

2014

Justice Matters

**Lieff
Cabraser
Heimann &
Bernstein**
Attorneys at Law

2014

Working to Achieve

Diamond Foods Securities Litigation

Lieff Cabraser represented Lead Plaintiff the Public Employees' Retirement System of Mississippi as Class Counsel in a securities fraud class action that alleged Diamond Foods knowingly understated the cost of walnuts it had purchased in order to inflate the company's stock price.



A settlement valued at \$127 million in cash and stock was approved in January 2014.

Calibuso v. Bank of America

In early 2014, female Financial Advisors received payments under a \$39 million settlement in the firm's gender discrimination class action against Bank of America and Merrill Lynch. The settlement also includes three years of programmatic relief for business generation, advancement, and promotion by female Financial Advisors, to



be overseen by an Independent Monitor. Lieff Cabraser served as Co-Lead Class Counsel.

Toyota Unintended Acceleration Litigation

Lieff Cabraser serves as Court appointed Co-Lead

Counsel for plaintiffs in Toyota injury cases in federal court, representing injured persons and the families of loved ones who died in sudden acceleration accidents nationwide. This year, through an innovative resolution of the litigation, the parties have resolved scores of cases in streamlined, individual settlement conferences.

Justice Now

Marchbanks Truck Service v. Comdata

In July, the court approved a \$130 million settlement of a class action brought by truck stops that paid fees to Comdata on transactions using Comdata's over-the-road fleet card. The complaint challenged arrangements among Comdata, its parent company Ceridian, and three national truck stop chains, which resulted in independent truck stops allegedly paying artificially inflated transaction fees. The settlement also requires Comdata to change certain business practices that will promote competition among payment cards used by over-the-road fleets

and truckers and lead to lower merchant fees for independent truck stops. Lieff Cabraser served as Co-Lead Class Counsel.

Metal Hip Implants Litigation

Representing 200 patients nationwide who received the recalled DePuy metal-on-metal



ASR hip implant, Lieff Cabraser clients have to date collectively recovered more than \$30 million pursuant to a settlement with Johnson & Johnson, DePuy's parent corporation. Additional DePuy ASR settlements have been negotiated for 2015. We also represent 100 patients whose metal-on-metal DePuy Pinnacle hip implants failed prematurely, and more than 50 patients whose Stryker Rejuvenate or ABG II hip implant systems required revision.

TVA Coal Ash Spill Litigation

On December 22, 2008, more than a billion gallons of coal ash slurry spilled in Eastern Tennessee when a dike burst on a retention pond at a Tennessee Valley Authority-operated coal power plant. In August, after five years of litigation including a trial on liability issues, affected property owners and businesses represented by Lieff Cabraser received payments from a \$27.8 million settlement with the TVA.



Florida Cigarette Smoker Cases

Lieff Cabraser represents Florida smokers and the families of loved ones who died or suffered serious illness due to smoking in litigation against the tobacco companies for their 50-year conspiracy to conceal the hazards of smoking and the addictive nature of cigarettes. This year, juries returned verdicts totaling over \$75 million for our clients, including one verdict of \$27 million against Philip Morris.



Biotechnology Value Fund, L.P. v. Celera

Lieff Cabraser represents a group of affiliated entities engaged in the business of investing in biotechnology companies in this individual action arising from alleged securities fraud in connection with Quest Diagnostics's acquisition of Celera Corporation. In September, the plaintiffs settled with defendant Credit Suisse for a confidential amount. Trial against the remaining Celera

Corporation defendants is scheduled to commence next year.



General Motors Ignition Switch Litigation

In August, the MDL court addressing economic and personal injury claims in the GM ignition switch litigation appointed Elizabeth J. Cabraser as Co-Lead Plaintiffs' Counsel. We also represent over 200 people nationwide—those who

were injured or the families of loved ones who died—involved in accidents where the defective ignition switch caused the car's engine and electrical system to shut off, disabling the airbags.



Gutierrez v. Wells Fargo Bank

In October, the Ninth Circuit Court of Appeals affirmed the District Court's \$203 million judgment against Wells Fargo for misrepresenting to customers how it imposed overdraft fees on debit card purchases in order to boost revenue from overdraft penalty fees.



ING Bank Rate Renew Cases

Lieff Cabraser represented borrowers in class action lawsuits charging that ING

Direct breached its promise to allow them to refinance their mortgages for a flat fee. In October, the court approved a \$20.35 million nationwide settlement of the litigation. The settlement provided an average payment of \$175 to the nearly 100,000 class members, transmitted to their accounts automatically and without any need to file a claim form.



In November, the court indicated that it would approve a \$78.5 million settlement.

**▶ *State of California
ex rel. Sherwin
v. Office Depot***

In an action under California's False Claims Act against Office Depot for allegedly overcharging plaintiffs on their purchases of office and school supplies, Lieff Cabraser serves as Co-Counsel to a whistleblower as well as the City of Los Angeles and 18 additional California cities, counties, and school districts.

**▶ *Neurontin
Marketing Litigation***

Lieff Cabraser serves on the Plaintiffs' Steering Committee in multidistrict litigation charging that Pfizer violated federal law by promoting its drug Neurontin for unapproved uses. In November, the court approved a \$325 million settlement on behalf of a nationwide class of third party payors.

**▶ *Simply Thick
Litigation***

We represented parents whose infants died or suffered grave injuries linked to Simply Thick, a thickening agent for adults which was promoted for use by infants to assist with swallowing. The lawsuits alleged that when fed to infants, Simply Thick caused necrotizing enterocolitis, a life-threatening condition characterized by the death of intestinal tissue. In 2014, the litigation was resolved on confidential terms.

**▶ *BP Oil Spill
Litigation***

In 2014, the Deepwater Horizon Litigation continued to make progress in providing economic and

medical relief to hundreds of thousands of individuals and businesses in the Gulf Coast area whose lives and livelihoods were impacted by the 2010 oil spill. The Supreme Court denied review of BP's challenge to its own class action settlement. Approval of that settlement is now final, and has so far delivered nearly \$5 billion to compensate claimants' losses. Claims may be made through June 8, 2015. The medical settlement is also final, and an additional \$1 billion settlement has been reached with defendant Halliburton.





“Law Firm of the Year” – *Best Lawyers and U.S. News*

“Practice Group of the Year: Product Liability” – *Law360*

“Mass Torts and Class Action Plaintiffs Law Firm of the Year” – *Legal 500*

“Most Feared Plaintiffs Law Firms” – *Law360*

“Elite Trial Lawyers: The 50 Leading
Plaintiffs Firms in America”

– *The National Law Journal*



“Dr. Martin Luther King said that the trajectory of the universe tends towards justice. I believe it is a human engine that drives it there.”

—ELIZABETH J. CABRASER

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