

2016

Year In Review

**Lieff
Cabraser
Heimann &
Bernstein**

Attorneys at Law

2016 | Fighting for Justice

▶ **Volkswagen “Clean Diesel” Consumer Fraud**

Elizabeth Cabraser served as sole Lead Counsel and Chair of the Plaintiffs’ Steering Committee in this litigation, one of the most complex MDLs on record, whose \$14.7 billion settlement is by far the largest in automotive history. The settlement, relating to 475,000 2.0-liter diesel vehicles in the United States,

was granted final approval in late October 2016.

▶ **Microsoft Gender Discrimination**

Lieff Cabraser and co-counsel represent female Microsoft technical professionals in a gender discrimination class action on behalf of all current and former female employees of Microsoft in the U.S. since 2012 working in

technical and engineering roles. The complaint alleges Microsoft engaged in systemic and pervasive discrimination with respect to performance evaluations, pay, promotions, and other terms and conditions of employment. In March and October of 2016, the court denied defendant’s motions to dismiss the case.

▶ **Whirlpool Washer Mold**

Lieff Cabraser represented consumers nationwide in class action lawsuits against Whirlpool alleging certain front-loading Whirlpool, Kenmore, and Maytag washing machines accumulated biofilm, mold, mildew, and bacteria, producing foul odors. After 9+ years of hard-fought litigation, in September 2016 the Court approved a favorable



settlement of the action. As a result, hundreds of thousands of owners of these washers will receive their choice of cash payments or credits. A similar action and favorable settlement against LG received final approval in October 2016.

▶ **Stryker and DePuy Hip Injury Cases**

We represent hip replacement patients across the U.S. in lawsuits against Stryker and DePuy seeking just compensation for metallosis

“The VW deal was a win for literally everyone who breathes. There are 475,000 cars on the road spewing nitrous oxide at up to 40 times the standard. Thanks to the settlement, VW will start buying affected vehicles back this fall, and not in, say, five years after a knock-down, drag-out fight.”

— *The American Lawyer*

and other injuries relating to the failure of their hip implants. We continue to achieve success in winning extreme injury payments for our clients in these cases.

▶ **TracFone Wireless “Unlimited” Data**

Lieff Cabraser represented consumers across America who purchased “unlimited” data plans from TracFone Wireless that actually had undisclosed usage limits and routinely downgraded connection speeds pursuant to secret limits. The litigation settlement subjects TracFone to new marketing restrictions on claims of data limits and connection speeds, and \$40 million in settlement payments has been distributed to the class members.

▶ **IVC Filter Injuries**

Lieff Cabraser saw its role expanded from the Plaintiffs’ Steering Committee to the Plaintiffs’



Executive Committee in multidistrict litigation over injuries caused by temporary-use blood filters often left permanently in patients, exposing them to blood clots, hemorrhages, heart attacks, and other life-threatening injuries.

▶ **Lithium-Ion Batteries Antitrust**

Lieff Cabraser serves as Interim Co-Lead Indirect Purchaser Counsel representing consumers in a class action filed against many of the world’s leading manufacturers of lithium-ion rechargeable batteries for allegedly conspiring to illegally fix and raise battery prices from

2002 to 2011. In late 2014, the Court denied in large part defendants’ motion to dismiss, and in early 2016 Lieff Cabraser filed a motion for class certification in the case.

▶ **KPMG Gender Discrimination**

Lieff Cabraser serves as Co-Lead Counsel for plaintiffs in a gender discrimination class and collective action lawsuit alleging KPMG has engaged in systemic and pervasive discrimination against its female Client Service and Support Professionals in pay and promotion, discrimination based

on pregnancy, and chronic failure to properly investigate and resolve complaints of discrimination and harassment. The complaint alleges violations of the Equal Pay Act, Title VII of the Civil Rights Act of 1964, New York Executive Law § 296, and New York City Administrative Code § 8-107, and the litigation is ongoing.

▶ **BP Oil Spill Litigation**

In 2016, the Deepwater Horizon settlement continued to provide relief to hundreds of thousands of businesses and individuals in the Gulf Coast area whose lives and livelihoods were devastated by the 2010 drill rig explosion, which killed



11 workers and caused the largest oil spill in U.S. history. In November 2016, the Settlement Administrator noted that 143,000+ claims led to payouts exceeding \$9.3 billion.

▷ **Telephone Consumer Protection Act Cases**

Lieff Cabraser continued its groundbreaking efforts to stop harassing, unconsented texts and calls from companies across the U.S. through litigation leading to new settlements with Wells Fargo, State Farm, and American Express, among others. Our work in these cases has put a stop to the harassment of millions of Americans and resulted in the recovery of over \$270 million in settlements.

▷ **Abilify Gambling Addictions**

Lieff Cabraser represents patients in lawsuits against Bristol-Myers Squibb, Otsuka Pharmaceutical, and Otsuka America Pharmaceutical for losses suffered in connection



with compulsive gambling caused by Abilify use. Complaints allege that in addition to irresistible gambling, Abilify, the #1 most profitable drug in America, causes harmful behaviors including compulsive shopping and binge eating, leading to substantial financial, mental, and physical damages.

▷ **Petróleo Brasileiro S.A. - Petrobras**

Lieff Cabraser represented certain Janus and Dodge & Cox mutual funds and investment managers in individual actions against Petróleo Brasileiro S.A.–Petrobras, related entities, and certain senior officers

and directors for misrepresenting and failing to disclose a pervasive and long-running scheme of bribery and corruption at Petrobras. The actions settled on confidential, favorable terms in October of 2016.

▷ **California Lawyer of the Year - Cipro**

The Lieff Cabraser team of Eric Fastiff, Brendan Glackin, and Dean Harvey shared California Lawyer's 20th annual California Lawyer of the Year (CLAY) award for their work on the Cipro pharmaceutical price-fixing case, argument for which went all the way to the California Supreme Court. The

team represented CA consumers and third-party payors in a class action lawsuit charging that Bayer, Barr Labs, and other drug manufacturers conspired and paid competitors nearly \$400 million to restrain competition in the sale of the blockbuster antibiotic drug Cipro. \$174 million in settlements have been received to date.

▷ **Goldman Sachs Gender Discrimination**

Lieff Cabraser serves as Co-Lead Counsel for plaintiffs in a gender discrimination class action against Goldman Sachs alleging the company has engaged in systemic and pervasive discrimination against its female professional employees



in violation of Title VII of the Civil Rights Act of 1964 and New York City Human Rights Law. In 2012, the Court denied defendant's motion to strike class allegations. In 2015, Magistrate Judge James C. Francis IV issued a recommendation recommending that a class be certified if Plaintiffs included current employee class representatives, which Plaintiffs subsequently added. Motions directed to the new Plaintiffs are pending before the U.S. District Court.

▷ **Wells Fargo Deceptive Overdraft Fees**

In 2016, class members finally received restitution from the \$203 million 2010 judgment against Wells Fargo for its deceptive manipulations of customer debit accounts. Victory in the case was followed by years of resistance and appeals by the bank which Lief Cabraser twice successfully defeated, as well as defeating Wells



Fargo's subsequent last-minute attempts to steer the case away from court and into arbitration.

▷ **Plains All American Pipeline**

Lief Cabraser serves as Interim Co-Lead Class Counsel in litigation against Plains and other defendants on behalf of homeowners, local businesses, and others harmed as a result of the 2015 oil spill in Santa Barbara County, California. The Complaint alleges defendants failed to follow basic pipeline installation and maintenance safety protocols, and failed to promptly respond to the oil

spill when the inevitable rupture occurred.

▷ **State Street Corporation**

Lief Cabraser served as co-counsel for a nationwide class of institutional custodial customers of State Street Corporation, including public pension funds and ERISA plans, who alleged that State Street deceptively charged class members on FX trades done in connection with the purchase and sale of foreign securities. In November 2016, final approval was granted to a \$300 million settlement of the

litigation, the largest settlement of its kind, ever, under Massachusetts' consumer protection law (M.G.L. Ch. 93A).

▷ **LifeLock Data Privacy**

Lief Cabraser and co-counsel represented a class of users who alleged that LifeLock's identity theft protection services were falsely advertised, inferior to free protections routinely offered by banks and credit card companies, and included guarantees that were effectively worthless due to severe restrictions and exceptions. The Court granted final approval to a \$68 million settlement of the action in September 2016.



“The Plaintiffs’ Hot List”

Each year *The National Law Journal* spotlights a handful of plaintiff firms that “score big recoveries in high-stakes litigation battles across the country.” We have been listed 14 times and are members of the “Hot List Hall of Fame.”

“The Best Lawyers in America”

18 Lief Cabraser Lawyers Selected for National Recognition by *Best Lawyers*

“Top 10 Plaintiff Firms in America”

Chosen by *Benchmark Litigation* in October 2016 as one of the “Top 10 Plaintiff Firms in America”

“Super Lawyers”

25 Lief Cabraser Lawyers Selected for Recognition by *Super Lawyers*

Law360's "Top 50 Firms for Litigation"

Law360 selected Lieff Cabraser for its inaugural Top 50 Litigation Firms list. Chosen from the nearly 50,000 law firms in the U.S., the selection placed us among the 0.1% that achieved "historic, precedent-setting wins in class action litigation" as well as "jaw-dropping verdicts in courts across the country."

"Best Law Firms in America"

Tier 1 rankings in Antitrust, Employment Law, Mass Tort Litigation/Class Actions, Personal Injury, Product Liability, and Securities by *U.S. News & World Report*

"Elite Trial Lawyers"

Recognized by *The National Law Journal* among firms handling "the most significant and creative work on the plaintiffs side" as a Leading Plaintiff Firm, Co-Winner in the category of Class Action Law.

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