanding Antitrust Litigation Achievement Award 2016, American Antitrust Institute
 - Super Lawyer, *Super Lawyers*, 2017-present
 - Rising Star, *Super Lawyers*, 2012-2016
 - American Inns of Court, 2013-2015
 - Harry S. Truman Fellow
 - Eagle Scout
-

EXHIBIT 4
to the Declaration
of Howard Langer



Langer Grogan & Diver P.C.

[Home](#) » [Our Team](#) » Kevin Trainer

Kevin Trainer

Associate



Education

- Temple University, Beasley School of Law, J.D., 2018
- Drexel University, B.S., Physics, 2011

Judicial Clerkship

- Honorable L. Felipe Restrepo, United States Court of Appeals for the Third Circuit, 2020-21

- Honorable Gerald A. McHugh, United States District Court for the Eastern District of Pennsylvania, 2019-20

Admissions

- Pennsylvania
- United States Court of Appeals for the Third Circuit

ktrainer@langergrogan.com | [215.320.5660](tel:215.320.5660)

Kevin Trainer rejoined the firm in September 2021 after clerking for Judge L. Felipe Restrepo of the United States Court of Appeals for the Third Circuit and Judge Gerald A. McHugh of the United States District Court for the Eastern District of Pennsylvania. Kevin graduated from Temple University's Beasley School of Law, where he served as editor-in-chief of Volume 90 of the Temple Law Review, the first evening student to be elected to that position in the school's history. He also was co-president of the Jessup Moot Court Honor Society. Prior to his clerkships, Kevin spent a year at White & Case LLP in Washington, D.C.

Publications

- [Comment: The Values and Consequences of Antitrust Damages, 90 Temple Law Review 555 \(2018\)](#)
- [Introductory Essay, Temple Law Review @ 90, 90 Temple Law Review S1 \(2018\) \(with Sonya C. Bishop\)](#)
- [Fifty Years of Teaching and Scholarship: An Afternoon with Professor Reinstein, 90 Temple Law Review S45 \(with Sonya C. Bishop and David A. Nagdeman\)](#)

Awards

- Arthur G. Raynes Award (Temple Graduation, 2018, for scholarly achievement in production of writing project)
- Jerry Zaslow Award (Temple Graduation, 2018, for academic achievement and dedication to school community)
- Dr. Robert P. Wolf Scholarship (for academic excellence and outstanding written scholarship)

Marc M. Seltzer (54534)
mseltzer@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1900 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067-6029
Phone: (310) 789-3100
Fax: (310) 789-3150

Howard Langer (*Pro Hac Vice*)
hlanger@langergrogan.com
LANGER GROGAN AND DIVER PC
1717 Arch Street, Suite 4020
Philadelphia, PA 19103
Tel: (215) 320-5660
Fax: (215) 320-5703

Scott Martin (*Pro Hac Vice*)
smartin@hausfeld.com
HAUSFELD LLP
33 Whitehall Street, 14th Floor
New York, NY 10004
Tel: (646) 357-1100
Fax: (2121) 202-4322

Plaintiffs' Co-Lead Counsel

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

IN RE: NATIONAL FOOTBALL
LEAGUE'S "SUNDAY TICKET"
ANTITRUST LITIGATION

Case No. 2:15-ml-02668-PSG (JEMx)

THIS DOCUMENT RELATES TO
ALL ACTIONS

**DECLARATION OF ROB
LIPPINCOTT IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

JUDGE: Hon. Philip S. Gutierrez
DATE: December 16, 2022
TIME: 1:30 p.m.
COURTROOM: First Street Courthouse
350 West 1st Street
Courtroom 6A
Los Angeles, CA 90012

DECLARATION OF ROB LIPPINCOTT

I, Rob Lippincott, declare as follows:

1. I am a resident of Tennessee. I am over the age of 18 and make this declaration on behalf of myself and the proposed class in the above-captioned matter.

- 1 2. I have personal knowledge of the facts described in this declaration and if
2 called upon to do so, I could and would testify competently to the matters
3 stated in this declaration. I respectfully submit this declaration in support of
4 Plaintiffs' Motion for Class Certification in above-captioned matter.
- 5 3. From 2009 to approximately 2020, I subscribed to DirecTV and purchased
6 the NFL Sunday Ticket package in order to watch out-of-market NFL
7 football games.
- 8 4. I am pursuing this case on behalf of myself and all DirecTV residential
9 subscribers who purchased the NFL Sunday Ticket package from DirecTV,
10 or its subsidiaries, at any time between June 17, 2011 and the present
11 (hereinafter "Residential Class").
- 12 5. I have sat for a deposition, responded to written discovery, produced
13 documents in response to Defendants' discovery requests, and have
14 otherwise assisted Plaintiffs' counsel in diligently prosecuting this litigation
15 on behalf of the Residential Class.
- 16 6. I believe by my efforts, I have demonstrated my commitment to fairly and
17 adequately represent the Residential Class and, if appointed to serve as a
18 class representative, I will endeavor to continue to do so.
- 19 7. I intend to continue prosecuting this matter through its conclusion.
- 20 8. I am not aware of any conflicts between my claims and interests in this
21 litigation and the claims and interests of the Residential Class members
22 whom I seek to represent.

23
24 I declare under penalty of perjury under the laws of the United States of
25 America that the foregoing is true and correct.
26
27
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

EXECUTED on this 11th day of August 2022 in College Grove, Tennessee.



Rob Lippincott

1 Marc M. Seltzer (54534)
mseltzer@susmangodfrey.com
2 SUSMAN GODFREY L.L.P.
1900 Avenue of the Stars, Suite 1400
3 Los Angeles, CA 90067-6029
Phone: (310) 789-3100
4 Fax: (310) 789-3150

Howard Langer (*Pro Hac Vice*)
hlanger@langergrogan.com
LANGER GROGAN AND DIVER PC
1717 Arch Street, Suite 4020
Philadelphia, PA 19103
Tel: (215) 320-5660
Fax: (215) 320-5703

5 Scott Martin (*Pro Hac Vice*)
smartin@hausfeld.com
6 HAUSFELD LLP
33 Whitehall Street, 14th Floor
7 New York, NY 10004
Tel: (646) 357-1100
8 Fax: (2121) 202-4322

9 *Plaintiffs' Co-Lead Counsel*

10
11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13
14 IN RE: NATIONAL FOOTBALL
LEAGUE'S "SUNDAY TICKET"
15 ANTITRUST LITIGATION

Case No. 2:15-ml-02668-PSG (JEMx)

16 THIS DOCUMENT RELATES TO
17 ALL ACTIONS

**DECLARATION OF JONATHAN
FRANTZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

JUDGE: Hon. Philip S. Gutierrez
DATE: December 16, 2022
TIME: 1:30 p.m.
COURTROOM: First Street Courthouse
350 West 1st Street
Courtroom 6A
Los Angeles, CA 90012

21
22
23 **DECLARATION OF JONATHAN FRANTZ**

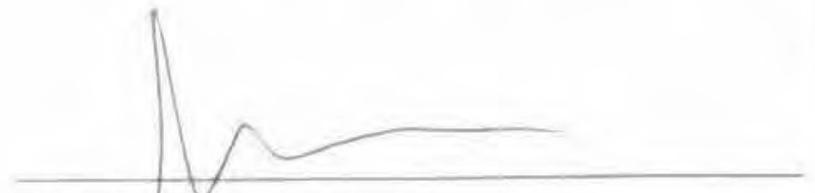
24 I, Jonathan Frantz, declare as follows:

- 25 1. I am a resident of California. I am over the age of 18 and make this
26 declaration on behalf of myself and the proposed class in the above-
27 captioned matter.
28

- 1 2. I have personal knowledge of the facts described in this declaration and if
2 called upon to do so, I could and would testify competently to the matters
3 stated in this declaration. I respectfully submit this declaration in support of
4 Plaintiffs' Motion for Class Certification in the above-captioned matter.
- 5 3. In 2012, I subscribed to DirecTV and obtained the NFL Sunday Ticket
6 package in order to watch out-of-market NFL football games. I subscribed to
7 DirecTV and purchased the NFL Sunday Ticket package each year thereafter
8 until 2019.
- 9 4. I am pursuing this case on behalf of myself and all DirecTV residential
10 subscribers who purchased the NFL Sunday Ticket package from DirecTV,
11 or its subsidiaries, at any time between June 17, 2011 and the present
12 (hereinafter "Residential Class").
- 13 5. I have sat for a deposition, responded to written discovery, produced
14 documents in response to Defendants' discovery requests, and have
15 otherwise assisted Plaintiffs' counsel in diligently prosecuting this litigation
16 on behalf of the Residential Class.
- 17 6. I believe by my efforts, I have demonstrated my commitment to fairly and
18 adequately represent the Residential Class and, if appointed to serve as a
19 class representative, I will endeavor to continue to do so.
- 20 7. I intend to continue prosecuting this matter through its conclusion.
- 21 8. I am not aware of any conflicts between my claims and interests in this
22 litigation and the claims and interests of the Residential Class members
23 whom I seek to represent.

24
25 I declare under penalty of perjury under the laws of the United States of
26 America that the foregoing is true and correct.
27
28

1
2 EXECUTED on this 14th day of August 2022 in Oakland, California.
3

4
5 
6 Jonathan Frantz

Marc M. Seltzer (54534)
mseltzer@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1900 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067-6029
Phone: (310) 789-3100
Fax: (310) 789-3150

Howard Langer (*Pro Hac Vice*)
hlanger@langergrogan.com
LANGER GROGAN AND DIVER PC
1717 Arch Street, Suite 4020
Philadelphia, PA 19103
Tel: (215) 320-5660
Fax: (215) 320-5703

Scott Martin (*Pro Hac Vice*)
smartin@hausfeld.com
HAUSFELD LLP
33 Whitehall Street, 14th Floor
New York, NY 10004
Tel: (646) 357-1100
Fax: (2121) 202-4322

Plaintiffs' Co-Lead Counsel

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

IN RE: NATIONAL FOOTBALL
LEAGUE'S "SUNDAY TICKET"
ANTITRUST LITIGATION

Case No. 2:15-ml-02668-PSG (JEMx)

THIS DOCUMENT RELATES TO
ALL ACTIONS

**DECLARATION OF JASON
BAKER IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

JUDGE: Hon. Philip S. Gutierrez
DATE: December 16, 2022
TIME: 1:30 p.m.
COURTROOM: First Street Courthouse
350 West 1st Street
Courtroom 6A
Los Angeles, CA 90012

DECLARATION OF JASON BAKER

I, Jason Baker, declare as follows:

1. I am the Secretary and Chief Financial Officer of Ninth Inning, Inc., dba The Mucky Duck ("Mucky Duck").
2. I am over the age of 18 and authorized to make this declaration on behalf of Mucky Duck. I have personal knowledge of the facts described in this

1 declaration and if called upon to do so, I could and would testify competently
2 to the matters stated in this declaration. I respectfully submit this declaration
3 in support of Plaintiffs' Motion for Class Certification in the above-captioned
4 matter.

5 3. In 1996, Mucky Duck became a DirecTV subscriber and purchased the NFL
6 Sunday Ticket package in order to show out-of-market NFL football games.
7 Mucky Duck continued to subscribe to DirecTV and purchase the NFL
8 Sunday Ticket package thereafter and is a current subscriber of the package.

9 4. Mucky Duck is pursuing this case on behalf of itself and all DirecTV
10 commercial subscribers who purchased the NFL Sunday Ticket package
11 from DirecTV, or its subsidiaries, at any time between June 17, 2011 and the
12 present (hereinafter "Commercial Class").

13 5. On behalf of Mucky Duck, I have sat for a deposition, responded to written
14 discovery, produced documents in response to Defendants' discovery
15 requests, and have otherwise assisted Plaintiffs' counsel in diligently
16 prosecuting this litigation on behalf of the Commercial Class.

17 6. I believe that through its efforts, Mucky Duck has demonstrated its
18 commitment to fairly and adequately represent the Commercial Class and, if
19 appointed to serve as a class representative, Mucky Duck will endeavor to
20 continue to do so.

21 7. Mucky Duck intends to continue prosecuting this matter through its
22 conclusion.

23 8. I am not aware of any conflicts between Mucky Duck's claims and interests
24 in this litigation and the claims and interests of the Commercial Class
25 members whom Mucky Duck seeks to represent.
26
27
28

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

EXECUTED on this 11 day of August 2022 in San Francisco, California.



Jason Baker

Marc M. Seltzer (54534)
mseltzer@susmangodfrey.com
SUSMAN GODFREY L.L.P.
1900 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067-6029
Phone: (310) 789-3100
Fax: (310) 789-3150

Howard Langer (*Pro Hac Vice*)
hlanger@langergrogan.com
LANGER GROGAN AND DIVER PC
1717 Arch Street, Suite 4020
Philadelphia, PA 19103
Tel: (215) 320-5660
Fax: (215) 320-5703

Scott Martin (*Pro Hac Vice*)
smartin@hausfeld.com
HAUSFELD LLP
33 Whitehall Street, 14th Floor
New York, NY 10004
Tel: (646) 357-1100
Fax: (212) 202-4322

Plaintiffs' Co-Lead Counsel

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

IN RE: NATIONAL FOOTBALL
LEAGUE'S "SUNDAY TICKET"
ANTITRUST LITIGATION

Case No. 2:15-ml-02668-PSG (JEMx)

THIS DOCUMENT RELATES TO
ALL ACTIONS

**DECLARATION OF EUGENE
LENNON IN SUPPORT OF
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

JUDGE: Hon. Philip S. Gutierrez
DATE: December 16, 2022
TIME: 1:30 p.m.
COURTROOM: First Street Courthouse
350 West 1st Street
Courtroom 6A
Los Angeles, CA 90012

DECLARATION OF EUGENE LENNON

I, Eugene Lennon, declare as follows:

1. I am the President of 1465 Third Avenue Restaurant Corp., which owned and operated a restaurant and bar during the class period called Gael Pub ("Gael Pub"). The corporation remains in good standing, but Gael Pub was closed in May 2019.

- 1 2. I am over the age of 18 and authorized to make this declaration on behalf of
2 1465 Third Avenue Restaurant Corp. and the Commercial Class in the above-
3 captioned matter. I have personal knowledge of the facts described in this
4 declaration and if called upon to do so, I could and would testify competently
5 to the matters stated in this declaration. I respectfully submit this declaration
6 in support of Plaintiffs' Motion for Class Certification in the above-captioned
7 matter.
- 8 3. In or about 2006, Gael Pub became a DirecTV subscriber and purchased the
9 NFL Sunday Ticket package in order to show out-of-market NFL football
10 games. Gael Pub purchased the NFL Sunday Ticket package each year
11 thereafter, until it closed in 2019.
- 12 4. Gael Pub is pursuing this case on behalf of itself and all DirecTV commercial
13 subscribers who purchased the NFL Sunday Ticket package from DirecTV,
14 or its subsidiaries, at any time between June 17, 2011 and the present
15 (hereinafter "Commercial Class").
- 16 5. On behalf of Gael Pub, I have sat for a deposition, responded to written
17 discovery, produced documents in response to Defendants' discovery
18 requests, and have otherwise assisted Plaintiffs' counsel in diligently
19 prosecuting this litigation on behalf of the Commercial Class.
- 20 6. I believe that through its efforts, Gael Pub has demonstrated its commitment
21 to fairly and adequately represent the Commercial Class and, if appointed to
22 serve as a class representative, Gael Pub will endeavor to continue to do so.
- 23 7. Gael Pub intends to continue prosecuting this matter through its conclusion.
- 24 8. I am not aware of any conflicts between Gael Pub's claims and interests in
25 this litigation and the claims and interests of the Commercial Class members
26 whom Gael Pub seeks to represent.

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

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

EXECUTED on this 15th day of August, 2022 in New York, New York.



Eugene Lennon

1 Marc M. Seltzer (54534)
mseltzer@susmangodfrey.com
2 SUSMAN GODFREY L.L.P.
1900 Avenue of the Stars, Suite 1400
3 Los Angeles, CA 90067-6029
Phone: (310) 789-3100
4 Fax: (310) 789-3150

Howard Langer (*Pro Hac Vice*)
hlanger@langergrogan.com
LANGER GROGAN AND DIVER PC
1717 Arch Street, Suite 4020
Philadelphia, PA 19103
Tel: (215) 320-5660
Fax: (215) 320-5703

5 Scott Martin (*Pro Hac Vice*)
smartin@hausfeld.com
6 HAUSFELD LLP
33 Whitehall Street, 14th Floor
7 New York, NY 10004
Tel: (646) 357-1100
8 Fax: (2121) 202-4322

9 [Additional Counsel on Signature Page]

10 *Plaintiffs' Co-Lead Counsel*

11
12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14
15 IN RE: NATIONAL FOOTBALL
LEAGUE'S "SUNDAY TICKET"
16 ANTITRUST LITIGATION

Case No.: 2:15-ml-02668-PSG (JEMx)

17
18 THIS DOCUMENT RELATES TO ALL
ACTIONS

**DECLARATION OF IAN M. GORE
IN SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION**

JUDGE: Hon. Philip S. Gutierrez
DATE: December 16, 2022
TIME: 1:30 p.m.
COURTROOM: First Street Courthouse
350 West 1st Street
Courtroom 6A
Los Angeles, CA 90012

19
20
21
22
23
24
25
26
27
28

1 I, Ian M. Gore, hereby declare:

2 I am a partner in the law firm Susman Godfrey L.L.P. and am admitted *pro*
3 *hac vice* to practice before the United States District Court for the Central District
4 of California in this action. *See* Dkt. No. 19. I submit this declaration in support of
5 Plaintiffs' Motion for Class Certification. I am competent to testify to the matters
6 stated herein, have personal knowledge of the facts and statements in this
7 declaration, and each of the facts and statements is true and correct.

8 1. Attached hereto as Exhibit 1 is a true and correct copy of
9 NFL_0990063, the NFL-DirecTV agreement for the 2011-2014 NFL seasons. The
10 NFL Defendants authenticated this document in their response to Plaintiffs'
11 Interrogatory No. 15.

12 2. Attached hereto as Exhibit 2 is a true and correct copy of
13 NFL_1112547, the NFL-DirecTV agreement for the 2015-2022 NFL seasons. The
14 NFL Defendants authenticated this document in their response to Plaintiffs'
15 Interrogatory No. 15.

16 3. Attached hereto as Exhibit 3 is a true and correct copy of
17 NFL_0012383, the NFL's Constitution and Bylaws. The NFL Defendants
18 authenticated this document in their response to Plaintiffs' Interrogatory No. 21.

19 4. Attached hereto as Exhibit 4 is a true and correct copy of
20 NFL_0377291, the NFL-CBS agreement for the 2014-2022 NFL seasons. The NFL
21 Defendants authenticated this document in their response to Plaintiffs' Interrogatory
22 No. 15.

23 5. Attached hereto as Exhibit 5 is a true and correct copy of
24 NFL_0419932, the NFL-Fox agreement for the 2014-2022 NFL seasons. The NFL
25 Defendants authenticated this document in their response to Plaintiffs' Interrogatory
26 No. 15.

27 6. Attached hereto as Exhibit 6 is a true and correct copy of transcript
28 excerpts from the deposition of NFL witness Brian Rolapp, dated May 18, 2022.

1 7. Attached hereto as Exhibit 7 is a true and correct copy of transcript
2 excerpts from the deposition of NFL witness Brent Lawton, dated June 22, 2022.

3 8. Attached hereto as Exhibit 8 is a true and correct copy of
4 NFL_0609532, a March 2019 presentation entitled “Fan Research Summary.” NFL
5 witness Brian Rolapp authenticated this document in deposition. *See* Rolapp Dep.
6 160:19-162:11.

7 9. Attached hereto as Exhibit 9 is a true and correct copy of
8 NFL_0055733, a May 2018 presentation entitled “NFL/ DirecTV Sunday Ticket
9 Insights.” NFL witness Roger Goodell authenticated this document in deposition.
10 *See* Goodell Dep. 189:15-195:16.

11 10. Attached hereto as Exhibit 10 is a true and correct copy of transcript
12 excerpts from the deposition of New England Patriots LLC witness Robert Kraft,
13 dated June 23, 2022.

14 11. Attached hereto as Exhibit 11 is a true and correct copy of
15 NFL_0090792, a presentation entitled “Evaluation of NFL Sunday Ticket
16 Distribution via Digital Cable.” NFL witness Brian Rolapp authenticated this
17 document in deposition. *See* Rolapp Dep. 130:21-131:20.

18 12. Attached hereto as Exhibit 12 is a true and correct copy of transcript
19 excerpts from the deposition of NFL witness Roger Goodell, dated June 16, 2022.

20 13. Attached hereto as Exhibit 13 is a true and correct copy of
21 NFL_0458529, the NFL-CBS Contract from the 2023-2033 NFL seasons. The NFL
22 Defendants authenticated this document in their response to Plaintiffs’ Interrogatory
23 No. 15.

24 14. Attached hereto as Exhibit 14 is a true and correct copy of
25 NFL_0458699, the NFL-Fox Contract from the 2023-2033 NFL seasons. The NFL
26 Defendants authenticated this document in their response to Plaintiffs’ Interrogatory
27 No. 15.
28

