

Year In Review

2019

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

2019

INTEGRITY. TENACITY. RESULTS.

NATIONAL PRESCRIPTION OPIOIDS LITIGATION

Lieff Cabraser is at the forefront of nationwide prescription opioid drugs litigation, representing cities, counties, and Native American tribes and health organizations seeking justice from manufacturers and distributors of prescription opioid drugs for the destructive opioid epidemic raging across the U.S. We also serve on the Plaintiffs' Executive Committee



and the Tribal Committee in the coordinated federal multidistrict opiate litigation.

DUKE/UNC “NO-POACH” EMPLOYEE ANTITRUST

We won a \$54.5 million settlement and the American Antitrust Institute’s 2019 award for “Outstanding Antitrust Litigation Achievement in Private Law Practice” representing a class of over 5,000 academic doctors in a federal class action against Duke University and the

UNC Health Care System alleging that their agreement not to compete for certain of each other’s employees (a “No-Hire” pact) illegally suppressed employee compensation. The settlement includes an unprecedented role for the U.S. Department of Justice to monitor and enforce extensive injunctive relief.

WELLS FARGO DERIVATIVE SECURITIES ACTION

Lieff Cabraser is Co-Lead Counsel representing shareholders in a derivative action in California alleging the Board and senior officers of Wells Fargo allowed the company’s employees to illegally create millions of unauthorized customer deposit and credit card accounts. In May of 2019, the Court granted preliminary approval to a \$320 million settlement ending shareholders’ derivative



litigation over the Wells Fargo fake accounts scandal that includes new corporate governance reforms for the bank.

ANTHEM DATA BREACH

After securing final approval for a \$115 million settlement of the vast data breach class action lawsuit against health insurer Anthem Inc., Lieff Cabraser’s Michael Sobol was named 2019 California Lawyer of the Year for his team’s work on the Anthem case, which resulted in the largest data breach settlement in history.

CALIFORNIA WILDFIRES

We are Co-Lead Counsel for Individual Plaintiffs in the coordinated Woolsey Fire cases against SoCal Edison over the massive 2018 fires in Los Angeles and Ventura Counties, serve as Class Action Committee Chair in lawsuits against PG&E over the 2017 San Francisco Bay Wine Country Fires, and on the Individual Plaintiffs' Executive Committee in that litigation. Our firm also represents plaintiffs in a class action and hundreds of individual suits against PG&E over the devastation caused by the 2018 Camp wildfire, and plays an active role in bankruptcy negotiations with PG&E.

NAVISTAR MAXXFORCE DIESEL ENGINE DEFECT

In June of 2019, the court granted preliminary approval to a \$135 million settlement of engine defect litigation relating to certain Navistar MaxxForce diesel engines that provides class members with \$2,500 per truck, a \$10,000 rebate off a new truck, or the option to



seek up to \$15,000 per truck in out-of-pocket damages caused by the claimed emissions system defect. The claims deadline is May of 2020.

USC/TYNDALL SEXUAL ABUSE CLASS ACTION

We serve as Interim Class Counsel for current and former female students treated by Dr. George Tyndall at USC's student health center from August 1989 through June 2016 in the gender violence and sexual abuse litigation against USC and Tyndall. In June 2019, the Court granted preliminary approval to a class action settlement valued at \$215 million that gives every survivor a choice in

how to participate as well as mandating USC's adoption and implementation of new procedures for the identification, prevention, and reporting of sexual and racial misconduct.

GOLDMAN SACHS GENDER DISCRIMINATION

We are Co-Lead Counsel for plaintiffs in a gender discrimination class action alleging that Goldman Sachs has engaged in systemic and pervasive discrimination against its female professional employees. In March 2018, the Court issued an order certifying the plaintiffs' damages class for disparate impact and disparate treatment discrim-

ination, relying on statistical evidence of discrimination as well as anecdotal evidence of hostile work environment. Further class briefing concluded in November 2018, and the case is currently in merits discovery.

LOVENOX PRICE-FIXING

In September 2019, a federal court in Tennessee certified a class of thousands of buyers of generic Lovenox (enoxaparin) in an antitrust price-fixing case against Momenta Pharma and Sandoz that alleges the companies colluded at customers' expense to manipulate the government's generic drug approval process to disrupt the \$1 billion-plus annual market for generic enox. Plaintiffs defeated



defendants' motions to transfer and dismiss the case, and discovery is ongoing.

NORMAND/BNY MELLON SECURITIES LITIGATION

Lieff Cabraser and co-counsel represent a class of holders of negotiable ADR securities for which BNY Mellon served as the depository bank. Plaintiffs allege BNY Mellon used the range of exchange rates available during trading sessions to improperly skim profits from distributions owed and payable to the class. In June 2019, the Court granted final approval to a classwide settlement valued at \$72.5 million.

JUUL INJURY & TEEN MARKETING CASES

We serve as Interim Plaintiffs' Counsel in the national injury and fraud litigation against e-cigarette manufacturer JUUL Labs, and represent a series of teens in individual lawsuits against JUUL. In addition to serious lung and cardiovascular injuries, the suits allege claims of improper target-



ing of teens, product liability, negligence, design defects, fraudulent concealment, and intentional misrepresentation.

GOOGLE STREET VIEW PRIVACY VIOLATIONS

We serve as Plaintiffs' Liaison Counsel in federal litigation against Google arising out of the interception of private electronic communications by its Street View vehicles. In September 2019, the Court granted preliminary approval to a \$13 million *cy pres* settlement to fund online privacy organizations and educate the public about encryption and network communications.

SAMSUNG TOP-LOAD WASHER DEFECTS

We represent purchasers of top-loading Samsung washers across the U.S. whose machines were subject to top-detachment and explosion during operation. Under a settlement announced in March 2019, Samsung will make more than \$100 million available to owners of the affected machines in rebates, refunds, and/or reimbursements of repair costs.

ABILIFY GAMBLING INJURIES

We serve on the Plaintiffs Executive Committee and co-chair the Science and Expert Sub-Committee in the nationwide Abilify MDL representing clients who have incurred crippling financial

losses and pain and suffering from compulsive gambling caused by the drug Abilify, addictions so severe that patients have lost their homes, livelihoods, and marriages.

FIAT CHRYSLER ECODIESEL

In May 2019, Judge Edward M. Chen of the Northern District Court granted final approval to a \$307.5 million settlement of the Fiat Chrysler-Dodge-Jeep "EcoDiesel" fraud class action, providing owners and lessees with substantial cash payments and an extended warranty following the completion of a government-mandated emissions modification to all affected vehicles.



VW/PORSCHE/AUDI/BENTLEY MPG FRAUD

In October 2019, Judge Charles M. Breyer of the Northern District Court granted preliminary approval to a settlement valued at \$96.5 million, representing a victory for consumers across the U.S. in lawsuits filed against Volkswagen, Porsche, Audi, and Bentley relating to vehicles that experienced worse fuel economy than promised and advertised. We represented owners and lessees who bought their vehicles believing they would get a certain number of miles per gallon, in reality getting fewer miles per gallon and having to buy more gas and spend more money than they should have had to spend.

GOOGLE GENDER DISCRIMINATION

We serve as Co-Lead Counsel for plaintiffs in a gender discrimination class action against preeminent search and technology conglomerate Google, Inc. In March 2018, the California



Superior Court issued an order finding plaintiffs' classwide allegations sufficient to survive Google's attempts to have them stricken from the class action complaint. The lawsuit alleges Google has paid and continues to pay women less than men doing substantially similar or equal work in certain covered positions at the tech giant's offices in California since September 2013.

ZIMMER KINECTIV HIP IMPLANT INJURIES

Lieff Cabraser serves on the Plaintiffs' Executive Committee in national litigation against Zimmer Biomet over claims that certain hip implants are

defectively produced and promote corrosion and fretting that result in injuries and the need for dangerous revision surgery.

TOBACCO LITIGATION

In addition to defeating Philip Morris' challenges to a \$20 million punitive damages award in Florida federal court, we briefed, argued, and secured other trial verdicts against the tobacco industry in the 11th Circuit, including a \$41 million verdict against R.J. Reynolds that was the largest ever rendered against a tobacco company in federal court.

STATE FARM RICO

Exposing the insidious presence of black money in politics, this 20-year case originating in a plaintiffs' billion-dollar trial court verdict from 1999 against State Farm over auto replacement parts grew into a federal RICO action alleging the company secretly funneled millions into the campaign of a judge running for a vacancy on the Illinois Supreme Court. Once elected, that judge cast the decisive vote to overrule the billion-dollar verdict. The RICO class action settled on the first morning of trial for \$250 million, winning Lieff Cabraser the 2019 Public Justice Trial Lawyer of the Year and Illinois Trial Lawyer Excellence Awards.



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