

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

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IN RE: BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

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Case No. 2:15-md-02641-DGC  
MDL No. 2641

This Order Relates to: All Actions

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**PETITION FOR APPOINTMENT OF A PLAINTIFFS’  
LEADERSHIP STRUCTURE**

The undersigned counsel, hereinafter referred to as “Movants,” hereby submit this Petition For Appointment of a Plaintiffs’ Leadership Structure. Having conferred and come to a majority agreement, Movants collectively file this Petition so that it is representative of each and every plaintiff they represent in this litigation. In support of their petition, Movants state as follows:

**INTRODUCTION**

On August 17, 2015, the Judicial Panel on Multidistrict Litigation issued a Transfer Order for all cases filed in federal judicial districts that share factual issues regarding C.R. Bard, Inc. and Bard Peripheral Vascular, Inc.’s design, testing, manufacture, sale and marketing of Bard Inferior Vena Cava (“IVC”) Filter product line. The Bard IVC Filters are medical devices cleared for marketing via the Food and Drug Administration’s 510(k) process and alleged to cause perforation, tilting, fracture and migration of the device in the body. On September 15, 2015, the Court issued its Order Setting an Initial Pretrial Conference for October 29, 2015, and outlined certain matters on which to engage in meet and confers, and be prepared to discuss certain matters at the conference. Pursuant to the Order, on October 1, 2015, representative counsel for all parties met in person at the law offices of Gallagher & Kennedy in Phoenix and

discussed each issue as set forth by this Court's Order Setting Initial (CMC) listed in paragraphs 5(a) through 5(m), including, but not limited to, the following:

- a. the proposed case management plan as agreed to amongst the parties which was filed and entered by the Court;
- b. the appointment of a leadership structure lead counsel for Plaintiffs;
- c. creation of a master complaint;
- d. protective order;
- e. discovery including proposals to avoid duplicative discovery;
- f. coordination with states
- g. ESI

Since the transfer of these cases, the undersigned have coordinated calls in order to discuss the initiation, process, status and organization of the overall litigation in state and federal courts, discovery negotiations regarding documents and electronically stored information (“ESI”) with the defendant and process of production. A call was held on Monday, September 21, 2015 to further discuss process and initiation. Most recently and given the presence of participating plaintiffs' counsel, a meeting was held on October 1, 2015 in order to discuss the leadership structure further. All participants attending both the telephonic meeting and the in-person meeting represents the majority of the cases and the discussions included state litigation. The undersigned represent the overwhelming majority of the Bard IVC Filter claimants whose cases are currently pending in federal court and appropriate for transfer to this MDL, and that are not the subject of current or anticipated motions to remand.

Moreover, since the issuance of “Order Setting Initial (CMC)” counsel for plaintiffs have met and conferred in conference calls and some, in person, to discuss this organizational structure and whom to support as Lead/Liaison Counsel. Once we reached a consensus on

Ramon Rossi Lopez role as Lead and Liaison Counsel, Mr. Lopez began the process of defining various committees and subcommittees, and seeking appropriate membership in each. We now have sixteen (16) such committees in place, all of which are organized with chairs and members actively engaged in advancing the subject matter and related issues. The titles of many of these committees are attorney work product. If the court is interested in that detail we would respectfully request that this list be submitted under seal for in camera review.

As such, Movants respectfully move this Court to exercise its discretionary authority, consistent with 28 U.S.C. § 1407; the August 17, 2015 Transfer Order issued by the Judicial Panel on Multidistrict Litigation (the "MDL Panel") in the related cases; the Supreme Court's decision in *Lexecon, Inc. v. Milberg, Weiss, Bershad, Hynes & Lerach*, 523U.S. 26 (1998); other case law and secondary authorities; and the Federal Judicial Center's MANUAL FOR COMPLEX LITIGATION (FOURTH) (2004), and appoint the two (2) undersigned attorneys to serve as Lead/Liaison Counsel, Federal/State Liaison Counsel and the twenty (20) undersigned attorneys to serve as Plaintiffs' Steering Committee ("PSC"). Accordingly, Movants respectfully submit that this Court should approve the proposed leadership structure and enter the Proposed Case Management Order, attached as Exhibit A.

I. Appointment of a Plaintiffs' Leadership Structure is Critical to the Management and Success of Multi-Party Complex Litigation.

At present there are 65 complaints that have been filed in or transferred to this Court, and there are hundreds more expected to be filed. Each Complaint contains the same core allegations. Accordingly, there is an immediate need for organization of the parties and the coordination of discovery efforts and motion practice to promote fairness, to avoid unnecessary duplication and ensure the most efficient use of the Court's and the parties' resources.

“In multi-party, multi-case litigation, the district court's success is largely dependent on its ability to uncomplicate matters.” *In re Recticel Foam Corp.*, 859 F.2d 1000, 1004 (1st Cir. 1988). In complex matters such as this, one of the key organizational tools the district court has is to appoint a steering/leadership committee of counsel. See MANUAL FOR COMPLEX LITIGATION (FOURTH) § 10.221 (2004) (suggesting mechanisms to organize counsel and discovery in multi-party litigation); see also *In Re Linerboard Antitrust Litigation*, 292 F. Supp. 2d 644, (E.D. Penn. 2003) (“The multiplicity of suits requires that the district court be allowed to combine procedures, . . . recognize steering committees of lawyers, limit and manage discovery, etc., to minimize expense to all litigants and to provide judicial efficiency.” (citing *In re Showa Denko K.K.*, 953 F.2d 162, 165 (4th Cir. 1992)).

Indeed, in “a case of this magnitude and complexity, it is imperative that counsel be well organized and work efficiently and harmoniously among themselves and with opposing counsel” to avoid additional costs and unnecessary time expenditures as a result of duplicative pre-trial proceedings. *In re Domestic Air Trans. Antitrust Litig.*, 1990 U.S. Dist. LEXIS 20095, at \*1 (N.D. Ga. Dec. 21, 1990), see also MANUAL § 10.221 (Lead Counsel is to cooperate and work together with Defendant in developing and implementing a litigation plan). Fortunately, the majority of the members of the proposed leadership committee have been litigating a similar IVC filter matter<sup>1</sup> in multiple jurisdictions and these proposed members have engaged in a volunteer coordinated structure in the absence of an MDL or similar consolidation structure. These efforts involved coordinated negotiations of Protective Orders, document production, electronically

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<sup>1</sup> Ten of the twenty proposed members of this leadership structure have actively litigated another IVC filter matter involving similar science, medicine, and injuries against *Cook Medical, Inc., et al.*, which has been consolidated and is pending before the U.S.D.C. in the Southern District of Indiana Case No: 1:14-ml-2570-RLY-TAB; MDL 2570. The original core group of attorneys who have been litigating similar actions against C.R. Bard, Inc. and Bard Peripheral Vascular, Inc. are Ramon Lopez and Troy Brenes of Lopez McHugh LLP, John Dalimonte of Karon & Dalimonte LLP, Julia Reed Zaic of Heaviside Reed Zaic, Joseph Johnson of Babbit & Johnson, P.A. and Ben C. Martin.

stored information and the engagement of an eDiscovery vendor for documents management. Therefore, these proposed members bring forth the same cooperative skills and resources they've been using effectively in this 'sister' litigation to collaborate in this MDL. Appointment of a Plaintiffs' Leadership Committee led by proposed Lead/Liaison Counsel and coordinated by the proposed State/Federal Liaison Counsel will surely provide similar organization and efficiency in this case. After all, the primary purpose of the proposed structure is to preserve and collect evidence and frame, write, argue, and respond to pretrial motions – it simply makes sense for plaintiffs to speak with one voice on these issues rather than having the defendants respond to dozens of plaintiffs' counsel. In the interest of efficiently litigating these cases and conserving judicial resources, as well as the parties' resources, this Court should organize plaintiffs' counsel and appoint the proposed structure for pre-trial proceedings suggested at the request by the Court for a leadership structure.

II. Appointed Counsel Should Have Exemplary Qualifications and Experience.

Appointment of the proposed counsel and the assignment of responsibilities to these positions is consistent with the Manual's recommended organizational structure and ultimate goal of achieving "efficiency and economy" in this litigation. See MANUAL § 10.221. All counsel appointed by this court are charged with the ultimate responsibility of acting for, and in the best interest of, all plaintiffs throughout pre-trial proceedings by addressing matters of common concern and representing all plaintiffs when discussing such matters with the court and defendants. See *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, 2007 U.S. Dist. LEXIS 2650, at \*18 (E.D.N.Y. Jan. 12, 2007) (citing MANUAL § 10.221 (2004)). As such, the court must appoint counsel who are fully capable and qualified to represent all parties on their side fairly and adequately.

When determining which counsel should be appointed, it is important for the Court to assess the following factors:

- Qualifications, functions, organization, and compensation of designated counsel;
- Would-be designated attorneys' competence for assignments;
- Whether designated counsel fairly represent the various interests in the litigation;
- The attorneys' resources, commitment, and qualifications to accomplish the assigned tasks;
- The attorneys' ability to command the respect of their colleagues and work cooperatively with opposing counsel and the court; and
- The attorneys' experience in similar roles in other litigation.

MANUAL § 10.224.

As discussed in the subsequent sections and attached materials, proposed Lead/Liaison Counsel, and the PSC members satisfy these factors.

Since all of the transferred cases are brought as individual personal injury actions, the factors that a court is to look to when determining whether lead counsel should be appointed – as set out in the Manual – are analogous to the factors weighed by a court under Rule 23(g). In addition to meeting the general principles for complex litigation case management set forth in the Manual, the attached Proposed Case Management Order complies with Federal Rule of Civil Procedure 23's criteria governing the appointment of lead counsel. In considering the appointment of Class Counsel under Rule 23(g) of the Federal Rules of Civil Procedure, the Court is instructed to evaluate the following factors: (1) the work counsel has done in identifying or investigating potential claims in the action; (2) counsel's experience in handling class actions, other complex litigation, and claims of the type asserted in the action; (3) counsel's knowledge

of the applicable law; and (4) the resources counsel will commit to representing the class. Fed. R. Civ. P. 23(g).

As discussed below and in the attached materials in more detail, each of the counsel seeking appointment has a great deal of experience with complex mass tort litigation. These attorneys and law firms have impressive qualifications, a long record of success in complex litigation and a demonstrated willingness to invest substantial resources in the prosecution of complex cases. Many have already committed thousands of hours to this litigation over the course of several years and will vigorously and skillfully represent the interests of all individual plaintiffs. They have already performed extensive legal and factual investigations into the matters at issue in this litigation and many have been involved in a similar IVC matter described in footnote 1, *supra*. Additionally, the proposed Lead/Liaison Counsel and Steering Committee members, by their count, have the largest and most diverse number of clients involved in this litigation. Therefore, the proposed leadership structure satisfies the factors set forth in the Manual.

III. Proposed Plaintiffs’ Leadership Structure

The undersigned Plaintiffs submit the following leadership structure:

<b>Plaintiffs’ Co-Lead/Liaison Counsel and State/Federal Liaison Counsel,</b>		
Robert W. Boatman	Gallagher & Kennedy, PA 2575 E. Camelback Rd., Ste. 1100 Phoenix, AZ 85016	B
Ramon R. Lopez	Lopez McHugh, LLP 100 Bayview Cir., Ste. 5600 Newport Beach, CA 92660	C

<b>Plaintiffs’ Steering Committee (PSC)</b>
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Shannon Clark	Gallagher & Kennedy, PA 2575 E. Camelback Rd., Ste. 1100 Phoenix, AZ 85016	D
John A. Dalimonte	Karon & Dalimonte, LLP 85 Devonshire St., Ste. 1000 Boston MA, 02109	E
Troy A. Brenes	Lopez McHugh, LLP 100 Bayview Cir., Ste. 5600 Newport Beach, CA 92660	F
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Joseph R. Johnson	Babbitt & Johnson, PA 1641 Worthington Rd., #100 West Palm Beach, FL 33409	H
Julia Reed Zaic	Heaviside Reed Zaic 312 Broadway St., Ste. 203 Laguna Beach, CA 92651	I
Howard L. Nations	The Nations Law Firm 3131 Briarpark Dr., #208 Houston, TX 77042	J
Russell W. Budd	Baron & Budd, P.C. 3102 Oak Lawn Ave., Ste. 1100 Dallas, TX 75219	K
Thomas P. Cartmell	Wagstaff & Cartmell, LLP 4740 Grand Ave., #300 Kansas City, MO 64112	L
Turner W. Branch	Branch Law Firm 2025 Rio Grande Blvd, NW Albuquerque, NM 87104	M
Wendy R. Fleishman	Lieff, Cabraser, Heimann & Bernstein, LLP 250 Hudson St., 8 <sup>th</sup> Floor New York, NY 10013	N
Donald A. Migliori	Motley Rice, LLC 321 South Main St., 2 <sup>nd</sup> Floor Providence, RI 02903	O
Sheila M. Bossier	Freese & Goss, PLLC 1520 North State St. Jackson, MS 39202	P
Stuart L. Goldenberg	Goldenberg Law, PLLC 800 Lasalle Ave., #2150 Minneapolis, MN 55402	Q
Christopher T. Kirchmer	Provost Umphrey Law Firm, LLP 490 Park St., P.O. Box 4905 Beaumont, TX 77704	R



Michael A. Kelly	Walkup, Melodia, Kelly & Schoenberger 650 California St. San Francisco, CA 94108	S
Matthew McCarley	Fears Nachawati Law Firm 4925 Greenville Ave., Ste. 715 Dallas, TX 75206	T
Hadley L. Matarazzo	Faraci Lange, LLP First Federal Plaza 28 East Main St., Ste. 1100 Rochester, NY 14614	U
Eric M. Terry	TorHoerman Law, LLC 101 W. Vandalia Edwardsville, IL 62025	V
Joseph A. Osborne	Osborne & Associates Law Firm, PA 433 Plaza Real, Ste. 271 Boca Raton, FL 33432	W
Michael T. Gallagher	The Gallagher Law Firm, LLP 2905 Sackett Street Houston, TX 77098	X
Nate Van Der Veer	Farris, Riley & Pitt LLP The Financial Center 505 20th Street North Birmingham, AL 35203	Y

Having this structure in place with these attorneys, who have already devoted substantial time and resources to advancing the litigation, will achieve the goals of efficiency, organization and, ultimately, resolution.

#### IV. Information on Leadership Applicants

##### Lead/Liaison Counsel

The undersigned Plaintiffs' counsel unanimously endorses the appointment of Ramon R. Lopez and Robert W. Boatman as co-lead/liaison counsel to oversee the management of this litigation and serve as the state/federal liaison to coordinate similar litigation pending in the various state courts around the country. Each will be filing separate applications for approval to this Court pursuant to paragraph 9 of this Court's Order Setting Initial (CMC) setting forth their

willingness, qualifications and capacity to serve in these leadership roles. Notwithstanding, a brief summary of their credentials are as follows:

1. Ramon Rossi Lopez

Ramon R. Lopez, is the founding member of the law firm Lopez McHugh LLP located in Newport Beach, California and is a member in good standing of the California bar. Mr. Lopez has been practicing for more than thirty six (36) years and has regularly appeared in both state and federal courts throughout the country. His practice is concentrated in the areas of products liability and complex litigation. Mr. Lopez has extensive experience in multi-district litigation and has served as lead/liaison counsel in Rezulin Litigation MDL No. 1348, Baycol Litigation California JCCP and PPA Litigation to California JCCP 4166 and has served in numerous other Plaintiff Steering Committees for various mass torts. Mr. Lopez is also member of the executive committee in the Cook IVC Filter Products Liability MDL No. 2570.

Mr. Lopez' firm has the resources, capabilities and staff to meet the demands and responsibilities to serve as Lead/Liaison Counsel in this MDL. Mr. Lopez' experience and that of his firm are noted in greater detail in his accompanying materials attached as Exhibit C, as well as in the separate formal application he will be filing for approval as Lead/Liaison counsel and Chair of this Plaintiffs' Steering Committee..

2. Robert W. Boatman

Robert W. Boatman, is shareholder at the law firm Gallagher & Kennedy located in Phoenix, Arizona and is a member in good standing of the Arizona bar. Mr. Boatman has practiced in Phoenix for more than thirty (30) years and has regularly appeared in both state and federal courts. His practice is concentrated in the areas of products liability and complex litigation. He has served as co-lead counsel for all Arizona plaintiffs in the Ford/Firestone

Products Liability litigation and as co-lead counsel for multiple deaths due to defective bus design. Mr. Boatman is an experienced trial lawyer and has obtained multiple substantial verdicts on behalf of his clients.

Mr. Boatman's firm has the resources, capabilities and staff to meet the demands and responsibilities to serve as Lead/Liaison Counsel in this MDL. Mr. Boatman's experience and that of his firm are noted in greater detail in his accompanying materials attached as Exhibit B.

A. 2. Plaintiffs' Steering Committee

The attorneys included in the proposed structure have litigated countless complex civil actions and will draw on their combined experiences and resources to zealously represent all plaintiffs involved in this MDL. As demonstrated by the attached materials (See Exhibits B-Y) the applicant firms and attorneys have substantial experience and knowledge in litigating mass tort cases, which will prove essential in the litigation of these cases. They all represent plaintiffs and have agreed to work together for all plaintiffs. Just as importantly, each of these attorneys have demonstrated commitment to this litigation, and will continue to commit their time and resources to the prosecution of this litigation.

CONCLUSION

Pursuant to the Court's Order Setting Initial Conference entered on September 15, 2015, and for the reasons set forth herein, the undersigned respectfully request that the Court enter the proposed Order appointing Robert W. Boatman and Ramon R. Lopez as Co-Lead/Liaison Plaintiffs' Counsel and Plaintiffs' Steering Committee as set forth above and in the proposed Order attached hereto.

Dated: October 9, 2015.

Respectfully submitted,

ON BEHALF OF PLAINTIFFS

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record through the Court's CM/ECF system on this 9th day of October, 2015.

/s/ John A. Dalimonte  
John A. Dalimonte

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

IN RE: BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

Case No. 2:15-md-02641-DGC  
MDL No. 2641

This Order Relates to: All Actions

**EXHIBIT INDEX**  
**TO PETITION FOR APPOINTMENT OF A PLAINTIFFS'**  
**LEADERSHIP STRUCTURE**

**Proposed CMO Re Leadership**

A

<b>Plaintiffs' Co-Lead/Liaison Counsel and State/Federal Liaison Counsel,</b>		
Robert W. Boatman	Gallagher & Kennedy, PA 2575 E. Camelback Rd., Ste. 1100 Phoenix, AZ 85016	B
Ramon R. Lopez	Lopez McHugh, LLP 100 Bayview Cir., Ste. 5600 Newport Beach, CA 92660	C

<b>Plaintiffs' Steering Committee (PSC)</b>		
Shannon Clark	Gallagher & Kennedy, PA 2575 E. Camelback Rd., Ste. 1100 Phoenix, AZ 85016	D
John A. Dalimonte	Karon & Dalimonte, LLP 85 Devonshire St., Ste. 1000 Boston MA, 02109	E
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Donald A. Migliori	Motley Rice, LLC 321 South Main St., 2 <sup>nd</sup> Floor Providence, RI 02903	O
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Christopher T. Kirchmer	Provost Umphrey Law Firm, LLP 490 Park St., P.O. Box 4905 Beaumont, TX 77704	R
Michael A. Kelly	Walkup, Melodia, Kelly & Schoenberger 650 California St. San Francisco, CA 94108	S
Matthew McCarley	Fears Nachawati Law Firm 4925 Greenville Ave., Ste. 715 Dallas, TX 75206	T
Hadley L. Matarazzo	Faraci Lange, LLP First Federal Plaza 28 East Main St., Ste. 1100 Rochester, NY 14614	U
Eric M. Terry	TorHoerman Law, LLC 101 W. Vandalia Edwardsville, IL 62025	V
Joseph A. Osborne	Osborne & Associates Law Firm, PA 433 Plaza Real, Ste. 271 Boca Raton, FL 33432	W

Michael T. Gallagher	The Gallagher Law Firm, LLP 2905 Sackett Street Houston, TX 77098	X
Nate Van Der Veer	Farris, Riley & Pitt LLP The Financial Center 505 20th Street North Birmingham, AL 35203	Y

Dated: October 9, 2015.

Respectfully submitted,

ON BEHALF OF PLAINTIFFS

By: /s/ John A. Dalimonte  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record through the Court's CM/ECF system on this 9th day of October, 2015.

/s/ John A. Dalimonte

John A. Dalimonte



**EXHIBIT "A"**

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

---

IN RE: BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

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Case No. 2:15-md-02641-DGC  
MDL No. 2641

This Order Relates to: All Actions

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**[PROPOSED] CASE MANAGEMENT ORDER No. ( )**  
**Appointing Plaintiffs' Leadership Positions**

**I. Plaintiffs' Leadership Counsel Appointments**

The Court having considered all of the applications submitted, together with the experience of each applicant, and considering all materials submitted appoints the following plaintiffs' counsel to leadership positions, as indicated and to be known as "Plaintiffs Leadership Counsel":

<b>Plaintiffs' Co-Lead/Liaison Counsel and State/Federal Liaison Counsel</b>	
Robert W. Boatman	Gallagher & Kennedy, PA 2575 E. Camelback Rd., Ste. 1100 Phoenix, AZ 85016
Ramon R. Lopez	Lopez McHugh, LLP 100 Bayview Cir., Ste. 5600 Newport Beach, CA 92660

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Michael T. Gallagher	The Gallagher Law Firm, LLP 2905 Sackett Street Houston, TX 77098
Nate Van Der Veer	Farris, Riley & Pitt LLP The Financial Center 505 20th Street North Birmingham, AL 35203

## II. Responsibilities

### A. Procedural Matters

1. As noted in this Court's previous Order Setting Initial Case Management Conference dated September 15, 2015, the Clerk of this Court will maintain a master docket case file under the style "*In Re: Bard IVC Filters Products Liability Litigation*" and the identification "MDL No. 2641". The master docket shall be maintained as filings shall be conducted in accordance with the Court's Order Establishing Policies and Procedures, MASTER DOCKET FILE section.

2. Only Lead/Liaison Counsel shall be included on the Master Docket as being Counsel of Record for filings as to "ALL ACTIONS". Accordingly, Lead/Liaison will be (a) the only attorneys permitted to file in the Master Docket as to "ALL ACTIONS", and (b) the only attorneys receiving Notices of Electronic Filing for pleadings and orders filed in the Master Docket for "ALL ACTIONS".

3. With regard to the Master Docket, Plaintiffs' Lead/Liaison Counsel shall:

a. Serve as the recipient for all Court orders filed on behalf of all the plaintiffs.

- b. Coordinate service and filings for all plaintiffs whether presently included or subsequently added.
- c. Maintain and distribute to co-counsel and to Defendants' Counsel an up-to-date service list.
- d. Maintain responsibility for service upon all other attorneys and parties as to filings made relating to "ALL ACTIONS". Specifically, Lead/Liaison Counsel shall receive and distribute pleadings, orders, and motions by overnight courier service or telecopier within two days after receipt, unless such service has been waived, in writing, by a receiving counsel (or if/until some program for electronic service has been established).
- e. Coordinate discovery and litigation with the state courts in cases outside of this Court's federal jurisdiction.

4. Lead/Liaison Counsel is only responsible for service with regard to filings in the Master Docket applicable to documents relating to "ALL ACTIONS". With regard to case-specific filings, all attorneys of record in the relevant member action will receive a Notice of Electronic Filing from the Court.

5. New counsel for tag along cases or cases filed originally in the District of Arizona filed hereafter shall be responsible for checking the Master Case for all orders previously filed that may have relevance to such new cases filed.

**B. Responsibilities Specific to Lead/Liaison Counsel**

In addition to the responsibilities identified in §II.A.3. above, Plaintiffs' Lead/Liaison Counsel shall:

1. Coordinate the establishment of a document depository, real or virtual, to be available to all participating plaintiffs' counsel;
2. Maintain and make available to all participating plaintiff's counsel of record at reasonable hours a complete file of all documents served by or upon each party (except documents as may be available at a document depository);
3. Prepare agendas for court conferences and periodically report regarding the status of the case; and
4. Carry out such other duties as the Court may order.

C. Responsibilities Applicable to all Plaintiffs' Leadership Counsel

Plaintiffs Leadership Counsel shall have the following responsibilities:

1. Discovery
  - a. Initiate, coordinate, and conduct all pretrial discovery on behalf of plaintiffs in all actions which are consolidated with this multi-district litigation.
  - b. Develop and propose to the Court schedules for the commencement, execution, and completion of all discovery on behalf of all plaintiffs.
  - c. Cause to be issued in the name of all plaintiffs the necessary discovery requests, motions and subpoenas pertaining to any witnesses and documents needed to properly prepare for the pretrial of relevant issues found in the pleadings of this litigation. Similar requests notices, and subpoenas may be caused to be issued by Plaintiff's Leadership Counsel upon written request by the individual attorney in order to assist him/her in the preparation of the pretrial stages of his/her client's particular claims.

- d. Conduct all discovery in a coordinated and consolidated manner on behalf and for the benefit of all plaintiffs.

2. Hearings and Meetings

- a. Call meetings of counsel for plaintiffs for any appropriate purpose, including coordinating responses to questions of other parties or of the Court. Initiate proposals, suggestions, schedules or joint briefs, and any other appropriate matters pertaining to pretrial proceedings.
- b. Examine witnesses and introduce evidence on behalf of plaintiffs at hearings.
- c. Act as spokesperson for all plaintiffs at pretrial proceedings and in response to any inquiries by the Court, subject to the right of any plaintiff's counsel to present non-repetitive individual or different positions.

3. Miscellaneous

- a. Submit and argue all verbal and written motions presented to the Court or Magistrate on behalf of Plaintiff's Leadership Counsel as well as oppose when necessary any motion submitted by defendants or other parties which involve matters within the sphere of the responsibilities of Plaintiffs' Leadership Counsel.
- b. Negotiate and enter into stipulations with defendants regarding this litigation. All stipulations entered into by Plaintiffs' Leadership Counsel, except for strictly administrative details such as scheduling, must be submitted for Court approval and will not be binding until ratified by the Court. Any attorney not in agreement with a non-administrative stipulation shall file with the Court a written objection within five (5) days after he/she knows or should have

reasonably become aware of the stipulation. Failure to object within the term allowed shall be deemed a waiver and the stipulation will automatically be binding on that party.

- c. Explore, develop, and pursue all settlement options pertaining to any claim or portion thereof of any case filed in this litigation.
- d. Maintain adequate files of all pretrial matters, including establishing and maintaining a document or exhibit depository, in either real or virtual format, and having those documents available, under reasonable terms and conditions for examinations by all MDL plaintiffs or their attorneys.
- e. Perform any task necessary and proper for Plaintiffs Leadership Counsel to accomplish its responsibilities as defined by the Court's Orders, including organizing subcommittees comprised of plaintiffs' lawyers not on Plaintiffs' Leadership Counsel.
- f. Work with Lead/Liaison Counsel to coordinate the responsibilities of Plaintiffs' Leadership Counsel meetings, keep minutes or transcripts of these meetings, appear at periodic Court-noticed status conferences, perform other necessary administrative or logistic functions of Plaintiffs' Leadership Counsel, and carry out any duty as ordered by the Court.
- g. Perform other such functions that may be expressly authorized by further Court Orders.

#### D. Reimbursement of Costs Expended

Plaintiffs' Leadership Counsel shall be entitled to seek reimbursement for costs expended at the time and in a manner approved by the Court.



DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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David G. Campbell  
United States District Judge

**EXHIBIT “B”**



Gallagher&Kennedy



## ROBERT W. BOATMAN

Shareholder

Gallagher & Kennedy  
2575 E. Camelback Road, Suite 1100  
Phoenix, AZ 85016  
DIR: 602-530-8340  
rwb@gknet.com

### My Practice

PLAINTIFF'S PERSONAL INJURY & WRONGFUL DEATH - Aviation Disasters, Dram Shop/Bar, Drug Litigation, Fire and Explosions, Fraud and Commercial Torts, Insurance and Bad Faith, Legal and Other Professional Liability, Medical Malpractice, Motor Vehicle/Motorcycle/Commercial Trucking Collisions, Negligence, Nursing Home/Elder Abuse, Police Officer and Other Government Liability, Products Liability, Sexual Misconduct

## PROFESSIONAL SUMMARY

With a legal career in personal injury and wrongful death that spans 30 years, Bob is tireless in his dedication and resolve to seek justice for each and every one of his clients. From the very first meeting with any prospective client, Bob's easygoing manner engenders trust because he is naturally compassionate, sincere and possesses a unique ability to understand and communicate with clients from all walks of life. This same direct, common-sense approach has proven to be extremely effective in cases that are ultimately heard by juries.

Bob is known by his clients and professional colleagues alike to be a man who is deeply connected to his clients and their causes. For Bob, client relationships don't often end as a case concludes, especially when an outcome presents an opportunity to affect social change. Most recently, Bob successfully compelled two major automotive manufacturers to admit their vehicles were defective, yielding a recall to fix the defect in over 500,000 vehicles, which was a significant win for his client and the consumer at large.

Bob has been recognized as a Best Lawyer by the *Best Lawyers of America* since 2006. He has received the Martindale-Hubbell AV Preeminent Peer Review Rating, and continues as a *Southwest Super Lawyer* from 2007 to the present.

## REPRESENTATIVE EXPERIENCE

### Product Liability Cases

- Co-lead counsel on \$55,000,000+ claim for multiple deaths due to defective bus design. (2009-2011)
- Designation as co-lead counsel for all Arizona plaintiffs and settlement of claims exceeding \$20,000,000 in the Arizona Ford/Firestone litigation. (2001-2002)
- \$17,000,000 jury verdict against General Motors for a death caused by a defective transmission. (1999)
- \$9,900,000 for wrongful death due to vehicle defect. (2012)
- \$4,250,000 for paralysis from tread separation and rollover. (2013)
- \$2,700,000 for wrongful death due to tread separation and rollover. (2006)
- \$2,150,000 settlement for burns due to defective trailer hitch. (2006)
- \$2,050,000 for wrongful death due to tread separation and rollover. (2012)
- \$1,500,000 for wrongful death due to tread separation. (2005)
- \$1,500,000 settlement for woman injured by experimental drug. (2004)

- \$1,500,000 to the parents of an unborn baby due to food poisoning. (2000)
- \$1,000,000 for wrongful death due to a tire issue. (2007)
- \$700,000 for wrongful death due to tread separation. (2009)
- \$595,000 for injuries due to faulty medical implant. (2011)
- \$499,000 for wrongful death due to fuel tank failure. (2008)
- \$400,000 for wrongful death due to tread separation. (2009)
- Member of the team that obtained confidential settlements against Ford Motor Company for serious burn injuries that resulted from the defective design of fuel systems in police cars. (2004)
- Confidential settlement for the family of a young man who suffocated in a sleeping bag. (2003)

#### **Contract**

- \$14,990,661.24 award for breach of contract. (2011)
- Return of multi-million dollar medical practice. (2012)

#### **Legal Malpractice**

- \$8,000,000 settlement against one of the country's largest law firms for legal malpractice. (1998)

#### **Mental Health Malpractice**

- Confidential settlement for failure to provide care, resulting in death of two boys. (2009)

#### **Premises Liability**

- \$250,000 for torn Achilles tendon. (2009)
- \$150,000 for fractured hip. (2012)
- \$120,000 for trip and fall. (2008)

#### **Governmental Misconduct**

- \$4,470,000 settlement against city and state for failure to install a traffic signal. (2006)
- \$1,000,000 settlement against U.S. Forest Service for failure to post sign warning of road closure. (2011)
- Confidential settlement with county for failure to keep horses off road. (2006)
- Confidential multi-million dollar settlement for the family of a woman killed by a police officer. (2003)

#### **Murder**

- \$400,000 settlement for wrongful death of wife by husband. (2005)

#### **Motorcycle Accidents**

- \$4,500,000 to a man suffering a head injury. (1997)
- \$1,900,000 to a man who was run over by an 18-wheeler. (2003)
- \$900,000 to a man with a broken leg. (2004)
- \$400,000 to a man who broke his wrist. (2001)
- \$250,000 to an adolescent with a broken leg. (2007)
- \$100,000 for a knee injury. (2006)

#### **Construction Accidents/Defects**

- \$1,050,000 for the death of a trucker when a load of pipes fell on him. (2002)
- \$300,000 settlement for the death of a worker when a sign collapsed. (2003)
- \$110,000 settlement for the victim of a crane loading mishap. (2004)

#### **Motor Vehicle Accidents**

- Settlements in excess of \$55,000,000 for numerous motor vehicle accidents.
- \$4,800,000 for pedestrian/bus accident. (2010)
- \$1,400,000 for wrongful death. (2012)
- \$990,000 for brain injury. (2012)
- \$500,000 for broken leg. (2011)
- \$250,000 for post-traumatic stress syndrome. (2011)

### Trucking Accidents

- \$2,525,000 for multiple fractures. (2010)

### Bad Faith

- Confidential settlements with major insurers for bad faith handling of insureds' claims.

### Nursing Home Abuse

- \$1,200,000 settlement for bedsores, infection and death. (2008)
- \$750,000 settlement for pressure sores. (2005)
- \$535,000 settlement for bed sore infection and death. (2012)
- \$375,000 for bedsore infection and death. (2010)

### Dram Shop

- \$730,000 settlement for serving drunk driver. (2011)

## EDUCATION

Arizona State University  
J.D., *magna cum laude*, 1984  
Order of the Coif  
Editor, Law Review

Stanford University  
B.A., 1981

## BAR & COURT ADMISSIONS

- Arizona, 1984
- California, 1985
- U.S. District Court, District of Arizona, 1984
- U.S. District Court, Eastern District of California, 1991
- U.S. District Court, Central District of California, 1992
- U.S. District Court, Northern District of California, 1993

## ASSOCIATIONS & MEMBERSHIPS

- State Bar of Arizona , Member
- State Bar of California , Member
- Arizona Trial Lawyers Association, Member, 1997-Present
- Arizona Pop Warner and Scottsdale Christian Youth Football, Coach, 1994-Present
- McCormick Ranch Little League, Coach, 1994-2009
- McCormick Ranch Little League , Board of Directors, 2001-2004
- Chaparral High School Booster Club, Board of Directors, 2002-2004

## HONORS & AWARDS

- AV Preeminent Peer Review Rating, Martindale-Hubbell
- *The Best Lawyers in America*®, Personal Injury Litigation - Plaintiffs, 2006-2016
- *Southwest Super Lawyers*®, Plaintiff's Personal Injury and Wrongful Death Litigation, 2007-2015
- Arizona's Finest Lawyers, 2011-2012
- Marquis Who's Who, "Who's Who in American Law"
- State Champions, Arizona Pop Warner Youth Football, 2001

## PUBLISHED WORKS

- *Product Liability Under California Law*, Cambridge Institute, 1987

## LIVE MEDIA

- Investigation of Arizona State Hospital Continuing, June 18, 2015
- Arizona State Hospital Allowed to Investigate Itself, June 17, 2015
- Lawsuit Claims Hospital Chain Kept Patient Within System Without Ability to Provide Adequate Care, April 23, 2015
- Ford Recalls '01-'04 Escapes After Deadly Arizona Crash, July 27, 2012

**EXHIBIT “C”**

1 Ramon Rossi Lopez, CA Bar No. 86361  
2 (admitted *pro hac vice*)  
3 LOPEZ McHUGH LLP  
4 100 Bayview Circle, Suite 5600  
5 Newport Beach, CA 92660  
6 [rlopez@lopezmchugh.com](mailto:rlopez@lopezmchugh.com)  
7 *Attorneys for Plaintiffs*

8  
9 **UNITED STATES DISTRICT COURT**  
10  
11 **DISTRICT OF ARIZONA**

12 IN RE BARD IVC FILTERS  
13 PRODUCTS LIABILITY LITIGATION

Case No. MD-15-02641-PHX-DGC

14 **APPLICATION TO SERVE AS LEAD**  
15 **AND LIASION COUNSEL AND**  
16 **CHAIR OF PLAINTIFFS' STEERING**  
17 **COMMITTEE**

18 Pursuant to this Court's Order Setting Initial Case Management Conference, dated  
19 September 15, 2015, paragraph 9, the undersigned, Ramon Rossi Lopez, founding and  
20 managing partner of Lopez McHugh LLP, submits this Application to serve as Co-Lead and  
21 Liaison Counsel for Plaintiffs, as well as the Chair of the Plaintiffs' Steering Committee, in the  
22 above-entitled Multidistrict Litigation, No. 2641 (hereinafter, "MDL No. 2641" and/or "this  
23 MDL"). An updated Curriculum Vitae ("CV") for Mr. Lopez, showing his experience and  
24 qualifications, has been attached for the Court's consideration to this Application.

25 **I. INTRODUCTION**

26 In accordance with the Court's criteria as outlined in its Order dated September 15, 2015  
27 (Doc. 72), I, Ramon Rossi Lopez, request that the Court approve my service in the formal  
28 capacity of Co-Lead/Liaison Counsel for Plaintiffs in this MDL for the following reasons: my  
experience, qualifications, prior MDL positions, all of which is reflected in my CV, and, more  
importantly, the past four years of experience and dedication my firm, helmed by me, has spent  
engaged in extensive discovery and litigation activities—including one trial that settled after 11



1 days—in these cases that are the subject of MDL No. 2641, all of which will be set forth in  
2 more detail, below, establish my credentials and merit in serving in these requested roles.

3 **II. WILLINGNESS AND ABILITY TO COMMIT TO THE CASE**

4 Lopez McHugh has a proven willingness to commit to what will be a time-consuming  
5 process – a commitment best displayed by its previous four-year commitment to this litigation,  
6 including, most recently, activities initiated, lead, directed and organized by Ramon Rossi  
7 Lopez since the JPML assignment of this MDL.

8 Over the past four years, I have been actively litigating Bard IVC Filter cases in multiple  
9 state and federal court venues throughout the country. We opened, and have been financing for  
10 the past four years, the document depository for the products that are the subject of this MDL.  
11 We also hired and have been financing over three years an ESI (Electronically-Stored  
12 Information) consulting company to deal with the document productions. This depository and  
13 these ESI consultants will continue to be available to both state and federal litigants.

14 Troy A. Brenes of my office conducted the original due diligence of this case, and has  
15 spent the overwhelming majority of the past four years litigating these cases with me, as well as  
16 approximately a dozen co-counsel firms – from client interviews, complaint filing, review and  
17 coding of hundreds of thousands of pages of documents, corporate, expert and third-party  
18 depositions, the retention of numerous experts, handling and submission of Rule 26 Reports,  
19 law and motion practice, and acting as trial counsel. Mr. Brenes’ experience, commitment and  
20 participation in this litigation and other relevant cases have been recognized by other counsel  
21 who will be submitting applications to serve on a Plaintiffs’ Steering Committee slate.

22 For the past three years, this litigation has been my primary focus, passion and  
23 commitment. Troy Brenes and I have taken the majority of corporate depositions during that  
24 time period, as well as the majority of expert and treating health care provider depositions. We  
25 have also retained and/or provided the majority of Rule 26 (and state-court equivalents) expert  
26 reports in numerous cases, defended and cross-examined numerous experts in every relevant  
27 discipline, filed and opposed *Daubert* challenges and Motions for Summary Judgment.  
28

1 Troy Brenes and I also acted as lead trial counsel, and the Lopez McHugh firm financed  
2 the only case to have gone to trial over at least the past three years involving one of these  
3 devices. That case was tried before the Honorable Robert C. Jones, in the United States District  
4 Court, for the District of Nevada, in Reno, Nevada, for 10 consecutive court days when that  
5 matter resolved before jury deliberations on day 11 of trial.

6 More recently, I was one of two attorneys who orally argued the petition for this MDL to  
7 the JPML in July 2015, and the sole attorney who provided oral rebuttal and fielded all  
8 questions from the JPML Panel regarding all points raised by defense counsel who were  
9 opposing this MDL assignment, as well as additional questions raised by the Honorable Panel.

10 As described in more detail, below, I reached out to all counsel who expressed interest in  
11 serving on a steering or management committee the same day the Court issued its Order on  
12 September 15, 2105, to begin the organization and collaboration process among Plaintiffs'  
13 attorneys. Within one week, all those with whom I have spoken reached a consensus regarding  
14 leadership and committee structures for the plaintiffs. In the ensuing week, I circulated a list of  
15 approximately 15 subcommittee categories, all of which are now populated with chairs and an  
16 appropriate number of qualified contributing members, all of whom are working diligently and  
17 cooperatively in advancing the involved issues. I have been and will continue to be actively  
18 involved in each of these committees.

19 My firm represents over 150 plaintiffs with documented failures and injuries resulting  
20 from all of the Bard IVC filter products that are the subject of this MDL. We are investigating  
21 the merits of potentially representing another one hundred plaintiffs, approximately. Currently,  
22 I am counsel of record for the following 12 plaintiffs whose cases have thus far been  
23 transferred to this MDL: Susan Fox; Pamela B. Cason; Jennifer R. Coker; Debra Green;  
24 Jessica Deserio-Mintz; John Murray and Melonee Murray; John Noonan; Erin Smith; Denise  
25 O'Neil; Lessie Tillman; and Casey Wright.

26  
27 ///

28 ///

1 **III. ABILITY TO WORK COOPERATIVELY WITH OTHERS**

2 Ramon Rossi Lopez has been a practicing trial lawyer for 36 years. He and his firm have  
3 a track record of working together with other firms and lawyers around the country in these  
4 types of litigations, in a productive, efficient, respectful and inclusive manner. In fact, because  
5 of his known leadership qualities and the unique value he brings to these cases, Mr. Lopez and  
6 his firm are often sought by other plaintiffs’ lawyers to co-counsel mass tort cases with this  
7 case being a clear example. Lopez McHugh LLP is co-counsel with approximately 10 other  
8 law firms who were originally retained by clients and filed (or, intend to file) a Bard IVC Filter  
9 case.

10 Personally, my ability to work cooperatively with others in this litigation, specifically, is  
11 supported by my prior commitment and role of leading, organizing, and jointly prosecuting  
12 these cases with a multi-firm consortium and co-counsel arrangements with several other firms,  
13 including maintaining and administering a joint common benefit fund. In anticipation of the  
14 potential for this assignment as Lead/Liaison Counsel, I initiated the organization of the  
15 attorneys and firms who had filed cases and/or discovered were going to be filing cases, and  
16 who would be seeking active leadership/committee roles in this litigation, whether assigned an  
17 MDL, or not. Since the assignment of MDL No. 2641 to this Court, I have led the effort to  
18 engage all attorneys and firms with federally-filed cases and initiated the organization of  
19 Plaintiffs’ counsel, and sought their assistance and commitment in preparation of all of the  
20 matters set forth in the “Order Setting Initial (CMC).”

21 Since September 15, 2015, I have initiated and chaired several conference calls with  
22 attorneys and firms who have expressed an interest, and now a commitment, to serve on a  
23 Plaintiffs’ Steering/Management Committee in this MDL. That number has grown from  
24 approximately 12 to 20. I have also initiated and chaired numerous conference calls with  
25 smaller groups of Plaintiffs’ counsel who have been designated to work on various committees,  
26 prepare specific discovery, and engage in other projects Plaintiffs plan to initiate once the  
27 current discovery stay has been lifted. I created a list of categories of such projects and  
28

1 submitted same to all 20 firms for input and participation. All of these subcommittees are now  
2 occupied with chairs and an appropriate number of participants.

3 **IV. PROFESSIONAL EXPERIENCE IN THIS TYPE OF LITIGATION**

4 The professional experience Ramon Rossi Lopez has in this type of litigation is almost  
5 unparalleled among Plaintiffs' lawyers in the United States. He and his law firms have  
6 primarily focused on medical device and pharmaceutical mass tort litigations for the past 25  
7 years. Mr. Lopez has experience at all levels of mass tort litigation. Although not all were in a  
8 formal leadership role, the number of such complex, medical device/pharmaceutical cases in  
9 which he has been involved is in excess of 30. The overwhelming majority of these were in a  
10 leadership position in either, or both, MDL and/or statewide coordinated actions dating past 25  
11 years of my 36-year professional career. For a detailed list of my past experience in similar  
12 actions, as well as past experience in numerous Steering, Executive, and Management  
13 Committees, Lead/Liaison positions, subcommittees, and articles and lectures by me involving  
14 similar matters, I respectfully direct the Court's attention to my CV, which was updated days  
15 prior to this submission and has been attached to this Application.

16 **A. Prior Noteworthy Roles in MDL and State Coordinated Actions**

17 In addition to my appointments as Lead/Liaison, and membership on Plaintiffs'  
18 Executive, Steering and Management Committees in both state and federal courts over the past  
19 25 years, I also served as Special Counsel and State-Federal Liaison Counsel to the Honorable  
20 Michael Davis, in the United States District Court, for the District of Minnesota, in  
21 Minneapolis, MN, in a pharmaceutical MDL, at his request. In that position I helped moderate  
22 and coordinate joint discovery, including depositions taken over several weeks in Europe,  
23 between state and federal litigants. Judge Davis consulted with me about various issues  
24 throughout the course of that MDL proceeding. I relished the opportunity to serve in these  
25 roles for Judge Davis.

26  
27 ///

28 ///

1 **V. ACCESS TO RESOURCES TO ADVANCE LITIGATION IN A TIMELY**  
2 **MANNER**

3 My law firm has access to sufficient resources to advance the litigation in a timely  
4 manner, which is best revealed by our involvement in past discovery activities, pre-trial and  
5 trial participation in at least 12 of these related cases, to date, advancing costs on behalf of  
6 those plaintiffs and scores of others up to, and in one instance, through an 11-day trial earlier  
7 this year. Moreover, Lopez McHugh has committed to this litigation, and will continue to do  
8 so in the future, the equivalent of four full-time attorneys, as well as three full-time paralegals,  
9 all of whom collectively have 100 years of experience in complex medical device and  
10 pharmaceutical mass tort products liability litigation. Lopez McHugh LLP has offices in  
11 California, Pennsylvania and New Jersey, and the primary emphasis in all three offices is  
12 litigating medical device and pharmaceutical products liability cases. Attorneys, certified  
13 paralegals and staff in all three offices will be available whenever needed throughout the course  
14 of this litigation.

15 Lopez McHugh has developed a secure electronic depository (separate and distinct from  
16 the corporate and third-party document depository), and is currently populating it with all of the  
17 common benefit and other work product we and others have developed over the past four years  
18 that will be made available to all participating Plaintiffs' counsel with either, or both, state and  
19 federal court cases, once appropriate safeguards and protections are in place. We intend to  
20 have that "live" and accessible by October 12, 2015. I can provide a detailed list of what this  
21 "library" will include to the Court *in camera*, if necessary, as the content contains a significant  
22 amount of material protected by the attorney work-product doctrine or other privileges.

23 Since the Initial CMC Order issued by this Court, a minimum of 95% of my professional  
24 time has been devoted to the items and issues set forth in said Order, as well as other important  
25 matters that will assist the Court and parties in fulfilling their roles and duties to the just,  
26 expedient, and thorough discovery and ultimate resolution of this matter.

27  
28 ///

**VI. SUPPORT OF OTHER ATTORNEYS**

I was provided written authority from the majority of the law firms with filed cases in this matter, and received no objection from non-responders, to act as interim lead counsel in conducting the meet-and-confer discussions with defense counsel, as required by the Initial CMC Order. On one conference call, and during subsequent in-person meetings, those attorneys who seek leadership roles in this MDL unanimously endorsed me to seek and obtain this appointment as Co-Lead/Liaison Counsel. I was instrumental, per the Initial CMC Order, in investigating and finding a local Phoenix firm to commit to a leadership role in this MDL. That led us to the law firm of Gallagher & Kennedy, P.A., and a unanimous endorsement of that recommendation by each of the 20 firms who seek appointment to our Plaintiffs' Steering Committee.

While not required, and after defense counsel requested that this first meet and confer pursuant to the Initial CMC Order be conducted via conference call, I suggested that this meeting take place in person at the law offices of Gallagher & Kennedy in Phoenix, Arizona. Defense counsel agreed and this meeting took place on Thursday, October 1, 2015, during which I spoke on behalf of all Plaintiffs' counsel, several of whom were present at the meeting and others via conference line. All attorneys and/or their co-counsel were invited to participate in this initial meeting either in person, or via conference call.

In addition to the joint meeting with opposing counsel on October 1, I organized and participated in further organizational and strategy meetings with other Plaintiffs' attorneys, in Phoenix, on September 30, October 1 and October 2, 2015. Since that time, I have contributed to drafting the joint statement resulting from these meetings with counsel, and have kept all others informed of the progress, drafts and work product that will make up our Agenda and Joint Submission to the Court, due October 9, 2015. My office and others prepared the final Plaintiffs' position statement and proposals that will be submitted to this Court on October 9, 2015, jointly, with counsel for Defendants.

The Protective Order that will be adopted and applicable in this MDL Proceeding, normally an issue that consumes several weeks of negotiations, and oftentimes submission to

1 the Court for resolution, was one previously negotiated with defense counsel by my office and  
2 co-counsel.

3 **VII. CONCLUSION**

4 I respectfully request that this Court accept my Application to serve as Co-Lead and  
5 Liaison Counsel with Mr. Robert Boatman of Gallagher & Kennedy, P.A., as well as Chair of  
6 the Plaintiffs' Steering Committee, in this MDL No. 2641. Mr. Boatman and I have been  
7 working collaboratively with each other over the past several weeks in organizing and  
8 advancing the many aspects of this case that will need to be addressed and accomplished in this  
9 MDL proceeding. Our respective attorney and paralegal staffs have also been working closely  
10 and collaboratively with each other and with other firms on such matters. It is clear that Mr.  
11 Boatman and I, as well as the members of our two firms, will have a collaborative, beneficial,  
12 cooperative, respectful and committed relationship with each other, as well as with all other  
13 Plaintiffs' counsel involved in this litigation.

14 As in every case in which I am involved, I am fully committed to working cooperatively,  
15 respectfully and diligently with the Court, Opposing Counsel and all litigants and Attorneys  
16 representing plaintiffs in this action, to its end.

17  
18 RESPECTFULLY SUBMITTED this 9th day of October, 2015.

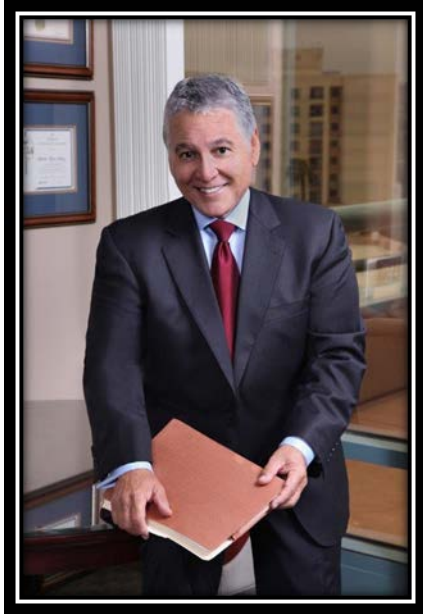
19 LOPEZ McHUGH LLP

20  
21 By: 

22 Ramon Rossi Lopez  
23 100 Bayview Circle, Suite 5600  
24 Newport Beach, CA 92660  
25 *Attorneys for Plaintiffs*  
26  
27  
28

**RESUME OF EDUCATION, EXPERIENCE, CAREER AND  
ACCOMPLISHMENTS  
OF  
RAMON ROSSI LOPEZ  
Attorney at Law**





## **RAMON ROSSI LOPEZ**

**Attorney at Law**



### **EDUCATION**

Loyola Law School, J.D., 1978

Loyola University of Los Angeles, B.S., 1972

### **BAR & COURT ADMISSIONS**

California, 1979

U.S. District Court, Central District of California, 1979

U.S. District Court, Southern District of California

U.S. District Court, Northern District of California

U.S. District Court, Eastern District of California

U.S. District Court, Southern District of New York

U.S. District Court, District of Washington

U.S. District Court, Northern District of Ohio

U.S. District Court, Eastern District of Pennsylvania

U.S. District Court, District of Minnesota

U.S. District Court, Northern District of Alabama

U.S. District Court, Southern District of Illinois

U.S. District Court, Southern District of South Carolina

U.S. District Court, Southern District of Indiana

U.S. Court of Appeal, 3<sup>rd</sup> Circuit

U.S. Court of Appeal, 5<sup>th</sup> Circuit

U.S. Court of Appeal, 6<sup>th</sup> Circuit, 2001

U.S. Court of Appeal, 9<sup>th</sup> Circuit

*Pro Hac Vices* granted in the following states' courts: NJ, PA, FL, MS, OH, IL

District of Columbia (Approved, pending swearing)

**PROFESSIONAL BACKGROUND**

LOPEZ MCHUGH LLP, 2007-Present  
Managing and Founding Partner

LOPEZ, HODES, RESTAINO, MILMAN & SKIKOS, 1988-2006  
Managing and Founding Partner

BARTH, LOPEZ & HODES, 1982-1987  
Managing and Founding Partner

CUMMINS, WHITE, ROBINSON & ROBINSON, 1979-1981  
Associate Attorney

Plaintiff's Personal Injury Practice with emphasis on:

- Mass Tort Litigation
- Pharmaceuticals, Medical Devices and Other Products Liability
- Medical and Other Professional Negligence
- Insurance Bad Faith
- Wrongful Termination and Employment Discrimination
- Vehicular Accidents and Automotive Defects
- Consumer Fraud
- Construction Accidents and Construction Defects
- HMO Litigation
- Nursing Home and Elder Abuse
- Environmental Law and Toxic Torts

**AWARDS/ACCOLADES**

- 2013 Hall of Fame Inductee – St. Patrick-St. Vincent High School
- American Academy of Barristers
- The Best Lawyers in America, 2006-2015
- Lawdragon Top 500 in America, 2006-2015
- OCTLA “Top Gun: Award, Mass Torts/Product Liability, 2004
- Southern California Super Lawyers for The Family and Consumer, 2007
- Super Lawyers, Orange County, 2004-2015
- Super Lawyers, Southern California, 2006-2015
- Top Lawyers In Orange County, 2006-2015
- American Academy Of Barristers, Fellow, 2003 (Life Member)
- Top 100 Trial Lawyers, The National Trial Lawyers, 2007-2015
- Register of Preeminent Professionals, 1994-2015
- Martindale Hubbell, AV Rating, 1994-2015

**PROFESSIONAL ASSOCIATIONS**

- American Bar Association
- Consumer Attorneys of California (CAOC)
- American Association for Justice (AAJ)
- Orange County Trial Lawyers Association (OCTLA)
- Orange County Bar Association (OCBA)
- Orange County Barristers
- Consumer Attorneys of Los Angeles (CAOC)
- Legion Lex (Orange County Chapter)
- Western Trial Lawyers Association (WTLA)
- National Trial Lawyers
- Trial Lawyers for Public Justice (TLPJ)

**OTHER PROFESSIONAL ACTIVITIES**

- National Wildlife Federation – President’s Council (2008-2012); Board of Directors (2013-Present)
- Moot Court Judge – Loyola Law School
- Arbitrator – Various Kaiser and other contractual arbitrations
- Judge *pro tem* – Orange County Superior Court
- Arbitration Panel – Orange County Superior Court
- Inns of Court – Orange County Chapter
- Kaiser Party Arbitrator
- The Apollo Alliance – Board Member
- Expert Witness – Professional Responsibility; Common Benefit Fee Criteria; Insurance Bad Faith

**REPRESENTATIVE COMPLEX CASES AND MASS TORT LITIGATIONS**

- **MGM FIRE LITIGATION**
  - Represented 25 victims, participated in MDL activities, obtained favorable resolution
- **PAN AM-LOCKERBIE AIR CRASH**
  - Represented family of three victims of the Pan American-Lockerbie Air Crash, MDL No. 799
- **HALLIBURTON/KBR CONVOY LITIGATION**
  - Represented seven families for wrongful death of loved ones and 11 injured victims of a Halliburton/KBR convoy attack after intentionally and needlessly being deployed into the line of fire during the Iraq War in 2004. (Case consolidated in USDC, Houston, TX)
  - Two Circuit Court of Appeal decisions
- **SILICONE BREAST IMPLANT LITIGATION**
  - Represented 500 women in state and federal courts
  - Member of Plaintiffs’ Steering Committee (PSC) for the California Judicial Counsel Coordination Proceedings (JCCP)

- Co-Chair of Science Subcommittee for the California JCCP
- Member of PSC for MDL proceedings coordinated in the USDC, for the Northern District of Alabama
- Participated in negotiations and resolution of numerous cases
- **SHILEY HEART VALVE LITIGATION**
  - Represented foreign country recipients in individual and class action lawsuits
- **SYNTHROID MARKETING LITIGATION (MDL No. 1182)**
  - Lead Counsel in the California MDL Class Action proceedings coordinated in the USDC, for the Central District of California
  - Member of PSC
  - Lead Counsel for commercial claimants
- **LATEX LITIGATION**
  - Member of PSC in MDL proceedings coordinated in the USDC, for the Eastern District of Pennsylvania
  - Affiliated with Oregon-based firm
- **DIET PILL (FEN-PHEN) LITIGATION**
  - Member of PSC in MDL proceedings coordinated in the USDC, for the Eastern District of Pennsylvania
  - Member of Discovery Subcommittee in MDL proceedings
  - Member of Plaintiffs' Executive Committee (PEC) for the California JCCP
  - Negotiated coordination between federal MDL and state court actions in California, Florida, Nevada and Oregon
  - Invited Member of Global Settlement Negotiations Team
  - Chair of Phentermine Discovery Committee
  - Lead Trial Counsel in cases in California and Mississippi
  - Negotiated settlements for 2,000+ plaintiffs from various states, and for multiple firms
- **REZULIN LITIGATION (MDL No. 1348)**
  - One of four Members of PEC in MDL proceedings coordinated in the USDC, for the Southern District of New York.
  - Co-Lead Counsel in MDL proceedings
  - Lead Counsel or co-counsel in approximately 100 individual plaintiffs' cases in more than 10 states with confirmed liver damage or death
  - Member of State Court PSC
  - Firm filed first Petition for MDL Coordination
  - Invited speaker to first ATLA/NCA/Maeley's Rezulin conferences
- **PPA LITIGATION**
  - Member of PSC in MDL proceedings coordinated in the USDC, for the Western District of Washington
  - Co-Lead Counsel and Member of PEC for the California JCCP (No. 4166)
  - Member of Discovery, Experts and Science Subcommittees
  - Chair, Mealey's Litigation Conferences (March 2001 and August 2001)

- Member of Common Benefit Fees and Costs Allocation Committee
- Co-Lead Trial Counsel, First Bellwether Case
  
- **BAYCOL LITIGATION**
  - State-Federal Liaison Counsel, Special Advisor and Consultant to the Honorable Michael J. Davis in MDL proceedings coordinated in the USDC, for the District of Minnesota, by appointment
  - Member of PSC in MDL proceedings
  - Co-Lead and Co-Liaison Counsel in the California JCCP
  - Member of Discovery Subcommittee, focus on foreign defendants (depositions in Amsterdam)
  - coordinated in the USDC, for the District of Minnesota, as well as in the California State Coordinated Actions
  
- **MTBE LITIGATION**
  - Co-Lead Counsel with District Attorney of Orange County (People v. ARCO, Shell, et al.)
  
- **ZYPREXA LITIGATION**
  - Member and Organizer of PSC in MDL proceedings coordinated in the USDC, for the Southern District of New York
  - Chair of the Discovery Subcommittee in MDL proceedings
  - Member of Science and Experts Subcommittee
  - Member of Law and Research Subcommittee
  - Member (Co-Chair) of Global Settlement Negotiations Committee
    - Successful Global Settlement of 8,000 pending cases (\$700,000,000.00)
  - Chair of Transition Team to New PSC
  - Co-Chair of ATLA Litigation Group
  - Co-Chair of Common Benefit Fees and Costs Allocation Committee
  
- **VIOXX LITIGATION**
  - Member of PSC and Discovery Subcommittee in MDL proceedings coordinated in the USDC, for the Eastern District of Louisiana
  - Co-Chair of AER Discovery Project
  - Moderator of ATLA Mock Trial
  
- **GUIDANT MEDICAL DEVICE LITIGATION**
  - Member of PSC in MDL proceedings coordinated in the USDC, for the District of Minnesota
  - Member of ADR/Negotiations Committee
  - Lead and Liaison Counsel for the interests of 25 law firms in Common Benefit Fees and Costs Assessments
  
- **ORTHO EVRA LITIGATION**
  - Member of PSC in MDL proceedings
  - Member of Lead Counsel Committee

- Member of Discovery Subcommittee
- **KETEK LITIGATION**
  - Lead Trial Counsel and Liaison Counsel in New Jersey State Coordinated Actions
  - Chair of Private Litigation Group
  - Chair of Negotiations Committee
- **GADOLINIUM LITIGATION**
  - State-Federal Liaison Counsel in MDL proceedings coordinated in the USDC, for the Northern District of Ohio
  - Member of PSC in MDL proceedings and the California JCCP
  - Member of Discovery Subcommittees as to Defendants Bayer and GEHC
  - Co-Chair of Discovery Subcommittee as to Defendant Mallinckrodt
  - Represented more than 100 NSK plaintiffs in state and federal courts
- **CHANTIX LITIGATION**
  - One of four Members of PEC in MDL proceedings coordinated in the USDC, for the Northern District of Alabama
  - Trial Counsel for Bellwether Trial
  - Member of Experts Subcommittee and Experts Depositions Team
  - Settlement Counsel for over 200 plaintiffs
  - Member of Common Benefit Fees and Costs Allocation Committee
- **PRADAXA LITIGATION**
  - State-Federal Liaison Counsel and Member of PSC in MDL proceedings coordinated in the USDC, for the Southern District of Illinois
  - Co-Chair of Discovery Subcommittee in MDL proceedings
  - Lead and Liaison Counsel for the California JCCP
  - Sponsor and Speaker, First National Seminar, AAJ
  - Settlement Negotiations Committee
- **LIPITOR LITIGATION**
  - One of four Members of PSC in MDL proceedings coordinated in the USDC, for the District of South Carolina
  - Co-Chair of American Association for Justice (AAJ) Litigation Group
  - Co-Chair of *Ad Hoc* Discovery and Expert Committee
  - Speaker, AAJ Seminar, Philadelphia, PA, Sept. 2013
  - Member of Bellwether Trials Subcommittee
  - Member of Experts and Science Subcommittee
- **INCRETINS LITIGATION**
  - Member of PSC in MDL proceedings coordinated in the USDC, for the Southern District of California
  - Member of Discovery and Experts Subcommittees in MDL proceedings

- Lead Deposition Examiner
- Co-Chair for AER/Pharmacovigilance Discovery Project
- **GRANUFLO LITIGATION**
  - Bellwether Trial Counsel
  - Overseas members of firm who serve on Discovery and Expert Subcommittees
  - Lead Deposition Examiner
- **COOK IVC FILTERS LITIGATION**
  - Member of PSC in MDL proceedings coordinated in the USDC, for the Southern District of Indiana
  - Member of Discovery and Experts Subcommittees
  - Member of Bellwether Trials Subcommittee
- **BARD IVC FILTERS LITIGATION**
  - Awaiting decision by the Court as to requested appointments of several leadership roles in newly-formed MDL proceedings in the USDC, for the District of Arizona
  - Application pending for Chair of 20-person PSC in MDL proceedings
  - Application pending for Co-Lead and Liaison Counsel for Plaintiffs in MDL proceedings
  - Lead Trial Counsel – Reno, Nevada (Jan./Feb. 2015)
  - Organizer and Chair of Private Litigation Group
  - Lead Trial Counsel – CA, AZ, GA and NV
  - State-Federal Court Liaison Counsel (prior to MDL)
  - Medical Monitoring Class Actions – CA, PA and FL
  - Co-Chair of Private Litigation Group Discovery Committee (prior to MDL)

**PUBLICATIONS/PRESENTATIONS/ INVITED SPEAKING ENGAGEMENTS**

- “BRIDGING THE GAP” – Seminar for new bar members
- “CURRENT DEVELOPMENTS IN MEDICAL MALPRACTICE” – Annual Symposium of Orange County Podiatric Society
- “DISCOVERY STRATEGY” – The Orange County Chapter of Legion Lex
- “WHY SUE THE IMPLANTING PHYSICIAN” – National Breast Implant Symposium
- “TRYING A BREAST IMPLANT CASE” – California Trial Lawyers Association
- “AVOIDING LIABILITY AS A PRIMARY CARE PHYSICIAN OF PATIENTS WITH BREAST IMPLANTS” – The 5th Annual Breast Cancer Symposium
- “CURRENT LITIGATION TRIAL STRATEGY IN SUING 3M” – ATLA/BILG Seminar, Dallas, Texas, October 1996
- “HOW TO SURVIVE A SCORCHED-EARTH DEFENSE” – Consumer Attorneys of California, Winter Convention, April 1997
- “IMPORTANCE OF RADIOLOGY EVIDENCE IN BREAST IMPLANT LITIGATION” – ATLA/BILG Seminar, Las Vegas, April 1997

- "TORT TRENDS INTO THE 21st CENTURY" – CEB, 1997
- "MEDICAL LITERATURE AND EXPERT DATABASE/LIBRARY" – ATLA, JULY 1997
- "CHALLENGING A JUDGE FOR CAUSE" – CAOC, March 1998
- "DAUBERT - FROM THE PLAINTIFF'S PERSPECTIVE" – OCBA, SEPT. 1998
- "DIET PILL LITIGATION - ADVANCED COURSE II" – WTLA, Seminar Moderator and Speaker, December 1998
- MDL-1203 Discovery Seminar Organizer and Co-Chair – June 1999 / September 1999
- FEDERAL MDL No. 1203 (Diet Drugs/Fen-Phen) TRIAL PACKAGE SEMINAR – Lecture on Motions in Limine and Trial Illustrations, Las Vegas, March 2000
- MEALEY'S FEN-PHEN CONFERENCE – "The MDL Trial Package and Generic Expert Witnesses, West Palm Beach, Florida, March 2000.
- FEDERAL MDL No. 1203 – TRIAL SEMINAR, Santa Fe, New Mexico, May 2000.
- MEALEY'S FEN-PHEN CONFERENCE – Motions in Limine, Marina del Rey, California, June 2000
- DEPOSITION DO'S AND DON'TS – "The Gavel" OCTLA Magazine
- FEDERAL MDL No. 1203 – MOCK TRIAL SEMINAR – New Orleans, LA, Aug. 2000
- CAOC CONVENTION – Chair of Mass Tort Seminar, Monterey, CA, Nov. 2000
- MEALEY'S REZULIN CONFERENCE – "The Learned Intermediary Doctrine" – Phoenix, AZ, October 2000.
- 5th ANNUAL DRUG AND MEDICAL DEVICE CONFERENCE – "The Plaintiff's Case", New York City, NY, December 2000
- PPA LITIGATION GROUP – Chair and Sponsor, Organization of National Plaintiffs' Firms and Seminar, Newport Beach Four Seasons, Jan./Feb. 2001,
- ATLA WINTER CONVENTION – New Orleans, LA, Feb. 10-14, 2001
- PPA/EPHEDRA – MEALEY'S CONFERENCE, Co-Chair, Philadelphia, PA, March, 2001
- ATLA SUMMER CONVENTION – Montreal, Canada, July 14-18, 2001; PPA MDL PSC Co-Chair Meetings and Seminars
- REZULIN MDL DISCOVERY SEMINAR, Co-Chair, Pensacola, FL, August 2001
- PPA/EPHEDRA – 2<sup>ND</sup> MEALEY'S CONFERENCE, Co-Chair, San Diego, CA, AUGUST 16-17, 2001
- MEALEY'S REZULIN LITIGATION CONFERENCE, Phoenix, AZ, April 22-23, 2002, The Introduction of Scientific Evidence and Expert Testimony in Federal and State Court
- ALI-ABA LONDON PROGRAM – United State Domestic and International Litigation and Dispute Resolution: *Current Developments and Their Impact on U.S. and European Companies, Insurers and Lawyers*, April 10-12, 2002, London, England, Invited Speaker
- MEALEY'S PPA AND EPHEDRA CONFERENCE, San Diego, CA, August 1-2, 2002, Co-Chair, Presentation on MDL status; Co-Chair MDL PSC Meetings
- MASS TORTS MADE PERFECT, Las Vegas, January 16-17, 2003, How to develop a pharmaceutical case from due diligence to conclusion



- DEFENSE STRATEGIES FOR PHARMACEUTICAL AND MEDICAL DEVICE LITIGATION, Phoenix, AZ, February 3-4, 2003
- MEALEY'S FEN-PHEN CONFERENCE, March 13-18, 2003, Speaker and Panel Member
- CAOC CONVENTION, Monterey, CA, April 10-13, 2003
- MEALEY'S EPHEDRA CONFERENCE, Pasadena, CA, April 28-30
- MEALEY'S BAYCOL CONFERENCE, Florida, June 2-3, 2003
- ATLA SUMMER CONVENTION, San Francisco, CA, July 20-22, 2003; Co-Chair Rezulin MDL PSC Meeting
- EPHEDRA SUMMIT MEETING, August 12, 2003
- CAOC CONVENTION, Las Vegas, NV, September 5-6, 2003
- ABA CLASS ACTIONS SEMINAR, October 24, 2003
- MASS TORTS MADE PERFECT, New Orleans, LA, November 6-7, 2003
- MEALEY'S PARALEGAL SEMINAR, Los Angeles, CA, November 18, 2003, Speaker: developing a new mass tort
- ACI DRUG AND MEDICAL DEVICE CONFERENCE, New York, NY, Dec. 14-16, 2003, Panel speaker
- ATLA WINTER CONVENTION, Orlando, FL, Sept. 16-18, 2004; Welding Rods Litigation Group meeting; Begin development of Zyprexa Litigation Group
- MEALEY'S WELDING RODS CONFERENCE, Las Vegas, NV, March 11-12, 2004 OCTLA Seminar, March 13, 2004
- MASS TORTS MADE PERFECT, San Francisco, CA, March 18-19, 2004, Speaker: Zyprexa
- MEALEY'S EPHEDRA AND PPA CONFERENCE, San Diego, CA, May 10-11, 2004, Panel member
- ATLA WINTER CONVENTION, Boston, MA, July 3-7, 2004, Zyprexa PSC meetings, TLPJ
- HRT MDL MOCK TRIAL, Las Vegas, NV, October 1-2, 2004
- MASS TORTS MADE PERFECT, Las Vegas, NV, November 11-12, 2004
- ACI DRUG AND MEDICAL DEVICE – A NEW STANDARD FOR MASS TORT LITIGATION, New York, NY, December 12-14, 2004, Panel member: 360 Degrees of Insight into Baycol
- MEALEY'S VIOXX CONFERENCE, Philadelphia, PA, January 20-21, 2005
- ATLA WINTER CONVENTION, Palm Springs, CA, January 29-February 2, 2005, Litigation at Sunrise, speaker, Zyprexa Litigation
- PEPPERDINE LAW SCHOOL SYMPOSIUM – Emerging Issues in Preemption of Medical Drugs, Malibu, CA, April 9, 2005, speaker panel
- PPA MDL TRIAL PREP SEMINAR, Dallas, TX, April 12, 2005
- ATLA VIOXX MOCK TRIAL, New Orleans, LA, May 19-20, 2005, Moderator
- ATLA SUMMER CONVENTION, Toronto, Canada, July 20-27, 2005; Chair, Zyprexa Litigation Group meeting; Chair Zyprexa MDL PSC/DC meetings
- ATLA HEART DEVICE LITIGATION, Las Vegas, NV, September 15, 2005; Speaker: Potential Liability of Third Party Suppliers

- ATLA SEMINAR – TRENDS AND HOT TOPICS IN PHARMACEUTICAL LITIGATION, Las Vegas, NV, September 16-17; Moderator
- ATLA SEMINAR – MASS TORT LITIGATION, Las Vegas, NV, November 2006: Speaker: Zyprexa Litigation, Settlement and Litigation Status, Liability Case.
- ATLA SEMINAR – PHARMACEUTICAL LITIGATION, Miami, FL, February 2007, The Impact of the Drug Sales Representative on Your Case
- ATLA SUMMER CONVENTION, Chicago, IL, July 2007, Ethical Considerations in the Resolution of Mass Tort Cases
- MASS TORTS MADE PERFECT, Las Vegas, NV, November, 2007, SSRI Birth Injuries; Ketek Litigation
- AAJ BIG PHARMA CONFERENCE, Las Vegas, NV, February, 2008, Winning in Settlement Negotiations: the How and When For Success
- AAJ GADOLINIUM LITIGATION GROUP MEETING, Las Vegas, NV, February, 2008, State-Federal Coordination
- MEALEY'S PHARMACEUTICAL LITIGATION SUPER CONFERENCE, Chicago, IL, Jun2, 2008, Chair of 3 day conference; Ketek Litigation presentation.
- MASS TORTS JUDICIAL FORUM with HB and Honorable Marina Corodemus, Philadelphia, PA, June 2011, Panel member and presenter
- AAJ PRADAXA SEMINAR, Baltimore, MD, April, 2012, Speaker – Foreign Regulatory Activity
- IVC LITIGATION SEMINAR, Philadelphia, PA, August, 2012, Chair
- AAJ LIPITOR LITIGATION GROUP, Organizational Meeting, San Francisco, CA, July 2013
- AAJ MEDICAL DEVICE AND PHARMACEUTICAL CONFERENCE, Speaker, Lipitor Litigation, September 2013
- AAJ LIPITOR LITIGATION GROUP, Co-Chair and Presenter at Lipitor Litigation Group Meeting, New Orleans, LA, February, 2014
- AAJ Annual Convention, Miami, FL, 2014, Speaker – Deposing the Difficult Witness
- HARRIS MARTIN SEMINAR, San Francisco, CA, July, 2015, Speaker – IVC Filters Litigation
- AAJ Webinar, Moderator and Speaker, August, 2015 – Bard IVC Filters Litigation
- MTMP Seminar, October, 2015, Moderator and panel member – Mediation, Settlement Considerations, Ethics, Format, Timing, Terms and Conditions

**EXHIBIT “D”**



Gallagher&Kennedy



## SHANNON L. CLARK

Shareholder

Gallagher & Kennedy  
2575 E. Camelback Road, Suite 1100  
Phoenix, AZ 85016  
DIR: 602-530-8194  
slc@gknet.com

### My Practice

PLAINTIFF'S PERSONAL INJURY & WRONGFUL DEATH - Aviation Disasters, Dram Shop/Bar, Drug Litigation, Fire and Explosions, Fraud and Commercial Torts, Insurance and Bad Faith, Legal and Other Professional Liability, Medical Malpractice, Motor Vehicle/Motorcycle/Commercial Trucking Collisions, Negligence, Nursing Home/Elder Abuse, Police Officer and Other Government Liability, Products Liability, Sexual Misconduct

## PROFESSIONAL SUMMARY

Shannon is a shareholder and member of the Gallagher & Kennedy board of directors. For 14 years, Shannon has been a tireless advocate for victims of negligent and wrongful conduct throughout Arizona and around the United States. His passionate commitment to the rights of injured or wronged individuals has garnered in excess of \$200,000,000 in jury verdicts, arbitration awards, mediation results and negotiated settlements for personal injury, wrongful death and legal malpractice clients. Beyond helping his clients obtain compensation for devastating injuries and personal tragedy, Shannon also assists clients with many of the (often non-legal) details of putting their lives back together and moving forward.

From the beginning of his career at Gallagher & Kennedy in 2000, Shannon has been drawn to legal matters that allowed him to advocate for individuals who have been harmed in some way through the fault of others. As a member the firm's highly skilled and successful Plaintiff's Personal Injury and Wrongful Death team, Shannon gained invaluable experience in high-profile cases at the state and national levels.

Shannon is deeply committed to his clients, and his effort extends beyond the intricacies of any given lawsuit to champion consumer safety issues for greater social impact. While commanding the fortitude, experience, resources and overall fire in the belly needed to take on major manufacturers and institutional defendants, Shannon remains unfailingly sensitive to the human element of each case he handles. He approaches his clients as people first, which makes him broadly effective in understanding his clients' challenges and advocating their causes.

## REPRESENTATIVE EXPERIENCE

- Practice in all areas of litigation and trial work, including personal injury, commercial litigation and appellate advocacy.
- Handled virtually all varieties of personal injury cases, including product liability, motor vehicle accidents, dram shop actions, premises liability, elder abuse, medical malpractice, commercial trucking, sexual assault, and insurance bad faith.
- Represented clients throughout Arizona and in Texas, Nevada, California, New Mexico and Washington, D.C.

## EDUCATION

Duke University

J.D., with honors, 1999  
Order of the Coif  
Note Editor, Duke Law Journal

Cornell University  
B.A., with distinction, 1996  
Dean's Scholar  
Phi Beta Kappa  
Phi Kappa Phi

## BAR & COURT ADMISSIONS

- Arizona, 1999
- U.S. Court of Appeals, Ninth Circuit, 1999
- U.S. District Court, District of Arizona, 2001

## ASSOCIATIONS & MEMBERSHIPS

- State Bar of Arizona, Member
- The American Association for Justice, Member
- Arizona Trial Lawyers Association, Member
- The National Trial Lawyers Association, Member
- 100 Club of Arizona, Member, Board of Directors, June 2015-Present

## HONORS & AWARDS

- AV Preeminent Peer Review Rating, *Martindale-Hubbell*
- *The Best Lawyers in America*®, Personal Injury Litigation - Plaintiffs, 2012-2016; Appellate Practice, 2016
- *Southwest Super Lawyers*®, Plaintiff's Personal Injury and Wrongful Death Litigation, 2014-2015
- *Southwest Super Lawyers*® - Rising Stars Edition, Plaintiff's Personal Injury and Wrongful Death Litigation, 2012-2013
- *The National Trial Lawyers*, Top 100 Trial Lawyers, 2012-2013
- *The National Trial Lawyers*, Top 40 Under 40, 2012-2013
- *Arizona's Finest Lawyers*, Sustaining Member, 2013-Present
- *Phoenix Business Journal*, 40 Under 40, 2013
- Phi Beta Kappa, Cornell University, 1996
- Phi Kappa Phi, Cornell University, 1996
- Gold Key National Honor Societies, Cornell University, 1996
- Cornell National Scholarship, Cornell University, 1996

## COMMUNITY & PHILANTHROPY

Arizona Center for the Blind and Visually Impaired Board of Directors, 2005-2011, 2013-present  
(Chairman 2010-2011)

Cayley Manor Homeowners Association Board of Directors, 2008-2011  
(President 2009-2011)

## PUBLISHED WORKS

- *Demonstrative Evidence*, March 1, 2013
- *The Evolution of Products Liability, A Historical Accounting*, *Arizona Tort Law Handbook* (Co-Author), 2012
- *Wrongful Death*, *Arizona Tort Law Handbook* (Co-Author), 2012
- *E-Sign of the Times*, Newsletter, February, 2001

## LIVE MEDIA

- Old Tires Pose Tread Separation Risk, October 22, 2014
- Ford Recalls '01-'04 Escapes After Deadly Arizona Crash, July 27, 2012

## SPEAKING ENGAGEMENTS

- APA Seminar, Managing Success Through the Art of Preparation and Presentation, 2012
- NALA Seminar, Demonstrative Evidence – How to Do It Right, 2011
- State Bar Association, Motor Vehicle Accident Cases: Winning Presentation with the Use of Expert Witnesses and Graphic Illustrations, 2011
- NBI Plaintiff Personal Injury Seminar, Personal Injury Damages, 2006

## REPRESENTATIVE CASES

- Helped secure important Arizona Supreme Court ruling that Arizona hospitals can be subject to liability for abuse and neglect of vulnerable adults.
- Successfully resolved case for victims of failed (and later recalled) telescoping aerial ladder unit on fire engine.
- Helped secure compensation from and government investigation of a major automobile manufacturer that failed to recall a dangerous stuck throttle defect on a popular SUV.
- Resolved legal and accounting malpractice claims against major accounting firm on behalf of heirs to high profile businessman and entrepreneur.
- Successfully represented dozens of tread separation and/or rollover accident victims in product liability cases against Ford Motor Company, Bridgestone/Firestone, Inc., Bridgestone Corporation, Dunlop Tire Company, Cooper Tire and Rubber Company, Kuhmo Tire Company, Michelin North America and most major tire manufacturers.
- Member of team representing victims of fuel-fed fires caused by rear-impact collisions in Ford Crown Victoria Police Interceptors; helped cause Ford to spend \$350,000,000 to improve safety of police vehicles.
- After a two-month trial, recovered record settlement for victims of elder abuse at a nursing home.
- Member of trial team for victims of Mexican Hat, Utah ski bus accident.
- Represented family of man who died in Sedona Sweat Lodge tragedy.

## LANGUAGES

Spanish

## OTHER

### Judicial Clerkships

Judicial Clerk, Honorable Mary M. Schroeder, Circuit Judge, United States Court of Appeals for the Ninth Circuit, 1999-2000

### Academic Appointments

Phoenix School of Law, Phoenix, AZ, Adjunct Professor, 2012-2013

Arizona Summit Law School, Phoenix, AZ, Adjunct Professor, 2013-Present

### Study Abroad

Universidad de Sevilla, Seville, Spain, 1994-1995

**EXHIBIT “E”**

**John A. Dalimonte, Esquire**  
**KARON & DALIMONTE LLP**  
**85 Devonshire Street, Suite 1000**  
**Boston, MA 02109**  
Tel: 617-367-3311 • Fax: 617-742-9130  
email: [johndalimonte@kdlaw.net](mailto: johndalimonte@kdlaw.net)

### **Courts Admitted**

Massachusetts	Bar No. 554554	12/18/1989
District of Columbia	Bar No. 1007797	6/4/2012
U.S.D.C. Massachusetts		4/13/1990
U.S.D.C. Eastern District Wisconsin		5/23/1989
U.S. Court of Federal Claims		8/18/1998

### **Legal Education**

Marquette University Law School (J.D. 1989) 1986-1988  
(Milwaukee, WI)

Marquette University Law Review  
Adolf A. Melker Scholar

Boston University School of Law 1988-1989  
(Boston, MA)

### **College Education**

Massachusetts College of Liberal Arts (B.A. History) 1982-1986  
(North Adams, MA)

Oxford University (Somerville College) (6 Credits) 1985  
(Oxford, England)

### **Mass Tort Experience**

C.R. Bard, Inc. and Bard Peripheral Vascular, Inc. IVC Filer National Litigation, 2010 to present.

- Lead Trial Counsel Jones v. C.R. Bard, Inc., USDC (N.D. Tex.), Case No: 3:13-cv-00599-K and Lead Trial Counsel Team Member - over 75 cases - 9 cases filed USDC 2 cases filed in Maricopa County AZ Superior Court)
- Co-lead Discovery Efforts, Corporate Depositions, Document Review

In re Cook Medical, Inc., IVC Filters Marketing, Sales Practices and Product Liability Litigation,  
U.S.D.C. Southern Dist, Indiana, Case No. 1:14-ml-2570-RLY-TAB, MDL Docket No. 2570

- Executive Committee
- Medical Literature and Science/Expert Subcommittee Member and Document Review Committee;
- Coordinated Master Written Discovery, including ESI Discovery

In re Consolidated Fresenius Cases, Middlesex Superior Court C.A. No. 2013-03400-O

- Bellwether Trial Counsel Team Member



In re Massachusetts Asbestos Litigation, Middlesex Superior Court, 1989 to present. (Led national discovery effort, served as co-lead trial counsel and managed thousands of cases).

In re VIOXX Products Liability Litigation, U.S.D.C. Eastern District Louisiana, C.A. No: 05-2921 L, MDL Docket No. 1657

In Re: Gadolinium Based Contrast Agents Product Liability Litigation, U.S.D.C. Northern District Ohio, Case No. 1:08-GD-5000, MDL Docket No. 1909

In re Ortho Evra Products Liability Litigation, U.S.D.C. Northern District Ohio, Case No. 1:06-4000, MDL Docket No. 1742

In re Yasmin and Yaz(Drospirenone) Marketing Sales Practices and Relevant Products Liability Litigation, U.S.D.C. Southern District of Illinois 3:09-md-02100-DRH-CJP, MDL No. 2100

In re Avandia Marketing Sales Practices and Products Liability Litigation, U.S.D.C. Eastern District of Pennsylvania MDL Docket No. 1871

In re DePuy Orthopaedics, Inc. ASR Hip Implant Product Liability Litigation, USDC Northern District Texas, Case No. 1:10-md-2197, MDL No. 2197

In re DePuy Orthopaedics, Inc. Pinnacle Hip Implant Product Liability Litigation, USDC Northern District Texas, Case No. 3:11-md-02244, MDL No. 2244

### **Presentations**

CLE Presentation IVC Filter Litigation American Association of Justice

### **Awards**

Massachusetts Super Lawyers	2009 to present
National Trial Lawyers Association Top 100	2010 to present
Boston Globe Top Rated Lawyers	2015
Martindale-Hubble AV Rating	
AVVO Rating 10 Superb	

### **Organizations**

American Association of Justice  
National Trial Lawyers Association  
American Bar Association  
Massachusetts Trial Lawyers Association  
Massachusetts Bar Association  
Boston Bar Association

**EXHIBIT “F”**



TROY A. BRENES  
tbrenes@lopezmchugh.com

REPLY TO  
NEWPORT BEACH OFFICE

October 7, 2015

The Honorable David G. Campbell  
United States District Judge  
District of Arizona  
Sandra Day O'Connor U.S. Courthouse  
401 West Washington Street  
Phoenix, AZ 85003

Re: In re Bard IVC Filters Product Liability Litigation  
Case No. MDL-15-02641-PHX-DGC  
Application for Plaintiff's Leadership Committee

Dear Judge Campbell:

Pursuant to the Court's Order of September 15, 2015, this letter shall serve as my application for a position on the In re Bard IVC Filters Products Liability Litigation Plaintiffs' Leadership Committee.

Educational Background

I, Troy Brenes, graduated from University of California, Santa Barbara in 2003 with a Bachelor of Arts in Law and Society. I then graduated from Loyola Law School in 2006.

I have been a member of the of the California Bar since 2007, and I am admitted to practice before the United States District Courts of the Eastern District of California; the Central District of California; the Southern District of California; the Northern District of California; and the Central District of Illinois. I am also currently admitted *pro hac vice* to numerous state and federal courts and have never been denied admission.

Professional Experience:

I am senior associate at the law firm of Lopez McHugh, where I have been practicing since 2007. Lopez McHugh has a nationally-based plaintiffs' practice with vast experience litigating complex pharmaceutical and medical device cases. My practice has focused primarily on complex medical device litigation, which usually occurs in the context of multidistrict litigations. In recent years, I have successfully represented

## LOPEZ MCHUGH LLP

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hundreds of clients in numerous large medical device litigations, including the Bard Composix Kugel Patch Litigation; DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation; and In re Medtronic, Inc. Sprint Fidelis Leads Products Liability Litigation.

In the Bard Composix Kugel Patch Litigation, which also involved C.R. Bard, Inc., I litigated cases in state court and coordinated litigations efforts with the Plaintiffs' Steering Committee in the MDL. Aside from successfully litigating my cases as co-lead trial counsel, I also made substantial contributions to the MDL proceedings. These include, but were not limited to, successfully briefing and arguing plaintiffs' position regarding fraudulent misjoinder before the MDL court and obtaining discovery orders at the state court level that benefited the MDL proceedings.

### Professional Experience Related to Inferior Vena Cava Filters

For the past four years, I have been co-lead trial counsel in numerous cases pending against C.R. Bard, Inc. and Bard Peripheral Vascular, Inc. ("Bard") relating to Bard's inferior vena cava filters. During this time, I have helped lead and coordinate discovery and litigation efforts amongst a small group of law firms against Bard. I have taken the lead in negotiating and litigating numerous discovery disputes with Bard, including issues relating to the format of production for electronically stored evidence ("ESI"), the methodology for identifying and producing ESI, privilege claims, adequacy of discovery responses, scope of discovery and other matters.

I have also had the honor of conducting the majority of discovery taken in this litigation to date. This includes drafting written discovery, approximately 1,600 hours of document review time, and deposing numerous corporate, case specific, and expert witnesses.

As co-lead trial counsel, I have also been extensively involved in preparing cases for trial. This has included selecting experts and disclosing Rule 26 reports; successfully briefing and arguing against numerous Daubert and summary judgment motions; and preparing exhibit lists, trial briefs and jury instructions in multiple cases. Finally, I was also co-lead trial counsel in a case that was tried for 10 consecutive court days before reaching settlement.

I am also actively involved in MDL No. 2570 IN RE: Cook Medical, Inc., IVC Filters Marketing, Sales Practices and Products Liability Litigation. I am an appointed member of the Plaintiff's Executive Committee. I also co-chair the discovery committee and am a member of the bellwether selection committee.

Given my extensive role in these litigations to date, I believe that my participation in the Plaintiffs' Leadership Group will greatly assist in resolving this MDL as expeditiously and economically as possible.

# LOPEZ MCHUGH LLP

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## Presentations/Speaking Engagements

I have been invited as a guest speaker at multiple educational conferences for trial attorneys regarding areas of science, causation, expert development, and regulatory matters in the context of litigating medical device cases. My recent speaking engagements include the July 2015, Harris Martin MDL Conference regarding IVC Filters in San Francisco, California and a September 2015, Bard G2 IVC Filter Device Litigation Update, hosted by the American Association for Justice.

## Availability

Over the past four years, I have devoted 95 percent of my work time to litigating these cases. My passion for this litigation and the approximate 150 injured plaintiffs I represent is tremendous. I will continue to offer this commitment moving forward.

## Ability to Work Cooperatively With Others

Given my extensive experience in prior Multidistrict Litigations as well as in litigating this litigation over the last four years, I have demonstrated the ability to lead and work cooperatively with other plaintiffs' counsel, as well as defense counsel. In prior litigations, I have work cooperatively with other attorneys from within the leadership structure of the Multidistrict Litigations as well as part of a separate state court approach. In this litigation, I have already been coordinating discovery efforts for the last several years on behalf of a small group of law firms. I have also formed and chair a litigation group at the American Association for Justice regarding IVC Filter cases, so as to facilitate coordination of litigation efforts between the state and federal litigations. Finally, I have also developed a good working relationship with counsel for Bard over the last four years of litigation.

Respectfully Submitted,



Troy A. Brenes

**EXHIBIT “G”**

## **CURRICULUM VITAE**

**BEN C. MARTIN**  
**LAW OFFICES OF BEN C. MARTIN**  
**3219 MCKINNEY AVENUE, SUITE 100**  
**DALLAS, TEXAS 75204**  
**PHONE (214) 761-6614 FAX (214) 744-7590**  
**E-MAIL: BMARTIN@BENCMARTIN.COM**

PLACE OF BIRTH: Dallas, Texas

### EDUCATION AND TRAINING

1983 B.B.A., University of North Texas, Denton, Texas

1986 J.D., Baylor University School of Law, Waco, Texas

### PROFESSIONAL EXPERIENCE

Ben C. Martin has represented thousands of individuals in cases involving catastrophic injury and wrongful death. His experience ranges from representing those who are injured in the oil field to those harmed by dangerous products - including defective machinery, medical devices, and pharmaceutical drugs. He has tried numerous cases to verdict in Texas, Mississippi, California and Arkansas, and represents people in all fifty states. He currently serves as Co-lead in the Cook IVC MDL 2570, Southern District of Indiana. In addition to his experience in the IVC filter litigation, he has represented individuals in both state and federal court in cases involving the diet drug fen-phen, Vioxx, TVM, Risperdal, and many others.

### PROFESSIONAL MEMBERSHIPS

Admitted to practice in all state courts in Texas

Admitted to practice in all state courts in Pennsylvania

Member of the bar of the United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas, the United States District Court for the District of Colorado, the United States Court of Appeals for the Fifth Circuit, and the U.S. Court of Claims

Advocate, The American Board of Trial Advocates, Dallas Chapter President 2014

Texas Trial Lawyers Association

Dallas Bar Association

American Bar Association

Dallas Trial Lawyers Association

Mississippi Trial Lawyers Association (Honorary lifetime member)

Southern Trial Lawyers Association

American Association of Justice

Texas Bar Foundation

CERTIFICATIONS

*Board Certified* in Civil Trial Law, Texas Board of Legal Specialization

*Board Certified* in Personal Injury Trial Law, Texas Board of Legal Specialization

AWARDS AND HONORS

Texas Super Lawyer, Texas Monthly Magazine, 2005-2015

"Top 100 Trial Lawyers", National Trial Lawyers, 2011-2014

"AV preeminent" rating with Martindale-Hubbell

PROFESSIONAL PRESENTATIONS

"Preparation of the Personal Injury Case – From the Initial Interview Through Trial," State Bar of Texas Summer Bar Seminar, Cancun, Mexico

"Trying the Wrongful Death Case in Texas: Strategies in Preparation and Valuation," National Business Institute

"Personal Injury– Anatomy of a Case," Advanced Civil Trial Seminar for Attorneys, Legal Assistants, and Other Legal Professionals, Legal Assistants Division, State Bar of Texas

"Physician and Hospital Liability," Problem Based Sleep Medicine Course for the Primary Care Practitioner: Establishing a Differential Diagnosis and Treatment Plan, The Houston Sleep Consortium

"Evidence for Paralegals: Obtaining, Managing and Using All Types of Information, Opinion Evidence", speaker, "Causation," Texas State Bar 2009 Advanced Personal Injury Trial Course, Dallas, Texas



"Bard G2 IVC Filter Litigation Update Webinar," AAJ Education

TEACHING

Former Adjunct Professor, Southern Methodist University School of Law

Former Instructor, National Institute of Trial Advocacy

**EXHIBIT “H”**

**QUALIFICATION SUMMARY**

**OF**

**JOSEPH R. JOHNSON**

**BABBITT & JOHNSON, P.A.**

**1641 WORTHINGTON ROAD, SUITE 100**

**WEST PALM BEACH, FL 33409**

**(561) 684-2500**

**[jjohnson@babbitt-johnson.com](mailto:jjohnson@babbitt-johnson.com)**

## **EDUCATION**

Florida State University, J.D., 1983

Florida State University, B.S. 1980

## **LICENSES**

Florida 1983

U.S. District Court, Southern District of Florida 1984

U.S. District Court, Middle District of Florida 2012

Supreme Court of the United States of America 2007

## **PRACTICE AREAS AND CERTIFICATIONS**

Medical Malpractice Litigation, Personal Injury Litigation, Class Action Litigation, Products Liability Litigation, and Medical Device Litigation

Board Certified by the Florida Bar, Civil Trial Law, 1966

## **PROFESSIONAL BACKGROUND**

BABBITT & JOHNSON, P.A., (and predecessor firms) 1991 – present

MCCALL and JOHNSON (and predecessor firms) approximately 1987 – 1991

DAVIS CRITTON et al., approximately 1985 – 1987

WALTON LANTAFF SCHROEDER and CARSON, 1983 – 1985

## **PROFESSIONAL ASSOCIATIONS**

Florida Civil Procedure Rules Committee 2008 – present

American Board of Trial Advocates

Florida Justice Association

American Association for Justice (AAJ)

## **REPRESENTATIVE CASES AND LITIGATIONS**

### **COOK MEDICAL, INC., IVC FILTERS MULTIDISTRICT LITIGATION (Medical Device Product Litigation):**

- Plaintiffs Executive Committee

### **INTERGEL LITIGATION (Medical Device Product Liability):**

- PSC member in state coordinated litigation, Palm Beach County, Florida
- Co-Lead counsel discovery
- Negotiating team for global resolution

### **DRUG ELUTING STENTS LITIGATION (Medical Device Product Liability):**

- PSC member state coordinated litigation, Palm Beach County, Florida
- Co-Lead counsel discovery
- Co-counsel summary trials
- Litigated post-regal PMA claims on behalf of injured plaintiffs

### **IVC FILTERS (BARD LITIGATION (Medical Device Product Liability):**

- Medical Monitoring Class Action – Florida
- Co-Lead counsel discovery

**EXHIBIT “I”**

***JULIA REED ZAIC***  
***Attorney at Law***

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**EDUCATION**

Rutgers- The State University of New Jersey, J.D., 2001  
University of South Florida, M.S.P.H., Toxicology 1998  
University of South Florida, B.A., 1992

**LICENSES**

Florida, 2001  
California, 2003  
U.S. District Court, Central District of CA, 2004  
U.S. District Court, Southern District of FL, 2012  
U.S. District Court, Middle District of FL, 2014

**PROFESSIONAL BACKGROUND**

**HEAVISIDE REED ZAIC**, A Law Corporation, 2011 – Present  
Managing and Founding Partner

**REED ZAIC**, 2006 – 2011  
Managing and Founding Partner

**MENEO LAW GROUP**, 2006 - 2009  
Of Counsel

**LOPEZ, HODES, RESTAINO et al.**, 2002 – 2006  
Associate Attorney

**SUPERIOR COURT OF NEW JERSEY** 2001 - 2002  
Hon. Marina Corodemus (Ret.)  
Judicial Law Clerk (Mass Torts Section)

**PROFESSIONAL ASSOCIATIONS**

- American Bar Association
- American Association for Justice (AAJ)

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**JULIA REED ZAIC**

Page 2 of 5

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## **REPRESENTATIVE CASES AND LITIGATIONS**

### **PPA LITIGATION MDL 1407 (Pharmaceutical Product Liability):**

- Negotiating team for class resolution of Dexatrim/PPA-containing products
- Member of the Trust Advisory Committee for Bankruptcy proceedings related to Thompson Medical class resolution of Dexatrim/PPA-containing products
- Participated in discovery proceedings for MDL and state JCCP litigation

### **BAYCOL LITIGATION MDL 1431 (Pharmaceutical Product Liability) :**

- Participated in discovery proceedings for MDL and state JCCP litigation

### **ZYPREXA LITIGATION MDL 1596 (Pharmaceutical Product Liability):**

- Participated in discovery proceedings for MDL and state JCCP litigation

### **HALLIBURTON/KBR CONVOY LITIGATION (Fraud, Defense Base Act)**

- Associate Attorney responsible for Plaintiff discovery requests and responses on behalf of contractors deployed in Iraq.

### **ZYVOX LITIGATION (Pharmaceutical Product Liability)**

- McBride v. Pfizer – Co-Lead Trial and Settlement Counsel, Lead Discovery Counsel for pharmacovigilance and regulatory matters.

### **KETEK LITIGATION (Pharmaceutical Product Liability)**

- Co-Lead Trial Counsel – coordinated cases Superior Court of New Jersey (manufacturing defendants)
- Lead Trial Counsel - coordinated cases Superior Court of New Jersey against non-manufacturing defendants (CROs & IRBs)
- Lead Discovery Counsel - New Jersey state coordination –Plaintiff Settlement Negotiation Committee for manufacturer and non-manufacturer defendants
- Lead Counsel responsible for post-marketing pharmacovigilance/adverse event

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## **JULIA REED ZAIC**

Page 3 of 5

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discovery

### **DRUG ELUTING STENTS LITIGATION (Medical Device Litigation)**

- PSC member in state coordinated litigation, Palm Beach County, Florida
- Co-Lead counsel discovery
- Lead counsel responsible for post-marketing pharmacovigilance/adverse event discovery
- Co-Counsel summary jury trials
- Co-Lead discovery counsel for trial package
- Litigated post-Reigel PMA claims on behalf of injured plaintiffs

### **In Re: OIL SPILL BY THE OIL RIG DEEPWATER HORIZON LITIGATION MDL 2197**

- Participated in Science Committee literature gathering and analysis, development and building the PSC Science Library of resources for expert support.

### **CHANTIX LITIGATION MDL 2092 (Pharmaceutical Product Liability)**

- Successful opposition briefing to Daubert Challenges (bellwether)
- Successful briefing of Daubert Challenges striking defense experts in bellwether trial
- Managing attorney for adverse event source file collections and review

### **In Re: DePUY, PINNACLE METAL HIP IMPLANT MDL 2244 (Medical Device Litigation)**

- Science Committee Member

### **PRADAXA LITIGATION MDL 2385 (Pharmaceutical Product Liability)**

- Discovery attorney leading post-marketing pharmacovigilance/adverse event discovery ESI production.

### **LIPITOR LITIGATION MDL 2502 (Pharmaceutical Product Liability)**

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## **JULIA REED ZAIC**

Page 4 of 5

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- Discovery attorney - post-marketing pharmacovigilance/adverse event discovery productions, law and motion, and management of document review.

### **In Re: INCRETIN MIMETICS LITIGATION MDL 2452 (Pharmaceutical Product Liability)**

- Member, Plaintiffs' Steering Committee
- Pharmacovigilance/adverse event discovery and law and motion

### **In Re: COOK IVC FILTER LITIGATION MDL 2440 (Medical Device Product Liability)**

- Member, Plaintiffs' Executive Committee

## **PRESENTATIONS/INVITED SPEAKING ENGAGEMENTS**

- MEALEY'S EPHEDRA AND PPA CONFERENCE, San Diego, CA, May 10-11, 2004, Panel member and presenter
- MASS TORTS JUDICIAL FORUM with HB and Honorable Marina Corodemus, Philadelphia, PA, June 2011, Panel member and presenter
- MASS TORTS JUDICIAL FORUM with HB and Honorable Marina Corodemus, Philadelphia, PA, April 2014, Panel member and presenter
- MASS TORT MED SCHOOL with HB Litigation Conferences, Boca Raton, FL May 2014 (Invited)
- HARRIS MARTIN MDL Conference, IVC Filters, San Francisco, CA, July 2015, (Invited)
- HARRIS MARTIN MDL Conference, IVC Filters, New York, NY, Presenter, September 2015

## **OTHER PROFESSIONAL/VOLUNTEER/COMMUNITY ACTIVITIES**

- National Wildlife Federation, Board of Directors (2011-present)
  - Regional Director (Hawaii, California, Nevada, Guam)
  - Audit Committee Member/501(c)(3) compliance
  - CEO Transition Committee Member (CEO search, interviewing, hiring)

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## **JULIA REED ZAIC**

Page 5 of 5

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and transition management for \$100M annual budget with 4M members/supporters)

- Impact Giving, Member, Laguna Beach, CA – Partner (2012 – present)
- National Wildlife Federation, Chair, President’s Advisory Council (2009 – 2011)
- National Wildlife Federation, PAC Member (2004 – 2009)
- Volunteer Rescue SCUBA Diver – New Jersey State Aquarium (1999-2001)
- Volunteer Rescue SCUBA Diver – University of South Florida (1992-1994)

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**EXHIBIT “J”**

CURRICULUM VITAE

**HOWARD L. NATIONS**

**Attorney-at-Law**

3131 Briarpark Drive #208

Houston, Texas 77042

713 807-8400

**EDUCATION**

Vanderbilt University School of Law	J.D. 1966
Florida State University	B.A. 1963

**WORK EXPERIENCE:**

Butler, Binion, Rice, Cook & Knapp	1966-1971
The Nations Law Firm	1971-Present

**BOARD CERTIFICATIONS**

Texas Board of Legal Specialization	Personal Injury Trial Law
Texas Board of Legal Specialization	Civil Trial Law
National Board of Trial Advocacy	Board Certified in Civil Trial Advocacy
National College of Advocacy	Diplomate of Trial Advocacy

**LEADERSHIP ROLES**

The National Trial Lawyers	Past President
Aletheia Institute	Past President
Melvin Belli Society	Past President
Southern Trial Lawyers Association	Past President
Texas Trial Lawyers Association	Past President
Association of Plaintiff Interstate Trucking Lawyers of America	Past President
Association of Trial Lawyers of America	Executive Committee (5 years)

**AWARDS AND RECOGNITIONS**

National Association of Distinguished Counsel	2015 Inducted as a Fellow
American Association for Justice	2014 Lifetime Achievement Award
Southern Trial Lawyers Association	2014 Smiley Lighthouse Award
Litigation Counsel of America	2014 Inducted as a Fellow
APITLA	2013 Man in the Arena Award
Trial Lawyer Hall of Fame	2012 Inductee
American Association for Justice	2011 Heavy Lifting Award
Melvin Belli Society	2010 Mel Award
Mass Torts Made Perfect	2010 Clarence Darrow Award
Southern Trial Lawyer's Association	2009 War Horse Award
Southern Trial Lawyers Association	2007 Malone Great American Eagle Award
State Bar of Texas	2001 Gene Cavin Award
State Bar of Texas	2001 President's Special Citation

**Page 2:**

**Curriculum Vitae**

**Howard L. Nations**

**CONTINUING LEGAL EDUCATION**

National College of Advocacy

Founder & Co-Chair

State Bar of Texas CLE

Past Chair

Adjunct Law Professor

South Texas College of Law (25 years)

Legal Lecturer

50 States, 6 Canadian Provinces, 12 Foreign Countries

**AREAS OF SPECIALIZATION**

Civil/Personal Injury Litigation

Pharmaceutical/Medical Devices

Mass Torts

MDL Litigation

**MDL Plaintiff Steering Committees:**

MDL No. 1596; *In re: Zyprexa Products Liability Litigation*;  
In the United States District Court, Eastern District of New York

MDL No. 1742; *In re: Ortho Evra Products Liability Litigation*;  
In the United States District Court, Northern District of Ohio, Western Division

MDL No. 1909; *In re: Gadolinium Based Contrast Agents Products Liability Litigation*;  
In the United States District Court, Northern District of Ohio, Eastern Division

**MDL Leadership Roles:**

MDL No 2179; *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico*  
In the United States District Court, Eastern District of Louisiana  
Lead Counsel in Back-End Litigation in Medical Benefits Class Action

**ADMITTED TO PRACTICE:**

State Bar of Texas

State Bar of New York

United States Supreme Court

Several Federal Courts

**BUSINESS**

Co-Founder

Insurance Corporation of America

**MILITARY SERVICE**

U. S. Army Military Intelligence

Russian Linguist

**EXHIBIT “K”**

1 RUSSELL W. BUDD  
(TX Bar No.: 03312400)  
2 BARON & BUDD, P.C.  
3102 Oak Lawn Avenue, Suite 1100  
3 Dallas, TX 75219  
Tel.: (214) 521-3605  
4 Fax: (214) 520-1181  
rbudd@baronbudd.com  
5

6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**

8 In re Bard IVC Filters Products Liability  
9 Litigation

No. MD-15-02641-PHX-DGC

10 **AFFIDAVIT OF QUALIFICATIONS OF**  
11 **RUSSELL W. BUDD FOR**  
12 **APPOINTMENT TO THE PLAINTIFFS'**  
13 **STEERING COMMITTEE**

14 1. Pursuant to the Court's September 15, 2015 *Order Setting Initial Case*  
15 *Management Conference*, I, Russell W. Budd, respectfully submit this affidavit of qualifications  
16 in support of my application for appointment to the Plaintiffs' Steering Committee ("PSC") in the  
17 above-captioned multidistrict litigation. I am counsel of record in *Myra Edwards v. C.R. Bard,*  
18 *Inc., et al.* Case No.: 7:15-cv-00515-GEC (W.D. Va.), which will be transferred to this MDL.

19 2. As set forth more fully herein, I am both willing and have the ability to commit to  
20 a time-consuming process, have the ability to work cooperatively with others, have professional  
21 experience in pharmaceutical and mass tort litigation, and have access to sufficient resources to  
22 advance the litigation in a timely manner. I am an attorney in good standing with the State Bars of  
23 Michigan and Texas.

24 3. Based on my areas of expertise and experience, as more fully set forth below, I  
25 would like to lead or co-lead the Expert and Bellwether Committees, and I plan to have a  
26 leadership role in settlement negotiations at the appropriate time.

27 4. I have been a Baron & Budd shareholder for more than twenty years and  
28 Managing Shareholder and President of the Firm since 2002. I have successfully navigated the  
growth and diversification of Baron & Budd's many practice areas. I have vast experience in



1 asbestos litigation, having helped to build Baron & Budd into one of the largest trial firms in the  
2 country. I was a chief negotiator of a national settlement with Halliburton Co., which allocated  
3 \$4 billion of the company's assets to asbestos victims. I also participated in the multi-billion  
4 dollar settlement with W.R. Grace Co. to fund the bankruptcy trust that will compensate Grace's  
5 asbestos victims. As chair and member of several asbestos creditors' bankruptcy committees, I  
6 have successfully resolved over 100,000 victims' claims with some of Wall Street's biggest  
7 companies.

8 5. More recently, I played a key role in the negotiation of a \$177 million settlement  
9 with GlaxoSmithKline on behalf of the states of Mississippi, Maryland, Kentucky, West Virginia,  
10 South Carolina, Utah, and New Mexico regarding fraudulent marketing of the diabetes drug  
11 Avandia. I lead Baron & Budd's pharmaceutical litigation, which currently includes thousands of  
12 active cases involving a multitude of devices and drugs, including Granuflo, transvaginal mesh  
13 implants, Lipitor, Risperdal, testosterone replacement therapy, Xarelto, and metal on metal hip  
14 implants. I am on the Plaintiffs' Steering Committee for seven TVM MDLs pending in the  
15 Southern District of West Virginia.

16 6. I am AV-rated by Martindale-Hubbell Law Directory, its highest rating. I serve on  
17 the American Association for Justice's Board of Governors. My biography is attached hereto as  
18 Exhibit B.

19 **A. ACCESS TO RESOURCES:**

20 7. I am the Managing Shareholder and President of Baron & Budd, P.C., a  
21 professional corporation that was founded in 1977 and currently has offices in Dallas, Texas  
22 (main office); Baton Rouge, Louisiana; New Orleans, Louisiana; Austin, Texas; and Los Angeles,  
23 California. Baron & Budd is one of the largest and most accomplished plaintiffs' law firms in the  
24 country. The firm employs approximately forty attorneys and one hundred and forty support  
25 staff, which include paralegals, legal secretaries, technical support personnel and accounting  
26 personnel.

27 8. For over thirty-five years, Baron & Budd has represented individuals, businesses  
28 and public entities in matters from coast to coast. The firm's experience and capacity in complex

1 litigation are virtually unmatched. Its primary focus is on representing plaintiffs on a contingency  
2 fee basis, and its significant areas of litigation include occupational and environmental injury  
3 cases, pharmaceutical injury cases, property damage claims, investor protection, environmental  
4 damage cases, and class action litigation. The qualifications, specialized training and relevant  
5 work history of Baron & Budd's key personnel and of the Firm as a whole are set forth in Baron  
6 & Budd, P.C.'s Firm Brochure, which is attached hereto as Exhibit A, and on our website,  
7 [www.baronandbudd.com](http://www.baronandbudd.com).

8 9. Both I and my firm have achieved national acclaim for our work on cutting-edge  
9 litigation, including the following awards and appointments:

- 10 • I and my partner Scott Summy were selected to the 2014, 2015 and 2016 editions of  
11 *The Best Lawyers in America*.
- 12 • In 2013, shareholder Burton LeBlanc was appointed to the Plaintiffs' Steering  
13 Committee in the litigation involving health issues linked to dialysis product Granuflo  
14 and its sister product, Naturalyte.
- 15 • In 2006, a team of Baron & Budd attorneys received the esteemed Trial Lawyer of the  
16 Year Award from the legal non-profit organization, Public Justice, for its work on  
17 Arizona groundwater contamination litigation that spanned 21 years, involved over  
18 1,600 Tucson-area residents, and resulted in a total recovery of more than \$150  
19 million from an aircraft manufacturer, the City of Tucson and the Tucson Airport  
20 Authority over TCE contamination of the community's groundwater.
- 21 • In addition, the Firm has been named a Finalist for Public Justice Trial Lawyers of the  
22 Year Award for its work on three other matters: (1) \$105 million settlement for  
23 hundreds of public water providers related to atrazine contamination in source water,  
24 2013; (2) \$110 million settlement with JP Morgan Chase over overdraft fees and  
25 business practice changes; (3) recovery of more than \$400 million on behalf of more  
26 than 150 municipalities from seventeen states (including the State of New Mexico)  
27 regarding contamination of groundwater by MTBE, 2009.

- 1 • In 2002-2006, 2008, 2011 and 2012, Baron & Budd was named to the *National Law*  
2 *Journal's* "Plaintiffs' Hot List" of exemplary plaintiffs' firms in the United States.
- 3 • Named to list of America's Elite Trial Lawyers by *The National Law Journal* in 2014  
4 (fifty law firms achieving significant results within the previous year with an  
5 established track record);
- 6 • In September 2010, Baron & Budd was one of only four firms chosen to serve on both  
7 the Plaintiffs' Executive Committee and on the Plaintiffs' Steering Committee of the  
8 Multi-District Litigation in the Gulf Oil Spill litigation.
- 9 • In 2007, I and my partner Burton LeBlanc were among 14 attorneys nationwide to be  
10 honored with the Wiedemann Wysocki National Finance Council Award from the  
11 American Association for Justice in recognition of our commitment to the legal  
12 profession and our efforts to improve the civil justice system. LeBlanc was recognized  
13 for a second time with the award in 2010.
- 14 • In 2004, *American Lawyer* named Baron & Budd as one of the sixteen most successful  
15 plaintiffs' firms in the country.
- 16 • Baron & Budd has been repeatedly selected by *The Legal 500* as one of the country's  
17 premier law firms in mass tort claims and class action litigation.

18 10. My partners Laura Baughman and Sindhu Daniel plan to devote significant time to  
19 this litigation. Specifically, Laura Baughman will work with me on the Expert Committee, and I  
20 suggest that she be placed on the Science and Discovery Committees as a member or co-lead.  
21 Sindhu Daniel will work with me on the Bellwether Committee. Additional attorneys and staff  
22 will work on the litigation as needed.

23 11. Laura Baughman, a shareholder in the Firm's pharmaceutical litigation section, has  
24 been practicing law with Baron & Budd for twenty years. Ms. Baughman has been a go-to person  
25 at the Firm to take the lead in dozens of key expert and science-related depositions in MTBE (a  
26 gasoline additive that contaminates water supplies), class action, and toxic tort litigation. Her  
27 pharmaceutical experience includes working with me on litigation filed on behalf of seven states  
28 against GlaxoSmithKline regarding fraudulent marketing of Avandia, which resulted in a \$177

1 million settlement. She has also played a key role in the areas of science, experts and depositions  
2 in the Granuflo MDL. In addition to her law degree, Ms. Baughman holds a Bachelor of Science  
3 in Engineering and a Master's degree in Civil (Environmental) Engineering. Ms. Baughman is  
4 AV-rated by Martindale-Hubbell Law Directory, its highest rating, and is licensed to practice law  
5 in Texas, California, New York and Missouri. Ms. Baughman earned her law degree, with  
6 honors, from the University of Texas School of Law. Her biography is attached hereto as Exhibit  
7 C.

8 12. Sindhu Daniel, a shareholder in the Firm's pharmaceutical section and a former  
9 partner with the law firm Seeger Weiss LLP, has been practicing law for over 18 years. Over the  
10 last 13 years, her practice has exclusively comprised of complex personal injury litigation  
11 involving pharmaceutical drugs and medical devices. She has worked on numerous MDLs,  
12 including: *In Re: Testosterone Replacement Therapy Products Liability Litig.* (S.D. Ill., MDL No.  
13 2545); *In Re: Fresenius Granuflo/Naturalyte Dialysis Products Liability Litig.* (D. Mass., MDL  
14 No. 2428) (Co-Chair of the Plaintiffs' Bellwether Committee); *In Re: Zolofit Products Liability*  
15 *Litig.* (E.D. Pa., MDL No. 2342); *In Re: Tylenol Marketing, Sales Practice and Products Liability*  
16 *Litig.* (E.D. Pa., MDL No. 2436); *In Re: Vioxx Products Liability Litig.* (E.D. La., MDL No.  
17 1657); *In Re: Actos (Pioglitazone) Products Liability Litig.* (W.D. La., MDL No. 1657); *In Re:*  
18 *DePuy Orthopaedics ASR Products Liability Litig.* (N.D. Ohio, MDL No. 2197); *In Re: Fosamax*  
19 *Products Liability Litig.* (S.D.N.Y., MDL No. 1789); *In Re: Yasmin and Yaz (Drospirenone)*  
20 *Marketing, Sales Practices, and Relevant Products Liability Litig.* (S.D. Ill., MDL No. 2100); *In*  
21 *Re: Bextra and Celebrex Marketing Sales and Products Liability Litig.* (N.D. Cal., MDL No.  
22 1699); *In Re: Mirena Products Liability Litig.* (S.D.N.Y., MDL No. 2434). Ms. Daniel's work has  
23 included negotiating settlements on behalf of thousands of injured plaintiffs. She is currently a  
24 member of the Plaintiffs' Steering Committee in *In re Xarelto Products Liability Litigation*,  
25 pending in the Eastern District of Louisiana. Ms. Daniel earned her law degree from Temple  
26 University Beasley School of Law. Her biography is attached hereto as Exhibit D.

1 **B. PROFESSIONAL EXPERIENCE IN PHARMACEUTICAL LITIGATION:**

2 13. I, along with my co-counsel, represented the states of Mississippi, Maryland,  
3 Kentucky, West Virginia, South Carolina, Utah, and New Mexico in their lawsuits against  
4 GlaxoSmithKline arising out of its fraudulent marketing of the diabetes drug Avandia in those  
5 states. Baron & Budd also represented over 7,000 individuals who were harmed by using  
6 Avandia. I played a key role in negotiating the settlement of the seven states' claims for \$177  
7 million. In comparison, the federal/multi-state settlement of 37 states and the District of  
8 Columbia resulted in a collective settlement of \$90 million for those 38 entities combined.

9 14. I lead Baron & Budd's pharmaceutical litigation, which currently includes the  
10 following active cases: personal injury claims regarding transvaginal mesh implants against  
11 Johnson & Johnson, Ethicon, Inc., C.R. Bard, Inc., American Medical Systems, Inc., Boston  
12 Scientific Corp., Coloplast Corp., and others; personal injury claims regarding the drug Lipitor  
13 filed against Pfizer, Inc.; personal injury claims regarding the drugs Risperdal and Invega filed  
14 against Janssen Pharmaceuticals, Inc. and related entities; personal injury claims regarding  
15 Testosterone replacement therapy filed against Abbott Laboratories, AbbVie, Inc., Eli Lilly and  
16 Company, Lilly USA, Pfizer, Inc., Pharmacia & Upjohn Company, Inc., Endo Pharmaceuticals,  
17 GlaxoSmith Kline, LLC, Actavis, Inc., and others; personal injury claims regarding metal on  
18 metal hip implants filed against DePuy Orthopaedics, Inc., Wright Medical Technology, Inc.,  
19 Biomet, Inc., and related entities; personal injury claims regarding the drug Xarelto filed against  
20 Janssen Pharmaceuticals and Bayer HealthCare; personal injury claims regarding the drugs  
21 Levaquin, Avelox and Cipro filed against Janssen Pharmaceuticals, Inc. and Bayer  
22 HealthCare Pharmaceuticals, Inc.

23 15. Baron & Budd currently represents the State of Mississippi and (in cases filed  
24 separately from Mississippi's suit) hundreds of personal injury claimants in  
25 pharmaceutical/medical device litigation regarding the dialysate Granuflo. My partner Burton  
26 LeBlanc was appointed by the Honorable Douglas P. Woodlock of the U.S. District Court for the  
27 District of Massachusetts as a member of the Plaintiffs' Steering Committee in *In Re: Fresenius*  
28 *Granuflo/Naturalyte Dialysate Products Liability Litigation*, an MDL that is pending in that

1 court, and my partner Laura Baughman has played a key role in science-related and expert  
2 depositions in that litigation.

3 16. Baron & Budd played a leading role in representing individuals harmed by the diet  
4 drug Fen-Phen. The firm was instrumental in negotiating the Seventh Amendment to the AHP  
5 Settlement Agreement, which required the defendants to place an additional \$1.275 billion into a  
6 trust for those suffering mitral valve regurgitation and other health-related issues caused by the  
7 diet drug. In addition to its role in achieving the 2004 Fen-Phen settlement in conjunction with  
8 the MDL, Baron & Budd has settled Fen-Phen personal injury claims for approximately 3300 of  
9 its own clients.

10 **C. REMAINING CRITERIA AND CONCLUSION:**

11 17. My work in negotiating settlements on behalf of numerous plaintiffs in asbestos  
12 and pharmaceutical litigation evidences my ability to build consensus and work effectively with  
13 counsel for plaintiffs and defendants. As evidenced by the myriad of MDLs and mass tort  
14 litigations involving a variety of co-counsel in which I and other Baron & Budd attorneys have  
15 served as part of the plaintiffs' leadership, my firm and I have the experience, resources, and  
16 willingness to commit to this very important litigation. If I am appointed as a member of the  
17 Plaintiffs' Steering Committee, I will have the full support and resources of my partners, along  
18 with the abundant resources of the entire firm.

19 18. I respectfully submit that this application demonstrates that I have satisfied the  
20 primary criteria enumerated in the Court's September 15, 2015 *Order Setting Initial Case*  
21 *Management Conference* to be used in making appointments to the leadership organization of this  
22 MDL, namely: (1) willingness and ability to commit to a time-consuming process; (2) ability to  
23 work cooperatively with others; (3) professional experience in this type of litigation; and (4)  
24 access to sufficient resources to advance the litigation in a timely manner. Based on the foregoing,  
25 I respectfully request that this Court appoint me to be a member of the PSC. It would be an honor  
26 for me to serve on behalf of my own clients and for the common benefit of all Plaintiffs.

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Dated: October 1, 2015

/s/ Russell W. Budd  
Russell W. Budd  
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# EXHIBIT A



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## Baron & Budd's Practice and Accomplishments

### FIRM OVERVIEW

Baron & Budd, P.C. is among the largest and most accomplished plaintiffs' law firms in the country. With almost 40 years of experience, Baron & Budd has the expertise and resources to handle complex litigation throughout the United States. As a law firm that takes pride in remaining at the forefront of litigation, Baron & Budd has spearheaded many significant cases for entities and individuals.

Since the firm was founded in 1977, Baron & Budd has achieved substantial national acclaim for its work on cutting-edge litigation:

- Shareholders Russell Budd and Scott Summy were selected to the 2014, 2015 and 2016 editions of *The Best Lawyers in America*. Summy has been selected to *Best Lawyers* every year since 2006.
- In 2014 Baron and Budd was named to the list of America's Elite Trial Lawyers by *The National Law Journal* in partnership with Law.com. This illustrious list is comprised of 50 law firms that have achieved significant results on behalf of plaintiffs within the previous year and have an established track record of delivering impressive results.
- In 2013, Baron & Budd was a finalist for the Public Justice Trial Lawyers of the Year Award for the firm's work on a \$105 million settlement on behalf of hundreds of public water providers across the Midwest who are struggling with atrazine contamination in their source water.
- In 2013, shareholder Burton LeBlanc was appointed to the Plaintiffs' Steering Committee in litigation involving health issues linked to dialysis product GranuFlo and its sister product, NaturaLyte.
- In 2002-2006, 2008, 2011-2012, Baron & Budd was named to the *National Law Journal's* "Plaintiffs' Hot List" of exemplary plaintiffs' firms in the United States. In 2014, Baron & Budd was named to the list of America's Elite Trial Lawyers by *The National Law Journal*, which recognized fifty law firms achieving significant results for clients within the previous year with an established track record.
- In September 2010, Baron & Budd was one of only four firms chosen to serve on both the Plaintiffs' Executive Committee and the Plaintiffs'

Steering Committee of the Multi-District Litigation in the Gulf Oil Spill litigation.

- In 2009, Baron & Budd was a finalist for the Public Justice Trial Lawyer of the Year Award for its recovery of more than \$400 million on behalf of more than 150 municipalities from 17 states regarding contamination of groundwater by the gasoline additive MTBE.
- In 2007, shareholders Russell Budd and Burton LeBlanc were among 14 attorneys nationwide to be honored with the Wiedemann Wysocki National Finance Council Award from the American Association for Justice in recognition of their commitment to the legal profession and their efforts to improve the civil justice system. LeBlanc was recognized for a second time with the award in 2010.
- In 2006, a team of Baron & Budd attorneys received the esteemed Trial Lawyer of the Year Award by the legal non-profit organization, Public Justice, for its work on Arizona groundwater contamination litigation that spanned 21 years, involved over 1,600 plaintiffs, and resulted in a total recovery of more than \$150 million.
- In 2004, *American Lawyer* named Baron & Budd one of the sixteen most successful plaintiffs' firms in the country.
- Baron & Budd has been repeatedly selected by *The Legal 500* as one of the country's premier law firms in mass tort claims and class action litigation.
- Baron & Budd is serving, or has served, on the Plaintiffs' Steering Committees for the following: GranuFlo, BP Oil Spill, Transvaginal Mesh, Chinese Drywall and Takata Air Bags.
- Shareholder Burton LeBlanc served as president of the American Association of Justice (AAJ) in 2013. AAJ is the largest trial lawyer non-profit group in the United States.

Additional information about Baron & Budd is available on the firm's website, [www.baronandbudd.com](http://www.baronandbudd.com).

## SUMMARY OF SIGNIFICANT AREAS OF LITIGATION

### *FINANCIAL LITIGATION*

#### \$410 Million Bank of America Settlement Over Excessive Bank Overdraft Fees

Baron & Budd attorneys worked closely with other law firms in a class action lawsuit asserting manipulation of data by banks to increase revenue from overdraft fees. The firm helped achieve a \$410 million settlement with Bank of America, the largest bank involved in the bank overdraft fee litigation. The case alleged that Bank of America, along with many other major banks, intentionally reordered debit card transactions to promote overdraft fees. Not only did the case result in repayment of most of these charges, it also led to widespread changes in the banking system, affecting virtually every American with a bank account. Because of this lawsuit, many large banks changed their overdraft fee policies, no longer “reordering debits” and not offering “courtesy” overdraft services without customer consent.

#### \$110 Million Settlement with JP Morgan Chase Over Overdraft Fees Plus \$150 Million in Business Practice Changes

Baron & Budd managing shareholder Russell Budd served on the plaintiffs’ steering committee in a class action lawsuit asserting manipulation of data by numerous national banks in order to increase overdraft fee revenue. The firm led the negotiations in a \$110 million settlement with JP Morgan Chase regarding the bank’s manipulative overdraft fee policies. The case alleged that JP Morgan Chase, along with a number of other banks, intentionally reordered debit card transactions to promote overdraft fees. The case resulted in repayment of many of these charges to consumers, and as part of the negotiations, Chase agreed to not charge overdraft fees on debits of \$5 or less.

In 2012, Baron & Budd lawyers were selected as finalists for the 2012 Trial Lawyer of the Year Award by the legal non-profit organization Public Justice for their groundbreaking work on the bank overdraft fee litigation.

#### Predatory Credit Card Practices

Baron & Budd represented the states of Hawaii, Mississippi and West Virginia in litigation against national banks and other financial institutions regarding their unfair and deceptive marketing practices related to their credit card service plans, including payment protection plans. These defendants have preyed upon unsuspecting consumers, including the elderly and the disabled, charging them for products ancillary to their credit cards when the consumers either did not authorize such charges or could never qualify to benefit from them. The firm settled the state of West Virginia’s claims in this litigation in 2013 for more than \$12.5 million. In 2014, the firm settled the claims of the state of Mississippi for just over \$15 million. The firm also settled the claims of the state of Hawaii in 2014 for more than \$15.5 million.

### Unlawful Default-Related Fees Charged to Home Mortgage Borrowers

Baron & Budd currently represents homeowners throughout the United States in three separate class action cases regarding unlawfully marked-up and unnecessary fees charged to borrowers who were late on their mortgage payments. The cases, which have been brought against Wells Fargo, JP Morgan Chase and Citi, assert that when borrowers fall behind on their mortgages, the banks assess fees for property preservation, maintenance and appraisal services. According to the lawsuits, however, in order to generate a profit, the banks add a mark-up to the cost of the services and they order them when they are unnecessary. Furthermore, the lawsuits assert that the banks use deceptive language on borrowers' statements to hide the true nature of the fees.

### Manipulation of the London Interbank Offered Rate ("LIBOR")

Baron & Budd represents homeowners throughout the United States in a case regarding the unlawful manipulation of the London Interbank Offered Rate (the "LIBOR" rate) by sixteen different banks, including Bank of America, Citi and JP Morgan Chase. The LIBOR rate is one of the most popular benchmarks for adjustable rate mortgages. The case asserts that the banks' manipulation of the LIBOR rate caused homeowners to pay higher interest rates on their adjustable rate mortgage loans.

### Stock Option Back-Dating

Baron & Budd achieved a \$20 million settlement on behalf of individuals who purchased Semtech stock. Firm shareholder Burton LeBlanc served as co-lead counsel in the case. Plaintiffs in the case alleged that Semtech manipulated grant dates for stock options, which resulted in understatement of Semtech's compensation expenses and overstatement of its reported income.

### Protecting Shareholders' Interest in Corporate Transition

As co-lead counsel in *In Re: 7-Eleven, Inc. Shareholders Litigation*, Baron & Budd represented shareholders in negotiations to increase the amount of an offer in a transaction turning a publicly-traded company into a privately-held entity. Baron & Budd achieved a \$5 per share increase in the offer that provided an additional \$145 million to 7-Eleven shareholders.

### Settlement of Mutual Fund Advisors' Breaches of Fiduciary Duties

Baron & Budd represented shareholders in recovering funds in various mutual fund families against the fund advisors for their breach of fiduciary duties for failing to file proof of claim forms in settled securities cases for which the funds were eligible. Baron & Budd reached a series of confidential settlements that resulted in money being returned from the fund advisor to the mutual fund.

### Protecting Public Investors from Corporate Self-Dealing

In 2010, Baron & Budd successfully protected the interests of public investors in Affiliated Computer Services, Inc. (ACS). While ACS was being sold to Xerox, ACS's management and largest shareholder negotiated a better price for their own shares as well as remarkable future employment compensation packages. The insiders at the same time voted to sell ACS at a price well below its fair market value, which would have forced public shareholders to sell their shares for less. Working with other national law firms, Baron & Budd was able to obtain \$69 million in additional compensation for ACS public shareholders.

### ***PHARMACEUTICAL AND MEDICAL DEVICE LITIGATION***

#### Actos

Baron & Budd attorneys represented hundreds of individuals who were harmed by diabetes drug Actos. In April 2014, a landmark settlement was reached in this litigation, requiring Takeda Pharmaceuticals and Eli Lilly & Co. to pay a combined \$9 billion in punitive damages after a jury found that the companies hid the cancer risks associated with Actos use.

#### Avandia

#### \$177 Million Settlement for Seven States Against Manufacturer GlaxoSmithKline

Baron & Budd represented the states of Kentucky, Maryland, Mississippi, New Mexico, South Carolina, Utah and West Virginia in litigation regarding the fraudulent marketing of the diabetes drug Avandia by manufacturer GlaxoSmithKline.

This result is the largest settlement of a pharmaceutical case ever recorded for several of the involved states. These seven states courageously chose to opt out of the 2012 multistate settlement and, as a result, each state received a much higher settlement than they otherwise would have received.

The lawsuit alleged that GlaxoSmithKline had misrepresented the safety and efficacy of the drug Avandia, stating that Avandia reduced adverse cardiac events, when actually it increases them.

Baron & Budd shareholders Russell Budd, Burton LeBlanc, Laura Baughman and of counsel Ann Saucer served as co-lead counsel in the litigation, alongside co-counsel and each state's Office of the Attorney General.

Baron & Budd also represented over 7,000 individual victims harmed by use of the diabetes drug Avandia.

#### Fen-Phen

Baron & Budd played a leading role in representing people harmed by the diet

drug Fen-Phen. The firm was instrumental in negotiating the Seventh Amendment to the AHP Settlement Agreement, which required the defendants to place an additional \$1.275 billion into a trust for those affected. In addition, Baron & Budd settled Fen-Phen personal injury claims for approximately 3,300 individuals.

#### Fluoroquinolone Antibiotics

Baron & Budd represents many men and women who developed peripheral neuropathy as a result of Fluoroquinolone use. Baron & Budd and co-counsel filed the first lawsuits in the country against Johnson & Johnson and Janssen Pharmaceuticals on behalf of men and women harmed by Fluoroquinolones. The firm has filed nearly 200 cases and litigation is ongoing.

#### GranuFlo

Baron & Budd shareholder Burton LeBlanc was appointed to the Plaintiffs' Steering Committee in the litigation surrounding dialysis product GranuFlo and its sister product NaturaLyte. Baron & Budd also currently represents hundreds of individuals who were harmed by the use of GranuFlo in their dialysis treatments. Litigation is ongoing against the manufacturers of GranuFlo and NaturaLyte.

#### Lipitor

Baron & Budd attorneys currently represent hundreds of individuals who developed Type II diabetes after taking the cholesterol-lowering drug Lipitor. Litigation is ongoing.

#### Risperdal

Baron & Budd represents men who developed abnormal breast growth after taking Risperdal, a medication that was frequently marketed for "off-label" uses. Baron & Budd has filed lawsuits for over 200 clients adversely affected by Risperdal use and litigation is ongoing in this matter. The firm's attorneys are investigating potential claims on behalf of hundreds of individuals.

#### Transvaginal Mesh

Baron & Budd attorneys currently represent individuals who have been harmed by the use of transvaginal mesh. The firm's attorneys have filed hundreds of lawsuits for clients and are currently investigating claims for hundreds more. Baron & Budd managing shareholder and co-founder Russell Budd serves on the Plaintiffs' Steering Committee for Federal MDL litigation regarding transvaginal mesh.

#### Xarelto

Baron & Budd represents individuals that suffered severe internal bleeding as a result of ingesting the blood thinner Xarelto. Baron & Budd and their co-counsel have begun filing cases for clients and are investigating potential claims on behalf of hundreds of individuals. The attorneys at Baron & Budd are working with

attorneys from around the country on the Xarelto MDL PSC's science committee on expert, medical and scientific issues common to all Xarelto federal cases.

#### Other Pharmaceutical and Medical Devices

Baron & Budd is at the forefront of pharmaceutical and medical device litigation and is continually adding new case areas to its litigation practice. Other areas of litigation include (but are not limited to): Zofran, Depakote, Defibrillator Implants, Hip Replacement Implants, Power Morcellator, Testosterone, Pradaxa and IVC Filters.

### ***ENVIRONMENTAL LITIGATION***

#### Lead Role in the BP Gulf Oil Spill Litigation

Immediately after the explosion that caused the massive BP Gulf Oil Spill, Baron & Budd began assisting individuals and businesses that sustained economic and/or physical damages. Scott Summy, shareholder and head of Baron & Budd's Environmental Litigation Group, serves on the Plaintiffs' Executive Committee and the Plaintiffs' Steering Committee in the oil spill litigation. The firm currently represents hundreds of individuals and companies in ongoing litigation.

#### \$420 Million National MTBE Settlement

In May 2008, Baron & Budd helped negotiate a \$423 million settlement on behalf of more than 150 water providers in 17 states regarding Methyl Tertiary Butyl Ether (MTBE) contamination in groundwater. The settlement, reached with many of the country's leading gas companies, requires gasoline refiners to pay water providers' costs to remove MTBE from public drinking water wells and for refiners to pay for treatment of qualifying wells that may become contaminated within the next 30 years.

Plaintiffs' cases were initially filed in their respective state courts before they were later transferred to a Multi-District Litigation (MDL) court in New York. Baron & Budd shareholder Scott Summy, who filed the first-ever MTBE case in the United States, served as national co-lead counsel. Baron & Budd shareholders Celeste Evangelisti, Cary McDougal, Laura Baughman, Carla Burke and Stephen Johnston also represented the plaintiffs.

In 2009, the attorneys who were involved in the MTBE litigation were recognized as finalists for the Trial Lawyer of the Year Award, an annual award given by Public Justice, a non-profit legal organization, for outstanding contributions to the public interest.

#### \$105 Million Atrazine Settlement

Baron & Budd served as Class Counsel in litigation regarding the contamination of approximately 1,200 public drinking water systems by the chemical atrazine. Atrazine is a widely used agricultural chemical that is commonly applied to crops

throughout the United States to control weeds. Despite the threat of water contamination and industry knowledge of the environmental risks, approximately 77 million pounds of atrazine are sprayed on U.S. crops each year.

The firm represented over thirty water providers primarily throughout the Midwest, including Missouri, Kansas, Ohio and Illinois. In 2012, the Court approved a \$105 million settlement for water systems that have detected atrazine in their water supplies to reimburse the costs of removing the chemical from finished water.

In 2013, the attorneys who worked on the atrazine contamination litigation were recognized as finalists for the Trial Lawyer of the Year Award by legal non-profit organization Public Justice.

#### Toxins in Schools

In 2014, shareholder Scott Summy filed a lawsuit against the Monsanto Company and its corporate successors on behalf of the Town of Westport and Westport Community Schools in Massachusetts regarding the use of polychlorinated biphenyls (PCBs) in schools. According to the court documents, Monsanto allegedly knew about the dangers of PCBs for decades, but failed to warn people of these dangers. The goal of the lawsuit is to force Monsanto to pay for the removal of the PCBs from the schools.

According to the EPA, PCBs are probable human carcinogens and can have serious toxic effects on a person's immune system, nervous system, endocrine system and reproductive system, particularly in developing schoolchildren.

Unfortunately, thousands of schools across America likely contain PCBs. However, because there is no requirement to test, many schools aren't aware of its existence. Baron & Budd intends to fight for awareness and remediation.

#### Clean Air for Schoolchildren

In 2008, Baron & Budd shareholder Laura Baughman and attorney Thomas Sims represented three San Francisco Bay-area environmental organizations in negotiating a settlement with Laidlaw Transit, Inc. In the settlement, Laidlaw agreed to invest a minimum of \$4.7 million dollars over five years to retrofit older buses in its California fleet with air pollution control devices to reduce harmful diesel exhaust. Laidlaw also agreed to invest \$23.6 million in its fleet over seven years to either retrofit additional buses or purchase new buses that meet the most stringent air pollution standards in the country, which would ultimately protect young children from being exposed to harmful diesel exhaust. The following year, Baron & Budd settled with two additional bus companies, which helped ensure that even more polluting buses would be replaced with newer, cleaner models or retrofitted with pollution control devices.

#### Clean Groundwater in California

In 2004, Baron & Budd shareholders Scott Summy and Laura Baughman



negotiated several settlements on behalf of California non-profit Communities for a Better Environment (CBE) that required several major oil companies to upgrade gas station storage tanks, clean up groundwater contamination and take steps to prevent gasoline leakage from thousands of underground storage tanks in California. Monetary and injunctive relief granted in this case was valued at \$107 million.

#### MTBE Settlement on Behalf of the City of Santa Monica

In 2003, Baron & Budd represented the City of Santa Monica in a MTBE contamination settlement with several major oil companies. MTBE had contaminated five of Santa Monica's 11 wells, forcing the City to import water for \$3 million a year.

In total, the oil companies paid \$250 million, which provided funds for Santa Monica to build a water treatment system to clean MTBE from its supply, to continue buying water until the supply was deemed clean and to monitor groundwater quality during and after the cleanup.

#### The Exxon Valdez Oil Spill

In 1993, Baron & Budd was awarded the Public Justice Award for "outstanding contribution to environmental protection and public interest" for its work on the rehabilitation of the damage caused by the Exxon Valdez oil spill in Alaska's Prince William Sound.

The Exxon Valdez oil spill occurred in remote Prince William Sound, Alaska, on March 24, 1989 when the Exxon Valdez, an oil tanker bound for Long Beach, California, struck Prince William Sound's Bligh Reef, ran aground and spilled nearly 11 million gallons of crude oil.

Similar to the 2010 BP Gulf Oil Spill, the cause of Exxon Valdez spill can be pointed primarily at the oil company for neglecting to properly adhere to safety regulations. Exxon failed to repair the tanker's Raycas radar system, which would have warned the crew of an impending collision with the Bligh reef, because it was just too expensive to fix and operate. The tanker had been operating for more than a year without a functioning Raycas radar.

As a result of the Valdez spill, the Oil Pollution Act of 1990 (OPA) was passed, allowing those who lost income or profits because of an oil spill to recover compensation from those responsible for the spill.

#### Groundbreaking Water Contamination Case in Tucson, Arizona

In 1985, Baron & Budd filed a lawsuit on behalf of more than 1,600 Tucson-area residents against an aircraft manufacturer, the City of Tucson and the Tucson Airport Authority over TCE contamination of the community's groundwater. Since Tucson is the largest city in the United States that receives all of its drinking water from underground sources, the industrial solvents used at the airport and

aircraft company were of particular concern. Spilled on the ground and seeping through the sandy soil into the groundwater, the invisible yet harmful contaminants caused several unusual forms of cancer and other diseases at almost epidemic levels, particularly among children in the area.

The firm's cutting-edge work on this case not only brought compensation to individuals to help them deal with the consequences of their injuries, it also helped define Arizona law on pollution coverage issues. The litigation spanned 21 years, involved more than 1,600 plaintiffs and resulted in a more than \$150 million total recovery for the people of Tucson.

As a result, legal non-profit organization Public Justice presented the Baron & Budd legal team with its Trial Lawyer of the Year Award in 2006. The award recognizes the trial attorney or attorneys who have made the greatest contribution to the public interest each year by trying or settling a precedent-setting case or group of cases.

### ***TOXIC EXPOSURE LITIGATION***

#### Closing Down the West Dallas Lead Smelter

In the West Dallas Lead Smelter case, Baron & Budd took on local environmental contamination to protect future generations of children from exposure to lead. One of Dallas' largest public housing projects sat in a low-income neighborhood directly across the street from a secondary lead smelter. For many years, the smelter converted used automotive batteries into lead components for resale. Particulate emissions from the factory smokestacks literally blanketed the surrounding community with lead-bearing soot.

Baron & Budd represented more than 200 families in a lawsuit that ultimately closed the lead smelter and paid sizable confidential settlements to court-supervised trusts for 445 children affected by lead poisoning. Although the neurological damage to these children was irreversible, the funds recovered in the settlement have enabled the children to move into adulthood with medical, rehabilitative and vocational assistance. Closing the lead smelter and requiring the company to fund a community soil clean-up project helped prevent future damage to other neighborhood children.

#### Settlement for Central Texas Residents Harmed by Lead Exposure

Baron & Budd shareholder Laura Baughman represented more than 130 people who were exposed to high levels of lead and other toxic substances while growing up in a small town in Central Texas. Baron & Budd obtained a sizeable confidential settlement for the firm's clients, providing them with the resources to help pay for rehabilitative, psychological and other medical expenses.

#### Settlement for Harms Caused by Chemical Leaks

Baron & Budd successfully represented more than 850 workers injured by

exposure to ethylene dichloride (EDC) in Lake Charles, Louisiana as a result of the negligent and reckless conduct of Conoco, Inc., Condea Vista Chemical Company, and a number of contractors that caused one of the largest chemical spills in U.S. history. In addition to its status as a probable human carcinogen, EDC can cause serious damage to the heart, central nervous system, liver, kidneys, lungs, gastrointestinal system and commonly results in depression, memory loss and personality changes.

## ***CONSUMER RIGHTS***

### Asbestos

Baron & Budd led the fight for victims' rights in two landmark Supreme Court victories, *Amchem Products v. Windsor* and *Ortiz v. Fibreboard Corp.*, which are still widely recognized as among the most significant appellate decisions for consumer rights.

*Ortiz v. Fibreboard Corp.*, 526 U.S. 815, 119 S. Ct. 2295 (1999) was one of the last decisions handed down by the United States Supreme Court in 1999. The Court's 7-2 decision was reached after months of fierce debate over whether future claims by victims of asbestos exposure should be handled as a class action.

Baron & Budd led the charge to dismiss the Fibreboard mandatory class action settlement that would have severely limited the rights of people to pursue individual claims based on the severity of their specific illness and specific circumstances of their exposure.

Writing on behalf of the Court, Justice Souter questioned the fairness of the settlement because, if allowed to go forward, Fibreboard would essentially have had a "get out of jail free card." Fibreboard would have been able to settle all asbestos claims, including all future claims, with only \$500,000 of the company's own money, thus retaining virtually all of its net worth at the expense of the victims of its asbestos-containing products.

The *Ortiz* decision corroborated another significant Supreme Court decision in which Baron & Budd also fought for victims' rights: *Amchem Products v. Windsor*, 521 U.S. 591, 117 S. Ct. 2231, 138 L.Ed2d 689 (1997).

### Food Product Litigation – Deceptive Advertising

Baron & Budd represents consumers in several cases concerning deceptive and misleading advertising practices committed by food and beverage companies. These cases include an action against a popular protein drink company, which asserted that its meal replacement drinks and bars were unlawfully labeled "healthy," when, in fact, they contained levels of fat and saturated fat deemed to be excessive by the FDA for products labeled as "healthy;" an action against a frozen potato company for allegedly misrepresenting that certain products were "all natural;" although they contained a synthetic chemical preservative; and an action against Abbott Laboratories, which asserts that its "Ensure Muscle Health"

drink misleads consumers about the products' promise that it contains an ingredient that will help the elderly rebuild strength.

Lancôme and Avon Anti-Aging Cream Multi-District Litigation – Deceptive Advertising

Baron & Budd attorneys are co-lead counsel for plaintiffs in class action lawsuits currently pending against Lancôme and Avon concerning certain anti-aging and wrinkle cream skincare products. According to the lawsuits, the companies market and advertise the purported unique age-defying benefits of the products to consumers using deceptive and misleading references to clinical studies, trials, tests, patents and other indicia of scientific credibility. But, as alleged in the complaints, the products do not, and cannot, provide the specific age-negating effects they promise to provide.

***VEHICLE LITIGATION***

Attorneys at Baron & Budd represent owners and lessees of certain vehicles regarding the vehicle manufacturers' misrepresentations and failures to disclose material safety information. Baron & Budd represents owners and lessees of certain Nissan vehicles in a case alleging that the company failed to disclose its knowledge of a defective engine component that could lead to catastrophic engine failure. Additionally, Baron & Budd represents owners and lessees of Ford, Lincoln and Mercury vehicles in cases concerning the MyFord Touch/MyLincoln Touch/MyMercury Touch systems, which use Microsoft's "Sync" software.

Takata Airbags

Baron & Budd, along with co-counsel Labaton Sucharow LLP and Podhurst Orseck P.A., filed the nation's first lawsuits in the Southern District of Florida and the Central District of California regarding the recall of Takata-brand air bags. Litigation is ongoing.

Volkswagen/Audi Emission Fraud

Baron & Budd is investigating potential claims for individuals that own certain models of Volkswagen and Audi vehicles with diesel-powered engines being recalled by the global auto manufacturing giant and the firm's attorneys have filed some of the nation's first lawsuits against Volkswagen. The US EPA alleges that Volkswagen installed software that allows these vehicles to "cheat" emissions tests.

Trucking Accident Litigation

Baron & Budd is investigating significant trucking accidents where someone has been seriously injured or even killed as a result of a collision involving a commercial truck. Baron & Budd attorneys and their co-counsel have filed several lawsuits on behalf of seriously injured clients and litigation is ongoing.

### ***EMPLOYMENT LITIGATION***

Baron & Budd is not only dedicated to protecting a person's right to work in a safe workplace, but also to protecting a person's right to earn wages as required by law.

#### **Overtime Violations**

Baron & Budd currently represent workers in lawsuits regarding overtime pay, misclassification of workers and other violations of overtime pay laws. Baron & Budd attorneys and their co-counsel have filed lawsuits on behalf of fast food workers, mechanics, healthcare workers, construction equipment workers and media company workers. Litigation is ongoing.

#### **WARN Act Violations**

Many employees are unaware of their rights under the Worker Adjustment and Retraining Notification Act (WARN) of 1989, which requires many large employers to provide affected employees with at least 60 days' notice in the event of mass layoffs or plant closings. Currently, under the provisions of the WARN Act, Baron and Budd is representing scores of oilfield workers denied the required 60-day notice when they were laid-off.

## THE FIRMS' SHAREHOLDERS

**Russell W. Budd** is a major force in the world of plaintiff's attorneys, having devoted his more than three-decade career to championing the rights of people and communities injured by corporate malfeasance. Currently Mr. Budd presides over one of the nation's largest plaintiff's firms, Baron & Budd, PC, headquartered in Dallas, Texas with offices in Austin, Texas; Los Angeles, California; Baton Rouge, Louisiana and New Orleans, Louisiana.

Mr. Budd, a shareholder of Baron & Budd since 1985 and president and managing shareholder since 2002, has expanded the firm from its cornerstone asbestos practice to a national firm capable of tackling the biggest defendants in areas as diverse as pharmaceutical and medical device injury, environmental contamination, employment law, consumer class action litigation, and various other areas of practice.

Over the last two decades, Mr. Budd has played significant roles in asbestos litigation on a national level. As chair and member of several asbestos creditors' bankruptcy committees, Mr. Budd successfully resolved over 100,000 victims' claims with some of Wall Street's biggest companies. Mr. Budd was the chief negotiator of a \$4 billion national settlement with Halliburton that established a trust fund to protect present and future asbestos victims throughout the United States – the largest asbestos trust fund of its kind anywhere in the world. He was on the committee that negotiated a \$3.9 billion settlement with United States Gypsum to benefit asbestos claimants. And, he participated in negotiations that led W.R. Grace to agree to fund a bankruptcy trust on behalf of asbestos claimants with nearly \$3 billion in cash and stock equity.

Under Mr. Budd's direction, Baron & Budd provided the initial funding for the launch of the International Pleural Mesothelioma Program at Brigham and Women's Hospital to research curative therapy for Mesothelioma, a cancer caused by exposure to asbestos. The firm has also given generously to the Asbestos Disease Awareness Organization, Lung Cancer Alliance and to other asbestos awareness advocacy organizations.

Mr. Budd serves on the Board of Governors of the American Association for Justice (AAJ) and previously served on the Board of Directors and Executive Committee of the Texas Trial Lawyers Association (TTLA). He also served on the board of the National Comprehensive Cancer Network (NCCN) Foundation for two years.

On July 13, 2010, Mr. Budd was awarded the prestigious Harry M. Philo Trial Lawyer of the Year Award from the American Association for Justice (AAJ) at the organization's annual conference in Vancouver, BC. The award was presented in recognition of his dedicated and consistent leadership in protecting the rights of individuals through the civil-justice system. In 2007, he earned the prestigious Wiedemann Wysocki National Finance Council Award from the American Association for Justice, an award honoring attorneys for their commitment to the legal profession and their efforts to improve the civil justice system.

Under Mr. Budd's leadership, Baron & Budd has won numerous awards. The firm was recently named by the *National Law Journal's* to its "Elite List" of plaintiffs' firms in the United States and has been included in the publication's Hot List eight times.

Mr. Budd and his wife are also involved in their local community. One of the causes closest to his heart is Habitat for Humanity, which gives hardworking Dallas families a chance at first-time home ownership. He has personally contributed generously to the "Building on Faith" project, a collaborative initiative between the Dallas Faith Communities Coalition (DFCC), the City of Dallas and Habitat for Humanity to build 100 affordable single-family homes in West Dallas. In addition, Mr. Budd has donated land to the City of Dallas that enabled the completion of a massive bike and hike trail.

In 2014, Mr. Budd, along with his wife, donated \$2.5 million to Southern Methodist University in Dallas to endow The Budd Center for Involving Communities in Education. The Center is a radical concept that works closely with numerous non-profit organizations to help children exit poverty through education. Though initially focused on West Dallas, the program hopes to create a template for the nation in promoting truly substantial change.

**Steve Baron**, Baron & Budd shareholder, is an accomplished litigator known for his tenacity in pursuing justice for victims of corporate misconduct. He currently heads Baron & Budd's Asbestos Litigation Group and Trucking Litigation Group.

As lead of one of the nations' most aggressive litigation teams, Mr. Baron represents clients in cases that have resulted in some of the largest verdicts and settlements for people with mesothelioma and asbestos diseases. Over the past decade, Mr. Baron has been the lead negotiator on many of the firm's mesothelioma settlements and has also been the clients' representative on all major bankruptcy creditor committees. He has represented the firm's clients in major bankruptcy negotiations with asbestos companies including W.R. Grace, Owens Corning, Pittsburgh Corning, Babcock & Wilcox Co., and Halliburton.

Mr. Baron served as a lead negotiator in a landmark case against Halliburton that resulted in a \$4 billion settlement, helping to bring financial compensation to tens of thousands of asbestos cancer victims. The Halliburton settlement is still one of the largest asbestos settlements on record.

Mr. Baron is licensed to practice in Texas, New York and Pennsylvania.

**Scott Summy** is a shareholder at Baron & Budd where he heads up the firm's Environmental Litigation Group, which litigates complex environmental contamination cases all over the country. The Group represents public entities in litigation to recover costs of removing chemical contamination from public water supplies, governmental facilities, natural resources and public property. Through this type of litigation, the Group seeks to shift the costs of remediation to the chemical manufacturers and suppliers responsible for the contamination – and away from public entities and taxpayers.

Mr. Summy and the Environmental Litigation Group regularly represent public water providers (e.g., municipalities, water districts, utilities and school districts) whose water is contaminated by intrusive chemicals including MTBE, TCP, TCE, PCE, and PCBs. On behalf of these clients, Mr. Summy seeks cost recovery for treatment facilities, operation and maintenance costs, out-of-pocket expenses, and administrative costs. Mr. Summy also represents private well owners around the country whose wells are contaminated.

The Environmental Litigation Group recently filed a lawsuit against the Monsanto Company and its corporate successors on behalf of a public school district in Massachusetts. The lawsuit alleges that Monsanto knew about the dangers of PCBs as early as the 1930s but failed to warn people of the severe dangers associated with PCBs and their use in common building materials. The litigation seeks to require Monsanto to pay for removing PCB-containing materials from the contaminated schools.

The Group has represented hundreds of public water providers in litigation arising from contamination of water supplies with MTBE, a gasoline additive. Mr. Summy has recovered over a billion dollars against major oil companies who decided to blend MTBE into gasoline knowing that it would likely contaminate water supplies. In one set of cases, involving approximately 150 water providers, Mr. Summy negotiated settlements totaling over \$450 million. Mr. Summy continues to file new MTBE cases across the country and currently represents the State of Vermont and a number of municipalities in new MTBE litigation.

Mr. Summy also represented public water providers in the United States whose water was contaminated with atrazine, a common agricultural chemical used on corn and other crops. On behalf of these water providers, the Group brought claims against Syngenta, the company that makes atrazine and is aware that its normal use causes drinking water contamination. Mr. Summy negotiated a settlement awarding \$105 million to over 2,000 water providers.

Mr. Summy's experience with environmental litigation led to a leadership role in the litigation arising from the Deepwater Horizon explosion and oil spill in the Gulf of Mexico. In 2010, he was appointed to the Plaintiffs' Steering Committee and Plaintiffs' Executive Committee in the Gulf Oil Spill Multi-District Litigation in the Eastern District of Louisiana. In that capacity, he played a critical role in negotiating a settlement and claim procedure for the tens of thousands of individuals, businesses, and governmental entities injured by the oil spill.

The Group's important work for public water providers has been recognized by the legal community on a number of occasions. His groundbreaking work for California communities affected by MTBE won Mr. Summy and his legal team the "Attorneys of the Year" award from California Lawyer in 2001. Public Justice twice named Mr. Summy and his team Finalists for the organization's Trial Lawyer of the Year Award – in 2009, for cases arising from MTBE contamination, and again in 2013, for cases arising from atrazine contamination. Mr. Summy has also been included in The Best Lawyers in America 2006-2016 editions.



Mr. Summy is licensed to practice law in Texas, North Carolina and New York. He is AV-rated by Martindale Hubbell.

**Dan Alberstone** co-manages Baron & Budd's Los Angeles office. He has nearly 30 years of broad experience prosecuting and defending complex litigation matters, including extensive jury trial experience. His practice focuses on financial and other business torts, consumer class actions, environmental contamination cases, real estate disputes and entertainment cases.

Mr. Alberstone has been selected as lead trial counsel by both institutional and individual clients in their most significant and high-profile matters, including partnership cases, real estate cases, breach of contract cases, entertainment cases, environmental cases and cases alleging unfair business practices.

In the real estate sector, Mr. Alberstone successfully prosecuted a case for the American Skiing Company, the owner of the Canyons Ski Resort in Park City, Utah, in an action to force the resort's landlord to agree to an assignment of ground lease in a \$123 million transaction. He also obtained a more than \$14 million award for a major real estate developer in connection with the purchase and sale of an historic bank building in downtown Los Angeles. Mr. Alberstone achieved a significant award for the owner of the Edison Bar in downtown Los Angeles in an action involving the purchase and sale of a large commercial building, and successfully defended the Estate of Jonathan Ritter in an action brought to compel specific performance of a contract to purchase three citrus farms owned by the estate.

In the entertainment area, he has successfully defeated an action by a union president and three board members against the Screen Actors' Guild and 41 other members of its national board and successfully defended screenwriters in work-for-hire actions brought by employers claiming ownership of screenplays. He also represented ESPN and Good Morning America reporter Erin Andrews in connection with the prosecution of a stalker who had surreptitiously videotaped Ms. Andrews in the privacy of her hotel rooms.

The *Los Angeles Daily Journal* recognized Mr. Alberstone for obtaining one of the top plaintiff's verdicts in 2009 and he was selected for inclusion in the *Southern California Super Lawyers* list from 2005-2007 and in 2010 (Thompson Reuters).

Mr. Alberstone earned a J.D. from the Southwestern University of Law in 1982 and a B.A. from the University of California, Los Angeles.

**Laura Baughman** joined Baron & Budd, P.C. in 1995 and has been a shareholder in the firm since 2001. In addition to her law degree, Ms. Baughman holds bachelor of science and master of engineering degrees in civil (environmental) engineering, a background that serves her well in her law practice. Prior to joining Baron & Budd, Ms. Baughman served as a briefing attorney to Justice Rose Spector of the Supreme Court of Texas.

Ms. Baughman is a shareholder in the firm's Pharmaceutical Litigation Group.

She managed litigation on behalf of seven states against GlaxoSmithKline regarding its fraudulent marketing of the diabetes drug Avandia. This litigation settled for \$177 million. Ms. Baughman currently manages the firm's Granuflo, Risperdal and IVC Filter personal injury litigation.

Ms. Baughman was appointed as Class Counsel by the Los Angeles Superior Court in In Re GIB, LLC Cases, a nationwide consumer class action on behalf of salon stylists and consumers regarding deceptive marketing of Brazilian Blowout Solution (i.e., advertising of "formaldehyde-free" when the product contains the carcinogen formaldehyde), which settled for \$4.2 million and injunctive relief. Ms. Baughman also has extensive experience with the law firm's toxic tort litigation group. Her notable victories in this area include the successful resolution of a case filed on behalf of 137 people who were exposed to lead and other toxic substances while playing at an abandoned oil refinery in Central Texas. Ms. Baughman took key expert witness depositions as part of the attorney team that represented 153 water providers in 17 states whose water was contaminated with MTBE. That case resulted in a \$423 million settlement and a 30-year commitment by the defendant gasoline refiners to treat 3,385 wells if and when they become contaminated with MTBE.

Ms. Baughman's other significant cases include being co-lead counsel in two of the largest Proposition 65 cases in history. Proposition 65 is a California state law that permits private citizens to enforce certain environmental regulations on behalf of the public. Ms. Baughman represented the nonprofit group Communities for a Better Environment in a statewide Proposition 65 water contamination case that culminated in a settlement valued at \$107 million. The settlement required the defendant oil companies to upgrade gas stations, clean up groundwater contamination, and take steps to prevent future gasoline leaks. Ms. Baughman also successfully represented three environmental groups in their efforts to reduce diesel engine exhaust emissions from school buses. The settlement, valued at almost \$35 million, resulted in more than \$28 million being invested in the largest private school bus fleet in California in order to decrease the pollutant levels inside the buses.

Ms. Baughman is licensed to practice law in Texas, New York, California and Missouri.

**Carla Burke Pickrel**, an attorney and shareholder with Baron & Budd's Environmental Litigation Group, began her legal career with the firm's appellate section. She has a gift for writing and oral advocacy that has been very persuasive in the MTBE Multi-District Litigation cases. Ms. Burke Pickrel has also authored and presented numerous papers and presentations on the topics of toxic tort and water contamination litigation and premises liability law.

After several years in Baron & Budd's appellate section, Ms. Burke Pickrel joined the Environmental Litigation Group in 2004. In her time with the Group, she has represented hundreds of public entities — villages, towns, cities, utilities, school districts, and states.

As one of the pioneers of the Group, she has worked to develop legal strategy for cases arising from MTBE, atrazine and PCE contamination of drinking water supplies. Ms. Burke Pickrel has played a critical part in nationwide litigation arising from MTBE contamination on behalf of more than 200 water providers in more than 20 states. She also played a major role in a nationwide class action settlement for providers whose water supplies are contaminated with atrazine, an agricultural chemical.

Putting her experience to work in new areas is an energizing part of Ms. Burke Pickrel's work. She is currently representing school districts whose buildings are contaminated with PCBs, chemical compounds found in some construction materials. This channels her deep respect for all those who work in the nation's public schools. "My mother worked for public schools for thirty years. She felt that she was a part of her students' and parents' lives and took that responsibility seriously. So do I."

Ms. Burke Pickrel's work has earned her recognition by professional organizations. She was named a Super Lawyers "Rising Star of Texas Law" (Thomson Reuters, 2006) and, with her colleagues, was twice-nominated for Public Justice's Trial Lawyer of the Year Award — in 2009 and in 2013.

Ms. Burke Pickrel is licensed to practice law in Texas and New York.

**Denyse Clancy** is a shareholder in Baron & Budd, P.C.'s Dallas office and a leader of the firm's Asbestos Litigation Group. Ms. Clancy is an accomplished trial attorney. She has a nationwide practice and is admitted to practice law in Texas, California, Louisiana and Pennsylvania.

Ms. Clancy is also a premier appellate attorney. Cases in which she was lead appellate counsel include *Izell v. Union Carbide*, which upheld a large punitive damages verdict. She was lead appellate counsel in *Mahoney v. Georgia-Pacific*, in which the California Court of Appeal upheld a significant compensatory damages verdict on behalf of a California asbestos sufferer and her family. She was lead appellate counsel in *Watts v. Hebert Brothers*, which upheld a verdict for a Louisiana plaintiff with lung cancer. She was lead appellate counsel in *Moore v. Ericsson*, which upheld a judgment on behalf of a Pennsylvania electrician against an asbestos wire manufacturer. She was lead appellate counsel in *Hernandez v. Amcord*, which states that evidence that asbestos companies lobbied the government to keep asbestos in their products is not excluded under the Noerr-Pennington doctrine.

Ms. Clancy graduated Valedictorian of the Southern Methodist University School of Law and was an Editor of the SMU Law Review. Before attending law school, she earned a master's degree from Columbia University and a bachelor's degree, *magna cum laude*, from Yale University.

**Sindhu Daniel** is a shareholder at Baron & Budd and co-manager of the firm's Pharmaceutical Litigation Group. For the last 15 years, Ms. Daniel's practice has comprised of complex personal injury litigation involving pharmaceutical drugs and medical devices.

Over the course of her career, Ms. Daniel has had significant roles several MDLs and she has been instrumental in negotiating settlements in the following MDLs: *In Re: Vioxx Products Liability Litig.* (E.D. La., MDL No. 1657) (\$4.85 billion national settlement involving injuries of heart attack, stroke, and sudden cardiac death); *In Re: DePuy Orthopaedics ASR Products Liability Litig.* (N.D. Ohio, MDL No. 2197) (\$2.5 billion settlement involving hip injuries); *In Re: Yasmin and Yaz (Drospirenone) Marketing, Sales Practices, and Relevant Products Liability Litig.* (S.D. Ill., MDL No. 2100) (Settlement involving pulmonary embolism and deep vein thrombosis injuries); *In Re: Oral Sodium Phosphate Solution-Based Products Liability Litig.* (N.D. Ohio, MDL No. 2066) (Settlement involving injuries of kidney failure and chronic kidney impairment); *In Re: Fosamax Products Liability Litig.* (S.D.N.Y, MDL No. 1789) (Settlement involving injury of osteonecrosis of the jaw); *In Re: Bextra and Celebrex Marketing Sales Practices and Product Liability Litig.* (N.D. Cal., MDL No. 1699) (Settlement involving injuries of heart attack, stroke, and sudden cardiac death).

Ms. Daniel also recently served as co-lead negotiator on behalf of a large group of plaintiffs in *In Re: American Medical Systems, Inc.*, Case No. 27-CV-11-3933 (Hennepin County District Court, Minnesota), which involved claims of severe permanent injuries from transvaginal mesh implants. She was instrumental in building consensus with other plaintiffs' attorneys and actively led negotiations with Defendants. She has substantial experience in devising settlement matrices that have been used to allocate funds in pharmaceutical and medical device mass tort settlements. In addition to the matters listed above, she has successfully negotiated numerous confidential settlements in similar complex mass tort litigations.

Based on her extensive experience, Ms. Daniel has been invited as a frequent speaker and presenter at various continuing legal education seminars and webinars dealing with issues involving emerging mass tort litigations. Ms. Daniel is licensed to practice law in Michigan, New Jersey and Pennsylvania.

**Celeste A. Evangelisti**, a shareholder in the Environmental Litigation Group at Baron & Budd, has devoted almost two decades of her career to representing individuals, municipalities and public water suppliers who seek to recover costs to clean up contamination from the companies responsible – those who put dangerous products into the stream of commerce without ensuring they will not cause extensive environmental contamination. Ms. Evangelisti currently represents plaintiffs in several states across the country who face a variety of contamination issues.

Ms. Evangelisti is a well-known figure in national litigation arising from contamination caused by the gasoline additive Methyl tertiary-butyl ether (MTBE), having been among the first lawyers to litigate cases against oil refiners who

blended MTBE into gasoline. Throughout the years, Ms. Evangelisti has assisted in the representation of over 150 water providers in MTBE cases.

Ms. Evangelisti's knowledge and skill have been put to work in many other water contamination cases as well, including those involving perchloroethylene (PCE), Trichloropropane (TCP) and Atrazine. She is currently working on the firm's PCBs-in-schools cases, which inspire her every day. "I can't imagine a more important cause than to protect the nation's children," she says.

Hard-driving and tenacious, Ms. Evangelisti's legal prowess has earned her many professional honors and awards. She is AV-rated by Martindale-Hubbell, its top rating. She was a member of the legal team representing Communities for a Better Environment (CBE) which was named "Attorneys of the Year" for Environmental Law in 2001 by California Lawyer (Daily Journal Corp.) for the resolution of a precedent-setting case requiring major oil companies to clean up more than a thousand sites contaminated by the gasoline additive MTBE. Ms. Evangelisti has been nominated twice for Public Justice's prestigious "Trial Lawyer of the Year" award (2009, 2013) and was named a "Texas Super Lawyer" for three straight years (Thompson Reuters, 2003-2005).

Ms. Evangelisti is licensed to practice law in Texas, New York and California.

**Stephen C. Johnston** puts his degree in Wildlife and Fisheries Sciences to good use as an attorney with the firm's Environmental Litigation Group, representing individuals and communities seeking clean-up costs for contaminated water supplies.

Stephen Johnston began his career with Baron & Budd in 1997 as part of the firm's asbestos litigation group. Mr. Johnston's time in the asbestos group was marked by his respect for the individual client and a reputation for thoughtful attention to their cases and their lives. His advocacy resulted in the recovery of millions of dollars for those injured by asbestos exposure.

Mr. Johnston brought his hard work and determined advocacy to the Environmental Litigation Group in 2004. Since that time he has represented hundreds of public entities seeking clean-up costs for water supplies contaminated by MTBE, Atrazine and TCP. He has also represented hundreds of individuals and businesses along the Gulf Coast impacted by the BP oil spill which resulted from the sinking of the Deepwater Horizon drilling rig.

For the last several years Mr. Johnston has led the firm's litigation arising from TCP contamination of drinking water supplies. Under his leadership the firm has successfully resolved numerous TCP contamination cases. The settlements in those cases provided our clients with the necessary funds to install treatment to remove TCP from their water supply. Such settlements ensure communities will have a safe source of drinking water free of TCP, while forcing those responsible to pay for the contamination.

**J. Todd Kale** is a shareholder with Baron & Budd. He joined the firm in 2008 when the firm consolidated with Dallas-based law firm Silber Pearlman. Mr. Kale worked with mesothelioma sufferers and other victims of asbestos-related disease at Silber Pearlman from 1993 and continues that work at Baron & Budd.

Mr. Kale has dedicated his career to fighting the companies that knowingly exposed people to the deadly carcinogen known as asbestos. He enjoys partnering with patients and families and helping them navigate the legal process during the most difficult time in their lives. Mr. Kale works on the front lines with the firm's Asbestos Litigation Team. He meets with mesothelioma patients and their families across the country to gather the information necessary to successfully pursue their cases. More than any other aspect of his job, he enjoys meeting with these patients and their families. Through these meetings, Mr. Kale becomes part of each of these families and becomes involved in each family's specific struggles, needs and hopes. He is honored to be trusted by so many patients and families as they deal with the diagnosis and prognosis of mesothelioma. His 20 years of experience in this field make him a valuable resource for any information a client may need — both legal and medical.

For more than two decades, Mr. Kale has worked on numerous asbestos lawsuits, managing thousands of cases from start to finish. Through his many years as an asbestos lawyer, he has developed an in-depth understanding of the legal system and how to best navigate that system on behalf of clients. Since 1993, he has helped clients recover significant amounts in settlements. Mr. Kale has experience pursuing not only asbestos manufacturers, but also equipment manufacturers and employers who are responsible for a client's exposure to asbestos. Never one to back down from a fight, Mr. Kale is proud to have fought on behalf of mesothelioma and asbestos clients for his entire career.

Todd Kale earned his J.D. from the University of Tulsa College of Law in 1990 and his B.B.A. from the University of Texas.

**John Langdoc** was a scientist before he was a lawyer. At Baylor College of Medicine, Mr. Langdoc researched human neuroscience. Earlier, in graduate school, he researched how prescription drugs like Prozac can cause brain defects in babies born to mothers taking the medications.

Today as a lawyer, much of Mr. Langdoc's practice remains focused on scientific issues, particularly dissecting industry-funded "studies" that inevitably show that industrial toxins are safe.

Mr. Langdoc was elected a shareholder and lead trial lawyer faster than any lawyer in Baron & Budd's history. He's been honored as one of the nation's Top 40 Lawyers Under 40, a Super Lawyer and a Top 100 National Trial Lawyer.

Mr. Langdoc's trial successes in recent include:

- A \$48 million verdict against Union Carbide for mining asbestos and causing a construction worker's cancer in California.

- A \$9 million verdict against the Dow Chemical Company for exposing a worker to carcinogens at its Freeport, Texas chemical plant.
- A \$12 million verdict for a man who was exposed to carcinogens at a paper mill in Pennsylvania.
- An \$8 million verdict for the wife of a man who was unknowingly exposed to carcinogens from chemical giant Ashland for its Hercules pipe.
- An \$11 million verdict for a man who was exposed to carcinogens as a painter.
- A \$5.5 million verdict for the families of gentlemen who were exposed to asbestos. The verdict was upheld on appeal against the Swedish Company, Ericsson. The Appeals Court ruled that Ericsson's wire and cable "contained asbestos, and that exposure was a substantially contributing factor in causing cancer and death."
- A \$20 million verdict for a woman who was unknowingly exposed to carcinogens when she helped her husband clean up on some home remodeling projects. The verdict was upheld on appeal in California.

Mr. Langdoc was recognized for The Nation's Top Mesothelioma Verdict of 2012, for both the First and Second Place Top Product Liability verdicts in Texas of 2011, and for the Top California Toxic Exposure verdict of 2012.

Mr. Langdoc is a tireless advocate for clients. He was once forced to choose between a contempt of court jail sentence or abandoning a family's case. Mr. Langdoc famously chose to stand by his client.

**J. Burton LeBlanc** is a powerhouse advocate for individuals who have been harmed by corporate wrongdoing, having begun his legal career representing victims of toxic exposure and workplace hazards in his home state of Louisiana. His lifelong commitment to service through the legal system was fostered by family as a child in his home state of Louisiana, a state where danger in the workplace was common and expectations for most workers were of a life shortened by the necessity of making a living.

Today Mr. LeBlanc's passion for championing the rights of individuals extends to the national stage where he recently (2013) served as president of the American Association for Justice (AAJ). As president of AAJ, the largest trial lawyer non-profit group in the United States, Mr. LeBlanc advocated for protection of America's civil justice system and rallied resources when corporate interests attempted to infringe on individual rights. He is an adamant crusader for the abolition of forced arbitration and a supporter of the fundamental right to a trial by jury.

Mr. LeBlanc's appointment as AAJ president followed a long history of involvement on both the local and national levels of AAJ and its affiliate organizations. He previously served as president-elect, vice president, treasurer and parliamentarian of AAJ. In addition, Mr. LeBlanc has been a member of AAJ's Executive Committee and the Board of Governors, where he was awarded the Wiedemann Wysocki National Finance Council Award two separate times,

most recently in July 2010. Mr. LeBlanc has been a member of the Board of Trustees of the AAJ PAC Committee, chairman of the AAJ National Finance Council, a sustaining member of the AAJ and a member of the Leaders Forum. He is also a member of the AAJ's Section on Toxic Torts and Business Torts.

Mr. LeBlanc has also served the Louisiana Association for Justice (LAJ) as past president, member of the Council of Directors, Board of Governors and the Committee for the Environmental Law/Toxic Tort Section. He currently serves on the Executive Committee of the LAJ.

Mr. LeBlanc's extensive accomplishments are equally renowned in the courtroom, paving the way for him to be named as one of the top 75 plaintiffs' attorneys in the United States by *The American Lawyer* (ALM Media, 2010). He was recently included in the Louisiana Super Lawyers list (Thomson Reuters, 2008, 2012-2015). In addition to his work representing individuals, Mr. LeBlanc has successfully represented many governmental entities, including the States of Hawaii, Mississippi, Louisiana, and West Virginia in complex consumer fraud litigation.

Today, Mr. LeBlanc concentrates his practice in the areas of pharmaceutical, environmental, securities and asbestos litigation.

Mr. LeBlanc is a member of the American Bar Association's (ABA) State Attorney General and State Department of Justice Issues Committee as well as a committee member of the ABA's Section on Toxic Torts. He is also a member of the National Association of Public Pension Attorneys (NAPPA) the National Association of Shareholder & Consumer Attorneys (NASCAT), the Texas Trial Lawyers Association, Louisiana State Bar Association, Baton Rouge Bar Association, Texas State Bar Association, College of the State Bar of Texas, the Louisiana Bar Foundation and a supporting member of the legal non-profit organization Public Justice Foundation. He is a frequent lecturer on the issues of environmental law, asbestos litigation, chemical exposure cases and the importance of access to the civil justice system.

Mr. LeBlanc and his wife are active in the Baton Rouge community and serve on multiple boards, including Cancer Services of Greater Baton Rouge, where he has served as president.

**Cary L. McDougal**, a shareholder with Baron & Budd, has served as lead attorney in more than 75 jury trials in state and federal court. Over the nearly two decades that he has practiced law, Cary McDougal has proven to be a formidable trial lawyer with unflinching resolve to serve his clients. He has tried cases involving such diverse areas of the law as premises liability, product liability, general personal injury, medical malpractice, insurance litigation and environmental litigation.

For the first 14 years of his legal career, Mr. McDougal handled the defense of matters involving complex litigation throughout Texas and Oklahoma as a partner at two Dallas firms. He focused his practice on civil litigation, and he managed



and tried all litigation for several North Texas health care agencies. He co-founded the law firm Aldous and McDougal, which gained recognition for its trial successes on behalf of plaintiffs in medical malpractice, contractual disputes and other matters. Mr. McDougal joined Baron & Budd in 2005.

A shareholder and manager of Baron & Budd's Environmental Litigation Group, Mr. McDougal currently represents over 200 municipalities and water providers across the country that are seeking clean-up costs for the contamination of their water supplies. His practice includes management of Baron & Budd's cases in the Multi-District (MDL) MTBE water contamination litigation, which is considered one of the most complex pieces of litigation in the country. He also manages other environmental contamination cases involving chemicals such as TCP, TCE and dioxin.

Mr. McDougal completed his law degree at the University of Texas School of Law and attained a Master of Public Policy degree from the University of Texas LBJ School of Public Affairs. He continues to serve as a consultant to the LBJ school on issues concerning public policy. He has authored numerous legal papers on civil litigation and trial practice and has spoken at seminars before health care professionals, consumer groups, the insurance industry and attorneys on issues relative to civil litigation.

Mr. McDougal has been inducted into the prestigious American Board of Trial Advocates (ABOTA), a recognition by his peers for his jury trial experience, commitment to the jury process, and ethics. He also holds the top rating from the Martindale-Hubbell Law Directory and was named a Texas Super Lawyer (Thomson Reuters 2005-2006).

**Thomas M. Sims** has spent much of his career at Baron & Budd litigating complex environmental cases ranging from water contamination to air pollution and working on serious environmental cases such as the Gulf Coast Oil Spill. Mr. Sims currently works in the firm's Pharmaceutical Litigation Group.

Mr. Sims was co-lead counsel in one of the largest Proposition 65 cases in history. Proposition 65 is a California state law that permits private citizens to enforce certain environmental regulations on behalf of the public. Mr. Sims represented three environmental groups in their efforts to reduce diesel exhaust emissions from school buses. As co-lead counsel, Mr. Sims was a driving force in securing a settlement in which the defendant agreed to invest more than \$28 million to replace or retrofit school buses that were built before 2003 with air pollution control devices.

Mr. Sims has worked on behalf of communities that were harmed by toxic releases from nearby industrial activities. In 2006 he received the Trial Lawyer of the Year award from legal non-profit organization Public Justice in connection with his work on a long-running insurance coverage dispute. Originally filed in 1985, the case involved groundwater contamination of public aquifers in Tucson, Arizona. As a result of the efforts of Mr. Sims and his co-counsel, the case finally settled in 2005. During the intervening twenty years, Baron & Budd won two trials and

prevailed on three separate appeals. Mr. Sims also represented the Governor of the State of Louisiana in his efforts to secure natural resource damages resulting from the BP Oil Spill.

Mr. Sims has also represented whistleblowers under state and federal false claims acts. He recently obtain a very favorable settlement on behalf of two mechanics who allege that their former employer, the largest school bus operator in the country, consistently shortcut health and safety procedures in order to increase profits. In connection with his work on that case, Mr. Sims persuaded the California Court of Appeals to adopt the theory of implied certification as a basis for liability under the California False Claims, the first time a California court adopted this theory.

Mr. Sims currently devotes the majority of his time to seeking compensation on behalf of individuals and public entities that have been harmed by unsafe prescription drugs. He was part of the litigation team that helped seven states' attorneys general recover a \$177 million settlement against GlaxoSmithKline regarding its fraudulent marketing of the diabetes drug Avandia. Mr. Sims manages the Firm's Fluoroquinolone, Lipitor and Xarelto personal injury litigation.

Mr. Sims is licensed in Texas and California.

**Roland Tellis** co-manages Baron & Budd's Los Angeles office. His practice focuses on complex, high-profile litigation, including consumer class actions, financial fraud, business torts, corporate misconduct, automobile defect, food labeling, false advertising, securities fraud and environmental contamination.

Mr. Tellis has represented clients in numerous jury trials, including several multimillion dollar disputes. In 2005, Tellis received commendation from the U.S. Department of Justice and the Federal Bureau of Investigation for his assistance in the successful prosecution of a \$120 million securities Ponzi scheme perpetrated by foreign currency traders. Mr. Tellis also represented a multinational food company in litigation directed at the theft of its trade secrets by competing scientists. Mr. Tellis represented the owner of a commercial real estate portfolio in a large-scale litigation. And Mr. Tellis also represented the Screen Actors' Guild and members of its national board.

Mr. Tellis has become a leader in representing plaintiffs in multidistrict class action litigation and has become a formidable force in protecting consumer rights. Mr. Tellis is lead class counsel in several complex class action cases, including cases in the financial services sector, the automobile industry and the food and beverage group. His experience exemplifies the depth and breadth of resources that Baron & Budd provides for its clients.

Some of Mr. Tellis' consumer class actions include *Bias et al. v. Wells Fargo Bank*, a putative class action concerning fraud in the setting of default related bank fees; *Stitt et al. v. Citibank et al.*, putative class action concerning fraud in the setting of default-related bank fees; *Ellis et al. v. JPMorgan Chase et al.*, a putative class action concerning fraud in the setting of default-related bank fees;

*Payne et al. v. Bank of America, et al.*, a putative class action involving manipulation of the LIBOR U.S. Dollar rate; *In re L'Oreal Wrinkle Cream Marketing and Sales Practices Litigation*, a putative class action involving fraudulent marketing of skin care products; *In re: Avon Anti-Aging Skincare Creams and Products Marketing and Sales Practices Litigation*, a putative class action involving fraudulent marketing of skin care products; *In Re: Brazilian Blowout Litigation*, where he was class counsel in a certified class action concerning issues of fraud in connection with the sale of Brazilian Blowout hair products; *Delacruz v. Cytosport, Inc.*, a putative class action concerning false advertising, fraud, and misrepresentations regarding dietary supplement products; *Aarons et al. v. BMW of North America, LLC et al.*, a putative class action concerning premature transmission failure in MINI Cooper vehicles; and in *In re: Alexia Foods, Inc. Litigation*, a putative class action concerning false advertising, fraud, and misrepresentations concerning frozen food products.

Mr. Tellis served on the Board of Governors of the Association of Business Trial Lawyers and is a Lawyer Representative to the Ninth Circuit Judicial Conference. Mr. Tellis is also Co-Chair of the Settlement Panel of the United States District Court for the Central District of California.

Mr. Tellis is a faculty member of the Practicing Law Institute and was Chair of an annual program entitled "Taking and Defending Depositions." He was recognized as a "Rising Star" from 2004-2007 (Thompson Reuters) and a "Super Lawyer" from 2008-2012 (Thompson Reuters).

Mr. Tellis earned a J.D. from the University of California, Hastings College of Law in 1996 and a B.S. from the University of California, Los Angeles in 1992.

## **OF COUNSEL ATTORNEYS**

**Alicia Butler** is an Of Counsel lawyer with Baron & Budd working in numerous roles, ranging from major toxic exposure cases to widesweeping consumer cases. Currently, Ms. Butler focuses on pharmaceutical litigation and Medicare fraud cases.

Previously, Ms. Butler worked on a variety of toxic exposure cases with Baron & Budd that impacted thousands of people harmed by dangerous toxins. She represented hundreds of residents in a Pennsylvania community contaminated by radiation from local nuclear fuel facilities. She has also represented more than 1,500 workers suffering from health problems associated with arsenic, asbestos, benzene, beryllium, lead, mercury, and silica exposure at a plant in West Virginia.

Ms. Butler's experience representing public entities includes her work with the team of Baron & Budd attorneys that represented seven states against GlaxoSmithKline regarding its fraudulent marketing of the diabetes drug Avandia, resulting in a settlement of \$177 million. Ms. Butler was also a part of the team that represented City of Santa Monica in its fight to hold the oil industry

accountable for MTBE contamination in the local water supply, resulting in a settlement of \$250 million.

Ms. Butler currently serves as a pro bono legal adviser to the Workers' Defense Project in Austin, Texas in the area of occupational safety and health issues.

Ms. Butler earned her J.D., with honors, from the University of Texas School of Law. She also holds a B.A. in English and Sociology from Rice University, where she graduated *magna cum laude*.

**S. Ann Saucer** is an Of Counsel lawyer with Baron & Budd. She joined the firm in 2000 with almost a decade of litigation experience behind her in Louisiana and Texas, the previous five years of which were with the Dallas-based law firm Silber Pearlman, P.C.

Ms. Saucer's practice focuses on appellate advocacy and briefing in complex litigation. She has successfully argued before the United States Fifth Circuit Court of Appeals, the United States Ninth Circuit Court of Appeals, the Texas Court of Appeals, Dallas, and federal and state trial courts across the country.

Ms. Saucer was a key author of the federal court briefing defending the rights of Fen-Phen victims when the American Home Products Corp. (AHP) class action settlement was renegotiated. She has been a keynote speaker at Fen-Phen litigation seminars.

Ms. Saucer has also spoken and published articles on federal procedure issues. Her background covers the spectrum of environmental law, consumer protection, product liability and toxic torts.

Ms. Saucer graduated first in her class from Loyola University School of Law, New Orleans, in 1991. During that time she edited articles for the Loyola Law Review. After graduation she clerked for the Honorable Henry A. Politz, Chief Judge of the United States Fifth Circuit Court of Appeals, before joining a private practice in 1992.

After serving as a shareholder at both Silber Pearlman and Baron & Budd, Ms. Saucer now works in the firm's Pharmaceutical Litigation Group, where she devotes her time to arguing complex legal issues in federal and state court, writing legal briefs, conducting legal research, and strategizing.

## **FIRM ASSOCIATES**

**Melinda Arbuckle** works in the Employment Litigation Group of Baron & Budd, representing workers who were not fairly paid or were not given proper notice that they would be let go from their jobs. As a former law clerk in the Northern District of Texas, Ms. Arbuckle enjoys the challenge of Federal employment cases. Now an associate attorney at Baron & Budd, she routinely handles complex multi-party and class action cases.

Ms. Arbuckle's practice with Baron & Budd's Employment Law Group centers on litigating cases that make a difference not only in the lives of specific individuals, but also in shaping policy for the better protection of workers at large. In trying cases under the Fair Labor Standards Act (FLSA) and Worker Adjustment Retraining and Notification ("WARN") Act, Ms. Arbuckle values her role as an advocate for employees to be treated equitably.

Ms. Arbuckle received her Juris Doctor at Southern Methodist University. She chose law school because of her affinity for resolving problems. While in law school, Ms. Arbuckle was a research assistant to Civil Procedure Professor Elizabeth Thornburg. She studied issues and assisted in the preparation of coursework relevant to the litigation surrounding the BP Oil Spill and Multidistrict Litigation generally.

After law school, Ms. Arbuckle worked for Baron & Budd prior to clerking for Federal Judge W. Royal Furgeson. While at Baron & Budd the first time, she represented clients who were harmed by asbestos products. The ability to help those whose health had been detrimentally affected while working was extremely rewarding. During her clerkship, she drafted orders of the court regarding employment cases, particularly regarding workplace discrimination. She also observed and assisted with the Multidistrict Litigation Panel's hearing at Southern Methodist University, as Judge Furgeson was head of the Panel at the time.

Ms. Arbuckle is pleased to return to Baron & Budd as an associate attorney. "I always knew I wanted to represent individuals, not companies. My clients are people who may believe they have only a quiet voice in law and in life. It's my mission to make sure their voices are clearly heard."

**Stephen Blackburn** remembers the precise moment he decided to study law. In his home state of Florida, he attended a county commission meeting to speak out against a company planning to build a cement plant that would spew dioxin and other pollutants into the air. The company threatened to sue the county if it placed a citizens' initiative on the ballot to raise air quality standards in the area. Awaiting his turn at the podium, Mr. Blackburn decided he would fight such corporate intimidation tactics by becoming a lawyer.

Mr. Blackburn previously worked for Baron and Budd's Environmental Litigation Group, where he represented communities and individuals facing environmental contamination caused by pollutants such as MTBE. He also worked with the firm's appellate section. Now Mr. Blackburn fights corporate injustice as an attorney with the firm's Pharmaceutical Litigation Group, and he currently works on transvaginal mesh, Xarelto, Testosterone therapy and Granuflo cases.

At the beginning of his career, Mr. Blackburn honed his legal theory skills as an intern with the American Civil Liberties Union, where he worked on an amicus brief for the case of *Chavez v. Martinez*, 538 U.S. 760 (2003). The arguments set forth in the amicus brief helped form the basis for Justice Souter's important Part II opinion for the Court.

**Jeremiah Boling** works at the Louisiana office of Baron & Budd. He is a member of the firm's Mesothelioma Litigation Group. Originally from the South, Mr. Boling is a Georgia native. He attended Mississippi State University where he received a degree in Political Science. He then moved to Louisiana to attend law school at Tulane University. During law school, he served as managing editor of the Sports Lawyers Journal.

After finishing his law degree, Mr. Boling began his career at Barrios Kingsdorf & Casteix where he gained experience working on Chinese drywall, Actos and Vioxx litigation. Now Mr. Boling is proud to be a part of the Baron & Budd team where he can continue giving a voice to those who have been victimized by the asbestos industry.

**Ryan Burton** has worked as an associate attorney for Baron & Budd since 2010. Prior to joining Baron & Budd, Mr. Burton worked for a real estate development firm in Dallas, Texas, as in-house counsel. When he heard about an opening at Baron & Budd, Mr. Burton saw an opportunity to work for one of the country's premier law firms. As an attorney in the firm's Employment Litigation Group since 2012, Mr. Burton's practice focuses on representing employees in litigation and negotiation in all areas of employment law, including wage-and-hour and Worker Adjustment Retraining and Notification ("WARN") Act class actions.

During his time at Baron & Budd, Mr. Burton has represented thousands of employees involved in wage-and-hour disputes. In 2014, Mr. Burton worked as part of a trial team that won a verdict on behalf of 108 oilfield workers in an overtime wage collective action case. Native Oilfield Services Company required truck drivers to be at work early each morning to haul sand to various fracking sites in Texas. Many times, no trucks were available when the drivers got there. They would often wait hours without pay for a truck to arrive. In August, thanks in part to Mr. Burton's hard work, a federal jury in Dallas ruled that the Fort Worth-based company violated the Fair Labor Standards Act when it refused to pay those workers the overtime wages they were owed.

Mr. Burton received his Juris Doctor in 2006 from the South Texas College of Law in Houston. While a law student, he wrote for Currents, the school's international trade journal. He also enjoyed serving on the mock trial team. Now, in addition to representing clients in Federal court, Mr. Burton also represents clients before the Equal Employment Opportunity Commission and the U.S. Department of Labor.

**David Cannella** is an attorney at the New Orleans office of Baron & Budd. As a member of the Asbestos Litigation Group, David Cannella serves asbestos victims across the gulf state. After graduating from Louisiana State University's Paul M. Hebert Law Center in 1999, Mr. Cannella served as a law clerk to the Honorable Pascal F. Calogero, Jr., Chief Justice of the Louisiana Supreme Court. Following his service to Chief Justice Calogero, Mr. Cannella served as Assistant District Attorney for Orleans Parish's District Attorney Harry Connick. While working in District Attorney Connick's office, Mr. Cannella was assigned to the Narcotics Screening Division and the Felony Trial Division. In addition, he served as an

advisor to the Orleans Parish Grand Jury.

In addition to practicing law, Mr. Cannella is a faculty member at the Tulane University Law School Intersession Program, where he teaches an advocacy and practical skills course to second and third year law students. “I find it rewarding to pass on to a younger generation what I’ve learned in my years of legal service,” he says.

Since 2001, Mr. Cannella has focused on litigation pertaining to toxic torts, product liability, serious personal injury, and wrongful death, successfully handling multi-million dollar cases and numerous jury and bench trials, both in state and federal court. In one such case, Mr. Cannella obtained a \$6.4 million verdict against Asbestos Corporation Limited for a 60-year-old surgical nurse who was diagnosed with mesothelioma in 2012. In another, he won a \$5.6 million verdict for the husband and son of a woman who died of mesothelioma in 2013. Mr. Cannella continues to focus on mesothelioma and other product liability cases for Baron & Budd throughout the state of Louisiana.

**Brittany Clark** is an attorney in the firm’s Pharmaceutical Litigation Group, working closely with clients suffering from serious health problems after using various pharmaceuticals, such as Risperdal, Lipitor, Testosterone therapy drugs, Zolofit, GranuFlo, transvaginal mesh and others. Ms. Clark remains at the forefront of the firm’s pharmaceutical litigation practice, often spearheading investigation into new drugs or devices that may be causing serious physical harm to patients – and most importantly, what Baron & Budd can do to help these people.

Prior to her work at Baron & Budd, Ms. Clark represented tens of thousands of patients suffering from harmful pharmaceutical products against numerous multi-billion dollar pharmaceutical corporations. She worked closely with countless clients and their families throughout the litigation process to fully understand each client’s needs, as well as fulfill the legal needs of each client’s case.

Ms. Clark graduated *cum laude* with her J.D. from the Thurgood Marshall School of Law at Texas Southern University in Houston. She also holds a B.A. in Business Administration from Baylor University.

**Christopher C. Colley** has dedicated his career to protecting the rights of asbestos victims and seeking compensation for their injuries. Mr. Colley worked with the Dallas-based law firm Silber Pearlman and the Baton Rouge based law firm of LeBlanc & Waddell until the firms consolidated with Baron & Budd in 2008.

Mr. Colley began helping asbestos victims and their families in 2000, primarily along the Texas coast. He participated in hundreds of asbestos cases representing various trades of construction along with chemical and oil refinery workers, including pipefitters, boilermakers, carpenters, electricians and certainly those involved with insulation materials.

Starting in 2006, Mr. Colley began to work almost exclusively in the state of Louisiana. He utilized his extensive experience from having worked with

individuals in the industrial settings of Beaumont, Houston, Galveston and Freeport and put that to work representing asbestos victims who live and work along the lower Mississippi River. Since 2006 he has successfully litigated or settled hundreds of asbestos cases in Louisiana representing victims and their families from Baton Rouge all the way down the river to New Orleans.

Mr. Colley handles an active docket in Louisiana and appears in courts across the state. He has managed cases in East and West Baton Rouge, Ascension, St. James, New Orleans, Calcasieu, Morehouse, Ouachita, Caddo, Iberville, Point Coupee, and St. Bernard parishes.

Mr. Colley strives to help his clients make sense of what has happened to them and their families through his experience and keen understanding of toxic tort law. “The best thing I can do as a lawyer,” he says, “is help people in the most difficult time of their lives to find answers and seek justice.”

**Chad Cotten**’s convictions as a lawyer are founded on his resolute belief that the law is the bedrock of civilization and the cornerstone of the democracy in which we live. “The law is how we order society without resorting to violence and brute force. It protects all people, not just those with power,” he says. “Therefore, the law is very important to me, and the best way to participate in the process of law is to practice it.”

Mr. Cotten practices law as an attorney with Baron & Budd’s Asbestos Litigation Group, representing individuals with mesothelioma and other asbestos-related diseases. He concentrates his practice on the liability of employers and the owners of the premises where his clients were exposed to asbestos.

In addition to serving Baron & Budd’s clients, Mr. Cotten puts his legal skills to use for the benefit of the community by providing his services, pro bono, to low-income individuals seeking assistance with divorces and income tax issues. He has consulted with a local professional rehabilitation association on the possibility of acquiring non-profit status. He is also keenly interested in legal issues involving white-collar crime, unions and organized labor and employment law.

**Irma Espino** is an attorney with Baron & Budd’s Environmental Litigation Group, where she works primarily with clients who have been harmed by the Gulf Coast BP Oil Spill. In this capacity, Ms. Espino represents a variety of clients, from family-owned businesses whose incomes were wiped out by the contamination of fishing waters to complex real estate development companies whose multi-million dollar shoreline investments lost much of their value when pristine beaches were sullied. Ms. Espino is proud to be part of a team that has helped clients affected by the spill and her work has contributed significantly to its success. She has personally helped clients in the hospitality and tourism industries recover significant settlement proceeds. “My work helps these businesses recover their losses and remain viable. That has a ripple effect that benefits communities and families, too.”

Ms. Espino has a long association with Baron & Budd. She originally joined the



firm in 2002 as a paralegal in the pharmaceutical litigation section. In 2004, she enrolled at the University of Miami School of Law, where she received honors in the Litigation Skills and Trial Advocacy Program and was a member of the Business Law Review. Upon graduation, Ms. Espino joined a boutique litigation firm and successfully litigated a number of business disputes in Atlanta, Georgia. In her second year of practice, she chaired a business tort bench trial, which she successfully settled for her client. Ms. Espino rejoined Baron & Budd as an associate in 2010.

Ms. Espino earned her J.D. from the University of Miami School of Law in 2007, graduating *cum laude*, and her B.A. from the University of Texas at Austin in 2002 with high honors. She has served as Chair of Communications for the Georgia Association of Women Lawyers (GAWL) and on the Board of Directors for the Georgia Bar Association's Young Lawyers Division.

**David Fernandez** joined Baron & Budd's California office in August 2014. He represents clients across the United States in class action litigation involving automobile safety, fraudulent banking practices, and deceptive advertising.

Born and raised in Los Angeles, California, Mr. Fernandez earned his J.D. from Pepperdine University School of Law. He also holds a Bachelor of Science degree in Business Administration from the University of Southern California. While at Pepperdine University, Mr. Fernandez served as president of the Student Bar Association from 2010 to 2011. During law school, he also clerked at the Children's Law Center of California, which serves as appointed counsel for abused and neglected children who come under protection of the Los Angeles county juvenile dependency court systems.

Mr. Fernandez was heavily involved with Pepperdine's Geoffrey H. Palmer Center for Entrepreneurship and the Law, where he was an integral member of the Palmer Center's first Student Advisory Board from 2009 to 2010 and served as the board's vice-chairman from 2010 to 2011. Prior to joining Baron & Budd, he spent several years at a mid-size firm, representing clients in a variety of consumer fraud cases and residential construction defect actions.

Despite being well-beyond his law school years and fully involved in a rewarding career with Baron & Budd, Mr. Fernandez finds time to mentor first-year law students at his alma mater. As a preceptor at Pepperdine Law School, he works with a new group of first-year law students every year to provide mentorship regarding a variety of student decisions, from resume preparation to interviewing techniques. By giving his time to these students, Mr. Fernandez uses his experience to prepare future colleagues for successful entry into the legal field. "Providing substantive feedback and support to these promising law students is very rewarding and allows me to give back to the school which shaped my world view about the legal field and what is possible."

David Fernandez has committed himself to a life of purpose, service and leadership. His passion for public service and social responsibility drew him to Baron & Budd's mission.

**Bryan Green** joined the Trucking Litigation Group at Baron & Budd in August 2015 where he serves as lead counsel in numerous cases involving catastrophic injuries and wrongful deaths. Simply put, he represents individuals and families who have been badly hurt by the wrongful acts of others, aggressively pursues justice for them, and ensures wrongdoers are held accountable.

Mr. Green brings to the table a wealth of knowledge of the trucking industry, particularly from a legal and litigation standpoint, as he previously spent years representing commercial drivers and trucking companies on the defense side. This experience gives him a unique perspective and understanding when it comes to case investigation and analysis and identifying breaches of the duties and standards of care owed by those in the trucking and commercial transportation industry. He uses that knowledge and experience to advance his clients' cases and enhance the value of their claims. Mr. Green is also an accomplished trial attorney, having tried dozens of cases to verdict in courts throughout Texas.

In addition to trucking litigation, Mr. Green has extensive experience dealing with drunk driving accidents and the liability of bars and other dram shops for the unlawful service of alcohol to obviously intoxicated individuals, as well as the liability of governmental entities and police departments for the excessive use of force and violation of civil rights by law enforcement officers.

Mr. Green graduated from Texas Tech School of Law in 2009 and obtained his Texas law license that same year. Prior to law school, he received his B.A. in International Studies from the University of Denver where he was a 2003 Academic All-Conference selection for the university's NCAA Division I Men's Soccer team.

**Ann Harper** has spent her career representing workers who have developed mesothelioma and other serious illnesses caused by exposure to asbestos. She is an attorney in Baron & Budd's Legacy Case Management Department, where she works through the issues necessary to get the firm's clients compensation in their lawsuits and to pursue their claims through bankruptcy trust funds.

Ms. Harper says, "In my job, I am often able to get people compensation that offers a measure of security for their families and brings them some peace of mind. It's wonderful when I can do something like that for a client."

When she is not working for her clients, Ms. Harper enjoys reading and traveling to new destinations.

**Matthew Haynie** is an attorney in Baron & Budd's Pharmaceutical Litigation Group, where he represents individuals who have suffered serious injuries after taking a dangerous prescription drug or having a defective medical device implanted. His litigation experience stems from cases involving transvaginal mesh, testosterone therapy, Risperdal, Xarelto, and several other prescription drugs and medical devices. Though Mr. Haynie developed a keen interest in representing mass tort plaintiffs in pharmaceutical litigation while he was attending law school, he knew early in life that he wanted to dedicate his career to helping others.

As an undergraduate student, Mr. Haynie interned for Andrew Laming, a Queensland House Representative in the Parliament of Australia, who was instrumental in gaining access to healthcare for indigenous Australians. Mr. Haynie also worked on an award-winning documentary about exiled Tibetans living in refugee camps and monasteries across India. Both of these encounters opened his eyes to the atrocities human beings experience and strengthened his resolve to pursue a career in law that would allow him to seek justice for those who are injured by the wrongful acts of others.

Mr. Haynie graduated with his Juris Doctor from Southern Methodist University's Dedman School of Law in Dallas, Texas. He also holds a Bachelor of Arts degree in Political Science and Journalism from the University of Arkansas, where he graduated *magna cum laude* and was a recipient of the Senior Honor Citation, an award given to the top graduating male and female student in each class.

**Sangeeta Kurupillai** first worked for Baron & Budd in 2010 as an attorney in the firm's Environmental Group, reviewing discovery documents for cases involving atrazine, an herbicide which has been linked to prostate and breast cancer and is thought to be causing declines of endangered amphibians. In 2012, she worked on pharmaceutical cases related to the drug Avandia, thought to increase the risk of serious heart problems in diabetes patients.

Ms. Kurupillai spent twelve years as an Assistant City Attorney at the Dallas City Attorney's Office in Texas, defending city management in race and other employment discrimination cases. She also worked as a Claims Attorney for Great American Insurance Group. Before joining Baron & Budd, Ms. Kurupillai worked as Manager of the Civil Division and Chief Deputy in the Dallas County Clerk's Office. At Baron & Budd, Ms. Kurupillai worked for a year and a half in the firm's Employment Law group, preparing motions and performing pre-trial and trial work relating to the Fair Labor Standards Act (FLSA), using the skills she honed as an assistant city attorney to represent clients at Baron & Budd who have been hurt by large companies.

In late 2014, Ms. Kurupillai re-joined Baron & Budd's Environmental Litigation Group, where she currently reviews discovery documents for the MyFord Touch litigation, an in-car communication system thought to put drivers at risk of an accident, and Trichloropropane (TCP) cases, representing victims of groundwater and soil contamination in several California cities. "I enjoy helping put the pieces of a puzzle together to establish a case against offenders of mass tort, like water contamination or defective products".

Ms. Kurupillai chose a career in law because she wanted to make a constructive difference in people's lives. Her work in the firm's Environmental Litigation Group allows her to make a significant impact in the lives of our clients and to positively affect our fragile environment at the same time.

**Brett Land** joined Baron & Budd's Environmental Litigation Group in 2014 after graduating from Emory University School of Law. Prior to joining the firm, Mr. Land worked as a summer associate at Baron & Budd for several years,

concentrating on cases related to PCE, TCP, MTBE and Atrazine groundwater contamination. This work strengthened his resolve to help public entities seek justice for wrongful contamination and force the companies responsible to pay for cleanup.

During those summers, Mr. Land had the opportunity to work on a number of major water contamination cases. He performed diligent research and offered invaluable assistance in obtaining positive results for the firm's clients. He also met with and assisted numerous victims of the 2010 Gulf oil spill by filing their legal claims.

Mr. Land grew up in Midlothian, Texas, considered by some to be the "cement capital" of the state for its three gigantic cement plants providing a backdrop to practically every childhood memory of his hometown. Mr. Land says that when the cement company closest to his home billowed smoke from its towering smokestacks at night, the chimneys' floodlights bathed a good part of his neighborhood in a thick, orange, otherworldly haze. As a youth, Mr. Land often wondered what might be in the smoke that filled the air he and his family were breathing. This concern instilled in the young man a keen desire to make sure that every manufacturer's by-products are safe and, when they're not, to stop those harmful contaminants in their tracks. Baron & Budd is proud to have an attorney on staff with such a passion for his craft and for the safety of our citizens.

**Mitchell McCrea** is an attorney in Baron & Budd's Environmental Litigation Group. Mr. McCrea has always been intensely aware of the need for access to clean water. He grew up among farmers and ranchers in southern New Mexico, southern California and southwest Texas, where water was a scarce and precious commodity.

Although he loved ranch life, his family—aware of the inherent uncertainty of agriculture—encouraged Mr. McCrea to apply himself to his studies. After earning a bachelor's degree with honors in history from Principia College, Mr. McCrea earned a master's degree from the University of New Mexico, focusing on the history of the American West and culminating in his thesis, "The Cowboy and the Crow: Anglo Cattle Ranching on the Crow Indian Reservation." His studies cemented his belief in the importance of fair access to clean water.

"As I was listening to my family's struggles for water for their farming and ranching operations, witnessing and taking an active interest in the growing conflicts over water in the arid Southwest, and studying the history of Western agriculture and environment, I determined water was a—if not *the*—key to success," says Mr. McCrea. "Armed with a law degree, I could position myself to make a positive impact for those who depend on Earth's most precious resource."

Mr. McCrea earned his law degree *cum laude* from Texas Tech School of Law. With six years of litigation and trial experience under his belt, Mr. McCrea found the chance he had been waiting for to use that experience to pursue his passion.

"As part of Baron & Budd's Environmental Litigation Group, I am involved in

litigation every day that motivates me deeply,” says Mr. McCrea. “Every day, I fight for clients who endeavor to provide clean water to the public, and I can’t think of a better way to spend my time.”

Mr. McCrea continues to run cattle and grow corn, alfalfa, and chili peppers with his brother in southern New Mexico. He also serves on the boards of the Texas Stampede Rodeo, which is held each November and serves a network of children’s charities in north Texas, and the Texas Horse Park, which is an equestrian center being developed near downtown Dallas as part of the city’s Trinity River Corridor Project.

**Isaac Miller** is an attorney at Baron & Budd’s California office. His practice is focused on litigating complex class action matters.

While at Pepperdine University School of Law, Mr. Miller worked as a law review editor. He also served as judicial extern to the Honorable California District Court Judge, Consuelo B. Marshal, and as a law clerk for the U.S. Attorney’s Office for the District of Colorado.

Prior to joining Baron & Budd in 2013, Mr. Miller worked at Milstein Adelman, LLP in California. There, he represented individuals and corporate clients from virtually every industry and walk of life, both in and out of the courtroom, in a variety of consumer fraud and antitrust actions against a multitude of companies, including brand and generic pharmaceutical firms, interactive entertainment businesses and online tax preparation services, among others.

Since joining Baron & Budd, Mr. Miller has represented plaintiffs in nationwide class action and multi-district litigation against Fortune 500 companies in matters involving unlawful loan servicing practices, false and misleading advertising, financial fraud, and defective motor vehicles. Mr. Miller is proud to be a part of a firm where he can continue his work to defend the rights of individuals against many forms of consumer deception.

**Marty A. Morris** was an attorney with a well-known commercial litigation firm for several years before joining Baron & Budd in 1999. He now works with the firm’s Asbestos Litigation Group, representing people with mesothelioma and other asbestos-related diseases and assisting with the oversight of the firm’s intake department and other firm-wide special projects.

As a Baron & Budd attorney, Mr. Morris values the firm’s teamwork approach to the practice of law and an opportunity to make a difference in society. “The firm is passionate about helping people and places that as its highest priority,” he says. “The clients I meet and the positive impact we can make on their lives is the best part of the practice of law for me.”

Mr. Morris was honored with the distinguished Order of the Coif for his outstanding academic record in law school, where he was also a member of the South Texas Law Review and the Advocacy Program. He also provides pro bono

legal assistance through the Dallas Volunteer Attorney Program. Mr. Morris is an avid Texas Rangers fan who also enjoys golf, tennis, and Batman trivia.

**Staci Olsen** is a member of Baron & Budd's Environmental Litigation Group, where she specializes in the management of electronic information and people in mass litigation. This skill makes her a critical part of the Group, which focuses on large-scale complex environmental torts. She particularly enjoys putting her talents to work for public entity clients facing contamination issues: "Organizing all the evidence to support a client's case is rewarding because I know that my work provides a tangible result for the client."

Ms. Olsen has accrued several years of experience dealing with compiling the evidence necessary to make a solid environmental case. She has worked on atrazine, PCE, and TCP cases, and she works closely with clients who have been harmed by the 2010 Gulf Oil Spill. In addition, she is currently working on MyFord Touch litigation.

Ms. Olsen wanted to be an attorney ever since she was a young girl growing up in rural Colorado on a ranch where water and the environment impacted her daily life. She has traveled extensively, including in law school when she lived in Mexico and attended a summer course to learn the Mexican legal system. Ms. Olsen loves the outdoors and spends her summers in Alaska fishing. She also devotes a lot of time to charity work, including her favorite charity, C.A.R.E., a local organization dedicated to saving exotic large cats.

**Pablo Orozco** represents clients across the United States in complex, high-stakes class action litigation involving unfair competition, fraudulent and deceptive business practices, false advertising and product defects. He joined Baron & Budd as an associate in the Los Angeles office in April 2015.

Mr. Orozco enjoys his work representing consumers in class action and individual cases arising from corporations' deceptive, unfair or wrongful practices. While working for boutique plaintiffs' firms prior to joining Baron & Budd, Mr. Orozco helped litigate cases against hospitals for deceptive admissions and billing practices, companies that offer online discounts for mass distribution of unsolicited messages, banks for deceptive mortgage servicing practices, an online media company for violations of the Video Privacy Protection Act, and trucking companies for wage and hour violations. Among his other litigation successes, Mr. Orozco drafted a winning motion for class certification in a missed-meal and rest-break case only a year after graduating from law school.

Mr. Orozco obtained his law degree from the University of California at Los Angeles, where he served on the editorial board of the Journal of International Law and Foreign Affairs and the Chicano/Latino Law Review. During law school, he worked as an extern at a federal district court in California and also volunteered to help undocumented persons in the throes of removal proceedings. Mr. Orozco was recognized as a Southern California Rising Star by Super Lawyers magazine in 2014 and 2015. He is committed to the ideal that everyone must have equal access to justice, regardless of their means or status.

**Mark Pifko** has made a name for himself as a staunch advocate for consumers' rights. Mr. Pifko has more than ten years of experience litigating complex, multi-party, multi-district and class action cases. Mr. Pifko spent the first seven years of his career representing some of the world's largest companies, but in 2010, he left his position at Arnold & Porter LLP so that he could devote his entire practice to representing the interests of plaintiffs. Mr. Pifko brings his extensive defense side knowledge and a passion for plaintiffs to every case.

Since joining Baron & Budd's Los Angeles office in 2011, Mark Pifko has taken on powerful corporations in class action cases concerning a wide range of products and services, including, banking, motor vehicles, food products and cosmetics. Mr. Pifko's experience on both sides of the courtroom encompasses more than fifty significant complex and class action lawsuits. In addition to his litigation work, Mr. Pifko is a talented writer whose articles on class action law and consumer advocacy have been published in California Lawyer magazine and the Daily Journal newspaper.

**Kathryn Pryor** joined Baron & Budd's Asbestos Litigation Group in June 2015. The focus of her career has been representing individuals across the United States who have been diagnosed with preventable asbestos-related diseases.

Ms. Pryor was born in Barrington, Illinois, and raised in Dallas, Texas. She attended college and law school in Tulsa, Oklahoma, after being accepted into the University of Tulsa's six-year B.A./J.D. joint degree program. During law school she served as Attorney General and Delegate of the Student Bar Association. Ms. Pryor started her legal career in 2009 at Simon Greenstone Panatier Bartlett, working on behalf of individuals who have been injured when companies placed profits over safety, specifically in asbestos and pharmaceutical litigation. Ms. Pryor is proud to be a part of Baron & Budd's Litigation Group, where she can continue that important work.

"I enjoy being able to provide some peace of mind to our clients in what is arguably one of the most difficult times of their lives", says Ms. Pryor. "Knowing that manufacturers, distributors and suppliers of the asbestos-containing products to which our clients were exposed are being held accountable for the injuries they caused and, more importantly, that they could have prevented, gives me immense satisfaction."

**Natalie Rabenhorst** joined the Dallas office of Baron & Budd in 2008. While working for a plaintiff's firm during her undergraduate studies, she became intrigued with the litigation process. Ms. Rabenhorst quickly realized she had a passion for the practice of law and for helping injured workers who might not always have the resources or means to help themselves.

Ms. Rabenhorst works in Baron & Budd's Legacy Case Management Department, helping asbestos victims and their families navigate the sometimes complicated lawsuit settlement process. Every day, in ways big and small, she is part of the difference Baron & Budd makes for its clients.

Ms. Rabenhorst was a dean's scholarship recipient at Southern Methodist University's Dedman School of Law. While at SMU, she was selected to the Oxford Summer Program which allowed her to spend a semester studying international law at University College of Oxford in the United Kingdom. After graduating from law school, Ms. Rabenhorst was certain Baron & Budd was the place she wanted to be. "I knew Baron & Budd was a reputable firm with the resources and expertise to truly make a difference and protect those who have been wronged," she says. "If I can play even a small role in helping rebuild the families affected by a corporation's misconduct, I know my work has been a success."

**Cristina Sanchez** had originally planned to go to medical school, but her work at a small plaintiffs' firm after college inspired her to instead pursue a career in law. She works primarily with clients who have been harmed by the BP oil spill that severely impacted her hometown of New Orleans.

Ms. Sanchez joined Baron & Budd in 2005 to follow the firm's mission in protecting public and individual rights. She carries out that mission daily in her work as an attorney with the firm's Environmental Litigation Group. Ms. Sanchez' work at Baron & Budd draws on her background in science. As an undergraduate, she majored in biological sciences and minored in chemistry.

Ms. Sanchez currently leads the Group's work helping Gulf Coast businesses and individuals harmed by the 2010 BP oil spill in the Gulf of Mexico. In addition to helping individual victims, she represents a variety of businesses, including a number of complex publicly-traded companies. Working on the BP oil spill litigation has been a way to serve those in the community and the surrounding area where she grew up.

Ms. Sanchez has also represented hundreds of municipalities and public water providers, as well as private well owners seeking solutions for polluted drinking water supplies in cases arising from MTBE, TCP, and PCE contamination.

Ms. Sanchez has been named a Texas Rising Star by Super Lawyers Magazine (a Thompson Reuters organization) for the years 2012, 2013, and 2014. According to Super Lawyers magazine, this honor is for the top 2.5% of attorneys practicing in Texas who are under the age of 40.

While at Southern Methodist University, Ms. Sanchez was recognized as a nationally ranked moot court competitor. In 2002, she was the national champion for Best Brief and was the second place Oralist in the Hispanic National Bar Association Moot Court Competition. She also won the SMU Client Counseling Competition in 2001 and served as Chief Counsel for SMU's Criminal Defense Legal Clinic in 2002.

In addition to her law practice, Ms. Sanchez served as the 2005 Region XII Deputy of the Hispanic National Bar Association, Co-Chair for the 2005 Hispanic National Bar Association Moot Court Competition and Midyear Conference, and Silent Auction Committee for Attorneys Serving the Community in 2009.



**Kirsten Soto** joined Baron & Budd as a part of the firm's Trucking Litigation Group representing clients injured in catastrophic truck and bus crashes. She now works closely with the attorneys of the firm's California office, representing consumers in class actions and individual cases arising from corporations' deceptive, unfair or wrongful practices.

Prior to and during law school, Ms. Soto worked as a research assistant for a firm that investigates serious truck and bus collisions. She gained invaluable experience assisting with crash scene and vehicle investigations. Ms. Soto was inspired to attend law school after interacting with many passionate plaintiffs' attorneys fighting for those who were injured or killed in commercial vehicle collisions. During law school, Ms. Soto represented clients in family law matters as a student attorney. She also served as an Executive Board member and editor of the Administrative Law Review. Before moving to Dallas, Ms. Soto practiced at a boutique law firm in Washington, D.C. representing clients in multi-million dollar insurance coverage lawsuits.

Ms. Soto is actively involved with the American Bar Association's Tort, Trial and Insurance Practice Section. She has held leadership positions on various committees, including those dealing with commercial transportation litigation, automotive litigation, outreach to law students and diversity in the legal profession.

A lifelong horsewoman, Ms. Soto has served as a regular volunteer for a therapeutic riding program. She enjoys helping children with disabilities learn about horsemanship and develop their skills as independent riders.

Ms. Soto graduated *cum laude* from American University Washington College of Law in Washington, D.C. She holds a Bachelor's degree from The College of William and Mary in Virginia.

**Christine Tamer**, an associate in the Litigation Group at Baron & Budd, focuses on law and motion practice and civil appeals. Since joining the firm, she has successfully participated in appeals across the country. Most recently, she helped defend an \$18 million punitive damages verdict in California.

Ms. Tamer graduated from the University of Texas School of Law with highest honors in 2011. Given her choice among the best law firms in the country, Ms. Tamer decided to join Baron & Budd following a summer clerkship with the firm. "That summer I saw that Baron & Budd wasn't only doing outstanding legal work, I saw that they were doing outstanding legal work that made a huge difference in the lives of individual people," Ms. Tamer said. "I wanted to be a part of that. I wanted to give a voice to those who are not always heard."

Since joining Baron & Budd, Ms. Tamer has helped represent numerous clients in Courts of Appeal and trial courts across the country. She recently represented a family in a jury trial resulting in a significant verdict that was included in the National Law Journal Top 100 Verdicts for 2012 (ALM Media). Additionally, Ms. Tamer successfully helped defend the verdict after it went up on appeal in California. Ms. Tamer has also helped author two successful Motions for

Rehearing in front of the Texas Supreme Court.

Ms. Tamer concentrates on law and motion practice, as well as appellate work. Her passion for legal writing has led her to serve as an Adjunct Professor teaching Legal Writing at University of North Texas School of Law.

Ms. Tamer was honored by the Texas Supreme Court for achieving one of the top three scores on the Texas Bar Exam. She graduated with a 4.04 GPA and highest honors from the University of Texas School of Law, where she was a Chancellor, Order of the Coif, and an Associate Editor of the Texas Law Review.

**Allen Vaught** is a decorated U.S. Army veteran and former Texas State Representative. A member of the U.S. Army Reserve from 1997 to 2005, Mr. Vaught took leave from Baron & Budd in 2003 to serve in Operation Iraqi Freedom. He commanded one of the Army's first units to enter Fallujah and served as the city's de facto mayor. As an attorney at Baron & Budd, Mr. Vaught manages the firm's Employment Litigation Group, where he spearheads litigation against employers who are not fairly compensating their employees.

Mr. Vaught has more than 15 years of experience working as a litigator on complex, multi-party litigation. Recently, Mr. Vaught won a major award for a group of mechanics who were incorrectly classified as independent contractors by their employer, which earned him the distinction of being recognized as the "Litigator of the Week" by the state of Texas by legal publication *Texas Lawyer*.

Mr. Vaught is currently leading litigation against several oil and gas companies regarding lay-offs that were not made in accordance with the Worker Adjustment and Retraining Notification ("WARN") Act, a U.S. labor law which protects employees by requiring most employers with 100 or more employees to provide 60 calendar-day advance notification of plant closings and mass layoffs.

**Holly Werkema** is an attorney in the firm's Pharmaceutical Litigation Group, where she represents clients and their families adversely affected by Granuflo, a product used in dialysis that has caused countless deaths due to misleading and inadequate use instructions provided to health care professionals by its manufacturer. Ms. Werkema also works with clients adversely affected by defective metal-on-metal hip implants.

Ms. Werkema joined Baron & Budd in May of 2012, representing homeowners throughout the southeast affected by toxic Chinese drywall installations in their homes. Plaintiffs' counsel in this litigation reached a national settlement with drywall manufacturers in 2011 and 2012, and Ms. Werkema continues to assist hundreds of the firm's clients in navigating the settlement claims process that ultimately led to repair and/or replacement of the toxic drywall in their homes.

Prior to joining Baron & Budd, Ms. Werkema served the State of Florida Department of Financial Services as an attorney in the Prosecution and Enforcement Litigation Group. There she developed her litigation skills

representing the Department in enforcement proceedings, rule challenges, property claim denials and garnishments.

**Evan Zucker** works in Baron & Budd's California office, specializing in consumer class action litigation and insurance bad faith cases. Mr. Zucker is dedicated to fighting for the rights of consumers who have been harmed by the systematic and uniform practices of unscrupulous corporations.

Before joining Baron & Budd, Evan Zucker represented clients in matters which had positive ramifications across the country for those who had been victims of improper mortgage and loan-service fees. He has been appointed class counsel or co-class counsel in more than a dozen state and nationwide class action matters dealing with such corporate malfeasance. In three such cases, Mr. Zucker successfully recovered compensation for mortgage holders in California, New Jersey and Massachusetts who had been improperly charged late fees and mortgage-related servicing fees. Mr. Zucker also represented individuals in civil rights cases against various state and local law enforcement entities, receiving several favorable settlements for these citizens. He worked with California senators to pass legislation protecting the privacy of Californians who were victimized by online extortion schemes which posted consumers' personal information and was instrumental in furthering litigation aimed at shutting down these cyber-thieves.

In 2014, Mr. Zucker worked as part of a trial team which won a verdict on behalf of an elderly couple against a home insurance company in a matter stemming from the total destruction of their dwelling during the 2009 Los Angeles wildfire known as the Station fire. In that case, the jury made a finding that allowed punitive damages against the insurer for acting with malice toward the couple, essentially forcing them to live in a cramped hotel room for two and a half years while the insurance company repeatedly and fraudulently denied them the full value of their insurance claim.

Mr. Zucker was in middle school when his family's home was devastated by the Northridge earthquake in 1994. At the time he saw the tremendous impact that industry-wide insurance practices could have on middle class families, especially after a natural disaster. As a result of this experience, even before deciding to attend law school, Mr. Zucker gravitated toward work in law firms that handled cases against insurance companies, including those against insurers who engaged in malicious claims handling practices. Ultimately, Mr. Zucker found himself working to recover hundreds of millions of dollars on behalf of commercial and residential policyholders faced with catastrophic losses after that same 1994 Northridge earthquake. As a result of these experiences, he was inspired to seek a career in law. Mr. Zucker has been representing citizen plaintiffs ever since, and will continue that work as a part of the team that handles Baron & Budd's banking fraud and automotive defect cases.

# EXHIBIT B

**Russell W. Budd**

President and Managing Shareholder • Baron & Budd, P.C.

**EDUCATION**

University of Texas - School of Law	
Doctor of Jurisprudence	1979
Trinity University	
Bachelor of Arts, <i>magna cum laude</i>	1976

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Russell W. Budd is a driving force in the world of plaintiffs' attorneys, having devoted his entire career to championing the rights of people and communities harmed by corporate malfeasance. Budd currently presides over one of the nation's largest plaintiffs' firms, Baron & Budd, headquartered in Dallas, Texas with offices in Austin, Texas; Los Angeles, California; Baton Rouge, Louisiana and New Orleans, Louisiana.

Budd, a shareholder of Baron & Budd since 1985 and president and managing shareholder since 2002, has expanded the firm from its cornerstone asbestos practice into the areas of pharmaceutical litigation, employment law and consumer class action litigation. Baron & Budd represents a number of public entities in pharmaceutical litigation and consumer litigation, and represents hundreds of public entities in water contamination cases.

Over the last two decades, Budd has played significant roles in asbestos litigation on a national level. As chair and member of several asbestos creditors' bankruptcy committees, Budd has successfully resolved over 100,000 victims' claims with some of Wall Street's biggest companies. Budd was a chief negotiator of a \$4 billion national settlement with Halliburton that established a trust fund to protect present and future asbestos victims throughout the United States – the largest asbestos trust fund of its kind anywhere in the world. He was also on the committee that negotiated a \$3.9 billion settlement with United States Gypsum to benefit future asbestos claimants and has participated in negotiations that led W.R. Grace to fund a bankruptcy trust on for asbestos claimants with nearly \$3 billion in cash and stock equity.

Budd has also been instrumental in conducting national negotiations for non-asbestos claims. Budd was a chief negotiator for the 2012 settlement with JPMorgan Chase in *In Re Checking Account Overdraft Litigation*, which resulted in \$110 million in cash and more than \$100 million in business practice changes benefiting Chase customers. Budd was a leader in the *Overdraft* litigation which led to the 2011 settlement of \$410 million with Bank of America. Budd was one of the negotiators of a \$177 million settlement for litigation brought on behalf of seven states' attorneys general against GlaxoSmithKline regarding its fraudulent marketing of the diabetes drug Avandia. Budd was a key negotiator of settlements totaling more than \$43 million for the states of West Virginia, Mississippi and Hawaii regarding certain financial institutions and credit card companies' fraudulent marketing of payment protection plans.

Budd was also the chief negotiator for Plaintiffs in the settlement of a California Proposition 65 case involving efforts by three environmental groups to reduce cancer-causing diesel engine exhaust emissions from school buses. The settlement, valued at almost \$35 million, resulted in more than \$28 million being invested in the largest private school bus fleet in California in order to decrease the pollutant levels inside the buses, and is one of the largest Proposition 65 settlements to date.

**Russell W. Budd**

President and Managing Shareholder • Baron & Budd, P.C.

Under Budd's direction, Baron & Budd has frequently contributed resources and finances to a number of worthwhile nonprofit organizations including the International Mesothelioma Program at Brigham and Women's Hospital, Asbestos Disease Awareness Organization, Lung Cancer Alliance and the National Comprehensive Cancer Network (NCCN).

Budd serves on the Board of Governors of the American Association for Justice (AAJ) and previously served on the Board of Directors and Executive Committee of the Texas Trial Lawyers Association (TTLA).

In 2010, Budd was awarded the prestigious Harry M. Philo Award Trial Lawyer of the Year Award from the American Association for Justice at the organization's annual conference in Vancouver, B.C. The award was presented in recognition of his dedicated and consistent leadership in protecting the rights of individuals through the civil justice system. In 2007, he earned the Wiedemann Wysocki National Finance Council Award from AAJ, an award honoring attorneys for their commitment to the legal profession and their efforts to improve the civil justice system.

Under Budd's leadership, Baron & Budd has won numerous national awards. The *National Law Journal* has included the firm in its *NLJ* "Hot List" of exemplary plaintiffs firms in the United States eight years since the list's inception (American Lawyer Media, 2002-2006, 2008, 2011-2012). In 2014, Baron & Budd was named to the list of America's Elite Trial Lawyers by *The National Law Journal*, which recognized fifty law firms achieving significant results for clients within the previous year with an established track record. In 2012, Attorneys Serving the Community (ASC) honored Baron & Budd with the organization's inaugural "Friend of the Community" award for the firm's long-standing history of charitable donations to ASC. Baron & Budd has also been selected a finalist for the Public Justice Foundation's "Trial Lawyer of the Year" award four times – most recently in 2013 – and was awarded the honor in 2006 for its work on a decades-long case fighting water contamination in Tucson, Arizona. Budd, along with Baron & Budd colleagues and co-counsel from other firms nationwide, was named a finalist for the 2012 Public Justice award for work on *In Re Checking Account Overdraft Litigation*. Budd has been selected to the 2014, 2015 and 2016 editions of The Best Lawyers in America.

Mr. Budd and his wife are very involved in the community and one of the causes closest to his heart is Habitat for Humanity, which gives hardworking Dallas families a chance at first-time home ownership. He has personally contributed generously to the "Building on Faith" project, a collaborative initiative between the Dallas Faith Communities Coalition (DFCC), the City of Dallas and Habitat for Humanity to build 100 affordable single-family homes in West Dallas. In addition, Mr. Budd has donated land to the City of Dallas that enabled the completion of a massive bike and hike trail. Mr. Budd previously served on the Foundation Board of the National Comprehensive Cancer Network (NCCN).

In 2014, Mr. Budd, along with his wife, donated \$2.5 million to Southern Methodist University in Dallas to endow The Budd Center for Involving Communities in Education. The Center is a radical concept that works closely with numerous non-profit organizations to help children exit poverty through education. Though the program is initially focused on West Dallas, the program hopes to create a template for the nation in promoting truly substantial change. In addition to his involvement in The Budd Center, Mr. Budd serves on the Executive Board of the Annette Caldwell Simmons School of Education and Human Development at Southern Methodist University.

**EXHIBIT “L”**

## THOMAS P. CARTMELL

**Tom Cartmell** is a founding partner of Wagstaff & Cartmell LLP, a litigation firm based in Kansas City, Missouri. He started the firm with Tom Wagstaff in 1997 after practicing with Blackwell Sanders Matheny Weary & Lombardi, a large defense firm in Kansas City, Missouri. Tom received his undergraduate degree in Business Administration from the University of Kansas in 1990. He graduated from The University of Kansas School of Law in 1994. While in law school, he was an editor on the *Kansas Law Review*.

Tom has extensive experience trying cases and arguing appeals in both state and federal courts. He has tried over 30 cases on behalf of both plaintiffs and defendants in federal and state courts around the country. He has litigated commercial, product liability, fraud, and mass tort cases.

Tom has been recognized locally in Kansas City as an outstanding litigator on multiple occasions. He was the 2001 recipient of the Thomas J. Conway Award, an award presented annually by the Kansas City Metropolitan Bar Association to a trial lawyer who “represents his/her clients with zeal.” In 2003, Tom was awarded the Lon O. Hocker Memorial Trial Lawyer Award, an award presented by the Missouri Bar Foundation to an outstanding trial lawyer in Kansas City for “outstanding expression of the qualities of professional competence, industry, integrity and courtesy indicative of a trial lawyer.” Tom has been honored as one of the *Kansas City Business Journal’s* “Best of the Bar” for nine straight years, has been included in the Kansas City *Super Lawyers* edition for seven straight years, and has continuously been recognized in The Best Lawyers in America since 2007. He is also the current Treasurer of the Kansas City Chapter of the American Board of Trial Advocates (ABOTA). Tom has an AV rating from Martindale Hubbell.

Tom is also a Fellow of the International Society of Barristers. The International Society of Barristers is an honor society of outstanding trial lawyers chosen by their peers on the basis of excellence and integrity in advocacy. It seeks to preserve trial by jury, the adversary system, and independence of the judiciary.

Currently, Tom’s practice is heavily focused on plaintiffs’ mass tort litigation. He has extensive experience with federal court procedure for complex litigation, including class actions and mass torts in an MDL setting. As part of that practice, he works with attorneys across the country on a wide variety of matters.

Tom was Co-Lead Counsel, in addition to serving as co-chair of the Science Committee for Plaintiffs’ Steering Committee, in the multi-district litigation *In Re Avandia Marketing, Sales Practices and Products Liability Litigation*, MDL No. 1871, Eastern District of Pennsylvania, in front of the Honorable Cynthia M. Rufe. He was also Co-Lead Trial Counsel in the *In Re Bextra and Celebrex Product Liability Litigation*, MDL No. 1699, in the Northern District of California. Tom served in a leadership role on behalf of plaintiffs in the multi-district product liability litigation *In Re Ephedra Products Liability Litigation*, MDL No. 2071, in the Southern District of New York. Specifically, Tom served on the expert/science committee and was settlement/resolution counsel on behalf of plaintiffs resulting in more than \$50 Million in settlements in the NVE and MuscleTech litigation. He also served on the Plaintiffs’ Steering Committee for *In Re: DePuy Orthopaedics*,



*Inc., Pinnacle Hip Implant Products Liability Litigation*, MDL No. 2244, in the Northern District of Texas in front of the Honorable Ed Kinkeade.

Tom is currently serving on the Executive Committee of the four Pelvic Repair System Products Liability Litigation MDLs in the Southern District of West Virginia in front of the Honorable Joseph R. Goodwin – *In Re C.R. Bard, Inc.*, MDL No. 2187; *In Re American Medical Systems, Inc.*, MDL No. 2325; *In Re Boston Scientific Corp.*, MDL No. 2326; and *In Re Ethicon, Inc.*, MDL No. 2327, and is Co-Lead Counsel in the *Ethicon* MDL. Further, Tom has been appointed to the Plaintiffs’ Steering Committee for *In Re: Zoloft (Sertraline Hydrochloride) Products Liability Litigation*, MDL No. 2342, also in front of the Honorable Cynthia M. Rufe in the Eastern District of Pennsylvania.

Tom’s extensive experience in mass tort pharmaceutical litigation also includes the handling of cases involving Baycol, Propulsid, Rezulin, Zyprexa, Vioxx, Paxil, Ketek, Trasylol, Accutane, Reglan, Depuy ASR hip implants, and others.

As part of his MDL leadership roles, Tom has been lead or co-lead trial counsel on a number of mass tort cases. Most recently, Tom tried three cases in the vaginal mesh litigation – *Lewis v. Ethicon*, Case No. 2:12-cv-04301 (MDL No. 2327), in the Southern District of West Virginia; *Batiste v. Ethicon, et al.*, Case No. DC-12-14350, in the District Court of Dallas County, Texas; and *Perry v. Ethicon, et al.* in the Superior Court of California for Kern County. Tom also has extensive experience working with and presenting expert witnesses, deposing defense expert witnesses and key employees, acting as lead counsel to argue all varieties of motions, and every other aspect of complex litigation.

Tom is a former Adjunct Professor of Trial Advocacy at the University of Kansas School of Law. He is also a frequent speaker at seminars which focus on trial tactics and strategy.

Tom is active in the community. Tom served as the Chairman of the Board for Crittenton Children’s Center for several years, and he is a Children’s Advocate at Children’s Mercy Hospital in Kansas City, Missouri. He also currently sits as the Municipal Court Judge in the City of Mission Hills, Kansas.

**EXHIBIT “M”**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE: BARD IVC FILTERS PRODUCTS LIABILITY LITIGATION.	) ) ) )	No. MD-15-02641-PHX-DGC  JUDGE DAVID CAMPBELL
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**AFFIDAVIT OF TURNER W. BRANCH  
FOR APPOINTMENT TO PLAINTIFF'S STEERING COMMITTEE**

STATE OF NEW MEXICO	)
	)
COUNTY OF BERNALILLO	)

I, **TURNER W. BRANCH**, being first duly sworn upon oath and make this Affidavit as follows:

**I. INTRODUCTION:**

1. I am an attorney admitted to practice in the State of New Mexico, State of Texas, State of Colorado and in the District of Columbia. I received my JD from Baylor Law School in 1966. A copy of my resume is attached hereto as Exhibit A.

2. I make this affidavit for consideration and application for Appointment to the Plaintiff's Steering Committee in the *Bard IVC Filters Products Liability Litigation*. The purpose of this affidavit is to describe the experience and work performed in numerous MDL litigations to date. I have the financial resources to adequately commit to this undertaking; and I am committed to this litigation and the completion of same and that I am very familiar with the

manual for Multi-District Litigation and Procedure in that I have personally served on MDLs since being appointed as outlined below:

## **II. WORK PERFORMED IN MDLs & THE COORDINATED STATES**

### **Litigation Experience:**

I am a National Board Certified Attorney and a Diplomat of the American Board of Trial Advocates; a Fellow in the International Academy of Trial Lawyers and board recognized specialist as a civil trial advocate by the National Board of Trial Advocacy. I have been lead counsel in over 250 civil cases to completion. I have also been lead counsel in various products liability cases (catastrophic vehicle collisions, medical devices, pharmaceuticals).

### **Discovery Experience:**

Our Firm has been involved in document review in L-tryptophan, Breast Implants, Baycol, and Avandia. I have chaired discovery committees in Baycol and Avandia; I have been lead counsel in depositions of GNC employees and experts in the L-tryptophan.

### **MDL Experience:**

(1). Vice-Chair of L-tryptophan by the Honorable Matthew Perry of the United States District Court in South Carolina, as Vice Chairman of the MDL governing L-tryptophan Litigation in 1989.

(2). The Branch Law Firm worked on the Breast Implant Litigation with the Honorable Samuel Pointer, United States District Judge in Birmingham, Alabama.

(3). I was assigned to personally work on the Baycol Litigation where I was one of the Vice-Chairs of the Plaintiff's Steering Committee. Also headed up the Discovery Committee for the Baycol litigation against Bayer Pharmaceutical and appointed to serve in this

position. This appointment came from United States District Judge Michael Davis of Minneapolis, Minnesota.

(4). Served as Vice Chairman of the Norplant Contraceptive Litigation docketed in the Eastern District of Texas, in Beaumont, Texas and therein fulfilled and performed my duties, responsibilities and obligations as such, to completion in that litigation as I did in all other MDLs upon which I was appointed to work on.

(5). Served actively in the Fen-phen Litigation and represented numerous clients even though I did not serve in a formal capacity in that particular MDL. I however, did work in the discovery dispository, as did staff members from our law offices and the MDL Discovery Committee.

(6). We actively worked on the Vioxx Litigation and I was part of the trial team in Judge Carol E. Higbee's Court in New Jersey and had eleven (11) cases scheduled for consideration and trial when the National Vioxx Settlement was reached. I was originally appointed as State Liaison Counsel to the MDL by the Honorable Eldon E. Fallon, United States District Court for the District of Louisiana. I was also admitted to practice law in New Jersey by the New Jersey Supreme Court, on Motion, to assist in the preparation and trial of the Vioxx cases.

(7). I also served on the Plaintiff's Steering Committee on the Avandia Litigation, MDL No. 1871 and was part of the trial team in Judge Cynthia Ruff's Court in Philadelphia, Pennsylvania.

(8). Currently, the Branch Law Firm, specifically my law partner, Margaret M. Branch, is currently serving on the Plaintiff's Steering Committee on the Lipitor Litigation,

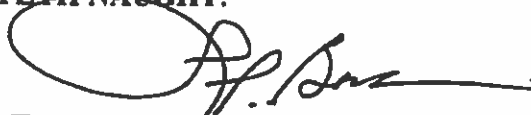
MDL No. 2502 and part of the PSC team in Judge Richard Gergel's Court in Charleston, South Carolina..

4. That all of these litigations generated significant discovery, expert development, document production and motion practice which directly contributed to the global resolution of these MDLs.

5. That one of my strengths in past MDLs in which I have served in a leadership capacity (over 10), I have concentrated on discovery and working with experts and science and I think I could continue to do that. I have also been assigned the task of participating in working on motions and briefs in pleadings to be argued in court and argued those. Others in our firm our experienced in briefing, motion writing, pleadings and preparing those presenting arguments to be ready to present them to the court. These are the areas I would suggest that I be allowed to participate in even though I did head up discovery in several other MDLs and was successful in taking video depositions and overseeing the team that did the same.

6. That I be considered for appointment to work with and assist the Plaintiff's Steering Committee Trial Team in the completion of preparation and trial of the first *Bard IVC Filters Litigation* once scheduled before this Honorable Court; and that I will remain committed and assure the Court that I will continue to work diligently, tenaciously and positively.

**FURTHER, AFFIANT SAYETH NAUGHT.**

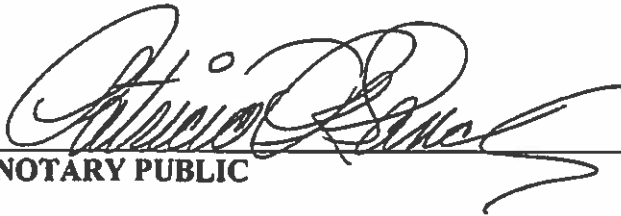


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**TURNER W. BRANCH**

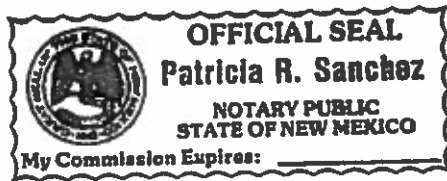
SUBSCRIBED AND SWORN TO before me this 22<sup>nd</sup> day of September, 2015 by

Turner W. Branch.

  
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires:

12-13-2015



## **Turner W. Branch**

### **Branch Law Firm**

2025 Rio Grande Blvd. NW  
Albuquerque, New Mexico 87104  
*Senior Partner*

**phone** (505) 243-3500  
(800) 828-4529 (Toll Free)  
**fax** (505) 243-3534  
**email** [tbranch@branchlawfirm.com](mailto:tbranch@branchlawfirm.com)

Turner Williamson Branch is a 1956 graduate of the Marist School, Atlanta, and was graduated in 1960 with a B.A. in Political Science from the University of New Mexico where he was president of the student body and a member of Phi Sigma Alpha, the Political Science Honors Society. He was listed in Who's Who in American Colleges and Universities.

Upon graduation, Mr. Branch was commissioned as a Second Lieutenant in the United States Marine Corps on active duty at Quantico, Va. Thereafter, Mr. Branch was assigned to Camp Pendleton, Ca. and joined the Second Battalion of Fifth Marines, First Marine Division, a noted infantry organization that won fame with the Battle of Belleau Woods in France in World War I and thereafter in World War II in the Pacific Islands, in the Korean War as well as in Vietnam. Mr. Branch was promoted to First Lieutenant and served three-and-a-half years on active duty. He left the Marine Corps in July of 1963 to attend Baylor University in Waco, Texas.

Mr. Branch graduated in November 1965 from Baylor Law School, where he was a Section Editor of the Law Review. He received the T.R. McDonald Award as the outstanding student at the Law School. He served as chairman of the Student Grievance Committee, was selected to Omicron Delta Kappa and to the International Legal Fraternity of Phi Delta Phi. He was also selected for the first edition of Best Lawyers in America (derived from a survey of lawyers from around the country), Who's Who in American Law Schools and Who's Who in American Universities and Colleges for a second time.

He returned to Albuquerque, N.M. to practice law in 1965. He is a member of the State Bars of New Mexico, Colorado and Texas and the Bar Association of the District of Columbia. He was admitted to practice before the United States Supreme Court in 1972.





Mr. Branch was elected a Fellow in the International Academy of Trial Lawyers, an organization of only five hundred lawyers throughout the world, and served on that organization's Board of Directors. He is a life member of the Association of Trial Lawyers of America, and served as the New Mexico representative for the Association of Trial Lawyers of America for twelve years. He is a former Trustee for the National College of Advocacy, Diplomat in the American Board of Trial Advocates, National Board of Directors of the American Board of Trial Advocates, former President New Mexico Chapter of ABOTA 1982-83, and received an outstanding service award from the American Board of Trial Advocates. He is board recognized Specialist as a civil trial advocate by the National Board of Trial Advocacy and has been certified as a Civil Trial Specialist since 1984. He served on the Board of Governors of the Western Trial Lawyers Association, and served as a board member of New Mexico Trial Lawyers from 1968-76.

Mr. Branch has served as:

Vice Chair of Plaintiffs' Steering Committee for L-Tryptophan, Litigation (MDL 863)

Liaison Counsel for Breast Implant Litigation, Multi-District, Litigation No. 926

Member of Executive Committee for Castano Tobacco Litigation in United States

District Court for the Eastern District of New Orleans

Represented the New Mexico Attorney General in: State of New Mexico, ex rel Tom Udall, Attorney General of State of New Mexico v. The American Tobacco Company, et al., Santa Fe County District Court (New Mexico) Cause No. SF 97-1235

Plaintiffs' Counsel in New Mexico class action entitled: Carol A. Connor et al. v. The Tobacco Company et al., Bernalillo County District Court (New Mexico) Cause No. CV 96-0009422

Plaintiffs' Steering Committee for Amtrak Bayou Canot case in Mobile, Alabama, (MDL No. 1003)

National Liaison Counsel in Omniflox Litigation case in the United States District Court in Chicago, Illinois, (MDL No. 1004)

Co-Chair of Plaintiffs' Steering Committee for the Norplant Litigation in the Eastern District of Texas, (MDL No.1038)

Plaintiffs' Steering Committee for Avandia Litigation in the United States District Court for the Eastern District of Pennsylvania (MDL No. 1871)

Plaintiffs' Discovery Committee for DePuy Orthopaedics Inc. ASR Hip Implant Products Liability Litigation in the United States District Court for the Northern District of Ohio (MDL No. 2197)

In addition, Mr. Branch has been an active participant in the diet drug litigation since its inception. He was a founding member of the Texas Document Depository, which now holds over five million pages of the drug manufacturers' records.

Mr. Branch has published seven articles and a book, all legal publications plus numerous articles for publications and Trial Magazine and other trial lawyer association meetings, which are listed in detail on the attached Martindale-Hubbell biography. He has argued numerous cases before state and federal appellate courts and has tried over two hundred and fifty civil jury trials to completion.

**Litigation Percentage:**

100% of Practice Devoted to Litigation

**Certification/Specialties:**

Civil Trial Advocate, National Board of Advocacy

**Bar Admissions:**

New Mexico, 1966

Colorado, 1988

Texas, 1988

District of Columbia, 1989

U.S. District Court District of New Mexico, 1966

U.S. District Court District of Colorado, 1988

U.S. District Court Western District of Texas, 1988

U.S. District Court Southern District of Texas, 1988

U.S. District Court Northern District of Texas, 1991

U.S. District Court Eastern District of Texas, 1993

U.S. Court of Appeals 10th Circuit, 1966

U.S. Court of Appeals 5th Circuit, 1968

U.S. Court of Appeals 9th Circuit, 1993

U.S. Supreme Court, 1972

Laguna Tribal Court, 1990

**Education:**

Baylor University School of Law, Waco, Texas, 1965

J.D., Doctor of Jurisprudence

*Honors:* Recipient T.R. McDonald Outstanding Student Award

Law Review: Section Editor, Baylor University Law Review, 1964 - 1965

University of New Mexico, Albuquerque, New Mexico, 1960

B.A., Bachelor of Arts

**Published Works:**

*Rule 167 - Production, Privilege and Waiver, Probate of a Subsequent Will is Not a Will Contest, Baylor Law Review, 1964-1965*

*Book Review: Render Unto Caesar, the Flag Salute Controversy, Baylor Law Review, 1964-1965*

*Release-After Discovered Injury, 19 Defense Law Journal 2, 1970*

*Closing Arguments, Callahan & Company, 1970-present*

*Wrongful Death of a Minor in Police Custody, 28 American Jurisprudence Trials 307, 1981*

*American Jurisprudence Trial, Handling a Bad Faith First Party Insured Case, Medical Misdiagnosis Damages and the So What? Defense, New Mexico Trial Lawyer, January, 1983*

*American Jurisprudence Trial, Handling a Bad Faith First Party Insured Case, Medical Misdiagnosis Damages and So What? Defense, Michigan Trial Lawyer, March, 1983*

*Misdiagnosis of Cancer, 30 American Jurisprudence Trials, 1983*

*Obstetrics and Gynecology Malpractice, 40 American Jurisprudence Trials 1, 1990*

*The Trial of An Ophthalmology Case, 32 American Jurisprudence Trials, 1985*

*Failure to Protect the Public From Intoxicated Drivers, 34 American Jurisprudence Trials 499*

*Branch on Construction Site Accidents, Wiley Law Publications, 1987*

*Using Lay Opinion Testimony, Vol. 36, Issue 3, March, 1987*

*Trial Talk, Colorado Trial Lawyers Association Publication, 1987*

*Exemplars of Cross-Examination of Lay Witnesses, Matthew Bender, Cross-Examination of Lay Witnesses (Contributor), 1988*

*Construction Accident Pleading and Practice, Wiley Law Publications (Editor and Contributing Author), 1988*

*Lessons from Unsuccessful Trials, Trial Magazine, 1993*

*The Rise of Hedonic Damages and the Fall of Punitive Damages, 15 Trial Diplomacy Journal 2, Mar/April, 1992*

*Hedonic Damages, Law Education Institute CLE*

**Representative Cases:**

*Hansler v. Bass*, 743 P.2d 1031 (N.M.App. 1987)  
*Stover v. Journal Pub. Co.*, 731 P.2d 1335 (N.M.App. 1985)  
*Karbel v. Francis*, 709 P.2d 190 (N.M.App. 1985)  
*Harrell v. City of Belen*, 603 P.2d 722 (N.M.App. 1979)  
*Hicks v. State*, 544 P.2d 1153 (N.M. 1975)  
*Jessen v. National Excess Ins. Co.*, 776 P.2d 1244 (N.M. 1989)  
*Salazar v. Otis Elecator Co., No. 12*, 354 (1993)

**Classes/Seminars Taught:**

Member of Faculty, National Advance College of Advocacy, University of Nevada-Reno, 1984

Lecturer, Trial Tactics, Kansas Trial Lawyers Continuing Legal Education, Keystone, Colorado, 1988

Member of Faculty, National College of Advocacy, University of Washington School of Law, 1985

Member of Faculty, Maximizing Damages, National College of Advocacy, Snowmass, Colorado, 1985

Member of Faculty, Basic Trial Advocacy Course, National College of Advocacy, San Diego, California, 1986

Member of Faculty, Specialized Course in Premises Liability, National College of Advocacy, Vail, Colorado, 1986

Lecturer, Final Arguments, Kansas Trial Lawyer, CLE, Santa Fe, 1989

Specialized Course in Evidence, Association of Trial Lawyers of America, Albuquerque, New Mexico, 1986

Hedonic Damages, Kansas Trial Lawyers Association, CLE, Durango, Colorado, 1990

Lecturer, Proving Economic Damages in FELA Cases, New York City, 40th Annual Association of Trial Lawyers of America Convention, New City, 1986

Lecturer, Trial Technique, National Business Institute, September 1990

Hedonic Damages, New Mexico Defense Lawyers Association, April 1991

Maximizing Settlement Techniques, Association of Trial Lawyers of America, Washington, District of Columbia, April 1991

Damages and Arguing Damages, Kansas Trial Lawyers Association, Durango, Colorado, 1990

Voir Dire and Jury Selection, Texas Trial Lawyers Association, Steamboat Springs, Colorado, 1990

Using Rule 26 at Trial, Legal Education Institute, Vail, Colorado, January 1991

Handling Automobile Cases, the Aspects of Crashworthiness, National Business Institute, June 1991

Masters Program, Hastings College, University of California Advanced Trial Techniques and Strategy, San Francisco, August 1991

Lecturer, Masters in Trial, Using Jury Instructions to Your Advantage, BNA/PEI, Albuquerque, New Mexico

Lecturer, Lawyer Storytelling, LEI, Vail, Colorado, 1993

Lecturer, Lawyer Storytelling, LEI, Palm Springs, California, 1993

Lecturer, Preparing Witnesses for Direct and Cross-Examination, Association of Trial Lawyers of America Conference, Redondo Beach, California, 1993

Lecturer, Closing Arguments, South Dakota Trial Lawyers, 1993

Lecturer, Using Video Settlement Brochures in L-Tryptophan Cases, Association of Trial Lawyers of America Summer Convention, San Francisco, California, August, 1993

Lecturer, Handling Catastrophic Premises Liability Cases, BNA/PEI, Albuquerque, New Mexico, 1993

Lecturer, Products Liability, BNA, Albuquerque, New Mexico

Lecturer, Hedonic Damages, CLE

Instructor, Ultimate Trial Advocacy Program, Association of Trial Lawyers of America, Georgetown Law School March 1992

Lecturer, Damages and Settlement Seminar, Association of Trial Lawyers of America, Nashville, Tennessee, May 1992

Lecturer, Cross-Examining the Expert, New Mexico Trial Lawyer Seminar, January 1992

Lecturer, BNA Seminar on Damages, National Business Institute

Lecturer, Scheduling and Taking Depositions Under the Hague Convention, Association of Trial Lawyers of America Mid-Year Convention, Boca Raton, Florida, January 1992

Presentation, 11-16-26-37 Hike, Use of Federal Rules to Settle Cases, Georgia/Florida Trial Lawyers, Orlando, 1992

Lecturer, Association of Trial Lawyers of America Tort Track Annual Convention, 1992

Lecturer, Association of Trial Lawyers of America, L-Tryptophan Section, Annual Convention, Washington, District of Columbia, 1992

Faculty, Obstetric Malpractice, Legal, Medical and Nursing Perspectives, Texas Trial Lawyers at CLE, Steamboat Springs, Colorado on Trial Tactics, 1990

Lecturer, A BMW Seminar, 1988

Lecturer, Rise of Hedonic Damages and the Fall of Punitive Damages, ABOTA, Masters in Trial, Tulsa, Oklahoma, October 1993

Lecturer, Rise of Hedonic Damages and Fall of Punitive Damages, Nebraska Trial Lawyers, 1993

Lecturer, Hedonic Damages, Iowa Trial Lawyers, 1993

Lecturer, Premises Liability: Preparation and Trial of a Difficult Case in New Mexico, National Business Institute, Albuquerque, New Mexico, September 1993

Lecturer, How to Avoid Traps and Pitfalls Set by the Defense which are in the Guise of Settlement Negotiations, Mass Torts Made Perfect Seminar, Las Vegas, Nevada, October 2010

Lecturer, DePuy Hip Recall & Avandia Updates Seminar, Miami Beach, Florida, November 2010

**Honors and Awards:**

Best Lawyers in America

Who's Who in American Law

President, Albuquerque Chapter, American Board of Trial Advocacy

Examiner, National Board of Trial Advocacy

Pi Sigma Alpha

Omicron Delta Kappa

Recognized as a "Southwest Super Lawyer" the top 5% in New Mexico, Super Lawyer Magazine, 2008, 2009, 2010, 2011

Martindale-Hubbell, AV Peer Review Rated Attorney

Selected Top Plaintiffs Lawyer in America by Law Dragon, Winter 2007

Fellow, Litigation Counsel of America, The Trial Lawyer Honorary Society, 2009

**Professional Associations and Memberships:**

Elks Lodge 460

Member

Kiwanis Club

Member

Masonic Lodge

Member

Shriners

Member

American Board of Trial Advocates, 1990 - Present

Member, Board of Directors

New Mexico Trial Lawyers, 1968 - 1974

Member

Association of Trial Lawyers of America, 1968 - 1974

Delegate

Cartwright Memorial Endowment Fund, 1988 - Present

Co-Chair

American Arbitration Association, 1968 - Present

Member, Negligence Advisory Committee

Association of Professional Responsibility Lawyers - ABA

Charter Member

New Mexico Medical-Legal Grievance Committee, 1984 - Present

Member

2nd Judicial District, 1989 - 1991

Member, Judicial Selection Committee

Multi-District Litigation L-Tryptophan Cases, MDL-865

Vice Chairman, Steering Committee

United States District Court, Columbia South Carolina, 1991 - Present

Member

The H. Verle Payne American Inns of Court, 1992

Master Bencher

ABOTA, Masters in Trial, New Orleans, LA., Liaison Counsel for New Mexico MDL-926 (Breast Implant Lit.), N.D. AL., US District Court

National College of Advocacy, Kansas City Trial Lawyers Association, 1993  
Advocate

Equal Access to Justice Fund Committee, 1969  
Co-Chair

Colorado Bar Association  
Member

South Western Colorado Bar Association  
Member

American Bar Association, 1988 - 1989  
National Vice-Chairman, Tort Insurance Practice Section

State Bar of New Mexico, 1972 - Present  
Member

State Bar of New Mexico, 1982 - 1986  
Chairman, Fee Arbitration Committee

State Bar of New Mexico, 1969 - Present  
Member, Legal-Medical Review Committee

State Bar of Texas  
Member

Albuquerque Lawyers Club  
Member

New Mexico Trial Lawyers Association  
Member, Board of Directors, 1969-1973 and 1991-1992

Pennsylvania Trial Lawyers Association  
Member

New York Trial Lawyers  
Member

Texas Trial Lawyers Association  
Member

Colorado Trial Lawyers Association  
Member



Association of Trial Lawyers of America, 1970 - 1974  
Life Member, State Committeeman

Association of Trial Lawyers of America, 1978 - Present  
Sustaining Member

National College of Advocacy, 1990 - Present  
Member, Board of Trustees

ABOTA-The Masters in Trial, Trial Dem., Philadelphia, New Orleans and, 1984 -  
1985

Washington, DC, National Advance College of Trial Advocates, Vice Chairman

American Society of Law and Medicine  
Member

American Judicature Society  
Member

American Board of Trial Advocates  
Diplomate

American Board of Trial Advocates, 1983 - 1984  
President, New Mexico Chapter

American Board of Trial Advocates, 1990 - Present  
Member, National Board of Directors

American Board of Trial Advocates  
Tri-Chair, Expansion Committee

National Board of Trial Advocacy, 1986 - Present  
Examiner

College of the State Bar of Texas  
Member

New Mexico Bar Foundation  
Patron

International Academy of Trial Lawyers, 1993  
Member, Admissions Committee

International Academy of Trial Lawyers  
Diplomate

Member, Diversity Law Institute and  
Member, The Trial Law Institute

Mass Tort Trial Lawyers Association, 2011  
Member

The National Trial Lawyers - Top 100 Trial Lawyers  
2011 Executive Committee, Member

Supreme Court Historical Society, 2011  
Member

**Past Employment Positions:**

New Mexico House of Representatives, House Judiciary Committee, Member,  
1968 - 1974

New Mexico House of Representatives, House Corporation and Banking  
Committee, Member, 1968 - 1974

City of Gallup, City Attorney, 1970 - 1972

State of New Mexico, Liquor Control, Director, 1966 - 1968

United States Marine Corps, 1st Lieutenant, Active Duty, 1960 – 1963

**Fraternities/Sororities:**

Phi Delta Phi  
Pi Kappa Alpha

**Birth Information:**

August 22, 1938, Houston, Texas, United States of America

**EXHIBIT “N”**

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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

*In re Bard IVC Filters Products Liability  
Litigation*

Case No. MD-15-02641-PHX-DGC

**APPLICATION OF WENDY R. FLEISHMAN  
FOR PLAINTIFFS’ LEAD COUNSEL**

**INTRODUCTION**

Pursuant to this Court’s Paragraph 9 of September 15, 2015 Pretrial Order Setting Initial Case Management Conference, Wendy R. Fleishman hereby respectfully applies to this Court to be appointed to the position of Lead Counsel or as a member of the Plaintiffs’ Executive Committee.

I very much welcome the opportunity to serve for the common benefit of the Bard Inferior Vena Cava (“IVC”) Filter Plaintiffs. I certify that I will personally commit my time and energy, and that of key members of my firm and its staff, to this challenging and intensive task as a matter of highest priority.

As discussed below, Lief Cabraser Heimann & Bernstein is extremely well-suited to play a lead role in this MDL litigation. I respectfully submit, and this application endeavors to demonstrate, that I and my firm have the requisite criteria for appointment to lead this MDL, as described in this Court’s September 15, 2015 Order: 1) willingness and ability to commit to a time-consuming process; 2) the ability to work cooperatively with others; 3) knowledge and professional experience in presenting mass tort and complex litigation; 3) extensive experience

1 serving in leadership roles in mass tort/ products liability litigation; and, 4) access to sufficient  
2 resources to prosecute this litigation in a timely manner for the common interests of the  
3 plaintiffs.

4 **DISCUSSION**

5 **I. Loeff Cabraser's Involvement In The Bard IVC Filer Products Liability Litigation**

6 Loeff Cabraser will file several cases against Bard involving IVC Filters in the federal  
7 courts, which we expect to be centralized before this Court. We have been contacted by and  
8 retained by many individuals and are in the process of evaluating their cases for filing. In most  
9 instances, we are awaiting confirmation of the identity of the initial implanted filter and surgical  
10 replacement or remediation medical records.

11 **II. Loeff Cabraser's Experience, Qualifications, And Resources**

12 Loeff Cabraser is an AV rated 60 plus lawyer firm with a support staff of over 200,  
13 including nurses, investigators, statisticians, accountants and litigation support specialists.<sup>1</sup> Our  
14 offices in San Francisco, New York, and Nashville, provide a depth of resources always available  
15 in support of the *In re Bard IVC Filter Products Liability Litigation* MDL.

16 Loeff Cabraser represents plaintiffs in complex and class action litigation in federal and  
17 state courts across the nation. Since 2001, I personally have served as Lead or Co-Lead counsel,  
18 or as a member of the Plaintiffs' Steering Committee, or as Lead Trial counsel in more than a  
19 dozen MDL and Joint Prosecution proceedings in state and federal courts across the country, in  
20 the substantive legal areas of defective medical devices, defective product design, manufacture,  
21 marketing and sales practices of medical devices and pharmaceutical drugs. In addition, members  
22 of my firm, upon whom I rely, have served as court appointed class counsel and lead counsel or  
23 trial counsel in several hundred actions, many of which include medical device cases. The  
24 breadth and scope of our firm's experience as plaintiffs' advocates, as described in the Loeff

25 \_\_\_\_\_  
26 <sup>1</sup> *US WORLD and NEWS Report* named Loeff Cabraser the Number One Mass Torts firm throughout the country for  
27 the last two years. *The American Lawyer* recently called Loeff Cabraser "one of the nation's premier plaintiff firms."  
28 Every year since 2003, *The National Law Journal* has selected Loeff Cabraser as one of the top plaintiffs' law firms  
in the nation. In compiling the annual "Plaintiffs' Hot List," *The National Law Journal* examines verdicts and  
settlements in addition to overall track records. Loeff Cabraser is one of only two plaintiffs' firms in the United  
States to receive this honor every year for the last ten years, each year since the award's inception.

1 Cabraser firm resume attached as Exhibit 1, is unparalleled.<sup>2</sup>

2 In many MDLs, we represent large numbers of individual clients on personal injury  
3 claims, as we are doing in *Zimmer Durom Cup Hip Implant Products Liability litigation, Stryker*  
4 *Rejuvenate and ABG II Hip Implant Litigation*, the *Yaz/Yasmin* (oral contraceptives), *Guidant*  
5 (heart devices) *Sulzer InterOP Hip Implants, Vioxx* (oral pain medication) mass tort MDLs  
6 referred to herein. We understand the interplay of issues and convergence of interests in medical  
7 device and pharmaceutical drug products liability litigation, especially where the litigation is  
8 brought in both state and federal courts; and where certain cases have progressed ahead of others.

9 Loeff Cabraser has consistently advocated for MDL/state coordination in multiple MDLs  
10 involving medical device and pharmaceutical drugs as well as other products liability actions.  
11 For example, in *In re Toyota Sudden Acceleration Products Liab. Litig.*, MDL No. (NDCA) the  
12 state and federal court actions were proceeding on independent paths, until Loeff Cabraser and the  
13 other firms in charge of both sets of cases were able to work out the trust issues and ultimately  
14 work together. We are promoting the same approach here: state and federal coordination in the  
15 *Bard IVC Filter Litigation* at the operational level between and among counsel and the Courts in  
16 order to save money and more efficiently and effectively represent the claimants.

### 17 **III. Products Liability Litigation Experience**

18 My pertinent medical device and drug products liability litigation, trial and settlement  
19 experience includes work for plaintiffs in leadership roles in *In Stryker Rejuvenate and ABG II*  
20 *Products Liab. Litig.*, (DeMint.), MDL No. 2441 and in *In Re Zimmer Durom Cup Hip Implant*  
21 *Products Liab. Litig.*, MDL 2158 (D.N.J.), I serve as the Plaintiffs' Co-Lead Counsel,  
22 representing all claimants with personal injury claims as a result of being implanted with an

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23 <sup>2</sup> For the past 42 years, Loeff Cabraser has represented plaintiffs exclusively, with consistent success, in an array of  
24 substantive areas, serving in leadership roles in class actions, mass torts, and other complex cases, in federal and state  
25 courts across the country. Our leadership in tort, consumer, investment and human rights litigation has generated  
26 verdicts and settlements of over \$62 billion, including Tobacco litigation for California cities and counties  
27 (\$12.5 billion) and the Commonwealth of Massachusetts (\$7.9 billion); reparations to Holocaust victims and their  
28 survivors (\$6.2 billion recovered from Swiss, German and Austrian Nazi collaborators); \$4.2 billion in recoveries for  
women injured by defective silicone gel breast implants; over \$1.3 billion to homeowners across America to repair  
and replace defective pipes and exterior siding; \$1.225 billion in the National Gas Antitrust cases; over \$1 billion to  
victims of failed implants in the *Sulzer Hip and Knee Implants Litigation*, MDL 1401 (N.D. Ohio); and over \$700  
million to uninsured Californians overcharged for healthcare by major private hospitals.

1 allegedly defective hip implant. In *In Re DePuy ASR Hip Implant Products Liab. Litig.*, MDL  
2 No. 2197 (N.D. Oh.), I serve as a member of the Plaintiffs' Steering Committee. In *Yaz/Yasmin*  
3 *(Birth Control) Products Liab. Litig.*, I was prepared to proceed as trial counsel in one of the two  
4 first bellwether trials right before the cases settled. The case I was handling was in the state court  
5 coordinated litigation. I also served as Plaintiffs' Co-Lead Liaison Counsel in the Coordinated  
6 Special Proceedings *In re: Complete Cases*, JCCP No. 4521, pending in California Superior  
7 Court, Orange County before the Hon. David C. Velasquez. I have served as Plaintiffs' Liaison  
8 Counsel in the Coordinated New Jersey Mass Tort Program *In re Ortho Evra Patch Products*  
9 *Liability Litigation*, pending in Middlesex County, before the Hon. Jessica Mayer. I have also  
10 served on the Plaintiffs' Executive Committee *In re: Bausch & Lomb ReNu MoistureLoc*  
11 *Products Liability Litigation*, MDL No. 1785 (D.S.Ca.), as well as the Plaintiffs' Steering  
12 Committee in *In re: Medtronic Fidelis Products Liability Litigation*, MDL No. 1905 (D. Minn.)  
13 and chaired expert discovery in *In re: Guidant Defibrillator Products Liability Litigation*, MDL  
14 No. 1708 (D. Minn.) I was also Co-Liaison Counsel in the New Jersey Mass Tort Program *In re:*  
15 *Reglan Product Liability Litigation* (New Jersey Superior Court, Atlantic County).

16 I have more than 21 years' experience representing plaintiffs in mass tort, consumer fraud,  
17 products liability, medical negligence, and toxic contamination litigation in federal and state  
18 courts across the country. I received my J.D. in 1977 from Temple University School of Law. I  
19 have written scholarly and practical treatises and articles and lectured intensively on mass tort  
20 litigation, complex litigation and substantive tort law questions and have authored chapters and  
21 co-edited a book on proving and defending damages, *Proving and Defending Damages, A Fifty*  
22 *State Guide*, Wolters-Kluwer, published each year since 2008. Please see my Curriculum Vitae  
23 attached as Exhibit 2.

24 **IV. Loeff Cabraser Will Dedicate The Staffing And Resources Necessary To Prosecute**  
25 **This Litigation.**

26 The *Bard IVC Products Liab. Litigation.* is a team effort for my firm. In addition to the  
27 staff assigned to this case, which includes three paralegals, a senior researcher, and two nurse  
28 consultants, we have six attorneys available for the litigation. Loeff, Cabraser, Heimann &

1 Bernstein is extremely well-suited to play a lead role in this MDL litigation.<sup>3</sup> As this application  
 2 endeavors to demonstrate, I and my firm have the requisite criteria for appointment to a  
 3 leadership position in this MDL:<sup>4</sup> 1) knowledge and experience in presenting complex litigation,

4  
 5 <sup>3</sup> In addition, I expect to be joined in this effort by **Elizabeth J. Cabraser**. Ms. Cabraser is a 1978 graduate of Boalt  
 6 Hall (University of California) School of Law and a founding partner of Lief Cabraser. She has taught mass torts,  
 7 class actions, and consumer litigation as a visiting professor at Columbia and Vanderbilt Law Schools, and she  
 8 regularly teaches Advanced Civil Procedure/Complex Litigation at Boalt Hall and Columbia University School of  
 9 Law. She has lectured and conducted seminars for the Federal Judicial Center, ALI-ABA, the National Center for  
 10 State Courts, and the Practicing Law Institute, and was appointed to serve, with justices and elected officials, on the  
 11 California Constitution Revision Commission. She is admitted to the bars of the Ninth and other Federal Circuits, a  
 12 member of the Council of the American Law Institute (“ALI”), and an advisor to the ALI’s Project on Aggregate  
 13 Litigation. She is Editor-in-Chief of California Class Actions Practice and Procedure, LexisNexis (updated  
 14 annually).

15 The National Law Journal has named her one of its “100 Most Influential Lawyers in America,” “50 Most  
 16 Influential Women Lawyers” and “Top Ten Women Litigators,” and the California Daily Journal has regularly  
 17 named her one of the “Top Women Litigators” and “Top 100 Lawyers”. She was named the 2010 recipient of the  
 18 ABA Commission on Women in the Profession “Margaret Brent Women Lawyers of Achievement” award, its  
 highest honor. For a more complete list of her awards, honors, and publications, please see Ms. Cabraser’s  
 curriculum vitae, attached as Exhibit 3. Ms. Cabraser’s first MDL involvement was in 1980, in *In re Capital  
 Underwriters Securities Litigation*, MDL No. 356 (N.D. Cal.) (Orrick, J.). She has since served as lead counsel, as  
 class counsel, and on plaintiffs’ executive committees in approximately 50 MDLs and coordinated or consolidated  
 proceedings, listed on Exhibit 3. With respect to other Lead Counsel commitments, she is Co-lead Liaison Counsel  
 in *In re Toyota Motor Company Unintended Sudden Acceleration Litigation*, MDL 2151 and a member of the  
 Plaintiffs Steering Committee in *In re: Oil Spill by the Oil Rig “DEEPWATER HORIZON” in the Gulf of Mexico, on  
 April 20, 2010 Litigation*, MDL 2151. She served as a Co-Lead Counsel in *In re Guidant Implantable Defibrillators  
 Products Liability Litigation*, MDL No. 1708 (D. Minn., Frank, J.); as Liaison Counsel and PSC Chair in *In re  
 Bextra/Celebrex Marketing Sales Practices and Products Liability Litigation*, MDL 1699 (N.D. Cal., Breyer, J.); as  
 Lead Counsel in *In re ConAgra Peanut Butter Products Liability Litigation*, MDL No. 1845 (N.D. Ga.) (Thrash, J.);  
 and as Lead Counsel in *In re Yamaha Motor Corp. Rhino ATV Products Liability Litigation*, MDL No. 2016 (W.D.  
 Ky.).

19 **Robert J. Nelson**, a Lief Cabraser partner with more than 20 years of experience litigating complex cases.  
 Mr. Nelson and Ms. Cabraser head up Lief Cabraser’s Mass Tort practice. He has successfully litigated personal  
 injury and wrongful death cases against most of the major automobile manufacturers. In 2007, in *Mraz v.  
 DaimlerChrysler Corp.*, No. BC 332487 (Cal. Super. Ct.) (“*Mraz*”), Mr. Nelson served as lead trial counsel in a  
 wrongful death action that resulted in a \$55.2 million jury verdict against DaimlerChrysler. Mr. Nelson is currently  
 serving as court appointed member of the Plaintiffs’ Executive Committee in *DePuy Orthopaedics, Inc. ASR Product  
 Liability Litigation*, JCCP No. 4649 (Cal. Superior Ct. San Francisco County). Mr. Nelson was awarded *California  
 Lawyer Magazine’s* Attorneys of the Year (CLAY) award in 2008 for his work in the *Mraz* case. He also received a  
 second CLAY award in 2010 for his work as lead counsel in a False Claims Act case against the University of  
 Phoenix, which recently settled for \$78.5 million. Mr. Nelson is a 1987 graduate of NYU School of Law, where he  
 was a member of the Order of the Coif and also served as an editor on the *Law Review*. Following law school,  
 Mr. Nelson served as a judicial clerk for Judge Stephen Reinhardt of the Ninth Circuit Court of Appeals.

20 <sup>4</sup> **Lexi J. Hazam**, admitted to practice in California, 2003; U.S. District Court, Northern District of California, 2003;  
 21 U.S. Court of Appeals for the Seventh Circuit, 2006; US District Court, Southern District of CA, 2013; U.S. Court of  
 22 Appeals for the Second Circuit; U.S. Court of Appeals for the Eighth Circuit. *Education*: Stanford University (B.A.,  
 23 1995, M.A., 1996), Phi Beta Kappa; Boalt Hall School of Law, University of California, Berkeley (J.D., 2001)  
 24 (*California Law Review*; *La Raza Law Journal* (Articles Editor); Berkeley Law Foundation Summer Grant for Public  
 25 Service; Federal Practice Clinic; Hopi Appellate Clinic). *Employment*: Law Clerk, Mexican American Legal  
 26 Defense and Education Fund, 1999; Law Clerk, Judge Henry H. Kennedy, Jr., U.S. District Court for the District of  
 27 Columbia, 2001-2002; Associate, Lief Cabraser Heimann & Bernstein, LLP, 2002-2006; Partner, Lief Global LLP,  
 28

[footnote continued on next page]



1 including plaintiffs in significant mass torts involving hip implants; 2) willingness and ability to  
 2 commit to a time-consuming process; 3) ability to work cooperatively with others; and, 4) access  
 3 to sufficient resources to prosecute this litigation in a timely manner for the common interests of  
 4 Plaintiffs.

### 5 CONCLUSION

6 The MDL and individual plaintiff leadership experience summarized in this application  
 7 demonstrates my commitment to the challenge of transforming complex litigation into cost-  
 8 effective and efficient litigation, toward the goal of achieving economies of scale and net benefits  
 9

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10 2006-2008. *Honors & Awards*: Legal 500 recommended lawyer, *LegalEase*, 2013; “Northern California Rising  
 11 Stars,” *Super Lawyers*, 2009-2011, 2013. *Member*: State Bar of California; American Association for Justice;  
 Consumer Attorneys of California; Bar Association of San Francisco; San Francisco Trial Lawyers Association.

In addition, we plan to have two other litigation partners and an associate assist with the case.

12 **Paulina do Amaral**: Paulina do Amaral has dedicated her career to achieving justice for individuals injured  
 13 by dangerous and defective products and other corporate wrongdoing both in the U.S. and abroad. As a partner at  
 our firm, Ms. do Amaral represents classes, groups, and individuals in complex, multi-party litigation in state and  
 federal courts and Multi-District Litigation throughout the United States.

14 Ms. do Amaral served as the primary American counsel advising the Canadian team on the settlement of a  
 15 nationwide class of Canadian individuals who were allegedly injured after taking Fen-Phen. She also successfully  
 represented numerous individual US clients in pharmaceutical cases involving Fen-Phen, Vioxx, Baycol, and  
 Rezulin.

16 Ms. do Amaral is currently representing scores of women in lawsuits involving the allegedly dangerous birth  
 17 control drugs Yaz and Yasmin, as well as women implanted with defective surgical mesh. She also represents  
 parents whose babies were severely injured by the Simply Thick thickening agent.

18 Ms. do Amaral's past work includes resolving the claims of more than 500 individuals in Eastern Kentucky  
 arising from an October 2000 coal sludge disaster. Ms. do Amaral also served as lead pro bono counsel on behalf of  
 19 seven victims and their decedents in hearings before the September 11th Victim Compensation Fund arising out of  
 the 2001 terrorist attacks on the World Trade Center in New York City. The combined awards obtained were in  
 excess of \$5 million.

20 **Dan Seltz**: Daniel E. Seltz is a partner based in New York with a practice focused on consumer protection,  
 antitrust, and financial fraud cases.

21 Mr. Seltz is currently involved in several pending federal cases in Virginia, Pennsylvania, Arkansas, and  
 22 Mississippi, in which plaintiffs allege that certain natural gas companies underpaid gas royalties to the owners of the  
 gas. In one case that settled, royalty owners recovered approximately 95% of the damages they suffered. In addition,  
 23 Mr. Seltz is involved in the litigation involving alleged overcharges in foreign currency exchange transactions by  
 BNY Mellon as a custodian for pension funds. On September 24, 2015, the Court granted final approval to a  
 24 \$335 million settlement, which combined with settlements with other government and regulatory agencies, will result  
 in total compensation to BNY Mellon's customers of \$504 million.

25 He has also worked on several cases involving alleged pharmaceutical marketing fraud, including  
 participating on the trial team in a case against Pfizer Inc. for violating a federal anti-racketeering law by promoting  
 its drug Neurontin for unapproved uses. The Neurontin jury returned a \$142 million verdict in favor of our clients,  
 26 and the Court approved a class settlement of \$325 million in 2014.

27 Before joining our firm, Mr. Seltz served as Law Clerk to Honorable John T. Nixon, U.S. District Court,  
 Middle District of Tennessee, 2003-04.

28 Mr. Seltz has written extensively on politics and fair elections as well as participated as a panelist on the  
 practical aspects of litigation.

1 to all plaintiffs. I acknowledge that none of the settlement and trial accomplishments that I or  
2 others proudly list on our applications to this Court could have been accomplished in isolation.  
3 They are the products of combined and coordinated efforts of multiple counsel. All true victories  
4 in complex litigation are team efforts, and we who have been privileged to amass the complex  
5 litigation experience, and enjoy the litigation success that we recount have done so as team  
6 members, not lone stars. I have been relied upon, over many years, by my colleagues in other  
7 firms to contribute my firm's professional and financial resources, and to provide leadership,  
8 scholarship, and advocacy in cases presenting challenging issues. I have consistently endeavored  
9 to perform these responsibilities, under the demanding conditions that always go with the MDL  
10 territory, and to give my best efforts to the broad array of tasks necessary to any successful  
11 MDL's function.

12 I pledge to do so on behalf of all plaintiffs in these *Bard IVC Filter* MDL proceedings.

13 Dated: October 6, 2015

Respectfully submitted,

14  
15 \_\_\_\_\_  
Wendy R. Fleishman

16 LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP  
17 250 Hudson Street, 8th Floor  
18 New York, NY 10013-1413  
(212) 355-9500  
wfleishman@lchb.com

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**EXHIBIT 1**

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**EXHIBIT 2**

**WENDY FLEISHMAN, ESQUIRE**  
**LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP**  
**250 Hudson Street, 8th Floor**  
**New York, New York 10013-1413**  
**(212) 355-9500**  
**wfleishman@lchb.com**

**PROFESSIONAL EXPERIENCE**

2001 – Present **LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP**  
New York, New York

Partner – Specializing in Mass Torts/Products Liability Litigation, Medical Device and Pharmaceutical Litigation, Individual Catastrophic cases as well as Class Actions alleging Consumer Fraud. Professional experience includes:

Plaintiffs' Co-Lead Counsel, *In re: Stryker Rejuvenate and ABG II Products Liability Litigation*, MDL No MDL No. 13-2441 (DWF/FLN) (DMN);

Plaintiffs' Co-Liaison Counsel, *In re: Zimmer Durom Cup Hip Implant Products Liability Litigation*, MDL No. 2158 (SDW) (DNJ)(Newark);

Plaintiffs' Steering Committee, *In re: DePuy Orthopaedics, Inc. ASR Hip Implant Products Liability Litigation*, MDL No. 2197 (NDOH) (2010);

Plaintiffs' Liaison Counsel, New Jersey Mass Tort Program, *In re: Reglan Product Liability Litigation* (NJ Superior Ct., Atlantic Cty) (2010);

Plaintiffs' Liaison Counsel, Coordinated New Jersey *Ortho Evra Patch Products Liability Litigation* (NJ Superior Ct., Middlesex Cty);

Plaintiffs' Executive Committee and Plaintiffs' Liaison Counsel, *Coordination Special Proceedings In re: Complete Cases*, No. JCCP 4521 (CA Superior Ct., Orange Cty);

Plaintiffs' Executive Committee *In re: Bausch & Lomb Renu MoistureLoc Products Liability Litigation*, MDL No. 1785 (DSCa);

Plaintiffs' Steering Committee, *In re: Medtronic Sprint Fidelis Products Liability Litigation*, MDL No. 08-1905 (RHK/JSM) (DMN);

Co-Chair of Discovery Committee, *In re: Guidant Defibrillator Products Liability Litigation*, MDL No. 05-1708 (DWF/AJB) (D. MN); and,

Plaintiffs' Steering Committee, Co-Chair Science and Experts Committee, Trial Team, Briefing Team and Discovery Team, *In re: Baycol Products Liability Litigation*, MDL No. 1431 (DMN).

1993 – 2001

**SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP**

New York, New York

Counsel - Mass Torts and Complex Litigation. Defense of international and national class actions involving complex corporate management issues, corporate and consumer fraud claims, sales and marketing of insurance and financial products, products liability and other tort defense practice concerning defense of claims ranging from effects of nuclear radiation, products liability ranging from pharmaceutical products, over-the-counter “drug” products, blood products, food substances, and environmental agents, including lead.

Practice areas included the defense of fraud in insurance sales practices, and defense of corporations in connection with securities claims in connection with mergers and acquisitions.

1987 – 1993

**FOX, ROTHSCHILD, O’BRIEN & FRANKEL**

Philadelphia, Pennsylvania

Partner - Litigation Department. Chair of the Personal Injury Practice. Trial Practice: concentration in the areas of products liability, toxic tort, medical malpractice, legal malpractice defense, and white collar criminal defense. Tried several jury trials and non-jury trials on behalf of the firm’s clients in matters ranging from employment discrimination, blood products coverage, medical malpractice, products liability, environmental hazards, contract disputes, and criminal matters in state and federal courts in Pennsylvania, Maryland and New Jersey. Argued before appellate courts in Pennsylvania and Maryland. Additionally, represented defendants in white collar criminal matters in negotiations with federal agencies. Member of the Law Firm Ethics Committee.

1986 – 1987

**LAWRENCE EVANS GRANT ASSOCIATES, P.C.**

Paoli, Pennsylvania

Associate - Six-lawyer plaintiffs’ personal injury practice specializing in medical malpractice, legal malpractice, toxic tort and product liability matters.

1984 – 1987

**BALLARD, SPAHR, ANDREWS & INGERSOLL**

Philadelphia, Pennsylvania

Associate - Litigation Department. Trial work involving contract, tort and white collar criminal matters. Most notably represented the plaintiffs in a product liability action in which the jury returned a \$5 million verdict; represented banks in a \$20 million judgment creditor action. Tried construction and commercial contract disputes; defended federal and state criminal matters. Represented corporate clients in defense of federal governmental agency prosecutions.

1977 – 1981      **ASSISTANT DISTRICT ATTORNEY FOR THE COMMONWEALTH  
OF PENNSYLVANIA, THE CITY OF PHILADELPHIA**

1982 – 1984

Homicide and Rape Units - Senior Trial Attorney. Prosecuted more than fifty major homicide and rape trials. Argued before the Pennsylvania Supreme and Superior Courts. Prosecuted bench felony and misdemeanor trials, specially assigned narcotics cases and preliminary hearings and motions. Lectured at Hahnemann Medical College, University of Pennsylvania Law School, University of Villanova Law School, area hospitals and various community groups as a representative of the District Attorney's office.

**PROFESSIONAL ASSOCIATIONS,  
LECTURES AND ARTICLES**

Professional Associations and Awards

New York State Academy of Trial Lawyers, Officer 2011 - present

Immediate Past President, Section on Torts, Environmental Products Liability Litigation,  
American Association for Justice

New York State Trial Lawyers Association, Board of Directors (2004- 2009)

New York State Trial Lawyers, Officer (2010-2014)

American Bar Association, Class Actions & Derivative Suits Committee-Pharmaceutical &  
Health Subcommittee 2010.

AAJ Advocate, Advocacy's Achievement Recognition Program, September 2010

Federal Bar Council Member, 2011 – present

2012 - 2015 Benchmark Plaintiff Award

2012-Present, SuperLawyer

2014-Present Best Attorney, Life Time member

Top 100 Trial Attorneys in America

Officer NYSTLA, 2009-present

American Association for Justice, New York Delegate to the Board of Governors, 2012-  
2015

American Association for Justice, STEP President, 2013 – 2014;

American Association for Justice, STEP Executive Committee, 2009-present

NYSTLA, Mass Torts Committee, 2008 –present

NYSTLA, Co-Chair Women's Caucus, 2008-2014

#### Lectures and Publications

Harris Martin's MDL Conference: Morcellator, Fluoroquinolone (FLQ) and Invokana Litigation – Laparoscopic Power Morcellators *Failure to Warn*, September 30, 2015

ALI CLE: The Jurisdiction Game in Class Actions and Mass Torts: Removal, Remand and the Battle to Pick (and Stick With) A Chosen Forum, December 5, 2014

AAJ: Stryker Rejuvenate, December 2014

Stratford Live CLE Webinars: False Advertising Consumer Class Actions: Navigating Complex Issues of Standing, Damages, CAFA Removal and More, July 8, 2014

Harris Martin's Mass Tort Litigation Conference with Judge Marina Corodemus (Ret.): Settlement v. Trial – Coordination, Conflicts & Committees (Panel Discussion), April 4, 2014

British Institute of International and Comparative Law's Oral Contraceptives-Medical, Regulatory and Legal Perspectives Product Liability Forum: US Case Law & Regulatory Background, November 12, 2013

AAJ Convention: Partnering Up: Leveraging Your Assets as a Woman or Minority to Enter a New Realm – Medical Devices and Pharmaceuticals, July 22, 2013

NYSTLI Nursing Home Seminar: Qui Tam actions for Nursing Homes, June 19, 2013

Harris Martin Conference: Lessons Learned from IUD Litigation, March 20, 2013

Harris Martin's MDL Litigation Conference: Compounding Pharmacy Fungal Meningitis Claims, January 30, 2013

ALI CLE – International Discovery: Understanding and Dealing with Foreign Discovery Requirements (Panel Discussion), November 13, 2012

MDL Conference: Biomet and Metal-on-Metal Hip Implant Litigation -- Zimmer Durom, September 19, 2012

Thomson Reuters and HB Litigation Conferences Present - Masters of the Courtroom: Elite Trial Attorneys Share Their Methods, July 12, 2012

National Complex Litigation Conference: A Symposium on Current and Emerging Issues -- Litigation in Active State Court Jurisdictions, June 27, 2012

Mass Tort Litigation Conference with Judge Marina Corodemus (Ret.)- DOJ Prosecution of Fraud and Kick-Back Foreign Governments, June 4, 2012

Washington & Lee Law School, Professional Responsibility, February, 2012



Mass Torts Made Perfect Presents: Actos and Pelvic Mesh Litigation Update, A Plaintiffs Only Forum, February 8, 2012

Judicial Teleconference Series with Hon. Marina Corodemus – CPSA -- Buyer Beware, October 5, 2010

The Do's and Don'ts of Taking and Defending Depositions of a Party Deponent, July, 2010, AAJ Presentation, July 2010

AAJ Presentation, "Practice Tips I Wish I'd Known from the Beginning," July 10, 2010.

AAJ Presentation, "Heart Devices," July 10, 2010

AAJ Presentation. "Diffusing the Defense While Making Your Case Through Expert Testimony"

American Bar Association, Pharmaceutical Litigation, November 14, 2009, Nutley New Jersey

Presentation, "The Ethical Considerations incident to State and Federal Mass Tort Coordination", AAJ, San Francisco, CA 2009

Presentation, New York State Trial Lawyers, Three Part Panel Program, "Mass Torts: State and Federal Issues", New York, New York 2009

Presentation, Bar of the Association of the City of New York, Products Liability Committee, "*Post-Reigel v. Medtronic, Inc.*: the State of the Law", New York, New York, Spring 2009

American Bar Association, Women in Product Liability Law, New York, New York Spring 2008

Presentation, "The Advantages or Disadvantages of Trying a Mass Tort or Class Action in Stages", A Regional CLE Workshop on Mass Torts and Class Actions Involving Toxic Torts & Chemical and Industrial Products, September 18, 2008, Wilmington, Delaware

Proving and Defending Damages Claims, a Fifty State Survey, Wolters Kluwer/ Aspen Publishers (2007), and Supplement (2008); (2009); (2010)

American Bar Association, Pharmaceutical Litigation, "Ethics of Investigations" November 14, 2007, Nutley, New Jersey

Second Conference on Drug and Medical Device Litigation, "Effectively Managing Mass Tort Litigation and Class Actions", October 26, 2007 New York, New York

AAJ Presentation, Expert Witness/Daubert Litigation Group, Summer, 2007

Chair, Mealey's Drug & Device Conference, Spring 2007

Member, Association of the Bar of the City of New York, Product Liability Committee

Mealey's Products Liability Advisory Board (2006 – 2007)

American Bar Association, Products Liability Committee, "Current Issues in Pharmaceutical Litigation and Policy" November 16, 2006

Women in Products Liability, American Bar Association, "Ethics of Trial Litigation" September 14, 2006

New York Superlawyer Award, 2006 through 2011

Mealey's Heart Device Litigation Teleconference, July 21, 2005

New York State Trial Lawyers, Chaired Three Part Series, Rainmaking for Women Attorneys (2004-2005)

Association of the Bar of the City of New York, Judiciary Committee (2004- 2007)

Brooklyn Law School, Guest Faculty, Complex Litigation and Business Crimes (2000-2006)

National Institute for Trial Advocacy, Faculty, New York Law School (2000- 2005)

American Bar Association, Vice Chair, Trial Techniques, TIPS (2002- 2005)

National Institute Trial Advocacy, Federal Rules of Appellate Procedure (2002)

Scientific Evidence, Supplement (2001)

Scientific Evidence, *The Defense Perspective*, ed., Brown, J., Aspen Law Pub. (2000)

2000 - Affair Chair, ABA Annual Meeting, Torts & Insurance Practice Section, NYC

2000, London TIPS, Faculty Development of Program on Comparative Trial Advocacy

1999- Faculty, National Institute for Trial Advocacy, Trial Techniques, Rutgers Law School

1999 - Faculty, Trial of the 21<sup>st</sup> Century: The Visual Trial, Atlanta, ABA Annual Meeting

1999, Co-Author, Scientific Evidence, Chapter 6, *From the Defense Perspective*, Aspen Law Pub.

1998-99 - Chair, Practising Law Institute, How To Commence a Civil Action, a Three- Part, Twelve-Hour Series.

1998 - Chair, Women as Trial Advocates, New York, New York Two-Day Presentation

1997 - Chair, Trial Techniques Committee, Tort & Insurance Practices, American Bar Association

1996 - Chair Elect, Trial Techniques Committee, Tort & Insurance Practices, American Bar Association

Faculty, Rutgers Law School, Intensive Trial Advocacy Program, May 1997

Faculty, National Institute for Trial Advocacy, Deposition Skills, Rutgers Law School, July, 1996

Faculty, National Institute for Trial Advocacy, Trial Techniques, Rutgers Law School, March, 1997

Faculty and Planning Committee, Practising Law Institute, "First Annual Civil Litigation Institute," March, 1997

Faculty, National Institute for Trial Advocacy, Trial Techniques, Skadden, Arps, New York, Spring, 1996

Faculty, National Institute for Trial Advocacy, Trial Techniques, Rutgers Law School, February, 1996

Faculty, Mealey's Conference on Lead Liability, 1996

Practising Law Institute, Products Liability Advisory Committee, (1993 – present)

Chair, Practising Law Institute Program, "Tort Updates", Telecast September 21, 1995 to Seventy Satellite Cities

New York State Trial Lawyers Association, Faculty, "Proving a Design Defect", April, 1995

American Bar Association, Editor, Trial Techniques Newsletter, Tort and Insurance Practices Section, 1995-1996; and 1993-1994

American Bar Association Torts and Insurance Practices Section, Trial Techniques Committee, Vice Chair, 1993-1994 and August, 1995-1996

Member, Gender and Race Bias Task Force of the Second Circuit, 1994-present

Deputy Counsel, Governor Cuomo's Screening Committee for New York State Judicial Candidates, 1993-1994

Faculty, Practising Law Institute, "Proving the Slip and Fall Case," May, 1993

Faculty, Pennsylvania Bar Association, "Continuing Legal Education, Ethics: Attorney Solicitation and Advertising", Fall, 1992

Pennsylvania Bar Association, Committee on Legal Ethics and Professionalism, (1993-present)

Pennsylvania Bar Association, Committee on Attorney Advertising, (1993-present)

Vice-Chair of the Pennsylvania Bar Association Task Force on Attorney Advertising, 1991-1992

Member of Committee on Professionalism, Philadelphia Bar Association, 1991-1992

Faculty, and National Institute for Trial Advocacy, Temple University School of Law, 1991

Participant Faculty, Temple University School of Law Trial Advocacy Program, 1990-1992

Faculty, Pennsylvania Trial Lawyers Association, "Cross-Examination of Medical Experts in Multiple Plaintiffs' Toxic Tort Cases," July, 1990

Faculty, Philadelphia Bar Association, Trial Advocacy Program, 1990

Lecturer on Mammography and Medical Malpractice for the Mammography Society, 1989

Faculty, Philadelphia Trial Lawyers Association, "Use of Videotape in the Courtroom", 1989

Faculty, Temple University Trial Advocacy Program for Practitioners, "Proving Damages at Trial", 1989

Member of the American Bar Association, Pennsylvania Bar Association, New York State Bar Association, Federal Bar Association and New York Women's Bar Association.

## **EDUCATION**

1981 – 1983      **UNIVERSITY OF PENNSYLVANIA POST-BACCALAUREATE PRE-HEALTH PROGRAM**

Completed all requisite courses in the pre-medical curriculum. Volunteer Extern, Hospital of the University of Pennsylvania, Melanoma Clinic, Obstetrics-Gynecology High Risk Clinic, and Wednesday Ob-Gyn Open Clinic. Contributed to medico-legal research projects on pain maintenance, consent forms and alternatives to standard medical treatment of cancer.

1974 – 1977      **TEMPLE UNIVERSITY SCHOOL OF LAW, Juris Doctorate**

Dean's List; graduated top 5%

Legal Intern, Summer, 1976, Philadelphia District Attorney's Office

Legal Intern, September 1974 - April 1976, United States' Attorney's Office, Eastern District of Pennsylvania, Civil Division

Summer, 1975, 1975, Temple University School of Law, Rome, Italy, Comparative International Law Program

1971 – 1974      **SARAH LAWRENCE COLLEGE, Bachelor of Arts**

## **COMMUNITY SERVICE**

Judiciary Committee, Association of the Bar of the City of New York, 2004 - 2007

Board of Directors, Women's Way, Philadelphia, PA

Board of Directors, Women Organized Against Rape, Philadelphia, PA

Co-Chair of the Young Lawyers Division of United Federation of Jewish Charities Victim Assistance Project, New York, New York

Pro Bono criminal defense in matters throughout the U.S., particularly in Alabama and New York, life without parole and mandatory minimum cases, 1993-2001

**EXHIBIT “O”**



www.motleyrice.com

"I will stand for my client's rights.  
I am a trial lawyer."  
-Ron Motley (1944-2013)

**Donald A. Migliori**  
*Licensed in MA, MN, NY, RI*  
direct: 401.457.7709  
dmigliori@motleyrice.com

October 7, 2015

The Honorable David G. Campbell  
United States District Judge  
District of Arizona  
Sandra Day O'Connor U.S. Courthouse  
401 West Washington Street  
Phoenix, AZ 85003

Re: In re Bard IVC Filters Products Liability Litigation  
Case No. MDL-15-02641-PHX-DGC  
Application for Plaintiffs' Leadership Committee

Dear Judge Campbell:

Pursuant to the Court's Order of September 15, 2015, please accept this letter as my application for a position on the In re Bard IVC Filters Products Liability Litigation Plaintiffs' Leadership Committee. To that end, I provide the following information for your review and consideration:

Professional Experience

I, Donald A. Migliori, graduated from Brown University in 1988. I went on to graduate from both Syracuse University College of Law (J.D.) and Maxwell School of Public Citizenry (M.A.) in 1993.

A member of the Bars of Rhode Island, Massachusetts, Minnesota and New York, I am admitted to practice before the U.S. Court of Appeals for the First, Fourth and Eleventh Circuits, as well as the U.S. District Court for Districts of Rhode Island and Massachusetts, as well as the Eastern, Northern and Southern Districts of New York. I have been admitted *pro hac vice* to numerous state and federal courts and have never been denied admission, nor suffered discipline or sanction from any sitting court.

I am an equity member and serve on the executive committee of the Motley Rice LLC law firm. As co-leader of the firm's medical practice group, I manage numerous cases related to medical devices, pharmaceutical drugs and medical negligence. I have maintained an active trial practice in these areas, and serve on the settlement negotiation teams, as well. Headquartered in Mt. Pleasant, South Carolina, our firm has additional offices in New York, NY; Providence, RI; Hartford, CT; Washington, DC; Kansas City, MO; New Orleans, LA; and Charleston, WV. I have served as managing partner of the Rhode Island and New York offices.

The Honorable David G. Campbell

October 7, 2015

Re: In re Bard IVC Filters Products Liability Litigation

Case No. MDL-15-02641-PHX-DGC

Application for Plaintiffs' Leadership Committee

Page 2

Motley Rice has a nationally-based plaintiffs' practice with vast experience litigating complex cases. Motley Rice attorneys participated in the litigation against Big Tobacco and we were central players in achieving the Master Settlement Agreement on behalf of the various states' Attorneys General. Our firm has been at the forefront of litigating asbestos, tobacco, anti-terrorism, aviation, lead pigment, oil spill and many other complex mass injury, commercial and environmental cases. We currently have a presence in several of the ongoing drug and device cases pending in the federal and state courts in addition to recently concluded litigations that include: Advair/ Serevent, Avandia, C.R. Bard Pelvic Mesh, Bextra/ Celebrex, Digitek, Fosamax, Gadolinium, Human Tissue, Hydroxycut, C.R. Bard Composix Kugel Mesh, Medtronic Sprint Fideis Leads, NuvaRing, Paxil, Pelvic Mesh, Trasyolol, Vioxx and Zicam. The firm maintains an informational web site at [www.motleyrice.com](http://www.motleyrice.com).

Specific to the defendant in this litigation, C.R. Bard, I have served as both co-lead counsel and liaison counsel in the matter of In re: Composix Kugel Mesh Litigation, MDL 1842, which is pending in the District of Rhode Island before the Honorable Mary Lisi. Concurrently, I was appointed liaison counsel in the Composix Kugel Mesh state court litigation, consolidated in the Superior Court of Rhode Island. I personally served as lead trial lawyer in the only two cases tried against defendant C.R. Bard for the Composix Kugel medical device, both in the District of Rhode Island. I personally conducted dozens of depositions in that litigation and, ultimately, we have resolved over 2,000 cases against C.R. Bard filed in both the federal and state courts. I am also the court-appointed co-liaison counsel in the Bard pelvic mesh litigation, currently pending in Bergen County, New Jersey. In that litigation, I have taken several of the corporate liability depositions, assisted in the trial of the first federal court bellwether case for plaintiff Donna Cisson, and have participated in the resolution of over 1,000 pelvic mesh cases brought against C.R. Bard.

In the area of medical devices and pharmaceutical litigation, I serve on two plaintiff steering committees for metal-on-metal multidistrict litigations involving the defendant Depuy: In re: DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation 1:10-md-2197 pending in the Northern District of Ohio before the Honorable Judge David A. Katz and In re: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation 3:11-md-02244 pending in the Northern District of Texas before the Honorable Edward Kinkeade. Previously, I served on the Plaintiffs' Steering Committee in the Levaquin litigation pending in Atlantic County, New Jersey.

Motley Rice has extensive experience serving as lead and collegial committee member in several medical multidistrict litigations, consolidations and class actions. Most relevant to this defendant, the firm currently serves as co-liaison counsel in the Bard Pelvic Support Systems MDL 2187, pending in the Southern District of West Virginia before the Honorable Joseph R. Goodwin.

Outside of medical device litigation, I served as the court-appointed liaison counsel for all wrongful death and personal injury cases in the matter of In re: September 11th Litigation, Case No. 21-MC-97, pending in the Southern District of New York before the Honorable Alvin Hellerstein. That litigation focused on the aviation security failures contributing to the injuries and deaths from the



The Honorable David G. Campbell

October 7, 2015

Re: In re Bard IVC Filters Products Liability Litigation

Case No. MDL-15-02641-PHX-DGC

Application for Plaintiffs' Leadership Committee

Page 3

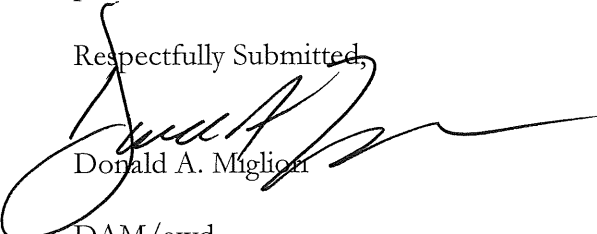
September 11<sup>th</sup> attacks. Furthermore, I serve on the plaintiff steering committee in the matter of In re: Terrorist Attacks MDL 1570, also pending in the Southern District of New York, before the Honorable George B. Daniels. That litigation is premised on the Anti-Terrorism Act and is filed against those entities that provided financial and material support to al Qaeda in furtherance of the September 11<sup>th</sup> attacks.

Finally, I have participated as a speaker and panelist at many legal gatherings to address legal issues related to drugs and defective medical devices and mass tort actions. I also taught mass torts at Roger Williams University School of Law in Bristol, Rhode Island, for ten years.

Availability

I have the time, financial resources and staff to work on behalf of all plaintiffs in moving energetically and efficiently through complex issues, into discovery, and toward resolution, trial or remand of this MDL. I have a strong personal interest in this project and believe that a position on the leadership committee is vital to ensure that key legal issues are fully addressed and briefed, proper discovery is obtained, and scientific information is properly analyzed to ascertain the safety and efficacy issues presented by these cases, both on behalf of the clients to whom Motley Rice already holds high duties of zeal and competence, but also to all clients whose claims are to be placed into the MDL. Motley Rice has been retained by more than twenty (20) clients and has already consulted with experts to prosecute these cases. I believe that collegiality and the ability to work efficiently are required to competently represent the clients. In this regard, I have already begun work to foster cooperative efforts to accomplish the heavy press of duties that will fall upon the Leadership Committee. As such, and for all of the reasons more fully set forth above, I feel that I am well qualified to serve on the Plaintiffs' Leadership Committee in this litigation. I pray that the Court will grant this application to the Plaintiffs' Leadership Committee, and I further pray that the Court weigh the collegiality and compatibility of the members of the committee as a factor as he makes his appointments for these positions.

Respectfully Submitted,



Donald A. Migliori

DAM/gwd

# DONALD A. MIGLIORI



401.457.7709 phone • 401.457.7708 fax  
dmigliori@motleyrice.com • www.motleyrice.com

Building upon his experience in complex asbestos cases, the historic tobacco lawsuits and 9/11 litigation, Don Migliori is a multifaceted litigator. He represents victims of terrorism, aviation disasters, defective medical devices and drugs, occupational diseases, antitrust, securities and consumer fraud in cutting-edge litigation that spans the country.

Don played a central role in the extensive discovery, mediations and settlements of more than 50 cases of 9/11 aviation liability and damages against numerous defendants. In this role, Don represented families of the victims of the September 11, 2001, attacks who opted-out of the Victim Compensation Fund to seek greater answers, accountability and recourse, and served as liaison counsel for all wrongful death and personal injury cases in the 9/11 aviation security litigation. Additionally, he manages anti-terrorism litigation associated with the 9/11 terrorist attacks as a lead attorney of the 9/11 Families United to Bankrupt Terrorism groundbreaking litigation designed to bankrupt the financiers of al Qaeda.

Don serves as co-lead plaintiffs' counsel and liaison counsel for the Composix® Kugel® Mesh multidistrict litigation, *In re Kugel Mesh Hernia Patch Products Liability Litigation*, the first MDL in federal Rhode Island Court, on behalf of thousands of individuals alleging injury by the hernia repair patch. In *Christopher Thorpe and Laure Thorpe v. Davol, Inc. and C.R. Bard, Inc.*, the second case to go to trial out of thousands of cases filed in the MDL, the U.S. District Court for the District of Rhode Island found hernia patch manufacturer Davol and parent company C.R. Bard liable for negligent design of the patch and failure to warn of the dangers associated with the patch. The jury awarded \$1.5 million to the plaintiffs for personal injury damages and loss of consortium. He serves as liaison counsel for the Composix® Kugel® Mesh lawsuits consolidated in Rhode Island state court.

Don also serves as co-liaison counsel in the N.J. Bard pelvic mesh litigation in Atlantic County and plays a central role in the thousands of cases involving women allegedly harmed by pelvic mesh/sling products. Hundreds of cases have been filed in federal and states courts against multiple defendants. He is a member of the Plaintiffs' Steering Committee in the Levaquin® litigation, as well as the Depuy® Orthopaedics, Inc. ASR™ and Pinnacle® Hip Implant MDLs.

Don contributed his experience in connection with the commencement of and strategy for shareholder derivative litigation brought on behalf Chiquita Brands International, Inc., alleging the defendants breached their fiduciary duties by paying bribes to terrorist organizations in violation of U.S. and Columbian law.



## PRACTICE AREAS:

Anti-Terrorism and Human Rights  
Aviation  
Catastrophic Injury  
Medical  
Occupational Disease and Toxic Tort  
Securities and Consumer Fraud

## EDUCATION:

J.D./M.A., Syracuse University, 1993  
A.B., Brown University, 1988

## LICENSED IN:

Massachusetts  
Minnesota  
New York  
Rhode Island

## ADMITTED TO PRACTICE BEFORE:

U.S. Court of Appeals for the First and Fourth Circuits  
U.S. District Court for the District of Rhode Island, District of Massachusetts and Northern, Southern and Eastern Districts of New York

*Continued...*

# DONALD A. MIGLIORI

Continued...



## MEMBER

401.457.7709 phone

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[dmigliori@motleyrice.com](mailto:dmigliori@motleyrice.com)

[www.motleyrice.com](http://www.motleyrice.com)

He also served as trial counsel for PACE Industry Union-Management Pension Fund in a securities case against Forest Laboratories, Inc., and was involved in the initial liability discovery and trial strategy in an ongoing securities fraud class action involving Household International, Inc.

Don began working with Motley Rice attorneys in 1997 on behalf of the State Attorneys General in the historic lawsuit against Big Tobacco, resulting in the largest civil settlement in U.S. history. He tried several noteworthy asbestos cases on behalf of mesothelioma victims, including the state of Indiana's first contractor liability verdict and first premises liability verdict for wrongful exposure to asbestos. He continues to manage asbestos cases and actively litigates mesothelioma lawsuits and individual tobacco cases in the courtroom.

Don is a frequent speaker at legal seminars across the country and has appeared on numerous television and radio programs, as well as in print media to address legal issues related to terrorist financing, aviation security, class action litigation, premises liability and defective medical devices. A "Distinguished Practitioner in Residence" at Roger Williams University School of Law for the 2010-2011 academic year, he currently teaches mass torts as an adjunct professor. Don is an AV<sup>®</sup> rated attorney by Martindale-Hubbell<sup>®</sup>.

## AWARDS AND ACCOLADES:

### **Rhode Island Lawyers Weekly**

2011 Lawyers of the Year

### **Massachusetts Lawyers Weekly**

2011 Lawyers of the Year

### **Benchmark Plaintiff**

2012-2014 Rhode Island "Litigation Star": human rights and product liability

### **Rhode Island Super Lawyers<sup>®</sup> lists**

2009-2014 Class action/mass torts; Personal Injury – products: plaintiff; Aviation and aerospace

### **Rhode Island Super Lawyers<sup>®</sup>**

2012-2013 Top 10 "Best of the Best"

### **The Best Lawyers in America<sup>®</sup>**

2011-2014 Mass tort litigation/class actions – plaintiffs

### **The National Trial Lawyers**

2010-present Top 100 Trial Lawyers<sup>™</sup>: Rhode Island

2010 **Lawdragon<sup>™</sup> 3,000**

### **Providence Business News**

2005 Forty Under 40

## ASSOCIATIONS:

**American Association for Justice**, Board of Governors; Executive Committee

**American Bar Association**

**Rhode Island Association for Justice**, former President

\* The Best Lawyers in America<sup>®</sup> 2014 (Copyright 2013 by Woodward/White, Inc., of Aiken, S.C.)

• Please remember that every case is different. Prior results do not guarantee a similar outcome.

**EXHIBIT “P”**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

**IN RE: BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION**

**MDL No. 2641**

**THIS DOCUMENT RELATES TO ALL CASES**

**APPLICATION OF SHEILA M. BOSSIER FOR  
PLAINTIFFS' STEERING COMMITTEE**

The undersigned, Sheila M. Bossier, of the law firm of Freese & Goss, PLLC, submits this her Application for Plaintiffs' Steering Committee (PSC) and respectfully shows the following:

**Sheila M. Bossier**

Sheila M. Bossier is a partner in the law firm of Freese & Goss, PLLC, and manages its Jackson, Mississippi office. In addition to its Mississippi office, Freese & Goss has offices in Dallas, Texas and Birmingham, Alabama. The focus of Ms. Bossier's practice is mass torts, including predominately pharmaceutical and medical device litigation.

Freese & Goss has joined forces with Matthews & Associates of Houston, Texas, for the Bard IVC Filter products liability litigation (the "Litigation"). The firms have approximately 600 IVC Filter clients and continue to receive cases. Together they have 19 attorneys and have dedicated 5 attorneys and numerous staff full time to the Litigation. They are counsel of record in Bard IVC Filter cases in the MDL and in state court. In addition, Freese & Goss has retained its own experts to assist in the immediate review of cases and trial preparation. It has dedicated substantial resources to this project and intends to continue to do so in the future.

Ms. Bossier has a wide range of experience in mass torts. She has represented and continues to represent clients in many major pharmaceutical MDL proceedings, including Vioxx,

Celebrex, Bextra, Zoloft, Paxil and Risperdal. She currently represents clients in numerous medical device MDL proceedings, including Depuy ASR Hip, Depuy Pinnacle Hip Litigation, and Zimmer NexGen Knee Litigation. Ms. Bossier's experience in mass tort litigation has been recognized by her peers and the judiciary, and has resulted in her serving in leadership roles in multi-district litigation on prior occasions. Notably, Ms. Bossier was appointed by Honorable Eldon Fallon, United States District Court Judge, Eastern District of Louisiana, to the Plaintiffs' Steering Committee in *In Re: Vioxx Products Liability Litigation*, MDL 1657, and was also appointed by Honorable Rebecca R. Pallmeyer, United States District Court Judge, Northern District of Illinois, to the Plaintiff's Steering Committee in *In Re: Zimmer NexGen Knee Implant Products Liability Litigation*, MDL 2272.

In addition to representing injured individuals, Ms. Bossier was appointed a Special Assistant Attorney General by the Attorney General of the State of Mississippi, serving as lead counsel in consumer protection litigation involving the pharmaceutical drug, Vioxx. After litigating with the drug's manufacturer, Merck, for a number of years, Ms. Bossier was able to negotiate significant recoveries for the State of Mississippi in 2014.

Since 2012, Freese & Goss and Matthews & Associates have served in leadership positions in the transvaginal mesh MDLs pending in the Southern District of West Virginia. In those roles, they have been responsible for expert witness preparation, corporate witness discovery, and motion and briefing practice. In addition, the firms have tried a bellwether TVM case in the MDL, as well as numerous state court cases, all of which resulted in significant verdicts for their clients. Most recently, Ms. Bossier was trial counsel in a case involving the representation of a client severely injured by a defective pelvic mesh product manufactured by

Boston Scientific. The significant jury verdict obtained in Dallas County, Texas, resulted in its recognition as one of the top ten products liability verdicts of 2014.

Through all these efforts, Ms. Bossier has become thoroughly familiar with the duties and responsibilities of counsel in complex litigation and mass torts, and has gained a thorough understanding of the Manual for Complex Litigation. She and her firm are uniquely qualified for this role, and hope to serve in a similar position in the Bard IVC Filter litigation.

Ms. Bossier is a 1989 graduate of Tulane Law School in New Orleans, Louisiana. She was first licensed to practice law in 1989 (Louisiana), and was subsequently admitted to practice, and has practiced in North Carolina (1990) and Mississippi (1997). She has spent the last twenty-five years litigating hundreds of complex civil state court and federal court cases throughout the country, involving a broad range of legal issues. She has served as lead counsel in toxic tort, environmental contamination, professional liability, medical malpractice and defective drug and medical device cases, which resulted in favorable jury verdicts and monetary recoveries for many individual clients. She is a member of the American Bar Association, Louisiana State Bar Association, Mississippi Bar Association, and the Capitol Area Bar Association. Ms. Bossier is also a certified mediator in the State of Mississippi.

Ms. Bossier has thus far worked successfully with attorneys seeking appointment to this steering committee. She has had numerous meetings with many of the PSC applicants regarding the Bard IVC Filter litigation and undertaken work on some of the preliminary matters in anticipation of the formation of the MDL, as well as preparation for commencing discovery at the appropriate time. Freese & Goss and Matthews & Associates routinely share information, experts, and knowledge with other firms in pharmaceutical and medical device litigation and have contributed to common expenses for handling the litigation. They will likewise be

committed to providing the legal and financial support necessary to prosecute these cases on behalf of the Plaintiffs. Ms. Bossier would be honored if selected to serve on the Plaintiffs' Steering Committee and work with other applicants on these most important cases.

Respectfully submitted this the \_\_\_\_\_, October, 2015.

/s/ Sheila M. Bossier  
Sheila M. Bossier  
**FREESE & GOSS, PLLC**  
1520 North State Street  
Jackson, MS 39202  
Telephone: (601) 961-4050  
Facsimile: (601) 352-5452

**CERTIFICATE OF SERVICE**

I hereby certify that on October \_\_\_\_ 2015, a copy of the foregoing was served electronically, and notice of the service of this document will be sent to all parties by operation of the Court's electronic filing system to CM/ECF participants registered to receive service in this matter. Parties may access this filing through the Court's system.

/s/ Sheila M. Bossier



**EXHIBIT “Q”**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

In re Bard IVC Filters Products Liability

No. MD-15-02641-PHX-DGC

**APPLICATION AND AFFIDAVIT OF  
STUART L. GOLDENBERG TO  
PLAINTIFFS' STEERING COMMITTEE**

COMES NOW your affiant Stuart L. Goldenberg of the law firm of GoldenbergLaw, PLLC, being duly sworn states and respectfully files this Application and Affidavit for Appointment to the Plaintiffs' Steering Committee ("PSC"). Mr. Goldenberg and his law firm are willing and available to serve as a member of the PSC; will continue to commit the resources and time necessary to this case; have the proven ability to work cooperatively with all parties previously appointed; and have the requisite professional experience and skill to assist in the orderly advancement of this litigation. In further support, Mr. Goldenberg offers the following:

**1) Willingness and ability to commit to a time-consuming process.**

I have just concluded serving as the co-lead counsel in more than 800 Medtronic Infuse cases. I am willing and able to devote whatever time that is necessary to proceed with the IVC litigation.

I have leadership experience and committee experience in all aspects of the MDL litigation process including science, regulatory, briefing, bellwether, ESI, discovery and depositions. However, I have special interest and experience in the discovery and deposition process. I have conducted in excess of one thousand depositions over 30 years. I have the most expertise in conducting discovery and depositions of people involved in the reporting of adverse events and the sales and marketing of drugs and devices. These are the areas I would like to focus my time for the PSC but I will happily do whatever is asked of me.

**2) Ability to work cooperatively with others.**

I have successfully worked with other counsel to litigate and resolve drug and device cases as well as other catastrophic injury cases for 30 years.

**3) Professional experience in this type of litigation.**

I have been lead counsel on more than 50 jury trials involving mass tort, product liability, medical malpractice, and personal injury cases. I have thirty years of mass tort and MDL experience for devices and drugs, including: Dalkon Shield, Copper-7 IUD, DES, Fen Phen, Vioxx, Bextra, Celebrex, Mirapex, Avandia, Propecia, Yaz, DePuy ASR, Zimmer Durom Cup, Pinnacle Hips, Stryker Rejuvenate Hips, Biomet Hips, Fosamax, SSRIs, Contaminated Steroids, Medtronic Infuse Bone Graft, GranuFlo, Testosterone and Talcum Powder litigations. I am currently on the PSC for the Benicar MDL located in New Jersey Federal Court (*In re Benicar (Olmesartan) Products Liability Litigation* 1:15-md-02606-RBK-JS).

I have also served on the Plaintiff's Committee in *In re 35W Bridge Collapse*, Hennepin County, Minnesota. I have specialty knowledge in federal preemption issues through involvement in *Pliva v. Mensing*, 131 S. Ct. 2567 (2011) and *Lawrence v. Medtronic* (2013).

As I previously mentioned, as co-lead counsel I have just helped to resolve over 800 Medtronic Infuse cases including *Arvizu v Medtronic* No.: CV14-00792-PHX DGC which was before your honor. The Medtronic Infuse Bone Graft cases were filed in State and Federal Courts around the country including: New Jersey, California, Hawaii, Arizona, Wisconsin, Tennessee, Minnesota and Missouri.

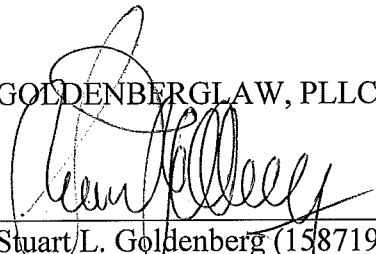
We currently are representing more than three hundred clients injured by IVC Filters.

**4) Access to sufficient resources to advance the litigation in a timely manner.**

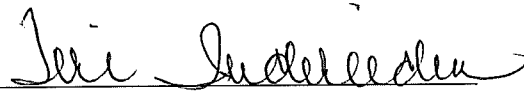
We have more than sufficient resources and staffing to advance the litigation in a timely manner and will contribute whatever assessment is required.

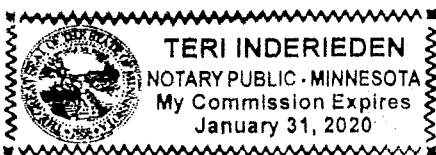
Further your affiant sayeth not.

Dated: 9/25/15

GOLDENBERGLAW, PLLC  
  
Stuart L. Goldenberg (158719)  
800 LaSalle Avenue, Suite 2150  
Minneapolis MN 55402  
(612) 333-4662  
[slgoldenberg@goldenberglaw.com](mailto:slgoldenberg@goldenberglaw.com)  
ATTORNEYS FOR PLAINTIFF

Subscribed and sworn to before  
me this 25<sup>th</sup> day of September, 2015.

  
Notary Public



CURRICULUM VITAE

**STUART L. GOLDENBERG**

**Attorney-at-Law**

800 LaSalle Avenue South, Suite 2150  
Minneapolis, Minnesota 55402  
(612) 335-9960

**Education**

William Mitchell College of Law	J.D. 1984
University of Wisconsin	B.A. 1981

**Work Experience**

Stone, Ribble, Bremseth, Meyer & Wood	1984 – 1986
GoldenbergLaw	1986 - Present

**Board Certifications**

Minnesota State Bar Association	Civil Trial Specialist
National Board of Trial Advocacy	Board Certified in Civil Trial Advocacy

**Leadership Roles**

Minnesota Trial Lawyers Association	Board of Directors
Minnesota Association for Justice	Board of Directors
JCC	Board of Directors
Temple Israel	Board of Directors
Cardozo Society	Chairman
AAJ Medtronic Infuse Litigation Group	Co-Chairman

**Awards and Recognitions**

Association of Trial Lawyers of America	Volunteer Award (911 Victims)
Minnesota State Bar Association	Award of Excellence (35W Bridge Collapse)
Minneapolis/St. Paul Magazine	Super Lawyer 1998 – Present
ATLA	Top 100 Trial Lawyers 2008 – Present

**Areas of Specialization**

Personal Injury/Product Liability	Pharmaceutical/Medical Devices
Mass Torts	MDL Litigation

**Page 2:**

**Curriculum Vitae**

**Stuart L. Goldenberg**

**Trial Experience**

Lead counsel on more than 50 personal injury and product liability trials

**Mass Tort Experience**

**MDL:**

MDL No. 1203; *In re: Diet Drug Products Liability Litigation*;

MDL No. 1657; *In re: Vioxx Products Liability Litigation*;

MDL No. 1699; *In re: Bextra and Celebrex Products Liability Litigation*;

MDL No. 2197; *In re: ASR Hip Implant Products Liability Litigation*;

MDL No. 2244; *In re: Depuy Orthopedics Inc. Pinnacle Hip Implant Products Liability Litigation*;

MDL No. 2331; *In re: Propecia (Finasteride) Products Liability Litigation*;

MDL No. 2391; *In re: Biomet M2A Magnum Hip Implant Products Liability Litigation*;

MDL No. 2419; *In re: New England Compounding Pharmacy Products Liability Litigation*;

MDL No. 2441; *In re: Stryker Hip Products Liability Litigation*;

MDL No. 2478; *In re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*;

MDL No. 2545; *In re: Testosterone Replacement Therapy Products Liability Litigation*;

MDL No. 2606; *In re: Benicar (Olmesartan) Products Liability Litigation* (PSC)

**State Court Consolidated Action:**

*In re: 35W Bridge Collapse*;

Hennepin County District Court, Minnesota (Plaintiff's Committee)

Lawrence v Medtronic et al (Consolidated Medtronic Infuse Bone Graft Cases)

Hennepin County District Court, Minnesota

(Co-Lead Counsel)

**Admitted to Practice**

State Bar of Minnesota

State Bar of Wisconsin

Multiple Federal Courts

**EXHIBIT “R”**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
Phoenix Division

IN RE: § Case No. 2:15-CV-02641-DGC  
BARD IVC FILTERS PRODUCTS §  
LIABILITY LITIGATION § MDL No. 2641  
§  
§  
THIS DOCUMENT RELATES TO ALL §  
CASES §

**CHRISTOPHER T. KIRCHMER'S APPLICATION FOR APPOINTMENT  
TO THE PLAINTIFFS' STEERING COMMITTEE  
and/or THE PLAINTIFFS' SUB-COMMITTEES**

Christopher T. Kirchmer of Provost★Umphrey Law Firm, L.L.P. makes this application to be appointed as a member of the Plaintiffs' Steering Committee and/or the Plaintiffs' Sub-Committees based on the following qualifications:

Mr. Kirchmer graduated from the University of Texas School of law in 1995 and has practiced personal injury trial law with Provost★Umphrey Law Firm, L.L.P. in the 20 years since. Mr. Kirchmer has focused exclusively on pharmaceutical and medical device litigation for the last 11 years. He is board certified in Personal Injury Trial Law by the Texas Board of Legal Specialization.

In addition to the more than 300 IVC filter cases in the Provost Umphrey inventory, Mr. Kirchmer is lead counsel in two Bard IVC filter cases that are in the advanced stages of trial preparation. In connection with those cases, Mr. Kirchmer has become extremely familiar with the plaintiff's liability and science case. He has taken numerous depositions and responded to pretrial motions including summary judgment and Daubert challenges. As one of the few lawyers in the country who has litigated Bard IVC filter cases up to the brink of trial, Mr. Kirchmer is well suited to serve in Plaintiffs' leadership in this MDL.

Mr. Kirchmer has experience in serving in Plaintiffs' MDL leadership and trying



bellwether cases. He was appointed to the Plaintiffs' Steering Committee in the MDL no. 1507, *In re: Prempro Products Liability Litigation*, Cause No. 4:03-cv-1507-WRW where Mr. Kirchmer served as the lead trial lawyer in two bellwether trials: *Gloria Jean Curtis, et al v. Wyeth, Inc., et al*; Case No. 3:05-cv-00074-BRW, and *Margaret Wilson, et al v. Wyeth, Inc., et al*; Cause No. 3:05-cv-00078-BRW.

Mr. Kirchmer has handled cases in pharmaceutical and medical device MDL's including: MDL No. 2545, *In Re: Testosterone Replacement Therapy Products Liability Litigation*, Cause No. 1:14-cv-01748; MDL No. 1507, *In Re: Prempro Products Liability Litigation*, Cause No. 4:03-cv-01507; MDL No. 1626, *In Re: Accutane Products Liability Litigation*, Cause No. 8:04-md-02523; MDL No. 1905, *In Re: Medtronic, Inc., Sprint Fidelis Leads Products Liability Litigation*, Cause No. 0:08-md-01905; MDL No. 1789, *In Re: Fosamax Products Liability Litigation*, Cause No. 1:06-md-01789; MDL No. 1842, *In Re: Kugel Mesh Hernia Patch Products Liability Litigation*, Cause No. 1:07-md-01842; MDL No. 1871, *In Re: Avandia Marketing, Sales Practices and Products Liability Litigation*, Cause No. 2:07-md-01871; MDL No. 1909, *In Re: Gadolinium Contrast Dyes Products Liability Litigation*, Cause No.1:08-gd-50000; MDL No. 1943, *In Re: Levaquin Products Liability Litigation*, Cause No. 0:08-md-01943; MDL No. 1953, *In Re: Heparin Products Liability Litigation*, Cause No. 1:08-hc-60000; MDL No. 2051, *In Re: Denture Cream Products Liability Litigation*, Cause No. 1:09-md-02051; MDL No. 2100, *In Re: Yasmin and Yaz (Drospierenone) Marketing, Sales Practices and Products Liability Litigation*, Cause No. 3:09-md-02100; MDL No. 2158, *In Re: Zimmer Durom Hip Cup Products Liability Litigation*, Cause No. 2:09-cv-04414; MDL No. 2197, *In Re: DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation*, Cause No. 1:10-md-02197; MDL No. 2244, *In Re: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation*, Cause No. 3:11-md-02244; MDL No. 2187,

*In Re: C.R. Bard, Inc. Pelvic Repair System Products Liability Litigation*, Cause No. 2:10-md-02187; MDL No. 2325, *In Re: American Medical Systems, Inc. Pelvic Repair System Products Liability Litigation*, Cause No. 2:12-md-02325; MDL No. 2326, *In Re: Boston Scientific Corp. Pelvic Repair System Products Liability Litigation*, Cause No. 2:12-md-02326; MDL No. 2327, *In Re: Ethicon Inc. Pelvic Repair System Products Liability Litigation*, Cause No. 2:12-md-02327; MDL No. 2226, *In Re: Darvocet, Darvon and Propoxyphene Products Liability Litigation*, Cause No. 2:11-md-02226; MDL No. 2299, *In Re: Actos (Pioglitazone) Products Liability Litigation*, Cause No. 6:11-md-02299; MDL No. 2385, *In Re: Pradaxa (Dabigatran Etexilate) Products Liability Litigation*, Cause No. 3:12-md-02385; MDL No. 2434, *In Re: Mirena IUD Products Liability Litigation*, Cause No. 7:13-md-2434, *In Re: Xarelto(Rivaroxaban) Products Liability Litigation*, Cause No. 2:14-md-2592; MDL No. 2592 and *In Re: Stryker Rejuvenate and ABG II Hip Implant Products Liability Litigation*, Cause No. MDL No. 13-2441.

Provost★Umphrey Law Firm, L.L.P. has been a leader in mass tort and complex litigation since initiating and serving as lead counsel in *Cimino v. Raymark Industries, Inc.*, the landmark consolidation of 2,298 asbestos cases. The firm was appointed Lead Counsel in the \$17.3 billion Texas Tobacco Litigation by Texas Attorney General Dan Morales. Provost★Umphrey has attorneys that currently serve or have served on the following committees: Texas Asbestos MDL Liaison Committee; the Trust Advisory Committee (TAC) for the JT Thorpe, Shook Fletcher, Asarco, AC&S, Kaiser Silica, APG Silica and DII Silica Trusts; the Asbestos Creditors Committees for Pittsburgh Corning; Executive Committee, Steering Committee and Discovery Committee in *City of West, Texas v. CF Industries Sales, LLC, et al*, Cause No. 2013-2476-4 (the West Fertilizer Explosion Litigation); Financial Institutions Damages Committee for MDL No. 2522, *In Re: Target Corporation Customer Data Security*

*Breach Litigation*, Cause No. 14-cv-00203 PAM/JJK; and Special State Counsel Committee for MDL No. 1401, *In Re: Sulzer Hip Prosthesis & Knee Prosthesis*, Cause No. 1:00-cv-00569.

Provost★Umphrey Law Firm, L.L.P. has served as class counsel in the following class actions: *Orlando's Bakery, et al v. Tennessee Eastman Chemical Co, et al*, Cause No. 99-560-11 a Tennessee class action against several chemical companies alleging price fixing in the sale of food preservatives; *Middle Tennessee Teamsters Healthcare Trust Fund v. Mylan Laboratories, Inc.*, Cause No. 98-3833-II a Tennessee class action on behalf of third party payors alleging violations of various state antitrust laws; *Connecticut State Employees Retirement Fund v. Waste Management, Inc.*, Lead Cause No. H-99-2183 a class action alleging securities fraud; and *Bouaphakeo, et al v. Tyson Foods, Inc.*, (SD IA) Cause No. 5:07-cv-04009; *Acosta v. Tyson Foods, Inc.*, (D. NE) Cause No. 8:08-cv-000086; and *Gomez v. Tyson Foods, Inc.*, (D. NE) Cause No. 8:08-cv-00021, class actions on behalf of meatpacking workers alleging violations of the FLSA and state wage laws; *Matthews Smith, et al v. Texaco, Inc., Texaco Chemical Company and Star Enterprise, Inc.*, Cause No. 1:96-cv-00749 alleging racial discrimination against Texaco, Inc., Texaco Chemical Company and Star Enterprise, Inc.; *In Re: Light Cigarettes Marketing and Sales Practices Litigation*, Cause No. 1:09-md-02068-JAW alleging false advertisement; and *Susan Weatherford, et al v. Bridgestone/Firestone, Inc., et al*, Cause No. B-170, 462, alleging tire defects in Ford rollover cases.

Provost★Umphrey Law Firm, L.L.P. has been counsel in the following qui tam cases: *U.S. Ex Rel. Roby v. Boeing Co.*, Cause No. C-1-95-375, alleging the use of defective gears in the Army Chinook Transport helicopters resulting in the loss of Marine soldiers' lives; *United States of America, Ex. Rel. J. Benjamin Johnson, Jr., et al v. Shell Oil Company, et al*; Case No. 9:96-CV-00066 alleging failure to pay oil royalties; and *USA, ex rel McNeese v. AmMed Direct*,

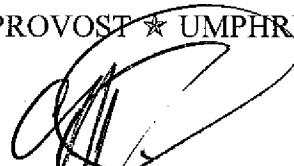
*Inc.*, (MD TN) Cause No. 3:09-cv-0027, a False Claims Act suit alleging Medicare fraud based on violations of Medicare regulations governing sale of diabetic supplies.

Mr. Kirchmer is counsel of record in the following case in the IVC Filter Products Liability Litigation, *Erin Smith v. C.R. Bard Incorporated, et al; Case No. 2:15-cv-01742*, which was originally filed on October 24, 2013 in the Eastern District of Texas and *Susan Fox v. C.R. Bard Incorporated, et al; Case No. 2:15-cv-01707*, which was originally filed on January 15, 2014 in the Northern District of Texas and has been transferred to the United States District Court of Arizona.

These are a representative selection of cases on which Mr. Kirchmer and Provost★Umpfrey Law Firm, L.L.P. have worked. Mr. Kirchmer and the firm have the experience and resources necessary to work and fund a sufficient portion of the litigation to justify placement in a position of leadership. We respectfully request that the Court appoint Mr. Kirchmer to the Plaintiffs' Steering Committee and/or Plaintiffs' Sub-Committees.

Respectfully submitted,

PROVOST ★ UMPHREY LAW FIRM, L.L.P.



---

Christopher T. Kirchmer  
Texas Bar No. 00794099  
490 Park Street, P. O. Box 4905  
Beaumont, Texas 77704  
(409) 835-6000 - telephone  
(409) 813-8614 - facsimile  
[Ckirchmer@pulf.com](mailto:Ckirchmer@pulf.com) - email

ATTORNEY FOR PLAINTIFF

**EXHIBIT “S”**

**CURRICULUM VITAE**

**MICHAEL A. KELLY**

**Born:** August 14, 1951; San Francisco, California

**Business Address:**

Walkup, Melodia, Kelly & Schoenberger  
650 California Street, 26th Floor  
San Francisco, CA 94108-2615  
(415) 981-7210  
mkelly@walkuplawoffice.com

**Education:**

St. Mary's College of California; B.A. 1973  
Honors: Summa Cum Laude  
Student Body President  
De La Salle Medal (Academic Excellence)  
Milliken Award (Student Affairs)

University of California Hastings College of Law; J.D. 1976

**License:** State Bar of California, 1976

**State Bar Number:** 71460

**Employment:**

Walkup, Melodia, Kelly & Schoenberger  
Partner/Vice-President  
(1978 - Present)

Litigation, trial, arbitration and mediation of catastrophic injury, product liability, medical malpractice, premises liability, automobile negligence, wrongful death, obstetrical injury and traumatic brain injury claims.

**Honors, Professional Affiliations and Associations:**

Martindale-Hubbell, "AV" Rating (highest rating; received annually each year since first rated in 1982)

Member, Inner Circle of Advocates

Fellow, American College of Trial Lawyers

International Academy of Trial Lawyers, Member

International Society of Barristers, Fellow; President (2012 - 2013); Member, Board of Governors (2002 - 2012)

California ABOTA, Trial Lawyer of the Year, 2014

San Francisco Trial Lawyers Association, Trial Lawyer of the Year, 2010 (also nominated 1999, 2001, 2008)

Law Dragon 500 (2014, 2015)

The Summit Council, Member

Association of Plaintiff Interstate Trucking Lawyers, Member  
Top Ten Northern California “Super Lawyers” (2007, 2008, 2010, 2011, 2012,) Listed, “The Best Lawyers In America” (1995 - 2015)  
Award of Merit, Consumer Attorneys of California, 2014  
Member, The Summit Council  
The Recorder Newspaper: San Francisco’s Best Personal Injury Attorney, (Voted by peers in San Francisco Bar, 2010)  
Award of Merit, Bar Association of San Francisco (2007)  
Recipient, CAOC Robert Cartwright Award for teaching of trial advocacy (2012)  
Recipient, Robert Oliphant Award, N.I.T.A. (2011)  
Consumer Attorneys of California, Finalist, Consumer Attorney of the Year (2008, 2010)  
American Board of Trial Advocates San Francisco Chapter, President (2010); National Board Member (2002 - 2003; 2004 - 2014)  
Foundation of the American Board of Trial Advocates, Member Board of Trustees ( 2010 -2013)  
National Institute of Trial Advocacy, Member; Board of Trustees (2002 - 2015)  
U.C. Hastings Foundation, Member Board of Trustees (2010 - 2015)  
San Francisco Focus Magazine, Northern California “Super Lawyers” (2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015)  
San Francisco Trial Lawyers Association, President (1996); Executive Board Member (1990-1995)  
National Institute of Trial Advocacy, Program Director: West Coast Teacher Training (2001 - 2010); Harvard Teacher Training (2005 - 2008); Colorado Teacher Training (2006 - 2007); New York Teacher Training (2009 - 2012)  
Judicial Council of California, Member, Commission on the Future of California Courts (2015 - )  
Judicial Council of California, Member, Jury Instruction Task Force (2000 - 2003)  
Judicial Council Advisory, Member, Committee on Civil Jury Instructions (C.A.C.I.) (2004 - 2016)  
San Francisco Superior Court Judge Pro Tem  
State Bar of California, Member: Litigation Section  
Bar Association of San Francisco, Member: Judiciary Committee; Litigation Section Executive Committee (2001 - 2006)  
San Francisco Superior Court Judicial Arbitration Arbitrator Selection Committee, Member (1998 - 2008)  
Edward J. McFetridge San Francisco American Inn of Court (1990 - 1993)  
American Association for Justice, Member  
Association of Personal Injury Attorneys (United Kingdom)  
Trial Lawyers for Public Justice, Member

**Academic Appointment:**

Assistant Professor of Law, University of California Hastings College of Law(1981 - 2000)

Courses Taught: Personal Injury Litigation  
Evidence Advocacy  
Litigation Advocacy 1  
Advanced Personal Injury Seminar  
Litigation Advocacy II - Personal Injury

Teaching Faculty/Team Leader, Emory University School of Law, (1989 - 1995)

Kessler-Eidson Trial Techniques Program

**Selected Publications/Authorship:**

Author, "Once Upon an Opening," Trial, July 2014, Vol. 50 No. 9

Co-Author California Uninsured Motorist Practice (2d Ed.) Continuing Education of the Bar (August 2005 Update)

Consultant, California Trial Objections (3d Ed.) Continuing Education of the Bar; Berkeley, California, 1995 (Author: Edwin A. Heafey, Jr.)

Contributor, Continuing Education of the Bar Civil Litigation Reporter (1992-1995)

Consultant, Bancroft-Whitney, California Civil Practice, Torts (1992)

Co-Author, "The Auto Collision Case: What You Need to Know," The Compleat Lawyer, A.B.A. Publications, Vol. 9 No. 3, Summer 1992

**Presentations/Lectures:**

- |               |  |
|---------------|--|
| May 2015      | University of San Francisco School of Law, Intensive Advocacy Program. Lecturer: Techniques for Direct and Cross-Examination (San Francisco, California)   |
| May 2015      | Derecho University Catolica de Chile (Law Faculty of the Catholic University of Chile) Oral Litigation Advocacy Training program. Course Director. (Santiago, Chile)   |
| December 2014 | National Academy of Sciences, "Arbitration As An Alternative To Litigation Of Medical Malpractice: The Kaiser Permanente Experience. Invited panelist. (Washington DC)   |
| December 2014 | The Rutter Group 2015 Personal Injury Update, Panelist. (Los Angeles, California)  |
| November 2014 | Consumer Attorneys Of California, Fifty-Third Annual Meeting. Trial Masters: Innovative Techniques For Maximizing Damages. Speaker: Physical And Emotional Pain And Suffering-Let Your Analogies Do The Talking. (San Francisco, California) |



November 2014	CAL-ABOTA 2014 Hawaii conference. Presenter: Storytelling In Opening Statement. (Mauna Kea Hotel, Hawaii)
October 2014	Practicing Law Institute, Presenter: Case Management Of Complex Actions And MDL's. (San Francisco, California)
October 2014	Consumer Attorneys of California, College of Trial Arts . Program Moderator: "Kaiser Seminar" (San Francisco, California)
September 2014	American Association for Justice: Winning Medical Negligence Cases With Rules Of The Road. Speaker: Creating A Fact-Intensive Rule-Driven Opening Statement (Santa Fe, New Mexico)
September 2014	National Institute Of Trial Advocacy, Hanley Advanced Trial Skills Program. Faculty member. (San Francisco, California)
September 2014	National Institute Of Trial Advocacy U.K. Program Director: Northern Ireland Solicitor Advocacy Training (Queens College, Belfast, Northern Ireland)
July 2014	American Association for Justice annual meeting. Presenter: Storytelling In Opening Statement. (Baltimore, Maryland)
June 2014	Texas ABOTA "Masters in Trial". Demonstration: Cross-examination of Defense Reconstruction Expert (Austin, Texas)
May 2014	University of San Francisco School of Law, Intensive Advocacy Program. Lecturer: Techniques for Direct and Cross-Examination (San Francisco, California)
April 2014	Orange County Trial Lawyers Association Annual Palm Springs Seminar. Panel Discussion: Trials by the Masters that Brought Down Corporate Giants (Rancho Mirage, California)
April 2014	California County Counsel's Association Annual Meeting. Panelist: Mediation Advocacy and High Stakes Government Liability Cases (in Monterey, California)
March 2014	American Association for Justice "Skiing with the Stars" Seminar. Presenter: Winning in Opening Statement (Deer Valley, Utah)

- March 2014 360 Advocacy “Damages: Go Big or Go Home”. Lecturer: Proving Damages in Limb Loss Cases (Las Vegas, Nevada)
- December 2013 AAJ Pharmaceuticals and Medical Device Litigation Update. Presenter: DePuy ASR Trials (Las Vegas, Nevada)
- December 2013 - Louisiana Association for Justice. Invited Speaker: Winning with the Masters, Direct and Cross Examination of Experts (New Orleans, Louisiana)
- November 2013 - Consumer Attorneys of California 52nd Annual Convention, Presenter: The Power Of Persuasion, Wining Techniques at Trial
- October 2013 - Consumer Attorneys of California, College of Trial Arts. Co-Chair, Kaiser Seminar (San Francisco, California)
- October 2013 - Utah Association of Justice, Guest Speaker: Preparing and Delivering Persuasive Opening Statements (Salt Lake City, Utah)
- July 2013 - AAJ Annual Meeting, Speaker: DePuy Hip Litigation Update (San Francisco, California)
- July 2013 - 360 Advocacy Seminar. Invited Speaker: Damages: Go Big or Go Home (Las Vegas, Nevada)
- May 2013 - National Institute of Trial Advocacy Webinar, Presenter: Preparing and Delivering Compelling Opening Statements (Boulder, Colorado)
- April 2013 - University of California San Francisco, Department of Surgery. Invited Speaker: Avoiding Medical Malpractice in a General Surgery Practice (San Francisco, California)
- October 2012 - Munich Reinsurance Claims Roundtable, Invited Guest Speaker: Using Early Mediation To Resolve Major Claims (Yountville, California)
- October 2012 - Consumer Attorneys of California, College of Trial Arts. Co-Chair, Kaiser Seminar (San Francisco, California)
- June 2012 - National Institute of Trial Advocacy. Program Director: New York Teacher Training (N.Y. Law School, New York)
- May 2012 - University of San Francisco, Kendrick Hall School of Law,

- Intensive Advocacy Program. Lecturer: “Final Argument” (San Francisco, California)
- February 2012 - Consumer Attorneys of California Webinar, Presenter: “Med School for Lawyers: Injuries to Newborns and Infants”
- January 2012 - Consumer Attorneys of California, Presenter: “What’s New in Tort and Trial Practice” (Fresno & Stockton, California)
- November 2011 - 50<sup>th</sup> Annual Convention, Consumer Attorneys of California. Speaker: “10 Discovery Tools for Getting Better Results in Your Kaiser Cases” (San Francisco, California)
- October 2011 - Consumer Attorneys of California, College of Trial Arts. Co-Chair, Kaiser Seminar (San Francisco, California)
- July 2011 - Harris Martin Seminar, Presenter: “Next Gen Knee and DePuy Hip Litigation, ASR Trial Strategies” (San Diego, California)
- June 2011 - National Institute of Trial Advocacy. Program Director: New York Teacher Training (N.Y. Law School, New York)
- May 2011 - National Institute of Trial Advocacy United Kingdom. Program Director: Tutor Training (Belfast, Ireland)
- May 2011 - University of San Francisco, Kendrick Hall School of Law, Intensive Advocacy Program. Lecturer: “Final Argument” (San Francisco, California)
- March 2011 - Harris Martin Hip Implant Litigation Conference. Speaker: “Trial Strategies for DePuy Litigation” (San Diego, California)
- January 2011 - California Continuing Education of the Bar’s 26<sup>th</sup> Annual Torts Practice. Panelist: “Recent Developments in Torts” (San Francisco & Sacramento, )
- December 2010 - The Rutter Group, 2011 Torts Update. Panelist (San Francisco, California)
- November 2010 - Johnson & Johnson DePuy Hip Implant Litigation Conference. Presenter: “Proposed Trial Strategies for the DePuy Litigation” (Durham, North Carolina)

- October 2010 - American Board of Trial Advocates, San Francisco Chapter. Presenter: “Masters in Opening Statement and Closing Argument” (San Francisco, California)
- August 2010 - Consumer Attorneys of California, Seminar, Vehicle Dynamics. Presenter: “Getting Mileage Out of the Defense Expert ” (Sonoma, California)
- June 2010 - National Institute of Trial Advocacy. Program Director: New York Teacher Training (N.Y. Law School, New York)
- May 2010 - San Francisco Trial Lawyers Association. Presenter: “Opening and Closing by The Masters” (San Francisco, California)
- April 2010 - Consumer Attorneys of California, “Evening the Playing Field in Kaiser Arbitrations;” Program Co-Chair (Oakland, California)
- January 2010 - Osaka Bar Association, Saiban-in Jury Trial Skills Training, Program Director (Osaka, Japan)
- January 2010 - California Continuing Education of the Bar’s 25<sup>th</sup> Annual Torts Practice. Panelist: “Recent Developments in Torts” (Sacramento, California)
- December 2009 - The Rutter Group, 2009 Torts Update. Panelist (San Francisco & Los Angeles, California)
- November 2009 - National Institute of Trial Advocacy. Program Director: West Coast Teacher Training (San Francisco, California)
- November 2009 - American Board of Trial Advocates, Sacramento Chapter, Masters in Cross-Examination. Presenter: “Cross-Examination, Basic Principles and Techniques” (Sacramento, California)
- September 2009 - National Institute of Trial Advocacy – U.K., Scottish Solicitor Advocacy Training (Edinburgh, Scotland)
- August 2009 - Consumer Attorneys of California, Vehicle Dynamics Seminar. Lecturer: “Cross-Examining the Accident Reconstruction Expert Witness” (Sonoma, California)
- June 2009 - National Institute of Trial Advocacy. Program Director: East Coast Teacher Training (New York, NY)

- May 2009 - American Board of Trial Advocates, San Francisco Chapter, Masters in Demonstrative Evidence. Presenter: “Final Argument” (San Francisco, California)
- January 2009 - Osaka Bar Association Litigation Advocacy Training Program Director and Team Leader (Osaka, Japan)
- January 2009 - California Continuing Education of the Bar’s 24<sup>th</sup> Annual Torts Practice. Panelist: “Recent Developments in Torts” (San Francisco & Sacramento, California)
- January 2009 - Bar Association of San Francisco. Panelist: Dealing With The Toxic Client (San Francisco, California)
- November 2008 - National Institute of Trial Advocacy. Program Director: West Coast Advocacy Teacher Training, University of San Francisco School of Law (San Francisco, California)
- August 2008 - Consumer Attorneys of California, Vehicle Dynamics and Handling Seminar. Presenter: “Deposing the Defense Automobile Accident Reconstruction Engineer” (Sonoma, California)
- June 2008 - University of San Francisco, Kendrick Hall School of Law, Intensive Advocacy Program. Lecturer: “Final Argument” (San Francisco, California)
- June 2008 - American Board of Trial Advocates, San Francisco Chapter, Masters of Cross-Examination. Program Director: “How to Cross-Examine and Impeach Lay and Expert Witnesses” (San Francisco, California)
- May 2008 - Low, Ball & Lynch Annual Update, “Damages In Wrongful Death Actions.” Presenter (San Francisco, California)
- May 2008 - California Medical Association, Eleventh Annual Health Care Leaders Academy. Presenter: “Avoiding Medical Malpractice” (Anaheim, California)
- April 2008 - National Institute of Trial Advocacy – U.K. Program Director/Faculty Member: Scottish Prosecutor’s Training (Edinburgh, Scotland)
- March 2008 - National Institute of Trial Advocacy. Program Director: Boston Teacher Training (Boston, Massachusetts)
- January 2008 - Federation of Japanese Bar Associations (JFBA). Advisor / Instructor: National Litigation Skills Training (Waseda

University, Tokyo, Japan)

- January 2008 - California Continuing Education of the Bar's 23<sup>rd</sup> Annual Torts Practice. Panelist: "Recent Developments in Torts" (Sacramento)
- December 2007 - San Francisco Trial Lawyers Association. Panelist: CLE Program, "Tactical Containment of Experts: Exorcising Economic Experts" (San Francisco)
- December 2007 - The Rutter Group, 2008 Torts Update. Panelist (San Francisco, Los Angeles)
- November 2007 - Association of Defense Counsel of Northern California and Nevada. Lecturer: "College of Hard Knocks" (San Francisco)
- November 2007 - Bar Association of San Francisco. Co-Director: Juvenile Trial Advocacy Clinic (San Francisco)
- November 2007 - National Institute of Trial Advocacy. Program Director: Western Teacher Training, University of San Francisco School of Law, Kendrick Hall School of Law (San Francisco, California)
- October 2007 - National Institute of Trial Advocacy. Faculty Member: Pacific Regional Trial Skills Program (San Diego, California)
- October 2007 - American Society of Anesthetics, 2007 Annual Meeting. Invited Lecturer: "Risk Management and Professional Liability Issues (San Francisco)
- July 2007 - National Institute of Trial Advocacy. Director: National Trial Skills Program. (Boulder, Colorado)
- March 2007 - National Institute of Trial Advocacy. Program Director: Advocacy Teacher Training (Harvard University, Boston, Massachusetts)
- December 2006 - The Rutter Group, 2007 Torts Update. Panelist (San Francisco, Los Angeles)
- November 2006 - National Institute of Trial Advocacy. Program Director: Western Teacher Training, University of San Francisco School of Law, Kendrick Hall School of Law (San Francisco, California)

- November 2006 - American Board of Trial Advocates, Sacramento Chapter “Masters in Trial”. Presenter: Opening Statement. (Sacramento)
- October 2006 - National Institute of Trial Advocacy. Faculty Member: Pacific Regional Trial Skills Program (San Diego, California)
- July 2006 - National Institute of Trial Advocacy. Faculty Member: National Trial Skills Program (Boulder, Colorado)
- May 2006 - University of San Francisco, Kendrick Hall School of Law, Intensive Advocacy Program. Lecturer: “Final Argument” (San Francisco, California)
- April 2006 - San Francisco Trial Lawyers Association. Program Moderator: “On Suing MUNI.” (San Francisco, California)
- March 2006 - National Institute of Trial Advocacy. Program Director: Advocacy Teacher Training (Harvard University, Boston, Massachusetts)
- January 2006 - California Continuing Education of the Bar’s 21<sup>st</sup> Annual Torts Practice. Panelist: “Recent Developments in Torts” (San Francisco, Sacramento)
- December 2005 - The Rutter Group, Personal Injury Update. Panelist (San Francisco, Newport Beach)
- November 2005 - National Institute of Trial Advocacy. Program Director: West Coast Advocacy Teacher Training, University of San Francisco School of Law (San Francisco)
- October 2005 - National Institute of Trial Advocacy. Faculty Member: Pacific Regional Trial Skills Program (San Diego)
- July 2005 - National Institute of Trial Advocacy. Team Leader: National Trial Skills Program (Boulder, Colorado)
- June 2005 - San Francisco Trial Lawyers Association Presentation. Speaker: “The Scientific, Artistic and Efficient Use of a Trial Lawyer’s Most Basic Weapon: Cross-Examination”
- May 2005 - American Board of Trial Advocates (ABOTA) “Masters in Trial – Ultimate Trial Notebook”. Lecturer: Direct and Cross-Examination (San Francisco)
- May 2005 - National Institute of Trial Advocacy. Faculty Member:

- Southwest Regional Trial Skills Program (University of New Mexico School of Law – Albuquerque, NM)
- May 2005 - Microsoft Corporation Advocacy Academy. Faculty Member (Seattle, WA)
- April 2005 - University of California, San Francisco School of Medicine. Presenter: “Medical Liability Reform – Is MICRA Fair?” (San Francisco)
- February 2005 - Public Interest Law Group Advocacy Trial. Faculty Member, University of San Francisco Kendrick School of Law (San Francisco)
- January 2005 - California Continuing Education of the Bar’s 20<sup>th</sup> Annual Torts Practice. Panelist: “Recent Developments in Torts” (San Francisco, Sacramento)
- December 2004 - The Rutter Group, Personal Injury Update. Panelist (Newport Beach)
- December 2004 - ABA/CEELI Advocacy Training. Program Leader (Tbilisi, Republic of Georgia)
- October 2004 - 54<sup>th</sup> Annual Meeting, American Congress of Neurological Surgeons. Guest Speaker: “Medical Liability”
- October 2004 - National Institute of Trial Advocacy. Faculty Member, Pacific Regional Trial Skills Program. (San Diego)
- July 2004 - National Institute of Trial Advocacy. Faculty Member, National Trial Skills Program. (Boulder, Colorado)
- July 2004 - University of California San Francisco School of Medicine. Panelist: “Evidence Based Medicine and Risk Management” (San Francisco)
- May 2004 - Emory University Kessler-Eidson Trial Techniques Program. Team Leader. (Atlanta, Georgia)
- May 2004 - University of San Francisco, Kendrick Hall School of Law, Intensive Advocacy Program. Lecturer: “Closing Argument” (San Francisco)
- January 2004 - California Continuing Education of the Bar’s 19<sup>th</sup> Annual Torts Practice. Panelist: “Recent Developments in Torts” (San Francisco, Sacramento)
- December 2003 - Association of Defense Counsel 44<sup>th</sup> Annual Meeting.



- Speaker: "California's All New Plain-English Civil Jury Instructions" (San Francisco)
- November 2003 - San Francisco Trial Lawyers Association Presentation. Speaker: "From BAJI to CACI – Using the New Jury Instructions to Your Advantage"
- November 2003 - National Institute of Trial Advocacy. Program Director, West Coast Advocacy Teacher Training, University of San Francisco School of Law.
- September 2003 - Northern Ireland Advocacy Working Party and NITA, U.K. Faculty Member, Solicitors Advanced Advocacy Training, Queens College, Belfast, Northern Ireland.
- May 2003 - University of San Francisco Intensive Advocacy Program. Lecturer: "Making a Convincing Closing Argument" (Kendrick Hall Law School, San Francisco)
- March 2003 - National Institute of Trial Advocacy. Faculty Member, Harvard University Teacher Training (Cambridge, Massachusetts)
- February 2003 - Association of Defense Counsel. Speaker: "The Judicial Counsel's Jury Instructions – Are You Prepared?" (San Francisco)
- February 2003 - National Institute of Trial Advocacy. Faculty Member, Native American Tribal Court Skills Program (National Judicial College, Reno, Nevada)
- January 2003 - California Continuing Education of the Bar's 18th Annual Torts Practice. Panelist: "Recent Developments in Torts" (San Francisco, Sacramento)
- January 2003 - The American Board of Trial Advocates, in conjunction with ABOTA National Meeting. "Masters in Trial, Direct Examination Demonstration" (San Francisco)
- November 2002 - National Institute of Trial Advocacy. Director/Faculty Member: West Coast Teacher Training (San Francisco)
- October 2002 - National Institute of Trial Advocacy. Faculty Member, Pacific Regional Trial Skills Program (San Diego)
- July 2002 - National Institute of Trial Advocacy. Faculty Member, National Session Trial Skills Program (University of Colorado School of Law – (Boulder, Colorado)

- May 2002 - University of San Francisco Intensive Advocacy Program. Lecturer: "Final Argument" (San Francisco)
- January 2002 - California Continuing Education of the Bar's 17th Annual Torts Practice. Panelist: "Recent Developments in Torts" (San Francisco, Sacramento)
- November 2001 - National Institute of Trial Advocacy. Director, West Coast Teacher Training Program, University of San Francisco Law School (San Francisco)
- October 2001 - National Institute of Trial Advocacy. Faculty Member, Pacific Regional Trial Skills Program (San Diego)
- September 2001 - San Francisco Trial Lawyers Continuing Legal Education Symposium. Lecturer: "Dealing With Hospital and Health Plan Liens" (San Francisco)
- July 2001 - National Institute of Trial Advocacy. Faculty Member, National Session Advocacy Training (University of Colorado School of Law - Boulder, Colorado)
- May 2001 - American Bar Association Section of Litigation Annual Meeting. Participant: "Mauet and the Masters" (The Phoenician - Scottsdale, Arizona)
- May 2001 - Bar Association of San Francisco Litigation Section M.C.L.E. Seminar. Moderator: "Maximizing Client Participation at Mediation" (San Francisco)
- February 2001 - San Francisco Trial Lawyers Continuing Education Program. Presenter: "Direct & Cross Examination of Experts" (San Francisco)
- January 2001 - California Continuing Education of the Bar's 16th Annual Torts Practice. Panelist: "Recent Developments in Torts" (San Francisco, Sacramento)
- October 2000 - National Institute of Trial Advocacy. Faculty Member, Pacific Regional Trial Skills Program (San Diego)
- July 2000 - National Institute of Trial Advocacy. Faculty Member, National Session Trial Skills Program (University of Colorado, School of Law, Boulder, Colorado)
- May 2000 - Kessler-Eidson Trial Techniques Program. Faculty Member, Emory University School of Law (Atlanta,

Georgia)

- July 1999 - National Institute of Trial Advocacy. Faculty Member, Pacific Regional Trial Skills Program (San Diego)
- June 1999 - San Francisco Trial Lawyers Association, Continuing Legal Education Seminar. Presenter: "Identifying and Evaluating the Automobile Product Liability Case" (San Francisco)
- May 1999 - National Institute of Trial Advocacy. Faculty Member Southwest Regional Trial Skills Program (University of New Mexico School of Law - Albuquerque, New Mexico)
- March 1999 - Consumer Attorneys of California. Lecturer: "Handling Personal Consumption Issues in Wrongful Death Cases" (33<sup>rd</sup> Annual Lake Tahoe Seminar)
- January 1999 - California Continuing Education of the Bar's 14th Annual Torts Practice. Panelist: "Recent Developments in Torts" (San Francisco, Sacramento)
- June 1998 - Lecturer: "Standard of Care" presented to Surgical Grand Rounds at U.C.S.F./Mt. Zion Hospital (sponsored by U.C.S.F./Mt. Zion Risk Management).
- May 1998 - National Institute of Trial Advocacy. Faculty Member, Southwest Regional Program (University of New Mexico - Albuquerque, N.M.)
- April 1998 - Emory University Trial Techniques Program. Faculty Member (Atlanta, GA)
- March 1998 - Consumer Attorneys of California 33<sup>rd</sup> Annual Tahoe Seminar. Moderator: "Creative Approaches to Economic Losses"
- January 1998 - California Continuing Education of the Bar's 13th Annual Torts Practice. Panelist: "Recent Developments in Torts" (San Francisco, Sacramento, Yosemite)
- November 1997 - Panelist: "Trying the Wrongful Death Case in California" presented by National Business Institute (Oakland)
- November 1997 - National Institute of Trial Advocacy. Faculty Member: Western Deposition Skills Program (Golden Gate University School of Law - San Francisco)

- January 1997 - California Continuing Education of the Bar's 12th Annual Torts Practice. Panelist: "Recent Developments in Torts" (San Francisco, Sacramento)
- December 1996 - Consumer Attorneys of California, Continuing Legal Education Seminar. Featured Speaker: "Proposition 213: Constitutionality and Applicability" (San Francisco)
- October 1996 - National Institute of Trial Advocacy. Faculty Member: "Deposition Skills Program" (San Francisco)
- July 1996 - National Institute of Trial Advocacy. Faculty Member, Pacific Regional Skills Program (San Diego)
- June 1996 - National Institute of Trial Advocacy. Faculty Member, National Session (University of Colorado, School of Law - Boulder, Colorado)
- May 1996 - Kaiser Permanente Risk Management Symposium, Medical Malpractice Risk From the Trial Lawyers Perspective. Panelist: "Managing Unexpected Patient Care Outcomes" (Emeryville, California)
- January 1996 - California Continuing Education of the Bar's 11th Annual Torts Practice. Panelist: "Recent Developments in Torts" (San Francisco, Sacramento)
- December 1995 - State Bar of California, Litigation Section. Teaching Video: "Civility in the Practice & Avoidance of Gender Bias" (San Francisco)
- October 1995 - Attorneys Information Exchange Group, Auto Focus '95 Seminar. "Discovery, Experts, Exhibits and Defenses in Occupant Restraint Cases" (presented with Daniel Dell'Osso) (Phoenix, Arizona)
- September 1995 - San Francisco Trial Lawyer Association's Auto Seminar. "Handling Biomechanical and Occupant Restraint Issues in Automobile Cases" (San Francisco)
- July 1995 - National Institute of Trial Advocacy. Faculty Member, Pacific Regional Session (San Diego)
- June 1995 - National Institute of Trial Advocacy. Faculty Member, National Session (University of Colorado Law School - Boulder, Colorado)
- April 1995 - Consumer Attorneys of California. Moderator: "Premises

- Liability: Preparing and Proving the Case" (30th Annual Lake Tahoe C.L.E. Seminar)
- January 1995 - California Continuing Education of the Bar's 10th Annual Torts Practice. Panelist: "Recent Developments in Torts" (San Francisco, Sacramento, Yosemite)
  - July 1994 - National Institute of Trial Advocacy. Faculty Member, Pacific Regional Session (San Diego)
  - June 1994 - California Continuing Education of the Bar. Program Director: "Handling Product Liability Cases" (San Francisco, Sacramento, San Jose)
  - March 1994 - Bar Association of San Francisco. Speaker: "Avoidance of Legal Malpractice in a Personal Injury Practice" (San Francisco)
  - January 1994 - California Continuing Education of the Bar's 9th Annual Torts Practice. Panelist: "Recent Developments in Torts" (San Francisco, Sacramento, Yosemite)
  - December 1993 - San Francisco Trial Lawyer's Association. Panelist: "Legal Ethics - Making Your Way Through the Maze of Every Day Practice"
  - July 1993 - National Institute of Trial Advocacy. Faculty Member, Pacific Regional Session (San Diego)
  - June 1993 - National Institute of Trial Advocacy. Faculty Member, Western Regional Session (Boalt Hall, Berkeley)
  - May 1993 - California Continuing Education of the Bar. Participant/Lecturer: "Coping With Liens in Personal Injury Cases" (San Francisco 5/8/93; Sacramento 5/4 and 5/6/93)
  - March 1993 - Bancroft Whitney/San Francisco Trial Lawyers Association Program: "Low Speed Collision Accident Reconstruction and Biomechanics" (Speaker with Lawrence Kern, Esq. and L. Elson, Ph.D.)
  - February 1993 - E.J. McFetridge American Inn of Court Legal Ethics Presenter: "Use and Abuse of the Media in Litigation"
  - January 1993 - California Continuing Education of the Bar's 8th Annual Torts Practice. Panelist: "Recent Developments in Torts" (San Francisco, Sacramento, Yosemite)
  - November 1992 - California Trial Lawyers Association's 31st Annual

- Convention. Speaker: "Arguing the Slip and Fall Case" (San Francisco)
- October 1992 - Los Angeles Trial Lawyers 11th Annual Las Vegas Convention. Presenter: "Evaluation of the Premises Liability Case; Should You Accept It?"
  - July 1992 - National Institute of Trial Advocacy. Faculty Member, Pacific Regional Trial Advocacy Program (San Diego)
  - June 1992 - National Institute of Trial Advocacy. Faculty Member, Western Regional Trial Advocacy Program (Boalt Hall, Berkeley)
  - March 1992 - Bancroft-Whitney/San Francisco Trial Lawyers Association/Continuing Education of the Bar Program. Speaker: "Handling the Seat Belt, Biomechanical and Comparative Negligence Issues" (San Francisco)
  - January 1992 - State Bar of California Litigation Section Demonstration Program. Participant: "Everything You Need to Know About Depositions" (San Francisco)
  - January 1992 - California Continuing Education of the Bar's 7th Annual Torts Practice. Panelist: "Recent Developments in Torts" (San Francisco, Sacramento, Yosemite)
  - November 1991 - California Trial Lawyers Association Annual Convention. Lecturer: "Evaluation and Settlement: Maximizing the Bottom Line" (San Francisco)
  - October 1991 - Bancroft-Whitney/San Francisco Trial Lawyers Association/Continuing Education Program. Panelist: "Evaluation and Settlement" (San Francisco)
  - September 1991 - Bancroft-Whitney/San Francisco Trial Lawyers Association Program. Presenter: "Taking Depositions" (San Francisco)
  - September 1991 - Bar Association of San Francisco. Panelist: "Taking and Defending Depositions" (San Francisco)
  - November 1990 - California Trial Lawyers Association Annual Convention. Lecturer: "Preparing for and Conducting Depositions of Medical Experts" (LaJolla, California)
  - September 1990 - 7th Annual C.T.L.A. Advocacy College. Speaker: "Preparing the Experts, the Plaintiff and the Trial" (San Francisco)

- June 1990 - National Institute of Trial Advocacy. Faculty Member, Western Regional Advocacy Course (Boalt Hall, Berkeley)
- April 1990 - California Continuing Education of the Bar, Product Liability Trial Practice Institute. Panelist: "Understanding and Utilizing Government Involvement in Product Liability Claims" (Los Angeles, San Francisco)
- January 1990 - California Continuing Education of the Bar's 5th Annual Torts Practice. Panelist: "Recent Developments in Torts" (San Francisco, Sacramento, Yosemite)

*May 2015 Rev*

**EXHIBIT “T”**



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(214) 890-0712 (fax)



MATTHEW R. MCCARLEY

**STATE COURT ADMISSIONS**

State Bar of Texas

**FEDERAL COURT ADMISSIONS**

United States District Court-Southern District of Indiana  
United States District Court-Northern District of Texas  
United States District Court-Eastern District of Texas  
United States District Court-Western District of Texas (Pending)

**PROFESSIONAL BACKGROUND**

Fears | Nachawati Law Firm  
Partner, 2013-present  
Thering McCarley, PLLC  
Partner, 2009-2013  
Bimbo Bakeries USA, Inc.  
Corporate Counsel, 2004-2009  
The Lynch Law Firm  
Associate, 2003-2004

**PROFESSIONAL ASSOCIATIONS**

American Association for Justice  
Member-2010-present  
Texas Trial Lawyers Association  
Member-2010-present  
Dallas Bar Association  
Member 2013-present  
J. Rueben Clark Law Society  
Member 2013- present

**EDUCATION**

Undergraduate Studies:  
Texas A&M University,  
B.A.-International Studies, 1999

Law School:

South Texas College of Law, J.D., 2003  
Leroy Jeffers Memorial Moot Court Competition, 2001

- Best Oralist and Best Brief Awards; Team Semi –Finalist

Garland Walker Memorial Mock Trial Competition

- Team Quarter-finalist

**Relevant MDL and Class Action Experience:**

Cook MDL PSC—Firm has the single largest docket of case. Defended 6 of the 15 selected discovery depositions in the MDL.

Lead attorney for class action involving race and national origin discrimination that was successfully resolved through settlement.

**EXHIBIT “U”**

# Faraci Lange

ATTORNEYS

## Hadley L. Matarazzo

Ms. Matarazzo is a partner with the law firm of Faraci Lange, LLP in Rochester, New York. The firm also has an office in Buffalo, New York. She is a member in good standing and licensed to practice law in New York since January 2006 and New Jersey since November 2005 as well as the Western, Eastern, Northern and Southern Districts of New York and the District of New Jersey. Ms. Matarazzo received a Bachelor of Science degree from the University of Vermont in 1998 and her law degree from Rutgers School of Law Newark in 2005. She is a member of the New York State Bar Association, the Monroe County Bar Association, the Greater Rochester Association of Women Attorneys, Women En Mass and the American Association of Justice. She is also the President Elect of the New York State Academy of Trial Lawyers and a co-author of the Academy's monthly 4<sup>th</sup> Department Update.

In July 2010, Ms. Matarazzo joined Faraci Lange, and she oversees the firm's medical device and pharmaceutical mass tort litigation practice. In addition to product liability litigation, she handles environmental toxic tort and medical malpractice cases as well as a recently filed health insurance data breach class action. Ms. Matarazzo has tried personal injury cases involving complicated medical issues as well as an environmental toxic tort case against General Electronic Company involving more than 80 plaintiffs.

Faraci Lange has 15 attorneys with three members who are American College of Trial Lawyers Fellows. Its partners have handled product liability, medical malpractice and catastrophic injury cases for more than 40 years. The firm also been involved in complex mass tort litigation for more than two decades, including asbestos, breast implant, Vioxx, transvaginal mesh, birth control, hip implant litigation and environmental toxic tort litigation.

Faraci Lange represents or has represented more than 100 clients in various hip implant MDLs, and one of its cases was one of two bellwether cases in the *In re DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation* (MDL 2197). Ms. Matarazzo and her partner were part of the four member trial team and were responsible for specific causation, which included the areas of the orthopedic pathology and immunology. She was appointed to the Plaintiffs' Steering Committee in *In re Biomet M2A Magnum Hip Implant Products Liability Litigation* (MDL 2391) and the Science Committee in the Stryker Rejuvenate/ABG II Multi County Litigation pending in New Jersey. In addition to working up medical experts, Ms. Matarazzo spent significant time developing the sales and marketing aspects of these hip cases.

This summer, Ms. Matarazzo was asked by the leadership in *In re DePuy Orthopaedics, Inc., Hip Implant Products Liability Litigation* (MDL 2244) to work with her immunology expert from the ASR litigation to provide an expert report and testimony in the upcoming bellwether

trial involving six plaintiffs. In addition, under the direction of Ms. Matarazzo, the firm is doing common benefit work in *In re Testosterone Replacement Therapy Products Liability Litigation* (MDL 2545) at the request of a Plaintiffs' Executive Committee member.

Prior to joining Faraci Lange, Ms. Matarazzo was an attorney with Weitz & Luxenberg, P.C. in New York City. At Weitz & Luxenberg, she was the lead attorney for a bellwether plaintiff, the County of Suffolk (New York), as well as several Connecticut water providers in the MTBE MDL and also the lead attorney for more than 1,000 plaintiffs in Florida in an environmental toxic tort case. All of these case were successfully resolved for the clients.

Faraci Lange is committed to providing the financial and legal resources required to prosecute the cases in *In re Bard IVC Filters Products Liability Litigation*, MDL 2641. The firm currently has one case on file in the MDL. We are investing four other cases and waiting on medical records before filing. The firm expects to investigate and file additional cases into the MDL.

**EXHIBIT “V”**

## **ERIC M. TERRY**

1102 Franklin Avenue, Edwardsville, IL 62025

[eric@thlawyer.com](mailto:eric@thlawyer.com) \* 618/616-2991

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### **ATTORNEY AT LAW**

**TorHoerman Law, LLC**

**May 1, 2009 to Present**

**101 W. Vandalia, Edwardsville, IL 62025**

- Professional Focus on Personal Injury Cases
- Trial Team Leader for numerous Mass Tort Pharmaceutical Litigation Areas
- Managed Consolidated Docket Management for Mass Tort Litigation Areas
- Discovery Team Member on numerous MDL's (inc. Zyprexa, Gadolinium, Yaz, Actos)
- Liaison Counsel for state based Mass Tort Litigations
- Trial Attorney on Personal Injury Cases
- Staff Management

**SimmonsCooper LLC, East Alton, IL**

**November 2003 to April 2009**

- Attorney and Team Leader with the Pharmaceutical Litigation Team

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### **PROFESSIONAL EXPERIENCE**

**Madison County (IL) Probation and Court Services**

**October 1993 to October 2003**

- Probation Office in the Specialized Drug Unit
- Drug Court Officer
- Pre-trial Liaison

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### **EDUCATION**

**St. Louis University – School of Law**

- 2003; Juris Doctorate
- Honors: Founding Member of Negotiation Team

**Southern University of Illinois – Edwardsville**

- 1993; B.S. Psychology
  - Honors: Deans List
-

**PROFESSIONAL & COMMUNITY AFFILIATIONS**

- **American Association for Justice**
- **American Bar Association**
- **Illinois Bar Association**
- **Missouri Bar Association**
- **Illinois 'Super Lawyers' Rising Stars**
  - o **2011, 2012, 2013**
- **Illinois 'Super Lawyers'**
  - o **2014**
- **"Top 100" Trial Lawyers of Illinois**
  - o **2008 to present**
- **Illinois Trial Lawyers Association**
- **Madison County (IL) Bar Association**
- **St. Louis (MO) Bar Association**
- **Cook County (IL) Bar Association**
- **Edwardsville YMCA**
  - o **Youth Soccer Coach: 1998 to 2014**
  - o **Youth Football Coach: 1999 to 2003**
  - o **Board of Directors Member: 2012 to Present**
- **Glen-Ed Soccer Club**
  - o **Soccer Coach: 2015**
- **City Of Edwardsville**
  - o **Park and Recreation Board Member**



**EXHIBIT “W”**

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products  
Liability Litigation

No.: MD-15-02641-PHX-DGC (DWF-FLN)

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**JOSEPH A. OSBORNE OF OSBORNE & ASSOCIATES' RESUME FOR  
APPOINTMENT TO PLAINTIFFS' STEERING COMMITTEE**

COMES NOW JOSEPH A. OSBORNE of OSBORNE & ASSOCIATES, and respectfully submits an Application for Appointment to the Plaintiffs' Steering Committee:

I earned a bachelor's degree from Brown University in 1987 and a law degree from the University of Florida in 1990. I am licensed to practice law in Florida and am admitted to the United States District Court for the Southern District of Florida. I am a member of The American Association for Justice and the Multi-Million Dollar Advocates Forum. I have been practicing for 25 years. I am the principal owner of Osborne & Associates. Our office is in Boca Raton, Florida. I have been recognized by The South Florida Legal Guide, Legal Elite and the Daily Business Review for my track record and reputation. Personally, in 2010, I was a finalist for the South Florida Daily Business Review's lawyer of the year and have been nationally recognized by Super Lawyers.

I limit my practice to complex civil litigation, including mass torts. I was liaison counsel and a member of the Plaintiff's Steering Committee in the Trasylol MDL No. 1928, pending in the United States District Court for the Southern District of Florida. I was actively involved in all aspects of this case against Bayer Pharmaceutical including document review, depositions of Bayer witnesses, expert preparation and presenting and

taking depositions of experts. I also prosecuted one of the bellweather cases from that litigation (Rodriguez v. Bayer, Case No. 1:08-MD-01928) which was settled before trial.

I currently am also serving on the Plaintiffs' Steering Committee in the Zimmer Nexgen Knee Products Liability Litigation (MDL No. 2272) before the Honorable Rebecca Pallmeyer pending in Chicago, Illinois. I also currently serve on the Plaintiffs' Steering Committee In Re: Stryker Rejuvenate and ABG II Hip Implant Products Liability Litigation (MDL No.: 13-2441 DWF-FLN) before the Honorable Donovan W. Frank pending in St. Paul, Minnesota.

Additionally I have been appointed to the Plaintiffs' Steering Committee in the In Re: American Medical Systems, Inc., Pelvic Repair Systems Product Liability litigation (MDL No. 2325); In Re: C.R. Bard, Inc., Pelvic Repair System Products Liability Litigation (MDL 2187); In Re: Boston Scientific Corp. Pelvic Repair System Products Liability Litigation (MDL 2326); In Re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation (MDL 2327) all before the Honorable Chief Judge Joseph R. Goodwin pending in Charleston, West Virginia.

I have also been involved in a number of other mass torts and played a vital role in:

- Black v. Ethicon, et al. against Johnson and Johnson involving Intergel (a surgical product).
- Holtsberg v. Citigroup, et al. involving securities losses due to diminution in value of World Com stock.
- Avandia drug liability litigation
- Yaz/Yasmin/Ocella drug liability litigation
- Depuy ASR metal on metal hip product liability litigation
- Depuy Pinnacle metal on metal hip product liability litigation

- Fosamax drug liability litigation
- Reglan/Metaclopramide drug liability litigation

I believe my background and training demonstrates the ability to work with other firms and to act in a representative capacity with respect to various interests amongst the clients and attorneys in this case. I also have the commitment and qualifications to accomplish all of the assigned tasks of the Plaintiffs' Steering Committee.

I have filed cases in this litigation and currently represent many more clients with potential causes of action to be filed.

If asked to serve on the Plaintiffs' Steering Committee, I do not see any conflicts or strain on my Firm's resources.

DATED: October 6, 2015.

Respectfully submitted,

OSBORNE & ASSOCIATES



JOSEPH A. OSBORNE, Esquire  
FL Bar No.: 880043  
josborne@oa-lawfirm.com  
433 Plaza Real, Suite 271  
Boca Raton, FL 33432  
(561) 293-2600  
(561) 923-8100 - Fax

**EXHIBIT “X”**

## NATHAN CRAIG VAN DER VEER

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### CONTACT

Mobile: (205) 382-6780  
Office: (205) 324-1212  
Email: nate@frplegal.com

### EDUCATION

**Mississippi College School of Law**, Jackson, MS  
*Juris Doctor*, May 2007  
Admitted, Alabama State Bar, September 2007  
Admitted, Mississippi State Bar, April 2008

**Auburn University**, Auburn, AL  
Bachelor of Arts, *cum laude*, Political Science, August 2003

### LEGAL

**10<sup>th</sup> Judicial Circuit of Alabama**, Birmingham, AL, August – October 2007  
*Law Clerk to the Honorable Tom King, Jr.*

**Freese & Goss, PLLC**, Birmingham, AL, April 2008 – July 2015  
*Associate Attorney*, specialized in mass tort drug and device litigation.

**Farris, Riley & Pitt, LLP**, Birmingham, AL, July 2015 – Present  
*Associate Attorney*, specializing in mass tort drug and device litigation and single event product liability and general personal injury.

### MASS TORT

**Trasylol**, document review, depositions, motion practice.

**PCB** (Crystal Springs, MS), document review, depositions, motion practice, expert work up, pretrial dispositive/Daubert motions

**Pradaxa**, document review

**SSRI/Birth Defects**, document review, depositions, motions

**Actos**, document review (science and marketing teams), depositions (sales and marketing), motions

**Fentanyl Patches** (Watson), document review, depositions, motions.

**Infuse Bone Graft**, dispositive motion practice (preemption), doc review, building first settlement matrix, which was used as the form for future settlements.

**Transvaginal Mesh**, document review, depositions (BSC head of clinical, sales and marketing, numerous implanting and treating physicians), motion practice, expert work up, pretrial dispositive/Daubert motions.

### REFERENCES

**Hon. Richard Freese**

**Hon. Tim Goss**

Freese & Goss, 1901 6<sup>th</sup> Ave North, STE 3120  
Birmingham, AL 35203; (205) 871-4144;  
rich@freeseandgoss.com; tim@freeseandgoss.com

**EXHIBIT “Y”**

**THE GALLAGHER LAW FIRM, LLP**

2905 Sackett Street  
Houston, Texas 77098  
(713) 222-8080 Fax (713) 222-0066

**Michael T. Gallagher**  
BOARD CERTIFIED - PERSONAL INJURY TRIAL LAW  
TEXAS BOARD OF LEGAL SPECIALIZATION

October 8, 2015

The Honorable David G. Campbell  
United States District Court  
Sandra Day O'Connor U. S. Courthouse, Suite 623  
401 West Washington Street, SPC 58  
Phoenix, AZ 85003

RE: Reference No. MD-15-02641-PHX-DGC, In re Bard IVC Filters Products  
Liability Litigation.

Dear Judge Campbell:

In accordance with the court's Order Setting Initial Case Management Conference, I, Michael T. Gallagher, respectfully offer this submission of my qualifications and desire to serve as a member of the Plaintiff's Steering Committee.

The Gallagher Law Firm concentrates its litigation practice in the area of product liability, with special emphasis on pharmaceutical and medical device mass torts. We have a proven track record for developing, settling and trying major pharmaceutical cases. That experience, as well as our proven ability to work well with other counsel, will allow us to help provide unique solutions to questions that are presented to the Court as well as the parties in this litigation.

During my career, I have written and spoken extensively on various legal issues with specific emphasis on strict liability, contribution and indemnity, pharmaceutical litigation and victims' rights. I have testified extensively before both the Texas House and Senate and have been an advisor on tort and procedural law to Governors, Lt. Governors, Speakers of the House and individual members of both the House and the Senate.

I am one of a small number of attorneys in the country who has tried pharmaceutical cases to a verdict. My firm had full responsibility for the development and trial of the second Phen-Fen case that was tried in the United States. In that case, the jury awarded \$150 million dollars in compensatory damages, and was deliberating punitive damages at the time the case was settled. As a result of that verdict, we were able to resolve the remainder of our Phen-Fen docket for approximately \$750 million dollars.



The Honorable David G. Campbell  
October 8, 2015  
Page - 2

We later tried the second Rezulin case that was tried in the United States, in a Texas State court on behalf of the adult children of an elderly woman who died as a result of the ingestion of the drug. The jury awarded \$28 million dollars in compensatory and punitive damages, and the balance of our Rezulin cases were settled for approximately \$51,000,000.

In November of 2010, I was lead attorney in *Muncey v. Southwestern Energy Production Company*, in the 273<sup>rd</sup> District Court of Shelby County, Texas, which involved the theft of trade secrets relating to the methodologies to be employed in certain shale formations in East Texas. The jury awarded \$397 million dollars, which was reduced by the trial court to \$40 million and is currently on appeal.

In addition to the experience set forth above, I was selected by the Honorable Sam Pointer as one of five attorneys in the United States to negotiate the nationwide settlement of the Breast Implant Litigation. After two years of intense negotiations, the case was settled. The present cash value of the settlement was \$2.6 billion dollars.

I have had much experience as a member of the Executive Committee in the Texas State Court Breast Implant MDL, The Texas State Court Phen-Fen MDL and the Texas State Court Vioxx MDL.

Recently I was appointed class counsel by the Superior Court of California in the case of *Benjamin Fogel v. Farmers Group, Inc., et al*, in the Superior Court of California, Los Angeles County. The case was predicated on the theory that FGI breached its fiduciary duty to its policyholders. It ultimately settled for approximately \$500 million dollars.

I was appointed to the Executive Committee of the Plaintiff's Steering Committee in the Pradaxa MDL in East St. Louis, Illinois before the Honorable David Herndon, and took an active role in the discovery process, as well as the mediation.

In all of the years of my practice, I have worked effectively and cooperatively with the Courts and with all counsel. I am familiar with the Manual for Complex Litigation and use it regularly in my practice.

The Honorable David G. Campbell  
October 8, 2015  
Page - 3

I would be honored to be chosen by this Court and leadership counsel to serve on the Plaintiffs' Steering Committee in this MDL in any capacity in which my experience would be most beneficial. My law firm has the resources, willingness and availability to commit to this important litigation.

Sincerely,

  
Michael T. Gallagher

MTG/bf

**MICHAEL T. GALLAGHER**  
THE GALLAGHER LAW FIRM  
2905 Sackett Street  
Houston, Texas 77098  
(713) 222-8080

**PERSONAL:**

Born Houston, Texas, 7-23-39; admitted to bar 1965, Texas; USDC - Southern/Eastern Districts 1982, Northern/Western Districts 1996; U.S. Court of Appeals, Fifth/Seventh/Eleventh Circuits; U.S. Supreme Court, 1980; admitted to the Eastern District of Michigan, 1995.

**EDUCATION:**

University of Houston, 1962; University of Texas (L.L.B. 1965); Phi Alpha Delta.

**LAW RELATED PUBLICATIONS:**

Evidence for the Plaintiff in a Product Liability Action, 19 So. Tex. Law Journal 559, 1978.

The Child Victim: Proving Future Medical Needs for the Child, TRIAL Magazine, March 1988.

Proof of Future Medical Care Needs for the Injured Child, AmJur Proof of Facts, 3rd Ed. Vol. 4, Bancroft - Whitney, May 1989.

Seatbelt Safety, Automotive Engineering and Litigation, Garland Law Publishing Company, Spring 1989.

**PROFESSIONAL ORGANIZATIONS, APPOINTMENTS AND HONORS:**

One of only seven members appointed to serve on the Settlement Committee for the MDL-926 Silicone Breast Implant Litigation nationwide and a member of the Plaintiffs' Steering Committee in the Harris County, Texas Consolidated Breast Implant Litigation. Specializes in product liability and personal injury and continues to serve as a chief negotiator on Product Liability Reform.

Selected, The Best Lawyers in America, 1984-present.

International Academy of Trial Lawyers, Fellow, 1986-present.

International Society of Barristers, Fellow, 1985-present.

American College of Trial Lawyers, Fellow, 1984-present.

Fellow, American Board of Trial Advocates, 1976-present.

Fellow, Texas Bar Foundation.

Texas Trial Lawyers Association (Chairman, Lawyers involved for Texas, 1975-1976; Member, Board of Directors, 1975; President - Elect, 1977; President, 1978).

Association of Trial Lawyers of America (Board of Governors, 1979-1982; Secretary, 1987; Chairman, Task Force Committee, 1972-1974; Chairman, Coordinating Committee, 1974-1975; Sustaining Member to present).

Special Counsel to the House Committee on Strict Liability, 1977-1981.

Governor's Select Committee on Worker's Compensation, 1977-1979.

House-Senate Joint Committee on Higher Education, 1981-1982.

Select Committee on Selection, Compensation and Tenure of Judges, 1982.

Supreme Court Committee on Revision of Disciplinary Procedures, 1982.

Committee on Improvement of Disciplinary Procedures, 1982.

Supreme Court Committee on Improvement of Disciplinary Procedures, 1985.

Chairman, Administration of Justice Committee, 1984-1985.

Supreme Court Committee on Speedy Trials, 1985.

Member, Supreme Court's Grievance Oversight Committee, 1985.

Founder, Texas Trial Lawyers Association Sanctions Committee.

Board Certified, Personal Injury Trial Law, Texas Board of Legal Specialization.

Houston Bar Association.

American Bar Association.

State Bar of Texas.

New York Trial Lawyers Association, 1985.

Mississippi Trial Lawyers Association, 1999

**MICHAEL T. GALLAGHER**  
THE GALLAGHER LAW FIRM  
2905 Sackett Street  
Houston, Texas 77098  
(713) 222-8080

**PERSONAL:**

Born Houston, Texas, 7-23-39; admitted to bar 1965, Texas; USDC - Southern/Eastern Districts 1982, Northern/Western Districts 1996; U.S. Court of Appeals, Fifth/Seventh/Eleventh Circuits; U.S. Supreme Court, 1980; admitted to the Eastern District of Michigan, 1995.

**EDUCATION:**

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Evidence for the Plaintiff in a Product Liability Action, 19 So. Tex. Law Journal 559, 1978.

The Child Victim: Proving Future Medical Needs for the Child, TRIAL Magazine, March 1988.

Proof of Future Medical Care Needs for the Injured Child, AmJur Proof of Facts, 3rd Ed. Vol. 4, Bancroft - Whitney, May 1989.

Seatbelt Safety, Automotive Engineering and Litigation, Garland Law Publishing Company, Spring 1989.

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Texas Trial Lawyers Association (Chairman, Lawyers involved for Texas, 1975-1976; Member, Board of Directors, 1975; President - Elect, 1977; President, 1978).

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Special Counsel to the House Committee on Strict Liability, 1977-1981.

Governor's Select Committee on Worker's Compensation, 1977-1979.

House-Senate Joint Committee on Higher Education, 1981-1982.

Select Committee on Selection, Compensation and Tenure of Judges, 1982.

Supreme Court Committee on Revision of Disciplinary Procedures, 1982.

Committee on Improvement of Disciplinary Procedures, 1982.

Supreme Court Committee on Improvement of Disciplinary Procedures, 1985.

Chairman, Administration of Justice Committee, 1984-1985.

Supreme Court Committee on Speedy Trials, 1985.

Member, Supreme Court's Grievance Oversight Committee, 1985.

Founder, Texas Trial Lawyers Association Sanctions Committee.

Board Certified, Personal Injury Trial Law, Texas Board of Legal Specialization.

Houston Bar Association.

American Bar Association.

State Bar of Texas.

New York Trial Lawyers Association, 1985.

Mississippi Trial Lawyers Association, 1999