

2020

YEAR IN REVIEW

INTEGRITY. TENACITY. RESULTS.

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

2020 LIEFF CABRASER YEAR IN REVIEW

NATIONAL PRESCRIPTION OPIOIDS LITIGATION

We represent cities, counties, Native American tribes, and native health organizations across the U.S. seeking justice and restitution from opioid manufacturers and distributors for the destructive opioid epidemic that has ravaged the country since 2006. On the national stage, we

gas-powered Volkswagen-family (VW, Audi, Porsche, Bentley) vehicles in a class action lawsuit alleging the car makers manipulated nearly 100,000 vehicles to overstate their advertised fuel economy and understate their CO₂ emissions. In March 2020, the court granted final approval to a non-reversionary \$96.5 million settlement that delivers



teen-specific marketing onslaught that led to a nationwide teen addiction health crisis. We serve as Co-Lead Counsel for Plaintiffs in the nationwide litigation against JUUL, represent a series of teens in individual lawsuits against JUUL, and have filed additional similar actions on behalf of the State of Hawaii, Northern California's Yurok Tribe, and the Boulder Valley Colorado School District.

of Michigan for over 30 years from 1968 until 2003. The lawsuit alleges Anderson used his position to repeatedly and regularly sexually assault University students in the guise of providing medical care, "care" that was effectively sanctioned by University authorities.



serve on the Plaintiffs' Executive, Settlement, Tribal, and Expert Oversight Committees and lead the Law & Briefing Committee in the vast, ongoing coordinated federal multidistrict opiate litigation.

class members 100% of their damages.

JUUL TEEN INJURIES & PREDATORY MARKETING

Lieff Cabraser leads nationwide multidistrict fraud and injury class litigation against JUUL and Altria for predatory marketing, design defects, intentional misrepresentation, and fraudulent concealment in their marketing of e-cigarettes, including a

UNIVERSITY OF MICHIGAN ATHLETE SEXUAL ABUSE

New legislation in Michigan briefly extends the statute of limitations for sexual abuse crimes. We serve as Interim Class Counsel for former student-patient plaintiffs sexually abused by the late Dr. Robert E. Anderson at the University

GOLDMAN SACHS GENDER DISCRIMINATION

We serve as Co-Lead Counsel for plaintiffs in a gender discrimination class action against Goldman Sachs accusing the global investment giant of workplace discrimination and gender bias resulting in the systematic denial of equal pay and promotions for women. In 2018, the Court certified the plaintiffs' damages class for disparate impact and disparate treatment

AUDI & PORSCHE FUEL ECONOMY AND EMISSIONS FRAUD

Lieff Cabraser represents owners and lessees of

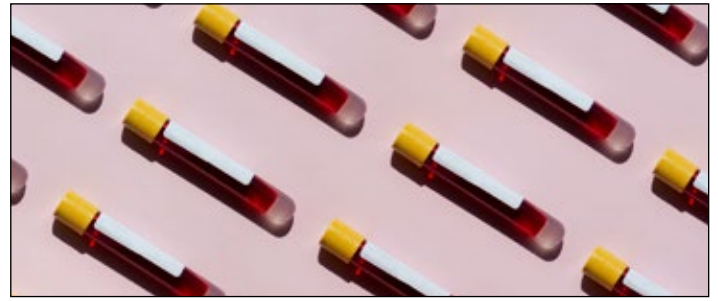


discrimination; the case is proceeding toward a 2022 trial.

WELLS FARGO SHAREHOLDER DERIVATIVE CASE

We served as Co-Lead Counsel representing the Co-Lead Plaintiff Fire & Police Pension Assoc. of Colorado in federal shareholder derivative litigation against Wells Fargo's current and former officers and directors arising

hospitals, insurers, and patients across the U.S. in a case alleging that Momenta Pharmaceuticals and Sandoz manipulated the generic drug approval process to disrupt the \$1 billion-plus annual market for generic Enoxaparin. This illegal scheme hurt hospitals, health plans, and patients nationwide by causing them to pay artificially inflated prices for the life-saving anti-clotting drug. In May 2020, the Court granted final



consumer fraud lawsuits against Theranos, Inc. Plaintiffs allege Theranos and Walgreens wildly misrepresented the purpose and reliability of Theranos' blood tests, causing consumers nationwide to suffer and rely upon the invasive and fraudulent tests. A litigation class was certified in March of 2020.

Executive Committee in lawsuits against PG&E over Northern California wildfires. In 2019, we helped guide negotiations with PG&E that culminated in an historic \$13.5 billion trust settlement on behalf of fire victims.



from the bank's illicit sales practices scandal. In April 2020, the court granted final approval to mandated corporate governance reforms and a settlement including a \$240 million cash payment that represents the largest insurer-funded derivative settlement in history.

approval to a \$120 million settlement, the second largest indirect-purchaser antitrust pharmaceutical settlement fund in history (after our firm's earlier Cipro case).

CALIFORNIA WILDFIRES

Horrific and unprecedented wildfires have blazed devastation through California for the last several years. Lief Cabraser has been successful in representing fire victims throughout the state, including serving as Co-Lead Counsel in the coordinated Woolsey and Thomas Fire cases in Southern California against SoCal Edison, and as Class Action Committee Chair and on the Individual Plaintiffs'

ABBVIE KICKBACKS WHISTLEBLOWER CASE

In September of 2018, Lief Cabraser and the California Department of Insurance sued AbbVie, Inc. for violations of the Insurance Frauds Prevention Act in providing kickbacks and other improper incentives to healthcare providers and patients throughout California relating to sale of the immunosuppressive drug Humira. In July 2020, AbbVie agreed to a \$24 million settlement that will go to the State of California and to the registered nurse and former AbbVie employee whistleblower who brought the case

ENOXAPARIN DRUG ANTITRUST

We serve as sole Lead Counsel representing

THERANOS WALGREENS BLOOD TEST FRAUD

In October 2016, the U.S. District Court in Arizona appointed Lief Cabraser as Interim Co-Lead Counsel for consumers in four consolidated class action



to the Department's attention in 2016.

BOEING SHAREHOLDER DERIVATIVE CASE

Boeing's disregard for safety resulted in a flawed design of Boeing's 737 MAX that led to 346 tragic deaths and the grounding of all 737 Max aircraft. We serve as Co-Lead Counsel representing co-lead plaintiff institutional shareholders in derivative

CALIFORNIA BAIL BONDS ANTITRUST

We serve as Lead Interim Class Counsel, along with Justice Catalyst, the NCLC, Public Counsel, and Towards Justice, representing plaintiffs in a first-of-its-kind class action antitrust case alleging that insurance companies in California conspired to unlawfully inflate California bail bond prices, forcing arrested people and their families to choose between paying improperly



control systems in their luxury vehicles began spewing out noxious mold into passenger areas. In September of 2020, the court granted final approval to a nationwide settlement that provides owners and lessees with cash reimbursement for qualified past repairs and all or part of the cost of future repairs relating to the repugnant moldy odors emanating from Mercedes HVAC systems that rendered their vehicles unfit for driving.

Plaintiffs filed their motion for class certification in July 2020. Briefing on the motion will be completed in February 2021, and a decision in the case is expected in the Spring or Summer of 2021.



litigation against The Boeing Company. The September 2020 amended complaint alleges Boeing's officers and directors breached their fiduciary duties to the company by dismantling Boeing's lauded safety-engineering corporate culture in favor of what became a "financial-engineering culture."

inflated prices and their freedom. In April 2020, Judge Jon S. Tigar of the federal Northern District Court denied in part the defendants' motion to dismiss the case.

MERCEDES-BENZ AC MOLD CASES

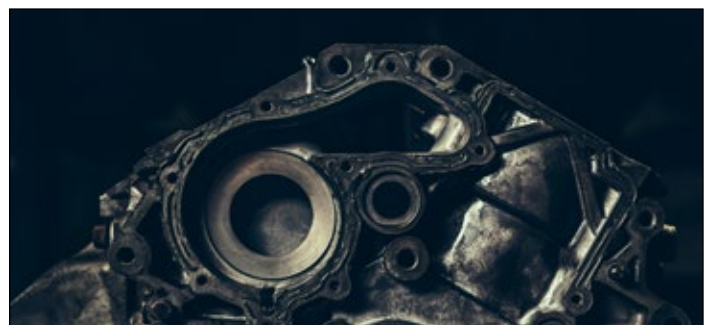
Lieff Cabraser represents drivers across the U.S. who brought suit against Mercedes when the climate

NAVISTAR DIESEL ENGINE DEFECT

We represent truck owners and lessees who alleged that Navistar sold and leased 2011-2014 model year vehicles equipped with MaxxForce 11- or 13-liter diesel engines containing defective EGR emissions systems. In January of 2020, the court granted final approval to a \$135 million settlement of the claims that provides class members with \$2,500 per truck, a \$10,000 rebate off a new truck, or up to \$15,000 per truck in out-of-pocket damages caused by the claimed emissions system defect. After years of hard-

GOOGLE GENDER DISCRIMINATION

We are Co-Lead Counsel for plaintiffs in a gender discrimination class action against Google, Inc. alleging the tech giant engaged in systemic and pervasive pay and promotion discrimination against its female employees at its offices in California since 2013.



fought litigation, a wide range of small business trucking companies can look forward to receiving meaningful compensation.

ELITE SWIMMERS ANTITRUST CLASS ACTION

Lieff Cabraser represents top swimmers in a class action monopsony lawsuit against FINA, the international organization that controls access to the



Olympic Games and World Championships, over its threats to ban swimmers from the Olympic Games if they compete in events that FINA does not pre-approve. The ongoing lawsuit alleges FINA leverages its market dominance to extract—and largely keep for itself—revenues from the labor of the world’s best swimmers.

FARMERS GROUP RATE DISCRIMINATION

Lieff Cabraser represents Farmers auto insurance customers in Texas over claims that Farmers illegally discriminated against their existing auto insurance customers by keeping them from lower rates made available only to new customers, and charging more to their existing customers for virtually the same insurance coverage. In May 2020, the Court

granted final approval to a \$52 million class settlement.

PLAID INC. DATA THEFT

In May of 2020, Lieff Cabraser filed a groundbreaking class action lawsuit in California District Court alleging that financial tech start up Plaid Inc. invaded consumers’ privacy by “phishing” Venmo,



Stripe, and other app users’ personal banking information, stealing their banking data, and monetizing that data in violation of federal and state privacy laws.

DISNEY, VIACOM CHILD PRIVACY CASES

We represent families suing Disney, Viacom, and leading child game developers and their advertising partners for illegally collecting children’s personal data from apps popular with kids to serve and profit from targeted advertising. As of December 2020, the Court stands poised to approve settlements that will dramatically alter the online advertising ecosystem, by stopping targeted advertising to kids in thousands of child-directed mobile apps.

BANK OF AMERICA MORTGAGE FRAUD

Lieff Cabraser represents California homeowners in class litigation against BofA alleging the bank failed to comply with a California law requiring interest payments on mortgage escrow accounts. In late 2019, BofA agreed to a \$35

million settlement with borrowers that provides 75% of the escrow interest the bank allegedly failed to pay. BofA also agreed to enact changes to its policies and practices, and has begun paying escrow interest on all California residential mortgage escrow accounts.

VALEANT PHARMACEUTICALS INVESTOR FRAUD

We represent a number of BlackRock investment funds in an action in federal court in New Jersey, and a separate case in Quebec, against Valeant Pharmaceuticals International, Inc. (n/k/a Bausch Health) and the company’s former senior executives alleging a scheme to generate revenues through massive price increases for Valeant-branded drugs and through the company’s relationship with specialty



pharmacy Philidor Rx Services, LLC, which plaintiffs allege engaged in numerous improper practices. Considered a prime offender in the realm of hyper-inflated pharmaceutical drugs, Valeant is accused of charging patients grossly exorbitant amounts for certain life-saving medications.



RESTASIS ANTITRUST LITIGATION

Lieff Cabraser serves as Interim Co-Lead Counsel for indirect purchasers of the blockbuster dry-eye treatment drug Restasis in multidistrict litigation alleging a broad-based and ongoing anticompetitive scheme by Allergan Pharmaceuticals. Plaintiffs won a signal victory in May of 2020 when the Court certified a class of third-party payors and consumers and granted plaintiffs' motion to exclude two of the defendants'



experts. The Second Circuit denied defendants' appeal, and the litigation is ongoing.

BOFI HOLDING SECURITIES CLASS LITIGATION

We serve as Lead Counsel in shareholder derivative litigation against current and former senior officers of Bank of Internet Federal Bank charged with issuing false and misleading statements and failing to disclose adverse material facts about BofI's business, operations, and performance. In October 2020, the Ninth Circuit Court of Appeals reversed the District Court's dismissal of the case after finding that a related whistleblower suit and accounts by numerous other former employees adequately pleaded fraud and scienter on the part of the Bank and its CEO.

GOOGLE STREET VIEW PRIVACY VIOLATIONS

Lieff Cabraser serves as Plaintiffs' Liaison Counsel in federal litigation against Google arising out of the interception of private electronic communications by Google Street View mapping vehicles. In March 2020, the District Court granted final approval to a \$13 million *cy pres* settlement that will fund online privacy organizations and educate the public about encryption and network communications.



Dr. Katharina Kolb

LIEFF CABRASER MUNICH

In March 2020, we opened our first European office in Munich, Germany. Focused primarily on antitrust/competition business cases, the already-expanding office is led by new Lieff Cabraser partner Dr. Katharina Kolb.



2020 SOCIAL JUSTICE CASES

SUPPORTING THE MOST ECONOMICALLY VULNERABLE AMERICANS

Lieff Cabraser and the Equal Justice Society filed a lawsuit challenging the IRS and U.S. Treasury Department's improper withholding of CARES Act stimulus funds from over 1.5 million incarcerated Americans and their families. Judge Phyllis Hamilton of the federal Northern District of California certified a class and entered a permanent injunction stopping the government misconduct, ruling the policy of excluding incarcerated people from stimulus benefits was "arbitrary and capricious." In the aggregate, the judgment won for our clients may be the largest recovery on behalf of a purposefully disenfranchised group through a single lawsuit ever, securing over \$1.5 billion in economic assistance to date.

UPHOLDING THE RULE OF LAW AND CLEAN GOVERNMENT

Lieff Cabraser filed an amicus curiae brief in support of the petition for a writ of certiorari in *Blumenthal et al. v. Trump*—an action brought by Democratic members of the House and Senate alleging that President Trump violated the Foreign Emoluments Clause. The amicus brief, filed on behalf of sixteen scholars of standing, federal jurisdiction, and constitutional law, argued that the Democratic lawmakers had standing to pursue their claims for a violation of their rights, under the Emoluments

Clause, to approve or withhold consent before the President accepted payment and benefits from foreign governments while in office.

HELPING UNDOCUMENTED STUDENTS NEEDING SUPPORT TO CONTINUE SCHOOLING

Lieff Cabraser represented dozens of California community colleges (covering nearly 350,000 students) in amicus briefing seeking to stop the US Department of Education from imposing illegal eligibility requirements that would prevent undocumented students from receiving Congressionally-directed CARES Act funding. The federal court granted a preliminary injunction against the DOE.

LEGAL REPRESENTATION FOR REFUGEE AND MIGRANT CHILDREN

Lieff Cabraser represents unaccompanied refugee and migrant children in their immigration proceedings in partnership with non-profit national advocacy group Kids in Need of Defense (KIND), the leading proponent of the rights of undocumented, unaccompanied minors and refugee children in the U.S. We are proud to be able to be a part of KIND's mission of "Ensuring that no child appears in immigration court without high-quality legal representation."

PROTECTING VOTING RIGHTS FOR BLACK AND LATINX TEXANS

In July 2020, Lieff Cabraser filed a federal civil rights lawsuit on behalf of Mi Familia Vota, the Texas NAACP, and individual Texas voters challenging the constitutionality of the State's voting plans, which burdened the right to vote by requiring people to vote in-person during the COVID-19 pandemic in unsafe environments and had a disproportionate impact on Black and Latino Texas voters. Western District Court Judge Jason Pulliam granted a preliminary injunction for the plaintiffs, finding that the Governor's Executive Order exempting poll workers and voters from health and safety mask protocols during the November election was likely in violation of the Voting Rights Act. Despite this meaningful victory, the appeals court subsequently stayed Judge Pulliam's order without addressing the merits, on the basis that it was entered too soon before the election.

DEFENDING REPRODUCTIVE RIGHTS IN LOUISIANA & TENNESSEE

In December 2019, Lieff Cabraser filed an amicus brief in the United States Supreme Court on behalf of reproductive and racial justice scholars in support of June Medical Services' challenge to a 2014 Louisiana law placing draconian burdens

on access to abortion for Louisiana women of color. In particular, the law would have forced the termination of abortion services in all but a single clinic that would be wholly inadequate for the 10,000+ women seeking safe abortions in Louisiana every year. The Supreme Court struck down this law earlier this year. In addition, in December 2020, Lieff Cabraser filed an amicus brief on behalf of reproductive justice organizations in support of Memphis Center for Reproductive Health's challenge to a Tennessee abortion law that bans abortion before viability. The Tennessee law is one of the most restrictive abortion laws in the country and would disproportionately harm Black women and people of color.

ADVANCING THE NEEDS OF PUBLIC SCHOOL STUDENTS

In August 2020, Lieff Cabraser filed an amicus brief on behalf of public school districts in California, Georgia, Texas, and Virginia students in a lawsuit seeking to stop the United States Department of Education from improperly diverting over \$16 billion in CARES Act funds, intended to help public schools re-open through the COVID-19 pandemic, to better-funded private schools with more affluent students. The District Court entered a permanent injunction stopping the Department of Education's attempt to divert public money.

2020 ATTORNEY LEADERSHIP

KATHERINE LUBIN BENSON

Ninth Circuit Judicial Counsel, Lawyer Representative; Bar Association of San Francisco, Board of Directors; Northern District Practice Program, Board of Directors; East Bay Community Law Center, Board of Directors; BASF Antitrust and Business Regulation Section, Executive Committee

KENNETH S. BYRD

Tennessee Trial Lawyers Association, Board of Governors

ELIZABETH J. CABRASER

American Law Institute Council (emeritus); American Academy of Arts and Sciences, Membership Committee; Legal Aid at Work, Vice-Chair/ Executive Committee; Giffords Law Center To Prevent Gun Violence, Board of Directors; National Consumer Law Center Partners' Council, President; RAND Center for Catastrophic Risk Management and Compensation, Advisory Board; NYU School of Law Center on Civil Justice, Board of Advisors

MARK P. CHALOS

American Association for Justice Class Action Litigation Group, Vice-Chair; Tennessee Trial Lawyers Association, Vice-President; Lawyers Involved for Tennessee, Treasurer

LIN Y. CHAN

Committee to Support the Antitrust Laws, Vice President; Asian American Bar Association of the Greater Bay Area, Treasurer

KELLY M. DERMODY

Equal Justice Society, Board of Directors; ABA Labor and Employment Law Section, Chair-Elect; ABA Diversity & Inclusion Advisory Council, Member

NICHOLAS DIAMAND

Civil Justice Research Initiative, Advisory Board

PAULINA DO AMARAL

UC Hastings College of Law Foundation, Board of Trustees

ERIC B. FASTIFF

American Antitrust Institute, Advisory Board; ABTL Northern California, Board Member; BASF Litigation Section, Executive Committee

STEVEN E. FINEMAN

American Constitution Society, Board of Directors; Anti-Defamation League, NY/NJ Regional Board Chair, National Growth Committee, and Global Advisory Council; Stanford Law School Center on the Legal Profession, Advisory Board

WENDY R. FLEISHMAN

ABA Tort Trial & Insurance Section Pharma Med Bioscience General Committee, Vice-Chair; American Association for Justice, National Finance Committee

MELISSA GARDNER

California Women Lawyers, District Governor, Legislative Chair

RACHEL GEMAN

National Employment Lawyers Association-NY, Amicus Committee Chair; Labor & Employment Lexis Practice Advisor, Expert Advisory Panel

DEAN M. HARVEY

American Antitrust Institute, Advisory Board

LEXI J. HAZAM

American Association for Justice, Section on Qui Tam Litigation, Chair; Law360 Product Liability Editorial Advisory Board

LYDIA LEE

The Ruth Bader Ginsburg Inn of Court, Master; National Association of Public Pension Attorneys, Emeritus Board, Mentoring Committee and Defined Contribution Affinity Group

BRUCE LEPLA

National Association of Public Pension Attorneys, Securities Litigation Committee; Wall Street Lawyer, Editorial Board

SARAH R. LONDON

National Association of Women Judges, Resource Board Chair; Consumer Attorneys of California, Board of Directors

ANNIKA K. MARTIN

The Sedona Conference Working Group Series, Leadership Council

KELLY McNABB

American Association for Justice Section on Toxic Torts, Membership Liaison; The Sedona Conference WG1 Brainstorming Group on Discovery Sanctions, Member

PHONG-CHAU G. NGUYEN

Bar Association of San Francisco Barrister's Club, Board of Directors

JONATHAN D. SELBIN

Equal Justice Works, Board of Directors

NIGAR SHAIKH

Surveillance Technology Oversight Project, President

ANNE B. SHAVER

ABA Labor & Employment Section, Conference Vice-Chair; Equal Opportunity Committee, Employee-Side Co-Chair

TISEME ZEGEYE

The Lawyering Project, Advisory Board; ACS Bay Area Lawyer Chapter, Diversity Co-Chair; ABA L&E Section Member Engagement Committee, Employee-Side Co-Chair

2020 FIRM RECOGNITION

Best Lawyers® IN AMERICA

3 "Lawyers of the Year"
4 Future Excellence "Ones to Watch"
13 Tier 1 Firm Rankings
26 Professional Excellence Lawyers

THE AMERICAN LAWYER

"BOUTIQUE/SPECIALTY
FIRM OF THE YEAR
FINALIST"

THE NATIONAL LAW JOURNAL

"LITIGATION TRAILBLAZERS"

LAWDRAGON

500 LEADING LAWYERS

Lawdragon 500 Hall of Fame
5 "Top Employment Lawyers"
7 "Top 500 Lawyers"
8 "Top Consumer Lawyers"
16 "Top Financial Lawyers"

AMERICAN ANTITRUST INSTITUTE

"2020 OUTSTANDING
ANTITRUST LITIGATION
ACHIEVEMENT"

"2020 OUTSTANDING
ACHIEVEMENT BY A
YOUNG LAWYER"



"CALIFORNIA PLAINTIFF
FIRM OF THE YEAR"

RATED BY Super Lawyers®

41 Lief Cabraser
Attorneys Nationwide
Recognized by Super
Lawyers

THE RECORDER

"2020 CALIFORNIA
TRAILBLAZERS"

New York Law Journal

"2020 TRAILBLAZERS"

LAW360

"CALIFORNIA
POWERHOUSE"

Daily Journal

"TOP CALIFORNIA
ANTITRUST LAWYERS"

"TOP CALIFORNIA
EMPLOYMENT LAWYERS"

"TOP 100 LAWYERS IN
CALIFORNIA"

"TOP 40 UNDER 40"

"TOP WOMEN LAWYERS"

Lieff Cabraser Heimann & Bernstein

Attorneys at Law

San Francisco

275 Battery Street, 29th Floor
San Francisco, CA 94111
415.956.1000

New York

250 Hudson Street, 8th Floor
New York, NY 10013
212.355.9500

Nashville

222 2nd Avenue S., Suite 1650
Nashville, TN 37201
615.313.9000

Munich

Frauenplatz 2
Munich, Germany 80331
+49 89 25 55 2361