

CAFFERTY CLOBES MERIWETHER  
& SPRENGEL LLP  
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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

LINCOLN ADVENTURES, LLC, a  
Delaware Limited Liability Company,  
and MICHIGAN MULTI-KING, INC., a  
Michigan Corporation, on Behalf of  
Themselves and All Those Similarly  
Situated,

Plaintiffs,

vs.

THOSE CERTAIN UNDERWRITERS  
AT LLOYD'S, LONDON MEMBERS  
OF SYNDICATES, et al.

Defendants.

No. 2:08-cv-00235-CCC-JAD

CLASS ACTION

DECLARATION OF ELLEN  
MERIWETHER FILED ON BEHALF  
OF CAFFERTY CLOBES  
MERIWETHER & SPRENGEL IN  
SUPPORT OF PLAINTIFFS'  
APPLICATION FOR AWARD OF  
ATTORNEYS' FEES AND  
EXPENSES/CHARGES AND  
SERVICE AWARDS

I, Ellen Meriwether, declare as follows:

1. I am a partner in the firm Cafferty Clobes Meriwether & Sprengel LLP (“Cafferty Clobes”). I am submitting this declaration in support of Plaintiffs’ Application for an Award of Attorneys’ Fees and Expenses/Charges and Service Awards in connection with services rendered in the above-entitled action.
2. This firm was appointed co-lead counsel for Plaintiffs in MDL 1663.
3. The information in this declaration regarding the firm’s time and expenses is taken from time and expense printouts and documentation prepared and/or maintained by the firm in the ordinary course of business. I am the partner who oversaw and/or conducted the day-to-day activities in the litigation and I reviewed these printouts (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation. As a result of this review, I believe that the time reflected in the firm’s lodestar calculation and the expenses for which payment is sought as set forth in this declaration are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, I believe that the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace.

4. The number of hours spent on this litigation from inception through May 31, 2019 by my firm is 1,411.90. A breakdown of the lodestar is provided in Exhibit A. The lodestar amount for attorney and paralegal time based on the firm's current rates is \$1,114,655. The hourly rates shown in Exhibit A are the usual and customary rates set by the firm for each individual.

5. From inception through May 31, 2019 my firm's total expenses/charges in connection with the prosecution of the litigation are \$44,519.02. Those expenses are summarized by category in Exhibit B. Examples of such expenses are:

(a) Transportation, Hotels & Meals: \$4,401.80. In connection with the prosecution of this case, the firm has paid for travel expenses to, among other things, take depositions, attend court hearings, attend counsel strategy meetings, and attend mediations. The date, destination and purpose of each trip is set forth in Exhibit C.

(b) Photocopies: \$943.25. In connection with this case, the firm made 3773 in-house black and white copies, charging \$.25 per page, for a total of \$943.25. Each time an in-house copy machine is used, our billing system requires that a case or administrative billing code be entered and that is how the 3773 copies were identified as related to this case.

(c) Online Legal and Financial Research: \$4,108.34. This category encompasses access to legal databases, such as Westlaw and PACER, used to conduct legal and factual research in this matter.

6. The expenses pertaining to this case are reflected in the books and records of this firm. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

7. The identification and background of my firm and its partners is attached hereto as Exhibit D.

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

Executed this 7<sup>th</sup> day of August, 2019.

  
Ellen Meriwether

# **EXHIBIT A**

**EXHIBIT A**

*Lincoln Adventures, LLC, et al. v. Those Certain Underwriters at Lloyd's  
London Members of Syndicates, et al.,  
No. 2:08-cv-00235-CCC-JAD*

**Cafferty Clobes Meriwether & Sprengel LLP  
Inception through May 31, 2019**

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Ellen Meriwether	(P)	604.4	\$875.00	\$528,850.00
Bryan L. Clobes	(P)	34.9	\$850.00	\$29,665.00
Jennifer Winter Sprengel	(P)	10.4	\$850.00	\$8,840.00
Christopher B. Sanchez	(P)	219.3	\$625.00	\$137,062.50
Nyran Rose Rasche	(P)	481.8	\$775.00	\$373,395.00
Daniel O. Herrera	(P)	50.1	\$675.00	\$33,817.50
Sharon Nyland	(PL)	4.5	\$275.00	\$1,237.50
Kelly McDonald	(PL)	6.5	\$275.00	\$1,787.50
<b>TOTAL</b>		<b>1411.9</b>		<b>\$1,114,655.00</b>

(P) Partner  
(A) Associate  
(PL) Paralegal

# **EXHIBIT B**

**EXHIBIT B**

*Lincoln Adventures, LLC, et al. v. Those Certain Underwriters at Lloyd's  
London Members of Syndicates, et al.,  
No. 2:08-cv-00235-CCC-JAD*

**Cafferty Clobes Meriwether & Sprengel LLP  
Inception through May 31, 2019**

<b><i>CATEGORY</i></b>	<b><i>AMOUNT</i></b>
Transportation, Hotels & Meals	\$4,401.80
Telephone, Facsimile	\$65.63
Photocopies – Inhouse Black and White Copies: (3,773 at \$.25 per page)	\$943.25
Online Legal and Financial Research	\$4,108.34
Litigation Fund Contribution	\$35,000.00
<b><i>TOTAL</i></b>	<b>\$44,519.02</b>



# **EXHIBIT C**

**Exhibit C**

***Lincoln Adventures, LLC, et al. v. Those Certain Underwriters at Lloyd's  
London Members of Syndicates, et al.,  
No. 2:08-cv-00235-CCC-JAD***

**Cafferty Clobes Meriwether & Sprengel LLP  
Inception through May 31, 2019**

Transportation, Hotels and Meals: \$4,401.80

<b><i>NAME</i></b>	<b><i>DATE</i></b>	<b><i>DESTINATION</i></b>	<b><i>PURPOSE</i></b>
Ellen Meriwether	8/8/2013	Newark, NJ	Attend and participate in case status conference.
Ellen Meriwether	9/10/2013	Chicago, IL	Attend and participate in mediation planning meeting.
Ellen Meriwether	9/23/2013 – 9/26/2013	London, UK	Attend and participate in mediation meeting and status conference.
Nyran Rasche	10/21/2013	Chicago, IL	Room for 30(b)(6) deposition of Aon designee, Andrew Laing
Ellen Meriwether	6/14/2014	Newark, NJ	Attend oral argument and status conference.

# **EXHIBIT D**



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## I. Overview

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Cafferty Clobes Meriwether & Sprengel LLP combines the talents of attorneys with a wide range of experience in complex civil litigation. The skill and experience of CCMS attorneys has been recognized on repeated occasions by courts that have appointed these attorneys to major positions in complex multidistrict or consolidated litigation. As the representative sampling of cases listed below demonstrates, these attorneys have taken a leading role in numerous important actions on behalf of investors, employees, consumers, businesses and others. In addition, CCMS attorneys are currently involved in a number of pending class actions, as described on the Firm's web page.

## II. Antitrust Class Actions and Litigation

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*In Re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation*, MDL No. 2819 (E.D.N.Y). CCMS is a member of the Executive Committee representing a putative class of indirect purchasers of Restasis, an eye-drop used to treat dry-eye syndrome, and allege that Defendant Allergan engaged in various anticompetitive activities to illegally prolong the life of its patents over Restasis, and to otherwise forestall the entry of generic competition into the cyclosporine market.

*In re Disposable Contact Lens Antitrust Litigation*, MDL No. 2626 (M.D. Fla.). CCMS serves on the Defendant Discovery Committee, which is tasked with overseeing all aspects of discovery pertaining to Defendants, who are alleged to have conspired to implement retail price maintenance agreements intended to inflate the prices of disposable contact lenses to supracompetitive levels. Plaintiffs already have secured an \$8 million settlement from Defendant CooperVision.

*In re Automotive Parts Antitrust Litig.*, MDL No. 2311 (E.D. Mich.). CCMS has served as a member of Plaintiffs' Executive Committee representing the end-payor class in one of the largest civil antitrust actions in US history. As a member of the Executive Committee, CCMS has played an important role in this groundbreaking litigation in which plaintiffs have recovered over \$1 billion on behalf of end-payor consumers and businesses who allege they purchased or leased new automobiles at prices that were artificially inflated as a result of automotive component manufacturers' anticompetitive conduct.

*Kamakahi v. American Society for Reproductive Medicine*, No. 3:11-cv-01781 (N.D. Cal.). CCMS served as Co-Lead Counsel in a cutting edge antitrust case challenging the legality of ethical guidelines promulgated by two professional associations that limited the compensation members were permitted to pay to women providing donor services for in-vitro fertilization. Without the benefit of a parallel government case or investigation, CCMS achieved a groundbreaking settlement that required defendants to eliminate the compensation caps and to refrain from imposing similar caps in the future.

*In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litig.*, No. 4:14-md-02541 (N.D. Cal.). CCMS represents a former Division 1 college basketball player in this antitrust litigation challenging the cap imposed by the NCAA on grant-in-aid packages. The



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efforts of the firm and its co-counsel resulted in certification of an injunctive class and a settlement of \$209 million

*In re Prandin Direct Purchaser Antitrust Litig.*, Civ. No. 10-12141 (E.D. Mich.). CCMS served as Co-Lead counsel for a plaintiff class of direct purchasers of the prescription drug repaglinide, which is manufactured and marketed by Novo Nordisk under the brand-name Prandin. Plaintiffs alleged that Novo Nordisk blocked FDA approval of generic versions of the drug by wrongfully manipulating the language of the “use code” filed with the FDA in connection with a method of use patent. The court approved a \$19 million settlement.

*In re Insurance Brokerage Antitrust Litig.*, MDL No. 1663 (D.N.J.). CCMS served as Co-Lead Counsel for plaintiffs in this class case alleging that insurance brokers and insurers conspired to allocate customers in a complicated scheme to maximize their own revenues at the expense of class members. The litigation concluded in 2013 with final approval of the last of five separate settlements that, in total, exceeded \$270 million. Judge Cecchi observed that “Class counsel include notably skilled attorneys with experience in antitrust, class actions and RICO litigation.” *In re Insurance Brokerage Antitrust Litig.*, 297 F.R.D. 136, 153 (D.N.J. 2013); see also *In re Insurance Brokerage Antitrust Litig.*, MDL No. 1663, 2007 WL 1652303, at \*6 (D.N.J. June 5, 2007).

*In re New Motor Vehicles Canadian Export Antitrust Litig.*, MDL No. 1532 (D. Me.). CCMS served as Class Counsel in multidistrict litigation alleging that automobile manufacturers and other parties conspired to prevent lower priced new motor vehicles from entering the American market thereby artificially inflating prices. The court approved a \$37 million settlement with Toyota and the Canadian Automobile Dealers’ Association.

*In re TriCor Indirect Purchaser Antitrust Litig.*, No. 05-360 (D. Del.). CCMS served as Lead Counsel for consumer and third-party payor plaintiffs who alleged that defendants engaged in unlawful monopolization in the market for fenofibrate products, which are used to treat high cholesterol and high triglyceride levels. The court approved to a \$65.7 million settlement (an amount that excludes an initial payment to opt-out insurance companies).

*Nichols v. SmithKline Beecham Corp.*, No. Civ.A.00-6222 (E.D. Pa.). CCMS served as Co-Lead Counsel for consumers and third-party payors who alleged that the manufacturer of the brand-name antidepressant Paxil misled the U.S. Patent Office into issuing patents that protected Paxil from competition from generic substitutes. The court approved a \$65 million class action settlement for the benefit of consumers and third-party payors who paid for Paxil.

*In re Relafen Antitrust Litig.* No. 01-12239 (D. Mass.). The court approved a \$75 million class action settlement for the benefit of consumers and third-party payors who paid for branded and generic versions of the arthritis medication Relafen. In certifying an exemplar class of end-payors, the court singled out our Firm as experienced and vigorous advocates. See *In re Relafen Antitrust Litig.*, 221 F.R.D. 260, 273 (D. Mass. 2004). In the opinion granting final approval to the settlement, the court commented that “Class counsel here exceeded my expectations in these respects [*i.e.*, experience,



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competence, and vigor] in every way.” *In re Relafen Antitrust Litig.*, 231 F.R.D. 52, 85 (D. Mass. 2005); *see also id.* at 80 (“The Court has consistently noted the exceptional efforts of class counsel.”).

*VisaCheck/MasterMoney Antitrust Litig.*, Master File No. 96-5238 (E.D.N.Y.). CCMS’s client, Burlington Coat Factory Warehouse, and the other plaintiffs, alleged that Visa and MasterCard violated the antitrust laws by forcing retailers to accept all of their branded cards as a condition of acceptance of their credit cards. The parties entered into settlement agreements that collectively provided for the payment of over \$3.3 billion, plus widespread reforms and injunctive relief.

*In re Warfarin Sodium Antitrust Litig.*, MDL 98-1232 (D. Del.). Multidistrict class action on behalf of purchasers of Coumadin, the brand-name warfarin sodium manufactured and marketed by DuPont Pharmaceutical Company. Plaintiffs alleged that the defendant engaged in anticompetitive conduct that wrongfully suppressed competition from generic warfarin sodium. The Court approved a \$44.5 million settlement.

*In re Cardizem CD Antitrust Litig.*, MDL No. 1278 (E.D. Mich.). Multidistrict class action on behalf of purchasers of Cardizem CD, a brand-name heart medication. Plaintiffs alleged that an agreement between the brand manufacturer and a generic manufacturer unlawfully stalled generic competition. The court approved an \$80 million settlement for the benefit of consumers, third-party payors and state attorneys general.

*In re Synthroid Marketing Litig.*, MDL No. 1182 (N.D. Ill.). This multidistrict action arose out of alleged unlawful activities with respect to the marketing of Synthroid, a levothyroxine product used to treat thyroid disorders. The court approved a consumer settlement in the amount of \$87.4 million.

### III. Commodities Litigation

*In re Libor-Based Financial Instruments*, 11-md-2262 (S.D.N.Y.). CCMS serves as class counsel for exchange trader plaintiffs in claims involving manipulation in violation of the Commodity Exchange Act against many of the world’s largest financial institutions.

*Hershey/Kohen v. Pacific Investment Management Co. LLC*, No. 05 C 4681 (N.D. Ill.). As liaison and class counsel in action arising from PIMCO’s manipulation of 10-year treasury notes futures traded on the Chicago Board of Trade, CCMS helped secure a \$118 million settlement for the class.

*In re Crude Oil Commodity Futures Litig.*, No. 11-cv-03600 (S.D.N.Y.). As class counsel in action arising from manipulation of NYMEX West Texas Intermediate grade crude oil futures contracts, CCMS expended significant resources assisting the class with investigation and discovery. The collective efforts resulted in a \$16.5 million settlement for the class.





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*In re Foreign Exchange Benchmark Rates Antitrust Litigation*, 13-cv-7789 (S.D.N.Y.). As class counsel in this action arising from manipulation of foreign exchange rates by international banks and others, CCMS has devoted significant resources toward investigation, discovery, and allocation of more than \$2 billion in settlements for the class.

*In re Sumitomo Copper Litig.*, 96 Civ. 4584(MP) (S.D.N.Y.). As class counsel in action arising out of manipulation of the world copper market, CCMS helped achieve settlements aggregating \$134.6 million. In awarding attorneys' fees, Judge Milton Pollack noted that it was "the largest class action recovery in the 75 plus year history of the Commodity Exchange Act." 74 F. Supp. 2d 393 (S.D.N.Y. Nov. 15, 1999).

*In re Soybean Futures Litig.*, No. 89 C 7009 (N.D. Ill.). As class counsel in this action against Ferruzzi Finanziaria SpA and related companies for unlawfully manipulating the soybean futures market, CCMS helped recover a \$21.5 million settlement.

#### IV. Auto Defect and Other Consumer Class Actions

*Squires et al., v. Toyota Motor Corp., et al.*, No. 18-cv-00138 (E.D. Tex.). CCMS investigated, originated and filed the first and only consumer class action brought on behalf of owners of multi-model year Toyota Prius vehicles that suffer from a defect that causes windshields to crack and fail in ordinary and foreseeable driving conditions. Plaintiffs allege that Defendants have breached express and implied warranties, and have violated the consumer protection statutes of various States.

*In re General Motors Corp. Air Conditioning Marketing and Sales Practices Litig.*, MDL No. 2818 (E.D. Mich.). After conducting a significant pre-suit investigation, CCMS filed the first class action in the Eastern District of Michigan seeking relief on behalf of owners of GM vehicles suffering from a defect in the air conditioning system which typically results in total system failure, necessitating significant repairs thereto. Since commencing the action, CCMS has communicated with dozens of affected consumers and worked with GM assess the scope and nature of an extended warranty program GM implemented in a purported effort to resolve the claims of certain vehicle owners. On April 11, 2018, the Court appointed CCMS co-lead counsel.

*Gonzalez, et al., v. Mazda Motor Corp., et al.*, No. 16-cv-2087 (N.D. Cal.). CCMS is lead counsel in a consumer class action brought on behalf of owners of Model Year 2010-15 Mazda3 vehicles with defective clutch assemblies that cause them to prematurely fail. Plaintiffs allege that Defendants have breached express and implied warranties, and have violated the consumer protection statutes of various states. See, e.g., *Gonzalez v. Mazda Motor Corp.*, No. 16-CV-02087-MMC, 2017 WL 345878 (N.D. Cal. Jan. 5, 2017) (denying and granting in part Defendants' motion to dismiss).

*Lax v. Toyota Motor Corp.*, No. 14-cv-1490 (N.D. Cal.). CCMS served as class counsel in an action brought on behalf of owners of certain Toyota-brand vehicles that contained a defect which caused vehicles to consume oil at accelerated rates, often resulting in catastrophic engine failure. Following extensive discovery and mediation, the parties reached a private settlement following Toyota's



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implementation of an extended warranty and reimbursement program for affected vehicles. ECF No. 82.

***Sabol v. Ford Motor Company***, No. 2:14-cv-06654 (E.D. Pa.). CCMS served as Lead Counsel in this class case brought on behalf of owners of various model 2010-2015 Ford, Volvo and Land Rover vehicles allegedly including a defect in certain EcoBoost engines. Defendant claimed it addressed and repaired the problem through a series of recalls and repairs. After briefing summary judgment and class certification, and several years of hard fought litigation, including substantial discovery, the parties entered into a settlement providing substantial monetary and other relief.

***Skeen v. BMW of N. Amer., LLC***, No. 13-cv-1531 (D.N.J.). CCMS served as co-lead counsel in an action brought on behalf of owners of certain MINI Cooper-brand vehicles that contained a latent defect in a part of the engine known as the “timing chain tensioner” which caused the part to fail prematurely, eventually requiring replacement of that part or the entire engine. Following extensive discovery and mediation, the parties reached a global settlement on behalf of a nationwide class of vehicle owners. The efforts of the firm and its co-lead counsel resulted in a settlement which significantly extended warranty coverage, and reimbursed vehicle owners for tens of millions of dollars in out-of-pocket expenses incurred for repair and/or replacement.

***Davitt v. American Honda Motor Co., Inc.***, No. 13-cv-381 (D.N.J.). CCMS served as plaintiffs’ counsel in a class action brought on behalf of owners of 2007-09 Honda CRV vehicles that suffered from a defect that predisposed the door-locking mechanisms to premature failure. Following extensive dismissal briefing, discovery and mediation, the parties arrived at a global settlement that provided class members with extended warranty coverage for the defect and reimbursement of out-of-pocket expenses incurred in connection therewith.

***In re Takata Airbag Prod. Liability Litig.***, MDL No. 2599 (S.D. Fla.). CCMS represents six named Class Plaintiffs and has been and continues to work closely with lead counsel on this multi-billion dollar case involving defective airbags installed in tens of millions of affected vehicles manufactured by most major manufacturers. Class settlements with Honda and BMW providing class members with hundreds of millions of dollars and substantial programmatic relief have been finally approved and are the subject of pending appeals.

***In re Volkswagen “Clean Diesel” Marketing, Sales Practices and Prod. Liability Litig.***, MDL No. 2672 (N.D. Cal.). CCMS worked closely with lead counsel and other class counsel in this class case challenging unlawful actions by the manufacturer defendants to mask the actual diesel emission levels in various vehicle makes and models. Judge Beyer approved a class settlement with defendants worth billions of dollars.

***Albright v. The Sherwin-Williams Company***, No. 17-cv-02513 (N.D. Ohio). CCMS is serving as Co-Lead Counsel in this class action concerning deck resurfacing products sold under the Duckback and SuperDeck brand names. Plaintiffs allege that defendants have breached express and implied warranties, and have violated the consumer protection statutes of various states.





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**Anderson v. Behr Process Corp.**, No. 1:17-cv-08735 (N.D. Ill.). CCMS is serving as Co-Lead Counsel in this class action brought on behalf of purchasers of various deck coating products from 2012 through the present. After many months of mediation and settlement negotiations, and successfully opposing efforts by other plaintiffs and firms to have the JPML centralize pending cases, the parties have agreed to a proposed Class settlement which will provide substantial valuable monetary relief to Class members to refund the cost of product purchased as well as compensate them for damage to their decks and the costs of restoring and repairing the same.

**Traxler v. PPG Industries, Inc.**, No. 15-cv-00912 (N.D. Ohio). CCMS served as lead counsel in this defective product action challenging certain defective deck resurfacing products. The products did not adhere properly, and instead peeled, cracked, bubbled and severely damaged the surfaces to which they were applied. In February 2017 the parties reached an agreement in principle to settle the case on behalf of a nationwide class of consumers. The efforts of the firm and its co-counsel resulted in a settlement that provides \$6.5 million to affected homeowners.

**Ponzo v. Watts Regulator Company**, 1:14-cv-14080 (D. Mass.); **Klug v. Watts Regulator Company**, No. 15-cv-00061 (D. Neb.). These consumer class cases, first brought by CCMS (D. Mass.) addressed defective water heater and “Floodsafe” branded connectors. The plaintiffs in both cases alleged that the water heater connectors were made of a material that would break down during regular use, causing leaks and ruptures that flooded class members’ homes. The efforts of the firm and its co-lead counsel resulted in a settlement that provides \$14 million to affected homeowners.

**Bergman v. DAP Products, Inc.**, 14-cv-03205 (D. Md.). CCMS served as lead counsel in this class action on behalf of consumers who purchased various models of “XHose” garden hoses, which were flexible outdoor hoses that were predisposed to leaking, bursting, seeping, and dripping due to design defects. The court approved a nationwide settlement providing hundreds of thousands of consumer class members with the opportunity to recover a substantial portion of their damages.

**Apple iPhone Warranty Litigation** (N.D. Cal.) This case challenged Apple’s policy of denying warranty claims based on liquid contact indicators located in headphone jacks and dock connector ports of iPhones and iPod touches. Similar class actions were subsequently filed in federal courts on behalf of Apple consumers. CCMS helped negotiate and achieve a \$53 million settlement of the state and federal cases.

**In re Midway Moving & Storage, Inc.’s Charges to Residential Customers**, No. 03 CH 16091 (Cir. Ct. Cook Cty., Ill.). A class action on behalf of customers of Illinois’ largest moving company. A litigation class was certified and upheld on appeal. See *Ramirez v. Midway Moving and Storage, Inc.*, 880 N.E.2d 653 (Ill. App. 2007). On the eve of trial, the case settled on a classwide basis. The court stated that CCMS is “highly experienced in complex and class action litigation, vigorously prosecuted the Class’ claims, and achieved an excellent Settlement for the Class under which Class members will receive 100% of their alleged damages.”



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*Walter Cwietniewicz d/b/a Ellis Pharmacy, et al. v. Aetna U.S. Healthcare*, June Term, 1998, No. 423 (Pa. Common Pleas). On May 25, 2006, the court granted final approval to a settlement of a class action brought on behalf of pharmacies that participated in U.S. Healthcare's capitation program seeking to recover certain required semi-annual payments. At the final approval hearing, the court found that "this particular case was as hard-fought as any that I have participated in" and with respect to the Class's reaction to the settlement achieved as a result of our firm's work: ". . . a good job, and the reason there should be no objection, they should be very very happy with what you have done."

## VI. Individual Biographies

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### PARTNERS

**PATRICK E. CAFFERTY** graduated from the University of Michigan, with distinction, in 1980 and obtained his J.D., *cum laude*, from Michigan State University College of Law in 1983. From 1983 to 1985, he served as a prehearing attorney at the Michigan Court of Appeals and as a Clerk to Judge Glenn S. Allen, Jr. of that Court. Mr. Cafferty is an experienced litigator in matters involving antitrust, securities, commodities, and the pharmaceutical industry. In 2002, Mr. Cafferty was a speaker at a forum in Washington D.C. sponsored by Families USA and Blue Cross/Blue Shield styled "Making the Drug Industry Play Fair." At the Health Action 2003 Conference in Washington D.C., Mr. Cafferty was a presenter at a workshop titled "Consumers' Access to Generic Drugs: How Brand Manufacturers Can Derail Generic Drugs and How to Make Them Stay on Track." In 2010, Mr. Cafferty made a presentation on indirect purchaser class actions at the American Antitrust Institute's annual antitrust enforcement conference. See *Indirect Class Action Settlements* (Am. Antitrust Inst., Working Paper No. 10-03, 2010). Mr. Cafferty is admitted to the state bars of Michigan and Illinois, and holds several federal district and appellate court admissions. Mr. Cafferty has attained the highest rating, AV®, from Martindale-Hubbell and is a top rated SuperLawyer®.

**BRYAN L. CLOBES** is a 1988 graduate of the Villanova University School of Law and received his undergraduate degree from the University of Maryland. Mr. Clobes clerked for Judge Arlin M. Adams of the United States Court of Appeals for the Third Circuit, Judge Mitchell H. Cohen of the United States District Court for the District of New Jersey, and Judge Joseph Kaplan of the Maryland Circuit Court in Baltimore. From 1989 through June, 1992, Mr. Clobes served as Trial Counsel to the Commodity Futures Trading Commission in Washington, D.C. Mr. Clobes has served as lead counsel in many of the firm's class cases covering all areas of the firm's practice, and is widely recognized as an expert in class action litigation. Mr. Clobes has authored briefs filed with the Supreme Court in a number of class cases, served as a panelist for class action, consumer and antitrust CLE programs, has sustained and maintained the highest rating, AV®, from Martindale-Hubbell, and has been named a "Super Lawyer" for the past twelve years. Mr. Clobes is admitted to the bar in New Jersey and Pennsylvania, and admitted to practice in several federal district and appellate court admissions.



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**DANIEL O. HERRERA** received his law degree, *magna cum laude*, and his MBA, with a concentration in finance, from the University of Illinois at Urbana-Champaign in 2008. Mr. Herrera received his bachelor's degree in economics from Northwestern University in 2004. Mr. Herrera joined CCMS as an associate in 2011 and is resident in its Chicago, Illinois Office. Since joining CCMS, Mr. Herrera has successfully prosecuted a wide range of antitrust, consumer and commodities class action. Prior to joining CCMS, Mr. Herrera was an associate in the trial practice of Mayer Brown LLP, a Chicago-based national law firm, where he defended corporations in securities and antitrust class actions, as well as SEC and DOJ investigations and enforcement actions. Mr. Herrera also routinely handled commercial matters on behalf of corporate clients. Mr. Herrera is licensed to practice in Illinois and holds several federal district and appellate court admissions.

**ANTHONY F. FATA** graduated from the Miami University of Ohio (B.A., 1995), and *with honors* from the Ohio State University College of Law (J.D. 1999), where he was elected to the Order of the Coif and served as Managing Editor of The Ohio State Journal on Dispute Resolution. Mr. Fata began his career at McDermott Will & Emery, where he defended SEC enforcement actions as well as securities, consumer and product defect class actions. Since joining CCMS, Mr. Fata has successfully prosecuted a wide range of commodities, securities, antitrust and consumer class actions. Mr. Fata has also successfully represented clients in securities arbitrations, corporate investigations, securities/commodities regulatory proceedings, commercial litigation and transactional matters. Mr. Fata serves as Adjunct Professor for the Seton Hall University Law School's M.S.J. and L.L.M. online programs, where he has taught Securities Regulation and Compliance, Regulating Brokers and Dealers, Corporate Governance Enforcement and Risk Management, Corporate Finance, and Corporate Law. Mr. Fata has authored numerous articles concerning the securities industry, corporate governance, internal investigations and class actions. Mr. Fata serves on the Editorial Board of the Chicago Bar Association's *CBA Record*. He also serves as an investigator on the Chicago Bar Association's Judicial Evaluation Committee. He is admitted to the bar in Illinois, and holds several federal and appellate court admissions.

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