

Adam M. Evans  
(Admitted Pro Hac Vice)  
Dickerson Oxton, LLC  
1100 Main Street, Suite 2550  
Kansas City, Missouri 64105  
Phone: (816) 268-1960  
Fax: (816) 268-1965  
Email: [aevans@dickersonoxton.com](mailto:aevans@dickersonoxton.com)

Rebecca L. Phillips  
(Pro Hac Vice Forthcoming)  
Lanier Law Firm  
10940 W. Sam Houston Pkwy N., Ste. 100  
Houston, TX 77064  
Phone: (713) 659-5200  
Fax: (713) 659-2204  
Email: [rebecca.phillips@lanierlawfirm.com](mailto:rebecca.phillips@lanierlawfirm.com)

Michael A. Sacchet  
(Pro Hac Vice Forthcoming)  
Ciresi Conlin, LLP  
225 S. 6th St., Ste. 4600  
Minneapolis, MN 55402  
Phone: (612) 361-8220  
Fax: (612) 314-4760  
Email: [MAS@CiresiConlin.com](mailto:MAS@CiresiConlin.com)

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

**IN RE: BARD IMPLANTED PORT  
CATHETER PRODUCTS LIABILITY  
LITIGATION**

Case No. 2:23-md-3081-PHX-DGC

**MEMORANDUM AND MOTION FOR  
APPOINTMENT OF PLAINTIFFS'  
LEADERSHIP STRUCTURE AND  
REGARDING THE CREATION OF  
COMMON BENEFIT FEE AND  
EXPENSE FUND**

Pursuant to the Court's August 22, 2023 Order Regarding Initial Case Management Conference, the undersigned counsel (hereinafter "Movants") hereby submit their Memorandum and Motion for Appointment of Plaintiffs' Leadership Structure and for the Creation of Common Benefit Fee and Expense Fund. Movants represent the majority – but not all – of Plaintiffs with cases currently filed in this litigation. Movants have met, conferred, and collectively agreed on the proposed slate of attorneys submitted. In support hereof, they state as follows:

## INTRODUCTION

On August 8, 2023, the Judicial Panel on Multidistrict Litigation (“JPML”) issued a Transfer Order as to all cases filed in federal judicial districts across the country that shared common issues of fact regarding Defendants Becton, Dickinson & Co.; C.R. Bard, Inc.; and Bard Access Systems, Inc.’s Port Catheter products, thereby establishing this Multi-District Litigation (“MDL”) proceeding. (Dkt. 1). On August 15, 2023, the Court issued its Order setting the initial case management conference for September 18, 2023. (Dkt. 4). The Court’s subsequent Order on August 22, 2023, outlined several matters for attorneys representing Plaintiffs and Defendants on which to engage in meet and confers and to file in advance of the conference. (Dkt. 7). This included Plaintiffs’ counsel submitting a proposed leadership structure by September 11, 2023. (*Id.*). There are currently several cases transferred or on file in the MDL, with the expectation that hundreds more cases will be filed.

Under 28 U.S.C. § 1407, the JPML has authority to transfer cases to MDL judges for “coordinated or consolidated pretrial proceedings.” 28 U.S.C. § 1407(b). As this Court noted previously in the *IVC Filter* MDL, an MDL judge in such a proceeding “may exercise such inherent powers as are necessary to manage and complete those pretrial proceedings.” *In Re: Bard IVC Filters Prods. Liab. Litig.*, 603 F. Supp.3d 822, 831 (D. Ariz. 2002). The appointment of lead plaintiffs’ counsel is “essential” in an MDL, particularly where there are many cases involved. *Id.*

The Federal Judicial Center’s Manual for Complex Litigation sets forth various factors to consider in determining the attorneys for a proposed leadership structure: (1) the qualifications, functions, organization, and compensation of the attorneys; (2) whether there has been full disclosure of all agreements and understandings among counsel; (3) the designated attorneys’ competence for assignments; (4) whether there are clear and satisfactory guidelines for compensation and reimbursement, and whether the arrangements for coordination among counsel are fair, reasonable, and efficient; (5) whether designated counsel fairly represent the various interests involved in the litigation; (6) the attorneys’ resources, commitment, and qualifications to accomplish the assigned tasks; and (7) the attorneys’ ability to command their colleagues’ respect and work cooperatively with opposing counsel and the court. MANUAL FOR COMPLEX LITIGATION § 10.224 (4th ed. 2004)

(hereinafter “MANUAL”). As for the types of appointments and assignments of responsibilities, the Manual for Complex Litigation notes that the most important and overriding factor to consider is achieving efficiency and economy in the litigation without jeopardizing fairness to the parties. *Id.* § 10.221.

The proposed leadership and organizational structure includes a diverse group of experienced, knowledgeable, and accomplished attorneys who are invested in this MDL. They have cases and clients in the MDL and are committed to running it efficiently and effectively. This group of attorneys has been formed over several months of collaboration on the Port Catheter cases leading up to the MDL’s creation. Movants believe this is a strong leadership group that will both advance the interests of all Plaintiffs and work well with opposing counsel and the Court.

### **ARGUMENT**

#### **I. Proposed Leadership Slate**

Movants submit the following leadership slate of attorneys on behalf of Plaintiffs:

<b>Plaintiffs’ Co-Lead Counsel</b>		
<b>Counsel Name</b>	<b>Law Firm</b>	<b>Exhibit</b>
Adam M. Evans	Dickerson Oxtan, LLC 1100 Main St., Ste. 2550 Kansas City, MO 64105	A
Rebecca Phillips	Lanier Law Firm 10940 W. Sam Houston Pkwy. N., Ste. 100 Houston, TX 77064	B
Michael Sacchet	Ciresi Conlin, LLP 225 S. 6 <sup>th</sup> St., Ste. 4600 Minneapolis, MN 55402	C

<b>Plaintiffs’ Executive Committee (“PEC”) / Liaison Counsel</b>		
<b>Counsel Name</b>	<b>Law Firm</b>	<b>Exhibit</b>
Steve German (Liaison Counsel/Local Counsel in Arizona)	Scout Law Group 11201 N. Tatum Blvd., Ste. 110 Phoenix, AZ 85028	D
Michael Galpern (NJ State Court Liaison)	Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins PC	E

	1000 Haddonfield Berlin Rd., Ste. 203 Voorhees, NJ 08043	
Anne Schiavone	Holman Schiavone, LLC 4600 Madison Ave., Ste. 810 Kansas City, MO 64112	F
Stuart Ratzan	Ratzan Weissman & Boldt 2850 Tigertail Ave., Ste. 400 Coconut Grove, FL 33133	G
Danielle Rogers	Langdon & Emison 911 Main St. Lexington, MO 64067	H
Larry Taylor	The Cochran Firm – Dallas, PLLC 1825 Market Center Blvd., Ste. 500 Dallas, TX 75207	I
Thomas Cartmell	Wagstaff & Cartmell, LLP 4740 Grand Ave., Ste. 300 Kansas City, MO 64112	J
Alex Barlow	Scott & Scott 7718 Wood Hollow Dr., Ste. 105 Austin, TX 78731	K
Tom Pirtle	Laminack, Pirtle & Martines 5020 Montrose Blvd. Houston, TX 77006	L
Shanon Carson	Berger Montague 1818 Market St., Ste. 3600 Philadelphia, PA 19103	M
Roman Balaban	Balaban Law LLC 8055 East Tufts Ave., Ste. 325 Denver, CO 80237	N

**Plaintiffs' Steering Committee ("PSC")**

<b>Counsel Name</b>	<b>Law Firm</b>	<b>Exhibit</b>
Bradley Leger	Leger Ketchum & Cohoon, PLLC 10077 Grogan's Mill Rd., Ste. 325 The Woodlands, TX 77380	O
Chelsea Dickerson	Dickerson Oxtan, LLC 1100 Main St., Ste. 2550 Kansas City, MO 64105	P
Gabe Assaad	McDonald Worley 1770 St. James Pl., Ste. 100 Houston, TX 77056	Q

1	Jenny Elwell	Berger Montague 1818 Market St., Ste. 3600 Philadelphia, PA 19103	R
2			
3	Chad Roberts	eDiscovery CoCounsel, PLLC 1 Independent Dr., B1 Jacksonville, FL 32202	S
4			
5	Brian Tadtman	Woodworth Law Firm, LLC 7200 W. 132 <sup>nd</sup> St., Ste. 320 Overland Park, KS 66213	T
6			
7	Jose Rojas	Levin, Rojas, Camassar & Reck, LLC 40 Russ St. Hartford, CT 06106	U
8			
9	Aaron Dickey	Dickey Anderson, LLC 1104 Moorlands Dr. St. Louis, MO 63117	V
10			
11	Robert Brown	Robert Brown Law 3225 Aviation Ave., Ste. 101 Miami, FL 33133	W
12			
13	Jakob Norman	Trial Lawyers for Justice, P.C. 1700 Koch St., Ste. 5 Bozeman, MT 59715	X
14			
15	Ryan Cavanaugh	Constant Legal Group, LLP 737 Bolivar Rd., Ste. 440 Cleveland, OH 44115	Y
16			
17	Doug Monsour	Monsour Law Firm 404 N Green St Longview, TX 75601	Z
18			
19	Jon Conlin	Cory Watson, P.C. 2131 Magnolia Avenue South Birmingham, AL 35205	AA
20			

21	<b>Sub-Committee Members</b>		
22			
23	<b>Counsel Name</b>	<b>Law Firm</b>	<b>Exhibit</b>
24	Noah Lauricella	GoldenbergLaw, PLLC 800 LaSalle Ave. S., Ste. 2150 Minneapolis, MN 55402	BB
25			
26	Kimberly Boldt	Ratzan Weissman & Boldt 2850 Tigertail Ave., Ste. 400 Coconut Grove, FL 33133	CC
27			
28			

1	Megan Odom	Ciresi Conlin, LLP 225 S. 6 <sup>th</sup> St., Ste. 4600 Minneapolis, MN 55402	DD
2			
3	Thomas Dickerson	Dickerson Oxtan, LLC 1100 Main St., Ste. 2550 Kansas City, MO 64105	EE
4			
5	Brandon Henry	Wagstaff & Cartmell, LLP 4740 Grand Ave., Ste. 300 Kansas City, MO 64112	FF
6			
7	Joshua Scott	Hinrichs & Scott, LLC 1100 Main St., Ste. 2600 Kansas City, MO 64105	GG
8			
9	Nickolas Allen	Douglas, Haun & Heidemann, PC 901 E. St. Louis St., Ste. 1200 Springfield, MO 65806	HH
10			
11	Cameron Cano	Scott & Scott 7718 Wood Hollow Dr., Ste. 105 Austin, TX 78731	II
12			
13	Brett Emison	Langdon & Emison 911 Main St. Lexington, MO 64067	JJ
14			
15	Nicholas Rowley	Trial Lawyers for Justice, P.C. 1700 Koch St., Ste. 5 Bozeman, MT 59715	KK
16			
17	Courtney Rowley	Trial Lawyers for Justice, P.C. 1700 Koch St., Ste. 5 Bozeman, MT 59715	LL
18			
19	Amanda Summerlin	Taylor Martino, PC 455 Saint Louis St., Ste. 2100 Mobile, AL 36602	MM
20			

21

22           The attorneys proposed for leadership positions believe it is appropriate to have Co-Lead

23 Counsel appointed, as well as a Plaintiffs' Executive Committee and Plaintiffs' Steering

24 Committee. Creating and appointing attorneys to these leadership positions will promote

25 efficiency and organization on Plaintiffs' side of the case. Throughout the litigation, Movants

26 anticipate adding other members, as appropriate, to accomplish the substantive goals and demands

27 of each committee. Appointment of the proposed counsel and the assignment of responsibilities

28

to these positions is consistent with the Manual’s recommended organizational structure and the ultimate goal of achieving “efficiency and economy” in this litigation. *See* MANUAL § 10.221.

**II. The Attorneys on the Proposed Leadership Slate are Qualified to Serve on Behalf of MDL Plaintiffs and They Will Work Cooperatively with Defendants and the Court.**

Movants meet the factors set forth in the Manual on Complex Litigation § 10.224 and the criteria outlined by the Court in its Order Regarding Initial Case Management Conference. (Dkt. 7, ¶ 10). The suggested Co-Leads are appropriate to lead the selected group to advance the interests of all Plaintiffs. The group has already demonstrated the ability to work together in a coordinated and collegial manner. They are a diverse, talented group of attorneys who have committed substantial time and resources to advance the Port Catheter cases prior to the MDL, and they are dedicated to continuing this work in order to efficiently and effectively prosecute this MDL.

**A. The Proposed Co-Lead Counsel are Qualified and Appropriate.**

The attorneys comprising the proposed slate agree that attorneys Adam M. Evans, Rebecca Phillips, and Michael Sacchet should serve as Co-Lead Counsel in this MDL. Movants believe a co-lead structure with these three attorneys will advance the efficient and effective operation of the MDL as they have extensive experience in mass torts. These attorneys command the respect of their colleagues in being advanced unanimously by the group to serve in these roles, and they have already engaged with opposing counsel on Port Catheter cases to date on various issues, including in preparation for the Court’s upcoming Initial Case Management Conference. *See infra* at 11-12; MANUAL § 10.224.

Each proposed Co-Lead Attorney has submitted materials describing their experience and qualifications to serve in this role (Exhibits A-C attached hereto). Below is a brief summary of each of their credentials:

**1. Adam M. Evans**

Adam M. Evans is an experienced litigator with expertise in medical products liability, environmental and toxic torts, and aggregate litigation. He is widely known as an authoritative voice in the legal community regarding emerging mass tort litigations as well as the science and

1 medicine underlying these cases. Mr. Evans has been invited to speak throughout the country to  
2 educate lawyers and medical professionals about various topics relating to biomaterials science,  
3 medicine, and litigation.

4 Mr. Evans regularly serves in Plaintiffs' nationwide leadership in high-profile litigations,  
5 including the Plaintiffs' Executive Committee in the *Atrium Medical Corp. C-Qur Mesh* MDL  
6 and the *Gilead Tenofovir Coordinated Proceedings* (Calif. JCCP 5043). He is a co-chair of the  
7 Hernia Mesh Litigation Group and the Implantable Port Catheter Litigation Group for the  
8 American Association for Justice.

9 Mr. Evans' firm has the resources and capabilities to serve in a leadership role in the  
10 instant MDL. To date, Mr. Adams and his firm have coordinated and hosted the in-person  
11 meetings amongst many members of the proposed slate and have conducted the weekly calls  
12 amongst the group. *See infra* at 10. His firm is already representing several Port Catheter clients  
13 and is invested in the litigation operating smoothly and effectively.

14 Mr. Evans has submitted the materials in Exhibit A attached hereto addressing each of the  
15 criteria requested by the Court in its August 22, 2023 Order. (Dkt. 7, ¶ 10).

## 16 **2. Rebecca Phillips**

17 Rebecca Phillips is the Mass Torts Director at Lanier Law Firm, an experienced mass tort  
18 litigator, and a graduate of Yale Law School. As described in more detail in her leadership  
19 application, Ms. Phillips played a significant role in *In Re Texas Opioid Litigation*, No. 18-0358,  
20 pending in the 152nd District Court of Harris County, Texas, where she worked in close  
21 cooperation with the co-leads of the first bellwether case and on all aspects of the litigation. Before  
22 that, she managed a docket of approximately 2,000 cases in the transvaginal mesh mass tort  
23 litigation, pending in the United States District Court for the Southern District of West Virginia,  
24 including working up approximately 20 cases for trial. She served on the Plaintiff Steering  
25 Committee for the Onglyza MDL. She has also successfully co-led a complex plaintiffs' case  
26 through verdict.



1 Prior to working in mass torts, Ms. Phillips practiced in class actions and complex  
2 commercial litigation for large companies as an attorney at the law firms of Vinson and Elkins,  
3 LLP and Schiffer Odom Hicks and Johnson, PLLC.

4 Ms. Phillips currently works at Lanier Law Firm, which is based in Houston, Texas and  
5 led by renowned trial attorney Mark Lanier. Lanier Law Firm has 54 attorneys and ample  
6 resources and staff to meet the responsibilities required to serve as Lead Counsel. Ms. Phillips’  
7 firm has obtained multi-million and multi-billion-dollar settlements and verdicts for their clients  
8 in various pharmaceutical, products liability, and mass tort cases.

9 Ms. Phillips has submitted the materials in Exhibit B attached hereto addressing each of  
10 the criteria requested by the Court in its August 22, 2023 Order. (Dkt. 7, ¶ 10).

### 11 **3. Michael Sacchet**

12 Michael Sacchet, a graduate of Harvard Law School and two-time federal judicial law  
13 clerk, is a skilled trial lawyer with many years of experience in mass tort litigation. In the largest  
14 MDL in American history, *In re: 3M Combat Arms Earplug Products Liability Litigation* (MDL  
15 2885), Mr. Sacchet was appointed to the Plaintiffs’ Steering Committee and was named Chair of  
16 the Law & Briefing Subcommittee. He co-tried—and won—five bellwether trials, totaling over  
17 \$200 million in verdicts, including the largest single-plaintiff verdict (\$77.5 million) and the  
18 largest multi-plaintiff verdict (\$110 million) in the MDL. In another MDL, *In re: Bair Hugger*  
19 *Forced Air Warming Devices Products Liability Litigation* (MDL 2666), Mr. Sacchet was  
20 appointed to the Science & Expert Committee, Law & Briefing Committee, ESI Discovery  
21 Committee, and Bellwether Committee.

22 In addition to his trial experience, Mr. Sacchet has used his law and briefing prowess to  
23 advocate for plaintiffs. He has drafted appellate briefs and/or argued before the United States  
24 Supreme Court, the United States Court of Appeals for the Eighth Circuit, the United States Court  
25 of Appeals for the Eleventh Circuit, and the Minnesota Supreme Court, among others. In the  
26 *Earplugs* MDL, he drafted and argued cross-motions for summary judgment on 3M’s global  
27 preemption defense. Plaintiffs not only defeated 3M’s motion but prevailed on their own motion  
28 for summary judgment, paving the way for hundreds of thousands of cases to proceed to trial. In

1 the *Bair Hugger* MDL, Mr. Sacchet's briefing and argument in a global appeal on general  
2 causation led to the Eighth Circuit's reversal, which revived the MDL and reinstated over 6,000  
3 cases.

4 Mr. Sacchet's law firm, Ciresi Conlin LLP, has a long history of handling mass torts and  
5 complex litigation and possesses the resources necessary to serve as Co-Lead Counsel.

6 Mr. Sacchet has submitted the materials in Exhibit C attached hereto addressing each of  
7 the criteria requested by the Court in its August 22, 2023 Order. (Dkt. 7, ¶ 10).

8 **B. Organization of Counsel on the Proposed Slate**

9 The proposed leadership group has already worked in a coordinated, informal structure  
10 before the MDL was created to advance the Port Catheter cases. Several of the attorneys proposed  
11 have engaged in weekly calls for several months and met as a group in person to discuss matters  
12 pertinent to this MDL. Other members of the slate have joined more recently and discussions have  
13 continued concerning who should lead the group. Many of these attorneys have previously worked  
14 on large product-liability litigations like this one. The group formed and evolved over time based  
15 not only on preexisting relationships, but also as introductions were made to new attorneys with  
16 diverse qualities and experience that members believed would be important to add to the group.

17 Most recently, all members of the above proposed slate participated in a leadership  
18 meeting in Kansas City, Missouri, on September 5-6, 2023. Those attorneys who could not attend  
19 in person participated virtually. The vast majority, however, made travel arrangements and took  
20 time away from their daily practice to attend in person. Kansas City was chosen as many members  
21 of the group are based there, including one of the proposed Co-Lead Attorneys, Adam M. Evans.  
22 Movants' joint effort to schedule and participate in this meeting demonstrates not only their  
23 commitment to this MDL, but also the fact that they are already organized, working as a group to  
24 advance the issues and interests pertinent to these cases.

25 Since the Court's August 22, 2023 Order Regarding Initial Case Management Conference,  
26 Movants have been preparing for the Initial Case Management Conference on September 18,  
27 2023. They have conferred with Defendants and discussed coordination of discovery,  
28 electronically stored information and a proposed protocol and plan for such discovery, a draft

1 protective order, and the development of a short-form complaint, master complaint, and plaintiff  
2 profile form.

3 Movants have also worked to assign various committees and identify candidates to serve  
4 in each. Movants have created eight committees, comprised of members who have expressed  
5 interest and initiative in advancing the proposed subject matter and objectives of each committee.  
6 The proposed committees include: Discovery, Law and Briefing, Science and Experts, Litigation  
7 Management, Trial, Regulatory, Settlement, and Common Benefit.

8 To the extent additional needs arise during the MDL, Movants believe they will resolve  
9 such issues. Given their investment in this litigation, Movants are committed to doing everything  
10 required to advance this MDL for all Plaintiffs. The proposed slate members understand and  
11 appreciate the role they would play if appointed to the proposed leadership positions and, in  
12 having experience in either mass tort or complex litigation, would undertake that role seriously  
13 and work with the Court to effectively and efficiently run the MDL.

#### 14 **C. Qualifications and Competency of Counsel on the Proposed Slate**

15 The proposed slate of attorneys has substantial experience with mass torts, complex  
16 litigation, and/or trial work. These firms and attorneys have a long and remarkable record of  
17 success in those arenas. Each attorney has submitted materials that further explain his or her  
18 qualifications and willingness to participate in this MDL. (Exhibits A-JJ).

19 This group includes competent liaison counsel with years of trial experience and specific  
20 experience handling cases in the United States District Court for the District of Arizona; an  
21 attorney with almost a decade of experience in ESI; attorneys with vast experience in reviewing  
22 discovery and working with courts on discovery-related issues in MDLs; and a group of attorneys  
23 who are remarkable trial attorneys. In reviewing the materials submitted herein, these attorneys  
24 come from a variety of backgrounds and have the competence necessary to lead this litigation.

25 The proposed leadership structure satisfies the factors in the Manual on competence for  
26 assignments, qualifications, resources, and commitment to the MDL. *See* MANUAL § 10.224.

#### 27 **D. Willingness to Work Cooperatively with Opposing Counsel and the Court**

1 Movants are committed to working cooperatively with opposing counsel. Many have  
 2 already had various scheduling meetings or conferences as part of the Port Catheter cases prior to  
 3 their transfer to the MDL. Two of the three proposed Co-Lead Attorneys participated in a meet  
 4 and confer with opposing counsel on September 1, 2023, to discuss the parties' joint memorandum  
 5 regarding the status of this litigation. Movants have worked amicably with opposing counsel and  
 6 expect no less in the future.

### 7 **III. Other Potential Requests for Plaintiff Leadership in the MDL**

8 Movants are aware that Troy Brenes of the Brenes Law Group, among others, may file a  
 9 separate slate or request appointment to leadership positions in this MDL. Movants contacted Mr.  
 10 Brenes and offered him a position on the Executive Committee, but he declined the offer. Movants  
 11 remain willing to add Mr. Brenes to the Plaintiffs' Executive Committee, subject to his interest.

### 12 **IV. Movants' Position Regarding the Creation of a Common Benefit Fee and Expense Fund**

13  
 14 As requested by the Court's August 22 Order, Movants are in agreement that a common  
 15 benefit fee and expense fund should be created for the benefit of this litigation. Movants agree  
 16 that the fund should be administered by the proposed co-leads and other members of Plaintiffs'  
 17 leadership, including Adam Evans, Rebecca Phillips, Michael Sacchet, Anne Schiavone, and  
 18 Stuart Ratzan. Plaintiffs will formally move for the creation of a common benefit fee and expense  
 19 fund once leadership has been appointed.

### 20 **CONCLUSION**

21 In sum, Movants respectfully request that the Court approve the proposed leadership  
 22 structure submitted herein as such attorneys comprising the slate have the requisite knowledge,  
 23 skills, and experience to appropriately lead this MDL on behalf of all Plaintiffs. The proposed co-  
 24 lead structure with attorneys Adam M. Evans, Rebecca L. Phillips, and Michael A. Sacchet will  
 25 best serve all Plaintiffs and the attorneys nominated to serve on the proposed committees. The  
 26 proposed Plaintiffs' Executive Committee and Plaintiffs' Steering Committee members offer not  
 27 only diversity, but also apt experience and background to ensure the litigation is run as effectively  
 28 as possible. All the proposed attorneys are committed to working cooperatively with the Court

1 and Defendants to achieve the same goals. Overall, the proposed Plaintiffs' leadership slate  
2 satisfies the factors set forth by the Federal Judicial Center's MANUAL FOR COMPLEX  
3 LITIGATION § 10.224.

4  
5 Dated: September 11, 2023

Respectfully submitted,

6 /s/ Adam M. Evans

Adam M. Evans  
(Admitted Pro Hac Vice)  
Dickerson Oxtan, LLC  
1100 Main Street, Suite 2550  
Kansas City, Missouri 64105  
Phone: (816) 268-1960  
Fax: (816) 268-1965  
Email: [aevans@dickersonoxton.com](mailto:aevans@dickersonoxton.com)

11 /s/ Rebecca L. Phillips

Rebecca L. Phillips  
(Pro Hac Vice Forthcoming)  
Lanier Law Firm  
10940 W. Sam Houston Pkwy N., Ste. 100  
Houston, TX 77064  
Phone: (713) 659-5200  
Fax: (713) 659-2204  
Email: [rebecca.phillips@lanierlawfirm.com](mailto:rebecca.phillips@lanierlawfirm.com)

16 /s/ Michael A. Sacchet

Michael A. Sacchet  
(Pro Hac Vice Forthcoming)  
Ciresi Conlin, LLP  
225 S. 6th St., Ste. 4600  
Minneapolis, MN 55402  
Phone: (612) 361-8220  
Fax: (612) 314-4760  
Email: [MAS@CiresiConlin.com](mailto:MAS@CiresiConlin.com)

**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 11<sup>th</sup> day of September, 2023.

/s/ Adam M. Evans  
Adam M. Evans

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

IN RE: BARD IMPLANTED PORT  
CATHETER PRODUCTS LITIGATION

No. MDL Docket No. 23-3081

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
APPOINTMENT OF PLAINTIFFS'  
LEADERSHIP STRUCTURE**

Assigned to: Hon. David G. Campbell

Pending before the Court is Plaintiffs' Memorandum and Motion for Appointment of Plaintiffs' Leadership Structure and Regarding the Creation of Common Benefit Fee and Expense Fund.

**IT IS ORDERED** that the Motion is **GRANTED**.

1. The following counsel are appointed as leadership on the MDL as indicated below:

<b>Plaintiffs' Co-Lead Counsel</b>	
<b>Counsel Name</b>	<b>Law Firm</b>
Adam M. Evans	Dickerson Oxton, LLC 1100 Main St., Ste. 2550 Kansas City, MO 64105
Rebecca Phillips	Lanier Law Firm 10940 W. Sam Houston Pkwy. N., Ste. 100 Houston, TX 77064

Michael Sacchet	Ciresi Conlin, LLP 225 S. 6 <sup>th</sup> St., Ste. 4600 Minneapolis, MN 55402
-----------------	--

<b>Plaintiffs' Executive Committee ("PEC") / Liaison Counsel</b>	
<b>Counsel Name</b>	<b>Law Firm</b>
Steve German <b>(Liaison Counsel/Local Counsel in Arizona)</b>	Scout Law Group 11201 N. Tatum Blvd., Ste. 110 Phoenix, AZ 85028
Michael Galpern <b>(NJ State Court Liaison)</b>	Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins PC 1000 Haddonfield Berlin Rd., Ste. 203 Voorhees, NJ 08043
Anne Schiavone	Holman Schiavone, LLC 4600 Madison Ave., Ste. 810 Kansas City, MO 64112
Stuart Ratzan	Ratzan Weissman & Boldt 2850 Tigertail Ave., Ste. 400 Coconut Grove, FL 33133
Danielle Rogers	Langdon & Emison 911 Main St. Lexington, MO 64067
Larry Taylor	The Cochran Firm – Dallas, PLLC 1825 Market Center Blvd., Ste. 500 Dallas, TX 75207
Thomas Cartmell	Wagstaff & Cartmell, LLP 4740 Grand Ave., Ste. 300 Kansas City, MO 64112
Alex Barlow	Scott & Scott 7718 Wood Hollow Dr., Ste. 105 Austin, TX 78731
Tom Pirtle	Laminack, Pirtle & Martines 5020 Montrose Blvd. Houston, TX 77006
Shanon Carson	Berger Montague 1818 Market St., Ste. 3600 Philadelphia, PA 19103
Roman Balaban	Balaban Law LLC 8055 East Tufts Ave., Ste. 325 Denver, CO 80237



<b>Plaintiffs' Steering Committee ("PSC")</b>	
<b>Counsel Name</b>	<b>Law Firm</b>
Bradley Leger	Leger Ketchum & Cohoon, PLLC 10077 Grogan's Mill Rd., Ste. 325 The Woodlands, TX 77380
Chelsea Dickerson	Dickerson Oxtan, LLC 1100 Main St., Ste. 2550 Kansas City, MO 64105
Gabe Assaad	McDonald Worley 1770 St. James Pl., Ste. 100 Houston, TX 77056
Jenny Elwell	Berger Montague 1818 Market St., Ste. 3600 Philadelphia, PA 19103
Chad Roberts	eDiscovery CoCounsel, PLLC 1 Independent Dr., B1 Jacksonville, FL 32202
Brian Tadtman	Woodworth Law Firm, LLC 7200 W. 132 <sup>nd</sup> St., Ste. 320 Overland Park, KS 66213
Jose Rojas	Levin, Rojas, Camassar & Reck, LLC 40 Russ St. Hartford, CT 06106
Aaron Dickey	Dickey Anderson, LLC 1104 Moorlands Dr. St. Louis, MO 63117
Robert Brown	Robert Brown Law 3225 Aviation Ave., Ste. 101 Miami, FL 33133
Jakob Norman	Trial Lawyers for Justice, P.C. 1700 Koch St., Ste. 5 Bozeman, MT 59715
Ryan Cavanaugh	Constant Legal Group, LLP 737 Bolivar Rd., Ste. 440 Cleveland, OH 44115
Doug Monsour	Monsour Law Firm 404 N Green St Longview, TX 75601
Jon Conlin	Cory Watson, P.C. 2131 Magnolia Avenue South Birmingham, AL 35205

<b>Sub-Committee Members</b>	
<b>Counsel Name</b>	<b>Law Firm</b>
Noah Lauricella	GoldenbergLaw, PLLC 800 LaSalle Ave. S., Ste. 2150 Minneapolis, MN 55402
Kimberly Boldt	Ratzan Weissman & Boldt 2850 Tigertail Ave., Ste. 400 Coconut Grove, FL 33133
Megan Odom	Ciresi Conlin, LLP 225 S. 6 <sup>th</sup> St., Ste. 4600 Minneapolis, MN 55402
Thomas Dickerson	Dickerson Oxtan, LLC 1100 Main St., Ste. 2550 Kansas City, MO 64105
Brandon Henry	Wagstaff & Cartmell, LLP 4740 Grand Ave., Ste. 300 Kansas City, MO 64112
Joshua Scott	Hinrichs & Scott, LLC 1100 Main St., Ste. 2600 Kansas City, MO 64105
Nickolas Allen	Douglas, Haun & Heidemann, PC 901 E. St. Louis St., Ste. 1200 Springfield, MO 65806
Cameron Cano	Scott & Scott 7718 Wood Hollow Dr., Ste. 105 Austin, TX 78731
Brett Emison	Langdon & Emison 911 Main St. Lexington, MO 64067
Nicholas Rowley	Trial Lawyers for Justice, P.C. 1700 Koch St., Ste. 5 Bozeman, MT 59715
Courtney Rowley	Trial Lawyers for Justice, P.C. 1700 Koch St., Ste. 5 Bozeman, MT 59715
Amanda Summerlin	Taylor Martino, PC 455 Saint Louis St., Ste. 2100 Mobile, AL 36602

1           2. The above Co-Lead Counsel shall submit further details on the creation of a common  
2           benefit fee and expense fund within 30 days.

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

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# **Exhibit A**

Application Letter and Resume – Adam M. Evans



September 11, 2023

The Honorable David G. Campbell  
United States District Court, District of Arizona  
Sandra Day O'Connor U.S. Courthouse, Ste. 623  
410 W. Washington St., SPC 58  
Phoenix, AZ 85003

RE: In Re: Bard Implanted Port Catheter Products Liability Litigation, MDL No. 3081  
Petition for Appointment of Plaintiffs' Leadership Structure

Dear Judge Campbell,

In accordance with the Court's Order Setting Initial Case Management Conference, I respectfully submit my request to be appointed Co-Lead Counsel in the above-referenced MDL. Please accept this letter and my attached resume/CV as a description of my qualifications and willingness to participate in this capacity in the litigation.

## **I. INTRODUCTION**

I have been practicing law since 2008, focusing almost entirely on Mass Tort MDL matters and other forms of complex aggregate litigation involving harmful medical products. Over the course of my career, I have been entrusted with progressively complex leadership roles in various litigations, and in each of them, I have consistently made valuable, sometimes pivotal, contributions to the prosecution and eventual resolution of the case.

I was the prime mover, so to speak, in the early investigation and eventual establishment of multiple products liability litigations involving hernia mesh products. Many of the expert witnesses who provided consultation and/or testimony on behalf of plaintiffs in those litigations are experts that I personally identified, recruited and developed over multiple years to provide such testimony. As will be addressed more fully *infra*, I have served in executive leadership positions in two of those consolidated litigations and have been chosen by leadership in other cases to contribute my talents to the benefit of all plaintiffs.

In the matter before Your Honor, I have uniquely deep knowledge of many aspects of this litigation as a result of having litigated cases involving injuries from the Defendants' implanted port products since 2019. I conducted the scientific literature review and expert consultations that led to the development of the prevailing design defect theory at issue in these cases, and I developed and drafted the ensemble of scientific and technical factual allegations which appear in the Complaints of many of the cases currently pending in this MDL.

Since the summer of 2022, I have organized and led a consortium of attorneys across the country who have committed to investigating and prosecuting the cases which currently comprise this MDL as well as the large volume of similar cases to follow. With all due humility, the time, effort and dedication which I have heretofore devoted to effectively and efficiently prosecute the cases in this MDL exceeds those of any other attorney in the country. In light of this and my qualifications pursuant to the Court's requested selection criteria, I believe I have the experience, expertise, and judgment to effectively serve the Court and Plaintiffs as Co-Lead Counsel in this MDL.

## **II. SELECTION CRITERIA**

### **a. Ability to Work Cooperatively with Others**

Over the course of my career, and increasingly within the preceding decade, I have successfully worked cooperatively within teams of attorneys and support staff to the benefit of my clients and the broader populations of plaintiffs within several litigations. Some recent examples include my work on the Plaintiffs' Executive Committees in *In Re: Atrium Medical Corporation C-Qur Mesh Products Liability Litigation* (MDL No. 2753), *In Re: Proceed Mesh Litigation* (NJ Sup. Ct. MCL No. 630), *In Re: Prolene Hernia System Litigation* (NJ Sup. Ct. MCL No. 633), and *In Re: Physiomesh Litigation* (NJ Sup. Ct. MCL No. 627) as well as my work on the Science and Experts Committee in the *Gilead Tenofovir Cases* (JCCP No. 5043). Each of these assignments required me to work collaboratively with diverse teams of attorneys from across the country to advance the aims of the litigation in an organized and efficient manner. Through my work in these groups, I have developed a reputation in the industry as a consensus-builder and a principled team-player, and this reputation has helped me to build the robust and dedicated team of attorneys which now seeks approval from the Court to help steer this MDL on a prudent course.

I methodically developed the consortium of firms that has been – for more than a year – investigating the cases which are the subject of this MDL and laying the groundwork to assure that the prosecution of these cases proceeds expeditiously, ethically, and professionally. I have organized and led a bi-weekly team call specifically related to this litigation since September of 2022 and worked with the growing roster of team members to organize into specialized subcommittees to advance the investigation and litigation of our respective clients' claims. My leadership of and within this growing team exemplifies my commitment to recognizing the diverse aptitudes and skillsets of other attorneys and encouraging them to apply those gifts to advance a common purpose.

### **b. Willingness and Ability to Commit to a Lengthy and Time-consuming Process**

As a seasoned Mass Tort attorney, I am very well acquainted with the commitments of time and attention required by a case such as this one, and my law firm has purposefully expanded and developed sophisticated protocols to enable us to both (1) serve the needs of our large and growing population of clients with claims likely to be filed in this MDL, and (2) devote the time and effort required to lead this litigation and see it through to its conclusion.

I joined Dickerson Oxton in May of 2022 with a shared vision of expanding the firm's capabilities to serve clients with complex claims that are likely to proceed in consolidated actions which we expect to be lengthy and time-consuming. My Mass Tort/MDL practice serves as a complement to the firm's successful and growing single-event practice, a purposeful partnership which assures that our Mass Tort division can continue to fix a nigh-singular focus on this litigation from beginning to end.

### **c. Professional Experience in This Type of Litigation**

As discussed briefly above, I have spent my entire career litigating complex cases involving prescription drugs and medical devices. The matters in which I have done substantial litigation work include but are not limited to the following:

- Ortho Evra Products Liability Litigation (MDL No. 1742)
- Medtronic, Inc., Sprint Fidelis Leads Prods. Liab. Litig. (MDL 1905)
- Yasmin and YAZ (Drospirenone) Marketing, Sales Practices and Products Liability Litigation (MDL 2100)
- Gadolinium Contrast Dyes Products Liability Litigation (MDL 1909)
- Oral Sodium Phosphate Products Liability Litigation (MDL 2066)
- Xarelto (Rivaroxaban) Products Liability Litigation (MDL 2592)
- Ethicon, Inc., Pelvic Repair System Products Liability Litigation (MDL 2327)
- Boston Scientific Corp. Pelvic Repair Products Liability Litigation (MDL 2326)
- American Medical Systems, Inc., Pelvic Repair Products Liability Litigation (MDL 2325)
- Atrium Medical Corp. C-Qur Mesh Products Liability (MDL 2753)
- Ethicon Physiomesh Flexible Composite Hernia Mesh Products Liability (MDL 2782)
- Davol, Inc./C.R. Bard, Inc., Polypropylene Hernia Mesh Products Liability Litigation (MDL 2864)
- Gilead Tenofovir Cases (JCCP No. 5043)

In the litigations in which I hold or have held an executive leadership position, I have developed a deep understanding of the processes which drive a litigation to a successful conclusion. My dedication to replicating successes of past projects as well avoiding the corresponding failures and missed opportunities is evident to my peers and will serve this MDL well.

### **d. Commitment to Diversity in Leadership**

There is a shared commitment to broad diversity among myself, my firm, and the team of law firms I have helped assemble and coordinate to litigate the cases in this MDL. My firm's commitment to diversity in this MDL and in this industry is evidenced by the Mass Tort division of Dickerson Oxton, which is comprised principally of talented and hard-working women and managed by Chelsea Dickerson, one of the firm's founders and managing partners. Additionally, Dickerson Oxton's dedicated Mass Tort Associate Attorney Elsa Linares-Mascote is a native of El Salvador and brings a unique and valuable perspective to the MDL litigation team in addition to her sincere commitment to developing her skills as an attorney in a thoughtful, principled manner.



One of the mainstays of my efforts to build and coordinate our multi-firm leadership team is a thoroughgoing effort to cultivate diversity of membership. In addition to seeking and welcoming professionals to the team in a way that promotes racial, ethnic, and gender diversity, I have endeavored to include attorneys of varying levels of experience in the Mass Tort practice area. As a result, the proposed leadership group with which I proudly submit my Co-Lead application includes not only seasoned MDL professionals, but also numerous extremely talented and successful litigators and trial lawyers whose respective insight and skillsets have been thoughtfully sought out in order to bolster the wisdom, strength and breadth of experience necessary to serve the needs of this MDL and continue to improve MDL practice into the future.

**e. Access to Resources Necessary to Advance the Litigation**

Dickerson Oxtan is committed to seeing this litigation through and has engaged in purposeful financial and strategic planning in order to assure that ample resources are available to advance this case in a timely manner. As indicated herein, my firm has decisively expanded and developed sophisticated protocols to enable us to devote the time, labor, and finances required to lead this litigation and usher it to a successful resolution. As in other litigations which require the continued contributions of executive leadership (e.g., Atrium C-Qur MDL), we will have no difficulty making the capital contributions and commitment of time and human resources required in this case.

**III. JUDICIAL REFERENCES**

For the most recent and substantive assessments of my work in complex aggregate litigation, Your Honor is welcome to contact the following judges before whom I have had the honor of appearing on behalf of my clients and all plaintiffs in those matters:

1. The Honorable Chief Judge Landya McCafferty, United States District Court for the District of New Hampshire. I have served on the Plaintiffs' Executive Committee of *In Re: Atrium Medical Corp. C-Qur Mesh Products Liability Litigation* (MDL 2753) before Judge McCafferty since 2016. In that matter, I have been involved at every level and in every phase of the MDL. Most recently, I have worked closely with the Special Master appointed by Judge McCafferty to craft the global settlement allocation matrix used in resolution of the MDL.
2. The Honorable Judge John C. Porto, Superior Court of New Jersey, Atlantic County Division. As indicated above, I was appointed to the Plaintiffs' Executive Committees of the three Multi-County Litigations (MCLs) involving Ethicon hernia mesh products pending before Judge Porto. In my roles in those cases, I had the opportunity to present positions and arguments on behalf of all plaintiffs in those MCLs as well as present substantive case-specific briefing and oral argument on various legal and procedural matters.

I welcome this opportunity and respectfully request Your Honor's approval of my appointment as Co-Lead Counsel in this MDL. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam M. Evans', with a large, stylized 'S' or 'E' shape at the end.

Adam M. Evans  
[aevans@dickersonoxton.com](mailto:aevans@dickersonoxton.com)



### **CURRICULUM VITAE – ADAM EVANS**

Dickerson Oxton, LLC  
1100 Main St., Ste. 2550  
Kansas City, MO 64105  
Phone: 816-268-1960  
Fax: 816-268-1965

Email: [aevans@dickersonoxton.com](mailto:aevans@dickersonoxton.com)



Adam M. Evans is an experienced litigator with expertise in medical products liability, environmental and toxic torts, and aggregate litigation. Adam is widely known as an authoritative voice in the legal community regarding emerging mass tort litigations as well as the science and medicine underlying the cases. Adam has been invited to speak throughout the country to educate lawyers and medical professionals about various topics relating to biomaterials science, medicine, and litigation. Adam joined Dickerson Oxton in 2022 and currently heads the firm's Mass Tort Division.

### **BACKGROUND**

Adam completed undergraduate degrees in English and Philosophy at the University of Missouri – Columbia in 2003 and graduated from Rutgers University School of Law – Camden in 2008. After law school, Adam entered private practice representing victims of dangerous drugs and medical devices. Over his career, Adam has represented and obtained recoveries on behalf of thousands of injured clients, including those harmed by surgical mesh products, hormone-based contraceptive drugs, defective defibrillator lead wires, robotic surgery systems, and many others.

Adam regularly serves in Plaintiffs' nationwide leadership in high-profile litigations, including the Plaintiffs' Executive Committee in the Atrium Medical Corp. C-Qur Mesh Multidistrict Litigation, multiple other hernia mesh products liability cases, and the Gilead Tenofovir Coordinated Proceedings (Calif. JCCP 5043). He is also a

co-chair of the Hernia Mesh Litigation Group and the Implantable Port Catheter Litigation Group for the American Association for Justice and the Chairperson for the Kansas Trial Lawyers Association Mass Torts Section.

Adam is admitted to practice in the courts of Missouri, Kansas and New Jersey as well as multiple federal District Courts and the United States Supreme Court. Adam is a member of the American Association for Justice, Missouri Association of Trial Attorneys (MATA), Kansas Trial Lawyers Associate (KTLA) and the Kansas City Metropolitan Bar Association (KCMBA).

Mr. Evans has been recognized as Top 40 Under 40 by the National Trial Lawyers and as a Super Lawyers Rising Star every year since 2014.

In addition to running a busy Mass Tort practice, Adam volunteers legal services to underserved members of his community with the Volunteer Attorney Project through Legal Aid of Western Missouri and with Military Matters, a veterans' pro bono legal clinic operated by KCMBA.

## **HONORS AND AWARDS**

- Super Lawyers Rising Stars
- National Trial Lawyers, Top 40 under 40

## **PRESENTATIONS & PUBLICATIONS**

- "Hernia Prevention: Is an Ounce of Prevention Always Worth a Pound of Cure?" Great Debate Sessions: SAGES 2019 Annual Meeting in Baltimore, MD
- "Mechanisms of Injury in Hernia Mesh Cases," Mass Torts Made Perfect; Mass Tort Nexus; 2018-2019

## **Exhibit B**

Application Letter and Resume – Rebecca Phillips



The Honorable David G. Campbell  
U.S. District Court for the District of Arizona

Via E-Filing

Dated: September 7, 2023

RE: Phillips Application for Plaintiffs' Co-Lead Counsel

Dear Judge Campbell,

Pursuant to your order of August 22, 2023, I write to request your consideration for a co-lead position in *IN RE: Bard Implanted Port Catheter Products Liability Litigation*, No. MDL 23-03081-PHX-DGC.

Your August 22 order identified five selection criteria that are important for leadership, and my professional experience illustrates that I meet those criteria. To begin, since 2018, I have personally played a significant role in *In Re Texas Opioid Litigation*, No. 18-0358, pending in the 152nd District Court of Harris County, Texas before the Honorable Robert Schaffer. In that case, my firm co-represented Dallas County, the first bellwether trial selected. Dallas County's case was led by Jeffrey Simon of Simon, Greenstone, Panatier and Dara Hegar of Lanier Law Firm.

I worked hand in hand with lead counsel, and my work consisted of the full range of tasks, including but not limited to: formulating general case strategy; negotiating case management orders and special protocols; leading state discovery against numerous defendants, including Actavis, Allergan, Endo, Johnson & Johnson, Mylan, and Purdue Pharma; coordinating with discovery teams for other defendant groups (distributors, pharmacies, and pharmacy benefit managers); working with experts; collaborating with other opioid MDL litigations; managing the drafting and filing of briefing, including motions to dismiss, appeals, discovery motions, and nearly 30 responses to motions for summary judgment and motions to exclude experts; arguing in court; taking depositions; preparing for trial; and drafting settlement agreements. After five years of litigation and appeals, most of the defendants have settled and on a statewide basis, providing billions for Texas counties to remediate the opioid epidemic.

The opioid litigation has been called one of the largest and most complex litigations in the history of the U.S. civil justice system. Because so many states and counties were involved and in so many jurisdictions, the case necessitated that plaintiffs' counsel work in collaboration with federal court litigating coalitions, state court litigating coalitions, and attorneys general – in addition to working within their own leadership structures and with about a dozen defendants. In the endeavor, I worked with attorneys representing clients all across the country. I also played smaller roles in representing bellwether clients in Missouri and in the federal opioid litigation.

**HOUSTON**  
The Lanier Law Firm, PC  
10940 W. Sam Houston Pkwy N.  
Suite 100  
Houston, TX 77064  
713.659.5200  
Fax 713.659.2204

**NEW YORK**  
The Lanier Law Firm, PLLC  
Tower 56  
126 East 56th Street  
6th Floor  
New York, NY 10022  
212.421.2800  
Fax 212.421.2878

**LOS ANGELES**  
The Lanier Law Firm, PC  
2829 Townsgate Rd.  
Suite 100  
Westlake Village, CA 91361  
310.277.5100  
Fax 310.277.5103

Before joining Lanier Law Firm, I practiced in mass torts at Heard Robins Cloud, LLP (now Robins Cloud, LLP). For more than three years, I was the associate manager of a docket of nearly 2,000 transvaginal mesh (“TVM”) cases filed in various state and federal courts against several different defendants concerning several different TVM products. Heard Robins Cloud was part of a steering committee, and I ultimately worked up approximately 20 cases for trial, including the taking and defending of all case-specific depositions and drafting all necessary case-specific expert reports and briefs.

To a lesser extent, at Heard Robins Cloud and Lanier Law Firm, I have worked on various mass torts, including cases concerning EzriCare eyedrops, Xarelto, Propecia, Zofran, and NFL concussions. I was appointed to the Plaintiff Steering Committee in *In re: Onglyza (Saxagliptin) and Kombiglyze (Saxagliptin and Metformin) Products Liability Litigation*, 5:18-md-02809-KKC, where I assisted with a portion of one brief and managed a small amount of document review.

I am currently the Mass Torts Director at Lanier Law firm, meaning that I coordinate firm involvement in mass torts, including initial case vetting, collaboration between dockets, resource sharing, and communication with coordinating counsel.

As an attorney at Lanier Law Firm and in my capacity as Mass Torts Director, I have access to the firm’s rich and successful experience in mass torts. Lanier Law Firm attorneys have been appointed to the following state or federal coordinated proceedings:

- *In Re: 3M Combat Arms Ear Plug Products Liab. Litig.*, 3:19-md-2885 (N.D.FI);
- *In Re: Gardasil Prods Liab. Litig.*; 3:22-md-03036 (W.D.N.C);
- *In Re: Acetaminophen - ASD-ADHD Prods Liab. Litig.*, 1:22-md-03043 (S.D.N.Y.);
- *In Re: Google Digital Advertising Antitrust Litig*, 1:21-md-03010-PKC (S.D.N.Y.);
- *In re National Prescription Opiate Litig.*, 1:17-MD-2804 -02738 (N.D. OH);
- *In re Johnson & Johnson Talcum Powder Prods, Mktg., Sales Practices & Prods. Liab. Litig.*, 3:16-md-02738 (D.N.J.);
- *In re DePuy Orthopedics, Inc., Pinnacle Hip Implant Prods. Liab. Litig.*, 3:11-md-2244 (N.D. Tex.);
- *In re Actos (Pioglitazone) Prods. Liab. Litig.*, 6:11-md-2299 (W.D. La.);
- *In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Practices & Antitrust Litig.*, 17-md-2785 (D.Kan.);
- *In re DePuy Orthopaedics, Inc., ASR Hip Implant Prod. Liab. Litig.*, 1:10-md-2197 (N.D. Ohio);
- *In re Am. Med. Sys., Inc., Pelvic Repair Sys. Prods. Liab. Litig.*, MDL No. 2325 (S.D.W. Va.);
- *In re Boston Scientific Corp. Pelvic Repair Sys. Prods. Liab. Litig.*, MDL No.2326 (S.D.W. Va.);
- *In re Ethicon, Inc., Pelvic Repair Sys. Prods., Liab. Litig.*, MDL No. 2327 (S.D.W.Va.);
- *In re C. R. Bard, Inc., Pelvic Repair Sys. Prod. Liab. Litig.*, MDL No. 2187 (S.D.W. Va.);
- *In re Zimmer NexGen Knee Implant Prods. Liab. Litig.*, MDL No. 2272 (N.D.Ill.);



- *In re Vioxx Mktg., Sales Practices & Prods. Liab. Litig.*, 2:05-md-1657 (E.D. La.);
- *In re Bextra and Celebrex Mktg., Sales Practices & Prods. Liab. Litig.*, M:05-cv-01699, (N.D. Cal.);
- *In re Testosterone Therapy Prods. Liab. Litig.*, 1:14-cv-1748 (N.D. Ill.);
- *In re Biomet M2a Magnum Hip Implant Prods. Liab. Litig.*, 3:12-md-2391 (N.D.Ind.);
- *In re Yasmin & Yaz (Drospirenone) Mktg., Sales Practices & Prods. Liab. Litig.*, MDL No. 2100 (S.D. Ill.);
- *In re Zyprexa Prods. Liab. Litig.*, 04-md-1596 (E.D.N.Y.);
- *In re Mirena IUD Prods. Liab. Litig.*, 13-md-2434 (S.D.N.Y.);
- *In re Lipitor (Atorvastatin Calcium) Prods. Liab. Litig.*, 14-mn-2502 (D.S.C.);
- *In re Avandia Mktg., Sales Practices & Prods. Liab. Litig.*, 07-md-01871 (E.D.Pa.);
- *In re Neurontin Mktg. & Sales Practices Litig.*, 04-cv-10981 (D. Mass.);
- *In re Levaquin Prods. Liab. Litig.*, 08-md-1943 (D. Minn.);
- *In re Propecia (Finasteride) Prods. Liab. Litig.*, 1:12-md-02331 (E.D.N.Y.);
- *In re Heparin Prods. Liab. Litig.*, 1:08-hc-60000 (N.D. Ohio);
- *In re Digitek Prods. Liab. Litig.*, MDL No. 1968 (S.D.W. Va.); and
- *In re Chantix (Varenicline) Prods. Liab. Litig.*, 2:2009-cv-02039 (N.D. Ala.).

In addition the firm's deep experience, I have access to firm financial and employee resources that have in the past proved more than sufficient to meet the needs of these cases. We have 54 attorneys, 19 of whom are women. Our offices are located in Houston, California, New York, and Puerto Rico.

I have also personally participated in complex litigation outside of mass torts. In early 2020, I co-led the trial of a Section 1983 civil rights case in Orange County, California, before the Honorable Craig Griffin. In a jury trial that stretched almost two months including pre-trial arguments, we proved that county social workers violated a mother's constitutional rights by deceiving a judge and wrongfully taking her child. The jury also determined that Orange County's child protection agency failed to sufficiently train its employees and had a pattern and practice of allowing employees to deceive judges. An appellate court upheld the verdict and even published its opinion, citing two reasons:

First, we reiterate the need for sufficient and appropriate training for all Agency employees. Second, we reinforce the absolute necessity of complete, accurate, and honest reports by the Agency in dependency cases, given the juvenile court's reliance on the knowledge and expertise of the Agency in making its decisions.<sup>1</sup>

Our firm is proud of this hard-fought verdict and hopes that it positively impacts the lives of children and families in Orange County for years to come.

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<sup>1</sup> *Casey N. v. Cnty. of Orange*, 86 Cal. App. 5th 1158, 1161–62, (2022), available at <https://law.justia.com/cases/california/court-of-appeal/2022/g059917.html#:~:text=First%2C%20we%20concludethe%20trial,to%20the%20jury%20for%20deliberation.>



Prior to becoming a plaintiff lawyer, I worked for nearly four years representing corporate clients in complex litigation, primarily in oil and gas royalty class action litigation. Thus, I have experience working with big firms and in big litigations on both sides of the case.

In conclusion, from the above, I hope it is clear that I possess (1) the ability to work with others, (2) a willingness and ability to commit to a lengthy and time-consuming process, (3) professional experience in this type of litigation, (4) gender and experience diversity, and (5) access to sufficient resources to advance the litigation in a timely manner. The judges most familiar with my work would be:

- The Honorable Robert K. Schaffer in the 152nd District Court of Harris County, Texas, before whom I spent the last several years practicing in *In Re Texas Opioid Litigation*, No. 18-0358; and
- The Honorable Craig L. Griffin in Department N17 of the Superior Court of California, County of Orange, before whom I co-led the trial of *Nachtrieb v. County of Orange*, No. 30-2011-00467326.

A copy of my resume is appended for your consideration. Thank you for your time, and if I can provide any other information to the Court, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rebecca L. Phillips", written over a horizontal line.

Rebecca L. Phillips

[rebecca.phillips@lanierlawfirm.com](mailto:rebecca.phillips@lanierlawfirm.com)

LANIER LAW FIRM

LANIER LAW FIRM • 10940 W SAM HOUSTON PARKWAY N • HOUSTON, TEXAS  
REBECCA.PHILLIPS@LANIERLAWFIRM.COM

## REBECCA L. PHILLIPS

### EXPERIENCE

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#### **Lanier Law Firm PC**

**Mass Torts Director** *Aug. 2023 – Present*, **Senior Attorney** *Sept. 2018 – July 2023* **Houston, TX**

- Manage firm involvement in mass torts, from case vetting and discovery through trial; manage Opioid MDL discovery and trial preparation in Texas, Missouri, and Massachusetts, including arguing in court, drafting briefing and appellate motions up to the state supreme court, taking depositions, and working with a team of co-counsel to devise litigation strategy, and negotiating and drafting settlement agreements; consult on discovery and briefing in Federal Opioid MDL; Plaintiff Steering Committee member of Onglyza MDL; winning co-lead trial counsel in constitutional-rights violation lawsuit

#### **Robins Cloud LLP**

**Litigation Associate** *April 2015 – Aug. 2018* **Houston, TX**

- Associate-manager of trial preparation for mass-torts dockets, representing approximately 2,000 people injured by transvaginal mesh and pharmaceuticals; handle all aspects of trial preparation and settlement, including taking approximately 80 depositions and completing trial discovery for nearly 20 individual cases, researching and drafting briefs, coordinating with aligned counsel, and general docket management of intake and settlements; oversee team of paralegals; handle firm appeals

#### **Schiffer Odom Hicks & Johnson PLLC**

**Litigation Associate** *April 2013 – March 2015* **Houston, TX**

- Represented companies in commercial litigation; winning second-chair counsel for plaintiff in contract arbitration; handled all aspects of trial preparation, including argument and examination at hearings, depositions and discovery, brief drafting and research, settlement negotiations, and client counseling

#### **Vinson & Elkins L.L.P. – Complex Commercial Litigation Department**

**Litigation Associate** *Oct. 2011 – March 2013, May 2010 – July 2010* **Houston, TX**

- Represented corporations in commercial litigation, primarily class-action royalty disputes; conducted legal research, drafted memos, assisted with briefing and trial preparation; work with appellate counsel; argued asylum and secured Special Immigrant Juvenile Status for *pro bono* client

#### **Office of the Attorney General – Civil Litigation Department**

**Little Rock, AR**

**Clerk** *June 2009 – Aug. 2009*

- Assisted with representation of the State of Arkansas in various cases, including second-chairing an employment discrimination trial and drafting appellate briefing

### EDUCATION

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**Yale Law School**, New Haven, CT

J.D., *May 2011*

Activities: Yale Law and Policy Review - Editor

Morris Tyler Moot Court

Non-Profit Organizations Clinic, Legislative Advocacy Clinic

**Arkansas State University**, Jonesboro, AR

B.A. *magna cum laude* in Political Science, *May 2006*

Honors: Baylor University's Southwest Model Arab League Outstanding Delegate

Most Outstanding Political Science Graduate

### HONORS

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- Super Lawyers Rising Star 2022-2023
- Lawdragon Top 500 Leading Plaintiff Consumer Lawyers 2020, 2022-2023
- National Trial Lawyers Top 40 Under 40 2017-2023
- American Association for Justice Leadership Academy 2017

LANIER LAW FIRM • 10940 W SAM HOUSTON PARKWAY N • HOUSTON, TEXAS  
REBECCA.PHILLIPS@LANIERLAWFIRM.COM

## REBECCA L. PHILLIPS

### EXPERIENCE

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#### **Lanier Law Firm PC**

**Mass Torts Director** *Aug. 2023 – Present*, **Senior Attorney** *Sept. 2018 – July 2023* **Houston, TX**

- Manage firm involvement in mass torts, from case vetting and discovery through trial; manage Opioid MDL discovery and trial preparation in Texas, Missouri, and Massachusetts, including arguing in court, drafting briefing and appellate motions up to the state supreme court, taking depositions, and working with a team of co-counsel to devise litigation strategy, and negotiating and drafting settlement agreements; consult on discovery and briefing in Federal Opioid MDL; Plaintiff Steering Committee member of Onglyza MDL; winning co-lead trial counsel in constitutional-rights violation lawsuit

#### **Robins Cloud LLP**

**Litigation Associate** *April 2015 – Aug. 2018* **Houston, TX**

- Associate-manager of trial preparation for mass-torts dockets, representing approximately 2,000 people injured by transvaginal mesh and pharmaceuticals; handle all aspects of trial preparation and settlement, including taking approximately 80 depositions and completing trial discovery for nearly 20 individual cases, researching and drafting briefs, coordinating with aligned counsel, and general docket management of intake and settlements; oversee team of paralegals; handle firm appeals

#### **Schiffer Odom Hicks & Johnson PLLC**

**Litigation Associate** *April 2013 – March 2015* **Houston, TX**

- Represented companies in commercial litigation; winning second-chair counsel for plaintiff in contract arbitration; handled all aspects of trial preparation, including argument and examination at hearings, depositions and discovery, brief drafting and research, settlement negotiations, and client counseling

#### **Vinson & Elkins L.L.P. – Complex Commercial Litigation Department**

**Litigation Associate** *Oct. 2011 – March 2013, May 2010 – July 2010* **Houston, TX**

- Represented corporations in commercial litigation, primarily class-action royalty disputes; conducted legal research, drafted memos, assisted with briefing and trial preparation; work with appellate counsel; argued asylum and secured Special Immigrant Juvenile Status for *pro bono* client

#### **Office of the Attorney General – Civil Litigation Department**

**Little Rock, AR**

**Clerk** *June 2009 – Aug. 2009*

- Assisted with representation of the State of Arkansas in various cases, including second-chairing an employment discrimination trial and drafting appellate briefing

### EDUCATION

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**Yale Law School**, New Haven, CT

J.D., *May 2011*

Activities: Yale Law and Policy Review - Editor

Morris Tyler Moot Court

Non-Profit Organizations Clinic, Legislative Advocacy Clinic

**Arkansas State University**, Jonesboro, AR

B.A. *magna cum laude* in Political Science, *May 2006*

Honors: Baylor University's Southwest Model Arab League Outstanding Delegate

Most Outstanding Political Science Graduate

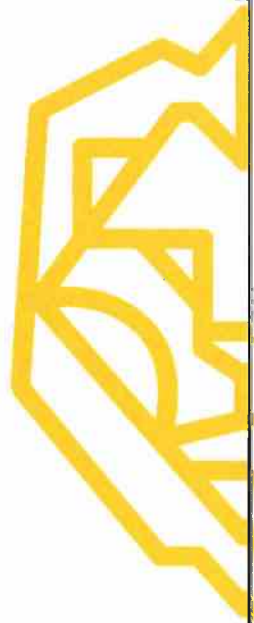
### HONORS

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- Super Lawyers Rising Star 2022-2023
- Lawdragon Top 500 Leading Plaintiff Consumer Lawyers 2020, 2022-2023
- National Trial Lawyers Top 40 Under 40 2017-2023
- American Association for Justice Leadership Academy 2017

## **Exhibit C**

Application Letter and Resume – Michael Sacchet



**Ciresi Conlin** LLP

*Via E-Filing*

September 7, 2023

The Honorable David G. Campbell  
U.S. District Court for the District of Arizona  
401 W. Washington St.  
Phoenix, AZ 85003

Re: Application for Plaintiffs' Co-Lead Counsel in MDL 3081

Dear Judge Campbell:

I am a partner at Ciresi Conlin LLP, a boutique law firm in Minneapolis, Minnesota. Pursuant to the Court's August 22, 2023 Order, I seek an appointment as Co-Lead Counsel in *In re: Bard Implanted Port Catheter Products Liability Litigation* (MDL 3081). I am counsel of record in *Cook v. Becton, Dickinson & Co.*, No. 0:23-cv-02700 (D. Minn.), which is currently pending transfer to this Court.

**I. Introduction**

Over the past decade, I have dedicated my career to complex civil litigation and representing individuals injured by corporate malfeasance. Most recently, I represented over 200,000 servicemembers in *In re: 3M Combat Arms Earplug Products Liability Litigation* (MDL 2885), the largest MDL in American history. With that MDL recently settled for over \$6 billion, I am prepared to devote myself to this litigation.

After graduating from Harvard Law School, I began my career as a law clerk to Judge Diana E. Murphy (8th Cir.) and Judge Philip S. Gutierrez (C.D. Cal.). Both clerkships sharpened my proverbial pen and solidified my passion for research and writing. I put these skills to the test in the *Earplugs* MDL as a member of the Plaintiffs' Steering Committee and as the Chair of the Law & Briefing Subcommittee. Among other motions, I drafted and argued cross-motions for summary judgment on 3M's global preemption defense. Plaintiffs not only defeated 3M's motion but prevailed on their own motion for summary judgment, paving the way for hundreds of thousands of cases to proceed to trial. The MDL judge praised my oral argument as "outstanding" and "as good as any" she had seen in her 18-year career on the bench.

Michael A. Sacchet  
*Partner*

E: MAS@CiresiConlin.com  
P: 612-361-8220

225 South 6th St.  
Suite 4600  
Minneapolis, MN 55402  
612-361-8200  
CiresiConlin.com

September 7, 2023

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My written and oral advocacy skills also benefited thousands of injured plaintiffs in *In re: Bair Hugger Forced Air Warming Devices Products Liability Litigation* (MDL 2666). After an early victory on general causation, the court reversed itself and dismissed the MDL, teeing up a global appeal that I briefed and argued in the Eighth Circuit. Notwithstanding abuse-of-discretion review, the panel unanimously reversed, breathing life back into over 6,000 cases.

Although I remain forever committed to excellence in research and writing, working on these MDLs has unearthed my passion and talents in all aspects of complex litigation. I evolved from a virtuoso in law and briefing to a utility player. In *Bair Hugger*, for example, I not only briefed general-causation issues but also parsed scientific literature; deposed epidemiologists, biostatisticians, and orthopedic surgeons; and cross-examined key causation experts at trial. Likewise, in *Earplugs*, I was not isolated in an ivory tower while drafting *Daubert*, choice-of-law, summary-judgment, and pre-trial motions; rather, I put my knowledge of the law and facts into action by synthesizing hot documents, strategizing for 30(b)(6) depositions, and preparing key experts. Recognizing that my knowledge ran a mile wide and a mile deep, Plaintiffs' leadership invited me to serve as co-lead trial counsel for five bellwethers. I handled everything from oral argument on directed verdict to direct and cross-examinations of the most important fact and expert witnesses, contributing to over \$200 million in verdicts for our country's veterans.

In sum, I humbly believe I have both the experience and expertise to serve as Co-Lead Counsel in this MDL. I will learn this case inside out and see it through from start to finish.

## **II. Selection Criteria**

### **1. Ability to Work Cooperatively with Others**

My history of collaboration dates back to before law school during my service with Teach for America. The organization's mission is to "develop[] ... equity-oriented leaders—individually and in teams." During my two years as an 8th grade math and science teacher at Cesar Chavez Middle School in East Palo Alto, California, I collaborated with fellow teachers, support staff, administration, and parents, all for the common good of helping under-privileged students.

Today, I use the same skills in my mass tort practice. Serving on four different committees in the *Bair Hugger* MDL, I quickly learned the importance of cooperation across committees, sharing not only status-update sound bites but also ideas and work product. There, I managed a multi-member appellate team that spanned across the country: I shepherded the appeal from the Eighth Circuit to cert petitions, and along the way I delegated tasks to tap into team members' diverse talents, which ranged from appellate writing to scientific literature to public relations.

Collaboration within and across committees continued in the *Earplugs* MDL. As a member of the Plaintiffs' Steering Committee, I regularly liaised with leadership and other committees to coordinate our efforts. As the Chair of the Law & Briefing Subcommittee, I oversaw dozens of attorneys. I hosted weekly meetings for nearly four years of litigation, managing time-sensitive deadlines and allocating meaningful work to all members. My team brainstormed and strategized together, and our collaboration continued offline with an iterative, rigorous editorial process.



September 7, 2023

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My commitment to collaboration reached its zenith in back-to-back bellwether trials that also demanded seamless synergy. I was co-lead counsel for several of those pivotal trials, each with a different mix of lawyers and law firms. I valued the contributions of each team member, from paralegals handling record redactions to all-star trial lawyers workshopping opening and closing statements. My colleagues and I quickly integrated with these teams, pitching in wherever needed to accomplish our shared mission. As a testament to our teamwork, lead counsel invited us to try his firm's bellwether case, and co-lead counsel invited us to try their multi-plaintiff bellwether case. Together, our firms brought home the largest single-plaintiff verdict (\$77.5 million) and the largest multi-plaintiff verdict (\$110 million) in the MDL.

Given my track record of collaboration and integrity in all aspects of practice, the attorneys who worked on this case before consolidation brought me into the fold. I welcome the opportunity to be a leader and team player—this time in the courtroom instead of the classroom.

## **2. Willingness and Ability to Commit to a Lengthy and Time-Consuming Process**

When I commit to a case, I go all in. I devoted my life to the *Earplugs* MDL over the past four years, personally logging over 10,000 hours on that litigation alone. My firm, with its small but mighty team of lawyers and paralegals, accrued more common-benefit hours than any other firm except the co-leads. Just last week, however, the MDL resolved for over \$6 billion. Although I had anticipated arguing several appeals in the Eleventh Circuit over the next year, the parties recently moved to stay all pending appeals, freeing up my time to work on this case.

After nearly a decade of litigation, the *Bair Hugger* MDL is still ongoing, but my most significant time commitment is in the rearview mirror. From 2020 to 2021, I was hard at work briefing and arguing plaintiffs' appeal of the district court's *Daubert* decision disposing of the MDL. After the Eighth Circuit's reversal reviving the MDL, the case has remained largely inactive. General discovery, motion practice, and bellwether trials have long since ended. Over the past two years, there have been only two status conferences before the magistrate judge, while the parties have been engaged in several rounds of mediation at the district court's direction. If the MDL does not settle soon, remand appears imminent, and those plaintiffs are represented by other firms. I am therefore ready and willing to devote most of my time to this new litigation.

## **3. Professional Experience in This Type of Litigation**

My firm's roots in multi-district litigation began almost half a century ago, with founding partner Michael V. Ciresi serving as lead counsel in the earliest mass torts, including *Dalkon Shield* (1983) and *Copper-7* (1988). He was also lead counsel in *State of Minnesota v. Philip Morris Inc.*, the Big Tobacco case that settled for \$7 billion on the eve of jury deliberations. That rich history drew me to Ciresi Conlin, together with the firm's commitment to leveling the playing field for individuals who have been harmed by corporate misconduct.

I worked hand-in-hand with Mr. Ciresi throughout the *Bair Hugger* MDL, where he served as co-lead counsel. From the get-go, I supported him in his leadership duties, while also fulfilling my own commitments as a member of four committees. I deposed fact witnesses, prepared and deposed experts, and drafted and argued dispositive and non-dispositive motions. Over the years, I transitioned to a more forward-facing role, appearing before the court and liaising with opposing

September 7, 2023

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counsel in Mr. Ciresi's stead. I handled countless status conferences, argued myriad motions in addition to a global appeal, tried a case, participated in mediations, and recently negotiated a protocol for future trials and/or remand.

In the *Earplugs* MDL, a merit-selection process opened the door for me to take on additional leadership roles. After reviewing approximately 200 applications from attorneys across the country, the MDL court appointed me to the Plaintiffs' Steering Committee and named me Chair of Law & Briefing. I, along with my team, drafted the master complaint; *Daubert*, choice-of-law, summary-judgment, and pre-trial motions; as well as post-trial briefs and several merits appeals. I was a key member of five trial teams, conducting critical direct and cross-examinations in addition to handling oral argument and charge conferences. Obtaining more than \$200 million in verdicts in less than a year, I never lost a bellwether trial. Most recently, leadership chose me as lead appellate counsel in several multi-million-dollar bellwether appeals and in 3M's interlocutory appeal of the MDL court's global ruling on successor liability. *E.g.*, *Wilkerson v. 3M*, No. 22-12719 (11th Cir.); *Adkins v. 3M*, No. 22-12812 (11th Cir.); *Aaby v. 3M*, No. 23-90001 (11th Cir.).

Outside the MDL context, I have served as lead counsel in a variety of complex civil cases. By way of example, I have drafted appellate briefs in the Eighth Circuit and Minnesota Supreme Court, *see, e.g.*, *Gill v. Gill*, No. A16-1421 (Minn.), and honed my oral-argument, deposition, and trial skills in consumer-protection actions, *see, e.g.*, *Garry v. Andersen Corp.*, No. 19HA-cv-17-675 (Minn. Dist.). My experience in these additional complex matters, together with several mass torts and class actions, has adequately prepared me to serve as Co-Lead Counsel here. *See, e.g.*, *In re Foreign Exch. Benchmark Rates Antitrust Litig.*, No. 13-cv-7789 (S.D.N.Y.); *Carver v. Bank of N.Y. Mellon*, No. 1:15-cv-10180 (S.D.N.Y.); *Friedrich v. 3M*, No. 62-cv-23-3087 (Minn. Dist.).

#### 4. Gender and Experience Diversity Within Leadership Teams

I wholeheartedly share the Court's commitment to "achiev[ing] diversity in [] leadership selections."<sup>1</sup> To that end, I have endeavored to elevate other diverse attorneys in the proposed leadership slate. We prioritized including racially diverse attorneys on the Plaintiffs' Executive Committee and Plaintiffs' Steering Committee, in particular. I personally advocated for bringing gender diversity to the Science & Experts Subcommittee, which is traditionally male-dominated. This is consistent with my firm's commitment to diversity, equity, and inclusion: 10 of our 20 attorneys are women, and three of four members of our firm's executive leadership are women.

Plaintiffs' proposed leadership slate is also progressive in proposing three co-lead counsel all under the age of 50. To be sure, I am significantly younger than traditional co-lead counsel, but my age is an asset. Never resting on my laurels, I remain hungry for new challenges and bring a fresh perspective—willing to question the status quo, yet deferential to time-tested theories.

I also bring diversity of experience, having served on nearly every type of MDL subcommittee. In addition to serving as a member of the Plaintiffs' Steering Committee in the *Earplugs* MDL, I was the Chair of the Law & Briefing Subcommittee. And in the *Bair Hugger* MDL, I served on the Science & Expert Committee, Law & Briefing Committee, ESI Discovery

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<sup>1</sup> Judge David G. Campbell & Jeffrey A. Kilmark, *Advice to a New MDL Judge on Discovery Management*, 89 UKMC L. Rev. 889, 889 n.3 (2021).



September 7, 2023

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Committee, and Bellwether Committee. I hope to further diversify my experience by serving as Co-Lead Counsel and a member of the Trial Committee and Law & Briefing Committee here.

### **5. Access to Sufficient Resources to Advance the Litigation in a Timely Manner**

Ciresi Conlin LLP is prepared to finance this MDL with its own funds. It has the financial wherewithal to meet all cash calls, as demonstrated in the recent *Earplugs* and *Bair Hugger* MDLs. Alternative arrangements with banks, vendors, and third-party financiers will not be necessary. My firm is also prepared to commit staffing resources. Our team of experienced mass tort attorneys and paralegals is ready to go and steer this case through to timely resolution.

### **III. Judicial References**

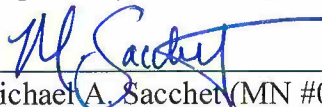
Judge M. Casey Rodgers (N.D. Fla.) is most familiar with my character and capabilities. She has seen my work in all aspects of the *Earplugs* MDL, from briefing to argument to trial. Judge Rodgers presided over four of the five bellwether cases that I tried over the past two years.

The Court may also contact Judge David R. Herndon (Ret.), Magistrate Judge Gary R. Jones (N.D. Fla.), and Judge James M. Rosenbaum (Ret.). Judge Herndon served as the Special Master in the *Earplugs* MDL and can attest to my demeanor and abilities in meet and confers, negotiations, and at trial. Magistrate Judge Jones presided over discovery-related issues and case management conferences in the *Earplugs* MDL and can comment on my oral argument skills. Finally, I worked closely with Judge Rosenbaum in the *Bair Hugger* MDL in connection with settlement negotiations and creating a case-selection protocol for remand. I am glad to provide the Court with contact information for these and other judges upon request.

### **IV. Conclusion**

A copy of my web profile is attached hereto. Please advise if I can provide anything further to assist the Court's review. Thank you in advance for your time and consideration.

Respectfully submitted,



Michael A. Sacchet (MN #0395817)  
CIRESI CONLIN LLP  
225 S. 6th St., Suite 4600  
Minneapolis, MN 55402  
Phone: 612-361-8200  
mas@ciresiconlin.com



## Michael A. Sacchet

Partner

MAS@CiresiConlin.com  
612-361-8220

A handwritten signature in black ink, appearing to read "M. Sacchet", written in a cursive style.

I seek truth. Inside the courtroom, I collaborate with small and talented teams to advocate zealously for it. Outside the courtroom, I synthesize case law, parse statutes, and creatively write for it. And with each and every other moment, I dedicate my life to it. That's why I work here, a law firm that upholds the truth by protecting the promise of liberty and justice for all.

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## Experience

Sacchet specializes in complex civil litigation, including multi-district litigation. Involved in all aspects of the case, Sacchet excels at briefing, oral argument, and cross-examining expert witnesses at deposition and trial.

Sacchet has co-tried numerous cases to verdict, including five bellwether trials in the 3M Earplugs MDL—the largest MDL in American history. Obtaining more than \$200 million in verdicts in less than a year, Sacchet never lost a 3M Earplugs trial

and helped secure the largest multi-plaintiff verdict (\$110 million) and the largest single-plaintiff verdict (\$77.5 million) in the MDL.

Sacchet has also briefed and argued discovery, dispositive, pre-trial, and post-trial motions in federal and state district courts across the country. He has drafted appellate briefs and/or argued before the United States Supreme Court, United States Court of Appeals for the Eighth and Eleventh Circuits, Minnesota Supreme Court, and Minnesota Court of Appeals. Notably, Sacchet was appointed to the Plaintiffs' Steering Committee and named Chair of the Law, Briefing, and Legal Drafting Committee in MDL 2885: *In re 3M Combat Arms Earplug Products Liability Litigation*. A four-member panel appointed Sacchet to both positions after reviewing nearly 200 applications from attorneys across the country and listening to 64 presentations over a 2-day period. As Chair of Law & Briefing, Sacchet briefed and argued cross-motions for summary judgment on 3M's global preemption defense. The MDL judge hailed Sacchet's oral argument as "outstanding" and "as good as any" she'd seen in her 18 years on the bench. The MDL court granted plaintiffs' motion for summary judgment and denied 3M's cross motion on the government contractor defense, allowing over 200,000 cases to proceed to trial. In addition, Sacchet defeated numerous *Daubert* and other dispositive motions in MDL 2666: *In re Bair Hugger Forced Air Warming Devices Products Liability Litigation*. As a result of the arguments that Sacchet briefed and argued in the Eighth Circuit, nearly 6,000 cases against 3M were reinstated after the district court erroneously excluded plaintiffs' general-causation experts and dismissed the MDL.

Finally, as a certified mindfulness meditation teacher, Sacchet frequently presents CLEs on mindful lawyering. He also leads meditation practice groups for lawyers and the public. Please contact Sacchet to learn more about those opportunities.

Prior to joining Ciresi Conlin, Sacchet served as a law clerk to Judge Diana E. Murphy of the United States Court of Appeals for the Eighth Circuit and to Judge Philip S. Gutierrez of the United States District Court for the Central District of California. Before law school, Sacchet served as a Teach for America Corps Member in East Palo Alto, California.

Sacchet graduated with honors from Harvard Law School, where he was an editor of the Harvard Civil Rights-Civil Liberties Law Review, argued and wrote award-winning briefs in the Ames Moot Court Competition, and received numerous dean's scholar prizes for outstanding academic work. He graduated first in his class from Northwestern University, where he was honored with the Top Grade Point Average Award as well as the Best Legal Studies Undergraduate Thesis Award.

## Bar Admissions

- Minnesota
- U.S. District Court, Minnesota
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Eleventh Circuit

## Selected Case Results

***In re 3M Combat Arms Earplug Prods. Liab. Litig., MDL 2885:*** Appointed to Plaintiffs' Steering Committee and named Chair of the Law & Briefing Committee. Briefed, argued, and defeated 3M's global preemption defense (government contractor) on summary judgment, allowing more than 200,000 cases to proceed to trial. Briefed and argued all other MDL matters, including choice-of-law and *Daubert* motions, resulting in the exclusion of 3M's general experts. Co-tried five bellwether cases in the MDL, obtaining over \$200 million in verdicts, including the largest multi-plaintiff verdict (\$110 million) and the largest single-plaintiff verdict (\$77.5 million). Defended bellwether verdicts on appeal as lead counsel. The MDL recently settled for over \$6 billion.

- *Estes, Hacker, and Keefer v. 3M Co.:* Assisted in summary-judgment, pre-trial, and post-trial briefing. Handled all argument at trial, including directed verdict and charge conference, resulting in multi-million-dollar verdicts (\$2.45 million, \$2.26 million, and \$2.42 million). Represented Plaintiffs on appeal.
- *Baker v. 3M Co.:* Assisted in summary-judgment, pre-trial, and post-trial briefing. Conducted direct examination of key witness and handled all argument at trial, including directed verdict and charge conference, resulting in \$1.054 million verdict. Represented Plaintiff on appeal.
- *Adkins v. 3M Co.:* Assisted in summary-judgment, pre-trial, and post-trial briefing. Served as co-lead trial counsel, conducting direct and cross examinations of key witnesses. Defended \$8.2 million verdict as lead counsel on appeal.
- *Sloan and Wayman v. 3M Co.:* Assisted in summary-judgment, pre-trial, and post-trial briefing. Served as co-lead trial counsel, conducting direct and cross-examinations of key witnesses, resulting in combined \$110 million verdict.
- *Beal v. 3M Co.:* Assisted in summary-judgment, pre-trial, and post-trial briefing. Served as co-lead trial counsel, handling direct and cross-examinations of key witnesses, resulting in \$77.5 million verdict.

- *Aaby et al. v. 3M Co.*: Represented MDL Plaintiffs as lead counsel in global interlocutory appeal regarding successor liability.
- *Wilkerson v. 3M Co.*: Defended \$8 million verdict on appeal as lead appellate counsel.
- *Vilsmeyer v. 3M Co.*: Defended \$50 million verdict on appeal as appellate counsel.

***In re Bair Hugger Forced Air Warming Devices Prods. Liab. Litig., MDL 2666:***

Appointed to Plaintiffs' Law & Briefing, Science, and Expert Committees. Briefed, argued, and defeated 3M's *Daubert*, dispositive, and pre-trial motions. Briefed, argued, and reversed the district court's dismissal of the entire MDL on appeal, reinstating nearly 6,000 cases. Deposed key general-causation witnesses and represented plaintiffs at trials. The MDL is ongoing.

***Carver v. The Bank of New York Mellon:*** Co-lead class counsel representing ERISA participants, beneficiaries, and trustees that held American Depository Receipts ("ADRs") for which the Bank of New York Mellon acted as a depository bank. Obtained settlement on behalf of class for \$12.5 million, which the Court approved in May 2019.

***Gill v. Gill:*** Counsel for petitioner in complex marital dissolution action. Obtained multi-million award following appeal in the Minnesota Supreme Court.

***In re Foreign Exchange Benchmark Rates Antitrust Litigation:*** Counsel for plaintiffs in consolidated ERISA action against ten of the world's largest banks.

***Marital Dissolution Action:*** Counsel for respondent in complex marital dissolution proceeding. Obtained multi-million settlement following trial.

***Contract Action:*** Obtained favorable settlement for business owner in breach of contract action.

***Consumer Protection Action:*** Obtained favorable settlement for plaintiff in consumer protection action.

***ADA Action:*** Obtained favorable settlement for client in ADA and MHRA action.

***Noncompete Action:*** Represented defendant in appeal involving forfeiture of retirement benefits.

***Consumer Protection Action:*** Lead counsel for plaintiff in all phases of litigation and at trial in consumer protection action.

## Recognition

International Society of Barristers, Fellow

Ranked #32 and #49 in *The National Law Journal's* Top 100 Verdicts of 2022  
(Published July, 2023)

Named to TopVerdict's "Top 10 Verdicts in Florida in 2022" list, for obtaining the 4th and 7th largest plaintiff's jury verdicts in the state (2023)

Named to Minnesota Lawyer's Power 30 Personal Injury Lawyers (2022, 2023)

Named "Attorney of the Year" by Minnesota Lawyer (2022 – Team Award, 2021 – Group Award, 2020 – Individual Award)

Named to "Notable Partners in the Law," *Twin Cities Business* (2022)

Named to Best Lawyers: Ones To Watch (2023, 2024 – Appellate Practice, Commercial Litigation, Mass Tort Litigation/Class Actions – Plaintiffs) (2022 – Appellate Practice)

Named to Lawdragon's list of 500 Leading Plaintiff Consumer Lawyers (2022-2023)

Named a "Minnesota Rising Star," *Super Lawyers* (2021, 2022, 2023)

Named to Lawdragon's list of 500 Leading Plaintiff Financial Lawyers (2021-2023)

Named to the Top 40 under 40 for Civil Plaintiff lawyers by the National Trial Lawyers (2019)

Named one of Minnesota Lawyer's "Up & Coming" Attorneys (2019)

# Speeches

Updates to Daubert, Class Action Section & Pharmaceutical/Medical Devices Section CLE Program, *American Association for Justice Annual Convention* (July 2023)

Mass Torts and Meditation, *Trial Lawyers of Mass Torts Conference* (March 2023)

Recurring Appellate Issues in MDLs and Class Actions, *Trial Lawyers of Mass Torts Conference* (December 2022)

2020 The Year No One Expected – Reflections on Lawyering During the Pandemic, Keynote Speaker, *Minnesota CLE* (January 2021)

The Power of Mindful Lawyering, *Minnesota Lawyers Mutual Insurance Company* (August 2019)

Developing Awareness and Resilience, *St. Paul City Attorney's Office* (August 2018)

The Power of Mindful Lawyering, *Hennepin County Bar Association* (April 2018)



**Ciresi Conlin LLP**

225 S. 6th St.

Suite 4600

Minneapolis, MN

55402

612.361.8200

Info@CiresiConlin.com

## **Exhibit D**

Application Letter and Resume – Steve German





An Arizona ABS Law Firm  
480-626-2700 • 855-345-6777  
[ScoutLawGroup.com](http://ScoutLawGroup.com)

September 8, 2023

The Honorable David G. Campbell  
United States District Court, District of Arizona  
Sandra Day O'Connor U.S. Courthouse, Ste. 623  
410 W. Washington St., SPC 58  
Phoenix, AZ 85003

**RE: In Re: Bard Implanted Port Catheter Products Liability Litigation, MDL No. 3081  
Motion Appointment of Plaintiffs' Leadership Structure – Liaison Counsel**

Dear Judge Campbell,

In accordance with the Court's *Order Setting Initial Case Management Conference*, I respectfully submit my request to be appointed Liaison Counsel in the above-referenced MDL. Please accept this letter and my attached resume/CV as a description of my qualifications and willingness to participate in this capacity in the litigation. This letter addresses the items requested in your Order, paragraph 10.

***SECTION ONE: WORKS WELL WITH OTHERS***

*My success as a lawyer is largely due to the significant number of referrals developed through long-lasting professional and interpersonal relationships. I am empathetic by nature, and have a high tolerance level for different personalities, and because of that I have always worked well in groups often in a leadership role. I believe my reputation in the community is as someone who is dedicated to working on behalf of the community in pursuit of equal access to justice and bettering and innovating the way law is practiced. My ability to work well with others is proven by long-standing professional friendships and relationships. I have always surrounded myself with high-achieving professionals who are dedicated to the community. This includes the team of staff I assembled starting in 1999, when I started my own practice. My paralegal and I were reminiscing recently that we have known and worked with each other on and off for thirty years, including the past 14 years.*

*I owned a law firm with Danny Adelman for fifteen years, over which we never had an argument or dispute. I believe that with any organization, integrity, and character start at the top. We lead our firm by example, and through that were rewarded with a team of longstanding, caring, hardworking, and devoted employees. Each of our twelve employees worked with us for 10 years or longer, and together we grew as a family that looked after each other. We had very little conflict. Although Danny went on to become executive director of the Arizona Center for Law in the Public Interest, we are still very close with the team we assembled and continue to remain connected. I*

*believe that the standards Danny and I set for ourselves became the glue that established a trusting and team first environment.*

## **SECTION TWO: RESOURCES AND ABILITY TO ACT TIMELY**

*I have been a leader in the community since I moved to Arizona in the 1990s. I served as the President of the Council for Jews with Special Needs in the mid to late 1990s. I became president-elect of the Maricopa County Bar Foundation and served on the leadership committee of the American Bar Foundation. More recently I was appointed by the Arizona Supreme Court to serve on the Alternative Business Structure Committee, which recommends whether applicants should be granted licenses. I have consulted with the Court on issues of Alternative Business Structures and have been a spokesperson the past couple of years in the media and at conferences nationwide on changes in rules governing law firm ownership. I have been published in a dozen or so national journals and magazines including Forbes, Law 360, the National Law Journal, Trial Magazine, and others on issues of legal innovation and non-lawyer ownership of law firms.*

## **SECTION THREE: COMMITMENT TO ROLE AS LIAISON COUNSEL**

*I have assembled a team to assist me as Liaison Counsel. My associate Scott Seymann is an attorney who has worked for me the past thirteen years. He externed for Judge Silver and has helped me with litigation and trial practice in the District Court of Arizona. He has very strong organization skills that I will lean on. We have a recent graduate from UC Berkeley who has worked with us the past year that will assist in communications. I have been in touch with Lynda Shely, a highly regarded Arizona ethicist who I have worked with and known for years. She has indicated a willingness to assist as ethicist in this case. We aver to the Court that we have the time and commitment to see that this litigation is handled efficient and streamlined.*

## **SECTION FOUR: PROFESSIONAL EXPERIENCE**

*I have broad litigation and trial experience. I have tried product liability, medical malpractice, podiatric malpractice, municipal liability, roadway design, auto crashes, and insurance bad-faith cases. Many of my cases are litigated in federal court. In the late 1990s I handled numerous Ford-Firestone product liability cases and attended MDL hearings. I have tried several of those cases. I have participated in other class-action work as well. I have not served in the capacity of liaison counsel but feel strongly that the role suits my strengths and legal experience.*

*Almost all the cases I have tried involved complex medical, scientific, and legal issues. I have had many that have lasted over five years through trial and appeals. I played a significant role in litigation involving a catastrophic Utah bus crash that left many dead and others seriously injured. I helped orchestrate the roadway design claim against the State of Utah. I am involved in complex individual disability income bad-faith cases against billion-dollar companies. Those cases involve years of litigation, travel across the country, dozens of depositions, and weeks long trials. More recently, I was responsible for developing and working up a toxic tort case against Intel. I hired and worked with most of the experts, and took the vast majority of depositions.*

*My law firm and the team I work with have adequate access to resources. We are also capable of working timely and efficiently, and plan to make that a priority.*

**SECTION FIVE: JUDICIAL REFERENCES**

*I have tried medical malpractice cases in front of Judge Peter Swan and a more recent disability insurance bad-faith lawsuit before Judge Douglas Rayes. The latter resulted in a \$6.5 Million Verdict, including \$5 Million in punitive damages. I have also appeared before your honor dating back many years. Although I could not appear as counsel during the bench trial against Intel before Your Honor during COVID, I was highly involved in the litigation and the evidence ultimately presented. I handled the case from its inception, took and defended nearly all depositions, hired experts across many disciplines, and developed the theory of liability and causation. I became conversant in the chemistry that led to the off-gassing incident, and the failures of Intel's wastewater treatment facility in Chandler. Although Dawson & Rosenthal presented the case, the evidence presented was mainly generated by me.*

I welcome this opportunity and respectfully request your approval of my appointment as Liaison Counsel as part of the leadership structure for Plaintiff in the above-referenced MDL. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steven J. German".

Steven J. German

## Steven J. German [Scout Law Group]



**Location:**

Phoenix, Arizona

**Mobile Phone:**

602-432-9265

**Email:**

steve@lawfirmaz.com

Mr. German started his career in 1993 at a large downtown law firm in Phoenix, Arizona, where he gained excellent litigation training and insight into how large corporations operate and defend against litigation and claims of wrongdoing. Mr. German also enjoyed experience in the firm's trial practice group and assisted with labor and employment issues. Mr. German's comprehensive training included all facets of litigation, trials, and appeals. In 1999, Mr. German started his own law firm, Law Office of Steve German.

Mr. German's solo venture quickly became a thriving litigation practice largely due to his unique ability to creatively resolve complex matters and take unsettled cases to trial. Over the past thirty years, Mr. German has established a reputation as a compassionate litigator who tenaciously fights for the best outcome on behalf of all his clients.

Mr. German's trial practice experience is extensive having handled nearly two dozen jury and bench trials in Arizona State and Federal Courts. These included cases against Ford, Firestone, Maricopa County, the City of Tempe, surgeons, podiatrists, radiologists, and various insurance companies.

In 2017, Mr. German carried a three-week jury trial in the US District of Arizona and prevailed against a large insurance company. The \$6.5 Million verdict was the third largest of the year in the State of Arizona and includes an award of \$5 Million in punitive damages. The verdict was upheld by the 9<sup>th</sup> Circuit in 2020. Mr. German has

been published in decisions that have impacted the landscape of litigation in Arizona, which has helped to develop and define critical Arizona case law precedents.

In 2003, Mr. German joined forces with Danny Adelman to form Adelman German, A Law Firm, based in Scottsdale, Arizona. Their firm grew to include four attorneys and eight support staff and was recognized as a leader in it's niche practice areas. In 2018, Danny Adelman of the Adelman German firm, accepted the opportunity to serve as Executive Director of a large non-profit law firm in Phoenix, Arizona.

While he follows his passion at the Arizona Center for Law in the Public Interest, Mr. German continues to remain committed to ensuring the firm's clients continue receiving outstanding representation. Mr. German is currently the principal of Steve German, A Law Firm, and enjoys the support of a legacy associate attorney from Adelman German and continues to handle complex litigation matters involving, but not limited to, contractual and tort issues, product liability, torts, medical malpractice, and insurance bad faith.

Since April 2022, Mr. German has been the owner and managing partner of Scout Law Group, a law firm dedicated to improving access to justice and innovating the practice of law. He is embracing this unique opportunity to grow and revolutionize the practice of personal injury law and related practices.

Steve can be reached at [sgerman@scoutlawgroup.com](mailto:sgerman@scoutlawgroup.com) or on his business phone at 480-626-2700.

#### BAR ADMISSIONS

- Ohio, 1992
- Arizona, 1993
- U.S. District Court District of Arizona 1994
- U.S. Court of Federal Claims 1995
- 9<sup>th</sup> Circuit Court of Appeals

#### EDUCATION

- Ohio State University, Columbus, Ohio
  - B.A. - June 1989
  - Major: International Studies    Minor: French
- Cleveland-Marshall College of Law, Cleveland, Ohio
  - J.D. *cum laude* – May 1992

#### SELECTION OF PUBLISHED OPINIONS

- *McClure v. Country Life Insurance Company*, 326 F.Supp.3d 934 (2018)
- *Scottsdale Ins. Co. v. Cendejas*, 205 P.3d 1128 220 Ariz. 281 (2009)

- *Joseph v. Metro. Life Ins. Co.*, CV-09-1036-PHX-DGC, 2009 WL 2782683 (D. Ariz. Aug. 31, 2009)

#### LEADERSHIP POSITIONS AND MEMBERSHIPS

- ABA/National Bar Foundation, Member, 1997 - 1999
- Maricopa County Bar Foundation, Board of Directors/President-Elect, 1996 - 1999
- National Advisory Council - Cleveland Marshall College-of-Law, Member, 2004 - Present
- Council for Jews with Special Needs, President, 1999 – 2001
- American Association of Justice and Arizona Association of Justice 1999 – Present
- Arizona Bar Association, 1993 – Present (Served on Jury Instruction Committee)
- Maricopa County Bar Association, 1993 – Present
- National Trial Lawyers Association, 2012 - Present

#### LANGUAGES

- French

# **Exhibit E**

Application and Resume – Michael Galpern

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

*IN RE: BARD IMPLANTED PORT CATHETER  
PRODUCTS LIABILITY LITIGATION*

MDL DOCKET NO.: 3081

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**APPLICATION FOR APPOINTMENT OF MICHAEL A. GALPERN, ESO. AS A MEMBER OF  
THE STEERING COMMITTEE**

I, Michael A. Galpern, hereby apply to serve as a member of the Plaintiffs Steering Committee ("PSC"). I am counsel of record in this litigation for Cabello v. Bard et al, Docket Number BER-L-002640-23. I make this application for appointment to the PSC.

I have enclosed a copy of my *curriculum vitae* to this application. I believe that my legal experience justifies my appointment to the PSC. (See **Exhibit A** to the present application).

**I. BACKGROUND**

Following my graduation from the Rutgers School of Law - Camden in 1988, I served a one-year clerkship with the Hon. Jerome B Simandle, United States District Court, for the District of New Jersey. Clerking for Judge Simandle provided me with invaluable insight into the judicial aspects of complex case management, and the importance of a functional and accountable leadership slate for complex civil litigation.



Following my clerkship with Judge Simandle, I joined the Locks Law Firm (F/K/A Greitzer and Locks). I began as an associate at Locks, and then became Partner and then Co-Managing Partner. I Joined the Javerbaum Wurgaft firm in September 2018 as a Partner.

## II. MASS TORT AND CLASS ACTION EXPERIENCE

I have considerable experience in mass tort and consumer class actions, involving a variety of issues.

### A. Cases Involving Data Breach Claims

I was appointed by the Hon. Jeffrey White, United States District Judge, Northern District of California, to the Plaintiff's Executive Committee in In Re: Yapstone Data Breach, Case No. 4:15-cv-04429-JSW, a data breach case which was resolved in a settlement which provided for credit monitoring and identity theft services to claimants (valued at approximately \$4.5 million annually in perpetuity), a *cy pres* fund to non-profit organizations, and injunctive relief in the form of YapStone implementing significant and costly data security measures..

I was appointed by the Hon. Andrew J. Guilford, United States District Judge, Central District of California, to serve on the Plaintiffs Steering Committee in In Re: Experian Data Breach, Case No.: SACV 15-1592 AG (DFMX). The Experian Data Breach case, which is another data breach case with one of the three major credit bureaus, where the data of approximately 15 million people was disclosed to an unauthorized third party.

**B. Cases Appointed as Lead and/or Class Counsel**

In addition to the positions I have held in cases involving data breach incidents, I have also served as lead or class counsel in a number of other cases. I was appointed as Class Counsel by the Hon. Katherine Hayden, United States District Judge for the District of New Jersey in In Re Staples Wage and Hour Litigation, 2:08-cv-5746(K.SH)(PS), a nationwide FLSA litigation, in which I also served as lead trial counsel during a seven week trial and later served as co-lead negotiating counsel. The Staples verdict is believed to be the largest FLSA verdict in New Jersey against a retailer.

I was also appointed by the late Hon. Carol Higbee J.S.C., as lead counsel as well as MDL liaison for the New Jersey centralized litigation in In Re: Bextra/Celebrex , Superior Court of New Jersey, Middlesex County, Docket No. ATL-L-253-06-MT.

I have been appointed as class counsel by the Hon. William J. Martini, United States District Judge for the District of New Jersey, in In Re Office Depot. 2:12-02992(WJM), a multistate Fair Labor Standards Act (FLSA) action. This case reached an amicable class-wide settlement.

I was appointed by the Hon. Michael J. Kassel, J.S.C., as Class Counsel in Caprarola v. Wells Fargo, Superior Court of New Jersey, Law Division: Camden County Cam-L-3570-13, a statewide class action on behalf of loan officers at Wells Fargo. This settled on a class-wide basis after nearly two years of litigation.

I was appointed by the Hon. Jerome B Simandle, United States District Court for the District of New Jersey as class counsel in Edwards v. 21st Century. Civ. No. 1:09-cv-04364-JBS-JS, a statewide class action on behalf of New Jersey consumers. This case was settled on a class-wide basis.

I was appointed as class counsel by the Hon. Jerome B Simandle, United States District Judge for the District of New Jersey, in Weber v. Geico, Civ. No. 07-1332 (JBS/JS), a statewide class action on behalf of New Jersey consumers. This case reached a class-wide settlement.

I have been appointed by the Hon. Peter G Sheridan, United States District Judge for the District of New Jersey, as class counsel in Oravsky v. Encompass Insurance Company, Civ. No. 3:10-cv-03168(PGS) (LHG), a statewide class action on behalf of New Jersey consumers. This case reached an amicable settlement on a class-wide basis.

I was appointed by the Hon. Louis R Meloni, J.S.C. Superior Court of New Jersey, Law Division: Camden County, as class counsel in Zayas v. Power Windows & Siding, Docket No. CAM-L-5454-09, a statewide class action of New Jersey consumers. This case reached a class-wide settlement.

I was appointed by the Hon. Deborah Silverman Katz, J.S.C., Superior Court of New Jersey, Law Division: Camden County, as class counsel in Kepler v. Weichert, Docket No. CAM-L-845-10, a statewide class action on behalf of New Jersey consumers. This case reached an amicable settlement.

I and my firm were appointed by the Hon. Jerome B Simandle, United States District Judge for the District of New Jersey as class counsel in Martinez v. Public Storage, 14-302 (JBS/AMD), a statewide class action on behalf of approximately 160,000 New Jersey consumers. This case has resolved.

I was appointed by the Hon. Thomas T. Booth Jr. J.S.C., as class counsel in Kaufman v. New England Fitness South, Superior Court of New Jersey, Law Division: Camden County, Docket No: CAM-L-3935-15, a statewide class action on behalf of New Jersey consumers.

I have been appointed as class counsel, or co-class counsel, in approximately eight (8) other class actions.

### **C. Cases Appointed PSC**

In addition to the PSC appointments in the Experian and Yapstone matters, I was appointed to the PSC in In Re: Bextra And Celebrex Marketing Sales Practices And Product Liability Litigation, Case No: M:05-CV01699-CRB, MDL No. 1699, by the Hon. Charles R. Breyer, United States District Judge for the Northern District of California. This case involved thousands of product liability and marketing claims involving two different drugs. The PSC conducted the nationwide litigation coordinating the litigation with New York and New Jersey centralized State litigation, achieving a nationwide settlement

I was also appointed to the PSC in In Re: Propecia Product Liability Litigation, 12-MD- 2331 (JG) (VVP) by the Hon. John Gleeson, United States District Court for the Eastern

District of New York. I was also appointed by the Hon. Jessica Mayer, JSC, as co-lead counsel in the New Jersey State centralized litigation in In Re: Propecia Litigation, Superior Court of New Jersey Law Division: Middlesex County, case No. 623.

I was also appointed to the PSC in In Re: Paragard IUD Products Liability Litigation, 1:20-MD-02974-LMM by the Honorable Leigh Martin May, United States District Judge for the Northern District of Georgia, Atlanta Division. This litigation remains ongoing.

I was also appointed to the PSC in the Judicial Council Coordinated Proceeding No. 5043, Gilead Tenofovir Cases, CJC-19-005043 by the Honorable Andrew Y.S. Cheng, Judge of the Superior Court for the State of California, County of San Francisco. This litigation remains ongoing.

**III. ABILITY TO WORK COOPERATIVELY WITH OTHER PLAINTIFFS' COUNSEL, DEFENSE COUNSEL AND THE COURT.**

A hallmark of an effective PSC member will be his or her ability to work cooperatively with co-counsel, opposing counsel, and of course the court. My background demonstrates my ability to work in a collegial and effective fashion with various groups and diverse professionals. By way of example, I served as the President of the New Jersey Association for Justice, (NJAJ) from June 2010 to June 2011. Prior to that time, I served in NJAJ, holding various other officer ranks, on and I have served the Board of Governors for NJAJ for almost two decades. NJAJ is an organization of over 2,400 members in private practice and in public service, as well as paralegals and law students. As an officer with NJAJ and as President, I was responsible for

coordinating regional and statewide meetings, soliciting input from all NJAJ members across the state, and ensuring to the best of my abilities that NJAJ continued to protect New Jersey families and consumers by working to preserve and strengthen laws dedicated to consumer protection and workplace safety. More information about NJAJ can be found at its website: <https://www.nj-justice.org>. I believe part of the reason that I was an effective President was my ability to work cooperatively and effectively with various attorneys across New Jersey and indeed across the United States.

I have also served on the Board of Directors of the Workers Injury Law and Advocacy Group (WILG), and from 2014-2015, I served as the President of WILG. WILG is a national nonprofit organization of approximately 1100 lawyers across the United States dedicated to representing the interests of millions of workers and their families who sustain physical injuries in the workplace or economic injuries as a result of fraud or discrimination by their employers. Similar to my function at NJAJ, as an officer and later President with WILG, I solicited input from all members and non-members across the country to ensure that WILG stayed true to its A hallmark of an effective PSC member will be his or her ability to work cooperatively with co-counsel, opposing counsel, and of course the court. My background demonstrates my ability to work in a collegial and effective fashion with various groups and diverse professionals. By way of example, I served as the President of the New Jersey Association for Justice, (NJAJ) from June 2010 to June 2011. Prior to that time, I served in NJAJ, holding various other officer ranks, and I have served on the Board of Governors

for NJAJ for almost two decades. NJAJ is an organization of over 2,400 members in private practice and in public service, as well as paralegals and law students. As an officer with NJAJ and as President, I was responsible for coordinating regional and statewide meetings, soliciting input from all NJAJ members across the state, and ensuring to the best of my abilities that NJAJ continued to protect New Jersey families and consumers by working to preserve and strengthen laws dedicated to consumer protection and workplace safety. More information about NJAJ can be found at its website: <https://www.nj-justice.org>. I believe part of the reason that I was an effective President was my ability to work cooperatively and effectively with various attorneys across New Jersey and indeed across the United States.

I have also served on the Board of Directors of the Workers Injury Law and Advocacy Group (WILG), and from 2014-2015, I served as the President of WILG. WILG is a national nonprofit organization of approximately 1100 lawyers across the United States dedicated to representing the interests of millions of workers and their families who sustain physical injuries in the workplace or economic injuries as a result of fraud or discrimination by their employers. Similar to my function at NJAJ, as an officer and later President with WILG, I solicited input from all members and non-members across the country to ensure that WILG stayed true to its mission statement. Again, my success as President was dependent on my ability to work effectively with many different attorneys across the country. More information about WILG can be found on its website:

<https://www.wilg.org/index.cfm?pg=MissionStatement>.

Finally, I also serve on the Board of Governors in the American Association of Justice (AAJ), a national nonprofit organization dedicated to promoting a fair and effective justice system and to support the work of attorneys in their efforts to ensure that a person injured by the misconduct or negligence of others can obtain justice in America's courts. More about AAJ can be found at its website: <https://www.justice.org/who-we-are/mission-history01y>.

I believe that my dedication to the above three nonprofit organizations, which has been ongoing for well over a decade, shows not only a passionate and unbridled devotion to the cause of justice for all, but also demonstrates my ability to work productively and effectively with many different colleagues with many different viewpoints. An effective PSC, like an effective trial lawyer organization, must truly be a team effort. I believe I have demonstrated that I am a team player.

#### **IV. UNIQUE ASPECTS OF THIS APPLICANT'S EXPERIENCE**

There is no question that this court will soon receive many applications for leadership and the PSC from many fine attorneys. The undersigned respectfully submits that I have certain experience which set me apart from some of the other candidates. First and foremost, I believe that I have far greater actual trial experience than many, and perhaps most, of the other candidates. I have tried in excess of 60 civil jury trials in my career, including but not limited to asbestos wrongful death cases, motor vehicle liability cases, pharmaceutical defect cases, medical negligence cases, civil rights and collective/class actions under the FLSA. I



have been certified and recertified as a Civil Trial Attorney by the New Jersey Supreme Court Board on Attorney Certification. The New Jersey Supreme Court Board has promulgated a strict set of criteria, and has adopted a rigorous examination process, which an applicant must pass before he or she can promote themselves as a certified trial attorney. Less than 3% of New Jersey attorneys have been certified as civil trial attorneys. Full information on the application and examination process can be found at: <https://www.njcourts.gov/attorneys/attcert.html>.

This trial experience provides a unique perspective in planning and preparing a large and complex case such as the present matter. In addition to the above-mentioned trial experience, I believe that I have considerable teaching experience, which will undoubtedly prove valuable in explaining technical information to witnesses, juries, and perhaps the court. In addition to having taught over 100 CLE programs in my career I have served as an adjunct Professor of Law at the Rutgers School of Law Camden, for eight years. I believe my experience as a teacher has improved my skills as a trial lawyer, and vice versa.

The firm generally, and I specifically, have very close relationships with many of the attorneys who have filed cases in this matter and have applied for either Lead Counsel and/or PSC membership. I respectfully submit that I will be an eager and productive team member of the PSC, and will do what I have been asked, when I am asked, to the best of my abilities.

**V. WILLINGNESS AND ABILITY TO COMMIT TO A TIME-CONSUMING PROCESS, AND ACCESS TO SUFFICIENT RESOURCES TO PROSECUTE THIS LITIGATION IN A TIMELY MANNER.**

I understand and fully appreciate the time and financial commitments that will be

required of me if I am fortunate enough to be appointed to the PSC. I will work to the greatest extent possible to ensure that this litigation is conducted promptly and efficiently. The Javerbaum Wurgaft Law Firm, with over 80+ attorneys in three (3) states, has the resources to adequately represent its clients and fund this litigation.

**CONCLUSION**

I respectfully request an appointment to the Plaintiffs Steering Committee .

**JAVERBAUM WURGAFT HICKS  
KAHN WIKSTROM & SININS, P.C.**

*/s/ Michael A. Galpern*

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**MICHAEL A. GALPERN, PARTNER**

Dated: August 17, 2023

## MICHAEL A. GALPERN

JAVERBAUM WURGAFT HICKS KAHN WIKSTROM & SININS PC  
1000 HADDONFIELD BERLIN RD SUITE 203 VOORHEES NJ 08043

[mgalpern@lawjw.com](mailto:mgalpern@lawjw.com)

856-596-4100

### **EDUCATION:**

1985 BA	-	Rutgers University, New Brunswick, New Jersey
1988 JD	-	Rutgers Law School, Camden, New Jersey

### **EMPLOYMENT:**

1988-1989	-	Law Clerk, Honorable Jerome B. Simandle, United States District Court, Camden, New Jersey
1989-2018	-	Locks Law Firm LLC, Cherry Hill, New Jersey
2018- present	-	Javerbaum Wurgaft Hicks Kahn Wikstrom and Sinins PC
1998-2006	-	Adjunct Professor of Law, Rutgers School of Law - Camden

### **BAR ADMISSION:**

1989	-	Pennsylvania
1989	-	New Jersey

### **CERTIFICATION:**

Civil Trial Attorney (New Jersey Supreme Court; recertified twice)

### **COURT ADMISSION:**

1989	-	Eastern District, Pennsylvania
1989	-	Third Circuit Court of Appeals
1989	-	District Court of New Jersey
1989	-	New Jersey Supreme Court
2017	-	Supreme Court of the United States

**NEW JERSEY ASSOCIATION FOR JUSTICE (NJAJ) (f/k/a ATLA-NJ):**

**NATIONAL GOVERNOR**, American Association for Justice, June, 2016 - Present

**PRESIDENT**, New Jersey Association of Justice, June 2010 – June 2011

**PRESIDENT ELECT**, New Jersey Association of Justice, June 2009 to June 2010

**FIRST VICE PRESIDENT**, New Jersey Association of Justice, June 2008 to June 2009

**SECOND VICE PRESIDENT**, New Jersey Association of Justice, June 2007 to June 2008

**THIRD VICE PRESIDENT**, New Jersey Association of Justice, June 2006 to June 2007

**TREASURER**, New Jersey Association of Justice (f/k/a ATLA-NJ), June 2005 to June 2006

**WORKERS INJURY LITIGATION GROUP (WILG):**

**PRESIDENT**, Workers Injury Law and Advocacy Group, October 2014

**PRESIDENT-ELECT**, Workers Injury Law and Advocacy Group, October 2013

**TREASURER**, Workers Injury Law and Advocacy Group , October, 2012

**BOARD OF DIRECTORS**, Workers Injury Litigation Group . 2007- present

**AMERICAN ASSOCIATION FOR JUSTICE (AAJ):**

**BOARD OF GOVERNORS**

**NATIONAL TRIAL LAWYERS ASSOCIATION (NTLA):**

**MEMBER**

**APPOINTMENTS:**

In Re: Bextra and Celebrex Marketing Sales Practices and Product Liability Litigation, Case No: M:05-CV01699-CRB, MDL No. 1699, Appointed by the Honorable Charles R. Breyer, United States District Court. Appointed to Plaintiffs Steering Committee.

In Re: Propecia (FINASTERIDE) Product Liability Litigation, Case No: 12-md-2331 – JG-VVP, Appointed by the Honorable Viktor V. Pohorelsky, United States Magistrate Judge. Appointed to Plaintiffs Steering Committee.

In Re: Yapstone Data Breach, Case No. 4:15-cv-04429-JSW, a data breach case which settled under confidential terms. I and my firm were appointed by the Hon. Jeffrey White, United States District Judge, Northern District of California, to the Plaintiff's Executive Committee

In Re: Experian Data Breach, Case No.: SACV 15-1592 AG (DFMX). I and my firm were appointed by the Hon. Andrew J. Guilford, United States District Judge, Central District of California, to serve on the Plaintiffs Steering Committee.

Caprarola v. Wells Fargo, Superior Court of New Jersey, Law Division: Camden County CAM-L-3570-13, a statewide class action on behalf of loan officers at Wells Fargo. Appointed as Class Counsel.

Jackeline Martinez-Santiago v. Public Storage, Civil No.: 14-302 (JBS/AMD), United States District Court for the District of New Jersey. I and my firm were appointed by the Hon. Jerome B Simandle, Chief United States District Judge for the District of New Jersey as Class Counsel.

Zayas v. Power Windows & Siding & Gutter Power, LLC, Superior Court of New Jersey, Law Division: Camden County CAM-L-5454-09, a statewide class action of NJ Consumers. I was appointed by Hon. Louis R Meloni, J.S.C. Superior Court of New Jersey as Class Counsel.

Kepler v. Weichert, Superior Court of New Jersey, Law Division: Camden County CAM-L-845-10, a statewide class action on behalf of New Jersey consumers. I was appointed by the Hon. Deborah Silverman Katz, J.S.C., Superior Court of New Jersey, as Class Counsel.

Kyle Rivet, et al. v. Office Depot, Case No.: 2:12-02992 (WJM), United State District Court for the District of New Jersey, a multistate Fair Labor Standards Act (FLSA) action. I was appointed by the Hon. William J. Martini as Class Counsel.

Oravsky v. Encompass Insurance Company, Civ. No. 3:10-cv-03168 (PGS)(LHG), United State District Court for the District of New Jersey, a statewide class action on behalf of New Jersey consumers. I was appointed by the Hon. Peter G Sheridan as Class Counsel.

In Re Staples Wage and Hour Litigation, Civ. No. 2:08-cv-5746 (KSH)(PS), United State District Court for the District of New Jersey, a nationwide FLSA litigation, in which I also serve as lead trial counsel during a seven week trial and later served as co-lead negotiating counsel. I was also appointed as Class Counsel by the Hon. Katherine Hayden.

Weber v. Geico, Civ. No. 07-1332 (JBS/JS), United State District Court for the District of New Jersey, a statewide class action on behalf of New Jersey consumers. I was appointed by Hon. Jerome B Simandle, United States District Judge for the District of New Jersey, as Class Counsel.

Kaufman v. New England Fitness South, Superior Court of New Jersey, Law Division: Camden County, Docket No: CAM-L-3935-15, a statewide class action on behalf of New Jersey consumers. I was appointed by the Hon. Thomas T. Booth Jr. J.S.C., as Class Counsel.

Edwards v. 21<sup>ST</sup> Century, Civ. No.: 1:09-cv-04364-JBS-JS, United State District Court for the District of New Jersey, a statewide class action on behalf of New Jersey consumers. I was

appointed by the Hon. Jerome B Simandle, United States District Court for the District of New Jersey as Class Counsel.

In Re: Paragard IUD Products Liability Litigation, United States District Court for the Northern District of Georgia, Atlanta Division, a nationwide product liability litigation on behalf of thousands of women in the country.

Coordinated Proceeding Special Title (Rule 3.550) GILEAD TENOFOVIR CASES, CJC-19-005043, Superior Court for the State of California, County of San Francisco, a nationwide product liability litigation on behalf of thousands of people in the country.

**PANEL MEMBER:**

United States District Court, District of New Jersey, Camden Division, Magistrate Selection Committee. 2008-2009

**APPOINTMENT BY THE NEW JERSEY SUPREME COURT :**

To represent the New Jersey Association for Justice on the Committee on Jury Selection in Civil and Criminal Trials. 2010- 2012, 2012-2014.

**LEGAL MODERATOR:**

**LAWTALK**, a public interest legal television show sponsored by the Camden County Bar Association. 2005-2008.

**MEMBERSHIPS:**

Board of Governors, New Jersey Association for Justice (formerly ATLA-NJ)  
Association of Trial Lawyers of America  
Member, Key Person Committee - ATLA  
Philadelphia Trial Lawyers Association  
Philadelphia Bar Association  
Camden County Bar Association  
New Jersey State Bar Association

**FOUNDING MEMBER:**

Academy of Catastrophic Injury Attorneys

**EXPERIENCE:**

Tried numerous bench and jury trials. Drafted appellate briefs and argued before New Jersey Superior Court, Appellate Division. Briefed and orally argued Kiss v. Jacob, 138 NJ 278 (1994), a landmark ruling of the New Jersey Supreme Court establishing allocation of damages in multi-defendant cases. Wrote the Amicus brief in Laidlow v. Hariton Machinery, 170 NJ 602 (2002), another landmark ruling of the New Jersey Supreme Court expanding the rights of an injured worker to bring a third party

action against his employer. Handled complex litigation in products liability, toxic torts, class actions, employment discrimination and medical malpractice. Settled what is believed to be the first medical malpractice action against an HMO in the State of New Jersey. Lead trial counsel, and co-lead MDL counsel, in what is believed to be one of the largest FLSA misclassification settlements in New Jersey, In Re Staples. Lead trial counsel, or co-lead counsel, in numerous class actions involving claims for consumer fraud and commercial law.

**INVITED SPEAKER:**

**-CAMDEN COUNTY BAR ASSOCIATION**

*Direct and Cross Examination of a Chiropractor*  
**1994**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Top Ten in Torts*  
**1995**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Debunking the MIST Defense*  
**1998**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Top Ten in Torts*  
**April, 2000**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Liens for the Civil Practitioner*  
**April, 2000**

**-CAMDEN COUNTY BAR ASSOCIATION**

*Hot Topics in Environmental Law & Toxic Torts*  
**May, 2000**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Impeaching Witness with Style*  
**October, 2000**

**- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Liens for the Civil Litigator*  
**December, 2000**

**- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Liens for the Civil Litigator*  
**April, 2001**

**- ASSOCIATION OF TRIAL LAWYERS OF AMERICA**

*HMO Liability*

**Montreal - July, 2001**

**- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Liens for the Civil Litigator*

**October, 2001**

**- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Preparation of the Low-Impact Automobile Case*

**December, 2001**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Offensive use of Daubert and Kuhmo Tire*

**February, 2002**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Top Ten in Torts*

**April, 2002**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Liens for the Civil Litigator*

**April, 2002**

**- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Moderator, Motor Vehicle and Premises Liability Program*

**Atlanta, GA - July, 2002**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA-NEW JERSEY**

*Moderator and co-course planner, Direct and Cross-Examination of Expert Witnesses*

**Edison, NJ - December, 2002**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA-NEW JERSEY**

*Top Ten in Torts*

*Liens for the Civil Litigator*

**Atlantic City, NJ - April, 2003**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA**

*HMO Liability and ERISA Preemption*

**San Francisco, CA - July, 2003**

**-NEW JERSEY INSTITUTE FOR CONTINUING LEGAL EDUCATION**

*New Jersey Civil Trial Preparation Seminar*

**Maple Shade, NJ - November, 2003**



**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*How to Deal with Abuse of Discovery Tactics*

**Edison, NJ - February, 2004**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Moderator, Medical Perspectives on Improving Damages*

**Atlantic City, NJ - April, 2004**

**-OHIO ACADEMY OF TRIAL LAWYERS= 50<sup>TH</sup> ANNUAL CONVENTION**

*Overview of Employee Retirement Income Security Act of 1974*

**Columbus, OH - May, 2004**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Defense Radiology*

**Jamesburg, NJ - October, 2004**

**-NEW JERSEY INSTITUTE FOR CONTINUING LEGAL EDUCATION**

*Participation in 3 Panel Member Seminars - Deposing the Expert*

**Maple Shade, NJ - December, 2004**

**- CAMDEN COUNTY BAR ASSOCIATION**

*Moderator of Law Talk*

**Cherry Hill, NJ - 2004-2005 Season**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Overcoming Juror Bias*

**Jamesburg, NJ – February, 2005**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Program Co-chair, “Personal Injury: Turning Juries On-From Voir Dire to Verdict”*

**Atlantic City, NJ - April, 2005**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Moderator, Ethics Program*

**Atlantic City, NJ - April, 2005**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA**

*Bextra Teleseminar*

**April, 2005**

**-MEALEYS PUBLICATION**

*Bextra Conference*

**Chicago, IL - May, 2005**

- NEW JERSEY INSTITUTE FOR CONTINUING LEGAL EDUCATION**  
*Selecting a Winning Jury*  
**Cherry Hill, NJ - June, 2005**
- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**  
*Exposing Defense Medicine: Orthopedists & Neurologists*  
**Long Branch, NJ - June, 2005**
- NEW JERSEY INSTITUTE FOR CONTINUING LEGAL EDUCATION**  
*New Jersey Civil Trial Preparation Seminar*  
**Maple Shade, NJ - June, 2005**
- NEW JERSEY INSTITUTE FOR CONTINUING LEGAL EDUCATION**  
*Program Chairman, Mass Tort/Pharmaceutical Seminar*  
**Edison, NJ - September, 2005**
- MASS TORTS MADE PERFECT**  
**Las Vegas, NV - November, 2005**
- CAMDEN COUNTY BAR ASSOCIATION**  
*Moderator of Law Talk*  
**Cherry Hill, NJ - 2005 - 2006 Season**
- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**  
*Moderator, Premises Liability*  
**February, 2006**
- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - Teleconference**  
*Update on Bextra Science and Literature*  
**March, 2006**
- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**  
*Moderator, Ethics*  
**April, 2006**
- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**  
*Top Ten in Torts*  
**April, 2006**
- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**  
*Voir Dire in Medical Malpractice*  
**April, 2006**
- HARRIS MARTIN PUBLISHING COMPANY**  
*Moderator, Medical Malpractice Seminar*  
**Philadelphia, PA - May, 2006**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA- NEW JERSEY**

*Pharmaceutical Litigation: A Manufacturer=s Duty to Warn*  
**Edison, NJ - October, 2006**

**-AMERICAN ASSOCIATION OF JUSTICE ( f/k/a ASSOCIATION OF TRIAL LAWYERS OF AMERICA)**

*MDL Update on Bextra/Celebrex*  
**Miami, FL - February, 2007**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Moderator: Ethics 2007 Boardwalk Seminar*  
**Atlantic City, NJ - April, 2007**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Medical Malpractice: Selecting the Right Expert*  
**Atlantic City, NJ - April, 2007**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Top Ten in Torts*  
**Atlantic City, NJ - April, 2007**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Exposing Defense Medicine*  
**May, 2007**

**-AMERICAN ASSOCIATION OF JUSTICE**

*Vioxx/Bextra/Celebrex- What=s new in New Jersey*  
**Chicago, IL. - July, 2007**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Moderator, Mass Torts Program,*  
**October, 2007**

**-AMERICAN ASSOCIATION OF JUSTICE**

*The Small Firm's Guide to Fighting the Drug Giants*  
**November, 2007**

**-OHIO ACADEMY OF TRIAL LAWYERS**

*Pharmaceutical Litigation for the Small Business Practitioner*  
**December, 2007**

**-AMERICAN ASSOCIATION OF JUSTICE**

*VIOXX/Bextra/Celebrex – What's New In New Jersey*  
**Puerto Rico - January, 2008**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Moderator Ethics*

**May, 2008**

**-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**

*Top Ten In Torts*

**May, 2008**

**-AMERICAN ASSOCIATION OF JUSTICE**

*2008 Annual Convention*

**Philadelphia, PA – July, 2008**

**-NEW JERSEY ASSOCIATION FOR JUSTICE (f/k/a ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY)**

*Use of Expanded Voir Dire Procedures to Expose Juror Bias*

**Edison, NJ – February, 2009**

**-NEW JERSEY ASSOCIATION FOR JUSTICE**

*Ten Practice Tips About Appellate Practices*

**Atlantic City, NJ – April, 2009**

**-NEW JERSEY ASSOCIATION FOR JUSTICE**

*Ethics Program Co-Chair*

**Atlantic City, NJ – April, 2009**

**-NEW JERSEY ASSOCIATION FOR JUSTICE**

*State & Federal E-Filing*

**Atlantic City, NJ – April, 2009**

**-NEW JERSEY ASSOCIATION FOR JUSTICE**

*The Year in Torts in New Jersey/The Top Ten Moderator*

**Atlantic City, NJ – April, 2009**

**-AMERICAN ASSOCIATION OF JUSTICE**

*Intentional Torts Against the Employer*

**San Francisco, CA – July, 2009**

**-WORKERS' INJURY LAW & ADVOCACY GROUP**

*Third Party Recoveries for Injured Workers*

**Carefree, AZ – October, 2009**

**-NEW JERSEY ASSOCIATION FOR JUSTICE**

*Ethics*

**Atlantic City, NJ – April, 2010**

**-NEW JERSEY ASSOCIATION FOR JUSTICE**

*Mass Torts 2010*

**Atlantic City , NJ – April 2010**

**-NEW JERSEY ASSOCIATION FOR JUSTICE**

*What to do when a plaintiff or defendant files for bankruptcy*

**Atlantic City, NJ – April, 2010**

**-NEW JERSEY ASSOCIATION FOR JUSTICE**

*Federal Court: Thriving & Surviving*

**Meadowlands, NJ - November, 2010**

**-WORKERS' INJURY LAW & ADVOCACY GROUP**

*Calling the Defendant in your FLSA CASE*

**Cleveland, OH – March, 2011**

**-NEW JERSEY ASSOCIATION FOR JUSTICE**

*Mass Torts 2011*

**Atlantic City, NJ – April, 2011**

**-NEW JERSEY STATE BAR ASSOCIATION**

*Trial Practice: Uniform Discovery & Credible Trial Dates*

**Atlantic City, NJ – May, 2011**

**-NEW SOCIETY OF INTERVENTIONAL PAIN PHYSICIANS**

*The Legal Impediments to Obtaining Medical Treatment for MVA Victims*

**Edison, NJ – June, 2011**

**-NEW JERSEY ASSOCIATION FOR JUSTICE**

*Understanding PIP Arbitration: Is the PIP System Under Attack?*

**Meadowlands, NJ - November 2011**

**-NEW JERSEY ASSOCIATION FOR JUSTICE**

*Co-chair Mass Torts Program*

**Atlantic City, NJ – April 2012**

**-WORKERS' INJURY LAW & ADVOCACY GROUP**

*Concussions in Professional Sports*

**Columbus, OH – May, 2012**

**- OHIO ACADEMY OF JUSTICE –**

*Concussion Testing in young football players*

**Columbus, OH – May, 2012**

**- OHIO ACADEMY OF JUSTICE**

*Deposing the Corporate Witness and other 30(b)(6) Tips*  
**Cleveland, OH – June 12, 2012**

**-WORKERS' INJURY LAW & ADVOCACY GROUP**

*Moderator, Wage & Hour Seminar*  
**Las Vegas, Nevada – October, 2012**

**-NEW JERSEY ASSOCIATION FOR JUSTICE**

**Four Concurrent Seminars with Exhibits**  
*Seminar: Trial Evidence for the Personal Injury Attorney 2013*  
**Edison, New Jersey – February, 2013**

**-OHIO ASSOCIATION FOR JUSTICE**

*Moderator, Advance Wage & Hour Seminar*  
**Steamboat Springs, CO – March, 2013**

**-NEW JERSEY ASSOCIATION FOR JUSTICE**

*Co-chair Mass Torts Program*  
**Atlantic City, NJ – April, 2014**

**-NEW JERSEY ASSOCIATION FOR JUSTICE**

*Mass Torts 101*  
**Meadowlands, NJ – November, 2014**

**-CAPE MAY COUNTY BAR ASSOCIATION**

*Civil Actions / Class Action Lawsuits CLE Seminar*  
**Seaville, NJ – January 28, 2015**

**-HARRIS MARTIN PHILLY MASS TORT CONFERENCE**

*Tinchner Ruling and The Effects of the Change on Mass Tort-Asbestos*  
**Philadelphia, PA – March 27, 2015**

**-NEW JERSEY ASSOCIATION FOR JUSTICE**

*Co-chair Mass Torts Program*  
**Atlantic City, NJ – April 2015**

**-NEW JERSEY ASSOCIATION FOR JUSTICE**

*Co-chair Mass Torts Program*  
**Atlantic City, NJ – April 2016**

**-NEW JERSEY ASSOCIATION FOR JUSTICE**

*Co-chair Mass Torts Program*  
**Atlantic City, NJ – April 2017**

**-NEW JERSEY ASSOCIATION FOR JUSTICE**

*All About Liens*

**Somerset, NJ – March 1, 2018**

**-FLORIDA JUSTICE ASSOCIATION**

*Concussion and Other TBI Cases ;Drawing a Line in the Sand as to When to Decline an Offer and Try the Case”*

**Orlando, FL – March 23, 2018**

**--NEW JERSEY ASSOCIATION FOR JUSTICE**

*Co-chair Mass Torts Program*

**Atlantic City, NJ – May 2018**

**--NEW JERSEY ASSOCIATION FOR JUSTICE**

*Co-chair Mass Torts Program*

**Atlantic City, NJ – May 2019**

**--NEW JERSEY ASSOCIATION FOR JUSTICE**

*Moderator Mass Torts Program*

*Presentation - Paraquat*

**A Digital Experience – June 2021**

**--NEW JERSEY ASSOCIATION FOR JUSTICE**

*Moderator Mass Torts Program*

**Atlantic City, NJ – June 2022**

**--NEW JERSEY ASSOCIATION FOR JUSTICE**

*Moderator Mass Torts Program*

**Atlantic City, NJ – June 2023**

**--CAMDEN COUNTY BAR ASSOCIATION**

*Injustice For All: Exposing Racial and Economic Disparities in Medicine and the Workplace*

*Presented with Drake Bearden, Esquire*

**Cherry Hill, NJ - April 2023**

**PUBLICATIONS:**

New Jersey Institute For Continuing Legal Education, 2003; 2009 - N.J. Trial and Evidence Book, Chapter: To Speak the Truth; The Status of Voir Dire In New Jersey: Where Do We Go From Here?

**AWARDS:**

Digital Press International Award for Top Ten Leaders of Southern and Central New Jersey In Personal Injury and Trial Practice, 2003.

- New Jersey Monthly Award - New Jersey Super Lawyer, 2005
- New Jersey Monthly Award - New Jersey Super Lawyer, 2006
- New Jersey Monthly Award - New Jersey Super Lawyer, 2007
- New Jersey Monthly Award - New Jersey Super Lawyer, 2008
- New Jersey Monthly Award - New Jersey Super Lawyer, 2009
- New Jersey Monthly Award – New Jersey Super Lawyer, 2010
- New Jersey Monthly Award – New Jersey Super Lawyer, 2011
- New Jersey Monthly Award – New Jersey Super Lawyer, 2012
- National Trial Lawyers Membership- Top 100 Trial Lawyers, 2012
- New Jersey Monthly Award – New Jersey Super Lawyer, 2013
- New Jersey Monthly Award – New Jersey Super Lawyer, 2014
- New Jersey Monthly Award – New Jersey Super Lawyer, 2015
- New Jersey Monthly Award – New Jersey Super Lawyer, 2016
- New Jersey Monthly Award – New Jersey Super Lawyer, 2017
- New Jersey Monthly Award – New Jersey Super Lawyer, 2018
- New Jersey Monthly Award – New Jersey Super Lawyer, 2019
- New Jersey Monthly Award – New Jersey Super Lawyer, 2020
- New Jersey Monthly Award – New Jersey Super Lawyer, 2021
- New Jersey Monthly Award – New Jersey Super Lawyer, 2022
- New Jersey Monthly Award – New Jersey Super Lawyer, 2023



## **Exhibit F**

Application Letter, Affidavit, and Resume – Anne Schiavone



August 23, 2023

The Honorable David G. Campbell  
United States District Court  
Sandra Day O'Connor U.S. Courthouse, Ste 623  
410 West Washington Street, SPC 58  
Phoenix, AZ 85003

Re: IN RE BARD IMPLANTED PORT CATHETER PRODUCTS LIABILITY LITIGATION

Judge Campbell:

I write to respectfully request consideration of my qualifications and desire to serve as a member of the Plaintiff's Steering Committee in the above referenced action. In support of this request for consideration, I respectfully submit my resume, and Application/Affidavit as it relates to the above action.

While the documents submitted herewith provide detailed information regarding my qualifications and experience to serve this litigation, I will provide a brief overview. The In Re: Atrium Medical Corporation C-Qur Mesh Products litigation (MDL No. 2753) in which I served as an Executive Committee member recently concluded after approximately 5 ½ years of litigation. I was one of five lawyers who served on the executive committee of the litigation. This complex litigation was overseen by Judge McCafferty of the United States District Court of New Hampshire. During my time on the executive committee, I took the majority of the corporate liability depositions and was extensively involved in all aspects of the MDL. In addition to deposing various individuals, I worked extensively on jurisdictional issues which evolved into a two-day jurisdictional hearing and was very involved in the trial preparation of bellwether cases. I also worked closely with lead counsel and an appointed accountant to ensure that the time and expenses submitted by each involved firm complied with the Common Benefit Order entered by the Court.

In addition to serving on the executive committee of the Atrium litigation, I served on the Plaintiff's Steering Committee of the In Re: Davol/CR Bard Hernia Mesh Multicase Management Master Docket No. PC-2018-9999. I was asked to serve in this position several months after starting my work as an executive committee member in the Atrium litigation. I was asked to join the CR Bard steering committee by two of the lawyers who I worked closely with in the Atrium litigation, who were also overseeing the Bard state court litigation. I believe that this is one example of not only my work quality and abilities, but also of my efforts to collaborate and work cooperatively with other attorneys for the good of a litigation.

As referenced in my Application/Affidavit and resume, I have worked on various mass torts and multi plaintiff cases over my 24-year career. In addition to appearing in front of Judge

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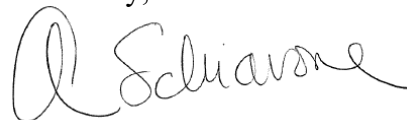
The Honorable David G. Campbell

McCafferty in the Atrium litigation, I have appeared in front of other judges in complex litigations. I appeared in front of Judge Roldan, The Circuit Court of Jackson County, Missouri on cases that were complex litigations. Those litigations involved multiple plaintiffs who were diagnosed with leukemia. The allegations were essentially that the leukemias were caused by benzene exposure from the former Amoco Refinery, which was acquired by BP Corporation North America. The first filed case, which resulted in a five-week trial in front of Judge Roldan, was Nancy Ryan et. al v. BP Corporation North America, Case No. 04CV22371. All of the filed cases were pending in front of Judge Roldan. He recently retired as of August 2023. I appeared in front of Judge Bough, United States District Court for the Western District of Missouri as counsel for plaintiffs in an FLSA class action entitled Deborah Chappel et al. v. Navika Capital Group et al., Case No. 14-cv-001499. I was counsel in a data breach class action, KA v. Children's Mercy Hospital, Case No. 1861-CV17350 in the Circuit Court of Jackson County, Missouri over which Judge Dale Youngs presided. In the cases of KA v. Children's Mercy, Case No. 18-CV-00516 and KA v. Children's Mercy, Case No. 18-CV-00514, both data breach class actions, I was counsel for plaintiffs. The cases were pending in the United States District Court for the Western District of Missouri before Judge Ketchmark.

Additionally in my 24-year career I have tried numerous single plaintiff cases, the most recent being in January 2023, and have litigated hundreds of cases. I am the President Elect of the Missouri Association of Trial Attorneys, which has approximately 130 board members and over 1300 members. I will be the 5<sup>th</sup> female president in the 70 years of the organization. As reflected on my resume and Application/Affidavit, I have the experience, knowledge, dedication, ability, and attributes to be a leader on the plaintiffs' steering committee.

I truly enjoyed my recent service as an executive committee member in the Atrium litigation and as a steering committee member in the Bard litigation. While these experiences were demanding and required considerable time and financial commitments, they were rewarding and unique opportunities. I believe these past experiences will serve me well if I am selected for leadership in this litigation. In closing, I appreciate the Court's consideration of my Application/Affidavit and resume.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne Schiavone". The signature is fluid and cursive, with a large initial "A".

Anne Schiavone

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

**IN RE BARD IMPLANTED PORT  
CATHETER PRODUCTS  
LIABILITY LITIGATION**

**MDL No. 3081**

**APPLICATION AND AFFIDAVIT OF  
ANNE SCHIAVONE TO PLAINTIFFS'  
STEERING COMMITTEE**

COMES NOW your affiant Anne Schiavone of the law firm of Holman Schiavone LLC, being duly sworn states and respectfully files this Application and Affidavit for Appointment to the Plaintiffs' Steering Committee ("PSC"). Anne Schiavone and her 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, Anne Schiavone offers the following:

**1) Willingness and ability to commit to a time-consuming process.**

The Atrium hernia mesh litigation on which I served as an Executive Committee member was resolved recently after approximately 5 1/2 years. I am willing and able to devote substantial time and resources to the Implanted Port Catheter Litigation. I am committed and willing to dedicate whatever time is needed to advance an effective and expeditious litigation.

I have leadership experience in all aspects of MDL litigation because of my executive member role in the Atrium litigation. My experience includes, but is not limited to, taking corporate and liability depositions, engaging in meet and confers with opposing counsel on a regular basis, setting agendas for CMCs, briefing, bellwether selection, ESI, understanding regulatory pathways

and issues, understanding science based issues, participating in the science day presentation to the Court, engaging with experts, preparing for and participating in a two day jurisdictional hearing that was pivotal to the litigation, participating in a two day mock trial presentation to focus groups, and extensive trial preparation of bellwether cases.

In the most recent MDL, I was one of 5 executive committee members, including lead counsel. I took the majority of the liability depositions in the litigation and took as many depositions as lead counsel. Additionally, I along with lead counsel worked with a Certified Public Account to ensure that expenses and time submitted were compliant with the CB Order. I was the gatekeeper for time and expenses submitted by each firm.

Having been a litigator for 24 years, I am well versed in all stages of litigation. From my previous MDL experience and product liability experience, I am well versed in the FDA submittal and approval processes and the reporting of adverse events. This knowledge comes not only from my executive committee role in the Atrium litigation but also from having served in the role of Steering Committee member for the Bard hernia mesh state court litigation pending in Rhode Island. While my involvement included taking a deposition and working on the litigation I did not commit nearly as much time as I did to the Atrium litigation as they were ongoing simultaneously. I have litigated hundreds of single plaintiff cases over the years.

**2) Ability to work cooperatively with others.**

In addition to the Atrium and Bard MDLs where I worked cooperatively and collaborated with a group of attorneys, I have worked with co-counsel on many occasions over the years. The co-counsel arrangements have resulted in successful litigations and representation of clients. I have worked cooperatively with a large group of lawyers over the past several months on this litigation. I was asked to present to the AAJ Committee for the formation of an implantable port catheter

litigation group. I collaborated with two other attorneys for this presentation and the litigation group was approved. I was asked to serve as one of the leads of this newly formed litigation group. I believe this reflects on my ability to work well with others.

I have served on the Executive Committee of the Missouri Association of Trial Attorneys for eight years and am currently the President Elect. The executive committee appointment is a ten-year commitment. My involvement in MATA is another reflection of my ability to collaborate and work cooperatively with various individuals, whether those individuals are committee members, board members, or legislators.

I also work well with opposing counsel which is evidenced by the Distinguished Counselor award I received in May of 2023 from the Kansas City Metropolitan Bar Association. The Distinguished Counselor award recognizes a KCMBA Member who consistently demonstrates the characteristics of professionalism, collegiality, courtesy, equanimity, character, harmony, and friendship.

**3) Professional experience in this type of litigation.**

During my 24 years of practice, I have worked on various types of litigations, including single plaintiff cases, product liability cases, and mass torts. I have participated in leadership of MDLs. In addition to representing plaintiffs in various hernia mesh litigations, I have represented plaintiffs in the Vioxx litigation, DePuy and J&J knee joint litigation, and hormone replacement therapy litigation. I also represented clients relating to Medtronic insulin pumps. One of the highlights of my career was when I had the honor of representing clients in a litigation against British Petroleum. I co-counseled in the cases with another Kansas City lawyer. We represented approximately 30 plaintiffs who had some form of leukemia related to benzene exposure from the former Amoco refinery. The first filed case was the only one that went to trial. We secured a \$13.3

million verdict and an award of punitive damages. The case resolved that night. Thereafter there were 29 more plaintiffs' cases to be litigated. We had 4 trial settings a year on the docket for 7 years in front of the same judge prior to reaching a global resolution.

As referenced above, I served on the Plaintiffs' Steering Committee for the Bard hernia mesh state court litigation pending in the state court of Rhode Island. Most notable, I was heavily involved in the Atrium hernia mesh litigation in my role as an executive committee member and was the primary attorney responsible for deposing corporate employees and representatives. The depositions for which I was responsible included deposing the individual who was President of Atrium during the central time frame at issue in the litigation. The subjects covered included manufacturing practices and policies, corporate culture, adverse event reporting requirements and failures by the company to comply with applicable reporting requirements, and various FDA violations which resulted in an injunction that closed the manufacturing facility and resulted in a multi-million dollar fine.

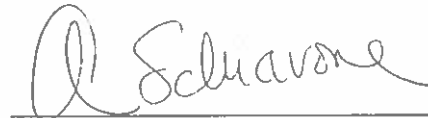
I have tried numerous cases over my 24 years of practice. The most recent trial being in January of 2023 where I secured a plaintiff's verdict. In addition to practicing in the areas of product liability, and mass tort, I represent clients in personal injury claims as well as employment claims. I have represented numerous individuals in sexual abuse/assault cases. I have litigated single plaintiff cases in numerous states with local counsel. I believe this is further support of my ability to collaborate and work cooperatively with others. I am currently representing 50 or more plaintiffs injured by Bard Port-Catheter products. It is my intention to represent many more individuals.

**4) Access to sufficient resources to advance the litigation in a timely manner.**

As evidenced by my extensive work in the Atrium hernia mesh litigation, my firm has the resources and staff to advance the litigation in an efficient manner, and I personally have the time and resources to be committed to the litigation.

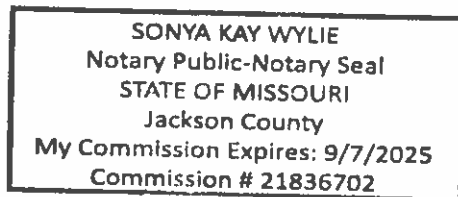
Further your affiant sayeth not.

Dated: 8/18/2023



Anne Schiavone  
Holman Schiavone LLC  
4600 Madison Avenue, Suite 810  
Kansas City, Missouri 64112  
Email: [aschiavone@hslawllc.com](mailto:aschiavone@hslawllc.com)  
Phone: (816) 283-7838  
*Attorneys for Plaintiffs*

Subscribed and sworn to before me this 18<sup>th</sup> day of August, 2023.

  
Notary Public



**ANNE WIESE SCHIAVONE**

Holman Schiavone LLC  
4600 Madison, Ste 810  
Kansas City, Missouri 64112  
816. 392 7820  
816. 283. 8738

**PROFESSIONAL EXPERIENCE**

**Holman Schiavone LLC, Kansas City, MO**

Owner and Managing Partner, January 2007 – present

- Specialized litigation practice in product liability, mass tort and personal injury
- Member of the Executive Committee MDL No. 2753, In Re: Atrium Medical Corp. C-Qur Mesh Products, pending in the United States District Court for the District of NH
- Conducted multiple liability deposition for MDL No. 2753
- Handled multiple discovery issues on behalf Plaintiffs in MDL No. 2753
- Handled business aspects of MDL No. 2753
- Worked extensively on jurisdictional issues, including participating in depositions and two day jurisdictional hearing in MDL No. 2753
- Worked extensively on trial preparation for bellwether cases in MDL No. 2753
- Member of the Plaintiff's Steering Committee for In Re: Davol/CR Bard Hernia Mesh Multi Case Management, Master Docket No. PC-2018-9999, pending in Rhode Island
- Conducted liability deposition for In Re: Davol/CR Bard Hernia Mesh litigation
- Served as counsel on statewide and national class actions including Aetna litigation
- Served as counsel on class actions involving HIPPA/data breach claims
- Served as local counsel on FLSA class action
- First and second chair of multiple trials over the past 24 years, most recent trial 1/2023
- Secured significant settlements and verdicts for victims
- Represent plaintiffs in various hernia mesh litigations
- Represent plaintiffs in 3M dual ear plug litigation
- Successfully litigated and represented 30 plaintiffs in benzene exposure litigation

**The Schiavone Law Firm, PC, Kansas City, MO**

Solo Owner, January 2004 – present

- Serve as corporate owner of partnership shares in Holman Schiavone LLC
- Litigated Vioxx cases, including one chosen for trial by plaintiffs' steering committee
- Litigated defective knee joint cases against DePuy and J&J
- Litigated defective insulin pump cases
- Litigated Hormone Replacement therapy cases
- In 2005, achieved one of the largest verdicts that year in the State of Missouri in the case of *Ryan v. BP Corporation*, \$13.3 million compensatory verdict, punitive damages were to be assessed; the case was resolved prior to the award of punitive damages
- *Ryan v. BP Corporation* was featured as the lead article in Litigation Watch: Benzene, October 2005

## **EDUCATION**

### **Juris Doctorate**

University of Missouri – Kansas City, May 1999

Vice President and President of the Student Bar Association, 1998 and 1999, respectively

Commencement Speaker for Graduating Class of 1999

### **Bachelor of Arts, Psychology and Political Science**

Rutgers College, Rutgers University, New Brunswick, NJ 1996

Division I Scholarship Athlete in Gymnastics

## **REGISTRATIONS AND AWARDS**

Distinguished Counselor Award, Kansas City Metropolitan Bar Association (KCMBA) 2023

Top 50 Women Attorneys in Kansas and Missouri Super Lawyers 2012 – 2023

Top 50 Attorneys Kansas and Missouri Super Lawyers 2016, 2017, 2020, 2021

Top 100 Attorneys in Kansas and Missouri 2014 – 2017, 2020, 2021

Super Lawyer Recognition 2009 - 2023

Best of the Bar Kansas City Business Journal 2008 - 2023

Selected for Women Who Mean Business Class of 2020, Kansas City Business Journal

Member of the Missouri Bar

Member of the Kansas Bar

Admitted in multiple federal court jurisdictions

## **COMMUNITY AND PROFESSIONAL SERVICE**

### **Missouri Association of Trial Attorneys**

President Elect of MATA June 2023 – June 2024 (1 of only 5 female Presidents in 70 years)

Executive Committee Member of MATA Board June 2016 – present

MATA Board of Directors Member, 2012 – present

Member of the MATA CLE Committee and Legislative Committee

### **Association for Women Lawyers of Greater Kansas City**

Board of Directors Member, 2009 – 2012

Mentor in AWL Foundations Program 2017 – 2022

Association for Women Lawyers Firm of the Year, 2009 & 2013

### **American Association for Justice**

Missouri State Delegate 2022 – present

Implantable Port Catheter Litigation Group, Co-Founder and Co-Committee Chair, 2023

Member of Leaders Forum 2021 – present

Member of Presidents' Counsel

AAJ PAC Member

### **University of Missouri Kansas City School of Law**

Member of the Board of Trustees for the Law Foundation 2018 – present

## **Speaking Engagements**

Harris Martin JMPL Conference, Presenter on Port Catheter Litigation, July 2023

KCMBA Bench Bar Conference on Congeniality/Professionalism, May 2023

MATA Annual Conference 2022 – Presenting Damages at Trial  
MATA Annual Conference 2017 – Employment and Sexual Abuse Claims  
Mass Torts Made Perfect 2018 – Hernia Mesh Litigation  
Harris Martin Conference 2018 – Hernia Mesh Litigation  
Trial Master for Ross T Roberts Trial Academy 2018-2019  
Coach/Presenter at NITA Deposition Seminar, August 2016  
Speaker at the Advanced Trial Skills Seminar for the Judiciary March 2013

# **Exhibit G**

Application Letter and Resume – Stuart Ratzan



Ratzan Weissman & Boldt

TRIAL LAWYERS/ APPELLATE LAWYERS

August 23, 2023

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: **In Re: Bard Implanted Port Catheter Products Liability Litigation**  
2:23-md-03081-DGC

Dear Judge Campbell,

In accordance with the Court's Order Setting Initial Case Management Conference, I, Stuart Ratzan, respectfully offer this submission of my qualifications and desire to serve as a member of the Plaintiff's Executive Committee.

I have successfully litigated and resolved cases for over 31 years in some of the most significant cases heard in state and federal courtrooms in Florida and throughout the United States. I have taken on some of the most powerful hospitals, doctors, manufacturers, and insurance companies. Due to my diligent work, I have won dozens of jury trials for consumers in catastrophic injury cases against consumer product manufacturers, hospitals, health care providers, property owners, trucking companies, automobile insurance companies, and government entities and have earned the highest recognition from my peers and respected national legal publications. I pride myself not only on hard work and talent but also on a commitment to the ethical pursuit of case results within the framework the law demands.

In 2017, I led the trial team in securing a \$46.5 million medical malpractice jury verdict – the largest ever in the State of Arkansas – for a three-year-old child who suffered brain damage after she was left untreated for jaundice as a newborn; and also led the way in a \$45 million jury verdict involving the death of a medical student following a late-night crash at an Interstate 75 construction site in Pembroke Pines, Florida.

August 23, 2023

Page 2 of 3

As a lead trial lawyer, I successfully argued on behalf of the family of a Florida wife and mother whose 1996 lung cancer death resulted in a \$42.5 million jury verdict against cigarette companies R.J. Reynolds and Phillip Morris; and in another trial in which I represented a brain-injured baby in a \$23.2 million jury verdict against a major Florida hospital chain; and, in yet another trial, I represented a whistleblower in a \$2.8 million jury verdict against a major Florida hospital.

Over the course of my career, I have had the opportunity to serve as lead trial counsel in multi-plaintiff litigation and jury trials. I was lead trial counsel in the Shuckers litigation, where dozens of plaintiffs were injured when a popular sports bar collapsed into Biscayne Bay in Miami, FL, and have been lead trial counsel in multiple plaintiff cases including jury trials. In all these matters, we were successful in our efforts to maintain cohesion and unity among the lawyers for the plaintiffs. I am proud of my ability to work well with others and to develop consensus despite competing interests and egos.

As we have for decades, my firm is willing and able to invest what is necessary in terms of time, energy, staff, and funds to achieve a successful outcome for our clients in this MDL. We have the resources and staffing to advance litigation in a timely manner. Our commitment is founded on three words: Justice, Integrity, and Courage.

Our firm is currently representing 276 injured by Port-Catheter products and we are ready to fight the medical device companies and hold them accountable for the products they produced for public use that injured clients. We were the first firm to file an Implanted Port Catheter case in federal court in Arizona (*Lori Prentice v. Becton, Dickinson, and Company, et al.*, No: CV-23-00627-PHX-ROS), and we have been at the forefront of this litigation along with Adam Evans and others from the very start. My partner Kimberly Boldt and I are admitted *pro hac vice* into the District of Arizona, first in the *Prentice* matter and now in this MDL. The group of attorneys we have worked with on the Implanted Port Catheter litigation to date have created a cohesive, sophisticated approach, and we have found great synergy working together, including at a formative strategy meeting I hosted in Miami.

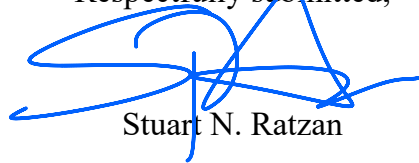
Attached is a list of Judges (marked as Exhibit A) whom you can contact as my references.

August 23, 2023

Page 3 of 3

It would be an honor to be chosen by this Court and leadership counsel to serve on the Plaintiff's Executive Committee in this MDL. I believe my courtroom and jury trial skills are essential components to successful leadership in this extremely important and demanding litigation.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be "Stuart N. Ratzan", written over the typed name.

Stuart N. Ratzan

## Curriculum Vitae

### **Stuart N. Ratzan, Esq.**

Ratzan, Weissman & Boldt  
2850 Tigertail Avenue, Suite 400  
Coconut Grove, FL 33133  
305-374-6366  
[stuart@rwblawyers.com](mailto:stuart@rwblawyers.com)

### **Profile**

Across the past three decades, I have combined hard work and imagination to successfully try and resolve some of the most significant cases heard in state and federal courtrooms in Florida and throughout the United States. Embracing the demanding role of plaintiff attorney with aptitude, study, perseverance, and moral courage.

I have extensive experience in handling product defects, medical malpractice, and catastrophic injury cases throughout the United States and successfully obtaining scores of multi-million dollar judgments and settlements on behalf of my clients and their families. I have earned the highest recognition from my peers and respected national legal publications.

### **Education**

Amherst College, *Cum Laude*, 1987, Amherst, MA

University of Miami School of Law, *Cum Laude*, 1991, Coral Gables, FL

### **Bar Admissions:**

Florida, 1991 - Present

Court Admissions:

- United States Florida Southern District Court
- United States Florida Middle District Court
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States Arizona District Court
- United States Illinois Northern District Court
- United States Western Missouri District Court



### **Leadership Roles**

I was President of the Young Lawyers Division of the Florida Bar from 2000-2001 and proudly served the Florida Bar Board of Governors from 1999-2001. I have also served on the Executive Council of the Florida Bar Association's Trial Lawyers Section from 2009 until 2014; was a Member of the Board of Directors of Florida Justice Association from 2003-2009 and was part of the Executive Committee from 2006-2008.

Additionally, I served on the Board of Directors of Legal Services of Greater Miami, Inc. from 2003-2007; and is a Member of the American Board of Trial Advocates (ABOTA), the American Association for Justice, the Miami Dade Trial Lawyers Association, and the Dade County Bar Association.

Recently, I served as Chair of the ABOTA Miami COVID-19 Jury Trial Task Force (2020-2022) and as President of Temple Beth Am in Pinecrest, Florida (2019-2021).

I am a frequent lecturer at seminars for the American Association for Justice, Florida Bar Association, and Florida Justice Association, speaking throughout the country on trial practice, catastrophic injury litigation, and consumer advocacy.

### **Affiliations:**

- Temple Beth Am – Past President
- Greater Miami Jewish Federation
- Florida Justice Association – Member
- Miami Dade County COVID19 Jury Trial Task Force – Chair
- American Board of Trial Advocates – Associate Member
- American Association for Justice-Member; Leader's Forum Associate Member
- Trial Lawyer's Section of the Florida Bar

### **Awards, Recognitions, and Trial Experience**

I am annually recognized by Best Lawyers in America, the South Florida Legal Guide, Florida Trend magazine, and Florida Super Lawyers as one of Florida's top attorneys. I have the highest rating available from Martindale-Hubbell. I am also a member of the Multi-Million Dollar Advocates Forum.

On at least five separate occasions, I have earned a place amongst The Top 100 Verdicts in America for my role in securing justice and enforcing safety on behalf of my clients and the communities in which they reside. In 2017, I led the trial team in securing a \$46.5 million medical malpractice verdict – the largest medical malpractice verdict ever in the State of Arkansas – for a three-year-old child who suffered brain damage after she was left untreated for jaundice as a

newborn; and also led the way in a \$45 million verdict involving the death of a medical student following a late-night crash at an Interstate 75 construction site in Pembroke Pines, Florida.

As a lead trial lawyer, I successfully argued on behalf of the family of a Florida wife and mother whose 1996 lung cancer death resulted in a \$42.5 million verdict against cigarette companies R.J. Reynolds and Phillip Morris; and in another trial in which I represented a brain-injured baby in a \$23.2 million verdict against a major Florida hospital chain; and, in yet another trial, represented a whistleblower in a \$2.8 million verdict against a major Florida hospital.

**Awards:**

- “AV” Rating from Martindale Hubbell, the highest rating available
- South Florida Legal Guide — Top Lawyers
- Florida Super Lawyers — Top Lawyers since 2006 in the following practice areas: Medical Malpractice, Personal Injury, Products Liability
- Best Lawyers in America in the following practice areas:
  - Medical Malpractice, Miami, FL - Plaintiffs
  - Personal Injury, Miami, FL - Plaintiffs
  - Product Liability, Miami, FL - Plaintiffs
  - The prestigious “Lawyer of the Year” award for the Personal Injury Litigation – Plaintiffs category (2022 Edition).
- Florida Trend's 2023 Legal Elite Notable Managing Partners
- The Miami-Dade Bar's ‘Sookie Williams Outstanding Community Service Award’ (2021)
- Named Florida Trailblazers by the Daily Business Review (2020)
- On at least five separate occasions, Ratzan earned a place amongst The Top 100 Verdicts in America
- Daily Business Review Most Effective Lawyers

**Areas of Specialization**

- Special Focus on Medical Malpractice – Plaintiffs
- Personal Injury Litigation-Plaintiffs
- Product Liability Litigation – Plaintiffs
- Birth Injuries
- Commercial Law
- Auto Accidents

- Defective Products
- Defective Medical Devices
- Transportation Negligence
- Wrongful Death
- Dangerous Drugs and Drug Recalls
- Wrongful Death
- Whistleblower



**Ratzan Weissman & Boldt**

TRIAL LAWYERS/ APPELLATE LAWYERS

**Exhibit A**

- The Honorable Antonio Arzola  
Miami-Dade County 11<sup>th</sup> Circuit Court-Civil Division  
73 West Flagler Street  
DCC 1017  
Miami, FL 33130  
305-349-7069  
[aarzola@jud11.flcourts.org](mailto:aarzola@jud11.flcourts.org)
- The Honorable David C. Miller  
Miami Dade County 11<sup>th</sup> Circuit Court-Civil Division  
73 West Flagler Street  
DCC 626  
Miami, FL 33130  
305-349-7074  
[dmiller@jud11.flcourts.org](mailto:dmiller@jud11.flcourts.org)
- The Honorable Jose M. Rodriguez  
Miami-Dade County 11<sup>th</sup> Circuit Court- Civil Division  
73 West Flagler Street  
DCC 405  
Miami, FL 33130  
305-349-7109  
[jrodriguez@jud11.flcourts.org](mailto:jrodriguez@jud11.flcourts.org)
- The Honorable Lisa Walsh  
Miami Dade County 11<sup>th</sup> Circuit Court-Civil Division  
73 West Flagler Street  
DCC 416  
Miami, FL 33130  
305-349-7280  
[lwalsh@jud11.flcourts.org](mailto:lwalsh@jud11.flcourts.org)

- The Honorable Michael A. Robinson  
Broward County 17<sup>th</sup> Circuit Court-Civil Division  
201 SE 6<sup>th</sup> Street,  
Courtroom 14150, Chambers 14131  
Ft. Lauderdale, FL 33301  
954-831-7258

Judge Sayfie, Judge Soto, and I worked together on the ABOTA COVID-19 Jury Trial Task Force that I chaired for Miami-Dade County in order to preserve jury trials during the pandemic.

- The Honorable Chief Judge Nushin G. Sayfie  
Miami-Dade 11<sup>th</sup> Circuit Court  
175 NW 1<sup>st</sup> Avenue  
RM 3045  
Miami, FL 33128  
305-349-5720  
[nsayfie@jud11.flcourts.org](mailto:nsayfie@jud11.flcourts.org)
- The Honorable Bertila Soto  
Miami Dade County 11<sup>th</sup> Circuit Court- Probate Division  
73 West Flagler Street  
DCC 311  
Miami, FL 33130  
305-349-7086  
[bsoto@jud11.flcourts.org](mailto:bsoto@jud11.flcourts.org)

# **Exhibit H**

Application and Resume – Danielle Rogers

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE BARD IMPLANTED PORT  
CATHETER PRODUCTS  
LIABILITY LITIGATION

No. 2:23-md-3081-PHX-DGC

APPLICATION AND AFFIDAVIT OF  
DANIELLE R. ROGERS TO PLAINTIFFS'  
EXECUTIVE COMMITTEE

COMES NOW your affiant, Danielle R. Rogers of the law firm of Langdon & Emison, LLC, being duly sworn states and respectfully files this Application and Affidavit for Appointment to the Plaintiffs' Executive Committee ("PEC"). Danielle R. Rogers and her law firm are willing and available to serve as a member of the PEC; 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, Danielle R. Rogers offers the following:

**1) Willingness and ability to commit to a time-consuming process**

I am willing and able to devote the time necessary to proceed with the implanted port catheter litigation and effectively serve on the PEC. I have significant trial and discovery experience that has prepared me to take on a similar role in the port catheter litigation and understand the time commitments required.

In September 2022, I served as co-lead counsel during a three-week 3M Bair Hugger Forced Air Warming System trial that took place in Missouri state court, which was one of only two Bair Hugger cases in the country to be tried. For the Bair Hugger litigation, I have assisted leadership with various discovery issues, including participating in dozens of depositions, drafting

full discovery requests, challenging confidentiality designations and handling privilege log issues, and participating in document review. I have a special interest in the discovery process; however, I am prepared to assume any role for the PEC in the port catheter litigation and can commit to the time-consuming process.

**2) Ability to work cooperatively with others**

I have successfully worked with other counsel to litigate and resolve pharmaceutical drug and medical device cases as well as other civil and criminal litigation cases for nearly 15 years. I recently had the opportunity to work closely with plaintiffs' leadership in the 3M Bair Hugger litigation during both discovery and trial. In addition to my ability to cooperate and work with co-counsel, I have a great relationship with the mass tort team and leadership at Langdon & Emison, LLC, and work hard to maintain professional and respectful relationships with opposing counsel.

In 2009, I was the first female prosecutor elected in Ray County, Mo., and likely the youngest full-time elected prosecutor in the state of Missouri. During my tenure as prosecutor, I successfully worked with members of the local bar association who came to know me and my work ethic.

**3) Professional experience in this type of litigation**

For the implantable port catheter litigation, I assisted in drafting the Memorandum in Support of Plaintiffs' Motion to Transfer Action to the Judicial Panel on Multidistrict Litigation. I also presented on Bard Implantable Port Catheter Litigation – The FDA and MDL at the HarrisMartin Conference in San Francisco on June 26, 2023. I bring to bear a depth of knowledge on the issues surrounding this litigation.

I have several years of mass tort and MDL experience for devices and drugs, including 3M Bair Hugger Forced Air Warming System, Paraquat, Acetaminophen, Zantac, Hernia Mesh,



Talcum Powder, and vaccine injuries. I am involved in the oversight of our firm's day-to-day mass tort practice, including qualifying cases based on the science of the litigation, drafting long- and short-form complaints, and completing plaintiff fact sheets/plaintiff questionnaires. I also have been involved in focus groups for product liability claims involving medical devices.

I have served as lead counsel in approximately 10 jury trials, at least 12 judge-tried cases and more than 100 hearings dealing with various issues of criminal law and family, juvenile and other civil matters. In addition to the experience described above, I am working with the mass tort team at Langdon & Emison, LLC to prepare for the second 3M Bair Hugger case to be tried in Missouri state court.

We are currently representing approximately 175 clients injured by Bard port catheter products and believe that many more have been injured.

**4) Access to sufficient resources to advance the litigation in a timely manner.**

We have a dedicated mass tort division with more than sufficient resources and staffing to advance the implanted port catheter litigation in a timely manner. As a nationwide product liability litigation firm, we also have the financial resources to help advance the litigation in a timely manner.

Further your affiant sayeth not.

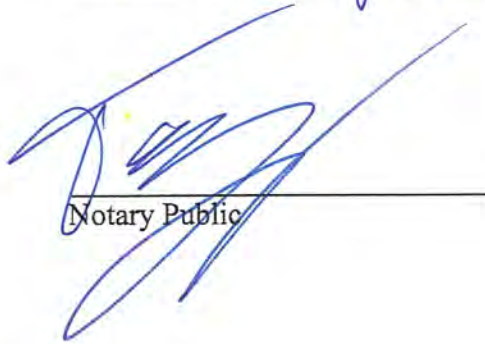
Dated: 8/17/2023



Danielle R. Rogers, MQ Bar #62120  
Langdon & Emison LLC  
911 Main Street - P.O. Box 220  
Lexington, MO 64067  
Telephone: (660) 259-6175  
Fax: (660) 259-4571  
[danielle@lelaw.com](mailto:danielle@lelaw.com)

*Attorneys for Plaintiff*

Subscribed and sworn to before me this  
17 day of August, 2023

  
\_\_\_\_\_  
Notary Public

TAYLER MILLER  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Lafayette County  
My Commission Expires: September 7, 2025  
Commission # 21180328

CURRICULUM VITAE

**DANIELLE R. ROGERS**

Partner  
Langdon & Emison  
911 Main Street  
Lexington, MO 64067

**Education**

University of Missouri-Kansas City School of Law	J.D. 2009
University of Central Missouri	B.S. 2004

**Work Experience**

Langdon & Emison (Mass Tort Partner)	2021-Present
The Rogers Law Office, LLC (Owner)	2015-2021
Ray County (MO) Elected Prosecuting Attorney	2011-2014
The Klamann Law Firm	2010
The Potts Law Firm	2009-2010

**Leadership Roles**

Missouri Association of Trial Attorneys	Board of Governors
Richmond Education Foundation	Board of Trustees Vice President
Citizen Advisory Board	Board Member

**Professional Accomplishments**

First female prosecutor elected in Ray County, Mo., and during that election cycle, likely the youngest full-time elected prosecutor in the state of Missouri.

**Awards and Recognitions**

The National Trial Lawyers	NTL Top 100 – Missouri
Missouri Lawyers Weekly	Women’s Justice Award—Litigation

**Conference Presentations**

Presenter, HarrisMartin Conference, Bard Implantable Port Catheter Litigation – The FDA and the MDL, San Francisco, June 26, 2023.

**Areas of Specialization**

Product Liability/Personal Injury Litigation	Pharmaceutical/Medical Devices
Mass Torts	MDL Litigation

### **Trial Experience**

Lead counsel on approximately 10 jury trials and countless judge-trying cases, hearings and motion practice. Examples include:

- Katherine O'Haver v. Anesthesia Associates of Kansas City PC et al., Case No. 1816-CV30710.
- Nine felony jury trials, including but not limited to a complex criminal trial resulting a conviction for murder in the first degree (State v. James Reardon, Case No. 09RY-CR00501-01)
- At least 12 judge-trying cases and more than 100 hearings dealing with various issues of criminal law and family, juvenile and other civil matters.

### **Mass Tort Experience and Other Legal Experience**

#### **Implantable Port Catheter Litigation**

- Assisted in drafting the Memorandum in Support of Plaintiffs' Motion to Transfer Actions to the Judicial Panel on Multidistrict Litigation.

#### **3M Bair Hugger Forced Air Warming System Litigation**

- Acting as co-lead counsel for the second of two 3M Bair Hugger Forced Air Warming System trials in Missouri state court set for September 2024.
- Served as co-lead counsel during a three-week 3M Bair Hugger trial in Missouri state court, only one of two Bair Hugger cases to be tried. (Katherine O'Haver v. Anesthesia Associates of Kansas City PC et al., Case No. 1816-CV30710).
- Assisted leadership with various discover issues including:
  - Participating in dozens of depositions.
  - Drafting discovery requests.
  - Challenging confidentiality designations and handling privilege log issues.
  - Participating in document review.

#### **Other Professional Experience in Mass Tort and Related Litigation**

- Manage approximately 10 dockets related to medical devices, pharmaceuticals, herbicides and commercial insurance. Responsibilities include:
  - Establishing case criteria and reviewing intakes for qualification.
  - Reviewing and submitting medical records and other discovery.
  - Effectuating resolution of aggregate settlements, including case evaluation, master settlement agreement review, and coordination of bankruptcy, probate and lien matters.
- Draft and review pleadings, motions and responses, discovery requests and responses, and other legal documents.
- Oversee mass tort associates, contract attorneys and staff.
- Assist(ed) in the following MDLs:
  - 3M Bair Hugger Forced Air Warming System.
  - Paraquat.

- Acetaminophen.
- Zantac.
- Hernia Mesh.
- Talcum Powder.
- Vaccine Injuries.
- Avandia.
- Seroquel.

**Ray County Prosecuting Attorney, State of Missouri**

- Responsible for overseeing and managing the prosecutor's office and staff.
- Filed and resolved hundreds of criminal cases.
- Drafted and review pleadings, motions and responses, discovery requests and responses, and other legal documents.
- Responsible for felony and misdemeanor jury trials, motions, hearings and docket management.

**Admitted to Practice**

Missouri State Bar Association	2009
Western District of Missouri	2023

# **Exhibit I**

Application, Declaration, and Resume – Larry Taylor

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

**IN RE BARD IMPLANTED PORT  
CATHETER PRODUCTS  
LIABILITY LITIGATION**

**MDL No. 3081**

**APPLICATION AND AFFIDAVIT OF  
LARRY F. TAYLOR TO PLAINTIFFS'  
STEERING COMMITTEE**

**Application and Affidavit of Larry F. Taylor to Plaintiffs' Steering Committee**

COMES NOW your affiant LARRY F. TAYLOR of the law firm of THE COCHRAN FIRM, being duly sworn states and respectfully files this Application and Affidavit for Appointment to the Plaintiffs' Steering Committee ("PSC"). LARRY F. TAYLOR 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, LARRY F. TAYLOR offers the following:

**1) Willingness and ability to commit to a time-consuming process**

If selected to serve as Plaintiffs' Executive Committee or on the Plaintiffs' Executive Committee, I will bring the Cochran Firm offices' support, time, and financial resources. Through my experience in mass tort litigation, as detailed below, I understand the extensive demands of complex litigation. I am prepared to marshal our resources and expertise to lead this action successfully. I have the capacity to handle this case since the Opioid litigation is now more than five years old and requires less work. Furthermore, I have arranged my roles in other litigation to ensure I have the necessary time and effort to dedicate to this litigation.

**2) Ability to work cooperatively with others**

Beyond my legal skills, I offer myself and the resources of the Cochran Offices assets that will continue to move this litigation forward. For instance, the work we have done in this litigation has worked to focus this litigation on the key aspects of the case and create a timeline that has assisted the firms in this litigation to this point. I have created an open-door policy that firms have enjoyed because I've set a flexible schedule to answer questions and provide direction. As we continue, I have committed to attending all committees and leadership meetings to serve as a central information hub and provide direction. This has been shown to be an effective means to ensure that information is distributed to members who cannot attend or are not part of certain committees. My role thus far has garnered the support of this group. 20. My leadership experience and demonstration of collaboration include board appointments by the former Governor of Texas, the Honorable Rick Perry, to repair a distressed University and to work for the Texas Speaker Tom Craddick in the Office of the Parliamentarian for the State House, managing committees and legislation. While also working on the board of several non-profit organizations working to gain community and stakeholder support throughout several communities.

**3) The Cochran Firm offices bring over 30 years of complex litigation and Mass Tort Experience.**

- MDL No. 3060, PEC member, Co-Chair of Bankruptcy Committee, Chair of Communications, Co-Chair of Revlon Defendant.
- Plaintiff Rugieyatu Bhonopha in Case No. 22-cv-06395-LB, Bhonopha v. L'Oreal U.S.A., Inc., et al, recently transferred to the Northern District of Illinois, Eastern District, Case No. 23 C 818, MDL No. 3060, Judge Mary M. Rowland. It was the fourth case filed In. re: Hair Relaxer Marketing, Sales Practices, and Products Liability Litigation.



- MDL No. 0638 Coordinated Proceeding, In Re: Just for Men Mass Tort Litigation (S.D. Ill. May 4, 2017)(Herndon, J.)(status: settlement administration). Involvement: PSC member, Expert Committee, Briefing Committee, Discovery Committee and Privilege Log Review.
- MDL No. 2443, In re: E.D. Du Pont de Nemours and Company C8 Personal Injury Litigation (S.D. Ohio)(Sargus, J.)(status: settled). Involvement: Performed pretrial expert discovery, deposed causation expert for 11 scheduled trials, and member of bellwether trial team in Moody v. DuPont.
- MDL No. 2244, In re: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation (N.D. Tex.)(Kinkeade, J.)(status: settlement administration). Involvement: Discovery Subcommittee, Law & Briefing Subcommittee. Member of trial team for four bellwether trials.
- MDL No. 2197, In re: DePuy Orthopaedics ASR Hip Implant Products Liability Litigation (N.D. Ohio)(Helmick, J.)(status: settled). Involvement: Discovery Subcommittee, handling backlog of reviews other firms were unable to complete.
- MDL No. 2100, In re: Yasmin and Yaz (Dropsirenone) Marketing, Sales Practices and Product Liability Litigation (S.D. Ill.)(Herndon, J.)(status: settled). Involvement: Discovery Subcommittee, Bellwether Trial Team, Briefing Committee.
- I am one of the lead attorneys representing Dallas County in the opioid multidistrict bellwether trial. While a member of the PSC, I co-chaired ESI committee, served on the bankruptcy committee, and provided case management.
- We currently represent over 50 individuals who have or may have been injured by Bard Port-Catheter products.

**4) Access to sufficient resources to advance the litigation in a timely manner.**

The Cochran Firm is a well-established national firm with sufficient financial and human resources to handle this case promptly and to a conclusion.

Further your affiant sayeth not.

Dated: August 17, 2023

  
\_\_\_\_\_  
**The Cochran Firm – Dallas, PLLC**

TX State Bar No. 24071156

AZ State Bar No. 038277

[ltaylor@cochrantexas.com](mailto:ltaylor@cochrantexas.com)

1825 Market Center Blvd., Ste 500

Dallas, Texas 75207

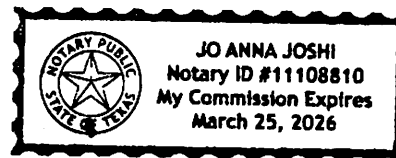
Telephone: (214)651-4260

Fax: (214)651-4261

*Attorneys for Plaintiff*

Subscribed and sworn to before me this  
17<sup>th</sup> day of August, 2023

  
\_\_\_\_\_  
Notary Public



**UNITED STATES JUDICIAL PANEL  
On  
MULTIDISTRICT LITIGATION**

**In re: BARD IMPLANTED PORT  
CATHETER PRODUCTS  
LIABILITY LITIGATION**

Case No. 2:23-md-03081

MDL NO. 3081

**This Document Relates to All Cases**

**DECLARATION OF LARRY F. TAYLOR, JR. FOR APPOINTMENT TO  
PLAINTIFFS' EXECUTIVE COMMITTEE**

I, Larry Taylor, respectfully submit this declaration in support of my proposed appointment to Plaintiffs' Executive Committee in this action. This declaration is submitted with the consent and agreement of other interested counsel comprising the proposed Co-Leads, the Executive Committee, and the Steering Committee.

1. I am the Co-Managing Equity Partner of The Cochran Law Firm Arizona/Texas/Oklahoma/New Mexico, Lead attorney for The Cochran Firm National's Hair Litigation, and I oversee Mass Torts, Employment, and Civil Rights practices of the Firm. The Cochran Firm is the largest African American lead firm in the nation.
2. I have been instrumental in the Bard litigation early on. Working alongside the initial filing law firms, I filed one of the first lawsuits in this litigation. I have served in a leadership and management role in MDL No. 3081 thus far. I have not only provided effective strategy, drafting and legal direction in my involvement, but I also serve as Co-Chair on Bard litigation groups within legal associations. It has been an honor to be requested by organizations like Harris Martin and other industry partners to speak on this litigation, allowing me to work with several firms that needed direction and guidance. This was all done to move this litigation forward efficiently.
3. My application for appointment to become PEC has the support of firms proposing this structure. I have demonstrated the ability to lead, communicate, and get buy-in from these supporting law firms. I have provided direction that has moved this litigation forward and motivated member firms to complete the necessary tasks for this litigation while being inclusive and available. The work I have performed on past MDL and my current efforts are an essential reasons this group of law firms is confident in my abilities as a member of leadership.

**Willingness and ability to commit to a time-consuming process.**

4. If selected to serve on Plaintiffs' Executive Committee, I will bring the support, time and financial resources of the Cochran Firm offices. Through my experience in mass tort litigation, as detailed below, I understand the extensive demands of complex litigation. I am prepared to marshal our resources and expertise to lead this action successfully. I have the capacity to handle this case since the Opioid litigation is now more than five years old and requires less work. Furthermore, I have arranged my roles in other litigation to ensure I have the necessary time and effort to dedicate to this litigation.

5. I would also bring diverse experiences and expertise to Leadership. I have experience in complex Corporate Structure and Finance, Federal and State legislation, Information Technology, and Project Management. That combination of experiences has given me the tools to provide unique insight that would help the Court and the Plaintiff law firms in this litigation.

**Cochran offices bring over 30 years of complex litigation and Mass Tort Experience.**

6. MDL No. 3060, PEC Member Case No. 1:23-cv-00818, In Re: Hair Relaxer Marketing Sales Practices and Products Liability Litigation, Co-Chair of Bankruptcy Committee, Chair of Communications, Co-Chair of Revlon Defendant.
7. Plaintiff Rugieyatu Bhonopha in Case No. 22-cv-06395-LB, *Bhonopha v. L'Oreal U.S.A., Inc.*, et al, recently transferred to the Northern District of Illinois, Eastern District, Case No. 23 C 818, MDL No. 3060, Judge Mary M. Rowland. It was **the fourth** case filed In. re: Hair Relaxer Marketing, Sales Practices, and Products Liability Litigation.
8. Coordinated Proceeding No. 0638, In Re: Just for Men Mass Tort Litigation (S.D. Ill. May 4, 2017) (Herndon, J.) (status: settlement administration). Involvement: PSC member, Expert Committee, Briefing Committee, Discovery Committee and Privilege Log Review.
9. MDL No. 2443, In re: E.D. Du Pont de Nemours and Company C8 Personal Injury Litigation (S.D. Ohio) (Sargus, J.) (status: settled). Involvement: Performed pretrial expert discovery, deposed causation expert for 11 scheduled trials, and member of bellwether trial team in Moody v. DuPont.
10. MDL No. 2244, In re: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation (N.D. Tex.) (Kinkeade, J.) (status: settlement administration). Involvement: Discovery Subcommittee, Law & Briefing Subcommittee. Member of trial team for four bellwether trials.
11. MDL No. 2197, In re: DePuy Orthopaedics ASR Hip Implant Products Liability Litigation (N.D. Ohio) (Helmick, J.) (status: settled). Involvement: Discovery Subcommittee, handling backlog of reviews other firms were unable to complete.
12. MDL No. 2100, In re: Yasmin and Yaz (Dropsirenone) Marketing, Sales Practices and Product Liability Litigation (S.D. Ill.) (Herndon, J.) (status: settled). Involvement: Discovery Subcommittee, Bellwether Trial Team, Briefing Committee.
13. I am one of the lead attorneys representing Dallas County in the opioid multidistrict bellwether trial. While a member of the PSC, I co-chaired ESI committee, served on the bankruptcy committee, and provided case management.

**Ability to work cooperatively with others.**

14. Beyond my legal skills, I offer myself and the resources of the Cochran Offices assets that will continue to move this litigation forward. For instance, the work we have done in this litigation has

worked to focus on the key aspects of the case and create a timeline that has assisted the firms in this litigation to this point. I created an open-door policy that firms have enjoyed because I've set a flexible schedule to answer questions and provide direction. As we continue, I am committed to attending all committees and leadership meetings to serve as a central information hub and provide direction. This has shown to be an effective means to ensure that information is distributed to members who cannot attend or are not part of certain committees. My role has garnered this group's support.

15. This projected role is similar to the role I played in Opioid litigation<sup>1</sup>, where I served in a leadership role to ensure the timing and direction of the Texas Bellwether trial and am a member of the trial team. I also served as proxy to leadership with knowledge of committee focus to resolve conflicts between leadership and committee tasks. This served as beneficial during ESI protocol, depositions, and hearings that required experience in each.
16. Because of my unwavering commitment to my clients and practice, I have been recognized for my professionalism, ethical conduct, and advocacy for civil justice. In 2021, I was awarded the *David S. Shrager President's Award* from the AAJ, in recognition of my contribution to civil justice and the work of AAJ. I was the first person of color to receive the award.
17. I have worked with other prominent attorneys of color to ensure that victims of corporate misconduct are represented by lawyers that look like them. Along with five others, I formed *Shades of Mass* to advocate for and get attorneys of color appointed to lead and co-lead counsel roles in litigations seeking justice for these populations.<sup>2</sup> Our inaugural conference educated 300 attendees nationwide on the structural and financial considerations for attorneys of color to participate in mass tort litigation.
18. My leadership experience and demonstration of collaboration include board appointments by the former Governor of Texas, the Honorable Rick Perry, to repair a distressed University and to work for the Texas Speaker Tom Craddick in the Office of the Parliamentarian for the State House, managing committees and legislation. While also working on the board of several non-profit organizations working to gain community and stakeholder support throughout several communities.

## **Conclusion**

19. I would not only bring considerable experience and resources to the leadership of this litigation but also add an ability to bring parties and their counsel together for successful litigation. My experience working up from committees to a leadership role enables me to relate to the concerns of all lawyers and create an environment of collaboration and focus on this litigation.
20. I am applying for an appointment to the Plaintiffs' Executive Committee. I hope to serve in that capacity with the full support, top talent, and resources that The Cochran Firm has to offer this Court and this litigation.

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<sup>1</sup> County of Dallas v. Purdue Pharma, LP, et al., Cause No. DC-18-00290, in the 116th Judicial District Court, Dallas, County, Texas/ MDL PRETRIAL CAUSE NO. 2018-63587.

<sup>2</sup>The other co-founders are Ben Crump, Diandra Debrosse Zimmerman, Navan Ward, LaRuby May and Gregory Cade. The website for Shades of Mass is [www.shadesofmass.org](http://www.shadesofmass.org).

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

Dated August 17, 2023.

**THE COCHRAN FIRM-DALLAS, PLLC**

/s/ Larry F. Taylor

Larry F. Taylor

Arizona State Bar No. 038277

[ltaylor@cochrantexas.com](mailto:ltaylor@cochrantexas.com)

1825 Market Center Blvd, Suite 500

Dallas, Texas 75207

Telephone: (214) 651-4260

Fax: (214) 651-4261

CURRICULUM VITAE

**LARRY F. TAYLOR**

**Attorney-at-Law**

1825 Market Center Blvd., Suite 500  
Dallas, TX 75207

Larry F. Taylor, Jr. is a managing partner for The Cochran Firm Texas and a Founding member of Shade of Mass. Larry oversees our Mass Torts, Criminal, Employment, and Civil Rights practice areas and leads community involvement efforts. While Larry is active daily in Mass Tort litigation, he plays a role in client communications and cases involving everyday folks. He is an active coach in youth sports. He sits on the board or executive committee for several diverse community stakeholder entities, The American Association for Justice, Texas Trial Lawyers, Los Borrios Community Clinics, Public Justice and more.

Between growing up in Duval County, Florida, and Harris County, Texas (3rd Ward, Acers Homes, Greenspoint) and raising his kids in rural Texas, Larry has gained a first-hand appreciation for those who struggle for a sense of fairness. From the client in urban America seeking to be seen and heard to the small-town rural American wanting fairness, it all resonates with Larry's need and desire to fight for and with them.

Having once needed a lawyer to represent him against a goliath of a corporation, he understands the complexities and care needed to ensure his clients are informed and made comfortable during the most vulnerable time of their lives. Larry has received many community and leadership awards due to his efforts.

Education

- Juris Doctorate: Thurgood Marshal School of Law, 2008
- Undergraduate: Texas A&M University, College Station 1994

Professional Memberships

- Admitted to practice in Arizona, Texas, Oklahoma, and New Mexico
- Houston Trial Lawyer Association
- Dallas Trial Lawyers Association
- Texas Trial Lawyers Association
- Diversity Chair 2016-2018
- Executive Committee Member 2016-2018
  - Board of Directors 2016-2023
- American Association of Justice
- Chair of New Lawyers Division
- Executive Committee 2019-2021
- Texas State Bar Association – Member
- Oklahoma State Bar Association-Member
- New Mexico State Bar Association- Member
- Arizona State Bar Association Member
- Dallas Bar Association – Member
- Injury Board – Member

### Awards and Recognition

- Top 40 Under 40 Lawyers
- Super Lawyer (3years) - Rising Star
- Political Activism Award from Southwest Alumni of Delta Sigma Theta
- Soaring Eagle Award for Leadership
- D Magazine Top Lawyer (Mass Tort)
- The Lobias Murray Humanitarian Award
- Dallas Top 100 Lawyers
- Nationally ranked top 10 under 40

### Publications

- The How to Guide for Prosecutors Defending the Sentencing Guidelines on Crack, 33 T. Marshall L. Rev. 329 (2007-2008)
- Hair Relaxer Litigation – “The Nut’s and Bult’s of Hair Relaxer Litigation” (Harris Martin, American Association of Justice, Mass Tort Made Perfect) 2022-2023
- “How can I do Mass Tort’s” (Shades of Mass) 2022
- “What experience teaches you about depositions!” (Minnesota Trial Lawyers) 2022
- “What is being done to prevent Texas wrong way crashes? (Dallas.LegalExaminer.com) November 21, 2022
- “How to educate your Texas teen about distracted driving.” (Dallas.LegalExaminer.com) November 2, 2021
- (Additional publications by request)

Outside of work, Larry spends time with his wife and three children, volunteering with youth organizations, scuba diving, cooking various local and international dishes, fishing and working on his land.



# **Exhibit J**

Declaration and Resume – Thomas Cartmell

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

**IN RE: BARD IMPLANTED PORT  
CATHETER PRODUCTS LIABILITY  
LITIGATION**

Case No. 2:23-md-03081

MDL No. 3081

Judge David G. Campbell

**DECLARATION OF THOMAS CARTMELL FOR APPOINTMENT**

Pursuant to Order Regarding Initial Case Management Conference, Doc. 7 at 5-6, I respectfully submit this application to serve as a member of the Plaintiffs' Executive Committee ("PEC") for MDL No. 3081 – *In Re: Bard Implanted Port Catheter Products Liability Litigation*.

**1. Ability to Work Cooperatively with Others**

I believe that a lawyer's ability to foster and maintain strong professional relationships with other counsel is critically important and I have worked very hard throughout my career to do exactly that in prior MDLs and other matters. My law firm and I consistently have demonstrated the ability to work cooperatively with other attorneys. One of the core principles of our law practice is and always has been, zealous advocacy accompanied by professional civility and courtesy. We have successfully worked with most of the attorneys applying for leadership positions in this litigation in a number of MDLs over the past 20 years.

**2. Willingness and Ability to Commit to a Lengthy and Time-Consuming Process**

I have the willingness, eagerness, and ability to commit immediately to this litigation. The Pelvic Mesh Repair System Products Liability Litigation that occupied a significant amount of my time and my firm's resources for more than seven years is now completed. Likewise, the successful resolution of the *In Re: Juul Labs, Inc.* litigation means my role as liaison role for government entity plaintiffs is coming to an end. Although I am currently a member of member of Plaintiffs' Steering Committee In Re. Hair Relaxer litigation, and a member of Plaintiffs' Steering Committee in the JCCP Social Media litigation, I do not expect these roles to prevent me from devoting significant personal and firm attention and resources to this PEC and this MDL starting immediately. I am willing and able to commit immediately to time-consuming litigation. Much of my work has been in cases stemming from the *Pelvic Repair System Products Liability Litigation and Juul Labs, Inc.* However, most of our firm's cases have settled, resulting in my ability and my firm's ability to spend additional time, energy, and resources in this litigation. Further, although I have handled our firm's internal dockets for other mass torts, several of those are in the late stages of settlement and no longer require large amounts of time, energy, and/or resources. My firm and I understand that litigation of this nature requires a significant commitment of time and resources, and we are prepared to make those commitments.

Our firm filed one case in the Western District of Missouri that has been transferred to Judge Campbell by the Judicial Panel on Multidistrict Litigation. I have attended numerous meetings with other plaintiffs' lawyers to develop and implement a litigation plan that promotes efficiency and justice in this MDL. Our firm plans to continue carefully investigating, vetting, and filing meritorious claims in this litigation.

### **3. Professional Experience in This Kind of Litigation**

For the past 20 years, much of my practice and experience has occurred within MDL and state-court consolidated mass tort, product liability litigation. I have served in Co-Lead Counsel or Co-Lead Trial Counsel roles in large, successful MDLs, including In Re: Ethicon, Inc. MDL No. 2327 before Judge Goodwin, and In Re: Avandia Marketing and Sales Practices and Products Liability Litigation, MDL No. 1871 before Judge Rufe, In Re: 3M Combat Arms Earplug Products Liability Litigation, MDL No. 2885 before Judge Rodgers and Magistrate Judge Cannon, and In Re: JUUL Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2913 before Judge Orrick. I also worked directly with Judge Herndon in his role as Special Master in the 3M Combat Earplugs MDL and as a court-appointed member of the fee panel in the Opiate MDL. I hope that you might speak to Judge Herndon, Judge Goodwin, Judge Rufe, Judge Rodgers, or Judge Orrick about my contributions and those of our firm to the MDLs they oversaw. I also have meaningful experience as lead trial counsel, having tried over 30 cases on behalf of both plaintiffs and defendants in federal and state courts around the country. My resume, attached, sets forth in detail my professional experience. It includes a chart listing my prior MDL experience, service as lead counsel and on plaintiffs' committees, and identifies the judges before whom I have appeared in those matters. Perhaps of most significance, my work as a co-lead attorney (and trial counsel) in large MDLs such as the Avandia MDL (before Judge Rufe) and Ethicon in the Pelvic Mesh Repair System MDLs before Judge Goodwin will be beneficial to this PEC. I have also helped lead the Juul Labs, Inc MDL and worked closely in those MDLs with dozens of other plaintiffs' counsel leading those MDLs to successful conclusions, after much hard work, cooperation, and balancing the bigger picture with attention to detail. I will bring that same approach to this PEC and this MDL.

### **4. Gender and Experience Diversity Within Leadership Teams**

Over the past few months, I have worked closely with other plaintiffs' counsel to form an agreed, proposed leadership structure with the goal of creating a diverse team that can work collaboratively and effectively to steer the plaintiffs' side of this complex proceeding. I believe the proposed structure will best serve the plaintiffs, consistent with the standards outlined in MDL Guidelines and Best Practices. The proposed group offers a strong, diverse, cohesive leadership group that can marshal sufficient resources to move this litigation efficiently and expeditiously, in a manner fully consistent with the Court's expectations for professionalism, courtesy, and civility. At the same time, my application is not contingent on the Court agreeing to the proposed group without modification. I believe I will add significant value to the Plaintiff's Executive Committee regardless of its composition as decided by the Court, as I emphasize courtesy, civility, and teamwork in any cases I pursue.

**5. Access to Sufficient Resources to Advance the Litigation in a Timely Manner**

Our firm has 35 attorneys, the majority of whom specialize in products liability and MDL litigation, as well as 40 staff members. Most of my partners have been practicing for 15 years or more and have substantial trial experience. We also have multiple lawyers who served as law clerks to judges at the federal district and appellate court levels. In addition to human capital, we also have the financial resources to commit to this litigation. Our firm does not use outside litigation funding. We have a track record of making a deep commitment of time and financial resources to MDLs. By way of example, in the *Pelvic Repair System Products Liability Litigation* MDLs, our firm acted as trial counsel in seven bellwether trials, and Judge Goodwin approved for our firm 56,621.10 hours of common benefit time and reimbursement of nearly \$2 million in common benefit expenses, demonstrating our firm's access and willingness to commit resources to time-consuming, complex litigation.

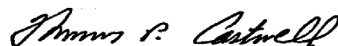
**6. Additional Information**

In addition to the above, I have received professional recognitions that reflect my experience as a trial lawyer and as a leader in the bar with a reputation for professionalism, honesty, and collegiality. For example, I am a Fellow in the American College of Trial Lawyers and in the International Society of Barristers. I am also a past President of the Kansas City chapter of the American Board of Trial Advocates. Also, our firm has substantial experience in complex litigation representing public entities, such as the State of Kansas in a complex arbitration against the major tobacco companies, and the Commonwealth of Kentucky against Ethicon in a consumer protection case involving pelvic mesh products. Such representation demonstrates the confidence other public officials have placed in me and my partners to represent their interests ethically and effectively, with diligence and professionalism.

To conclude, this litigation will present unique challenges that require a high level of skill and dedication from all counsel involved. I welcome the opportunity to serve for plaintiffs.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Thomas P. Cartmell".

Thomas P. Cartmell

Attachment 1 – Resume

## ATTACHMENT 1 – RESUME

### THOMAS P. CARTMELL

Tom Cartmell is a founding partner of Wagstaff & Cartmell LLP. He has been lead or co-lead counsel in more than 30 federal and state court trials throughout the country on behalf of both plaintiffs and defendants. He is a Fellow in the American College of Trial Lawyers and in the International Society of Barristers.

Tom began his career at a large defense firm, before co-founding the litigation boutique firm, Wagstaff & Cartmell, LLP, in 1997. The Kansas City-based firm now has 32 attorneys, and 52 other employees. The firm handles complex litigation nationwide in the areas of product liability, consumer fraud, class actions, antitrust, corporate malfeasance, professional liability, and representation of public entities.

Tom has extensive experience leading multi-district and consolidated litigation, trying cases to juries, and arguing appeals in state and federal courts around the country. He has been co-lead counsel and/or co-lead trial counsel in large, successful MDLs: *In Re: Ethicon, Inc.*, MDL No. 2327 and *In Re: Avandia Marketing and Sales Practices and Products Liability Litig.*, MDL No. 1871. In the Pelvic Mesh Repair System Products Liability Litigation, he was lead or co-lead counsel in five bellwether trials in federal and state courts.

Tom has been appointed by Judges across the country to the following MDL and JCCP leadership positions.

MDL/JCCP Case	Judge's Name and Contact Information	Court	Role
<i>Social Media Cases</i> <i>JCCP No. 5255</i>	Hon. Carolyn B. Kuhl 312 N. Spring Street Los Angeles, CA 90012 213-310-7000	Sup. Court of CA County of Los Angeles Spring Street Courthouse	Plaintiffs' Steering Committee
<i>In Re: Hair Relaxer Marketing Sales Practices and Prods. Liab. Litig</i> MDL No. 3060	Hon. Mary M. Rowland 219 S. Dearborn Street Chicago, IL 60604 312-435-5670	N.D. IL (Eastern Division)	Plaintiffs' Steering Committee
<i>In Re: Juul Labs, Inc., Marketing Sales Practices and Prods. Liab. Litig.</i> , MDL No. 2913	Hon. William H. Orrick 450 Golden Gate Ave. San Francisco, CA 94102 415-522-2000	N.D. Cal. (San Francisco)	Plaintiffs' Steering Committee (Government Entity Liaison Counsel)
<i>In Re: 3M Combat Arms Earplug Prods. Liab. Litig.</i> , MDL No. 2885	Hon. M. Casey Rodgers One North Palafox St. Pensacola, FL 32502 850-435-8448	N.D. Fla. (Pensacola)	Executive Committee

<b>MDL/JCCP Case</b>	<b>Judge's Name and Contact Information</b>	<b>Court</b>	<b>Role</b>
<i>In Re: Bard IVC Filters Prods. Liab. Litig.</i> MDL No. 2641	Hon. David G. Campbell 401 W. Washington St. #623 Phoenix, AZ 85003-2156 602-322-7645	D. Ariz.	Plaintiffs' Steering Committee
<i>In Re: Ethicon, Inc. MDL No. 2327 (Pelvic Mesh Repair System MDLs)</i>	Hon. Joseph R. Goodwin 300 Virginia Street East Charleston, WV 25301 304-347-3192	S.D. W. Va.	Co-Lead Counsel
<i>Pelvic Mesh Repair System Prods. Liab. Litig.</i> , MDL Nos. 2187, 2325, 2326	Hon. Joseph R. Goodwin 300 Virginia Street East Charleston, WV 25301 304-347-3192	S.D. W. Va.	Plaintiffs' Steering Committee
<i>In Re: Zoloft (Sertraline Hydrochloride) Prods. Liab. Litig.</i> , MDL No. 2342	Hon. Cynthia M. Rufe 12614 U.S. Courthouse 601 Market Street Philadelphia, PA 19106 267-299-7490	E.D. Pa.	Plaintiffs' Steering Committee
<i>In Re: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Prods. Liab. Litig.</i> MDL No. 2244	Hon. Ed Kinkeade 1100 Commerce St., Rm 1625 Dallas, TX 75242-1003 214-753-2720	N.D. Tex.	Plaintiffs' Steering Committee
<i>In re Ephedra Prods. Liab. Litig.</i> , MDL No. 2071	Hon. Jed S. Rakoff 500 Pearl St. New York, NY 10007 212-805-0401	S.D.N.Y.	Plaintiffs' Steering Committee
<i>In Re: Avandia Marketing and Sales Practices and Prods. Liab. Litig.</i> , MDL No. 1871	Hon. Cynthia M. Rufe 12614 U.S. Courthouse 601 Market Street Philadelphia, PA 19106 267-299-7490	E.D. Pa.	Co-Lead Trial Counsel Plaintiffs' Steering Committee
<i>In re Kugel Mesh Hernia Patch Prods. Liab. Litig.</i> , MDL No. 1842	Hon. Mary M. Lisi (Ret.)	D.R.I.	Plaintiffs' Steering Committee
<i>In re Bextra and Celebrex Prod. Liab. Litig.</i> , MDL No. 1699	Hon. Charles R. Breyer 450 Golden Gate Ave. San Francisco, CA 94102 415-522-2000	N.D. Cal.	Co-Lead Trial Counsel Plaintiffs' Steering Committee

Tom has significant experience representing states, counties, and hospitals. Among others, he represents Buchanan County, Missouri, with one of the highest rates of opioid prescriptions in the country over the past five years, in the National Prescription Opiate Litigation, MDL No. 2804. Tom currently represents the Commonwealth of Kentucky in consumer protection litigation against Johnson & Johnson and Ethicon involving transvaginal mesh. He and his partners also represented the State of Kansas in a multi-year arbitration against the tobacco industry. He has represented Children's Mercy Hospital of Kansas City for 20 years.

A past president of the Kansas City chapter of ABOTA, Tom has been honored as one of the *Kansas City Business Journal's* "Best of the Bar" for many years, *Super Lawyers* edition for nine straight years, and has continuously been recognized in The Best Lawyers in America since 2007. Tom has an AV rating from Martindale Hubbell.

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*. He has served as an Adjunct Professor of Trial Advocacy at the University of Kansas School of Law and is also a frequent speaker at seminars which focus on trial tactics and strategy.

## **Exhibit K**

Application Letter and Resume – Alex Barlow





September 7<sup>th</sup>, 2023

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: In Re Bard Implanted Port Catheter Products Liability Litigation***

Dear Judge Campbell:

In accordance with the Court's Order Setting Initial Case Management Conference, I respectfully submit this letter detailing my qualifications and desire to serve as a member of the Plaintiffs' Executive Committee.

I am the Managing Partner of the Complex Torts Group for Scott + Scott Attorneys at Law LLP. For the last twenty-five years, one hundred percent of my practice has been dedicated to litigating complex matters such as the Bard port catheter cases. Much of this work has been as part of trial teams and committees for Federal MDLs, California JCCPs and Texas State Court MDLs. During my career, I have achieved over \$225 million in trial verdicts on behalf of my clients. Most of these verdicts were in cases involving complex scientific and medical issues.

I am currently the designated lead trial lawyer for thirteen cities and towns with public nuisance cases related to the opioid epidemic filed in the Superior Court of Suffolk County, Massachusetts. The litigation team under my direction also represents an additional thirteen municipal plaintiffs with cases pending in the Opiate litigation MDL 2804 before Judge Polster. The claims against most of the defendants in the above cases are resolved. I am awaiting the ruling of the U.S. Supreme Court on whether my clients will be able to further pursue cases against the Sackler family defendants or if the Sacklers will be extended protection under the Purdue Pharma bankruptcy. If the Sackler family defendants are not extended such protection, I will be directing the litigation against them in the Massachusetts state actions as those cases move to trial. I will also be the lead trial lawyer on any cases remanded from the MDL.

Previously, I played an extensive role in the transvaginal mesh litigation MDL 2327. I was an active member of the Discovery Committee developing the case against Ethicon, taking numerous depositions of Ethicon executives and scientists that became part of the trial presentations in that litigation. I was also one of the few lawyers who tried any of these cases to verdict and was the lead trial lawyer on the only Ethicon Prolift + M case to go to verdict. I was also the lead lawyer on hundreds of cases against the other major defendants in that litigation. Ultimately, clients under my representation achieved settlements totaling more than eighty million dollars.

I was also a member of the first bellwether trial team in the California Risperdal JCCP. The bellwether case against Janssen Pharmaceuticals, Inc. was settled shortly before trial with over seven hundred other claims under my representation. In this litigation, I was responsible for developing and defending many of the primary plaintiff experts, presenting and defending the plaintiff fact witnesses, developing trial themes and demonstratives, conducting focus groups to evaluate the case and its presentation, arguing motions before the court and developing (with the court, the special master and the

Page 2

defendant) a structure for administering the settlement of those cases that served as a model for future inventory settlements in the litigation.

I also represented eight states (Louisiana, Kentucky, Mississippi, Maryland, South Carolina, New Mexico, West Virginia and Utah) in litigation against GSK, plc (formerly GlaxoSmithKline, plc) over the fraudulent and improper marketing of Avandia, a diabetes treatment drug that was found to increase the risk of heart attacks. The total settlement on behalf of the states I represented was \$229 million.

Before the Avandia litigation on behalf of the states, I was part of the team that prosecuted the last round of personal injury cases in the federal MDL, Pennsylvania state courts and the California JCCP. My primary responsibilities in that case involved handling causation witnesses, including successfully defending the specific causation witness for the plaintiffs in the California JCCP in his Frye hearing. Just before voir dire, my firm at the time was able to resolve over fifteen thousand individual plaintiff cases.

As of the time of this letter, I am representing 126 clients with implantable port catheter injuries.

In addition to my experience and passion for representing plaintiffs in complex litigation, I bring the support of a well-established firm with extensive resources. Scott + Scott Attorneys at Law LLP is an internationally recognized law firm with over 125 lawyers located in eight states and four countries. We are well-equipped to advance significant litigation expeditiously. Our firm's infrastructure ensures that the necessary resources—both human and financial—will be allocated to advance the litigation effectively and in a timely manner.

Lastly, your honor requested judicial references. I believe the Court would find it informative to discuss my qualifications with the following judges I have tried cases before in the last several years: Judge Consuelo Bland Marshall, Senior United States District Judge for the Central District of California (669) 254-5252 and Judge Francis J. Mathew, First District of New Mexico Division 1 (505) 455-8155.

I would be honored to be chosen by this Court to serve the Plaintiffs of this MDL. I thank the Court for its consideration.

Sincerely,

**SCOTT+SCOTT ATTORNEYS AT LAW LLP**



**Alex Barlow**

## Alex Barlow

7718 Wood Hollow Drive Suite 105 • Austin, Texas • (512) 337-8432 • [abarlow@scott-scott.com](mailto:abarlow@scott-scott.com)

### Civil Litigation Attorney

#### Professional Experience:

- |                               |  |
|-------------------------------|--|
| September 2021 – Present      | <b>Scott + Scott Attorneys at Law</b> , Austin, Texas<br><i>Managing Partner of Complex Torts Group</i><br>• Practice Areas: Medical Device & Pharmaceutical Litigation, Catastrophic Personal Injury, Consumer Litigation, Commercial Litigation. |
| January 2019 – September 2021 | <b>Shrader &amp; Associates</b> , Houston, Texas<br><i>Senior Trial Counsel</i><br>• Practice Areas: Medical Device & Pharmaceutical Litigation, Catastrophic Personal Injury, Commercial Litigation.  |
| October 2010 – December 2018  | <b>Heard, Robins, Cloud</b> , Houston, Texas<br><i>Partner</i><br>• Practice Areas: Medical Device & Pharmaceutical Litigation, Catastrophic Personal Injury, Commercial Litigation.   |
| October 2008-October 2010     | <b>Sanford Barlow, LLP</b> , Houston, Texas<br><i>Partner</i><br>• Practice Areas: Mass Tort, Environmental Litigation.  |
| February 2006 – October 2008  | <b>Heard, Robins, Cloud &amp; Lubel</b> , Houston, Texas<br><i>Trial Counsel</i><br>• Practice Areas: Catastrophic Personal Injury, Commercial Litigation, Environmental Litigation, Mass Tort Litigation.   |
| January 2002 – January 2006   | <b>The Barlow Law Firm, LLP</b> , Austin, Texas<br><i>Partner</i><br>• Practice Areas: Nursing Home Litigation, Commercial Litigation, Mass Tort Litigation.   |
| November 1998 - December 2001 | <b>Baron &amp; Budd</b> , Dallas, Texas<br><i>Associate</i><br>• Practice Areas: Mass Tort, Environmental Litigation.  |

#### Significant Trial Victories:

- *Castillo v. Garlock* – Verdict \$10.4 million
- *Raper v. Pittsburg-Corning* – Verdict \$9.2 million
- *Wigley v. Georgia-Pacific* – Verdict \$4.6 million
- *Parker v. Gautier Pers. Care* – Post-verdict settlement \$900,000
- *Vallejo v. Gonzalez* – Verdict \$206,000,000

#### Education:

**The University of Texas School of Law**  
J.D., with honors, 1998

**The University of Texas at Austin**  
B.A., May 1995  
Major: Plan II Liberal Arts Honors Program

**Professional Acknowledgements & Activities:**

- Martindale-Hubbel AV-Preeminent peer review rating
- American Association for Justice Presidents Club
- Trial Lawyers for Public Justice
- Past Board Member Texas Trial Lawyers Association

**Educational Honors & Activities:**

- Order of the Coif
- George E. Seay Endowed Presidential Scholarship
- University Commended Scholar
- Dedman Foundation Scholarship
- Balfour Scholar

**Lectures:**

- *Emerging Torts*,  
TTLA Year-end CLE
- *How to Win on Cross-examination*,  
TTLA Las Vegas Seminar
- *Circumstantial Evidence of Scientific Causation*,  
TTLA Mid-Year CLE
- *Deceptive Trade Practices in Commercial Litigation*,  
TTLA Commercial Litigation Seminar
- *Nursing Home Abuse & Neglect Case Evaluation*,  
University of Mississippi Tort Law Seminar
- *The Future of Mass Torts*,  
University of Mississippi Tort Law Seminar
- *Trying the Low Exposure Asbestos Case*,  
Plaintiff's Asbestos Litigation Seminar

**Licensure:**

- Texas – 1998, Mississippi 2001, Oklahoma 2005

# **Exhibit L**

Application and Resume – Tom Pirtle

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

**IN RE BARD IMPLANTED PORT  
CATHETER PRODUCTS  
LIABILITY LITIGATION**

No. 2:23-md-3081-PHX-DGC

**APPLICATION AND AFFIDAVIT OF  
THOMAS W. PIRTLE TO PLAINTIFFS'  
STEERING COMMITTEE**

COMES NOW the affiant, Thomas W. Pirtle, of the law firm of Laminack, Pirtle & Martines, being duly sworn states and respectfully files this Application and Affidavit for Appointment to the Plaintiffs' Steering Committee ("PSC"). Thomas W. Pirtle 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, Thomas W. Pirtle offers the following:

**1) Willingness and ability to commit to a time-consuming process**

I am currently serving on the Executive Committee of the 3M Combat Arms Litigation MDL. The litigation has progressed to a stage where many high-profile cases have been tried to jury verdict, and the parties are now engaged in settlement negotiations. I am willing and able to devote whatever time necessary to assist in prosecuting the Port Catheter Products Litigation on behalf of plaintiffs in this MDL.

I, and my firm, have leadership and committee experience in all aspects of the MDL litigation process, including: science, regulatory, briefing, Bellwether, ESI, discovery, depositions and trials.

**2) Ability to work cooperatively with others**

I have successfully worked with other counsel, individually and through numerous MDL committees, to litigate and resolve pharmaceutical and device cases, as well as, other catastrophic injury cases for the last 33 years. Please see a listing of MDL's, included with my CV, I've been involved with during my law career.

**3) Professional experience in this type of litigation**

I have been lead trial counsel on numerous jury trials involving mass tort, medical products liability, medical malpractice, and personal injury cases. I have 33 years of mass tort and MDL experience for medical devices and pharmaceuticals, including: Silicone Breast Implants, Sulzer Hip & Knee Implants, Transvaginal Mesh, FenPhen, Seroquel, Reglan, and Proton Pump Inhibitors, as examples. I am currently serving on the Executive Committee of the 3M Combat Arms Litigation and on the PSC Discovery Committee of the East Palestine Railroad Litigation.

Further, I recently served as plaintiffs' lead trial counsel, trying to verdict, three of the Bellwether trials in the 3M Combat Arms Litigation. I have also served as plaintiffs' lead trial counsel in two trials in the Mentor Obtape Litigation.

I have special knowledge of issues involving Federal Preemption due to my previous extensive involvement in medical products litigation and MDLs.


We currently represent approximately 200 plaintiffs injured by Bard Port-Catheter products.

**4) Access to sufficient resources to advance the litigation in a timely manner.**

My firm has more than sufficient resources and staffing to advance the litigation in a timely and efficient manner and will contribute whatever assessment is required.

Further your affiant sayeth not.

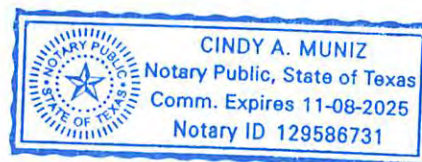
Dated: Aug 16 2023

  
\_\_\_\_\_  
Thomas W. Pirtle

*Attorney for Plaintiffs*

Subscribed and sworn to before me this  
16<sup>th</sup> day of August, 2023

  
\_\_\_\_\_  
Notary Public





**THOMAS W. PIRTLE**

5020 Montrose Blvd., 9<sup>th</sup> Floor  
Houston, Texas 77006  
Telephone: 713-292-2750  
tomp@lpm-triallaw.com  
www.lpm-triallaw.com

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I have spent my career advocating for the rights of individuals who have been harmed by another's actions. For the last 30 years, I have worked on complex civil litigation throughout the Country, including numerous state and federal consolidated proceedings. I am known for my ability to both coordinate and litigate complex cases from initial filing through trial, appeal, and settlement.

***Education***

South Texas College of Law  
Juris Doctorate, 1990

Stephen F. Austin University  
B.S., Psychology, 1987  
- Honors  
- Outstanding Graduate Award

***Employment***

Laminack, Pirtle & Martines, L.L.P.  
Houston, Texas  
March 2006-Present

- Chief Litigation Partner
- Partner overseeing management of trials and discovery of all mass tort and complex litigation cases

O'Quinn, Laminack & Pirtle, L.L.P.  
Houston, Texas  
1990-2006

- Partner and senior litigator in the firm's mass tort division, managing a diverse range of complex cases involving medical devices and pharmaceuticals

***Admissions & Practice***

State Bar of Texas

United States Court of Federal Claims

United States District Courts  
Southern District of Texas  
Eastern District of Texas

## ***Representative Cases and Leadership Roles***

### ***Jury Verdicts***

#### *The Estate of Cynthia Coffey v. Wyeth [Phen-Fen Diet Drugs]*

- \$1.3 billion jury verdict and subsequent settlement of over 4,000 MDL cases

#### *Wellogix, Inc. v. Accenture, LLP*

- \$94 million jury verdict for a theft of trade secrets case

#### *Sheila Turner v. Basic Energy Services, L.P., et al.*

- \$22 million jury verdict

#### *Steven Wilkerson v. 3M Company, et al.*

- \$8 million jury verdict

### ***State Consolidations and Federal Multi-District Litigation***

#### *MDL No. 962; In Re: Silicone Breast Implant Litigation*

- United States District Court for the Northern District of Alabama
- Harris County, Texas Coordinating Counsel

#### *MDL No. 1203; In Re: Diet Drugs Products Liability Litigation*

- United States District Court for the Eastern District of Pennsylvania
- Harris County, Texas Co-Lead Counsel

#### *MDL No. 2885; In Re: 3M Combat Arms Ear Plug Products Liability Litigation*

- United States District Court for the Northern District of Florida
- Member, Plaintiffs' Executive Committee & Settlement Team

#### *MDL No. 1401; In re: Sulzer Hip and Knee Prosthesis Liability Litigation*

- United States District Court for the Northern District of Ohio
- Settlement Lead

#### *In Re: East Palestine Train Derailment Liability Litigation*

- United States District Court for the Northern District of Ohio
- Member, Plaintiffs' Discovery Committee

## ***Awards & Recognition***

Texas Super Lawyer Award; 2012-13; 2017-2023

## **Exhibit M**

Application Letter and Resume – Shanon Carson

**APPLICATION OF SHANON J. CARSON OF BERGER MONTAGUE PC FOR  
APPOINTMENT TO PLAINTIFFS' EXECUTIVE COMMITTEE**

**1. My background and experience uniquely qualify me to serve as a member of the Plaintiffs' Executive Committee in this case.** Berger Montague PC ("BMPC") currently represents over 60 retained clients who allege injuries resulting from the alleged defective product at issue.<sup>1</sup> I am the Chair of BMPC's consumer protection, defective products, and defective drugs and medical devices departments, and I have co-managed BMPC, a law firm with over 130 employees, since 2014 (having joined the firm over 23 years ago in 2000 out of law school). BMPC has successfully prosecuted complex litigation and class and mass actions for over 53 years.<sup>2</sup> I have personally led many teams that have successfully litigated and resolved defective product cases, including in *Drayton v. Pilgrim's Pride Corp.*, No. 03-2334 (E.D. Pa.) (consolidation of death and catastrophic injury cases arising from 2<sup>nd</sup> largest meat recall in U.S. history); *In re CertainTeed Fiber Cement Siding Litig.*, MDL No. 2270 (E.D. Pa.) (as MDL Co-Lead Counsel, I led a team that obtained a \$103.9 million cash settlement in case alleging premature failure of siding); *Cole v. NIBCO, Inc.*, No. 3:13-7871 (D.N.J.) (as Co-Lead Counsel, I led a team that obtained a \$43.5 million cash settlement in defective product case involving polyethylene tubes, fittings and clamps); *George v. Uponor, Inc.*, No. 12-CV-249 (D. Minn.) (\$21 million class settlement for defective PEX fittings); *Bentley v. LG Electronics U.S.A., Inc.*, No. 2:19-cv-13554

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<sup>1</sup> My bio is available at <https://bergermontague.com/attorneys/shanon-j-carson>.

<sup>2</sup> BMPC is routinely appointed to lead and co-lead positions in complex litigation cases including hundreds of class action cases and dozens of MDLs. *See, e.g., Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, No. 1:05-md-01720-JG-JO (E.D.N.Y.) (as co-lead counsel, BMPC obtained the largest antitrust class settlement in U.S. history (over \$5.6 billion recently approved); *Cook v. Rockwell Int'l Corp.*, No. 90-cv-00181-JLK (D. Colo.) (co-lead counsel for class of property owners harmed by nuclear waste; tried to largest verdict in Colorado history and obtained \$375 million settlement following appeals).

(D.N.J.) (as Co-Lead Counsel, I led a team that obtained a large settlement for purchasers of defective refrigerators).

I have litigated and am currently litigating thousands of defective product cases involving FDA approved drugs and medical devices, as well as contaminated products that caused users to suffer personal injuries. The sum of these directly relevant case experiences, in each of which I led (or am leading) cohesive and winning teams, uniquely qualify me to serve as part of leadership in this case, and I will apply those experiences to benefit plaintiffs here. For example, I am currently appointed as Co-Lead Counsel in *Allergan BIOCELL Textured Breast Implant Products Liability Litig.*, No. 2:19-md-02921 (D.N.J.) (pending before Judge Martinotti). *Allergan* involves a recalled medical device (textured breast implants) alleged to cause cancer and other injuries. I co-led the team that drafted the consolidated complaints and briefs that defeated preemption and other arguments and am now co-leading discovery in that case which is moving swiftly. I am also currently appointed to the Plaintiffs' Steering Committee in *In re Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Litigation*, MDL No. 3014, (W.D. Pa). My experience in these multi-district litigations will serve the plaintiffs here well.

**2. BMPC is willing and able to commit the necessary time and resources to this litigation.** BMPC will commit the financial and time commitment resources that are necessary to obtain a favorable outcome for the plaintiffs. I will personally oversee and help the law and briefing and settlement efforts on behalf of plaintiffs in this case and I am particularly skilled in organizing and leading large teams. BMPC's experience and efforts will hasten the filing of a Master Personal Injury Complaint that will benefit all plaintiffs and represent well the plaintiffs' interest in briefing and competently presenting arguments to the Court. As a reference for my personal work in large complex civil litigation, U.S. Magistrate Judge Jonathan W. Feldman of the U.S. District Court for

the Western District of New York once wrote about my efforts in approving the \$21.4 million settlement achieved in that case on behalf of a class of African American employees alleging racial discrimination:

“The nature of the instant application obliges the Court to make this point clear: *In my fifteen years on the bench, no case has been litigated with more skill, tenacity and legal professionalism than this case.* The clients, corporate and individual, should be proud of the manner in which their legal interests were brought before and presented to the Court by their lawyers and law firms.”

and

“...the Court would be remiss if it did not commend class counsel and all those who worked for firms representing the thousands of current and former employees of Kodak for the outstanding job they did in representing the interests of their clients. For the last several years, lead counsel responsibilities were shared by Shanon Carson .... Their legal work in an extraordinarily complex case *was exemplary, their tireless commitment to seeking justice for their clients was unparalleled and their conduct as officers of the court was beyond reproach.*”

*Davis v. Eastman Kodak Company*, No. 6:04-cv-6098-JWF (W.D.N.Y.) and *Alston v. Eastman Kodak Company*, No. 6:07-cv-6512-JWF (W.D.N.Y.) (emphasis added).

**3. I have worked successfully with my colleagues on the plaintiff and defense sides for my entire career.** As evidenced by the results I have obtained over the course of my 23-year career to date, I have worked cooperatively and productively with my co-counsel teams and defense counsel resulting in dozens of large multi-million settlements. BMPC’s resume along with my biography is attached hereto as Exhibit A. I am honored by the many appointments I have received for lead and co-lead counsel positions and to have received accolades and awards for my work efforts, and I am privileged to serve my clients. I work hard and collegially with co-counsel and defense counsel, have an amicable but no-nonsense approach, and I am known for efficiency. I truly value all members of our team and support staff and recognize and am a proponent of

diversity in leadership. This is reflected on my team in this case, where I respectfully request that the Court also appoint my colleague, Jennifer Elwell of BMPC, to the Plaintiffs' Steering Committee in this case.

Dated: September 11, 2023

Respectfully submitted,

/s/ Shanon J. Carson

Shanon J. Carson

**BERGER MONTAGUE PC**

1818 Market Street, Suite 3600

Philadelphia, PA 19103

Tel: (215) 875-3000

Fax: (215) 875-4604

Email: [scarson@bm.net](mailto:scarson@bm.net)



1818 Market Street | Suite 3600 | Philadelphia, PA 19103

[info@bm.net](mailto:info@bm.net)

[bergermontague.com](http://bergermontague.com)

800-424-6690

## About Berger Montague

Berger Montague is a full-spectrum class action and complex civil litigation firm, with attorneys highly sought after for their legal skills and commitment to justice. The Firm has been recognized by federal and state courts for its expertise in handling major complex litigation, particularly in the fields of antitrust, securities, mass torts, civil and human rights, whistleblower cases, employment, and consumer litigation. The Firm has played a principal role in numerous precedent-setting cases, solidifying its standing as a trusted law firm.

Berger Montague has received repeated praise and recognition from its peers, clients, courts, and leading publications. The Firm was selected by the National Law Journal (NLJ) in 12 out of 14 years (2003-2005, 2007-2013, 2015-2016) for its "Hot List" of top plaintiffs-oriented litigation firms in the United States. The Firm has also been recognized by *The Legal Intelligencer*, Chambers & Partners, U.S News and Best Lawyers, and the Legal 500 for its outstanding legal skills and success in complex litigations. In 2023, Berger Montague was a finalist for "Law Firm of the Year" and was honored with five professional excellence awards by *The Legal Intelligencer*.

Berger Montague's attorneys have been individually recognized for their legal expertise. Many of the Firm's lawyers have been selected as "Super Lawyers" and "Rising Stars" by Thomson Reuters. Numerous attorneys have received the Martindale-Hubbell AV peer-reviewed rating, which is the highest possible rating that is awarded to less than 5% of the nation's lawyers. The Firm's attorneys have also been recognized by Lawdragon, *The Legal Intelligencer*, and Pennsylvania Law Weekly for their legal excellence.

Currently, the firm consists of approximately 100 lawyers; 19 paralegals; and an experienced support staff. There are few firms in the United States that have our breadth of practice and reputation in the field of representing plaintiffs in civil litigation, class actions, commercial litigation, and qui tam lawsuits.

## History of the Firm

Berger Montague was founded in 1970 by the late David Berger to concentrate on the representation of plaintiffs in a series of antitrust class actions. David Berger helped pioneer the



use of class actions in antitrust litigation and was instrumental in extending the use of the class action procedure to other litigation areas, including securities, employment discrimination, civil and human rights, and mass torts. The firm's complement of nationally recognized lawyers has represented both plaintiffs and defendants in these and other areas and has recovered billions of dollars for its clients. In complex litigation, particularly in areas of class action litigation, Berger Montague has established new law and forged the path for recovery.

The firm has been involved in a series of notable cases, some of them among the most important in the last 50 years of civil litigation. For example, the firm was one of the principal counsel for plaintiffs in the *Drexel Burnham Lambert/Michael Milken* securities and bankruptcy litigation. Claimants in these cases recovered approximately \$2 billion in the aftermath of the collapse of the junk bond market and the bankruptcy of *Drexel* in the late 1980's. The firm was also among the principal trial counsel in the *Exxon Valdez Oil Spill* litigation in Anchorage, Alaska, a trial resulting in a record jury award of \$5 billion against Exxon, later reduced by the U.S. Supreme Court to \$507.5 million. Berger Montague was lead counsel in the *School Asbestos Litigation*, in which a national class of secondary and elementary schools recovered in excess of \$200 million to defray the costs of asbestos abatement. The case was the first mass tort property damage class action certified on a national basis. Berger Montague was also lead class counsel and lead trial counsel in the *Cook v. Rockwell International Corporation* litigation arising out of a serious incident at the Rocky Flats nuclear weapons facility in Colorado.

Additionally, in the human rights area, the firm, through its membership on the executive committee in the *Holocaust Victim Assets Litigation*, helped to achieve a \$1.25 billion settlement with the largest Swiss banks on behalf of victims of Nazi aggression whose deposits were not returned after the Second World War. The firm also played an instrumental role in bringing about a \$4.37 billion settlement with German industry and government for the use of slave and forced labor during the Holocaust.

### **Diversity, Equity and Inclusion Initiatives**

Berger Montague not only supports the idea of its Diversity, Equity and Inclusion ("DEI") initiatives, it is a part of the DNA and fabric of the firm—internally amongst the Berger Montague family and in the way we practice law with co-counsel, opposing counsel, the courts, and with our clients. Through our DEI initiatives, Berger Montague actively works to increase diversity at all levels of our firm and to ensure that professionals of all races, religions, national origins, gender identities, ethnicities, sexual orientations, and physical abilities feel supported and respected in the workplace.

Berger Montague has a DEI Task Force with the leadership of the DEI Coordinator, Camille Fundora Rodriguez, and including, Candice J. Enders, Caitlin G. Coslett, Sophia Rios, and Reginald L. Streater. Berger Montague has enacted a broad range of diversity and inclusion projects, including successful efforts to hire and retain attorneys and non-attorneys from diverse backgrounds and to foster an inclusive work environment, including through firmwide trainings on implicit bias issues that may impact the workplace.

Additionally, at Berger Montague women lead. Women comprise over 30% of Berger Montague's shareholders, well above the national average as reported by the National Association of Women Lawyers. Moreover, women at the firm are encouraged and have taken advantage of professional development support to bolster their trajectories into key participation and leadership roles, both within and outside the firm, including mentoring, networking, and educational opportunities for women across all career levels. As a result of these intentional policies and initiatives, women attorneys at Berger Montague are managing departments, running offices, overseeing major administrative programs, generating new business, serving as first chair in trials, handling large matters, and holding numerous other leadership positions firmwide.

Berger Montague's commitment to DEI activities extends beyond our firm. For example, DEI Task Force members are involved in numerous community and professional activities outside of the firm. Representative activities include membership in and/or board or leadership positions with the Hispanic Bar Association, the Barristers' Association of Philadelphia, the Philadelphia Public School Board of Education, Court Appointed Special Advocates (CASA) of Philadelphia, Philadelphia Bar Association's Business Law Section's Antitrust Committee, Community Legal Services of Philadelphia, the Greater Philadelphia Chapter of the Pennsylvania ACLU, AccessMatters, After School Activities Partnerships, and Leadership Council on Legal Diversity. As such, Berger Montague's commitment to DEI has created an atmosphere in which the attorneys can share their gifts with the legal and greater communities from which they come.

### **Commitment to *Pro Bono***

Berger Montague attorneys commit their most valuable resource, their time, to charities, nonprofit organizations, and *pro bono* legal work. For over 50 years, Berger Montague has encouraged its attorneys to support charitable causes and volunteer in the community. Our lawyers understand that participating in *pro bono* representation is an essential component of their professional and ethical responsibilities.

Berger Montague is strongly committed to numerous charitable causes. Over his lengthy career, David Berger, the firm's founding partner, was prominent in a great many philanthropic and charitable enterprises, including serving as Honorary Chairman of the American Heart Association; a Trustee of the American Cancer Society; and a member of the Board of Directors of the American Red Cross. This tradition continues to the present.

Community Legal Services of Philadelphia, an organization that provides free legal advice and representation to low-income residents of Philadelphia, honored Berger Montague with its 2021 Champion of Justice Award for the firm's work leading a case against the IRS that succeeded in getting unemployed people their rightful benefits during the COVID-19 pandemic.

In prior years, Berger Montague received the Chancellor's Award presented by the Philadelphia Volunteers for the Indigent Program ("VIP"), which provides crucial legal services to more than 1,000 low-income Philadelphia residents each year. VIP relies on volunteer attorneys to provide

*pro bono* representation for families and individuals. In 2009 and 2010, Berger Montague also received an award for our volunteer work with the VIP Mortgage Foreclosure Program.

Today, Berger Montague attorneys engage in *pro bono* work for many organizations, including:

- Public Interest Law Center of Philadelphia (“PILCOP”)
- Community Legal Services of Philadelphia (“CLS”)
- Philadelphia Legal Assistance
- Education Law Center
- Legal Clinic for the Disabled
- Support Center for Child Advocates
- Veterans Pro Bono Consortium
- AIDS Law Project of Philadelphia
- Center for Literacy
- National Liberty Museum
- Philadelphia Volunteers for the Indigent Program
- Philadelphia Mortgage Foreclosure Program

We are proud of our written *pro bono* policy that encourages and strongly supports our attorneys to get involved in this important and rewarding work. Many attorneys at Berger Montague have been named to the First District of Pennsylvania’s Pro Bono Honor Roll.

Berger Montague also makes annual contributions to the Philadelphia Bar Foundation, an umbrella charitable organization dedicated to promoting access to justice for all people in the community, particularly those struggling with poverty, abuse, and discrimination.

The firm also has held numerous clothing drives, toy drives, food drives, and blood drives. Through these efforts, Berger Montague professional and support staff have donated thousands of items of clothing, toys, and food to local charities including the Salvation Army, Toys for Tots, and Philabundance, a local food bank. Blood donations are made to the American Red Cross. Berger Montague attorneys also volunteer on an annual basis at MANNA, which prepares and delivers nourishing meals to those suffering with serious illnesses.

## **Practice Areas and Case Profiles**

### **Antitrust**

The notable antitrust victories obtained by Berger Montague over the last half century have led to the recovery of tens of billions of dollars for the firm’s clients and the class members they have represented. Notable settlements include *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* (settlement of approximately \$5.6 billion); *In re Namenda Direct Purchaser Antitrust Litigation* (class settlement of \$750 million); *King Drug Co. v. Cephalon, Inc.* (\$512 million class settlement); *In re Capacitors Antitrust Direct Purchaser Litigation* (class settlements totaling \$604.55 million), *In re Domestic Drywall Antitrust Litigation* (class settlements of over \$190 million), *In re Commodity Exchange, Inc. Gold Futures &*

*Options Trading Litigation* (settlements of \$152 million); *In re Opana ER Litigation* (\$145 million settlement).

Once again, Berger Montague has been selected by *Chambers and Partners* for its 2023 *Chambers USA* Guide as one of Pennsylvania's top antitrust firms. *Chambers USA 2023* states that Berger Montague's antitrust practice group is "a preeminent force in the Pennsylvania antitrust market, offering expert counsel to clients from a broad range of industries."

*The Legal 500*, a guide to worldwide legal services providers, ranked Berger Montague as a Top Law Firm for Antitrust: Civil Litigation/Class Actions: Plaintiff in the United States in its 2022 guide.

Berger Montague is credited for trailblazing and pioneering the modern antitrust class action in the United States and has litigated many of the most significant civil antitrust cases alleging price fixing and monopoly abuse.

As a result of our successes and the skill, reputation, and experience of our firm's antitrust lawyers, Berger Montague is routinely appointed by federal courts as lead or co-lead counsel in the most significant and complex antitrust class action cases on behalf of businesses and consumers, including:

- ***In re Capacitors Antitrust Direct Purchaser Litigation:*** Berger Montague represented a class of direct purchasers of electrolytic and film capacitors alleging that nearly two dozen overseas manufacturers, with sprawling corporate families based almost entirely in Japan, colluded for over a decade in a conspiracy to fix prices for aluminum, tantalum, and film capacitors worldwide, including in the U.S. Class settlements totaled \$604.55 million.
- ***In re Commodity Exchange, Inc. Gold Futures & Options Trading Litigation:*** Berger Montague represented a class of sellers of certain gold investments alleging that the five banks that conducted the London Gold Fixing conspired to suppress the London PM Fix benchmark price for gold causing their investments to be sold at an artificially low price. Settlements totaled \$152 million.
- ***In re Opana ER Litigation:*** Berger Montague served as co-lead counsel for the certified class alleging that Defendants entered into a pay-for-delay agreement whereby Impax delayed the launch of its generic Opana ER product in exchange for valuable consideration from Endo, resulting in class members suffering overcharge damages. After eight years of hard-fought litigation, the class and Impax settled as trial commenced (and proceeded against Endo), reaching what Judge Leininweber described as an "excellent" settlement valued at \$145 million.
- ***In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation:*** Berger Montague served as co-lead counsel for a national class including millions of merchants in the *Payment Card Interchange Fee and Merchant Discount Antitrust*

*Litigation* against Visa, MasterCard, and several of the largest banks in the U.S. (e.g., Chase, Bank of America, and Citi). The lawsuit alleged that merchants paid excessive fees to accept Visa and MasterCard cards because the payment cards, individually and together with their respective member banks, violated the antitrust laws. The challenged conduct included, *inter alia*, the collective fixing of interchange fees and adoption of rules that hindered any competitive pressure by merchants to reduce those fees. The lawsuit further alleged that defendants maintained their conspiracy even after both Visa and MasterCard changed their corporate forms from joint ventures owned by member banks to publicly-owned corporations following commencement of this litigation. The result in this case is the largest-ever class action settlement of an antitrust case, obtaining final approval for approximately \$5.6 billion.

- ***Contant, et al. v. Bank of America Corp., et al.***: Berger Montague served as lead class counsel in the multistate indirect purchaser antitrust class action *Contant, et al. v. Bank of America Corp., et al.*, against 16 of the world's largest dealer banks. Plaintiffs alleged that the defendants colluded to manipulate prices on foreign currency ("FX") instruments, using a number of methods to carry out their conspiracies, including sharing confidential price and order information through electronic chat rooms, thereby enabling the defendants to coordinate pricing and eliminate price competition. As with prior bank rigging scandals involving conspiracies to manipulate prices on other financial instruments, the defendants' alleged conspiracy to manipulate FX prices was the subject of numerous governmental investigations as well as direct purchaser class actions brought under antitrust federal law. However, the *Contant* action was the first of such cases to bring claims under state indirect purchaser antitrust laws on behalf of state-wide classes of retail investors of those financial instruments and whose claims have never been redressed. On July 29, 2019, U.S. District Judge Lorna G. Schofield granted preliminary approval of a \$10 million settlement with Citigroup and a \$985,000 settlement with MUFG Bank Ltd. On July 17, 2020, the Court granted preliminary approval of three settlements with all remaining defendants for a combined \$12.695 million. Each of the five settlements, totaling \$23.63 million, received final approval on November 19, 2020.
- ***In re Dental Supplies Antitrust Litigation***: Berger Montague served as co-lead counsel for a class of dental practices and dental laboratories in *In re Dental Supplies Antitrust Litigation*, a suit brought against Henry Schein, Inc., Patterson Companies, Inc., and Benco Dental Supply Company, the three largest distributors of dental supplies in the United States. On September 7, 2018, co-lead counsel announced that they agreed with defendants to settle on a classwide basis for \$80 million. The settlement received final approval on June 24, 2019. The suit alleged that the defendants, who collectively control close to 90 percent of the dental supplies and equipment distribution market, conspired to restrain trade and fix prices at anticompetitive levels, in violation of the Sherman Act. In furtherance of the alleged conspiracy, plaintiffs claimed that the defendants colluded to boycott and pressure dental manufacturers, dental distributors, and state dental associations that did business with or considered doing business with the defendants' lower-priced rivals. The suit claimed that, because of the defendants' anticompetitive

conduct, members of the class were overcharged on dental supplies and equipment. In the 2019 Fairness Hearing, Judge Brian M. Cogan of the U.S. District Court for the Eastern District of New York said: “This is a substantial recovery that has the deterrent effect that class actions are supposed to have, and I think it was done because we had really good Plaintiffs’ lawyers in this case who were running it.”

- ***In re Domestic Drywall Antitrust Litigation:*** Berger Montague served as co-lead counsel on behalf of a class of direct purchasers of drywall, in a case alleging that the dominant manufacturers of drywall engaged in a conspiracy to fix drywall prices in the U.S. and to abolish the industry’s long-standing practice of limiting price increases for the duration of a construction project through “job quotes.” Berger Montague represented a class of direct purchasers of drywall from defendants for the period from January 1, 2012 to January 31, 2013. USG Corporation and United States Gypsum Company (collectively, “USG”), New NGC, Inc., Lafarge North America Inc., Eagle Materials, Inc., American Gypsum Company LLC, TIN Inc. d/b/a Temple-Inland Inc., and PABCO Building Products, LLC were named as defendants in this action. On August 20, 2015, the district court granted final approval of two settlements—one with USG and the other with TIN Inc.—totaling \$44.5 million. On December 8, 2016, the district court granted final approval of a \$21.2 million settlement with Lafarge North America, Inc. On February 18, 2016, the district court denied the motions for summary judgment filed by American Gypsum Company, New NGC, Inc., Lafarge North America, Inc., and PABCO Building Products. On August 23, 2017, the district court granted direct purchaser plaintiffs’ motion for class certification. On January 29, 2018, the district court granted preliminary approval of a joint settlement with the remaining defendants, New NGC, Inc., Eagle Materials, Inc., American Gypsum Company LLC, and PABCO Building Products, LLC, for \$125 million. The settlement received final approval on July 17, 2018, bringing the total amount of settlements for the class to \$190.7 million.
  
- ***In re Currency Conversion Fee Antitrust Litigation:*** Berger Montague, as one of two co-lead counsel, spearheaded a class action lawsuit alleging that the major credit cards had conspired to fix prices for foreign currency conversion fees imposed on credit card transactions. After eight years of litigation, a settlement of \$336 million was approved in October 2009, with a Final Judgment entered in November 2009. Following the resolution of eleven appeals, the District Court, on October 5, 2011, directed distribution of the settlement funds to more than 10 million timely filed claimants, among the largest class of claimants in an antitrust consumer class action. A subsequent settlement with American Express increased the settlement amount to \$386 million. (MDL No. 1409 (S.D.N.Y)).
  
- ***In re Marchbanks Truck Service Inc., et al. v. Comdata Network, Inc.:*** Berger Montague was co-lead counsel in this antitrust class action brought on behalf of a class of thousands of Independent Truck Stops. The lawsuit alleged that defendant Comdata Network, Inc. had monopolized the market for specialized Fleet Cards used by long-haul truckers. Comdata imposed anti competitive provisions in its agreements with Independent Truck Stops that artificially inflated the fees Independents paid when



accepting the Comdata's Fleet Card for payment. These contractual provisions, commonly referred to as anti-steering provisions or merchant restraints, barred Independents from taking various competitive steps that could have been used to steer fleets to rival payment cards. The settlement for \$130 million and valuable prospective relief was preliminary approved on March 17, 2014, and finally approved on July 14, 2014. In its July 14, 2014 order approving Class Counsel's fee request, entered contemporaneously with its order finally approving the settlement, the Court described this outcome as "substantial, both in absolute terms, and when assessed in light of the risks of establishing liability and damages in this case."

- ***Ross, et al. v. Bank of America (USA) N.A., et al.***: Berger Montague, as lead counsel for the cardholder classes, obtained final approval of settlements reached with Chase, Bank of America, Capital One and HSBC, on claims that the defendant banks unlawfully acted in concert to require cardholders to arbitrate disputes, including debt collections, and to preclude cardholders from participating in any class actions. The case was brought for injunctive relief only. The settlements remove arbitration clauses nationwide for 3.5 years from the so-called "cardholder agreements" for over 100 million credit card holders. This victory for consumers and small businesses came after nearly five years of hard-fought litigation, including obtaining a decision by the Court of Appeals reversing the order dismissing the case, and will aid consumers and small businesses in their ability to resist unfair and abusive credit card practices. In June 2009, the National Arbitration Forum (or "NAF") was added as a defendant. Berger Montague also reached a settlement with NAF. Under that agreement, NAF ceased administering arbitration proceedings involving business cards for a period of three and one-half (3.5) years, which relief is in addition to the requirements of a Consent Judgment with the State of Minnesota, entered into by the NAF on July 24, 2009.
- ***Johnson, et al. v. AzHHA, et al.***: Berger Montague was co-lead counsel in this litigation on behalf of a class of temporary nursing personnel, against the Arizona Hospital and Healthcare Association, and its member hospitals, for agreeing and conspiring to fix the rates and wages for temporary nursing personnel, causing class members to be underpaid. The court approved \$24 million in settlements on behalf of this class of nurses. (Case No. 07-1292 (D. Ariz.)).

The firm has also played a leading role in cases in the pharmaceutical arena, especially in cases involving the delayed entry of generic competition, having achieved over \$2 billion in settlements in such cases over the past decade, including:

- ***In re: Namenda Direct Purchaser Antitrust Litigation***: Berger Montague is co-lead counsel for the class in this antitrust action brought on behalf of a class of direct purchasers of branded and/or generic Namenda IR and/or branded Namenda XR. It settled for \$750 million on the very eve of trial. The \$750 million settlement received final approval on May 27, 2020, and is the largest single-defendant settlement ever for a case alleging delayed generic competition. (Case No. 15-cv-7488 (S.D.N.Y.)).

- ***King Drug Co. v. Cephalon, Inc.***: Berger Montague played a major role (serving on the executive committee) in this antitrust class action on behalf of direct purchasers of the prescription drug Provigil (modafinil). After nine years of hard-fought litigation, the court approved a \$512 million partial settlement, then the largest settlement ever for a case alleging delayed generic competition. (Case No. 2:06-cv-01797 (E.D. Pa.)). Subsequent non-class settlements pushed the total settlement figure even higher.
- ***In re Aggrenox Antitrust Litigation***: Berger Montague represented a class of direct purchasers of Aggrenox in an action alleging that defendants delayed the availability of less expensive generic Aggrenox through, *inter alia*, unlawful reverse payment agreements. The case settled for \$146 million. (Case No. 14-02516 (D. Conn.)).
- ***In re Asacol Antitrust Litigation***: The firm served as class counsel for direct purchasers of Asacol HS and Delzicol in a case alleging that defendants participated in a scheme to block generic competition for the ulcerative colitis drug Asacol. The case settled for \$15 million. (Case No. 15-cv-12730-DJC (D. Mass.)).
- ***In re Celebrex (Celecoxib) Antitrust Litigation***: The firm represented a class of direct purchasers of brand and generic Celebrex (celecoxib) in an action alleging that Pfizer, in violation of the Sherman Act, improperly obtained a patent for Celebrex from the U.S. Patent and Trademark Office in a scheme to unlawfully extend patent protection and delay market entry of generic versions of Celebrex. The case settled for \$94 million. (Case No. 14-cv-00361 (E.D. VA.)).
- ***In re DDAVP Direct Purchaser Antitrust Litigation***: Berger Montague served as co-lead counsel in a case that charged defendants with using sham litigation and a fraudulently obtained patent to delay the entry of generic versions of the prescription drug DDAVP. Berger Montague achieved a \$20.25 million settlement only after winning a precedent-setting victory before the United States Court of Appeals for the Second Circuit that ruled that direct purchasers had standing to recover overcharges arising from a patent-holder's misuse of an allegedly fraudulently obtained patent. (Case No. 05-2237 (S.D.N.Y.)).
- ***In re K-Dur Antitrust Litigation***: Berger Montague served as co-lead counsel for the class in this long-running antitrust litigation. Berger Montague litigated the case before the Court of Appeals and won a precedent-setting victory and continued the fight before the Supreme Court. On remand, the case settled for \$60.2 million. (Case No. 01-1652 (D.N.J.)).
- ***In re Loestrin 24 Fe Antitrust Litigation***: Berger Montague served as co-lead counsel for the class of direct purchasers of brand Loestrin, generic Loestrin, and/or brand Minastrin. The direct purchaser class alleged that defendants violated federal antitrust laws by unlawfully impairing the introduction of generic versions of the prescription drug Loestrin 24 Fe. The case settled shortly before trial for \$120 million (Case No. 13-md-2472) (D.R.I.).



- ***Meijer, Inc., et al. v. Abbott Laboratories:*** Berger Montague served as co-lead counsel in a class action on behalf of pharmaceutical wholesalers and pharmacies charging Abbott Laboratories with illegally maintaining monopoly power and overcharging purchasers in violation of the federal antitrust laws. Plaintiffs alleged that Abbott had used its monopoly with respect to its anti-HIV medicine Norvir (ritonavir) to protect its monopoly power for another highly profitable Abbott HIV drug, Kaletra. This antitrust class action settled for \$52 million after four days of a jury trial in federal court in Oakland, California. (Case No. 07-5985 (N.D. Cal.)).
- ***Mylan Pharmaceuticals, Inc. v. Warner Chilcott Public Ltd. Co.:*** Berger Montague served as co-lead counsel in a case challenging Warner Chilcott's alleged anticompetitive practices with respect to the branded drug Doryx. The case settled for \$15 million. (Case No. 2:12-cv-03824 (E.D. Pa.)).
- ***In re Oxycontin Antitrust Litigation:*** Berger Montague served as co-lead counsel on behalf of direct purchasers of the prescription drug Oxycontin. The case settled in 2011 for \$16 million. (Case No. 1:04-md-01603 (S.D.N.Y.)).
- ***In re Prandin Direct Purchaser Antitrust Litigation:*** Berger Montague served as co-lead counsel and recovered \$19 million on behalf of direct purchasers of the diabetes medication Prandin. (Case No. 2:10-cv-12141 (E.D. Mich.)).
- ***Rochester Drug Co-Operative, Inc. v. Braintree Labs., Inc.:*** Berger Montague served as co-lead counsel on behalf of direct purchasers alleging sham litigation led to the delay of generic forms of the brand drug Miralax. The case settled for \$17.25 million. (Case No. 07-142 (D. Del.)).
- ***In re Skelaxin Antitrust Litigation:*** Berger Montague was among a small group of firms litigating on behalf of direct purchasers of the drug Skelaxin. The case settled for \$73 million. (Case No. 2:12-cv-83 / 1:12-md-02343) (E.D. Tenn.)).
- ***In re Solodyn Antitrust Litigation:*** Berger Montague served as co-lead counsel representing a class of direct purchasers of brand and generic Solodyn (extended-release minocycline hydrochloride tablets) alleging that defendants entered into agreements not to compete in the market for extended-release minocycline hydrochloride tablets in violation of the Sherman Act. With a final settlement on the eve of trial, the case settled for a total of more than \$76 million. (Case No. 14-MD-2503-DJC (D. Mass.)).
- ***In re Tricor Antitrust Litigation:*** Berger Montague was one of a small group of counsel in a case alleging that the manufacturer of this drug was paying its competitors to refrain from introducing less expensive generic versions of Tricor. The case settled for \$250 million. (No. 05-340 (D. Del.)).
- ***In re Wellbutrin XL Antitrust Litigation:*** Berger Montague served as co-lead counsel for a class of direct purchasers of the antidepressant Wellbutrin XL. A settlement of \$37.5

million was reached with Valeant Pharmaceuticals (formerly Biovail), one of two defendants in the case. (Case No. 08-cv-2431 (E.D. Pa.)).

## Consumer Protection

Berger Montague's Consumer Protection Group protects consumers when they are injured by false or misleading advertising, defective products, data privacy breaches, and various other unfair trade practices. Consumers too often suffer the brunt of corporate wrongdoing, particularly in the area of false or misleading advertising, defective products, and data or privacy breaches.

- ***In re Public Records Fair Credit Reporting Act Litigation:*** Berger Montague is class counsel in three class action settlements involving how the big three credit bureaus, Experian, TransUnion, and Equifax, report public records, including tax liens and civil judgments. The settlements provide groundbreaking injunctive relief valued at over \$100 billion and provide a streamlined process for consumers to receive uncapped monetary payments for claims related to inaccurate reporting of public records.
- ***In re: CertainTeed Fiber Cement Siding Litigation:*** The firm, as one of two Co-Lead Counsel firms obtained a settlement of more than \$103 million in this multidistrict products liability litigation concerning CertainTeed Corporation's fiber cement siding, on behalf of a nationwide class. (MDL No. 2270 (E.D. Pa.)).
- ***Countrywide Predatory Lending Enforcement Action:*** Berger Montague advised the Ohio Attorney General (and several other state attorneys general) regarding predatory lending in a landmark law enforcement proceeding against *Countrywide* (and its parent, Bank of America) culminating in 2008 in mortgage-related modifications and other relief for borrowers across the country valued at some \$8.6 billion.
- ***In re Experian Data Breach Litigation:*** Berger Montague served on the Executive Committee of this class action lawsuit that arose from a 2015 data breach at Experian in which computer hackers stole personal information including Social Security numbers and other sensitive personal information for approximately 15 million consumers. The settlement is valued at over \$170 million. It consisted of \$22 million for a non-reversionary cash Settlement Fund; \$11.7 million for Experian's remedial measures implemented in connection with the lawsuit; and two years of free credit monitoring and identity theft insurance. The aggregate value of credit monitoring claimed by class members during the claims submission process exceeded \$138 million, based on a \$19.99 per month retail value of the service.
- ***In re Pet Foods Product Liability Litigation:*** The firm served as one of plaintiffs' co-lead counsel in this multidistrict class action suit seeking to redress the harm resulting from the manufacture and sale of contaminated dog and cat food. The case settled for \$24 million. Many terms of the settlement are unique and highly beneficial to the class, including allowing class members to recover up to 100% of their economic damages without any

limitation on the types of economic damages they may recover. (1:07-cv-02867 (D.N.J.), MDL Docket No. 1850 (D.N.J.)).

- ***In re TJX Companies Retail Security Breach Litigation:*** The firm served as co-lead counsel in this multidistrict litigation brought on behalf of individuals whose personal and financial data was compromised in the then-largest theft of personal data in history. The breach involved more than 45 million credit and debit card numbers and 450,000 customers' driver's license numbers. The case was settled for benefits valued at over \$200 million. Class members whose driver's license numbers were at risk were entitled to 3 years of credit monitoring and identity theft insurance (a value of \$390 per person based on the retail cost for this service), reimbursement of actual identity theft losses, and reimbursement of driver's license replacement costs. Class members whose credit and debit card numbers were at risk were entitled to cash of \$15-\$30 or store vouchers of \$30-\$60. (No. 1:07-cv-10162-WGY, (D. Mass.)).
- ***In re: Heartland Payment Systems, Inc. Customer Data Security Breach Litigation:*** The firm served on the Executive Committee of this multidistrict litigation and obtained a settlement of cash and injunctive relief for a class of 130 million credit card holders whose credit card information was stolen by computer hackers. The breach was the largest known theft of credit card information in history. (No. 4:09-MD-2046 (S.D. Tex. 2009)).
- ***In re: Countrywide Financial Corp. Customer Data Security Breach Litigation:*** The firm served on the Executive Committee of this multidistrict litigation and obtained a settlement for a class of 17 million individuals whose personal information was at risk when a rogue employee sold their information to unauthorized third parties. Settlement benefits included: (i) reimbursement of several categories of out-of-pocket costs; (ii) credit monitoring and identity theft insurance for 2 years for consumers who did not accept Countrywide's prior offer of credit monitoring; and (iii) injunctive relief. The settlement was approved by the court in 2010. (3:08-md-01998-TBR (W.D. Ky. 2008)).
- ***In re Educational Testing Service Praxis Principles of Learning and Teaching: Grades 7-12 Litigation:*** The firm served on the plaintiffs' steering committee and obtained an \$11.1 million settlement in 2006 on behalf of persons who were incorrectly scored on a teacher's licensing exam. (MDL No. 1643 (E.D. La.)).
- ***Salvucci v. Volkswagen of America, Inc. d/b/a Audi of America, Inc.:*** The firm served as co-lead counsel in litigation brought on behalf of a nationwide class alleging that defendants failed to disclose that its vehicles contained defectively designed timing belt tensioners and associated parts and that defendants misrepresented the appropriate service interval for replacement of the timing belt tensioner system. After extensive discovery, a settlement was reached. (Docket No. ATL-1461-03 (N.J. Sup. Ct. 2007)).

## Corporate Governance and Shareholder Rights

Berger Montague protects the interests of individual and institutional investors in shareholder derivative actions in state and federal courts across the United States. Our attorneys help individual and institutional investors reform poor corporate governance, as well as represent them in litigation against directors of a company for violating their fiduciary duty or provide guidance on shareholder rights.

- ***Emil Rossdeutscher and Dennis Kelly v. Viacom***: The firm, as lead counsel, obtained a settlement resulting in a fund of \$14.25 million for the class. (C.A. No. 98C-03-091 (JEB) (Del. Super. Ct.)).
- ***Fox v. Riverview Realty Partners, f/k/a Prime Group Realty Trust, et al.***: The firm, as lead counsel, obtained a settlement resulting in a fund of \$8.25 million for the class.

### **Employee Benefits & ERISA**

Berger Montague represents employees who have claims under the federal Employee Retirement Income Security Act. We litigate cases on behalf of employees whose 401(k) and pension investments have suffered losses as a result of the breach of fiduciary duties by plan administrators and the companies they represent. Berger Montague has recovered hundreds of millions of dollars in lost retirement benefits for American workers and retirees, and also gained favorable changes to their retirement plans.

- ***Diebold v. Northern Trust Investments, N.A.***: As co-lead counsel in this ERISA breach of fiduciary duty case, the firm secured a \$36 million settlement on behalf of participants in retirement plans who participated in Northern Trust's securities lending program. Plaintiffs alleged that defendants breached their ERISA fiduciary duties by failing to manage properly two collateral pools that held cash collateral received from the securities lending program. The settlement represented a recovery of more than 25% of alleged class member losses. (No. 1:09-cv-01934 (N.D. Ill.)).
- ***Glass Dimensions, Inc. v. State Street Bank & Trust Co.***: The firm served as co-lead counsel in this ERISA case that alleged that defendants breached their fiduciary duties to the retirement plans it managed by taking unreasonable compensation for managing the securities lending program in which the plans participated. After the court certified a class of the plans that participated in the securities lending program at issue, the case settled for \$10 million on behalf of 1,500 retirement plans that invested in defendants' collective investment funds. (No. 1:10-cv-10588-DPW (D. Mass.)).
- ***In re Eastman Kodak ERISA Litigation***: The firm served as class counsel in this ERISA breach of fiduciary duty class action which alleged that defendants breached their fiduciary duties to Kodak retirement plan participants by allowing plan investments in Kodak common stock. The case settled for \$9.7 million. (Master File No. 6:12-cv-06051-DGL (W.D.N.Y.)).

- ***Lequita Dennard v. Transamerica Corp. et al.***: The firm served as counsel to plan participants who alleged that they suffered losses when plan fiduciaries failed to act solely in participants' interests, as ERISA requires, when they selected, removed and monitored plan investment options. The case settled for structural changes to the plan and \$3.8 million monetary payment to the class. (Civil Action No. 1:15-cv-00030-EJM (N.D. Iowa)).

## Employment & Unpaid Wages

Berger Montague's Employment & Unpaid Wages Department works tirelessly to safeguard the rights of employees and devotes all of their energies to helping the firm's clients achieve their goals. Our attorneys' understanding of federal and state wage and hour laws, federal and state civil rights and discrimination laws, ERISA, the WARN Act, laws protecting whistleblowers, such as federal and state False Claims Acts, and other employment laws, allows us to develop creative strategies to vindicate our clients' rights and help them secure the compensation to which they are entitled.

Berger Montague is at the forefront of class action litigation, seeking remedies for employees under the Fair Labor Standards Act, state wage and hour law, breach of contract, unjust enrichment, and other state common law causes of action.

Berger Montague's Employment & Unpaid Wages Group, which is chaired by Executive Shareholder Shanon Carson, is repeatedly recognized for outstanding success in effectively representing its clients. In 2015, *The National Law Journal* selected Berger Montague as the top plaintiffs' law firm in the Employment Law category at the Elite Trial Lawyers awards ceremony. Portfolio Media, which publishes *Law360*, also recognized Berger Montague as one of the eight Top Employment Plaintiffs' Firms in 2009.

Representative cases include the following:

- ***Fenley v. Wood Group Mustang, Inc.***: The firm served as lead counsel and obtained a settlement of \$6.25 million on behalf of a class of oil and gas inspectors who allegedly did not receive overtime compensation for hours worked in excess of 40 per week. (Civil Action No. 2:15-cv-326 (S.D. Ohio)).
- ***Sanders v. The CJS Solutions Group, LLC***: The firm served as co-lead counsel and obtained a settlement of \$3.24 million on behalf of a class of IT healthcare consultants who allegedly did not receive overtime premiums for hours worked in excess of 40 per week. (Civil Action No. 17-3809 (S.D.N.Y.)).
- ***Gundrum v. Cleveland Integrity Services, Inc.***: The firm served as lead counsel and obtained a settlement of \$4.5 million on behalf of a class of oil and gas inspectors who allegedly did not receive overtime compensation for hours worked in excess of 40 per week. (Civil Action No. 4:17-cv-55 (N.D. Okl.)).

- ***Fenley v. Applied Consultants, Inc.***: The firm served as lead counsel and obtained a settlement of \$9.25 million on behalf of a class of oil and gas inspectors who allegedly did not receive overtime compensation for hours worked in excess of 40 per week. (Civil Action No. 2:15-cv-259 (W.D. Pa.)).
- ***Acevedo v. Brightview Landscapes, LLC***: The firm served as co-lead counsel and obtained a settlement of \$6.95 million on behalf of a class of landscaping crew members who allegedly did not receive proper overtime premiums for hours worked in excess of 40 per week. (Civil Action No. 3:13-cv-02529 (M.D. Pa.)).
- ***Jantz v. Social Security Administration***: The firm served as co-lead counsel and obtained a settlement on behalf of employees with targeted disabilities (“TDEs”) alleged that SSA discriminated against TDEs by denying them promotional and other career advancement opportunities. The settlement was reached after more than ten years of litigation, and the Class withstood challenges to class certification on four separate occasions. The settlement includes a monetary fund of \$9.98 million and an unprecedented package of extensive programmatic changes valued at approximately \$20 million. (EEOC No. 531-2006-00276X (2015)).
- ***Ciamillo v. Baker Hughes, Incorporated***: The firm served as lead counsel and obtained a settlement of \$5 million on behalf of a class of oil and gas workers who allegedly did not receive any overtime compensation for working hours in excess of 40 per week. (Civil Action No. 14-cv-81 (D. Alaska)).
- ***Salcido v. Cargill Meat Solutions Corp.***: The firm served as co-lead counsel and obtained a settlement of \$7.5 million on behalf of a class of thousands of employees of Cargill Meat Solutions Corp. alleging that they were forced to work off-the-clock and during their breaks. This is one of the largest settlements of this type of case involving a single plant in U.S. history. (Civil Action Nos. 1:07-cv-01347-LJO-GSA and 1:08-cv-00605-LJO-GSA (E.D. Cal.)).
- ***Chabrier v. Wilmington Finance, Inc.***: The firm served as co-lead counsel and obtained a settlement of \$2,925,000 on behalf of loan officers who worked in four offices to resolve claims for unpaid overtime wages. A significant opinion issued in the case is *Chabrier v. Wilmington Finance, Inc.*, 2008 WL 938872 (E.D. Pa. April 04, 2008) (denying the defendant’s motion to decertify the class). (No. 06-4176 (E.D. Pa.)).
- ***Bonnette v. Rochester Gas & Electric Co.***: The firm served as co-lead counsel and obtained a settlement of \$2 million on behalf of a class of African American employees of Rochester Gas & Electric Co. to resolve charges of racial discrimination in hiring, job assignments, compensation, promotions, discipline, terminations, retaliation, and a hostile work environment. (No. 07-6635 (W.D.N.Y.)).



## Environment & Public Health

Berger Montague lawyers are trailblazers in the fields of environmental class action litigation and mass torts. Our attorneys have earned their reputation in the fields of environmental litigation and mass torts by successfully prosecuting some of the largest, most well-known cases of our time. Our Environment & Public Health Group also prosecutes significant claims for personal injury, commercial losses, property damage, and environmental response costs. In 2016, Berger Montague was named an Elite Trial Lawyer Finalist in special litigation (environmental) by *The National Law Journal*.

- ***Cook v. Rockwell International Corporation:*** In February 2006, the firm won a \$554 million jury verdict on behalf of thousands of property owners whose homes were exposed to plutonium from the former Rocky Flats nuclear weapons site northwest of Denver, Colorado. Judgment in the case was entered by the court in June 2008 which, with interest, totaled \$926 million. Recognizing this tremendous achievement, the Public Justice Foundation bestowed its prestigious Trial Lawyer of the Year Award for 2009 on Merrill G. Davidoff, David F. Sorensen, and the entire trial team for their “long and hard-fought” victory against “formidable corporate and government defendants.” (No. 90-cv-00181-JLK (D. Colo.)). The jury verdict in that case was vacated on appeal in 2010, but on a second trip to the Tenth Circuit, Plaintiffs secured a victory in 2015, with the case then being sent back to the district court. A \$375 million settlement was reached in May 2016, and final approval by the district court was obtained in April 2017.
- ***In re Exxon Valdez Oil Spill Litigation:*** On September 16, 1994, a jury trial of several months duration resulted in a record punitive damages award of \$5 billion against the Exxon defendants as a consequence of one of the largest oil spills in U.S. history. The award was reduced to \$507.5 million pursuant to a Supreme Court decision. David Berger was co-chair of the plaintiffs’ discovery committee (appointed by both the federal and state courts). Harold Berger served as a member of the organizing case management committee. H. Laddie Montague was specifically appointed by the federal court as one of the four designated trial counsel. Both Mr. Montague and Peter Kahana shared (with the entire trial team) the 1995 “Trial Lawyer of the Year Award” given by the Trial Lawyers for Public Justice. (No. A89-0095-CVCHRH (D. Alaska)).
- ***Drayton v. Pilgrim’s Pride Corp.:*** The firm served as counsel in a consolidation of wrongful death and other catastrophic injury cases brought against two manufacturers of turkey products, arising out of a 2002 outbreak of *Listeria Monocytogenes* in the Northeastern United States, which resulted in the recall of over 32 million pounds of turkey – the second largest meat recall in U.S. history at that time. A significant opinion issued in the case is *Drayton v. Pilgrim’s Pride Corp.*, 472 F. Supp. 2d 638 (E.D. Pa. 2006) (denying the defendants’ motions for summary judgment and applying the alternative liability doctrine). All of the cases settled on confidential terms in 2006. (No. 03-2334 (E.D. Pa.)).

- ***In re Three Mile Island Litigation:*** As lead/liaison counsel, the firm successfully litigated the case and reached a settlement in 1981 of \$25 million in favor of individuals, corporations and other entities suffering property damage as a result of the nuclear incident involved. (C.A. No. 79-0432 (M.D. Pa.)).

## Insurance Fraud

When insurance companies and affiliated financial services entities engage in fraudulent, deceptive or unfair practices, Berger Montague helps injured parties recover their losses. We focus on fraudulent, deceptive and unfair business practices across all lines of insurance and financial products and services sold by insurers and their affiliates, which include annuities, securities and other investment vehicles.

- ***Spencer v. Hartford Financial Services Group, Inc.:*** The firm, together with co-counsel, prosecuted this national class action against The Hartford Financial Services Group, Inc. and its affiliates in the United States District Court for the District of Connecticut (*Spencer v. Hartford Financial Services Group, Inc.*, Case No. 05-cv-1681) on behalf of approximately 22,000 claimants, each of whom entered into structured settlements with Hartford property and casualty insurers to settle personal injury and workers' compensation claims. To fund these structured settlements, the Hartford property and casualty insurers purchased annuities from their affiliate, Hartford Life. By purchasing the annuity from Hartford Life, The Hartford companies allegedly were able to retain up to 15% of the structured amount of the settlement in the form of undisclosed costs, commissions and profit - all of which was concealed from the settling claimants. On March 10, 2009, the U.S. District Court certified for trial claims on behalf of two national subclasses for civil RICO and fraud (256 F.R.D. 284 (D. Conn. 2009)). On October 14, 2009, the Second Circuit Court of Appeals denied The Hartford's petition for interlocutory appeal under Federal Rule of Civil Procedure 23(f). On September 21, 2010, the U.S. District Court entered judgment granting final approval of a \$72.5 million cash settlement.
- ***Nationwide Mutual Insurance Company v. O'Dell:*** The firm, together with co-counsel, prosecuted this class action against Nationwide Mutual Insurance Company in West Virginia Circuit Court, Roane County (*Nationwide Mutual Insurance Company v. O'Dell*, Case No. 00-C-37), on behalf of current and former West Virginia automobile insurance policyholders, which arose out of Nationwide's failure, dating back to 1993, to offer policyholders the ability to purchase statutorily-required optional levels of underinsured ("UIM") and uninsured ("UM") motorist coverage in accordance with West Virginia Code 33-6-31. The court certified a trial class seeking monetary damages, alleging that the failure to offer these optional levels of coverage, and the failure to provide increased first party benefits to personal injury claimants, breached Nationwide's insurance policies and its duty of good faith and fair dealing, and violated the West Virginia Unfair Trade Practices Act. On June 25, 2009, the court issued final approval of a settlement that provided a minimum estimated value of \$75 million to Nationwide auto policyholders and their passengers who were injured in an accident or who suffered property damage.



## Predatory Lending and Borrowers' Rights

Berger Montague's attorneys fight vigorously to protect the rights of borrowers when they are injured by the practices of banks and other financial institutions that lend money or service borrowers' loans. Berger Montague has successfully obtained multi-million-dollar class action settlements for nationwide classes of borrowers against banks and financial institutions and works tirelessly to protect the rights of borrowers suffering from these and other deceptive and unfair lending practices.

- ***Coonan v. Citibank, N.A.***: The firm, as Co-Lead Counsel, prosecuted this national class action against Citibank and its affiliates in the United States District Court for the Northern District of New York concerning alleged kickbacks Citibank received in connection with its force-placed insurance programs. The firm obtained a settlement of \$122 million on behalf of a class of hundreds of thousands of borrowers.
- ***Arnett v. Bank of America, N.A.***: The firm, as Co-Lead Counsel, prosecuted this national class action against Bank of America and its affiliates in the United States District Court for the District of Oregon concerning alleged kickbacks received in connection with its force-placed flood insurance program. The firm obtained a settlement of \$31 million on behalf of a class of hundreds of thousands of borrowers.
- ***Clements v. JPMorgan Chase Bank, N.A.***: The firm, as Co-Lead Counsel, prosecuted this national class action against JPMorgan Chase and its affiliates in the United States District Court for the Northern District of California concerning alleged kickbacks received in connection with its force-placed flood insurance program. The firm obtained a settlement of \$22,125,000 on behalf of a class of thousands of borrowers.
- ***Holmes v. Bank of America, N.A.***: The firm, as Co-Lead Counsel, prosecuted this national class action against Bank of America and its affiliates in the United States District Court for the Western District of North Carolina concerning alleged kickbacks received in connection with its force-placed wind insurance program. The firm obtained a settlement of \$5.05 million on behalf of a class of thousands of borrowers.

## Securities & Investor Protection

In the area of securities litigation, the firm has represented public institutional investors – such as the retirement funds for the States of Pennsylvania, Connecticut, New Hampshire, New Jersey, Louisiana and Ohio, as well as the City of Philadelphia and numerous individual investors and private institutional investors. The firm was co-lead counsel in the *Melridge Securities Litigation* in the Federal District Court in Oregon, in which jury verdicts of \$88.2 million and a RICO judgment of \$239 million were obtained. Berger Montague has served as lead or co-lead counsel in numerous other major securities class action cases where substantial settlements were achieved on behalf of investors.

- ***In re Merrill Lynch Securities Litigation:*** Berger Montague, as co-lead counsel, obtained a recovery of \$475 million for the benefit of the class in one of the largest recoveries among the recent financial crisis cases. (No. 07-cv-09633 (S.D.N.Y.)).
- ***In re: Oppenheimer Rochester Funds Group Securities Litigation:*** The firm, as co-lead counsel, obtained a \$89.5 million settlement on behalf of investors in six tax-exempt bond mutual funds managed by OppenheimerFunds, Inc. (No. 09-md-02063-JLK (D. Col.)).
- ***In re KLA Tencor Securities Litigation:*** The firm, as a member of Plaintiffs' Counsel's Executive Committee, obtained a cash settlement of \$65 million in an action on behalf of investors against KLA-Tencor and certain of its officers and directors. (No. 06-cv-04065 (N.D. Cal.)).
- ***In re NetBank, Inc. Securities Litigation:*** The firm served as lead counsel in this certified class action on behalf of the former common shareholders of NetBank, Inc. The \$12.5 million settlement, which occurred after class certification proceedings and substantial discovery, is particularly noteworthy because it is one of the few successful securities fraud class actions litigated against a subprime lender and bank in the wake of the financial crisis. (No. 07-cv-2298-TCB (N.D. Ga.)).
- ***The City Of Hialeah Employees' Retirement System v. Toll Brothers, Inc.:*** The firm, as co-lead counsel, obtained a class settlement of \$25 million against Home Builder Toll Brothers, Inc. (No. 07-cv-1513 (E.D. Pa.)).
- ***In re Alcatel Alsthom Securities Litigation:*** The firm, as co-lead counsel, obtained a class settlement for investors of \$75 million cash. (MDL Docket No. 1263 (PNB) (E.D. Tex.)).
- ***Qwest Securities Action:*** The firm represented New Jersey in an opt-out case against Qwest and certain officers, which was settled for \$45 million. (C.A. No. L-3838-02 (Superior Court New Jersey, Law Division)).

### **Whistleblower, *Qui Tam*, and False Claims Act**

Berger Montague has represented whistleblowers in matters involving healthcare fraud, defense contracting fraud, IRS fraud, securities fraud, and commodities fraud, helping to return more than \$3 billion to federal and state governments. In return, whistleblower clients retaining Berger Montague to represent them in state and federal courts have received more than \$500 million in rewards. Berger Montague's time-tested approach in whistleblower/*qui tam* representation involves cultivating close, productive attorney-client relationships with the maximum degree of confidentiality for our clients.

## Judicial Praise for Berger Montague Attorneys

Berger Montague's record of successful prosecution of class actions and other complex litigation has been recognized and commended by judges and arbitrators across the country. Some remarks on the skill, efficiency, and expertise of the firm's attorneys are excerpted below.

### Antitrust Cases

From **Judge Lorna G. Schofield**, of the U.S. District Court for the Southern District of New York:

"I'm not sure I've ever seen a case without a single objection or opt-out, so congratulations on that."

Transcript of the November 19, 2020 Hearing in ***Contant, et al. v. Bank of America Corp., et al.***, No. 1:17-cv-03139 (S.D.N.Y.).

From **Judge William E. Smith**, of the U.S. District Court for the District of Rhode Island:

"The degree to which you all litigated the case is – you know, I can't imagine attorneys litigating a case more rigorously than you all did in this case. It seems like every conceivable, legitimate, substantive dispute that could have been fought over was fought over to the max. So you, both sides, I think litigated the case as vigorously as any group of attorneys could. The level of representation of all parties in terms of the sophistication of counsel was, in my view, of the highest levels. I can't imagine a case in which there was really a higher quality of representation across the board than this one."

Transcript of the August 27, 2020 Hearing in ***In re Loestrin 24 Fe Antitrust Litigation***, No. 13-md-02472 (D.R.I.).

From **Judge Margo K. Brodie**, of the U.S. District Court for the Eastern District of New York:

"Class counsel has without question done a tremendous job in litigating this case. They represent some of the best plaintiff-side antitrust groups in the country, and the size and skill of the defense they litigated against cannot be overstated. They have also demonstrated the utmost professionalism despite the demands of the extreme perseverance that this case has required..."

***In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation***, No. 1:05-md-01720 (E.D.N.Y. 2019) (Mem. & Order).

From **Judge Brian M. Cogan**, of the U.S. District Court of the Eastern District of New York:

“This is a substantial recovery that has the deterrent effect that class actions are supposed to have, and I think it was done because we had really good Plaintiffs’ lawyers in this case who were running it.”

Transcript of the June 24, 2019 Fairness Hearing in ***In re Dental Supplies Antitrust Litigation***, No. 16-cv-696 (E.D.N.Y.).

From **Judge Michael M. Baylson**, of the U.S. District Court of the Eastern District of Pennsylvania:

“[C]ounsel...for direct action plaintiffs have done an outstanding job here with representing the class, and I thought your briefing was always very on point. I thought the presentation of the very contentious issues on the class action motion was very well done, it was very well briefed, it was well argued.”

Transcript of the June 28, 2018 Hearing in ***In re Domestic Drywall Antitrust Litigation***, No. MD-13-2437 at 11:6-11.

From **Judge Madeline Cox Arleo**, of the U.S. District Court for the District of New Jersey praising the efforts of all counsel:

“I just want to thank you for an outstanding presentation. I don’t say that lightly . . . it’s not lost on me at all when lawyers come very, very prepared. And really, your clients should be very proud to have such fine lawyering. I don’t see lawyering like this every day in the federal courts, and I am very grateful. And I appreciate the time and the effort you put in, not only to the merits, but the respect you’ve shown for each other, the respect you’ve shown for the Court, the staff, and the time constraints. And as I tell my law clerks all the time, good lawyers don’t fight, good lawyers advocate. And I really appreciate that more than I can express.”

Transcript of the September 9 to 11, 2015 Daubert Hearing in ***Castro v. Sanofi Pasteur***, No. 11-cv-07178 (D.N.J.) at 658:14-659:4.

From **Judge William H. Pauley, III**, of the U.S. District Court of the Southern District of New York:

“Class Counsel did their work on their own with enormous attention to detail and unflagging devotion to the cause. Many of the issues in this litigation . . . were unique and issues of first impression.”

\* \* \*

“Class Counsel provided extraordinarily high-quality representation. This case raised a number of unique and complex legal issues .... The law firms of Berger Montague and Coughlin Stoia were indefatigable. They represented the Class with a high degree of professionalism, and vigorously litigated every issue against some of the ablest lawyers in the antitrust defense bar.”

***In re Currency Conversion Fee Antitrust Litigation***, 263 F.R.D. 110, 129 (2009).

From **Judge Faith S. Hochberg**, of the United States District court for the District of New Jersey:

“[W]e sitting here don’t always get to see such fine lawyering, and it’s really wonderful for me both to have tough issues and smart lawyers ... I want to congratulate all of you for the really hard work you put into this, the way you presented the issues, ... On behalf of the entire federal judiciary I want to thank you for the kind of lawyering we wish everybody would do.”

***In re Remeron Antitrust Litig.***, Civ. No. 02-2007 (Nov. 2, 2005).

From U.S. District **Judge Jan DuBois**, of the U.S. District Court of the Eastern District of Pennsylvania:

“[T]he size of the settlements in absolute terms and expressed as a percentage of total damages evidence a high level of skill by petitioners ... The Court has repeatedly stated that the lawyering in the case at every stage was superb, and does so again.”

***In re Linerboard Antitrust Litig.***, 2004 WL 1221350, at \*5-\*6 (E.D. Pa. 2004).

From **Judge Nancy G. Edmunds**, of the U.S. District Court of the Eastern District of Michigan:

“[T]his represents an excellent settlement for the Class and reflects the outstanding effort on the part of highly experienced, skilled, and hard working Class Counsel....[T]heir efforts were not only successful, but were highly organized and efficient in addressing numerous complex issues raised in this litigation[.]”

***In re Cardizem CD Antitrust Litig.***, MDL No. 1278 (E.D. Mich., Nov. 26, 2002).

From **Judge Charles P. Kocoras**, of the U.S. District Court for the Northern District of Illinois:

“The stakes were high here, with the result that most matters of consequence were contested. There were numerous trips to the courthouse, and the path to the trial court and the Court of Appeals frequently traveled. The efforts of counsel for the class has [sic] produced a substantial recovery, and it is represented that the cash settlement alone is the second largest in the history of class action litigation. . . . There is no question that the results achieved by class counsel were extraordinary [.]”

Regarding the work of Berger Montague in achieving more than \$700 million in settlements with some of the defendants in ***In Re Brand Name Prescription Drugs Antitrust Litigation***, 2000 U.S. Dist. LEXIS 1734, at \*3-\*6 (N.D. Ill. Feb. 9, 2000).

From **Judge Peter J. Messitte**, of the U.S. District Court for the District of Maryland:

“The experience and ability of the attorneys I have mentioned earlier, in my view in reviewing the documents, which I have no reason to doubt, the plaintiffs’ counsel are at the top of the profession in this regard and certainly have used their expertise to craft an extremely favorable settlement for their clients, and to that extent they deserve to be rewarded.”

Settlement Approval Hearing, Oct. 28, 1994, in ***Spawd, Inc. and General Generics v. Bolar Pharmaceutical Co., Inc.***, CA No. PJM-92-3624 (D. Md.).

From **Judge Donald W. Van Artsdalen**, of the U.S. District Court for the Eastern District of Pennsylvania:

“As to the quality of the work performed, although that would normally be reflected in the not immodest hourly rates of all attorneys, for which one would expect to obtain excellent quality work at all times, the results of the settlements speak for themselves. Despite the extreme uncertainties of trial, plaintiffs’ counsel were able to negotiate a cash settlement of a not insubstantial sum, and in addition, by way of equitable relief, substantial concessions by the defendants which, subject to various condition, will afford the right, at least, to lessee-dealers to obtain gasoline supply product from major oil companies and suppliers other than from their respective lessors. The additional benefits obtained for the classes by way of equitable relief would, in and of itself, justify some upward adjustment of the lodestar figure.”

***Bogosian v. Gulf Oil Corp.***, 621 F. Supp. 27, 31 (E.D. Pa. 1985).

From **Judge Krupansky**, who had been elevated to the Sixth Circuit Court of Appeals:

“Finally, the court unhesitatingly concludes that the quality of the representation rendered by counsel was uniformly high. The attorneys involved in this litigation are extremely experienced and skilled in their prosecution of antitrust litigation and other complex actions. Their services have been rendered in an efficient and expeditious manner, but have nevertheless been productive of highly favorable result.”

***In re Art Materials Antitrust Litigation***, 1984 CCH Trade Cases ¶65,815 (N.D. Ohio 1983).

From **Judge Joseph Blumenfeld**, of the U.S. District Court for the District of Connecticut:

“The work of the Berger firm showed a high degree of efficiency and imagination, particularly in the maintenance and management of the national class actions.”

***In re Master Key Antitrust Litigation***, 1977 U.S. Dist. LEXIS 12948, at \*35 (Nov. 4, 1977).

#### **Securities & Investor Protection Cases**

From **Judge Brantley Starr** of the U.S. District Court for the Northern District of Texas, Dallas Division:

“I think y’all have been a model on how to handle a case like this. So I appreciate the diligence y’all have put in separating the fee negotiations until after the main event is resolved...Everything I see here is in great shape, and really a testament to y’all’s diligence and professionalism. So hats off to y’all...So thanks again for your professionalism in handling this case and handling the stipulated settlement. Y’all are model citizens, and so I wish I could send everyone to y’all’s school of litigation management.”

***Howell Family Trust DTD 1/27/2004 v. Hollis Greenlaw, et al.***, No. 3:18-cv-02864-X (N.D. Tex., March 25, 2021).

From **Judge Jed Rakoff** of the U.S. District Court for the Southern District of New York:

Court stated that lead counsel had made “very full and well-crafted” and “excellent submissions”; that there was a “very fine job done by plaintiffs’ counsel in this case”; and that this was “surely a very good result under all the facts and circumstances.”

***In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation***, Master File No. 07-cv-9633(JSR)(DFE) (S.D.N.Y., July 27, 2009).

From **Judge Michael M. Baylson** of the U.S. District Court for the Eastern District of Pennsylvania:

“The Court is aware of and attests to the skill and efficiency of class counsel: they have been diligent in every respect, and their briefs and arguments before the Court were of the highest quality. The firm of Berger Montague took the lead in the Court proceedings; its attorneys were well prepared, articulate and persuasive.”

***In re CIGNA Corp. Sec. Litig.***, 2007 U.S. Dist. LEXIS 51089, at \*17-\*18 (E.D. Pa. July 13, 2007).

From **Judge Stewart Dalzell** of the U.S. District Court for the Eastern District of Pennsylvania:

“The quality of lawyering on both sides, but I am going to stress now on the plaintiffs’ side, simply has not been exceeded in any case, and we have had some marvelous counsel appear before us and make superb arguments, but they really don’t come any better than Mrs. Savett... [A]nd the arguments we had on the motion to dismiss [Mrs. Savett argued the motion], both sides were fabulous, but plaintiffs’ counsel were as good as they come.”

***In re U.S. Bioscience Secs. Litig.***, No. 92-0678 (E.D. Pa. April 4, 1994).

From **Judge Wayne Andersen** of the U.S. District Court for the Northern District of Illinois:

“[Y]ou have acted the way lawyers at their best ought to act. And I have had a lot of cases...in 15 years now as a judge and I cannot recall a significant case where I felt people were better represented than they are here...I would say this has been the best representation that I have seen.”

***In re: Waste Management, Inc. Secs. Litig.***, No. 97-C 7709 (N.D. Ill. 1999).

From **Chancellor William Chandler, III** of the Delaware Chancery Court:

“All I can tell you, from someone who has only been doing this for roughly 22 years, is that I have yet to see a more fiercely and intensely litigated case than this case. Never in 22 years have I seen counsel going at it, hammer and tong, like they have gone at it in this case. And I think that’s a testimony – Mr. Valihura correctly says that’s what they are supposed to do. I recognize that; that is their job, and they were doing it professionally.”

***Ginsburg v. Philadelphia Stock Exchange, Inc.***, No. 2202 (Del. Ch., Oct. 22, 2007).

From **Judge Stewart Dalzell** of the U.S. District Court for the Eastern District of Pennsylvania:



“Thanks to the nimble class counsel, this sum, which once included securities worth \$149.5 million is now all cash. Seizing on an opportunity Rite Aid presented, class counsel first renegotiated what had been stock consideration into Rite Aid Notes and then this year monetized those Notes. Thus, on February 11, 2003, Rite Aid redeemed those Notes from the class, which then received \$145,754,922.00. The class also received \$14,435,104 in interest on the Notes.”

“Co-lead counsel ... here were extraordinarily deft and efficient in handling this most complex matter... they were at least eighteen months ahead of the United States Department of Justice in ferreting out the conduct that ultimately resulted in the write down of over \$1.6 billion in previously reported Rite Aid earnings. In short, it would be hard to equal the skill class counsel demonstrated here.”

***In re Rite Aid Corp. Securities Litigation***, 269 F. Supp. 2d 603, 605, n.1, 611 (E.D. Pa. 2003).

From **Judge Helen J. Frye**, United States District Judge for the U.S. District Court for the District of Oregon:

“In order to bring about this result [partial settlements then totaling \$54.25 million], Class Counsel were required to devote an unusual amount of time and effort over more than eight years of intense legal litigation which included a four-month long jury trial and full briefing and argument of an appeal before the Ninth Circuit Court of Appeals, and which produced one of the most voluminous case files in the history of this District.”

\* \* \*

“Throughout the course of their representation, the attorneys at Berger Montague and Stoll, Stoll, Berne, Lokting & Shlachter who have worked on this case have exhibited an unusual degree of skill and diligence, and have had to contend with opposing counsel who also displayed unusual skill and diligence.”

***In Re Melridge, Inc. Securities Litigation***, No. CV 87-1426-FR (D. Ore. April 15, 1996).

From **Judge Marvin Katz** of the U.S. District Court for the Eastern District of Pennsylvania:

“[T]he co-lead attorneys have extensive experience in large class actions, experience that has enabled this case to proceed efficiently and professionally even under short deadlines and the pressure of handling thousands of documents in a large multi-district action... These counsel have also acted vigorously in their clients’ interests....”

\* \* \*

“The management of the case was also of extremely high quality.... [C]lass counsel is of high caliber and has extensive experience in similar class action litigation.... The submissions were of consistently high quality, and class counsel has been notably diligent in preparing filings in a timely manner even when under tight deadlines.”

Commenting on class counsel, where the firm served as both co-lead and liaison counsel in ***In re Ikon Office Solutions, Inc. Securities Litigation***, 194 F.R.D. 166, 177, 195 (E.D. Pa. 2000).

From **Judge William K. Thomas**, Senior District Judge for the United States District Court for the Northern District of Ohio:

“In the proceedings it has presided over, this court has become directly familiar with the specialized, highly competent, and effective quality of the legal services performed by Merrill G. Davidoff, Esq. and Martin I. Twersky, Esq. of Berger Montague....”

\* \* \*

“Examination of the experience-studded biographies of the attorneys primarily involved in this litigation and review of their pioneering prosecution of many class actions in antitrust, securities, toxic tort matters and some defense representation in antitrust and other litigation, this court has no difficulty in approving and adopting the hourly rates fixed by Judge Aldrich.”

Commenting in ***In re Revco Securities Litigation***, Case No. 1:89CV0593, Order (N.D. Oh. September 14, 1993).

### **Consumer Protection Cases**

From **Judge Paul A. Engelmayer** of the U.S. District Court for the Southern District of New York:

“I know the diligence of counsel and dedication of counsel to the class...Thank you, Ms. Drake. As always I appreciate the – your extraordinary dedication to your – to the class and the very obvious backwards and forwards familiarity you have with the case and level of preparation and articulateness today. It’s a pleasure always to have you before me...Class Counsel [] generated this case on their own initiative and at their own risk. Counsel’s enterprise and ingenuity merits significant compensation...Counsel here are justifiably proud of the important result that they achieved.”

Sept. 22, 2020, Final Approval Hearing, ***Gambles v. Sterling Info., Inc.***, No. 15-cv-9746.

From **Judge Joel Schneider** of the U.S. District Court for the District of New Jersey:

“I do want to compliment all counsel for how they litigated this case in a thoroughly professional manner. All parties were zealously represented in the highest ideals of the profession, legitimately and professionally, and not the usual acrimony we see in these cases...I commend the parties and their counsel for a very workmanlike professional effort.”

Transcript of the September 10, 2020 Final Fairness Hearing in ***Somogyi, et al. v. Freedom Mortgage Corp.***

From **Judge Harold E. Kahn** of the Superior Court of California County of San Francisco:

“You are extraordinarily impressive. And I thank you for being here, and for your candid, non-evasive response to every question I have. I was extremely skeptical at the outset of this morning. You have allayed all of my concerns and have persuaded me that this is an important issue, and that you have done a great service to the class. And for that reason, I am going to approve your settlement in all respects, including the motion for attorneys’ fees. And I congratulate you on your excellent work.”

Transcript of the November 7, 2017 Hearing in ***Loretta Nesbitt v. Postmates, Inc.***, No. CGC-15-547146

### **Civil/Human Rights Cases**

From **Deputy Treasury Secretary Stuart E. Eizenstat**:

“We must be frank. It was the American lawyers, through the lawsuits they brought in U.S. courts, who placed the long-forgotten wrongs by German companies during the Nazi era on the international agenda. It was their research and their work which highlighted these old injustices and forced us to confront them. Without question, we would not be here without them.... For this dedication and commitment to the victims, we should always be grateful to these lawyers.”

In his remarks at the July 17, 2000, signing ceremony for the international agreements which established the German Foundation to act as a funding vehicle for the payment of claims to Holocaust survivors.

### **Insurance Litigation**

From **Judge Janet C. Hall**, of the U.S. District Court of the District of Connecticut:

Noting the “very significant risk in pursuing this action” given its uniqueness in that “there was no prior investigation to rely on in establishing the facts or a legal basis for the case....[and] no other prior or even now similar case involving parties like these plaintiffs

and a party like these defendants.” Further, “the quality of the representation provided to the plaintiffs ... in this case has been consistently excellent.... [T]he defendant[s] ... mounted throughout the course of the five years the case pended, an extremely vigorous defense.... [B]ut for counsel’s outstanding work in this case and substantial effort over five years, no member of the class would have recovered a penny.... [I]t was an extremely complex and substantial class ... case ... [with an] outstanding result.”

Regarding the work of Berger Montague attorneys Peter R. Kahana and Steven L. Bloch, among other co-class counsel, in ***Spencer, et al. v. The Hartford Financial Services Group, Inc., et al.***, in the Order approving the \$72.5 million final settlement of this action, dated September 21, 2010 (No. 3:05-cv-1681, D. Conn.).

### **Customer/Broker Arbitrations**

From **Robert E. Conner**, Public Arbitrator with the National Association of Securities Dealers, Inc.:

“[H]aving participated over the last 17 years in 400 arbitrations and trials in various settings, ... the professionalism and the detail and generally the civility of everyone involved has been not just a cause for commentary at the end of these proceedings but between ourselves [the arbitration panel] during the course of them, and ... the detail and the intellectual rigor that went into the documents was fully reflective of the effort that was made in general. I wanted to make that known to everyone and to express my particular respect and admiration.”

About the efforts of Berger Montague shareholders Merrill G. Davidoff and Eric L. Cramer, who achieved a \$1.1 million award for their client, in ***Steinman v. LMP Hedge Fund, et al.***, NASD Case No. 98-04152, at Closing Argument, June 13, 2000.

### **Employment & Unpaid Wages Cases**

From **Judge Timothy R. Rice**, United States Magistrate Judge for the U.S. District Court for the Eastern District of Pennsylvania:

Describing Berger Montague as “some of the finest legal representation in the nation,” who are “ethical, talented, and motivated to help hard working men and women.”

Regarding the work of Berger Montague attorney Camille F. Rodriguez in ***Gonzalez v. Veritas Consultant Group, LLC, d/b/a Moravia Health Network***, No. 2:17-cv-1319-TR (E.D. Pa. March 13, 2019).

From **Judge Malachy E. Mannion**, United States District Judge for the U.S. District Court for the Middle District of Pennsylvania:

“At the final approval hearing, class counsel reiterated in detail the arguments set forth in the named plaintiffs’ briefing. ... The court lauded the parties for their extensive work in reaching a settlement the court deemed fair and reasonable.

\* \* \*

“The court is confident that [class counsel] are highly skilled in FLSA collective and hybrid actions, as seen by their dealings with the court and the results achieved in both negotiating and handling the settlement to date.”

***Acevedo v. Brightview Landscapes, LLC***, No. 3:13-cv-2529, 2017 WL 4354809 (M.D. Pa. Oct. 2, 2017).

From **Judge Joseph F. Bataillon**, United States District Judge for the U.S. District Court for the District of Nebraska:

[P]laintiffs’ counsel succeeded in vindicating important rights. ... The court is familiar with “donning and doffing” cases and based on the court’s experience, defendant meat packing companies’ litigation conduct generally reflects “what can only be described as a deeply-entrenched resistance to changing their compensation practices to comply with the requirements of FLSA.” (citation omitted). Plaintiffs’ counsel perform a recognized public service in prosecuting these actions as a ‘private Attorney General’ to protect the rights of underrepresented workers.

The plaintiffs have demonstrated that counsel’s services have benefitted the class. ... The fundamental policies of the FLSA were vindicated and the rights of the workers were protected.

Regarding the work of Berger Montague among other co-counsel in ***Morales v. Farmland Foods, Inc.***, No. 8:08-cv-504, 2013 WL 1704722 (D. Neb. Apr. 18, 2013).

From **Judge Jonathan W. Feldman**, United States Magistrate Judge for the U.S. District Court for the Western District of New York with respect to the work of Shanon J. Carson of Berger Montague:

“The nature of the instant application obliges the Court to make this point clear: In my fifteen years on the bench, no case has been litigated with more skill, tenacity and legal professionalism than this case. The clients, corporate and individual,

should be proud of the manner in which their legal interests were brought before and presented to the Court by their lawyers and law firms.”

and

“...the Court would be remiss if it did not commend class counsel and all those who worked for firms representing the thousands of current and former employees of Kodak for the outstanding job they did in representing the interests of their clients. For the last several years, lead counsel responsibilities were shared by Shanon Carson .... Their legal work in an extraordinarily complex case was exemplary, their tireless commitment to seeking justice for their clients was unparalleled and their conduct as officers of the court was beyond reproach.”

**Employees Committed For Justice v. Eastman Kodak**, (W.D.N.Y. 2010) (\$21.4 million settlement).

### **Other Cases**

From **Stephen M. Feiler, Ph.D.**, Director of Judicial Education, Supreme Court of Pennsylvania, Administrative Office of Pennsylvania Courts, Mechanicsburg, PA *on behalf of the Common Pleas Court Judges (trial judges) of Pennsylvania*:

“On behalf of the Supreme Court of Pennsylvania and AOPC’s Judicial Education Department, thank you for your extraordinary commitment to the *Dealing with Complexities in Civil Litigation* symposia. We appreciate the considerable time you spent preparing and delivering this important course across the state. It is no surprise to me that the judges rated this among the best programs they have attended in recent years.”

About the efforts of Berger Montague attorneys Merrill G. Davidoff, Peter Nordberg and David F. Sorensen in planning and presenting a CLE Program to trial judges in the Commonwealth of Pennsylvania.

### **Shanon J. Carson – Executive Shareholder**

Shanon J. Carson is an Executive Shareholder of Berger Montague. He Co-Chairs the Defective Drugs and Medical Devices, Defective Products, and Consumer Protection Departments at the Firm. Mr. Carson has achieved the highest peer-review rating, "AV," in Martindale-Hubbell, and has received honors and awards from numerous publications.

In 2009, Mr. Carson was selected as one of 30 "Lawyers on the Fast Track" in Pennsylvania under the age of 40. In every year since 2015, Mr. Carson was selected as one of the top 100 lawyers in Pennsylvania, as reported by Thomson Reuters. In 2018, Mr. Carson was named to the *Philadelphia Business Journal's* "2018 Best of the Bar: Philadelphia's Top Lawyers."

Mr. Carson is often retained to represent plaintiffs in complex litigation including employment cases, wage and hour cases, ERISA cases, consumer cases, insurance cases, construction cases, automobile defect cases, defective drug and medical device cases, product liability cases, breach of contract cases, invasion of privacy cases, false advertising cases, excessive fee cases, and cases involving the violation of state and federal statutes. Mr. Carson represents plaintiffs in all types of litigation including class actions, collective actions, multiple plaintiff litigation, and single plaintiff litigation.

Mr. Carson is frequently appointed by federal courts to serve as lead counsel and on executive committees in class actions and mass torts.

Mr. Carson served for many years on the Board of Directors of the Philadelphia Trial Lawyers Association (PTLA) and as a Co-Chair of its Class Action/Mass Tort Committee. Mr. Carson has also been a member of the American Association for Justice, the American Bar Foundation, Litigation Counsel of America, the National Trial Lawyers - Top 100, and the Pennsylvania Association for Justice.

While attending the Dickinson School of Law of the Pennsylvania State University, Mr. Carson was senior editor of the Dickinson Law Review and clerked for a U.S. District Court Judge. Mr. Carson also served for years on the Board of Trustees of the Dickinson School of Law of the Pennsylvania State University.

# **Exhibit N**

Application and Resume – Roman Balaban



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

**IN RE BARD IMPLANTED PORT  
CATHETER PRODUCTS  
LIABILITY LITIGATION**

**No. 3081**

**APPLICATION AND AFFIDAVIT OF  
ROMAN BALABAN TO PLAINTIFFS'  
EXECUTIVE COMMITTEE**

COMES NOW your affiant Roman Balaban of the law firm of Balaban Law, being duly sworn states and respectfully files this Application and Affidavit for Appointment to the Plaintiffs' Executive Committee ("PEC"). Roman Balaban and his law firm are willing and available to serve as a member of the PEC; 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, Roman Balaban offers the following:

**1) Willingness and ability to commit to a time-consuming process**

Roman Balaban has the time, ability and willingness to actively participate in this litigation as a member of the Plaintiff Executive Committee.

**2) Ability to work cooperatively with others**

Roman Balaban has worked on prior consolidated matters with other law firms in a cooperative manner. Additionally, Roman Balaban is currently a member of a plaintiff steering committee and has coordinated with many law firms in multiple federal and state court matters.

**3) Professional experience in this type of litigation**

Roman Balaban has been involved in several Multi District Litigation actions and is currently on the plaintiff steering committee of a state court consolidated action.

Additionally, Roman Balaban has handled thousands of personal injury/product liability cases in his career.

Roman Balaban is currently representing 456 injured by Bard Port-Catheter products.

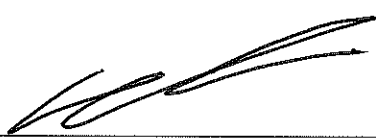
**4) Access to sufficient resources to advance the litigation in a timely manner.**

Balaban Law is a fifteen-person law firm with sufficient resources to move the litigation in a timely manner.

Further your affiant sayeth not.

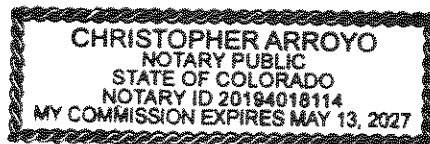
Dated: August 16, 2023

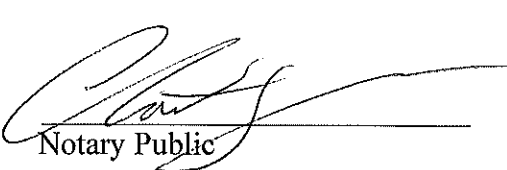
/s/

  
Roman Balaban (CO 39148)  
8055 E Tufts Ave, Suite 325  
Denver, CO 80237  
303-377-3474  
Balaban@Denverfirm.com

*Attorney for Plaintiff*

Subscribed and sworn to before me this  
16<sup>th</sup> day of August, 2023



  
Notary Public

CURRICULUM VITAE  
**ROMAN BALABAN**  
**8055 E Tufts Ave, Ste 325**  
**Denver, CO 80237**  
[Balaban@denverfirm.com](mailto:Balaban@denverfirm.com)  
**303-377-3474**

### **Education**

University of Colorado School of Law- Juris Doctorate	J.D. 2007
Regis University- Business Administration and Finance	B.S. 2003

### **Work Experience**

Balaban Law	2016-Present
<ul style="list-style-type: none"><li>• Personal injury and mass tort attorney</li></ul>	
Balaban, Claeson and Budisidharta	2007- 2016
<ul style="list-style-type: none"><li>• Founding partner – personal injury attorney</li></ul>	

### **Admissions and Memberships**

American Association of Justice - Leaders Forum

National Trial Lawyers Association

Colorado Bar Association

Colorado Trial Lawyers Association

### **Areas of Specialization**

Personal Injury

- Single event motor vehicle and PLA

Product Liability

- Pharmaceutical, toxic tort and manufacturing defect

Mass Torts

- MDL Litigation and state court consolidation

### **Litigation Experience**

Counsel on hundreds of personal injury and product liability actions

## **Mass Tort Experience**

### **MDL and State Court Consolidation Actions**

MDL No. 2741;

- *In re: Roundup Products Liability Litigation;*

MDL No. 2846;

- *In re: Davol, Inc./C.R. Bard, Inc. Polypropylene Hernia*

*Mesh Products Liability Litigation*

MDL No. 3014;

- *In re: Philips Recalled CPAP, Bi-Level Pap, and Mechanical*

*Ventilator Products Litigation*

JCCP No. 5043;

- *Coordinated Proceedings Gilead Tenofovir Cases* – Member of

Plaintiff Steering Committee

## **Admitted to Practice**

State Bar of Colorado

Federal Courts- District of Colorado

Federal Courts- Multiple Districts Pro-Hac admission

## **Non-Profit and Not for Profit**

Global Down Syndrome

National Kidney Foundation

Leukemia and Lymphoma Society

WCRJ Community Center

Metro Volunteer Lawyers

# **Exhibit O**

Application and Resume – Bradley Leger

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

**IN RE BARD IMPLANTED PORT  
CATHETER PRODUCTS  
LIABILITY LITIGATION**

**MDL No. 3081**

**APPLICATION AND AFFIDAVIT OF  
BRADLEY L. LEGER TO PLAINTIFFS'  
STEERING COMMITTEE**

COMES NOW your affiant Bradley L. Leger of the law firm of Leger Ketchum & Cohoon, PLLC, being duly sworn states and respectfully files this Application and Affidavit for Appointment to the Plaintiffs' Steering Committee ("PSC"). Mr. Leger 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. Leger offers the following:

**1) Willingness and ability to commit to a time-consuming process**

I am currently serving on one MDL PSC and one MCL PSC involving claims against Davol/C.R. Bard and Ethicon (Johnson & Johnson). I am lead counsel for over 700 claims involving medical devices, the majority of which are in the process of being settled. As such, I am willing and able to devote whatever time that is necessary to proceed with the Bard Implanted Port Catheter Products Liability Litigation. I have special interest in taking depositions and preparing cases for trial. I have conducted hundreds of depositions over the last 20 years, including multiple FRCP 30(b)(6) depositions of C.R. Bard, Inc. and Davol, Inc. I would expect to focus my time on

these areas but will happily do whatever is asked of me in furtherance of our common goal – justice for the victims.

**2) Ability to work cooperatively with others**

I have successfully worked with other counsel on multiple MDL/MCL steering committees and as co-counsel on hundreds of cases around the country involving serious personal injury. I am frequently asked to assist on product defect cases as well as participate in MDLs such as this one.

**3) Professional experience in this type of litigation**

I have been lead or co-lead counsel on thousands of cases across the nation involving mass tort, product liability, medical malpractice, and other personal injury cases. I currently represent hundreds of victims of defective medical devices. In fact, I litigated one of the first C.R. Bard, Inc. hernia mesh cases filed in the U.S. and have performed extensive discovery on the defective nature of these products, including taking multiple 30(b)(6) depositions of C.R. Bard, Inc. and Davol, Inc. I have gained extensive knowledge about the science and nature of the specific defects and injuries that result from the use of medical devices implanted into the human body. For example, I have worked very closely with experts in the fields of forensic pathology, biomedical engineering, biomolecular engineering, toxicology, medicine, and others. I have served on Multi-District Litigation (MDL) committees ranging from automotive defects to defective pharmaceutical products and am currently a member of the PSC for MDL No. 2846: *In Re Davol, Inc./C.R. Bard, Inc., Polypropylene Hernia Mesh Products Liability Litigation* and MCL No. 630, *In re Proceed Mesh Litigation*, in the Superior Court of New Jersey Law Division—Atlantic County.

My firm is currently representing several individuals injured by Bard Port-Catheter products and has recently filed a Bard Port-Catheter suit in the State of Colorado.

**4) Access to sufficient resources to advance the litigation in a timely manner.**

My firm has sufficient resources and staffing to advance the litigation in a timely manner and likewise has the experience in working up and resolving several hundreds of cases in other mass tort projects.

Further your affiant sayeth not.

LEGER KETCHUM & COHOON, PLLC

Dated: AUGUST 16, 2023

/s/Bradley L. Leger

Bradley L. Leger

bleger@lkclawfirm.com

TX State Bar No. 24039899

10077 Grogan's Mill Road, Suite 325

The Woodlands, Texas 77380

(832) 764-7200

*Attorneys for Plaintiff*

Subscribed and sworn to before me this  
16th day of AUGUST, 2023

MMLC

Notary Public







**LEGER KETCHUM & COHOON, PLLC**

10077 GROGAN'S MILL ROAD, SUITE 325  
THE WOODLANDS, TEXAS 77380  
T: 832.764.7200 F: 832.764.7211  
WWW.LKCLAWFIRM.COM

**Bradley L. Leger**  
Direct: 832.764.7201  
Email: [bleger@lkclawfirm.com](mailto:bleger@lkclawfirm.com)

**Bradley L. Leger, Member**

**BIOGRAPHY**

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Bradley L. Leger is a founding member of the law firm Leger Ketchum & Cohoon, PLLC. Brad is a tireless advocate for the injured and has successfully litigated cases against many of the largest corporations in America and abroad. Brad's dedication and passion for "fighting for those who cannot fight for themselves" has equated to successful jury verdicts and settlements in over 35 states. Brad's experience is diverse and significant, as he has litigated and resolved over 1000 individual cases nationwide as lead or co-lead counsel, including a \$12 million jury verdict for a crash victim and a recent \$8.2 million settlement in an automotive defect case.

Brad currently represents hundreds of victims of defective hernia mesh. In fact, Brad litigated one of the first C.R. Bard, Inc. hernia mesh cases filed in the U.S. and has performed extensive discovery on the defective nature of these products, including taking multiple 30(b)(6) depositions of C.R. Bard, Inc. and Davol, Inc. Brad is also currently lead counsel on several individual cases involving polypropylene hernia mesh that he is litigating nationally. Brad has gained extensive knowledge about the science and nature of the specific defects and injuries that result from the use of polypropylene for mesh, a substance not intended for permanent implantation in the human body. Brad has worked very closely with experts in the fields of forensic pathology, biomedical engineering, biomolecular engineering, toxicology, medicine, and others. Brad has served on Multi-District Litigation (MDL) committees ranging from automotive defects to defective pharmaceutical products, and is currently a member of the PSC for MDL No. 2846: *In Re Davol, Inc./C.R. Bard, Inc., Polypropylene Hernia Mesh Products Liability Litigation*.

Brad's peers and clients consistently recognize him as one of the top litigators in Texas and nationally. In a statewide attorney survey published in *Texas Monthly* magazine, Brad has earned the selection to the annual *Texas Super Lawyers – Rising Stars* multiple times and was selected to the *Top 40 under 40* by National Trial Lawyers. Brad's dedication to seeking justice for his clients has earned him recognition by the American Institute of Personal Injury Attorneys' "10 Best" when it comes to client satisfaction.

Brad's courtroom work has resulted in articles featured by *The New York Times* and the *Houston Chronicle*, among others. Brad has also been interviewed by CNBC and *The Detroit News*, and has appeared on Channel 2 KPRC and KHOU Channel 11 in Houston, Texas.

#### **HONORS AND AWARDS**

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America's Top 100 Personal Injury Attorneys (2019)  
Top 40 under 40 - The National Trial Lawyers (2017)  
"10 Best" Personal Injury Attorneys: Client Satisfaction (2017)  
Texas Super Lawyers - Rising Stars, a Thompson Reuters Publication (2011-2013)  
Top Young Lawyers in Texas - Plaintiffs Medical Malpractice - *Texas Monthly*  
Top Young Lawyers in Texas - Plaintiffs Product Liability - *Texas Monthly*

#### **PUBLICATIONS AND PRESENTATIONS**

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Interviewed by *The Detroit News* for various automotive defect cases  
Interviewed by CNBC in "*Failure to Recall*" regarding GM Ignition Switch defect cases  
Featured in *The New York Times* article, "*A Wider Inquiry on Fires in Ford Trucks*"  
Interviewed by Channel 2 KPRC for case involving "fake botox" injections  
Speed Control Deactivation Switch Fires; Power Point presentation (co-author); TTLA Snowmass Seminar (2006)  
Speed Control Deactivation Switch Fires; Power Point presentation (co-author); AIEG conference (Fall 2005)  
*Thermal Imaging and The Fourth Amendment: The Government's "High-Tech Assault" on "A Once Treasured Haven,"* 43 S. TEX. L. REV. 837 (2002)

#### **EDUCATION**

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Brad received his law degree from South Texas College of Law in Houston, Texas in 2003. While in law school, Brad was an Articles Editor on the *South Texas Law Review* where he received numerous writing awards, including the E.E. Townes Award for Best Article on Constitutional Law. As a result of Brad's tireless work ethic, he passed the Texas Bar Exam while still enrolled as a student and while serving as an Editor on the *South Texas Law Review*. Brad also studied International Law at the University of Malta and received his B.A. from McNeese State University.

#### **AREAS OF SPECIALIZED PRACTICE**

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Products Liability  
Complex and Multi-District Litigation  
Personal Injury/Wrongful Death  
Medical Malpractice

#### **PROFESSIONAL AFFILIATIONS**

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The American Association for Justice  
Texas Trial Lawyers Association  
Houston Trial Lawyers Association  
American Bar Association  
Houston Bar Association  
State Bar of Texas

#### **BAR ADMISSIONS**

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Texas  
U.S. District Court, Southern District of Texas  
U.S. District Court, Northern District of Texas  
U.S. District Court, Eastern District of Michigan  
U.S. District Court, District of Colorado  
U.S. Court of Appeals, 4th Circuit  
U.S. Court of Appeals, 5th Circuit

## **Exhibit P**

Application Letter and Resume – Chelsea Dickerson



September 1, 2023

The Honorable David G. Campbell  
United States District Court, District of Arizona  
Sandra Day O'Connor U.S. Courthouse, Ste. 623  
410 W. Washington St., SPC 58  
Phoenix, AZ 85003

RE: In Re: Bard Implanted Port Catheter Products Liability Litigation, MDL No. 3081  
Petition for Appointment of Plaintiffs' Leadership Structure

Dear Judge Campbell,

In accordance with the Court's Order Setting Initial Case Management Conference, I respectfully submit my request to be appointed a member of the Plaintiff's Executive Committee in the above-referenced MDL. Please accept this letter and my attached resume/CV as a description of my qualifications and willingness to participate in this capacity in the litigation.

I have been practicing law since 2010. I started our law firm, Dickerson Oxtton, LLC, with my husband, Thomas Dickerson, out of law school in 2010 in the Kansas City area. We have practiced exclusively personal injury law since 2013. In 2013, I spent several months assisting a long-standing Kansas City law firm, Bertram & Graf, LLC, which primarily handles mass tort work. During this time, I was mentored by J. Scott Bertram and worked exclusively on transvaginal mesh (TVM) mass tort cases. I participated in the following litigations while at Mr. Bertram's office and did additional work on these case at my own firm: 1) In Re: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation; 2) In Re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation; 3) In Re: C.R. Bard, Inc., Pelvic Repair System Products Liability Litigation; and 4) In Re: Boston Scientific Corp. Pelvic Repair System Products Liability Litigation, all in the United States District Court for the Southern District of West Virginia. Spending time on TVM cases gave me tremendous experience and solidified my desire to work in the mass tort arena.

Since that time, I have continued to maintain a mass tort practice with my own firm. I have worked on cases in the following litigations: 1) In RE: Bard IVC Filters Products Liability Litigation before your Honor in the United States District Court for the District of Arizona; 2) the Atrium Medical Corp. C-Qur Mesh Products Liability MDL in the United States District Court for the District of New Hampshire; 3) In RE: Ethicon Physiomesh Flexible Composite Hernia Mesh Products Liability Litigation in the United States District Court for the Northern District of Georgia; 4) In RE: Davol, Inc./C.R. Bard, Inc., Polypropylene Hernia Mesh Products Liability Litigation in the United States District Court for the Southern District of Ohio; 5) In

RE: Davol/C.R. Bard Hernia Mesh Multi-Case Management in Rhode Island state court; 6) In RE: Covidien Hernia Mesh Products Liability Litigation No. II in the United States District Court for the District of Massachusetts; 7) Civil Action No. 1781CV01845 involving hernia mesh claims against Covidien PLC in Massachusetts state court; 8) In RE: Cook Medical, Inc., IVC Filters Marketing, Sales Practices and Product Liability Litigation in the United States District Court for the Southern District of Indiana; and 9) In RE: Xarelto (Rivaroxaban) Products Liability Litigation in the United States District Court for the Eastern District of Louisiana.

In handling many mass tort cases across the country in various jurisdictions over the years, I have gained a keen insight on how different litigations have operated and what works to effectively move an MDL litigation forward. I appreciate the challenge these types of cases pose and appreciate the opportunity to be a part of a large-scale litigation involving several claimants that can have a real, positive impact on those represented by many other plaintiff firms and attorneys. I have also gained valuable experience in working on cases post-remand from the Bard IVC Filter MDL and TVM MDLs. This included being able to take depositions and work on further case-specific discovery to see the litigation process in more detail from that perspective.

I have also had the pleasure of working with attorneys on the other side of the aisle representing defendants in the above litigations and have gained valuable experience in this capacity. Many such attorneys have been senior to me as I am not quite 40 years old yet, and working with them in mediations, scheduling conferences, and in various other regards such as negotiating Protective Orders, has given me valuable insight and perspective on the importance of working cooperatively and amicably with opposing counsel.

I have additionally worked on hundreds of single plaintiff cases over the years. I have been involved in several multi-million recoveries for clients on catastrophic injury and death cases, the most recent being a \$20,000,000.00 settlement in a semi-truck collision in Kansas. This has given me a great deal of experience working in litigation overall.

Having many years of mass tort and litigation experience, I believe I am an excellent candidate to now serve on the Plaintiff's Executive Committee for the current Port Catheter MDL. I have several Port-Catheter clients currently and am invested in the MDL before your Honor. I believe serving on the MDL Executive Committee for Plaintiffs can put me in an ideal position to use my experience to assist the Court, my clients, and the litigation overall to come to an effective and positive resolution. I welcome this opportunity and respectfully request your approval of my appointment. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chelsea Dickerson', with a stylized, flowing script.

Chelsea Dickerson  
[cdickerson@dickersonoxton.com](mailto:cdickerson@dickersonoxton.com)



## **CURRICULUM VITAE – CHELSEA DICKERSON**

Dickerson Oxton, LLC  
1100 Main St., Ste. 2550  
Kansas City, MO 64105  
Phone: 816-268-1960  
Fax: 816-268-1965  
Email: [cdickerson@dickersonoxton.com](mailto:cdickerson@dickersonoxton.com)



Chelsea Oxton Dickerson is a dedicated Kansas City personal injury attorney committed to serving the needs of injury victims. Achieving public safety and holding insurance companies and others accountable when their actions injure others, are her goals in pursuing cases for her clients.

While most attorneys start their careers working for others, Chelsea dove right into creating her own law firm – Dickerson Oxton – in 2010. Since that time, Chelsea has obtained millions of dollars in recoveries for her clients in personal injury cases including wrongful death, transportation accidents, premises liability, and dog bite cases.

Chelsea also handles an active mass tort docket of cases, where she represents injured consumers nationally against drug and medical device manufacturers. In her mass tort work, Chelsea has worked to obtain justice for those injured by unsafe medical devices, including transvaginal mesh and hernia mesh.

## **BACKGROUND**

Chelsea attended Creighton University School of Law in her hometown of Omaha, Nebraska. In law school, she clerked for the Federal Public Defender for the District of Nebraska and wrote for the Creighton Law Review. Chelsea's law review publication on the search incident to arrest (SITA) exception has been cited in numerous law reviews, court briefs, an Indiana Court of Appeals decision, and The Encyclopedia of the 4<sup>th</sup> Amendment.



Prior to law school, she attended Valparaiso University in Indiana where she studied Journalism, English, and French. She lived abroad in Paris, France for a portion of her undergraduate studies.

In her background as a journalist, Chelsea worked at the local Fox affiliate in Omaha. She gained extensive writing, interviewing, and investigation experience. These skills translated well into her work as an attorney and in investigating her clients' cases to obtain the best results.

## HONORS AND AWARDS

- National Trial Lawyers Top 40 Under 40, personal injury, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022
- Super Lawyers Rising Star, 2019, 2020
- National Trial Lawyers Top 25 Mass Tort Lawyer, 2018-2020
- Kansas City Business Journal Best of the Bar, 2016

## PRESENTATIONS & PUBLICATIONS

- Presenter, *Personal Injury from A to Z*, Fundamentals of Local Procedure, Injury Demand Letters and Pre-Suit Negotiations, NBI Continuing Legal Education Seminar, May 23, 2018.
- Presenter, *Unleashing the Power of Microsoft Office and Adobe for Lawyers*, The Many Uses of Excel in Legal Practice, Adobe Acrobat: Document Review, Conversion & Creation, NBI Continuing Legal Education Seminar, April 8, 2016.
- Presenter, *Damages in Personal Injury*, Types of Damages in an Injury Suit, Legal Ethics, NBI Continuing Legal Education Seminar, January 29, 2016.
- Presenter, *Bicycle Accident Litigation*, NBI Continuing Legal Education Seminar, Ethics for Personal Injury Attorneys, March 24, 2015.
- Author, "The Search Incident to Arrest Exception Plays Catch Up: Why Police May No Longer Search a Cell Phone Incident to Arrest Without a Warrant," Creighton Law Review, Vol. 43, No. 4 (2010).

## PERSONAL

Chelsea was born and raised in Omaha, Nebraska. She is an avid Nebraska Cornhuskers fan. She also enjoys music and plays piano and violin. She currently lives in Kansas with her husband and law partner, Thomas Dickerson, and their two children.



# **Exhibit Q**

Resume – Gabe Assaad

# **Gabriel A. Assaad**

1770 Saint James Place , Suite 100  
Houston, TX 77056  
(713) 523-5500  
gassaad@mcdonaldworley.com

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## **BACKGROUND**

I obtained a B.S. in Mechanical Engineering from the University of Florida in 1996. After a couple years as an engineering consultant, I decided to obtain my law degree Vanderbilt Law School and graduated in 2001. Since that time, I have used my engineering and science background to pursue complex product liability claims on behalf of plaintiffs. As an engineer, I was uniquely qualified both to communicate effectively with experts, and even more importantly, to effectively conduct depositions of science experts.

In the context of Multi-District Litigation, I have focused on expert discovery and depositions. Since I have been involved in MDLs, I have conducted over 100 depositions with approximately 40 of those being experts. In my career, I have extensive deposition experience with over 500 depositions, both fact and expert witnesses, conducted in many different types of cases such as personal injury, product liability, medical malpractice, wage and hour, and class actions.

In addition, to my deposition and discovery experience, I have argued in front of the Fifth Circuit Court of Appeals, Supreme Court of Virginia, and the District of Columbia Court of Appeals. I was also a member of the Appellate Team that obtained a reversal in the Eight Circuit Court of Appeals in the Bair Hugger MDL. A recent example of my success was in 2022 in which I argued an interlocutory appeal in the Fifth Circuit Court of Appeals with respect the WARN Act and whether COVID is considered a natural disaster under the act. The Court of Appeals agreed with me that under the statute, it was not, and hundreds of workers that were laid off without notice could pursue their WARN Act claims.

My education, background, and experience are unique in that it brings together law and science and the ability to benefit the hundreds, if not thousands, of plaintiffs in an MDL.

## **PROFESSIONAL EXPERIENCE**

**McDonald Worley, Of Counsel:** Houston, TX

November 2019 to present

I am responsible for the complex litigation group which includes product liability, class action, medical malpractice, class actions, and employment litigation cases. This includes the management and training of a team of attorneys and staff to handle litigation.

**Kennedy Hodges, LLP, Partner:** Houston, TX

January 2012 to November 2019

Managing partner responsible for the mass tort litigation practice as well significant involvement in multidistrict litigation cases throughout the country. This included the management of numerous attorneys and staff in the handling of thousands of cases in multiple litigations.

In addition, during this period, I was appointed to numerous Plaintiff Steering Committees including Science and Discovery Committee in Bair Hugger litigation, the Science Committee in the Xarelto litigation, the Discovery Committee in Taxotere PSC, and the Plaintiff Steering Committee Member in the Smith & Nephew Hip Litigation.

In addition, my practice also included medical malpractice litigation and Fair Labor Standards Act Collective and Class Action litigation.

**Assaad Law, PLLC, Owner:** Washington, D.C.

October 2008 to December 2014

Focused on products liability, medical malpractice, and legal malpractice litigation.

**Paulson & Nace, Attorney:** Washington, D.C.

November 2003 to July 2008

Litigated numerous cases involving products liability, medical malpractice, personal injury, and legal malpractice cases. I was also responsible for every aspect of litigation from client screening, discovery, depositions, motions practice, mediation and arbitration, and trial, and appellate practice including the drafting of numerous appellate briefs.

**Dickstein Shapiro LLP**, Associate: Washington, D.C.  
August 2001 to October 2003; Summer of 2000

- Litigated various matters for clients including intellectual property matters
- Litigation includes all aspects of discovery, including the drafting and responding to interrogatories; taking and defending depositions; organizing and analyzing discovery documents; and summarizing and analyzing deposition transcripts
- Draft and respond to various motions and briefs
- Participated in a multimillion-dollar patent and trademark infringement suit involving high tech surveillance equipment
- Patent prosecution of mechanical as well as semi-conductor patents

### **EDUCATION**

**Vanderbilt University Law School**, Nashville, TN

JD Received May 2001

Vanderbilt Trial Lawyers Association; Intellectual Property Society;  
Phi Delta Phi; Legal Aid Society; Moot Court Participant

**University of Florida**, Gainesville, FL

B.S. in Mechanical Engineering, May 1996

Dean's List; American Society of Mechanical Engineers; Society of  
Automotive Engineers

### **PAST MDL AND FEDERAL EXPERIENCE**

**MDL 2666: In re: Bair Hugger Forced Air Warming Products Liability  
Litigation**

- The Bair Hugger litigation involves a forced air warming device used to warm patients during surgery. The Bair Hugger is manufactured by 3M Corporation. Plaintiffs in the Bair Hugger MDL assert numerous claims against 3M including design defect claims and failure to warn claims.
- Member of the Plaintiff's Steering Committee
- Co-chair of the Discovery Committee and the Science Committee
- Member of the Trial Team

- Member of the Appellate Team which reversed the District Court's order dismissing the entire MDL on Daubert grounds
- Member of Settlement Committee

**MDL 2765: In Re Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Products Liability Litigation**

- Smith & Nephew BHR litigation involves metal-on-metal hip implants. This MDL contains issues of preemption of some of the claims. The case is currently in general causation discovery.
- Member of Plaintiff's Steering Committee and Science Committee
- Member of Trial Team
- Member of Settlement Committee
- Conducted over thirty deposition of which more than five were opposing party experts

**MDL 2885: In Re 3M Combat Arms Earplug Products Liability Litigation**

- Member of Science Committee
- Member of Law & Briefing Committee

I have ample experience with federal practice and procedure. Over the past twenty years, I have handled numerous cases in federal courts across the country which include product liability, Fair Labor Standards Act, WARN Act, and other federal actions. Given that experience, I am very familiar with federal practice, procedures, and many of the local rules of many courts. My litigation experience in the Bair Hugger MDL and the Smith & Nephew MDL has also provided me experience litigating and trying cases as part of an MDL.

In the MDLS that I have been actively involved in, my background in engineering was an asset with respect to discovery and depositions. My education and experience have given me the ability to read schematics and engineering drawings, to be able to work with experts to simplify engineering principals for a jury, and to be able to challenge the theories and opinions of the opposing science experts.

My previous MDL experience, my engineering background, and my extensive legal experience in products liability and medical malpractice cases has provided me with the experience and knowledge that can benefit leadership and the numerous plaintiffs in this litigation.

### **Bair Hugger MDL**

My mass tort litigation began with the Bair Hugger MDL that was consolidated in 2015. However, my firm commenced the Bair Hugger litigation in 2013, and I spent the two years between filing and the MDL consolidation litigating these complex products liability cases.

When the JPML consolidated the Bair Hugger cases and assigned the MDL to the District of Minnesota, I remained very involved in all aspects of this case, including discovery, experts, and trials. In Bair Hugger, I was responsible for the majority of fact and expert depositions which included five depositions of study authors, many fact depositions of 3M's current and former employees, two depositions of corporate representatives, numerous healthcare provider depositions, and expert depositions. In addition, I defended numerous expert depositions. I was also involved in the selection and vetting of the plaintiffs' experts.

The Bair Hugger MDL consisted of millions of pages of documents in which I was involved in reviewing and compiling subsets for many of the depositions given the complex issues in the case. In addition, I also was part of the team that was involved in the Bellwether selection process, reviewing Bellwether specific documents, and preparing the bellwether cases for trial.

Also, in the Bair Hugger MDL, I was responsible for briefing and arguing several of the *Daubert* motions on issues related to general causation (and thus applicable to all the cases in the MDL), as well as discovery motions and motions in *limine* for the first bellwether trial.

After the District Court dismissed the case after a reconsideration of *Daubert*, I was a member of the Appellate Team that prevailed in the Eight Circuit reversing the Court's order.

Finally, I am also part of the settlement committee and in discussion regarding possible settlement and future case selection for trial (if needed). This process involves critical analysis of key issues ranging from product identification to statute of limitations and statutes of repose as well as an analysis of the MDL docket which I have managed for the MDL.

### **Smith & Nephew MDL**

In the Smith & Nephew MDL litigation, I conducted 30(b)(6) depositions, key internal witnesses overseas relating to adverse event reporting company-wide, requiring knowledge of both the technical systems used and the regulatory requirements in tracking such reports. Furthermore, because of my engineering background, I was selected to be on the science committee to identify and select potential experts, as well as conduct expert depositions. As a result, I was involved in most of the expert deposition and was selected as a member of the trial team. Finally, I was also selected to be part of the settlement committee which ultimately resolved most of the cases in the MDL.

### **TRIAL EXPERIENCE**

I have over twenty years of experience as a trial lawyer and have personally tried numerous cases to verdict. The majority of the cases in which I have tried were complex medical malpractice cases. However, more recently, I have been involved in multiple MDL trials in both the Bair Hugger Litigation and Smith & Nephew Litigation.

### **BAR ADMISSIONS**

State Bars Admissions: Texas; District of Columbia; Commonwealth of Virginia

Federal Court of Appeals: United States Court of Appeals for the Third Circuit; United States Court of Appeals for the Fourth Circuit; United States Court of Appeals for the Fifth Circuit; United States Court of Appeals for the Sixth Circuit; United States Court of Appeals for the Seventh Circuit; United States Court of Appeals for the Eighth Circuit; United States Court of Appeals for the Ninth Circuit; United States Court of Appeals for the Tenth Circuit; United States Court of Appeals for the Eleventh Circuit

Federal District Court: United States District Court for the District of Columbia; United States District Court for the Eastern District of Virginia; United States District Court for the Western District of Virginia; Southern District of Texas, Western District of Texas; Northern District of Texas; District of Colorado

### **PROFESSIONAL ASSOCIATIONS**

American Association of Justice (member and litigation chair of the Bair Hugger Litigation group); Texas Trial Lawyers Association; DC Trial Lawyers Association; Houston Trial Lawyers Association; Attorney Information Exchange Group

### **AWARDS**

2022 Minnesota Trial Lawyer of the Year



## **Exhibit R**

Application Letter and Resume – Jenny Elwell



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JENNIFER ELWELL / SENIOR COUNSEL  
215.875.3029 | jelwell@bm.net

September 7, 2023

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: In Re: Bard Implanted Port Catheter Products Liability Litigation**  
**2:23-md-03081-DGC**

Dear Judge Campbell,

I, Jennifer Elwell of Berger Montague PC ("BMPC"), respectfully submit this letter and accompanying resume for consideration to serve as a member of the Plaintiff Steering Committee in the above-referenced action.

BMPC currently represents over 60 clients who allege injuries resulting from the alleged defective port catheters at issue here. We have filed cases on behalf of three of those clients that are now transferred to this Court, and we intend to file more.

As a member of our firm's Consumer Protection Department and Mass Tort Group, I was fortunate to have led our firm's efforts on this case from its inception at BMPC and became informed regarding implanted port catheters and the related injuries, and the documentation that supports plaintiffs' claims. I facilitated our initial contact with potential injured persons and conducted the vetting and evaluation of numerous potential clients. I led our internal team on these efforts and before the MDL was formed, collaborated with other plaintiffs' counsel who represented clients with similar injuries. I believe I have the knowledge, energy, and enthusiasm to help drive this case on behalf of all plaintiffs.

BMPC is a nationally acclaimed plaintiffs' law firm with over 130 dedicated attorneys and staff in offices around the country that have successfully prosecuted class and mass actions for over 53 years. BMPC's lifeblood is complex litigation such as this one, and the firm is consistently appointed to lead and co-lead positions. I have the full support of my firm to fully commit myself, our resources, and our time to prosecute this action, to carry out Plaintiffs' best interests, and to see this case through to efficient resolution.

I have gained relevant experience working extensively on complex litigation cases, including most recently, *Allergan BIOCELL Textured Breast Implant Products Liability Litig.*, MDL No. 2921



before Hon. Brian Martinotti (D.N.J.) (involving recalled textured breast implants alleged to cause cancer and other injuries); *In re: Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Litigation*, MDL No. 3014 (W.D. PA) before Hon. Joy Flowers Conti (involving recalled CPAP devices alleged to cause lung disease, cancers and other injuries), and *In re: The Glen Mills Schools Litigation*, Mass Tort Program, Docket No. 900 (Phila. Ct. of Common Pleas) before Hon. Abbe Fletman (involving a boys' reform school alleged to have allowed and concealed the physical and sexual abuse of its residents). While I have not had a court appointment to a leadership position, my colleagues at BMPC hold such positions in each of the above-referenced cases which has allowed me the opportunity to gain valuable experience not only litigating on behalf of our firm's clients but supporting our firm's commitments and responsibilities to all plaintiffs.

I understand the benefits of a leadership team that is cohesive, communicative, collaborative, amicable, and efficient, and the detriments of a team that is not. I would be honored to be chosen by this Court to serve on the Plaintiff Steering Committee, and would strive to be a productive and valuable member.

Respectfully submitted,

Jennifer P. Elwell

**JENNIFER P. ELWELL**  
Berger Montague PC  
1818 Market Street, Suite 3600  
Philadelphia, PA 19103  
jelwell@bm.net/215-875-3029

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## **LEGAL EXPERIENCE**

### **Berger Montague PC, Philadelphia, PA**

*Senior Counsel* (Consumer Protection Department, Mass Tort Group), Feb. 2020-present

*In re: The Glen Mills Schools Litigation*, Mass Tort Program, Docket No. 900 before Hon. Fletman (Phila. Ct. Common Pleas): Represent survivors of physical, sexual and emotional abuse with claims against an institution that received juvenile-court adjudicated teenage boys. Conducted extensive client interviews and evaluated hundreds of allegations of abuse. Involved in every facet of the case in collaboration with co-liaison counsel, including drafting the master complaint, crafting case management orders and plaintiff and defendant fact sheets, completing plaintiff discovery obligations for over 120 clients, managing review of over one million defendant documents, preparing for and participating in 30(b)6 and plaintiff depositions, preparing for and participating in mediation, and most recently, selecting bellwether candidates and preparing for trials.

*In re: Allegan Biocell Textured Breast Implant Products Liability Litigation* (MDL 2921) before Hon. Martinotti (D.N.J.): Managed the completion of discovery obligations for over 130 MDL clients, including service of Plaintiff Fact Sheets and corresponding document productions within a Court-ordered deadline. Oversee various other discovery and bellwether evaluation efforts for clients filed in the MDL, and related MCL, JCCP and class actions.

*In re: Philips Recalled CPAP, Bi-Level Pap, and Mechanical Ventilator Products Liability Litigation* (MDL 3014) before Hon. Conti (W.D. Pa.): Managed a team to complete case evaluations and census registry obligations for over 2500 clients. Oversee various other discovery and bellwether evaluation efforts, including the filing of short-form complaints, service of Plaintiff Fact Sheets and related document productions for over 50 plaintiffs.

Represented 17 employees with workplace discrimination claims against an international corporation that resulted in a confidential settlement. Conducted an in-depth investigation into client allegations, including interviews and assessment of supporting documents, corporate organization, policies, and culture. Prepared comprehensive claims summaries on issues that included discriminatory hiring and termination, compensation, promotion, retaliation and hostile work environments. Guided clients through a mediation process involving severance and global settlement agreements, coordinating with the mediator and defense counsel for allocation and distribution of funds.

### **Kessler Topaz Meltzer & Check LLP, Radnor, PA**

*Senior Staff Attorney* (Consumer Protection Department), Oct. 2013-Oct. 2017

Represented consumers and employees throughout multiple phases of nationwide class actions where the firm was appointed lead or co-lead counsel, including claims challenging predatory lending practices, consumer fraud, unfair and deceptive business practices, antitrust violations and wage and hour violations. Conduct extensive legal research, and analysis. Draft discovery motions, pretrial motions; dispositive and class certification motions; and discovery requests. Interview plaintiffs and prepare corresponding discovery responses. Assess deposition testimony and other discovery material for class certification briefing. Participate in trial preparation.

**Heckscher Teillon Terrill & Sager PC**, West Conshohocken, PA

*Associate Attorney*, 2006-2008

Represented beneficiaries and fiduciaries in estate, trust and fiduciary matters, including preparation of guardianship petitions and participation in related proceedings, fiduciary litigation, and special needs planning.

**Dechert LLP**, Philadelphia, PA

*Senior Staff Attorney* (Products Liability Department), 2006

Managed plaintiff fact investigations for multidistrict pharmaceutical litigation at an international defense law firm.

**Pepper Hamilton LLP**, Philadelphia, PA

*Associate Attorney* (Health Effects Litigation Department), Sept. 2001- May 2004; *Summer Associate*, 2000

Supervised team of fifteen attorneys for response to U.S. Justice Department subpoenas related to audits of pharmaceutical companies at a national defense law firm. Conduct audit of pharmaceutical company to ensure compliance with federal regulations and identify potential corporate witnesses.

**Chadbourne & Park LLP**, New York, NY

*Paralegal*, (Products Liability Department – Tobacco Litigation), 1994-1998

**EDUCATION**

**Temple University Beasley School of Law**, Philadelphia, PA, Juris Doctorate, 2001

Member, *Temple Law Review*; Outstanding Oral Advocacy Award Recipient

**Villanova University**, Villanova, PA, Bachelor of Arts, English and Sociology, Dual Major, 1992

**ADMISSIONS**

Pennsylvania, U.S. District Court for the Eastern District of Pennsylvania

New Jersey, U.S. District Court for the District of New Jersey

**AFFILIATIONS**

American Association for Justice

Philadelphia Trial Lawyers Association

The National Trial Lawyers Top 100

# **Exhibit S**

Resume – Chad Roberts

## Chad S. Roberts

+1.305.240.5148

[www.edcclaw.com](http://www.edcclaw.com)

Chad.Roberts@edcclaw.com

~ Jacksonville, Florida ~

### Professional

2014-Present	eDISCOVERY CoCOUNSEL, PLLC, Jacksonville, FL Principal and Founder
2000-2014	SPOHRER & DODD, P.L., Jacksonville, FL Partner and Trial Lawyer
1992-2000	HOLLAND & KNIGHT, LLP, Jacksonville, FL Litigation Partner
1991-1992	FOLEY & LARDNER, Jacksonville, FL Litigation Associate

### Educational

1991	FLORIDA STATE UNIVERSITY COLLEGE OF LAW J.D., <i>magna cum laude</i> Associate Editor, <i>Florida State University Law Review</i>
1989-1991	Speech Writer and Research Assistant to Dean Talbot D'Alemberte President-Elect of the American Bar Association
1981	GEORGIA INSTITUTE OF TECHNOLOGY B.S., Engineering Science and Mechanics

### Civic

2003-2008	JACKSONVILLE AREA LEGAL AID, INC. Board of Directors (President, 2007)
2004	Florida Bar President's <i>Pro Bono</i> Award, Fourth Judicial Circuit
1992-Present	American Inns of Court, Chester Bedell Chapter 2004-Present Master of the Court  Martindale Hubbel "AV" Rated since 1996 Bar Admissions: Florida (FBN: 896977), Georgia (GBN: 608307), Eleventh Circuit Court of Appeals, Southern, Middle, and Northern District Courts of Florida

### Other

1981-1988	Lieutenant (Surface Warfare), UNITED STATES NAVY
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## **Electronic Discovery**

### Positions:

American Association for Justice

- Co-Chairman, Electronic Discovery Litigation Group (2017 – present)
- MDL Rules Amendments Committee (2021 – present)

Samford University Cumberland School of Law (Adjunct Professor)

- Legal Project Management and Electronic Discovery (2019 - 2020)

The Sedona Conference – Working Group 1 (2019 – present)

### Certifications:

CEDS (2016 - present); Association of Electronic Discovery Specialists.

RCA (2017 – present); Relativity™ Certified Administrator

### CLE Presentations:

<b>Conference Name</b>	<b>Title</b>	<b>Date</b>
Complex Litigation E-Discovery Forum	Cyber Security Trends for eDiscovery Practice	2023
University of Florida E-Discovery Conference	Emerging Trends in eDiscovery Sources	2023
Georgetown University School of Law – Advanced Electronic Discovery Institute – Washington, DC	The Duty of Competence – Professional Standards for Practitioners	2022
Louisiana Bar Judicial Conference – Destin, FL	Digital Evidence in the Courtroom	2022
eDiscovery and Information Governance Retreat – Newport, CA	Plaintiffs' Side Electronic Discovery Issues	2022
CLEF - Complex Litigation eDiscovery Forum	Pending Rule Amendments and Case Law	2022
National Employment Lawyers Association	e-Discovery & ESI Primer	2022
University of Florida E-Discovery Conference	eDiscovery in Healthcare	2022
EDRM™	Privacy as a Rule 26 Burden	2021
ACEDS-Jacksonville	Electronic Health Records	2021
Jacksonville Justice Association	E-Discovery Workflows	2021
MTMP™	E-Discovery Basics	2021
Louisiana Association for Justice	Louisiana Judicial Conference	2021



<b>Conference Name</b>	<b>Title</b>	<b>Date</b>
Louisiana Association for Justice	Evidence Visualization in the Courtroom	2021
American Association for Justice	Electronic Discovery during Covid 19	2020
The Florida Bar Annual Evidence Seminar	Electronic Discovery by the Rules	2020
The Master's Conference – Washington DC	Proportionality Objections under Rule 26	2019
2019 Louisiana Judicial College	Electronic Discovery Practice and Procedure	2019
RelativityFest 2018	Plaintiffs' Side Rule 26 Conferences	2018
National Legal Aid and Defender Association 2018 Annual Conference	ESI for Legal Aid Clients and Causes	2018
MDL Conference 2018 American Association for Justice	eDiscovery ESI Protocol Orders	2018
Advanced 30(b)(6) Seminar - 2018	Rule 30(b)(6) Depositions for ESI Information Sources and Electronic Discovery	2018
The Master's Conference - Orlando	Electronic Discovery for Plaintiffs - Evidence Management (Legal Project Management) Principles	2017
Florida Justice Association Workhorse Seminar	eDiscovery for Plaintiffs' Counsel	2017
Technology and Law Conference of the Jacksonville Bar Association CLE	Electronic Discovery and Information Governance CLE	2016
North Carolina Advocates for Justice Discovery Conference CLE	Plaintiffs' Discovery for the Contemporary Plaintiffs' Practice CLE	2016
Jacksonville ACEDS Chapter	Analysis in the EDRM	2016
Florida Justice Association CLE Conference	CLE Electronic Discovery for the Plaintiffs' Paralegal	2015

### Publications

<b>Publication name</b>	<b>Title</b>	<b>Date</b>
Trial Magazine – July 2023	Navigating Data Security in eDiscovery	2023
Trial Magazine – May 2020	Artificial Intelligence in the E-Discovery Toolkit	2020
American Association for Justice (AAJ)	ESI Protocol Orders - Strategic Purposes for Plaintiffs	2018
Trial Magazine - November 2018	Turn the Tables on ESI	2018

# **Exhibit T**

Application and Resume – Brian Tadtman

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

**IN RE BARD IMPLANTED PORT  
CATHETER PRODUCTS  
LIABILITY LITIGATION**

**MDL No. 3081**

**APPLICATION AND AFFIDAVIT OF  
BRIAN E. TADTMAN TO PLAINTIFFS'  
STEERING COMMITTEE**

COMES NOW your affiant Brian E. Tadtman of the law firm of Woodworth Law Firm, LLC, being duly sworn states and respectfully files this Application and Affidavit for Appointment to the Plaintiffs' Steering Committee ("PSC"). Mr. Tadtman 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. Tadtman offers the following:

**1) Willingness and ability to commit to a time-consuming process**

I am willing to commit to the time-consuming process of litigating this MDL. I have leadership experience and committee experience in several aspects of the MDL litigation process including science, briefing, bellwether, ESI and discovery. However, I have a special interest in legal briefing, science and experts. These are the areas I would like to focus my time and skill for the PSC, but I will happily do any task or category of responsibility which may be asked of me.

MDL work is a personal passion of mine and I have already committed time and resources with the informal working group to advance this MDL to the present posture. My commitment to this process will not waiver and I look forward to advancing this MDL at a rapid pace.

**2) Ability to work cooperatively with others**

I have successfully worked with other counsel to litigate and resolve drug and medical device cases as well as other catastrophic injury cases for over 10 years. As previously mentioned, I have already been collaborating and creating work-product for the informal working group associated with this MDL.

**3) Professional experience in this type of litigation**

I have been lead counsel for thousands of MDL cases filed nationwide which required simultaneously managing numerous dockets of dozens to hundreds of cases for particular MDL litigations. This experience has provided me with a solid foundation for working with individual injured clients and shepherding them through the complex and lengthy MDL litigation process.

I was appointed to the PSC for MDL No. 2776: *In re: Farxiga (Dapagliflozin) Products Liability Litigation* where I focused my efforts on ESI and discovery. The *Farxiga* MDL was one of the swiftest resolving drug MDLs in history due to the hard work and persistence of myself and my fellow PSC members.

I was lead counsel for Bellwether selected cases in MDL No. 2545: *In re: Testosterone Replacement Therapy Products Liability Litigation* and MDL No. 2666: *In re: Bair Hugger Forced Air Warming Devices Products Liability Litigation*. Working up these Bellwether cases furthered my experience in MDL practice by focusing on preparing individual cases for trials which would substantially impact the entire MDL based upon the outcome.

We currently are representing 99 injured by Bard Port-Catheter products.

**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.

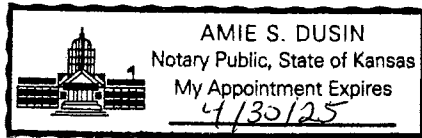
Dated: 8/17/2023

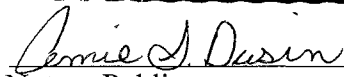
**WOODWORTH LAW FIRM, LLC**



Brian E. Tadtman  
7200 W. 132<sup>nd</sup> Street, Suite 320  
Overland Park, Kansas 66213  
Phone: 816-974-6600  
Fax: 913-967-5999  
Email: [brian@woodworthlawkc.com](mailto:brian@woodworthlawkc.com)  
*Attorneys for Plaintiff*

Subscribed and sworn to before me this 17th  
day of August, 2023



  
Notary Public

**Brian Tadtman**

## Curriculum Vitae

Woodworth Law Firm, LLC  
7200 W. 132<sup>nd</sup> Street, Suite 320  
Overland Park, Kansas 66213

brian@woodworthlawkc.com  
DD: 816-974-6600  
Fax: 913-967-5999

<b>EDUCATION</b>	University of Colorado Law School - <i>Juris Doctorate</i> Kansas State University - <i>Bachelor of Science</i>	Boulder, Colorado Manhattan, Kansas	2010 2006
<b>PROFESSIONAL EXPERIENCE</b>	Woodworth Law Firm, LLC - Member DiPasquale Moore, LLC – Trial Attorney Peterson & Associates, P.C. – Trial Attorney Senter Goldfarb & Rice, LLC – Trial Attorney McDowell, Rice, Smith & Buchanan, P.C. - Shareholder	Overland Park, KS Kansas City, MO Kansas City, MO Denver, CO Kansas City, MO	2022 - Present 2019 - 2022 2014 - 2019 2013 - 2014 2010 - 2013
<b>ADMISSIONS</b>	State of Kansas   State of Missouri   State of Colorado United States District Court for the District of Kansas United States District Court for the Western District of Missouri United States District Court for the District of Colorado United States District Court for the Central District of Illinois		
<b>RECENT PROFESSIONAL HIGHLIGHTS</b>	<ul style="list-style-type: none"> <li>- Lead trial counsel and litigator for thousands of individual lawsuits filed nationwide.</li> <li>- Appointed to Plaintiffs' Steering Committee for the National Federal Farxiga MDL 2776 by the Hon. Lorna Schofield of the United States District Court for the Southern District of New York.</li> <li>- Lead trial counsel and litigator for Bellwether selected case in MDL No. 2545; <i>In re: Testosterone Replacement Therapy Products Liability Litigation</i></li> <li>- Lead trial counsel and litigator for Bellwether selected case in MDL No. 2666; <i>In re: Bair Hugger Forced Air Warming Devices Products Liability Litigation</i></li> <li>- Successfully briefed and argued complex venue issue before the Colorado Panel on Multidistrict Litigation which was ultimately ratified by the Chief Justice of the Colorado Supreme Court.</li> </ul>		
<b>MASS TORT EXPERIENCE</b>	MDL No. 2641; <i>In re: Bard IVC Filters Products Liability Litigation</i> MDL No. 2244; <i>In re: DePuy Orthopedics Inc. Pinnacle Hip Implant Products Liability Litigation</i> MDL No. 2391; <i>In re: Biomet M2A Magnum Hip Implant Products Liability Litigation</i> MDL No. 2441; <i>In re: Stryker Hip Products Liability Litigation</i> MDL No. 2545; <i>In re: Testosterone Replacement Therapy Products Liability Litigation</i> MDL No. 2666; <i>In re: Bair Hugger Forced Air Warming Devices Products Liability Litigation</i> JCCP No. 4775; <i>Risperdal and Invega Product Liability Cases</i> MDL No. 2197; <i>In re: ASR Hip Implant Products Liability Litigation</i> MDL No. 2325; <i>In re American Medical Systems Inc., Pelvic Repair System Products Liability Litigation</i> MDL No. 2741; <i>In re: Roundup Products Liability Litigation</i> MDL No. 2592; <i>In re: Xarelto Products Liability Litigation</i> MDL No. 2885; <i>In re: 3M Combat Arms Earplug Products Liability Litigation</i> MDL No. 2776; <i>In re: Farxiga (Dapagliflozin) Products Liability Litigation</i> MDL No. 2750; <i>In re: Invokana (Canagliflozin) Products Liability Litigation</i> MDL No. 2502; <i>In re: Lipitor Marketing, Sales Practices and Products Liability Litigation</i> MDL No. 2924; <i>In re: Zantac (Ranitidine) Products Liability Litigation</i> MDL No. 2570; <i>In re: Cook Medical, Inc., IVC Filters Marketing, Sales Practices and Products Liability Litigation</i> MDL No. 2652; <i>In re: Power Morcellator Products Liability Litigation</i> MDL No. 2740; <i>In re: Taxotere (Docetaxel) Products Liability Litigation</i> MDL No. 2768; <i>In re: Stryker LFIT V40 Femoral Head Products Liability Litigation</i> MDL No. 2738; <i>In re: Johnson &amp; Johnson Talcum Powder Products Liability Litigation</i> MDL No. 3004; <i>In re: Paraquat Products Liability Litigation</i> MDL No. 2657; <i>In re: Zofran (Ondansetron) Products Liability Litigation</i>		
<b>PROFESSIONAL ACCOLADES and ASSOCIATIONS</b>	Super Lawyers Rising Star   2018 - Present The National Trial Lawyers Association   2020 - Present America's Top 100 High Stakes Litigators   2021 – Present Kansas Trial Lawyers Association Missouri Association of Trial Lawyers Kansas Bar Association Missouri Bar Association American Association for Justice		

## **Exhibit U**

Leadership Statement and Biography – Jose Rojas

Jose M. Rojas  
Levin, Rojas, Camassar & Reck, LLC  
Leadership Statement

### **Our Firm**

Our firm has filed two cases in this litigation. More significantly, we have been members of a consortium since February, 2023. This consortium, organized and led by Adam Evans has actively pursued this litigation, seeking and retaining experts and gathering medical literature.

### **Personal Background**

I was born in Madrid, Spain. I am the son of a Spanish national. My mother was an American employee of the United Department of Defense Dependent Schools. While growing up in Spain, I attended school on a U.S. Air Force Base (Torrejon). I moved to the United States when I was 17 to attend college. After that, I went to law school in Connecticut.

When I graduated, the Army offered me an opportunity to try cases right away. I joined the JAG Corps as a First Lieutenant and was assigned to the XVIII Airborne Corps. I was rapidly promoted to Captain, advanced to the Federal Litigation Division, and was appointed Special Assistant United States Attorney. At age 25, I was entrusted with the awesome responsibility of representing the United States. I still get chills at the memory of saying, "Jose Rojas, on behalf of the United States." The responsibility was scary, but luckily I had an incredible mentor: the FBI agent assigned to Fort Bragg. Leaning on the wealth of his experience and knowledge, we quickly were a formidable team. My boss described my performance in my Officer Evaluation Report as follows: *"CPT Rojas is the best, most aggressive prosecutor in this very busy legal office. Exceptionally bright, motivated, and exceedingly thorough, he always demonstrated his enormous capacity as an attorney and as an officer. He is the first choice when there is a tough case with complex legal questions."* The JAG Corps was an important part of my development and I left that great organization having prosecuted hundreds of cases, with six felony trials.

I returned to Connecticut and took a job at a large defense firm, where I represented Fortune 500 companies in complex civil matters and developed a focus and interest in product liability. I first-chaired several trials and also participated in a number of other trials in a supportive role. I enjoyed the work, and loved my colleagues, but I knew that I preferred to help people over corporations. I left after five years to hang a shingle.

For next 15 years I represented injured people and victims of medical malpractice and defective products. I have represented hundreds of clients through the years, averaging roughly one trial per year and have obtained judgments in dozens of contested binding arbitrations.

In early 2020, my law firm founded the litigation now known as MDL 3026, Preterm Infant Nutrition Products Liability Litigation. Our firm filed the first six cases in various federal courts. We were about to being important substantive depositions in one of our cases when Abbott Labs filed with the JPML and stayed the individual litigations. The litigation was indeed consolidated



and assigned to Chief Judge Rebecca Pallmeyer, who appointed me as Co-Lead Counsel. Judge Pallmeyer also appointed me State Court Liason Counsel.

**Willingness and availability to commit to a time-consuming project**

We are a fully staffed mass tort firm. Our firm has five experienced mass tort attorneys and six paralegals all with mass tort experience and availability.

**Professional experience in this type of litigation**

I have worked in mass tort field for approximately three years. In this short time frame, I have been appointed as a Co-lead in an MDL, have started a class action, have countless times at major conferences, including AAJ, MTMP, NTL and Shades of Mass about mass tort projects, as well as local seminars in my home state, regarding mass torts. My firm is currently working on a class action, four mass torts (NEC, Camp Lejeune, Infant Formula Recall,

Additionally, I have an almost thirty-year career working on complex civil matters. I have significant experience in products-liability matters, both as a defense lawyer and a plaintiff's lawyer. I have taken products liability to verdict, including a seven-figure verdict. I was counsel for a Fortune 500 Company in the Rhode Island night club fire case. This was a complicated civil litigation involving numerous plaintiffs and numerous defendants. Significant collaboration was required.

**Diversity**

I believe strongly in diversity. The lawyers that lead an MDL should be representative of the people they represent. Diversity of background is accompanied by diversity of thought. I am proud to be a Board Member of Shades of Mass, an organization devoted to advancing these principles.

## ***JOSE M. ROJAS BIOGRAPHY***

On May 26, 2022 Chief Judge Rebecca Pallmeyer appointed Mr. Rojas as National Co-Lead Counsel in MDL 3026, Preterm Infant Nutrition Products Liability Litigation. This appointment followed a twenty-five year career as a trial lawyer.

Mr. Rojas graduated from law school in 1997. Following law school, he was recruited and commissioned as a First Lieutenant, United States Army, Judge Advocate General's Corps and was swiftly promoted to Captain months later.

Mr. Rojas was appointed Special Assistant United States Attorney and was entrusted with the awesome responsibility of representing the United States as a federal prosecutor. He prosecuted and tried cases such as rape, child molestation, homicide and larceny. Mr. Rojas quickly earned the respect of his superiors, who described him in the Official Evaluation Report as *"the best, most aggressive prosecutor in this very busy legal office."* Before leaving public service, Mr. Rojas was awarded a certificate of appreciation by the Director of the FBI for his "outstanding prosecutive skills" and was made an honorary Agent with the Army Criminal Investigation Division.

After leaving for the private sector, Mr. Rojas spent the next five years representing large corporate and governmental clients at one of Connecticut's largest and most prominent firms. His work at this law firm focused on complex civil litigation, with an important focus on product liability.

In 2005 Mr. Rojas switched sides, and never looked back. Fed up representing big industry and big Government, and driven by a desire to represent real people, Mr. Rojas founded his own firm.

Mr. Rojas handled cases involving personal injury, medical malpractice and defective products, frequently taking cases to verdict.

In 2020, Mr. Rojas and his partners formed Levin, Rojas, Camassar & Reck, LLC. The firm was formed after founding what is now *MDL 3026, Preterm Infant Nutrition Products Liability Litigation*. But before the litigation achieved national prominence, Mr. Rojas and his partners litigated the cases alone for well over a year. The early success Mr. Rojas and his partners achieved in the litigation was the foundation for what would later become one of the most significant mass torts in the Country.

Mr. Rojas has been featured or quoted in numerous news outlets, including the evening news (NBC30), the Connecticut Law Tribune, the Hartford Courant, and AAJ's Trial Magazine.

Mr. Rojas has also been asked to speak at important national conferences, including the American Association for Justice Convention, Mass Torts Made Perfect (MTMP), National Trial Lawyers Summit and various seminars and conferences for the Connecticut Trial Lawyer's Association.

Mr. Rojas is rated "AV Preeminent" by Martindale Hubbell, "superb" by Avvo (9.9 out of 10 rating), National Trial Lawyers Top 100 and has been repeatedly recognized as a "Super Lawyer" by [SuperLawyer.com](https://www.superlawyer.com).

# **Exhibit V**

Application – Aaron Dickey

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

IN RE BARD IMPLANTED PORT  
CATHETER PRODUCTS  
LIABILITY LITIGATION

No. 3081

APPLICATION AND AFFIDAVIT OF  
AARON DICKEY TO PLAINTIFFS'  
STEERING COMMITTEE

COMES NOW your affiant AARON DICKEY of DICKEY ANDERSON LAW FIRM, being duly sworn states and respectfully files this Application and Affidavit for Appointment to the Plaintiffs' Steering Committee ("PSC"). AARON DICKEY 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, AARON DICKEY offers the following:

**1) Willingness and ability to commit to a time-consuming process.**

Dickey Anderson has committed significant time and resources to this litigation since May 2022 and will continue to do so. AARON DICKEY's primary focus will be work related to clients in MDL 3081 and working in whatever capacity as directed by the PSC. There is sufficient attorney and staff to support the Bard Implanted Port litigation and the firm's other major project which is assisting Veterans.



**2) Ability to work cooperatively with others.**

AARON DICKEY has been involved in Mass Tort Litigation and Asbestos Litigation since 2001 in the St. Louis Area and the Midwest region in general. Every project in the past 22 years has required coordination and cooperation with multiple Plaintiff's law firms, MDLs, and Defense counsel. Also, because of his mediating skills, AARON DICKEY has served as a mediator for the court in Madison County, Illinois, and has taught law clinic students how to coordinate with law firms as an adjunct faculty member at the Charleston School of Law Pro Bono Clinic.

**3) Professional experience in this type of litigation.**

Since 2001, AARON DICKEY has filed and worked up Mass Tort cases including motion practice, depositions, and discovery in the following MDLs:

MDL 1023 (Fen-Phen); MDL 1348 (Rezulin); MDL 1431 (Baycol); MDL 1657 (Vioxx); MDL (Bextra and Celebrex); MDL 2641 (Bard IVC Filters); MDL 2570 (Cook IVC Filter); MDL 2741 (Roundup); MDL 2187 (Pelvic Mesh); and MDL 3004 (Paraquat).

DICKEY ANDERSON also has experience trying Medical Negligence, Personal Injury, and Contract Dispute cases and has won arguments in the Illinois Court of Appeals and the Board of Veterans Appeals (BVA). AARON DICKEY has personally taken over 400 depositions in product liability cases in his career including plaintiffs, treating physicians, lay witnesses, and expert witnesses. We currently are representing 150 plaintiffs injured by Bard Port-Catheter products and expect to add to that number.

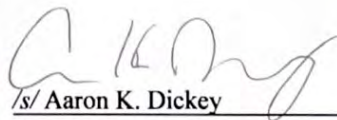
**4) Access to sufficient resources to advance the litigation in a timely manner.**

Our work in this MDL is the priority of DICKY ANDERSON and we have the resources, ability, and willingness to help the PSC, particularly in our realm of expertise, which is written discovery and depositions. However, we are willing to serve in whatever capacity the Court and PSC require.

Finally, AARON DICKY would like this honorable Court to know that DICKY ANDERSON has a special facility to help underserved populations of injured persons gain access to and navigate the MDL process. Namely, our law firm has two attorneys who are accredited Veterans Advocates who have years of experience helping veterans obtain disability benefits, medical coverage, and other benefits. Veterans have been found to develop cancers at a much higher rate than the general population; therefore, veterans have a higher likelihood of receiving medical treatment via an implantable port catheter system. Both the service-connected nature of many of these cancers and the fact that Bard Implanted Port Catheter products were widely used in the VA system, means that DICKY ANDERSON is in a unique position in the MDL to assist Veterans with the consequences of any outcome from this litigation, including how it may affect veterans current and future benefits.

Further your affiant sayeth not.

Dated: 8/17/2023



/s/ Aaron K. Dickey

Aaron K. Dickey

**DICKY ANDERSON LAW FIRM**

1104 Moorlands Drive, 2<sup>nd</sup> Floor

Saint Louis, MO 63117

(Tel) 314-810-6768

aaron@dickeyanderson.com

# **Exhibit W**

Resume – Robert Brown





# **ROBERT B. BROWN III**

## **R B BROWN LAW**

3225 Aviation Ave, Suite 101

Miami, FL 33133

Telephone: (305) 491-0666

[rbbrown@br3law.com](mailto:rbbrown@br3law.com)

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### **BAR ADMISSIONS**

Florida – 1986

### **FEDERAL COURT ADMISSIONS**

- U.S Court of Appeals,  
Eleventh Circuit
- Middle District of Florida
- Southern District of Florida

### **LEADERSHIP POSITIONS**

- Previously served as President  
of Miami-Dade County  
Lawyers Association
- Previously served as President  
of Miami-Dade County  
American Board of Trial  
Advocates (ABOTA)

### **EDUCATION**

- University of Florida, Levin  
School of Law Juris Doctorate,  
1986
- Cornell University, Bachelor of  
Arts in Philosophy, 1983

Robert (Bob) Brown is a highly competent personal injury and civil practice trial lawyer with experience in a wide-variety of litigation. Mr. Brown began his practice with a medium sized civil defense firm in Miami, where he defended cases involving automobile and trucking accidents, professional malpractice, construction accident and defect, professional horse-riding accidents and product liability. His product liability experience on the defense side included industrial machinery, power tools, nutritional supplements and pharmaceuticals. In all, over a 15-year career as a civil defense lawyer, Mr. Brown tried in excess of 100 cases as first chair and earned a reputation as a fierce but fair and congenial advocate.

Mr. Brown transitioned to the Plaintiff's practice as a solo practitioner in 2001. Since that time, he has represented a myriad of Plaintiffs in insurance bad faith claims, boating and scuba diving accidents, medical malpractice, class actions, automobile and trucking accidents and product liability claims. He has successfully represented individuals suffering both catastrophic loss and wrongful death.

In 2007, Mr. Brown began representing homeowners in the South Florida area who had purchased homes that had been constructed utilizing defective drywall, or plasterboard, that had been manufactured in China. In all, Mr. Brown ended up representing almost 1,000 homeowners in the Chinese Drywall MDL before Judge Eldon Fallon in the Eastern District of Louisiana. As an adjunct member of the Plaintiff's Steering Committee in that litigation, Mr. Brown was lead and second counsel on several witness and expert depositions and was second chair in the first bellwether case tried before Judge Fallon against the Chinese manufacturer. Though a very long road, Mr. Brown is extremely proud of the fact that almost every one of his clients were able to have their homes completely repaired in a settlement with Knauf Plasterboard Taijin (KPT) valued at close to \$1 billion.

# **Exhibit X**

Application and Resume – Jakob Norman

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

IN RE: Bard Implanted Port Catheter  
Products Liability Litigation

**MDL 23-03081-PHX-DGC**

**APPLICATION AND AFFIDAVIT OF  
JAKOB Z. NORMAN TO PLAINTIFFS'  
STEERING COMMITTEE**

COMES NOW your affiant Jakob Z. Norman of the law firm of Trial Lawyers for Justice, being duly sworn, states and respectfully files this Application and Affidavit for Appointment to the Plaintiffs' Steering Committee ("PSC"). Mr. Norman 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, I offer the following:

**1) Willingness and Ability to Commit to a Time-Consuming Process**

I understand the substantial time commitment and the all-encompassing nature of these cases. I am both willing and able to dedicate whatever time is necessary to proceed with the Bard Implanted Port Catheter Products Liability Litigation.

My interest lies particularly in the management and leadership of people and complex tasks. Additionally, I regularly serve as lead trial counsel in significant cases. While I anticipate focusing my time on these areas, I am more than willing to undertake any tasks required of me to advance our shared objective – achieving justice for the victims.

**2) Ability to Work Cooperatively With Others**

As the managing partner of a large firm with lawyers throughout the country conducting

business almost solely from attorney referrals, I have extensive experience cooperatively working with others. Additionally, having served for well over twenty years in the military including multiple combat deployments, the standing up of a Combined Joint Interagency Task Force, work with many NGOs, and my role as a Brigade Commander, I have extensive training in leadership, team development, team formation and general operations. Some training includes but is not limited to US Army Captains Career Course, Command and General Staff College, Advanced Operations Course, and the War College where I received a Master's in Strategy with Honors.

### **3) Professional Experience in this Type of Litigation**

In my role as the National Managing Partner, I have overseen our attorneys who participate in class actions and have been a part of several MDLs (Multi-District Litigations). Currently, I am overseeing over 2,500 Camp Lejeune cases within the firm.

I have taken the lead, co-led, or contributed to the management of numerous cases spanning the nation, covering mass torts, toxic torts, products liability, medical malpractice, and various personal injury claims. As stated, my firm has taken the lead on more than 2,500 Camp Lejeune cases. I have participated in numerous cases, and our firm continues to handle several PCB cases against Bayer/Monsanto. A noteworthy accomplishment includes a recent jury verdict against Monsanto, in which our firm participated, resulting in a verdict of \$275,000,000.00 for nine plaintiffs. Additionally, I recently served as lead trial counsel in a toxic tort case involving a Chevron subsidiary, where the jury awarded a staggering \$63,000,000.00 to a single plaintiff.

Both in my managerial role and as a trial attorney, I have amassed a profound understanding of the scientific intricacies and specific injuries arising from the utilization of medical devices implanted within the human body. For instance, I have collaborated closely with experts in diverse fields such as forensic pathology, biomedical engineering, biomolecular engineering, toxicology, medicine, and more.



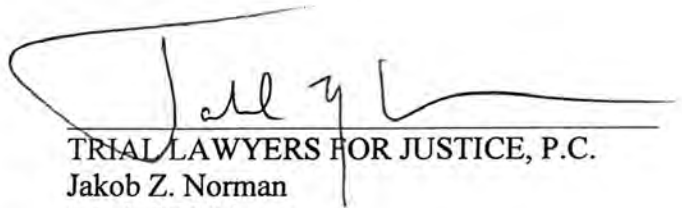
My firm is currently representing several individuals injured by Bard Port-Catheter products and has filed a Bard Port-Catheter suit in the State of Iowa.

**4) Access to Sufficient Resources to Advance the Litigation in a Timely Manner**

My firm possesses ample resources and staffing to effectively expedite the litigation process in a timely manner. Moreover, we have a wealth of experience in preparing and resolving several hundred cases, encompassing both individual plaintiff matters and mass tort cases.

Further your affiant sayeth not.

Dated this 30<sup>th</sup> day of August 2023.



TRIAL LAWYERS FOR JUSTICE, P.C.

Jakob Z. Norman

Jakob@TL4J.com

1700 Koch St., Suite 5

Bozeman, MT 59715

Cell: 307.267.9432

Home Office: 563.382.5071

Facsimile: 563.204.4205

*Attorneys for Plaintiff*

STATE OF CALIFORNIA     )  
  )  
COUNTY OF LOS ANGELES     )

On August 30<sup>th</sup>, 2023, before me, Jakob Z. Norman personally appeared who proved to me on the basis of satisfactory evidence to be the person whose names is subscribed to the within instrument and acknowledged to me that ~~he~~/she/they executed the same in ~~his~~/her/their authorized capacity, and that by ~~his~~/her/their signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)



**JAKOB Z. NORMAN**

307.267.9432

Jakob@TL4J.com

## **EDUCATION:**

**Juris Doctor**, *Villanova University School of Law*, J.D. awarded 5/2002

- Awarded Martin Luther King Public Interest Fellowship

**M.S. Strategic Studies**, United States Army War College, awarded 7/2020

- Graduated with Honors
- Top 4 Thesis in Entire Class

**B.S. Psychology**, *University of Utah*, B.S. awarded 5/1999

- Graduated with Honors – Golden Key & PsiChi National Honor's Societies
- Senior Thesis: *Oculomotor Activity in the Detection of Deception*
- Research Assistant – University of Utah:
  - Lie Detection – Dr. John C. Kircher
  - Juror Decision Making – Dr. Carol M. Werner
  - Cardiovascular Reactivity and Social Relationships – Dr. Burt Uchino
- Research Assistant – Harvard University:
  - Detection of Deception with fMRI – Dr. Stephen Koslyn
- Member of the Collegiate Debate Team

## **WORK HISTORY:**

**Chief Operations Officer**, Trial Lawyers for Justice, October 2021 – Present

- National Managing Partner
- Trial Lawyer

**Chief of Staff**, Fairness for Injured Patients Coalition, July 2018 – December 2021

- California Ballot Measure aimed at changing 1975 laws on medical malpractice

**Executive Director**, Trial by Human, June 2018 – Present

- Nationwide legal training for trial attorneys
- Trial consulting

**President & CEO**, Trojan Horse, LLC, November 2016 – May 2018

- Nationwide legal training for trial attorneys

**President & CEO/Director**, Mesa Natural Gas Solutions, May 2014 – October 2016

- Partnered with T. Boone Pickens to start industrial power generator rental company
- Assisted in raising \$75M in startup funds

**Director**, Moser Energy Systems, June 2012 – March 2016

- Oversaw day-to-day operations of company

**Vice President**, Moser Energy Systems, May 2012 – May 2014

- Grew company from under 20 employees and <\$5M value to 85 employees and >\$75M value
- Grew company to largest natural gas-powered generator leasing company in the US

- Ran day-to-day operations

**Founder/Co-Owner**, Ascent CrossFit, January 2011 – 2017

**Founder/Co-Owner**, Center Street Law Offices, May 2006 – May 2012

**Associate Attorney**, Williams, Porter, Day & Neville, May 2003 – May 2006

## **MILITARY WORK HISTORY:**

**Brigade Commander, 94<sup>th</sup> Troop Command**, March 2023 - Present

- Rank: Colonel
- Units Commanded:
  - Company C, 5th Battalion, 159th Aviation Regiment
    - MEDEVAC
  - G Co., 2-211th Aviation
  - Det. 6, B Co., 2-245th Aviation Regiment
  - 213<sup>th</sup> Regional Training Institute Battalion
  - C Co., 1-297th Infantry Regiment
  - D Co., 1-297th Infantry Regiment
  - 197th Public Affairs Detachment
  - 67th Army Band
  - 133rd Engineer Company

**Regimental Commander, 213<sup>th</sup> Regional Training Institute**, January 2021 – February 2023

- Rank: Colonel
- School House Courses:
  - Army Unmanned Aerial Vehicle (Raven)
  - Army Multiple Launch Rocket System Crewmember
  - Army Common Faculty Instructor Development Course
  - Army Combat Lifesaver Course

**Deputy Chief of Staff Logistics (G4)**, Wyoming Army National Guard, June 2019 – September 2020

**Deputy Chief of Staff Personnel (G1)**, Wyoming Army National Guard, May 2018 – June 2019

**Staff Judge Advocate**, Wyoming Army National Guard, June 2015 – May 2018

- Served as Army senior advisor legal to Major General
- Security Clearance: Top Secret/SCI
- Designated Agency Ethics Counselor

**Brigade Judge Advocate**, Wyoming Army National Guard, 2008 – June 2015

- Served as senior legal advisor to 115<sup>th</sup> FiB Commander in Forward Environments

**Afghan Prosecution Liaison**, JTF 435, Operation Enduring Freedom, March 2010 – December 2010

- Conducted the first prosecution of a detainee held in American custody
- Conducted numerous Detainee Review Boards
- Led convoy missions to transport Afghan prosecutors and judges

**Command Judge Advocate**, 115 FIB, Operation Iraqi Freedom, January 2009, March 2010

Operational Law Attorney, 115 FIB, 2004 – December 2007

Task Force Judge Advocate, Task Force Pelican, Post Katrina Relief, Oct – 2005

## LICENCES/CERTIFICATIONS

**Wyoming Supreme Court** – Licensed Attorney

**Colorado Supreme Court** – Licensed Attorney

**United States District Court for the District of Wyoming** – Attorney

**United States District Court for the District of Colorado** – Attorney

**United States District Court for the Norther District of Texas** – Attorney

**United States District Court for the Norther District of Oklahoma** – Attorney

**10<sup>th</sup> Circuit Court of Appeals** – Attorney

**United States Court of Appeals for the Armed Forces** – Attorney

### Temporary Admissions:

- California – *Pro Hac Vice* (multiple)
- Idaho – *Pro Hac Vice*
- Mississippi (Hurricane Katrina Relief)
- Missouri – *Pro Hac Vice* (multiple)
- Pennsylvania – *Pro Hac Vice*
- Texas – *Pro Hac Vice*

### Federal Aviation Administration:

- Private Pilot
- Instrument Pilot
- Cirrus Vision Jet SF50 Type Rating

**StoryBrand** – Certified Guide and Certified Copywriter

**Gallup** – Clifton Strengths Coach Training

**Tony Robbins** – Strategic Intervention Life Coach - anticipated September 2023

**National Registry of Emergency Medical Technicians** – EMTB (expired)

**NAUI** – Scuba Diver (expired)

**Red Cross** – Lifeguard (expired)

## PRESENTATIONS

**World Bank** – 2016

**Congressional Western Caucus** – 2016

**Southwest New Mexico Energy Summit**

Opened for New Mexico Governor Suzanna Martinez and T. Boone Pickens  
August, 2015



**e2e Wyoming/ Wyoming Technology Business Center**

Keynote speaker on Entrepreneurship

March, 2015

**PUBLICATIONS**

**Electronic Discovery: Best Practices, New Rules, and a Tight Budget**

The Young Lawyer, March 2005

**Drafting Electronic Discovery Requests | Litigation 101**

American Bar Association

**Drafting Electronic Discovery Requests**

Family Advocate, Winter 2007, Vol. 29, Issue 3

**MILITARY EDUCATION**

**United States Army** (not a complete list of all training)

US Army War College – Master of Strategic Studies

US Army Command and General Staff College – Brigade Pre-Command Commander's Course

US Army Command and General Staff College – Army Advanced Operations Course

US Army Command and General Staff College – Command and General Staff School

US Army, NORAD & NORTHCOM – Joint Operations Center Training Course

US Army, NORAD & NORTHCOM – Joint Force Headquarters/Joint Task Force Staff Course

US Army Judge Advocate General – Judge Advocate Tactical Staff Officer Course

US Army Judge Advocate General – Officer Advanced Course

US Army Judge Advocate General – Officer's Basic Course

US Army Judge Advocate General – Staff Judge Advocate Course

US Army Judge Advocate General – Law of War Course

US Army Judge Advocate General – Operational Law Course

US Army Judge Advocate General – Operational Law of War Course

US Army Judge Advocate General – Intermediate Trial Advocacy Course

US Army Judge Advocate General – Ethics Counselor's Course

US Army Judge Advocate General – Brigade Judge Advocate Primer Course

US Army Common Faculty and Development Instructors Course

US Army Air Defense Artillery Officer Course

US Army Airborne School

US Army Air Assault School

US Army Modern Army Combatives Level I Course

US Army Modern Army Combatives Instructor Course

US Army Combat Life Saver Course

National Guard Bureau – Training Institute Pre-Command Course

CPR Instructor Course

**United States Air Force**

US Air Force Judge Advocate General – Negotiation and Appropriate Dispute Resolution Course

Emergency Medical Technician Course

Pediatric Advanced Life Support Course

Self-Aid Buddy Care Instructor Course

Air Force Vehicle Operations School – Honor Graduate

## **AWARDS/BADGES**

Combat Action Badge  
Parachutist Badge  
Air Assault Badge  
Army Instructor Badge  
Emergency Medical Technician Badge (Air Force)  
Vehicle Operations Specialty Badge (Air Force)  
Former Wartime Shoulder Sleeve Insignia (“Combat Patch”)  
- CJIATF 435  
- 16<sup>th</sup> Military Police Brigade Airborne  
- 115<sup>th</sup> Fires Brigade  
Joint Meritorious Unit Award – CJITF 435  
Meritorious Unit Citation – 115<sup>th</sup> Fires Brigade  
United States Meritorious Service Medal x 2  
Joint Service Commendation Medal  
Joint Service Achievement Medal  
Army Commendation Medal x 4  
Army Achievement Medal x 3  
Air Force Achievement Medal x 2  
Air Force Training Ribbon  
National Defense Service Medal x 2  
Afghan Campaign Medal  
Global War on Terrorism Expeditionary Medal  
Global War on Terrorism Medal  
Army Reserve Components Achievement Medal x5  
Armed Forces Service Medal  
Armed Forces Reserve Medal  
Army Service Ribbon  
Army Overseas Service Ribbon  
NATO Medal  
Legion of Merit – Michigan  
D.C. National Guard Presidential Inauguration Support Ribbon  
Wyoming National Guard Service Ribbon x6  
United States Field Artillery Association Honorable Order of Saint Barbara  
Plank Owner – JTF 435 Afghanistan

## **BOARD OF DIRECTORS**

Warrior Rising – Current (past Secretary)  
Boy Scouts of America – Casper, Wyoming (past)  
Casper Area Chamber of Commerce (past)  
Children’s Museum of Cheyenne (past)  
Moser Energy Systems (past)  
Mesa Natural Gas Solutions (past)

# **Exhibit Y**

Application and Biography – Ryan Cavanaugh

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

**IN RE BARD IMPLANTED PORT  
CATHETER PRODUCTS  
LIABILITY LITIGATION**

**MDL No. 3081**

**APPLICATION AND AFFIDAVIT OF  
RYAN J. CAVANAUGH TO PLAINTIFFS'  
STEERING COMMITTEE**

COMES NOW your affiant Ryan J. Cavanaugh of the law firm of Constant Legal Group, LLP, being duly sworn states and respectfully files this Application and Affidavit for Appointment to the Plaintiffs' Steering Committee ("PSC"). Mr. Cavanaugh and his law firm would be honored to serve as a member of the Bard Implanted Port Catheter PSC and believe that they have the qualifications to do so. This includes the willingness and resources to commit to this intensive process, the professional skill and qualifications necessary to take part in steering this litigation, and the proven ability to work cooperatively with others. In further support, Mr. Cavanaugh offers the following:

**1) Willingness and ability to commit to a time-consuming process**

I have tried over seventy jury trials which include several that lasted multiple weeks. As an experienced litigator, I understand the time, effort, and commitment that is necessary to represent a client through this process. I know how complex these individual cases and the broader litigation will be and do not shy from that complexity. Since the majority of my legal experience has been focused on trial work, I believe I would be an asset to the PSC in a similar capacity. However, I would be honored to serve on the PSC in any capacity asked of me. As discussed below, I also have ample mass tort experience that makes me well-suited to serve on this PSC.

I do not take the opportunity to be a member of this PSC lightly. I, along with other members of Constant Legal Group, are prepared and eager to devote the time and energy necessary to represent injured Plaintiffs in the same fashion that I have throughout my career. We are currently working to finalize settlements in three different mass torts and are able to commit the time, resources, and energy associated with this appointment.

**2) Ability to work cooperatively with others.**

My experience as a litigator for nearly two decades and my time working at a large law firm has provided opportunities to work cooperatively with both plaintiff and defense attorneys. I have worked with fellow plaintiff attorneys, both from my firm and from other firms, numerous times on various cases. This includes single event cases as well as mass torts. I have spent years working on different cases with a number of defense attorneys, I have also successfully negotiated and resolved a great number of cases. This experience would allow me to work cohesively with fellow members of the PSC as well as defense counsel, even when views may not initially align.

**3) Professional experience in this type of litigation.**

I have eighteen years of mass tort and MDL experience related to medical devices, pharmaceutical drugs, and other defective products including the following litigations: Vioxx, Xarelto, Roundup, Zofran, Risperdal, Bard IVC Filter, Bard Hernia Mesh, Ethicon Hernia Mesh, Zantac, Baby Formula, and Xeljanz.

As a litigator, I have worked on numerous complex litigation cases and trials which involved up to twenty defendants. I have been lead counsel on trials that have lasted four to five weeks. These trials involved ten or more expert witnesses who I deposed in discovery and directed and cross-examined at trial. I have conducted voir dire and made opening statements and closing

arguments over fifty times throughout my career. Additionally, I have briefed and argued hundreds of dispositive motions. Constant Legal Group employs other staff and attorneys with significant litigation experience, including complex litigation, and our firm would be honored to lend our experience and abilities to the PSC.

Our office currently represents over twenty individuals injured by Bard Implanted Port Catheter cases.

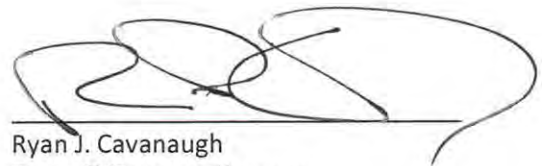
**4) Access to sufficient resources to advance the litigation in a timely manner.**

Constant Legal Group has more than sufficient resources and experienced employees to advance the litigation in a timely manner. I personally will make my role on the PSC my professional priority to help ensure all the needs of the PSC are met.

Further your affiant sayeth not.

CONSTANT LEGAL GROUP, LLP

Dated: 8/16/2023



Ryan J. Cavanaugh  
[Ryan@Constantllp.com](mailto:Ryan@Constantllp.com)  
OH State Bar No. 0079996  
737 Bolivar Rd., Suite 440  
Cleveland, Ohio 44115  
(216) 333-4119

*Attorneys for Plaintiff*

Subscribed and sworn to before me this

16<sup>th</sup> day of August, 2023



JESSICA C. GRAHAM  
NOTARY PUBLIC  
STATE OF OHIO  
Recorded in  
Cuyahoga County  
My Comm. Exp. 5/24/2024

# CONSTANT

## LEGAL GROUP

**Ryan J. Cavanaugh**  
**Founding Partner**

Direct: (216) 333-4119

Email: [Ryan@Constantllp.com](mailto:Ryan@Constantllp.com)

### BIOGRAPHY

Ryan J. Cavanaugh is a founding partner of the law firm Constant Legal Group, LLP. Ryan has spent 100% of his eighteen-year legal career as a plaintiffs' attorney representing people injured by corporate negligence who were unable to seek justice on their own. Virtually all of that time has been spent either litigating individual cases or representing clients in Multi-District Litigation (MDL). Ryan's dedication to his clients is unwavering and his motivation to achieve justice for his clients and their families is shown through his tireless work in and out of the courtroom. Ryan currently represents thousands of clients in MDLs and in other litigation, with cases filed across the country.

Ryan's litigation experience is vast and he truly exemplifies the "David vs. Goliath" mentality often seen when challenging corporations who have caused hardship to the common man. Ryan has tried over seventy cases to verdict and negotiated millions of dollars in settlements for his clients while battling some of the largest corporations in the world, including: Ford Motor Company, General Motors, Johnson & Johnson, US Steel, General Electric, Westinghouse, Honeywell, NAPA, Occidental Chemical, Exxon Mobile, Union Carbide, Georgia Pacific, and Borg Warner. Ryan has also litigated and achieved millions of dollars in settlements against railroad companies, like CSX, Norfolk & Southern, and Conrail. Ryan has litigation and trial experience in the areas of personal injury, medical malpractice, product liability, and aviation law.

Ryan's trial work includes numerous four-to-five-week trials and Ryan has handled every aspect of litigation, including pleadings, motion practice, discovery, and all aspects of presentation in court. Ryan has deposed countless experts in the fields of epidemiology, industrial hygiene, oncology, pathology, cell biology, mechanical engineering, pulmonology, and other fields. Ryan has achieved great success in the courtroom, including being the lead attorney on an \$8.2 million dollar jury verdict.

Ryan has extensive experience working on cases in MDLs, beginning with Vioxx in 2005. His work in this area has been a consistent part of his practice as he has represented clients who were injured by Xarelto, Roundup, Zofran, Risperdal, Bard IVC Filter, Bard Hernia Mesh, Ethicon Hernia Mesh, Zantac, Baby Formula, and Xeljanz.

# CONSTANT

## LEGAL GROUP

### EDUCATION

Cleveland State College of Law, Cleveland, Ohio  
John Carroll University, Cleveland, Ohio

J.D. 2005  
B.A. 1998

### WORK EXPERIENCE

Kelley & Ferraro, LLP  
Constant Legal Group, LLP

Cleveland, Ohio  
Cleveland, Ohio

2005 – 2021  
2021 – Present

### ADMITTED TO PRACTICE

Arizona  
Ohio  
Northern District of Ohio

### AREAS OF SPECIALIZED PRACTICE

Products Liability  
Complex Litigation  
Multi-District Litigation  
Personal Injury

### PROFESSIONAL AFFILIATIONS

Ohio Association for Justice  
American Association for Justice  
National Trial Lawyers – Civil Litigation – Top 100 Lawyers



# **Exhibit Z**

Resume – Douglas Monsour



### **DOUGLAS C. MONSOUR**

Douglas C. Monsour, or Doug Monsour, is a trial lawyer who handles important and significant injury cases in Texas and across the nation. He is one of a handful of trial lawyers who have successfully tried multiple pharmaceutical, medical device, and mass tort product liability cases as the lead lawyer. He also vigorously represents injured oil field workers, victims of 18-wheeler wrecks, industrial accident victims, and those that have been severely burned.



### **TRIAL SUCCESSES**

Doug is known for his abilities in the courtroom. Recently, Doug secured two major trial victories in the 3M Combat Arms version 2 earplug litigation. On December 10, 2021, a Tallahassee, Florida Federal Court jury awarded U.S. Army veteran T.J. Finley \$22.5 million for hearing loss suffered due to his defective Combat Arms version 2 earplugs. A few months later, on April 29, 2022, a Federal Court jury in Gainesville, Florida awarded \$2.2 million to U.S. Army veteran Jonathan Vaughn for his hearing loss suffered from wearing the defective Combat Arms version 2 earplugs. The Finley v. 3M verdict was listed by The National Law Journal as one of the Top 100 verdicts of 2021. In fact, this verdict was the very first verdict in the entire 3M litigation to ever make the Top 100 list. Both trials were defended by international law firm Kirkland & Ellis.

Previously, in November 2014, Doug served as the lead lawyer in a transvaginal mesh case involving four women implanted with the Obtryx sling system to treat stress urinary incontinence. After an almost month-long trial, the jury returned a verdict for the plaintiffs in the amount of \$18.5 million. This was the first verdict against Boston Scientific in the Federal Multi-District Litigation (MDL) for any of its incontinence sling products. (Wilson et al v. Boston Scientific Corp., WV, MDL 2326).

In 2004, Doug's trial skills were tested by pharmaceutical giant Wyeth. He served as lead lawyer in two very significant Fen-Phen cases. In the first case, Wyeth hired world famous defense lawyer Dan Webb of Chicago's legal Goliath, Winston & Strawn, to defend them. In the third week of the trial, Wyeth relented and settled for a confidential sum. In the second case, Wyeth retained Houston mega-firm Vinson & Elkins to defend them. Wyeth again relented, and just before closing arguments settled for a confidential sum.

In addition to these trials, Doug has tried over thirty cases of various types including oil field injuries, defective drugs, defective medical devices, medical malpractice, trucking (18-wheeler) wrecks, industrial accidents, car wrecks, civil rights and malicious prosecution.

## **AWARDS**

Doug is triple board certified. He is Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization. In addition, he is a Board Certified as a Civil Trial Advocate by the National Board of Trial Advocacy. Furthermore, he is Board Certified in Civil Pretrial Practice Advocacy by the National Board of Civil Pretrial Practice Advocacy.

In 2000, Doug became a member of the Million Dollar Advocates Forum an organization reserved for lawyers who have secured more than \$1,000,000 in a single case. In 2004, 2007, 2008, and 2009, Doug was selected in Texas Monthly magazine as one of the "Rising Star" Lawyers in Texas. From 2009 through 2022 he has been selected as a Super Lawyer in Texas Monthly magazine every year. He has also been voted the Best Lawyer in Longview, Texas by the Longview New-Journal.

## **LEADERSHIP ROLES AND APPOINTMENTS**

Doug's abilities as lawyer have repeatedly been recognized by judges across the country as he has been appointed to help lead many significant litigations.

Doug is currently serving on the Executive Committee for the 3M Combat Arms version 2 earplug litigation. In addition, Doug is the Chair of Science & Experts Subcommittee. Doug was appointed to both positions by U.S. District Judge M. Casey Rodgers. Doug's work in the 3M litigation has included numerous corporate depositions, expert depositions, and development of the entire plaintiffs' slate of expert. In fact, the depositions taken by Doug have been used in every trial against 3M involving the CAEv2 earplug.

Prior to his current role in the 3M earplug litigation, Doug has held the following appointed positions (in chronological order):

In 2001, he was appointed to the Plaintiff's Liaison Committee for Fen-Phen Region 1. In this capacity, he served as the lead lawyer for all Fen-Phen cases in Northeast Texas. Doug tried the only two Round 2 cases to go to trial in Region 1.

In April 2008, United States Federal District Judge Don Middlebrooks of Southern District of Florida appointed Doug to serve on the Plaintiff's Steering Committee of In re Trasylol Litigation. In this capacity, Doug traveled across America, and to Europe, to investigate the conduct of Bayer concerning its drug, Trasylol. He took the depositions of many of the most important Bayer executives in the litigation.

In 2011, Judge Rebecca Pallmeyer appointed Doug as a member of the Plaintiff's steering committee for MDL 2172: In re: Zimmer NexGen Knee Products Liability Litigation, United States District Court, Northern District of Illinois. In this litigation, Doug has deposed many significant witnesses for the plaintiffs.

In 2012, Doug was appointed to the Plaintiffs' Steering Committee for the Transvaginal Mesh Litigation by Federal Judge Joseph R. Goodwin. In that capacity, Doug has taken the lead in many critical depositions against Boston Scientific Corp. and Ethicon (a Johnson and Johnson company). He has also tried two mesh cases as the lead lawyer.

## **EDUCATION**

Rice University, 1991. B.A. in Economics and Political Science.

Texas Tech School of Law, 1994. Magna Cum Laude. Executive Board of Editors, Texas Tech Law Review.

## **FAMILY**

Since 1994, Doug has been married to the former Sarah Lenhart. They have been blessed with three wonderful children, two sons and a daughter. Doug has coached his sons in T-ball, baseball, basketball, and soccer. Doug's favorite activities with his family are hunting with his sons, spending time at the lake, traveling, and being a frustrated Dallas Cowboys fan. All three of Doug's children attend or graduated from the University of Texas in Austin. Sarah Monsour is also a Longhorn. As might be expected, Doug is a dedicated Longhorn fan!

# **Exhibit AA**

Biography - Jon Conlin

Jon Conlin is a Principal with Cory Watson, P.C., based in Birmingham, Alabama. Both Mr. Conlin and his law firm have earned an excellent reputation across the nation as respected leaders in complex litigation, focusing primarily on representing plaintiffs in product liability cases, toxic torts, and class actions. Mr. Conlin has practiced law for more than 20 years, most of which has been devoted to representing plaintiffs against pharmaceutical corporations, medical device manufacturers, and chemical production companies - typically involving claims consolidated in multidistrict litigations.

Mr. Conlin and others in his firm have collectively served as lead or co-lead plaintiffs' counsel in fourteen (14) multidistrict, class, or consolidated complex state actions. In addition to appointment as the primary lead counsel in these complex litigations, Mr. Conlin and others in his firm have served in additional court appointed positions, including as designated settlement counsel, steering committee member, lead/co-lead trial counsel, appellate counsel, and discovery/expert/science chairperson, twenty-three (23) other times.

Mr. Conlin's personal appointments include:

- MDL 2782: In re: *Ethicon Physiomesch Flexible Composite Hernia Mesh Products Liability Litigation*: Court Appointed Plaintiffs' Steering Committee
- 3:16-cv-00638-DRH (S.D. Ill.): In re: *Just For Men® Mass Tort Litigation*: Court Appointed Plaintiff Steering Committee
- 2:15-CV-02040-KOB (N.D. Ala) and 01-CV-2015-903634 (Jeff. Co. Ala. 10<sup>th</sup> Cir. Ct.): Lead Plaintiffs' Counsel for consolidated Federal and State Court litigations against United States Pipe and Foundry Company, LLC *et al* involving over 1,800 plaintiffs
- MDL 2433: In re: *E. I. du Pont de Nemours and Company C-8 Personal Injury Litigation*: Court Appointed Co-Lead Counsel, Plaintiffs' Steering Committee, and Plaintiffs' Settlement Committee
- MDL 2327: In re: *Ethicon, Inc., Pelvic Repair System Products Liability Litigation*: Plaintiffs' Steering Committee appointed Discovery Committee Member.
- MDL 1842: In re: *Kugel Mesh Hernia Patch Products Liability Litigation*: Plaintiffs' Steering Committee appointed Discovery Committee Chair, Expert Committee Member, and Law Committee Member
- MDL 1387: In re: *ProteGen Sling and Vesica System Products Liability Litigation*: Plaintiffs' Steering Committee appointed Discovery Committee Member and Expert Committee Member

Along with these managerial and leadership appointments, Mr. Conlin and others of his firm have demonstrated the litigation skills to effectively prosecute, bring to trial, and settle complex multi-plaintiff actions such as this Bard PowerPort litigation. The attorneys at Cory Watson have served as 1st or 2nd chair trial counsel in over 250 cases in thirteen (13) states. Furthermore, Mr. Conlin has personally been involved as the sole, or a primary, contributing settlement model architect for confidential aggregate multi-party resolutions involving between 100-5,000 plaintiffs eight (8) times and of aggregate settlements involving between 10-100 plaintiffs another fifteen (15) times.

Therefore, when considering all these elements, Mr. Conlin – and the Cory Watson firm more generally - has both the experience and competency necessary to effectively manage this litigation, work collaboratively with other appointed counsel, perform the requisite discovery and expert work, contribute to motion and trial practice, negotiate with the defendants toward resolution, and model any ultimate global resolution should the Court grant his application for a MDL 3081 leadership position.

# **Exhibit BB**

Resume – Noah Lauricella



CURRICULUM VITAE  
**NOAH C. LAURICELLA**  
**Attorney-at-Law**  
**GoldenbergLaw PLLC**

800 LaSalle Avenue South, Suite 2150  
Minneapolis, Minnesota 55402  
(612) 335-9977

**Education**

Washington and Lee University School of Law	J.D. 2009
Denison University	B.A. 2004

**Work Experience**

Drinker Biddle & Reath LLP	2008 – 2014
GoldenbergLaw, PLLC	Associate: 2014 – 2016
	Partner: 2017 – Present

**Leadership Roles**

<i>In re: Bair Hugger Forced Air Warming Products Liability Litigation</i>	PSC Member
<i>In re: Zimmer M/L Taper Hip Prosthesis Products Liability Litigation</i>	PSC Member
<i>In re: Abbott Laboratories, et al. Preterm Infant Nutrition Products Liability Litigation</i>	PSC Member
Legal Technology Professionals Institute	Project Team Member
Haven Housing	Board of Directors
Archi-treasures	Board of Directors
Chicago Volunteer Legal Services	Board of Directors
Loyola University Chicago School of Law	Clinical Supervisor

**Awards and Recognitions**

Minnesota Rising Stars	2018, 2019, 2020, 2021, 2022
Minnesota Super Lawyers	2023
National Trial Lawyers – Top 40 Under 40	2019, 2020, 2021, 2022, 2023
Drinker Biddle & Reath LLP	James H. Douglas, Jr. Award – 2013
Chicago Volunteer Legal Services	Pro Bono Award – 2013
Drinker Biddle & Reath LLP	Pro Bono Achievement Award –
	2010, 2011, 2012, and 2013

## **Areas of Specialization**

Personal Injury/Product Liability  
Mass Torts

Pharmaceutical/Medical Devices  
MDL Litigation

## **Mass Tort Experience**

*In re: Levaquin Products Liability Litigation*  
District of Minnesota; Defense

*In re: DePuy Orthopaedics, Inc. ASR Hip Implant Products Liability Litigation*  
Northern District of Ohio; Defense

*In re: Topamax Products Liability Litigation*  
Philadelphia Country Court of Common Pleas; Defense

*In re: Risperdal Litigation*  
Philadelphia County Court of Common Pleas; Defense

*In re: DePuy ASR Hip Litigation*  
Circuit Court of Cook County, Illinois; Defense

*Lawrence v Medtronic et al* (Consolidated Medtronic Infuse Bone Graft Cases)  
Hennepin County District Court, Minnesota; Plaintiff, (GoldenbergLaw was Co-lead counsel)

*In re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*  
District of Massachusetts, Plaintiff

*Anglin et al. v. Johnson & Johnson et al., Buchek et al. v. Johnson & Johnson et al., Moore et al. v. Johnson & Johnson et al., Schmitz et al. v. Johnson & Johnson et al., Reppell et al. v. Johnson & Johnson et al.* (Talcum Powder/Ovarian Cancer Litigation)  
Circuit Court of the City of St. Louis, Missouri, Plaintiff

*In re: Johnson & Johnson Talcum Powder Products*  
District of New Jersey, Plaintiff

*In re: Bair Hugger Forced Air Warming Products Liability Litigation*  
District of Minnesota, Plaintiff (Member of Plaintiffs' Steering Committee)

*Chatman v. Sanofi-Aventis U.S., LLC, et al.* (Zantac Class Action Litigation)  
Southern District of Illinois

*In re: Zimmer M/L Taper Hip Prosthesis or M/L Taper Hip Prosthesis with Kinectiv Technology and Versys Femoral Head Products Liability Litigation*  
Southern District of New York, Plaintiff (Member of Plaintiffs' Steering Committee)

*In re: Abbott Laboratories, et al. Preterm Infant Nutrition Products Liability  
Litigation*

Northern District of Illinois, Plaintiff (Member of Plaintiffs' Steering Committee)

**Admitted to Practice**

State Bar of Illinois

State Bar of Minnesota

State Bar of Wisconsin

United States District Court for the Northern District of Illinois

United States District Court for the Southern District of Illinois

United States District Court for the District of Minnesota

United States District Court for the Eastern District of Missouri

## **Exhibit CC**

Application Letter and Resume – Kimberly Boldt



Ratzan Weissman & Boldt

TRIAL LAWYERS/ APPELLATE LAWYERS

September 1, 2023

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: **In Re: Bard Implanted Port Catheter Products Liability Litigation**  
2:23-md-03081-DGC

Dear Judge Campbell,

In accordance with the Court's Order Setting Initial Case Management Conference, I, Kimberly Boldt, respectfully offer this submission of my qualifications and desire to serve as a member of the Plaintiff's Steering Committee.

I am a board certified civil appellate lawyer and this subspeciality makes me uniquely qualified to serve on the Plaintiff's Steering Committee in this litigation. My partner, Stuart Ratzan, and I have been at the forefront of this litigation along with Adams Evans and Chelsea Dickerson and others from the start, including the filing of the first Bard Implanted Port-Catheter case in this court (*Lori Prentice v. Becton, Dickinson, and Company, et al*, Case No. CV-23-00627-PHX-ROS). I was honored when my peers in this litigation asked me to head the law and briefing subcommittee we formed prior to the formation of the MDL now pending before Your Honor. I have handled over 100 appeals in my 30+ year career as lead appellate counsel in the United States Supreme Court, the Eleventh Circuit Court of Appeals, the Third Circuit Court of Appeals, the Federal Circuit Court of Appeals, the Florida Supreme Court, and each of Florida's six district courts of appeal. In addition, I have served as appellate counsel at trial in numerous jury trials across the United States. I believe that relying on this legal specialty from the inception of a case, throughout the course of the litigation, to the courtroom during trial, and afterwards at the post-trial motion stage makes for a successful outcome. It is this hard work from the beginning that ultimately leads to success at trial and then on appeal.

I was part of the team that led to most of the great successes my partner referred to in his letter to you. We have litigated cases in California, Massachusetts, Rhode Island, Alabama, Nevada, Wisconsin, Arkansas, and Florida, of course, where I am licensed. We secured a \$46.5 million medical malpractice jury verdict in Arkansas for a three-year-old child who suffered brain damage after she was left untreated for jaundice as a newborn; a \$23.2 million jury verdict against a major Florida hospital chain for a severely brain-injured baby; and, in a trial last year, I was part of the trial team that obtained \$15.5 million jury verdict against another major Florida hospital for a client who became a paraplegic when a spine injury went undiagnosed.

September 1, 2023

Page 2 of 2

As we have in every case we pursue, my firm is willing and able to bring our proven and successful team approach to this case and to every client in this MDL. We currently represent 276 clients injured by port-catheter products, but our commitment will be to every client represented in the MDL. Our commitment would also extend to the court by providing timely and thorough analysis of issues the court will be called upon to resolve. My partner, Stuart Ratzan, and I are admitted *pro hac vice* into the District of Arizona, first in the *Prentice* matter and now in this MDL. Thus, we are ready in every respect to lead the Plaintiff's committees in this matter.

Lastly, Your Honor requested judicial references. I would be happy for you to contact the following judges to discuss my qualifications: (1) Jennifer D. Bailey, Chief Administrative Judge Circuit Civil for the Eleventh Judicial Circuit in and for Miami-Dade County (305) 349-7152; (2) Lisa S. Walsh, Circuit Court Judge for the Complex Business Division for the Eleventh Judicial Circuit in and for Miami-Dade County (305) 349-7280; (3) Kevin Emas, Judge for Florida's Third District Court of Appeal (305) 229-3200; and (4) Curt Jacobus, Circuit Court Judge for the Eighteenth Judicial Circuit in and for Brevard County, Florida (305) 229-3200.

It would be an honor to be chosen by this Court and leadership counsel to serve on the Plaintiff's Steering Committee in this MDL. Thank you for the opportunity to potentially serve the interests of the clients in this litigation. I believe my selection would be a critical piece to the eventual success these clients deserve.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kimberly L. Boldt", written in a cursive style.

Kimberly L. Boldt



## KIMBERLY L. BOLDT

Partner

### Ratzan Weissman & Boldt

2850 Tigertail Ave, Suite 400  
Coconut Grove, FL 33133  
Telephone: (305) 374-6366

[Kimberly@rwblawyers.com](mailto:Kimberly@rwblawyers.com)

#### BAR ADMISSIONS

- ❖ Florida – 1992

#### FEDERAL COURT ADMISSIONS

- ❖ United States Supreme Court
- ❖ U.S. Court of Appeals, Third Circuit
- ❖ U.S. Court of Appeals, Eleventh Circuit
- ❖ Middle District of Florida
- ❖ Southern District of Florida
- ❖ Northern District of Illinois

#### BOARD CERTIFICATIONS

- ❖ Florida Appellate Practice – 1998

Kimberly L. Boldt is a board certified civil appellate lawyer and named partner at Ratzan Weissman & Boldt. Ms. Boldt has substantial experience in complex civil litigation and appeals in both state and federal court. Ms. Boldt's practice focuses on the legal aspects of the cases she handles from inception, through discovery, at the pre-trial motion stage, at trial, post-trial motions, and on appeal. "The best appellate lawyers are trial lawyers too," says Boldt. Complex litigation requires an emphasis on the legal issues that shape the ultimate outcome of the case, and Ms. Boldt handles those legal issues in the select cases the firm litigates.

Ms. Boldt became board certified in civil appeals by the Florida Bar in 1998. She has been lead appellate counsel in more than one hundred appeals before the United States Supreme Court, the Eleventh Circuit Court of Appeals, the Third Circuit Court of Appeals, the Federal Circuit Court of Appeals, the Florida Supreme Court, and each of Florida's five District Courts of Appeal. Ms. Boldt also has an appeal presently pending in Florida's new Sixth District Court of Appeal.

Ms. Boldt has served as appellate counsel at trial in numerous jury trials, regularly attending trial and arguing legal issues that arise from motions in limine, to important evidentiary issues, to directed verdicts, and jury instruction charge conferences. Ms. Boldt founded her law firm, the Boldt Law Firm, in 2000, and joined forces with her partners, Stuart Ratzan and Stuart Weissman in 2020. Ms. Boldt works on cases and attend trials held in other states besides Florida. In those cases, trial lawyers rely on Ms. Boldt to be familiar with the substantive and procedural law applicable to that case in that state. Ms. Boldt has litigated cases with her partners, Stuart Ratzan and Stuart Weissman, in Alabama, Rhode Island, California, Illinois, Nevada, Wisconsin and Arkansas, where the Ratzan Weissman & Boldt team obtained a \$46.5 million medical malpractice verdict – the largest ever in Arkansas – for a child who developed kernicterus (a catastrophic brain injury) after healthcare providers failed to treat jaundice she developed as a newborn. Ms. Boldt was a part of another record-breaking case with the

## Education

**UNIVERSITY OF MIAMI,  
SCHOOL OF LAW**  
Juris Doctorate, 1992

**LIBERTY UNIVERSITY**  
Bachelor of Science in  
Journalism, 1988

## Awards

- ❖ Best Mentor Honoree  
Daily Business Review's  
Florida Legal Awards  
2022
- ❖ Elected "Most Effective  
Lawyer" in the Medical  
Malpractice category.  
Daily Business Review  
December 4, 2015

## Seminar Speaker

- ❖ Florida Bar Advanced  
Medical Malpractice  
Seminar 2023  
May 12, 2023

## Community Service

- ❖ Ms. Boldt is Co-President of Impact 100 Palm Beach County, a women's organization of over 800 members who collectively fund \$100,000 high-impact grants in southern Palm Beach County. In 12 years, Impact 100 PBC has awarded \$6,056,000 to 99 nonprofits in five focus areas: Arts, Culture & Historic Preservation; Education; Environment & Animal Welfare; Family; and Health & Wellness.

Ratzan, Weissman & Boldt team when they obtained a \$23 million verdict in a medical malpractice case in Charlotte County, Florida – believed to be the largest jury verdict in the county's history.

Ms. Boldt's experience includes complex cases including products liability, medical malpractice, commercial disputes, highway construction accidents, insurance bad faith, insurance coverage, class actions and cases involving catastrophic loss and wrongful death. Her reported appellate decisions (more than 100) address an array of legal issues in these categories and others.

Ms. Boldt also has experience in MDL mass tort litigation. She argued before the Judicial Panel on Multidistrict Litigation and worked on two high-profile MDLS: *In re Checking Account Overdraft Litigation* (MDL 2036) and *In re Chinese Manufactured Drywall Products Liability Litigation* (MDL 2047).

## Published Articles

- ❖ "When Doctors Fail Their Board Certifications: Is It Admissible? Be Careful... A Conflict May Exist."  
Florida Justice Association Journal  
November/December 2022 Edition
- ❖ "Admitting Google Street View and Satellite Images into Evidence: It Was Made Much Easier Starting July 1, 2022."  
Florida Justice Association Journal  
July/August 2022 Edition
- ❖ "Subsequent Treating Physicians: Beware of the Causation Trojan Horses."  
Florida Justice Association Journal  
January/February 2022 Edition
- ❖ "Our Star Fact Witness Was Competent to Testify: 'It's Not Even Close.'"  
Florida Justice Association Journal  
November/December 2021 Edition
- ❖ "Foreseeability Evidence – Other Similar Incidents: You'll Need a Pretrial Evidentiary Hearing, So Plan Ahead!"  
Florida Justice Association Journal  
September/October 2021 Edition
- ❖ "When Can Affidavits Be Used? Always, Sometimes, Never."  
Florida Justice Association Journal  
July/August 2021 Edition



# **Exhibit DD**

Resume – Megan Odom



Megan L. Odom

Associate

MLO@CiresiConlin.com

612.361.8227

*Megan Odom*

As a lifelong learner, I love that the law is interdisciplinary—numbers and words collide at the crossroads of medicine and government, science and sociology. And I love that the practice of law calls for knowledge driven by purpose and curiosity fueled by compassion. Every day, I am inspired by my colleagues who pursue justice for our clients.

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## Experience

Megan is an associate at Ciresi Conlin. For the past several years, she has worked tirelessly on behalf of injured plaintiffs in MDL 2885: *In re 3M Combat Arms Earplug Products Liability Litigation*—the largest MDL in American history—and MDL 2666: *In re Bair Hugger Forced Air Warming Devices Products Liability Litigation*. Megan was integral to law and briefing efforts in both litigations, including choice of law, *Daubert*, summary judgment, motions *in limine*, post-trial motions, and appeals. In the *3M Combat Arms Earplug* litigation, she drafted motions for summary judgment and argued directed verdict to defeat 3M's key defenses, including the

sophisticated intermediary doctrine, superseding cause, apportionment of fault, and statute of limitations. She also second-chaired five bellwether trials, helping prepare for direct and cross-examination of medical experts and fact witnesses, resulting in over \$200 million in verdicts for injured veterans.

Prior to joining the firm, she served as a law clerk to Judge Eric C. Tostrud of the United States District Court for the District of Minnesota, and Justices David R. Stras and Paul C. Thissen at the Minnesota Supreme Court.

Megan graduated valedictorian from Mitchell Hamline School of Law. Her courses and firm experience focused on personal injury and mass tort litigation. She also worked in a clinic with the Innocence Project of Minnesota, advocating for people who were wrongfully convicted. Megan graduated with honors from the University of Minnesota, where she double-majored in Spanish and Sociology of Law. She received the Best Undergraduate Paper Award for her thesis about jury instructions on eyewitness (mis)identification.

### **Admissions**

- Minnesota
- U.S. District Court, Minnesota
- U.S. Court of Appeals, Eleventh Circuit

## **Selected Case Results**

***In re 3M Combat Arms Earplug Prods. Liab. Litig.*, MDL 2885:** Assisted the Law & Briefing Committee in all phases of litigation, from drafting the Master Complaint, to briefing cross-motions for summary judgment on 3M's global preemption defense, to defending bellwether verdicts on appeal. Drafted choice-of-law, summary-judgment, and pre-trial motions, as well as several appellate briefs. The MDL recently settled for over \$6 billion.

- *Estes, Hacker, and Keefer v. 3M Co.*: Assisted in summary-judgment, pre-trial, and post-trial briefing. Created directed verdict chart and supported trial team at 5-week trial, resulting in multi-million-dollar verdicts (\$2.45 million, \$2.26 million, and \$2.42 million).
- *Baker v. 3M Co.*: Assisted in summary-judgment, pre-trial, and post-trial briefing. Second-chaired direct examination, directed verdict, and charge conference in trial resulting in \$1.054 million verdict.

- *Adkins v. 3M Co.*: Assisted in summary-judgment, pre-trial, and post-trial briefing. Argued directed verdict and charge conference, prepared experts, and second-chaired direct and cross-examinations. Defended \$8.2 million verdict as co-lead counsel on appeal.
- *Sloan and Wayman v. 3M Co.*: Assisted in summary-judgment, pre-trial, and post-trial briefing. Argued directed verdict and charge conference, prepared experts, managed deposition designations and exhibits, and second-chaired direct and cross-examinations in a trial resulting in a combined \$110 million verdict.
- *Beal v. 3M Co.*: Assisted in summary-judgment, pre-trial, and post-trial briefing. Argued directed verdict and charge conference, prepared experts, managed deposition designations and exhibits, and second-chaired direct and cross-examinations in a trial resulting in a \$77.5 million verdict.
- *Aaby et al. v. 3M Co.*: Represented MDL Plaintiffs as co-lead counsel in global interlocutory appeal regarding successor liability.
- *Wilkerson v. 3M Co.*: Defended \$8 million verdict on appeal as co-lead appellate counsel.
- *Vilsmeyer v. 3M Co.*: Defended \$50 million verdict on appeal as appellate counsel.

***In re Bair Hugger Forced Air Warming Devices Prods. Liab. Litig.*, MDL 2666:**

Supported Law & Briefing Committee in appellate briefing, which resulted in the reinstatement of nearly 6,000 cases and revived the MDL. The MDL is ongoing.

## Recognition

Named to “**Best Lawyers: Ones to Watch in America**” for Mass Tort Litigation/Class Actions – Plaintiffs, *Best Lawyers* (2023, 2024)

Named a “**Minnesota Rising Star**,” *Super Lawyers* (2022)

Named to “**Notable Emerging Stars in the Law**,” *Twin Cities Business* (2022)

Named “**Attorney of the Year**” by *Minnesota Lawyer* (2022 – Team Award, 2021 – Group Award)

## Community Service

- District of Minnesota, Federal Practice Committee (2023-present)

- Infinity Project, Board of Directors (2023-present), Co-Chair of Education Committee (2021-present)
- Federal Bar Association, Co-Chair of *Bar Talk* Committee (2021-2023); Affinity Bar Liaison (2023-present)
- Minnesota Association of Justice, Amicus Committee Member (2020-present)
- FBA Pro Se Project Volunteer (2019-present)
- Mitchell Hamline School of Law, Adjunct Professor, Judicial Writing: Preparing for a Judicial Clerkship (2020-2022)

## Articles

- **Civil Procedure: Statutory Interpretation: Compensating for Ambiguities in the Workers' Compensation Act**

*Schmitz v. U.S. Steel Corp.*, 852 N.W.2d 669 (Minn. 2014), *Mitchell Hamline Law Review* Vol. 42 (2016)



**Ciresi Conlin LLP**

225 S. 6th St.

Suite 4600

Minneapolis, MN

55402

612.361.8200

Info@CiresiConlin.com

# **Exhibit EE**

Resume – Thomas Dickerson

**THOMAS JAMES DICKERSON, ESQ.**  
DICKERSON OXTON, LLC  
1100 Main St., Suite 2550, Kansas City, Missouri 64105  
816-268-1960  
[tdickerson@dickersonoxton.com](mailto:tdickerson@dickersonoxton.com)

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## **EDUCATION**

University of Kansas, Lawrence, Kansas  
B.A. Political Science 2008

Creighton University School of Law  
Juris Doctorate 2010

- Creighton Law School 2L Trial Competition Champion
- Trial Team
- Arbitration Team
- Phi Delta Phi

## **LEGAL EXPERIENCE**

South & Associates, P.C., Overland Park, Kansas, 2003 – 2010

Position: File Clerk / Litigation Assistant / Law Clerk / Attorney

- Assisted head of litigation in all aspects of defending financial institutions and banks against consumer legal claims – Breach of Contract, Equitable Remedies, Kansas Consumer Protection Act, Missouri Merchandising Practices Act, Fair Debt Collection Practices Act.
- Drafted correspondence, pleadings, motions, discovery, appellate briefs, drafted memorandums, and conducted legal research.

Dickerson Oxton Law Firm, Kansas City, Kansas City, Missouri, 2010 – present

Position: Member / Managing Attorney

- Representation of plaintiffs in personal injury, insurance, medical malpractice, consumer protection, and mass tort matters.
- All aspects of plaintiff claims, starting from intake and investigation through trial and appeal.
- Supervision of staff attorneys and legal support staff.
- Handled or supervised over 1,500 contested matters over approximately 13 years.

## **BAR ADMISSIONS**

Kansas, 2010, Bar # 24647

Missouri, 2011, Bar # 63375

United States District Court, District of Kansas

United States District Court, Western District of Missouri

United States Court of Appeals, 10<sup>th</sup> Circuit

### **PROFESSIONAL AFFILIATIONS & MEMBERSHIPS**

Kansas Bar, Member, 2010 – present.

Missouri Bar, Member, 2011 – present

Missouri Association of Trial Attorneys (MATA), Member, 2011 – present

Kansas Trial Lawyers Association (KTLA), Member, 2010 – present

American Association for Justice (AAJ), Member 2010 – present

### **LEADERSHIP POSITIONS**

Kansas Trial Lawyers Association Executive Committee, 2019 – present

Kansas Trial Lawyers Association Automobile Section Leader, 2019 – present

Kansas Trial Lawyers Association Journal Board of Editors, 2019 – present

Kansas Trial Lawyers Association Amicus Committee, 2021 - present

### **HONORS AND AWARDS**

National Trial Lawyers, Top 40 Under 40, 2013 – present

Kansas City Best of the Bar, 2016

Super Lawyers Rising Stars, Kansas & Missouri, 2019 – present

### **TEACHING, PRESENTATIONS, AND SPEAKING ENGAGEMENTS**

Teaching / Presenter, *Daubert, Martinez, and Personal Injury*,  
Wyandotte County Bar Association and Kansas Supreme Court Reception, October 28, 2014

Teaching / Presenter, *Bicycle Accident Litigation*,  
NBI Continuing Legal Education Seminar, March 24, 2015.

Teaching / Presenter, *Damages in Personal Injury, Types of Damages in an Injury Suit, Legal Ethics*  
NBI Continuing Legal Education Seminar, January 29, 2016.

Teaching / Presenter, *Causation and Damages In “Soft Tissue” Injury Cases*  
Kansas Trial Lawyers Association Annual Seminar, December 13, 2019.

Teaching / Presenter, Various Topics in Automobile Collision Cases,  
Kansas Trial Lawyers Association Automobile Section Meeting. Quarterly Webinar, 2020 - present



Speaking Engagement: *Trial Lawyers College Podcast Episode 86: 'What Do Trial Lawyers Do?' With Personal Injury Attorney Tom Dickerson*, January 12, 2021

Teaching / Presenter, *Maximizing Damages in Spine Cases*  
Devaughn James Injury Lawyers Bootcamp, January 14, 2022

Teaching / Presenter, *Open Policies & Bad Faith: Stories from Both Sides*  
TBI Med Legal Webinar, February 3, 2022

Teaching / Panel Member, *Properly Opening a Policy After Pinto*  
TBI Med Legal Webinar, April 6, 2022

Teaching / Presenter, *Opening Policies in Spine Cases*  
TBI Med Legal Webinar, April 7, 2022

Teaching / Presenter, *Seven & Eight figure Spine Cases*  
Trial Lawyers University Las Vegas, October 26-29, 2022

Teaching / Presenter, *Voir Dire and Logistics in Kansas*  
Kansas Trial Lawyer's Association Annual Seminar, December 7, 2022

Teaching / Presenter, *Voir Dire in Kansas*  
Wyandotte County Bar Association, May 19, 2023

Teaching / Presenter, *Defeating Damage Caps – The New Damage Model for Wrongful Death Damages*  
Trial Lawyers University New York, future date September 22, 2023

Teaching / Panel Member, *Advanced Spine*  
Law-Di-Gras, future date October 19-22, 2023

Teaching / Presenter, *Wentling and Wrongful Death Damages in Kansas – Tinkel Damage Model*  
Kansas Trial Lawyer's Association Annual Seminar, future date December 8-9, 2023

## **PUBLICATIONS AND JOURNAL ARTICLES**

*Staying on the Offensive: Combating Insurance Company Bad Faith Failure to Settle*  
Journal of the Kansas Trial Lawyers Association, February 2021

*Daubert and K.S.A. 60-456(b): The Lay of the Land*,  
Journal of the Kansas Trial Lawyers Association, February 2022

*Let Old Habits Die Hard in Voir Dire – Revisiting Kansas' Proper Legal Standard for Challenges for Cause and the Supreme Court's Caution on Juror Rehabilitation*  
Journal of the Kansas Trial Lawyers Association, February 2023

## **SIGNIFICANT TRIAL, ARBITRATION, AND APPELLATE EXPERIENCE**

Trial, *Southridge Retail Center v. Krull*, Johnson County District Court, Kansas

Breach of Lease

Retrial, *Southridge Retail Center v. Krull*, Johnson County District Court, Kansas  
Breach of Lease

Trial, *Singh v. Intermodal Cartage Company*, Wyandotte County District Court, Kansas  
Premises Liability – Negligence

Appeal, *Darren Robinson v. BNSF Railway Co.*, United States Court of Appeals, 10<sup>th</sup> Circuit  
Federal Employers Liability Act

Trial, *Schlup v. Raymond's Boat and Motor Sales*, Camden County Circuit Court, Missouri  
Boat Accident – Negligence

Trial, *Sien v. Ambassador Slate and Tile Roofing*, Johnson County District Court, Kansas  
Kansas Consumer Protection Act / Negligence

Trial, *Plaza Gardens Condominium Association v. Schlup Investment, Inc.*, Camden County Circuit  
Court, Missouri  
Construction Defects

Trial / Appeal, *Biglow v. Eidenberg, D.O., et al.*, Sedgwick County District Court, Kansas, Kansas Court  
of Appeals, Kansas Supreme Court  
Medical Malpractice / Wrongful Death

Trial, *Langley v. Langley*, Johnson County District Court, Kansas  
Premises Liability, Negligence

Trial, *Sommers v. Ja Del, Inc.*, Johnson County District Court, Kansas  
Premises Liability, Negligence

Trial, *Kouba v. Scott Langford, M.D. et. al.*, Jackson County Circuit Court, Missouri  
Medical Malpractice, Res Ipsa Loquitor / Negligence

Trial, *Leichty v. Karansiska-Cook*, Johnson County District Court, Kansas  
Dog Bite, Negligence / Strict Liability

Trial / Appeal, *Harris v. Harley Davidson, et al.*, Geary County District Court, Kansas  
Kansas Court of Appeals  
Product Liability / Negligence / Kansas Consumer Protection Act

Trial, *Michael Whitt v. GDS Express, Inc.*, Johnson County District Court, Kansas  
Semi-Truck / Trailer Collision – Negligence

Trial, *Peyton Taylor v. Bryan Pearson*, Johnson County District Court, Kansas  
Motor Vehicle Collision, Negligence

Appeal, *Stanley Ritter v. Gas Mart USA, Inc.*, Chase County District Court, Kansas  
Premises Liability

Arbitration, *Preston Platt et al. v. Martin Omar Villegas Conejo et al.*, Jackson County, Missouri  
Motorcycle Collision, Wrongful Death

Trial, *Preston Platt et al. v. Berkley Specialty Insurance Company*, Jackson County, Missouri  
Insurance Bad Faith / Coverage

Arbitration, *Judith McAferty v. Gary Marsh et al.*, Douglas County, Kansas  
Commercial Vehicle Collision, Negligence

Retrial / Appeal, *Harris v. Harley Davidson, et al.*, District of Kansas Federal Court, 10<sup>th</sup> Circuit Court of  
Appeals  
Product Liability / Negligence / Kansas Consumer Protection Act

# **Exhibit FF**

Resume – Brandon Henry

September 8, 2023

**CURRICULUM VITAE**

**BRANDON D. HENRY**

**NAME** : Brandon Davis Henry  
**BIRTHPLACE** : Hutchinson, Kansas  
**DATE OF BIRTH** : December 28, 1977  
  
**HOME ADDRESS** : 6437 High Drive  
Mission Hills, KS 66208  
  
**OFFICE ADDRESS** : Wagstaff & Cartmell LLP  
4740 Grand Avenue  
Suite 300  
Kansas City, Missouri 64112  
(816) 701-1100  
(816) 531-2372 (FAX)

**E-MAIL:** [bhenry@wcllp.com](mailto:bhenry@wcllp.com)

**WEB PAGE:** [www.wagstaffcartmell.com](http://www.wagstaffcartmell.com)

**EDUCATION**

**Law School:** **The University of Kansas School of Law, 2003** - Lawrence, KS  
Juris Doctorate

**College:** **Washburn University, 2000**—Topeka, KS  
Bachelor of Arts—Mass Media  
Minor—Political Science  
*Cum Laude*  
Graduate with Honors

**High School:** Sterling (KS) High School, 1996

**PERSONAL**

**Married:** Jane Summer (Lewis) Henry

**Children:** Beckett Harrison (2008)  
Sadler Jane (2010)  
Locklin Rose (2012)

## **EXPERIENCE**

***Wagstaff & Cartmell L.L.P.*** – 2006 – Present  
Kansas City, MO  
Partner

Civil litigation practice focused primarily in the areas of professional liability, product liability, medical device and pharmaceutical litigation, personal injury and wrongful death.

***Norris & Keplinger, L.L.C.*** – 2003 – 2006  
Overland Park, KS  
Attorney

Civil litigation practice focused primarily in the areas of medical malpractice defense, legal malpractice defense, school law, general business litigation and appellate practice.

## **ACADEMIC POSITIONS**

**The University of Kansas School of Law** – 2013 – Present  
Lawrence, Kansas  
Adjunct Faculty Member  
Instructor – Trial Advocacy

## **BAR ADMISSIONS**

Supreme Court of Kansas  
United States District Court, District of Kansas  
United States Court of Appeals, Tenth Circuit  
Supreme Court of Missouri  
United States District Court, Western District of Missouri  
United States District Court, Central District of Illinois  
United States District Court, District of Colorado  
United States Court of Appeals, Eleventh Circuit  
Pro hac vice admissions in Arizona, Colorado, Iowa, Illinois, Florida, Kentucky, Mississippi, New York, Oklahoma, Pennsylvania, Tennessee, Texas and Washington

## **PROFESSIONAL ORGANIZATIONS**

Kansas Bar Association  
The Missouri Bar  
Kansas City Metropolitan Bar Association  
Lawyers Association of Kansas City  
Johnson County Bar Association  
American Association for Justice

### **PROFESSIONAL SERVICE**

Kansas City Metropolitan Bar Association—Young Lawyers Public Service Committee  
2009-2014

Kansas City Metropolitan Bar Association—Torts Law Committee  
2009 – 2015

Lawyers Association of Kansas City – Board of Directors  
2014 – 2018

### **PUBLIC SERVICE**

Camps for Kids – Board of Directors  
2009 – 2011

Phoenix Family Housing – Board of Directors  
2010 – 2012

Sterling (Kansas) College – National Advisory Council to the President  
2014 – 2018

Lawyers Encouraging Academic Performance (“LEAP”) – Board of Directors  
2016 – Present

Giving the Basics – Board of Directors  
2017 – 2021

### **HONORS AND AWARDS**

*Super Lawyers*, Missouri & Kansas “Rising Star” – 2009 – 2012

*Martindale-Hubbell*, AV (Preeminent) Peer Review Rating – 2011 – Present

*The National Trial Lawyers*, Top 100 Trial Lawyers in the State of Missouri – 2011;  
2020 – Present

Kansas City Metropolitan Bar Association, Thomas J. Conway Award – 2013

*Super Lawyers*, “Super Lawyer” – 2013 – Present

*Kansas City Business Journal*, “Best of the Bar” – 2014

**PUBLICATIONS**

1. Henry, Brandon D. and Keplinger, Bruce, "Defining the Standard of Care: An Opportunity for Defendants." For the Defense, November 2006.
2. Bhatti, M. Tariq, MD and Henry, Brandon, "Medicolegal and Ethical Considerations in Ophthalmology." [NOVEL]. September 21, 2021 Available at: <https://collections.lib.utah.edu/ark:/87278/s6257kcg>.

**PRESENTATIONS & LECTURES**

1. Duke University Medical Center—Department of Ophthalmology. "Medicolegal and Ethical Considerations in Ophthalmology." Durham, North Carolina. June, 2012.
2. National Business Institute. "Medical Liens and Subrogation After the Affordable Care Act." Overland Park, Kansas. 2015.
3. National Business Institute. "Establishing Future Medical Damages with a Life Care Plan." Overland Park, Kansas. 2015.
4. Duke University Medical Center—Department of Ophthalmology. "Medicolegal Considerations in Ophthalmology." Durham, North Carolina. March, 2018.
5. HarrisMartin Webinar Series – "Bard PowerPort Implantable Port." June, 2023.

**BENCH TRIAL EXPERIENCE**

YEAR	NAME OF CASE	TYPE OF TRIAL
2004	<i>Beezley, M.D. v. Smith, et ux.</i> District Court of Johnson County, Kansas	Personal Injury Property Damage
2004	<i>Cherney v. Muller, M.D.</i> Circuit Court of Jackson County, Missouri	Contract

**ARBITRATION EXPERIENCE**

YEAR	NAME OF CASE	TYPE OF TRIAL
2015	<i>The Children's Mercy Hospital v. Sunflower State Health Plan</i> Kansas City, MO (AAA)	Breach of Contract



**JURY TRIAL EXPERIENCE**

YEAR	NAME OF CASE	TYPE OF TRIAL
2005	<i>Warhurst v. Stevens, M.D., et al.</i> District Court of Sedgwick County, Kansas	Wrongful Death Medical Malpractice
2005	<i>Davis v. DeWolfe, M.D., et al.</i> Circuit Court of Clay County, Missouri	Wrongful Death Medical Malpractice
2005	<i>Etter v. Sabih, M.D., et al.</i> Circuit Court of Jackson County, Missouri	Wrongful Death Medical Malpractice
2005	<i>Blevens v. Holcomb, M.D., et al.</i> United States District Court for the Western District of Missouri	Wrongful Death Medical Malpractice
2006	<i>Cossey v. Shipman, M.D.</i> District Court of Johnson County, Kansas	Medical Malpractice
2006	<i>Walston v. Piquard, M.D., et al.</i> District Court of Johnson County, Kansas	Medical Malpractice Preconception Tort Wrongful Birth
2008	<i>Juett v. Davoren, M.D.</i> District Court of Johnson County, Kansas	Wrongful Death Medical Malpractice
2008	<i>Johnson v. McCullough, M.D., et al.</i> Circuit Court of Jackson County, Missouri	Medical Malpractice
2008	<i>Hartman v. Rodman, D.D.S., et al.</i> Circuit Court of Clay County, Missouri	Dental Malpractice
2008	<i>Frederick v. Swift Transp. Co., Inc.</i> United States District Court for the District of Kansas	Trucking Negligence Personal Injury
2009	<i>Intfen v. Leawood Family Care, P.A., et al.</i> District Court of Atchison County, Kansas	Medical Malpractice
2011	<i>Ulrich v. Taormina, M.D., et al.</i> Circuit Court of Jackson County, Missouri	Medical Malpractice
2011	<i>Johnson v. McCullough, M.D., et al. (II)</i> Circuit Court of Jackson County, Missouri	Medical Malpractice
2011	<i>Blades v. Martinez, M.D., et al.</i> District Court of Johnson County, Kansas	Medical Malpractice
2013	<i>Dickerson v. St. Luke's South Hospital, et al.</i> District Court of Johnson County, Kansas	Medical Malpractice Wrongful Death
2013	<i>Couch v. Clymer, M.D.</i> District Court of Johnson County, Kansas	Medical Malpractice
2013	<i>Cummins v. Sargent, D.O.</i> District Court of Douglas County, Kansas	Medical Malpractice
2014	<i>Parker v. Chronister, M.D.</i> District Court of Wilson County, Kansas	Medical Malpractice
2016	<i>King v. Sorensen, M.D., et al.</i> Circuit Court of Jackson County, Missouri	Wrongful Death Medical Malpractice

2018	<i>Henderson v. Saint Luke's South Hosp.</i> Circuit Court of Jackson County, Missouri	General Negligence
2019	<i>Colton vs. Heart Surgeons of KC, et al.</i> Circuit Court of Clay County, Missouri	Medical Malpractice
2021	<i>King v. Sorensen, M.D., et al. (II)</i> Circuit Court of Jackson County, Missouri	Wrongful Death Medical Malpractice
2022	<i>Redding v. Coloplast Corp.</i> United States District Court for the Middle District of Florida	Personal Injury Product Liability
2022	<i>Weaver vs. Saint Luke's Physician Group, Inc.</i> Circuit Court of Jackson County, Missouri	Medical Malpractice

### **APPELLATE PROCEEDINGS**

YEAR	NAME OF CASE	TYPE OF CASE
2005	<i>Meyer v. Lockard, M.D., et al.</i> , Missouri Court of Appeals—Western District	Medical Malpractice
2005	<i>State ex. rel Curators of the Univ. of Missouri</i> <i>v. Moorhouse</i> , Missouri Court of Appeals—Western District	Writ of Prohibition
2006	<i>Meyer v. Lockard, M.D., et al.</i> , Supreme Court of Missouri	Medical Malpractice
2006	<i>Blevens v. Holcomb, M.D.</i> , U.S. Court of Appeals—Eighth Circuit	Medical Malpractice Wrongful Death
2008	<i>Johnson v. McCullough, M.D.</i> , Missouri Court of Appeals—Western District	Medical Malpractice
2009	<i>Johnson v. McCullough, M.D.</i> , Supreme Court of Missouri	Medical Malpractice
2014	<i>Dickerson v. St. Luke's South Hospital, et al.</i> Kansas Court of Appeals	Medical Malpractice Wrongful Death
2016	<i>King v. Sorensen, M.D., et al.</i> <i>Missouri Court of Appeals—Western District</i>	Wrongful Death Medical Malpractice
2018	<i>King v. Sorensen, M.D., et al.</i> <i>Missouri Court of Appeals—Western District</i>	Wrongful Death Medical Malpractice
2022	<i>Redding v. Coloplast Corp.</i> U.S. Court of Appeals – Eleventh Circuit	Personal Injury Product Liability

# **Exhibit GG**

Resume – Joshua Scott

## JOSHUA D. SCOTT

Joshua@hsinjuryfirm.com  
816-320-4454

1100 Main St., Suite 2600  
Kansas City, Missouri

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### LEGAL EXPERIENCE

#### **Hinrichs & Scott, LLC**

*Owner*

Kansas City, Missouri

August 2022-Present

- Plaintiffs' litigation practice specializing in trucking, catastrophic injury, and bad faith cases.
- Secured significant settlements for injured parties and victims of insurance bad faith claims practices and/or wrongful coverage denials.
- Served as lead counsel in several arbitration hearings that resulted in substantial verdicts.
- Served on teams that successfully briefed and argued cases before the Missouri Western District Court of Appeals pertaining to insurance coverage and bad faith.

#### **Law Offices of Joshua Scott, LLC**

*Owner*

Kansas City, Missouri

March 2020-Present

- Plaintiffs' litigation practice specializing in trucking, catastrophic injury, and bad faith cases.
- Secured significant settlements for injured parties and victims of insurance bad faith claims practices and/or wrongful coverage denials.
- Served on teams that successfully briefed and argued cases before the Missouri Western District Court of Appeals pertaining to insurance coverage and bad faith.
- Successfully litigated products liability claims against a large E-scooter sharing provider defeating numerous user agreement and contractual defenses.

#### **Schmitt Law Firm, LLC**

*Associate*

Kansas City, Missouri

February 2018-March 2020

- Secured significant settlements for injured parties and victims of insurance bad faith claims practices and/or wrongful coverage denials.
- Successfully obtained numerous settlements for victims of medical malpractice for birth injuries and victims of negligence in nursing homes.
- Secured an \$8 million settlement for the wrongful death of an adult child following a truck crash.

#### **Sanders Warren Russell & Scheer LLP**

*Associate*

Overland Park, Kansas

March 2012 to February 2018

- Obtained a defense verdict for a California-based finance company in a case alleging violations of the Missouri Merchandising Practices Act following a five-day jury trial in Jackson County, Missouri.
- Obtained summary judgment in Jackson County, Missouri in a case in which a plaintiff claimed she was entitled to uninsured motorist coverage after she was injured while a passenger in a vehicle that was struck by an uninsured motorist. However, the policy at issue was a collateral protection policy purchased by the lender to protect their interest in the vehicle the plaintiff was a passenger in. The court held that the collateral protection policy was not subject to the Missouri Motor Vehicle Financial Responsibility Law and did not provide uninsured motorist coverage.

- Obtained judgment on behalf of an insurer in a breach of contract action and successfully more than \$70,000 in earned premium and pre-judgment interest owed to the insurer.
- Second-chaired a three-day jury trial in Jackson County, Missouri which involved allegations of personal injury following an automobile accident.
- Prepared amicus curiae brief for the Missouri Supreme Court on behalf of a national financial services advocacy group.
- Served as lead counsel for a California-based finance company in a class-action lawsuit alleging violations of the Missouri Merchandising Practices Act in Boone County, Missouri.
- Represent clients in a variety of legal matters including, commercial disputes, consumer protection litigation, construction defect claims, product liability, personal injury, medical malpractice, and wrongful death actions, with minimal oversight.
- Responsible for drafting pleadings, meeting with clients, conducting investigations, deposing parties and witnesses, including experts, drafting dispositive motions, conducting settlement negotiations, participating in mediations, and preparing cases for trial.
- Prepare coverage opinions for insurance clients involving personal auto and commercial general liability policies.

**Brown & James, P.C.**

*Associate*

Kansas City, Missouri

August 2011 to March 2012

- Responsible for analyzing and preparing pleadings and motions, propounding and responding to discovery requests, locating and interviewing witnesses, conducting legal research, drafting motions, and preparing cases for trial.

**CURRENT LICENSURE**

Missouri, Kansas, United States District Court for the Western District of Missouri, United States District Court for the District of Kansas, and the Eighth Circuit Court of Appeals.

**AWARDS AND RECOGNITION**

Selected by *Super Lawyers* in Missouri and Kansas 2018-2023

Recognized by The National Trial Lawyers: Top 100 2021-present

Ike Skelton, Sr. Award for Excellence in Trial Practice

**EDUCATION**

University of Missouri School of Law, J.D., cum laude, May 2011

University of Missouri, B.A., History, May 2000

**COMMUNITY INVOLVEMENT**

Board of Directors, Strive for Life 2022-present.

## **Exhibit HH**

Application Letter and Resume – Nickolas Allen

**DOUGLAS, HAUN & HEIDEMANN, P.C.**

901 E. St. Louis St., Suite 1200  
Springfield, Missouri 65806  
(417) 326-5261

September 1, 2023

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: 2:23-md-03081-DGC, In re: Bard Implanted Port  
Catheter Products Liability Litigation

Dear Judge Campbell:

I, Nickolas W. Allen, respectfully submit my application for appointment as a member of the leadership team for this litigation in any capacity the Court deems appropriate based on my experience.

I have focused my practice at Douglas, Haun & Heidemann, P.C. on Plaintiff's civil litigation in the areas of personal injury, products liability, and consumer protection. I have successfully tried and settled multiple single-event personal injury claims, including claims involving medical malpractice, assault, sexual abuse, motor vehicle accidents, semi-truck accidents, and work injuries. I have also represented clients in eight consumer class actions. Additionally, I represent or have represented clients in four different products liability MDLs, excluding the present litigation. My firm has MDL experience, including my partner's work on the privilege log committee in the *In re: Xarelto* MDL litigation. Although I have not yet served in a leadership capacity in an MDL, I believe my extensive experience in leading complex class action litigation and in personal injury and products liability cases, as well as my representation of individual clients in MDL proceedings, will be beneficial to the leadership team and ultimately the plaintiffs in this litigation. Further, at 32 years old, I believe my appointment would serve the Court's stated desire to diversify the leadership team.

Courts have appointed me to lead two class actions. In *Derby v. Rydeit*, Circuit Court of Polk County, Missouri, Case No. 18PO-CC00061, the Court appointed me to serve as class counsel after the court certified a consumer class action following vigorously contested class certification briefing and a hearing. That case eventually settled following extensive class and merits discovery. In *Martin Porter, et al. v. Kimberling Inn Resort and Vacation Club, et al.*, U.S. District Court, Western District of Missouri, Case No. 3:22-cv-05048, the Honorable Brian C. Wimes appointed me as class counsel to represent a class of individuals pursuing claims for violation of Missouri's Uniform Condominium Act. My partner and I were able to negotiate a settlement on behalf of that class which the court has preliminarily approved.



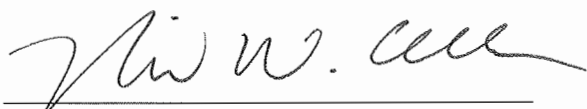
An important aspect of my litigation practice is collaborating with other attorneys to achieve the best results for my clients. My partner and I routinely collaborate on cases to consider different perspectives and look at the case from every angle. I have extensive experience collaborating with other law firms in multiple complex consumer class actions.

To me, the most important tool for obtaining relief for clients is discovery. I do not use “standard discovery” in my cases. Instead, I utilize detailed, fact-specific discovery, tailored to the facts of each client’s case to uncover the evidence the client needs to prove their unique case. I have extensive experience using this approach to uncover beneficial evidence against some of the largest companies in the world. For example, in *McCoy v. Walmart*, U.S. District Court, Western District of Missouri, Case No. 6:15-cv-03519, a consumer class action case, my partner and I overcame substantial opposition from defense counsel to get detailed transaction evidence that the Defendants initially represented did not exist. I also have extensive experience working with expert witnesses, including physicians, statisticians, information technology experts, and accident reconstruction experts. I have deposed numerous experts and conducted direct and cross examination of experts for trial. Our detailed and relentless approach to discovery has helped us achieve justice from every angle for our clients.

I believe I can combine my leadership experience in complex class actions with my experience representing clients in personal injury cases to provide a substantial benefit to the leadership team in this litigation. I hope to obtain additional experience through an appointment that I can apply in my mass torts practice in the future. It would be an honor to receive a leadership appointment from this Court in any capacity the Court deems appropriate. My firm has the resources necessary to contribute to this litigation and any assessment required.

Yours truly,

**DOUGLAS, HAUN & HEIDEMANN, P.C.**

By   
Nickolas W. Allen

NWA



CURRICULUM VITAE  
**NICKOLAS W. ALLEN**  
**Douglas, Haun & Heidemann, P.C.**  
901 E. St. Louis St., Suite 1200  
Springfield, Missouri 65806  
(417) 326-5261

**Personal**

Born Springfield, Missouri, 4-1-1991. Graduated Thayer High School, Thayer, Missouri, 2009.

**Work Experience**

Blair & Stroud, Batesville, AR (law clerk) 2014-2016.

Douglas, Haun & Heidemann, Springfield, MO (associate) 2013-2021 (partner) 2022-present.

**Admissions**

Missouri Bar, 2016.

Western District of Missouri, 2016.

Eighth Circuit Court of Appeals 2020.

**Education**

B.A., Harding University, 2013; J.D., University of Arkansas, 2016.

**Professional Organizations and Honors**

Missouri Bar Association, 2016-present.

Top Plaintiff's Judgment-Missouri 2018, Missouri Lawyer's Awards, 2019.

Missouri Association of Trial Attorneys, 2022-present.

The National Trial Lawyers, Top 40 Under 40, 2023.

**Complex Litigation Experience**

MDL:

MDL No. 2592; *In re: Xarelto*.

MDL No. 2672; *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation*.

MDL No. 2741; *In re: Roundup Products Liability Litigation*.

MDL No. 3043; *In re: Acetaminophen – ASD/ADHD Products Liability Litigation*.

Class Action:

*Derby v. Rydeit*, Circuit Court of Polk County, Missouri, Case No. 18PO-CC00061; appointed class counsel.

*Martin Porter, et al. v. Kimberling Inn Resort and Vacation Club, et al.*, U.S. District Court, Western District of Missouri, Case No. 3:22-cv-05048; appointed class counsel.

*Havens v. American Family Mutual Insurance Company, S.I.*, U.S. District Court, Western District of Missouri, Case No. 6:23-cv-03061.

*Chen, et al. v. Target Corporation*, U.S. District Court, District of Minnesota, Case No. 21-cv-01247; Douglas, Haun & Heidemann, appointed interim class counsel.

*Foster v. L-3 Communications Eotech, Inc., et al.*, U.S. District Court, Western District of Missouri, Case No. 6:15-cv-03519; Douglas, Haun & Heidemann, appointed class counsel.

*McCoy v. Walmart*, U.S. District Court, Western District of Missouri, Case No. 6:15-cv-03519.

*Foster v. Walmart*, U.S. District Court, Eastern District of Arkansas, Case No. 4:19-cv-00571.

*Pulkrabek v. Toyota Motor Sales, USA, Inc. et al.*, U.S. District Court, Eastern District of Texas, Case No. 2:20-cv-00036.

## **Exhibit II**

Resume – Cameron Cano

## **Cameron R. Cano**

7718 Wood Hollow Drive, Suite 105 | [ccano@scott-scott.com](mailto:ccano@scott-scott.com) | 737.843.2007

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### **PROFESSIONAL EXPERIENCE**

**Scott + Scott Attorneys at Law LLP** – Austin, TX

Lead Trial Counsel, *Complex Tort Division*, July 2022—Present

- Practice Areas: Medical Device & Pharmaceutical Litigation, Catastrophic Personal Injury, Consumer Litigation, Commercial Litigation.

**Thompson, Coe, Cousins & Irons, LLP** – Austin, TX

Senior Attorney, August 2018—July 2022

- Practice Areas: Casualty, Construction Defect, and First-Party Litigation.
- 

### **EDUCATION**

**Baylor University School of Law** – Waco, TX

Juris Doctor, *cum laude*, GPA: 3.37, Special Distinction in Litigation, April 2018

**University of Texas** – Austin, TX

B.A. Philosophy, GPA: 3.46, Certificate in Business, May 2014

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### **LICENSES AND ADMISSIONS**

STATE BAR OF TEXAS

U.S. DISTRICT COURT – Western District of Texas

U.S. DISTRICT COURT – Southern District of Texas

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### **PROFESSIONAL HONORS & ACTIVITIES**

- Texas Lawyers Assistance Program
  - Austin Young Lawyers Association
  - Texas Trial Lawyers Association
  - State Bar of Texas Pro Bono College
  - American Association for Justice
- 

### **EDUCATIONAL HONORS & ACTIVITIES**

- Special Distinction in Litigation
- Excellence in Appellate Advocacy Award
- Scott, Douglass & McConnico Evidence Award
- Abner V. McCall Evidence Award
- Mock Trial Competitor – Six Competitions, *Regional Champion*
- Moot Court Competitor – 2017 ABA Moot Court Competition, *Best Appellate Brief*
- Dean's List – Awarded Seven Times
- "High A" Supreme Court Seminar

## **Exhibit JJ**

Application Letter and Resume – Brett Emison



LANGDON  
& EMISON

LLC

911 Main Street  
P.O. Box 220  
Lexington, MO 64067  
P: 660.259.6175  
F: 660.259.4571  
[www.LangdonEmison.com](http://www.LangdonEmison.com)

September 7, 2023

The Honorable David G. Campbell  
United States District Court  
Sandra Day O'Connor U.S. Courthouse, Ste 623  
410 West Washington Street, SPC 58  
Phoenix, AZ 85003

Re: *In re Bard Implanted Port Catheter Products Liability Litigation*

Dear Judge Campbell,

I write to respectfully request consideration to serve as a member of the Plaintiff's Steering Committee in this action or any sub-committee thereof in which my efforts would be helpful for the successful litigation and resolution of this matter. In support of this request, I respectfully submit my resume.

My partner, Danielle Rogers, and I have been involved in this litigation, along with Adam Evans and others, for several months. I was one of the attorneys tasked with drafting our Motion to Transfer and Suggestions in Support in this matter before the Judicial Panel on Multidistrict Litigation. I am honored that our group of attorneys in this litigation sought my assistance in drafting the Motion to Transfer and several other areas prior to the formation of the MDL now pending before this Court.

I have litigated complex product liability cases involving catastrophic injuries or death for more than 20 years. I have litigation experience in other MDLs, including *In re General Motors LLC Ignition Switch Litigation*, MDL No. 2543 in which we negotiated multiple settlement dockets with General Motors, and *In re Forced Air Warming Devices Products Liability Litigation*, MDL No. 2666, in which I participated in the litigation of a bellwether selection and served as lead counsel in a state court lawsuit in just the second trial to verdict against 3M involving its forced-air warming devices. In addition, I served as trial counsel in *K.C. Hopps v. The Cincinnati Insurance Company*, Case No. 4:20-CV-437 before the Honorable Stephen R. Bough, in which we litigated the applicability of business interruption insurance on a COVID-19 business closure.

I have served as lead counsel in hundreds of cases and have served as lead counsel in dozens of trials. Langdon & Emison has successfully litigated cases against the largest corporations in the world and obtained more than \$1 billion in verdicts and settlements for our clients. Our firm has the attorneys, staff, and financial resources necessary to successfully participate in the leadership of this litigation.

In addition to litigation, I also serve our trial lawyer community through the American Association for Justice (AAJ) where I serve on the Board of Governors, as a trustee of AAJ PAC, and as chair of AAJ's Publication Committee. I also serve the Missouri Association of Trial Attorneys (MATA), where I served on MATA's Executive Committee from 2011-2021 and as MATA President from 2019-2020.

It would be an honor to be selected by this Court and leadership counsel to serve on the Plaintiff's Steering Committee or in any manner that would serve the clients in this litigation as we work toward a successful resolution of these claims.

Respectfully submitted,

**LANGDON & EMISON**

Brett A. Emison

**BRETT A. EMISON  
PROFESSIONAL C.V.**

**BAR ADMISSIONS**

Missouri: No. 52072

Illinois: No. 6307408

Kansas: No. 20982 (Sup. Ct.); No. 37595 (Ks. Bar Ass'n)

United States District Court for the Western District of Missouri

United States District Court for the Eastern District of Missouri

United States District Court for the Northern District of Illinois

United States District Court for the Western District of Louisiana

**EDUCATION**

University of Missouri – Columbia, J.D. – 2002

*Missouri Law Review* – Associate Editor-in-Chief

University of Missouri – Columbia, Bachelor of Science in Business Administration – 1999

*Cum Laude, With Honors*

**EMPLOYMENT**

Langdon & Emison

Partner, 2011- present

Associate Attorney, 2004-2010

(Additional information available at [www.langdonemison.com/attorneys/brett-a-emison](http://www.langdonemison.com/attorneys/brett-a-emison))

Rouse Hendricks German May, P.C.

Associate Attorney, 2003-04

The Supreme Court of Missouri

Judicial Clerk to the Honorable William Ray Price, Jr., 2002-03



## **REPRESENTATIVE CASES**

### **Consolidated/Mass Tort Actions**

*In re General Motors LLC Ignition Switch Litigation*, MDL No. 2543 (multiple settlement dockets)

*In re Forced Air Warming Devices Products Liability Litigation*, MDL No. 2666 (bellwether selection; state court litigation)

*O'Haver v. 3M*, Case No. 1816-CV30710, Circuit Court of Jackson County, Missouri  
Lead Counsel (this was just the second Bair Hugger case tried to verdict; currently on appeal)

*Tye v. 3M, et al.*, Case No. 1916-CV00825, Circuit Court of Jackson County, Missouri  
Lead Counsel

### **Additional Mass Tort Dockets**

Acetaminophen  
Zantac  
Hernia Mesh  
Talcum Powder  
Metal-on-Metal Hips  
DePuy ASR  
DePuy Pinnacle  
Smith & Nephew

### **Jury Trials**

I have tried dozens of cases to verdict as both lead trial counsel and assistant counsel. Most of these cases involved catastrophic injuries (brain injury, burns, spinal cord injury, death) caused by defective products against defendants including Ford Motor Company, Union Pacific Railroad, General Motors, Metra Railroad (Chicago), 3M Company, and others.

My firm, Langdon & Emison, regularly litigates against the largest corporations in the world and has recovered more than \$1 billion for our clients.

## **PROFESSIONAL ASSOCIATIONS**

Missouri Association of Trial Attorneys  
President, 2019-20  
Executive Committee, 2011-2021  
Board of Governors, 2005-present  
*Missouri Trial Lawyer*, Editor-in-Chief, 2013-present  
Assistant Editor, 2010-12

American Association for Justice  
Board of Governors, 2016-present  
AAJ PAC Trustee  
Publications Committee, Chair  
Voter Protection Committee

American Board of Trial Advocates (ABOTA), 2019-present

### **HONORS AND AWARDS**

Outstanding Service Award – Missouri Association of Trial Attorneys, 2020  
Distinguished Service Award – American Association for Justice, 2017 and 2020  
Pro Bono Award – American Association for Justice, 2018  
Wiedemann & Wysocki Award – American Association for Justice, 2016 and 2019  
Best Lawyers In America, 2013-present  
Top 100 Trial Lawyers – The National Trial Lawyers  
Best of the Bar – Kansas City Business Journal  
Super Lawyer (Missouri/Kansas), 2013-present  
Top 40 Under 40 – The National Trial Lawyers  
Up & Coming Lawyer 2011 – *Missouri Lawyers Weekly*  
Rising Star – Super Lawyers, 2009-12

### **PUBLICATIONS**

*Don't Overlook a Product Defect*, Trial Magazine, October 2020

*Thousands Fighting Business Interruption Insurance Denials*, The Missouri Trial Attorney, Summer 2020

*A Silent Injury*, Trial Magazine, February 2018

*Identifying Tire Defect Claims*, The Missouri Trial Attorney, Fall 2017

*Testosterone therapy: Litigation begins after studies link hormone to heart attack and stroke*, Westlaw Journal PHARMACEUTICAL, July 2014

*Spotting products issues in trucking cases*, Trial Magazine, February 2014

*Danger on the open road*, Trial Magazine, August 2012

*Actos Litigation: A comprehensive look at the litigation landscape for Takeda's diabetes drug, as studies link its long-term use in some to bladder cancer*, Forum Magazine, 2012

*Litigation over Actos reaches crossroads*, Missouri Lawyers Weekly, 2012

*Hidden Dangers of Modified Products and Aftermarket Components*, Trial Journal, 2012

*Cause Is King: Challenging Jurors For Cause*, The Missouri Trial Attorney, 2010

*Legal Issues In Missouri Products Liability Cases*, The Daily Record, 2002 (with Hon. Stephen R. Bough)

*Deadly Trap or Reasonable Danger: What Standard of Care Applies to Non-Electrical Injuries from Power Lines?*, The Missouri Law Review, 2001

*Comparative Fault In Crashworthiness Cases*, Journal of the Kansas Trial Lawyers Association, 2001 (with Hon. Stephen R. Bough)

#### **PRESENTATIONS & SEMINARS TAUGHT**

*Expand Your Arsenal: Running Focus Groups* – MATA Annual Convention (2014)

*Ethics in Your Litigation Practice* – AWL (2012)

*Legal Principles Regarding Voir Dire* – MATA New Lawyers Trial Lawyers College (2011)

*Social Media And Your Practice: You, Your Clients, And The Jury* – Missouri Association of Trial Attorneys Annual Convention (June 2011)

*Putting New Media to Use in Your Practice* – Washington University School of Law, Intersession (2011)

*Legal Principles Regarding Voir Dire* – KCMBA Meet the Judges (2010)

*Identifying Crashworthiness Cases* – UMKC School of Law Crash Course on Crashworthiness (2005)

# **Exhibit KK**

Resume – Nicholas Rowley



**Trial Lawyers for Justice**  
**421 W Water St, Ste 300**  
**Decorah, IA 52101**  
**[www.tl4j.com](http://www.tl4j.com)**

**Nicholas Rowley**  
**[NR@TL4J.com](mailto:NR@TL4J.com)**  
**406.920.8200**

## **Nicholas Rowley**

### **Biography**

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Winning more than \$2 Billion in verdicts and settlements for injury victims and families across the country, Nick Rowley has become a nationally renowned Trial Lawyer. His success didn't come easily, but the many challenges he faced forged him into the fighter he is today. Most importantly Nick Rowley is a husband and father.

Born in Iowa, Nick spent his early years living on a farm and grew up spending the summers working on his grandparents' farm. He spent five years of his childhood living in a border town in Arizona, the town of Nogales, where he was bullied and beat up regularly. His Mother later moved back to Iowa and his father stayed in Nogales.

Nick started working and buying his own clothes and food as early as the 5th grade and fully moved out on his own at the age of 15. Nick was emancipated at age 16. He worked as a paperboy, washed cars, mowed lawns, did field and farm work in Iowa and worked construction and also as a small engine mechanic before joining the military at age 17. Nick served as a medic in both the U.S. Air Force and U.S. Army.

In the Army he was the medic in an Air Defense Artillery Unit. Nick took advantage of the military's education benefits. Tuition assistance and the G.I. Bill afforded him the opportunity to attend college and law school. By age 19, while still in the military, Nick completed his bachelor's degree and three associates degrees and started working on a Master's Degree. Nick was trained and certified as a firefighter and worked as a volunteer firefighter for a fire department near his military base. Nick switched from the Air Force to the Army at age 20 and continued his service while he attended law school.

Today, Nick has been recognized by dozens of publications for his record-setting verdicts and passionate work for injury victims and families. Some of Nick's successes include a record setting \$131 million verdict for the victim of a car accident after the driver was over served at a bar, a record setting \$74.5 million dollar verdict for a victim of medical malpractice during the birthing process, \$40 million for two parents whose 33 year old son was negligently killed due to corporate negligence, a \$42 million dollar verdict for a young girl who was brain injured by a motorcycle collision, a \$38.6 million verdict for a young man who fell from a hotel balcony while intoxicated, a \$17 million dollar victory for a woman who suffered a traumatic brain injury caused by a fall from a hotel balcony that had a defective railing, \$21.6 million for a young woman injured when hit by a dentist who failed to stop at a stop sign, \$29.5 million in a wrongful death medical malpractice case of a wife and mother who was in her thirties, \$10 million in a medical malpractice, wrongful death case for an adult son and wife of a 70 year old man who had cancer, \$12.5 million for a husband and wife in a medical negligence case where an unnecessary prostatectomy was performed, \$31.6 million for a young girl who was brain injured in a collision, \$10 million for a man who suffered a mild traumatic brain injury in a collision, \$10.5 million for a teenage who suffered a mild traumatic brain injury when he was assaulted at a school pep rally, \$12 million for a young man with a knee, shoulder, and mild traumatic brain injury in a premises liability case, \$7 million in a negligent security case for a woman who lost most of the sight in her left eye as a result of an assault at a nightclub, \$45 million for a 6 year old girl who suffered a brain injury and facial paralysis in a collision, \$9 million against a school district for failing to supervise resulting in a 7 year old boy suffering a moderate traumatic brain injury, \$10 million for a boy who suffered a mild traumatic brain injury when he was hit on his bicycle, \$10 million for a man whose brain was injured in a collision, \$14 million for a young girl who was brain injured by medical negligence, \$11.5 million for a family that lives in Mexico for the death of their patriarch who died in a grain bin, \$14 million for two adult daughters and the wife of a hispanic man who was an immigrant farm worker who was killed in a collision, \$22 million dollars for a family who suffered bad burns during a fire in their mobile home, \$25 million for a man who was injured in

a collision, \$21 million for man with bad burns as a result of a vehicle crashing into a restaurant, \$12 million for a child with a brain injury because of medical negligence, \$16 million for a young man who suffered a brain injury as a result of a collision, \$20 million for two families whose loved one died as a result of a defective and dangerous bath tub, \$11 million for a man who lost his arm in a helicopter accident, and \$28.5 million for a man who suffered a mild traumatic brain injury in a motorcycle collision. The list goes on and on.

Nick is doing philanthropic work in Costa Rica and Kenya, Africa, including building education centers and schools, and putting in water wells in communities where people have to walk hours to get a gallon of water.

Nick is on the Board of Directors of the Imagination Workshop, which is a non-profit theater arts organization committed to using the unique power of the theater to provide life-changing artistic opportunities to the mentally ill, homeless veterans, senior citizens, and at-risk young people. Nick is also on the Honorary Board of Governors of TLC, Trial Lawyers' Charities, a non-profit organization whose purpose is to make a positive difference in the quality of life for people within the greater Los Angeles area, focusing on issues related to education, children, battered women, persons with disabilities, and homelessness, by providing financial assistance to needy persons and groups in the greater Los Angeles area.

Nick prides himself on his caring, empathetic approach to working with the injured and their families. He believes in going the distance for each and every client, and is not afraid to put any case in front of a jury.

Nick has authored and co-authored multiple books that are dedicated to preserving the last thing we have in America where a single person can stand against the elite, which is the American Jury Trial. Nick and his wife, Courtney, founded Trial By Human ten years ago. It is an advanced trial skills program and the goal of the program is to help lawyers and paralegals learn how to better represent people.

## Work Experience

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**Trial Lawyers for Justice, National**

*A National law firm that provides litigation services*

Founder / Trial Attorney

06/2008- Present

**Wilson Rowley Law, Georgia**

*Legal practice*

Partner/Trial Attorney

01/2022 - Present

**Jordan Law, Colorado**

*Legal Practice*

Partner/Trial Attorney

06/2019 - Present

**Carpenter, Zuckerman & Rowley, California**

*Legal Practice*

Partner/Trial Attorney

01/2007 - 11/2021

**Law Office of Nicholas Rowley, California, Iowa**

*Legal Practice*

Founder/Trial Attorney

01/2005 - 01/2007

**Law Office of Rowley & Rinneldi, California**

*Legal Practice*

Partner/Trial Attorney

01/2003 - 01/2005

**Patterson, Ritner & Lockwood, California**

*Legal Practice*

Associate Attorney

01/2002 - 01/2003

**Honors and Awards**

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- CAALA - Ted Horn Memorial Award (2023)
- Rage for Justice - Lifetime Legal Achievement Award (2022)
- The Daily Journal - Top 100 Lawyers (2022)
- Iowa Association for Justice - Verne Lawyer Outstanding Member Award (2021)
- Trial CAALA - Trial Lawyer of the Year (2018)
- Los Angeles Business Journal - Top Litigators of 2018
- The National Law Journal - Elite Trial Lawyers of 2018



- Consumer Attorneys of San Diego - Outstanding Trial Lawyers of the Year (2013)
- San Diego County - Trial Lawyer of the Year Award (2012)
- Los Angeles Daily Journal - Top Verdict of 2010
- Consumer Attorneys of San Diego - Outstanding Trial Lawyer Award (2009)

## Recent Publications and Presentations

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- *Damages Evolving*, Trial Guides, LLC, Copyright 2022
- *Voir Dire and Opening Statement*, Trial Guides, LLC, Copyright 2019
- *Running with the Bulls*, Trial Guides, LLC, Copyright 2018
- *Trial By Human*, Trial Guides, LLC, Copyright 2013
- *How to Think About, Discuss and Present Money Damages In Voir Dire and Opening Statements*, The Advocate Magazine June 2019

## Education

---

- University of La Verne  
Juris Doctor  
2001
- Park University  
B.S. Social Psychology  
1997

## Bar Admissions - State

---

- California (2002)
- Iowa (2008)
- Minnesota (2008)
- Colorado (2020)
- Montana (2021)
- New Mexico (2021)
- Massachusetts (2023)

## Bar Admissions - Federal

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- California
- Colorado
- Iowa
- Nebraska
- New Mexico
- Oklahoma

## Bar Admissions - Pro Hac Vice

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- Georgia
- Indiana
- Nebraska
- Oklahoma
- Washington
- Wisconsin

## Areas of Practice

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- Toxic exposure
- Catastrophic injuries
- Medical malpractice
- Employment discrimination
- Product liability
- Wrongful death
- Birth injury

## Teaching Experience

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- **Trial By Human, National**  
Founder, 06/2008- Present  
*Teaching Trial Skills and Techniques to*  
*Attorneys across the Country*

## Speaking Engagements

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- Dordick Trial College - Cabo (2023)
- Trial Lawyers University Live (2022)
- Trial Lawyers University Live (2021)
- Consumer Attorney Association of Los Angeles - Vegas Convention (2019)
- American Association for Justice (2017)

## **Jury Trials**

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- 176 Jury Trials

## **Sample Verdicts**

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- \$275 Million - Monsanto
- \$27 Million - UnityPoint Clinic
- \$10 Million - Bakersfield, CA
- \$9.5 Million - Western MA
- \$13 Million - Los Angeles, CA
- \$12,250,000 - Polk, IA
- \$15.45 Million - Los Angeles, CA

## **Political**

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- MICRA

## **Board of Directors**

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- Imagination Workshop (Current)
- Honorary Board of Governors of Trial Lawyers Charities (Past)

## **Military**

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- United States Army, 1991 - 1994  
Medic  
Air Defense Artillery Unit

- United States Air Force, 1994-1997  
Medical Services

# **Exhibit LL**

Resume – Courtney Rowley



**Trial Lawyers for Justice**  
421 W Water St, Ste 300  
Decorah, IA 52101  
[www.tl4j.com](http://www.tl4j.com)

**Courtney Rowley**  
[CR@TL4J.com](mailto:CR@TL4J.com)  
310.779.4955

## **Courtney Rowley**

### **Biography**

---

Courtney is a uniquely skilled and dedicated Trial Lawyer with tens of millions of dollars in verdicts and settlements. She is one of a kind. She tries only select cases and handles a few at a time so that she can give the caring, detailed attention that she believes is necessary to achieve the best results for injury victims and families.

Courtney has been trying cases since the beginning of her career. She is known nationally as a trial skills instructor, author and teaches as a faculty member at Gerry Spence's Trial Lawyers College in Wyoming. She is licensed in Iowa, Wyoming, and California.

Courtney began her career in criminal defense and transitioned into personal injury as a solo practitioner six years ago. She chose to make less money and not take a job with one of the top law firms in California because she wanted to be in a courtroom doing trials and not doing law and motion behind a desk.

Amongst her many successes, one of the wins Courtney is most proud of is a case where she was brought in by a top law firm to represent a 9 year old boy who lost his leg after being hit by a truck. The police report blamed the boy completely, saying he darted out between parked cars on his skateboard. Courtney turned the case around and days before trial won \$18,600,000, the largest settlement in history for a personal

injury case against the City of San Diego. Courtney has won multiple seven-and eight-figure victories at trial. She credits her successes to her beginning as a criminal defense lawyer, her training at Gerry Spence's Trial Lawyers College, and also to her extensive training prior to ever taking the bar exam. In that regard, Courtney started competing in moot court in middle school and high school. She won multiple awards, but most importantly, gained invaluable foundational experience being on her feet in courtrooms.

Courtney attended Loyola Law School and led their infamous and highly competitive moot court team and won the National Trial Competition, the Super Bowl of trial competitions, hosted by the International Academy of Trial Attorneys.

Courtney spends immense amounts of time preparing and spending time with her clients and their families. She becomes a part of their lives as they do hers. This is how she learns to understand and translate the pain, suffering, and human losses to juries.

Courtney's mission is to continue her service as a trial lawyer and help train and educate other lawyers and judges who are willing to learn and commit to bettering our system of justice and jury system.

Courtney and her husband Nick are known as a trial team as they try most of their cases together. Nick credits Courtney as being the lead trial lawyer in many of their cases and anybody who watches them together in trial knows this is true.

## **Work Experience**

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**Trial Lawyers for Justice (TL4J)**, Decorah, Iowa, 01/2014 - Present  
National law firm that provides litigation services  
Attorney

**Wilson Rowley Law**, Georgia, 01/2022- Present  
Legal Practice  
Attorney

**The Rowley Law Firm**, Decorah, Iowa, 01/2014- Present  
Legal Practice  
Attorney

**The Law Offices of Courtney Yoder**, Ojai, California, 2007-2010  
Legal Practice  
Attorney

## Honors and Awards

---

- CAALA - Ted Horn Memorial Award (2023)
- Rage for Justice - Lifetime Legal Achievement Award (2022)
- The National Trial Lawyers - Top 100 Civil Plaintiff Lawyers (2022)
- CAALA - TLOY Finalist (2022)

## Recent Publications and Presentations

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- **Damages Evolving**, Trial Guides, LLC, Copyright 2022
- **Voir Dire and Opening Statement**, Trial Guides, LLC, Copyright 2019
- **Running with the Bulls**, Trial Guides, LLC, Copyright 2018
- **Trial By Woman**, Trial Guides, LLC, Copyright 2018
- **Women At Work**, The Advocate Magazine

## Teaching and Speaking Engagements

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- **Trial By Human**, National Instructor, 01/2014- Present  
*Teaching Trial Skills and Techniques to Attorneys across the Country*
- **Trial By Woman**, National, Instructor  
Co-Founder, 01/2019- Present  
*Teaching Trial Skills and Techniques to Attorneys across the Country*
- Dordick Trial College, 2022, 2023
- Trial Lawyers University, 2021, 2022
- CATA, 2021
- TACT, 2020, 2021
- GOOP, 2019

## Education

---



- Loyola Law School, Los Angeles, CA  
Juris Doctorate  
09/2004 - 05/2007
- University of Southern California, Los Angeles, CA  
Bachelor of Arts, International Relations  
09/2000 - 05/2004

## Bar Admissions

---

- California - State and Federal (2007)
- Wyoming (2009)
- Iowa (2016)
- Colorado (2021)
- Montana (2022)
- Washington (PHV and Pending Licensure)
- Oklahoma (PHV)
- Florida (PHV)

## Areas of Practice

---

- Toxic exposure
- Catastrophic injuries
- Medical malpractice
- Employment discrimination
- Product liability
- Wrongful death
- Birth injury

## Sample Verdicts

---

- \$275 Million - Monsanto
- \$27 Million - UnityPoint Clinic
- \$10 Million - Bakersfield, CA
- \$9.5 Million - Western MA
- \$13 Million - Los Angeles, CA

- \$12,250,000 - Polk, IA
- \$15.45 Million - Los Angeles, CA

## Political

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- MICRA

## **Exhibit MM**

Application Letter and Resume – Amanda Summerlin

TAYLOR ♦ MARTINO

♦ ROWAN ♦

ATTORNEYS AT LAW

\*RICHARD H. TAYLOR  
STEVEN A. MARTINO  
\*EDWARD P. ROWAN  
EATON G. BARNARD

\*\*AMANDA D. SUMMERLIN  
RUTH R. LICHTENFELD  
TIFFANY N. RAY  
JOSEPH S. DENNIS  
RICHARD H. HOLSTON  
\*Also Admitted in Mississippi  
\*Also Admitted in New York  
\*Also Admitted in Pennsylvania

September 6, 2023

The Honorable David G. Campbell  
United States District Court  
Sandra Day O'Connor U.S. Courthouse, Ste 623  
410 West Washington Street, SPC 58  
Phoenix, AZ 85003

Re: **In Re: Bard Implanted Port Catheter Products Liability  
Litigation 22:23-md-03081**

Dear Judge Campbell:

Pursuant to this Court's Order Setting Initial Case Management Conference, I respectfully submit this application and my resume for consideration to serve as a member of the Plaintiffs' Steering Committee in the above referenced action. I am seeking a Court appointment in this litigation in order to collaborate with other attorneys and to dedicate my strengths to further this litigation.

I have practiced in mass torts for twenty-one years. Currently, most of my cases involve hernia mesh and 3M (MDL No. 2885). I have also filed cases in various MDLs against Allergan (MDL 2921), Paraquat (MDL 3004), Phillips (MDL 3014), as well as other drug and device manufacturers. Over the past few years, I have worked closely with attorneys in leadership in the Atrium C-Qur Mesh Products litigation (MDL No. 2753) and was very involved in the trial preparation of bellwether cases. I was asked by the Atrium MDL leadership to actively participate in the bellwether process for one of my clients, including depositions of plaintiff and multiple physicians, expert work up and motion practice. I believe this is one example of the quality of my work, as well as my efforts to work cooperatively with other attorneys to advance the litigation, in that the attorneys in the Atrium MDL leadership included me and requested I litigate alongside of them for several years. In these efforts, I proved my ability to collaborate, work cooperatively with others by extensive preparation, organization, listening to others, exploring creative ideas, and putting forth my best efforts on the tasks at hand for the good of a litigation.

As referenced in this letter and my attached resume, I have worked on various mass torts. Prior to representing plaintiffs in mass torts, I was a partner in a regional defense firm and intricately involved in MDL 875 in the Eastern District of Pennsylvania, as one of my law partners was chairman of the defense liaison committee. From approximately 2008-2013, I represented over thirty defendants and traveled to Philadelphia several times each month. This litigation allowed

♦ Representing Victims for Over 30 Years ♦

455 Saint Louis St., Suite 2100  
Mobile, Alabama 36602  
Tel: 251.433.3131  
Fax: 251.433.4207

Post Office Box 894  
Mobile, Alabama 36601  
Toll Free: 800.256.7728  
www.TaylorMartino.com

Page 2

September 6, 2023

me the opportunity to work with plaintiff and defense counsel across the country to manage and resolve asbestos claims. During my extensive work in MDL 875, I negotiated settlements on both the local and national levels with firms around the country on behalf of multiple mass tort defendants in high-risk jurisdictions. Through this experience, I developed the necessary skills required to handle thousands of asbestos claims as well as engage with counsel across the country to manage and resolve these claims.

Lastly, in working on multiple claims in various jurisdictions with different plaintiffs and defendants, I cultivated valuable relationships. In dealing with litigation and settlements, I developed the ability to cooperate with others to meet deadlines and achieve results. I understand the complex issues surrounding mass tort cases and appreciate the time and effort required to prepare these cases from the beginning to work towards resolution through settlement or trial.

In closing, I appreciate the Court's time and consideration of my application and resume. At this time, I do not have any other court appointed legal commitments and so will dedicate the time necessary to these cases. By potentially becoming more involved in this litigation, I hope to continue to learn, to serve a committee by sharing my experiences, and work with others in an efficient process for these claims. Thank you for the opportunity to potentially be a part of the Plaintiffs' Steering Committee.

Sincerely,



Amanda D. Summerlin

**AMANDA D. SUMMERLIN**  
Taylor Martino, P.C.  
455 Saint Louis Street, Suite 2100  
Mobile, AL 36602  
[asummerlin@taylormartino.com](mailto:asummerlin@taylormartino.com)

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**EDUCATION**                      **MISSISSIPPI COLLEGE SCHOOL OF LAW**  
*Doctor of Jurisprudence, May 2002*

**MISSISSIPPI STATE UNIVERSITY**  
Bachelors of Business Administration, *Magna Cum Laude*,  
December 1998, General Business

**EMPLOYMENT**                      **TAYLOR MARTINO, P.C.**

Attorney                      October 2017 to Present  
Primary focus is on mass tort litigation; representation of plaintiffs in various state and federal courts, including MDL; manage litigation for approximately 230 individual claims, including drafting complaints and pleadings; analyze medical records and evaluate claims for filing in appropriate venues; coordinate discovery and pretrial preparation; report and communicate with clients throughout course of litigation.

**HERBERT LAW FIRM, LLC**

Attorney                      March 2017 to October 2017  
Primary focus is on real estate matters with general litigation and estate experience; analyze condominium association documents and participate in annual meetings; review commercial leases; assist clients and participate in real estate closings; research case law; draft pleadings; research court records and draft title opinions.

**MARON MARVEL BRADLEY & ANDERSON LLC**

Director                      October 2015 – March 2017  
Primary focus is on asbestos and mass tort litigation; representation of numerous asbestos defendants, including boiler, pump, valve, and friction defendants; assist clients facing local, regional, and national issues; participate in the defense of depositions, pleading and motion practice, and court appearances; negotiate and manage national settlements for multiple asbestos defendants; perform analysis and oversee reporting for a number of asbestos defendants; participate in local and national claims negotiations.

**FORMAN WATKINS KRUTZ & TARDY, LLP**

*(Formerly Forman Perry Watkins Krutz & Tardy, LLP)*

Partner                      January 2013 – October 2015

Associate                      February 2007 – January 2013

Manage asbestos litigation for various defendants; draft discovery responses and motions; appear for depositions and court hearings; analyze

and finalize monthly and quarterly reports for various defendants; manage settlement processing for multiple asbestos defendants on local and national levels.

**DENKMANN INTERESTS**

Corporate Counsel April 2006 – February 2007

Prepare documents and facilitate 1041 tax exchanges; commercial real estate sales, purchases, leases and property management; analyze contracts and negotiate leases; draft and maintain financial sales reports for annual meeting; draft and negotiate purchase agreements; attend county zoning hearings.

**FORMAN PERRY WATKINS KRUTZ & TARDY, LLP**

Associate August 2002 – April 2006

*Mass Tort Division specializing in Asbestos Defense Litigation*

Draft and negotiate settlement agreements, manage litigation of over forty asbestos cases, including taking plaintiff depositions, coordinating discovery and pretrial preparation; daily responsibility for preparing and coordinating defense of twelve asbestos clients, including preparation of client specific motions, detailed reports, mediation, meetings with clients and insurance carriers.

**FORMAN PERRY WATKINS KRUTZ & TARDY, LLP**

Law Clerk August 2001 – August 2002

Research case law and prepare memoranda, motions to the Court, assist attorneys in preparation for hearings, depositions, create client presentations, prepare and edit client reports

**OFFICE OF THE ATTORNEY GENERAL, MISSISSIPPI GAMING COMMISSION**

Extern May 2001 – August 2001

Assist in conducting gaming seminars, provide legal research, prepare for hearings and organize case information

**HONORS  
ACTIVITIES AND  
PROFESSIONAL  
AFFILIATIONS**

Member, The Alabama Bar, Bar No. 9801W63J  
Member, The Mississippi Bar, Bar No. 100773  
Member, The New York Bar, Bar No. 4961785  
Member, The Pennsylvania Bar, Bar No. 313234  
Martindale-Hubbell Preeminent AV Peer Review Rated  
Super Lawyers Mid-South Rising Star (2012-2017)  
Super Lawyers (2018-2023)  
Member, The Mississippi Bar Professionalism Committee (2011-2012)  
Member, Mississippi School of Law Alumni Scholarship Auction Committee (2016, 2019)  
Member, The American Association for Justice  
Member, Mississippi Association for Justice  
Member, Alabama Association for Justice  
Member, Mississippi College School of Law Alumni Board