

**Lieff Cabraser**

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

“Representing the best  
qualities of the plaintiffs’ bar.”

*The National Law Journal*

## The Brief

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### Among the nation's largest and most highly regarded plaintiffs' law firms

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Assisted clients in recovering over **\$118 billion** in verdicts and settlements since the firm's founding in 1972

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87 attorneys in San Francisco, New York, Nashville, and Seattle

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*Best Lawyers and U.S. News have selected Lief Cabraser five times as a national "Law Firm of the Year" for mass tort class actions.*

## Landmark cases

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VW "Clean Diesel" consumer fraud litigation

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Apple, Google, & Intel tech workers wage suppression class action

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Attorney General multi-state tobacco litigation

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Bank of America & Wells Fargo overdraft fees

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Bank of NY Mellon FX rates manipulation

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BP Gulf of Mexico & Exxon Valdez oil spills

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Broadcom shareholders derivative action

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GM ignition switch, Toyota sudden acceleration, & Takata airbag defects

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Cipro pay-for-delay pharmaceutical cases

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Smith Barney, Abercrombie & Fitch, and Home Depot employment discrimination cases

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Swiss banks & insurance companies Holocaust cases

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Toshiba & LCDs price-fixing cases

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University of Phoenix False Claims Act case

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Vioxx & Fen-Phen prescription drug injuries

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# Champions of Justice

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**Justice.** A word that encompasses the concepts of fairness, equality, and moral rightness. Unfortunately, justice is an ideal most deeply understood when it is absent:

- When investors are misled by a company's financial reports;
- When a business deceives its customers, defrauds the government, or harms competing businesses and consumers through price-fixing or the misuse of monopoly power;
- When a corporation sells a dangerous or defective product;
- When a business refuses to hire or promote qualified members of an ethnic, racial, or gender group.

From the day our firm was founded 44 years ago to the present, the pursuit of justice has motivated all of us at Lief Cabraser. It is the engine that drives us to take a genuine, personal interest in your case and become heart-and-soul advocates for your rights.

### **We have what it takes to achieve justice:**

a large team of expert lawyers supported by substantial financial, personnel, and technological resources, possessing the determination, knowledge, experience, and skills developed in repeatedly prevailing in high-stakes cases against many of the world's largest corporations.

A handwritten signature in black ink, appearing to read "Steven E. Fineman".

**Steven E. Fineman**  
Managing Partner



“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**  
Partner & Chair of Personal Injury Practice Group



“Our passion is holding accountable those whose fraud and misconduct have robbed investors of billions, no matter how wealthy or powerful those responsible for the losses are.”

**Richard M. Heimann**  
Partner & Chair of Securities & Financial Fraud Practice Group



“Our attorneys make sure the truth is told and convince judges and juries that our client’s case is righteous.”

**Robert J. Nelson**  
Partner & Chair of Whistleblower Law Practice Group



“There is incredible value in not only bringing a company to justice but changing an entire industry.”

**Kelly M. Dermody**  
Managing Partner of the San Francisco Office & Chair of Employment Practice Group





Published annually by Thomson Reuters, *Super Lawyers* magazine selects top attorneys surveyed in each state, chosen by peers and through independent research.



The *National Law Journal* has selected our firm as one of the nation's top plaintiffs' law firms for 14 years. Awardees demonstrate "unusual dedication and creativity."



*Law 360* lists Lief Cabraser as one of the Most Feared Plaintiffs Law Firms in the U.S.

# What Achieving Justice Requires

## Deep Legal Talent and Resources

Winning against massive corporations takes top legal talent and sufficient financial resources to carry your case to a successful outcome at the negotiating table and in court.

Our attorneys receive top rankings year after year, teach at respected law schools, and hold leadership positions on critical cases and in prominent legal associations.

The firm's substantial assets enable us to hire the most effective experts, investigators, analysts, and support staff. We provide you with personal attention throughout your case and work hard to ensure that your interests prevail against powerful adversaries.

## Discernment and Determination

We review thousands of cases each year,

investigating and analyzing the facts and legal claims. We do not take every case that comes in the door. We take cases that are going to make a difference — to an individual, a family, or an entire industry. We ask, does this case provide some essence of social utility? Are we teaching people something from this case? Can we all learn from the case?

We recommend litigation only when we feel liability is clear and damages are recoverable. When we decide to pursue a case, we assume it will go to trial and commit the substantial financial resources required by civil litigation against opponents with their own talented counsel and vast corporate resources -- as we have in some of the most important civil cases in the United States over the past four and a half decades.

“Justice happens when an industry not only pays for its mistakes, but most importantly when it reforms its business practices.”

**Michael W. Sobol**  
Partner & Chair of Consumer Protection Practice Group



“All of our clients have suffered major losses. We never lose sight of their need to hold those responsible for their losses accountable.”

**Wendy R. Fleishman**  
Partner, Personal Injury Practice Group

“Justice is about making sure the playing field is as level as possible.”

**Jonathan D. Selbin**  
Partner & Chair of Defective Products Practice Group



## Top Rankings, Year After Year

The victories we have achieved for our clients place our litigators among the nation’s best. Over the past five years, we have been recognized in:

### *Benchmark Litigation*

*Best Lawyers (including Lawyers of the Year)*

*Best Lawyers/U.S. News Best Law Firms*

*California Lawyer Attorneys of the Year*

*Chambers USA (National Band 1 ranking)*

*Daily Journal’s Top Practice Groups*

*Daily Journal’s Top 100 Attorneys in California*

*Law 360’s Most Feared Plaintiffs’ Law Firms*

*Lawdragon’s Top 500 Plaintiffs’ Lawyers*

### *The Legal 500*

*Martindale Hubbell AV Preeminent Peer Review*

*The National Law Journal’s 100 Most Influential Lawyers in America*

*The National Law Journal’s Plaintiffs’ Hot List*

*The National Law Journal’s Plaintiffs’ Hot List Hall of Fame*

*Super Lawyers (including Top 100, Top 50 Female, and Top 10 Super Lawyers)*

*Super Lawyers Business Edition (Antitrust, Commercial, and Securities Litigation)*

# Justice for Consumers, Patients, and Businesses

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## Consumers

We have helped consumers across America stop deceptive and fraudulent business practices, obtain compensation for their losses, and change industry practices.

- We obtained record recoveries in class actions charging that banks manipulated the processing of debit card purchases to maximize overdraft fees, including a **\$203 million** award after trial against Wells Fargo Bank and a **\$410 million** settlement with Bank of America.
- We have spearheaded a series of groundbreaking class actions under the Telephone Consumer Protection Act. The settlements in these cases have collectively put a stop to tens of millions of harassing calls by debt collectors and others and resulted in the recovery of over **\$270 million** by consumers across America.
- We have achieved more than **\$4.7 billion** in settlements for millions of consumers who bought defective products, including faulty building materials, cars, major appliances, and computers.
- We played a significant role in negotiating a **\$1 billion** settlement with Sulzer Orthopedics after it recalled tens of thousands of faulty hip and knee implants.
- We represented nearly 200 patients nationwide with recalled ASR hip implants manufactured by DePuy Orthopedics/Johnson & Johnson, and have recovered over **\$40 million** in compensation for these clients. In 2013, Johnson & Johnson announced its agreement to pay at least \$2.5 billion to resolve thousands of patient claims. In 2015, J&J agreed to pay nearly **\$400 million** more to resolve claims coming after the 2013 settlement. Payments under the settlements are continuing in 2016.

## Patients

Our firm has played a leading role in many of the most important personal injury and wrongful death cases in the United States in the last 44 years.

- We represented over 2,000 individuals who suffered heart or lung diseases following exposure to Fen-Phen, and obtained more than **\$350 million** in total for clients in individual cases and claims.

## Businesses

The power of dominant corporations to fix prices, restrict supply, stifle innovation, and harm smaller companies, entrepreneurs, governments, and consumers gave rise to the nation's first antitrust laws more than a century ago. Through focused litigation and innovative settlements, we resolve complex cases, recover damages for our clients, and restore fairness to the marketplace.

At the same time, we are fully committed and prepared to take cases to trial. In the Liquid Crystal Display antitrust litigation, we obtained a jury verdict for multiple business clients against Toshiba Corporation for participating in a global conspiracy to fix prices. Settlements in the overall litigation totaled **\$470 million**.

# Judicial Praise

This was an extraordinary case in which plaintiff's counsel performed, at no small risk, an extraordinary service. They were fought tooth and nail at every step of the road. This was an outrageous wrong, and plaintiffs' counsel deserve a world of credit for taking it on, for running the risk, for financing it and doing a great job.

—U.S. District Court Judge Lewis A. Kaplan  
on the *Bank of NY Mellon* exchange rate fraud settlement

## A Passion for Justice

Robert Lieff founded our firm in 1972 with an interest in achieving justice for large groups of people through a new mechanism: the class action. "There were no class actions at the time, just small individual cases," Lieff states.

Elizabeth Cabraser joined forces with Lieff in 1978. They quickly developed a national reputation for litigating complex civil cases and class actions. In the 1980's, Richard Heimann joined the firm as a name partner. In 1995, William Bernstein became a name partner. Soon thereafter, Lieff Cabraser Heimann & Bernstein, LLP, began to serve in leadership roles in many of the nation's most significant class actions and individual lawsuits. Today, our firm has a comprehensive and diverse practice that is unique among plaintiffs' law firms.

"We care for the underdog and possess a passion for Justice," Lieff responds when asked what are the key characteristics of the firm. "In our country the law belongs to the people. That is our heritage, and our right," Cabraser adds. "We're here to help people stand up for themselves and for each other and to use our courts to obtain justice."



TOP PHOTO: Robert Lieff & Elizabeth Cabraser • BOTTOM PHOTO: Robert Lieff, Elizabeth Cabraser, Richard Heimann, & William Bernstein

# Justice for Employees and Investors

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## Employees

Discrimination and wage theft are rampant in the workplace. Lief Cabraser has stood up for hundreds of thousands of employees in class actions, recovering damages, back pay, overtime pay, and retirement benefits, and ending discriminatory and illegal employment practices.

- We achieved settlements in **gender and race discrimination cases** in the financial services, retail, and other large industries, including against **Home Depot** (\$87 million settlement), **FedEx Express** (\$55 million settlement), and **Abercrombie & Fitch** (\$50 million settlement). These settlements included substantial injunctive relief to ensure greater employment and advancement opportunities going forward.
- We spearheaded ground-breaking litigation on behalf of a class of over 64,000 skilled technical and creative workers at **Apple, Google**, and other tech industry leaders for **conspiring to suppress wages**. The \$435 million in settlements approved by the Court constitute the largest recovery ever for employees bringing antitrust claims.
- We have obtained substantial settlements for technical support workers seeking **unpaid overtime** due to misclassification as salaried exempt employees, including IT workers at **IBM** (\$65 million settlement), **Computer Sciences Corp.** (\$24 million settlement), **Wells Fargo** (\$13 million settlement), and **AT&T** (\$12 million settlement).
- We have helped **pension and health and welfare benefit plans** that represent tens of thousands of workers recover losses, including at **AXA** (\$65 million settlement).

## Investors

Financial fraud and corporate misconduct have robbed investors of billions. Holding those responsible for these losses accountable has been a hallmark of our firm since its founding.

We have obtained **recoveries for institutional investors**, including some of the nation's largest pension funds, in direct securities fraud actions. Awards in these cases have been far greater than what the funds would have recovered had they remained in related class cases. We also represent **private investors, private funds, and Taft-Hartley funds**.

- Lief Cabraser served as Lead Counsel in a **shareholders derivative action** arising out of stock options backdating in **Broadcom securities**. The total recovery in the derivative action was \$197 million, the third-largest settlement ever in a derivative action involving stock options backdating.
- Lief Cabraser served as co-lead class counsel for a proposed class of **institutional custodial customers of BNY Mellon** over an alleged decade-long deception on foreign currency exchange overcharges. In September 2015, final approval was granted to a global resolution of the actions in which \$504 million was paid back to BNY Mellon customers, \$335 million of which is directly attributable to the class litigation.



“Justice serves as my moral compass.”

**Sharon M. Lee**  
Partner, Securities & Financial  
Fraud Practice Group



“Justice is giving access to the legal system, trying to right wrongs that victims have suffered, be they people, governments, or companies.”

**Eric B. Fastiff**  
Partner & Chair of Antitrust &  
Intellectual Property Practice  
Group



“Justice requires meaningful change, and we demand that change for our clients.”

**Daniel M. Hutchinson**  
Partner, Employment Practice  
Group



# Justice for All

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## Environmental Law

We have fought for justice for victims of environmental catastrophes nationwide. Our notable cases include the litigation over the **Exxon Valdez oil disaster**, the Kingston, Tennessee TVA coal ash spill, the Toms River childhood cancer cases, and the **BP Gulf of Mexico oil spill**.

## Civil and Human Rights

We played a leading role in litigating claims by **Holocaust survivors against banks**, insurance companies, manufacturers, and other entities that profited from prosecuting Jews and other minority groups during WWII. We **donated our attorneys' fees** of \$1.5 million in the Swiss Banks case to endow a clinical human rights chair at Columbia Law School.

## Whistleblower Law

We represent individuals who “blow the whistle” on acts of fraud committed against the government. In the **University of Phoenix** case, we served as Lead Plaintiffs' Counsel for two former enrollment counselors who alleged that the school knowingly misled the U.S. Department of Education to improperly make its students eligible to collect financial aid. The case settled for \$78 million, a record amount in a False Claims Act case for defrauding the Department of Education.

We have also successfully brought lawsuits for whistleblowers against **Office Depot** (\$77 million settlement), **Sutter Health** (\$46 million settlement), and defense contractor **ATK** (\$37 million settlement).

“Our clients play the most important role in seeking justice by simply defending their rights—whether as employees, consumers, whistleblowers, or in countless other ways.”

**Nimish R. Desai**  
Partner, Whistleblower Law Practice Group



“We stand with courageous whistleblowers in fighting against fraud that undermines essential government services and robs taxpayers.”

**Lexi J. Hazam**  
Partner, Whistleblower Law & Personal Injury Practice Groups



“We hold wrongdoers accountable, standing up to some of the most powerful interests in the world.”

**Mark Chalos**  
Nashville Office Managing Partner, Personal Injury & Defective Products Practice Groups



## Justice: More than Money

We help our clients get a fair hearing—a place and time where their story will be heard with fairness and respect.

While financial recoveries and settlements for our clients are a key focus of our practice, we also work vigorously to protect others from harm. By obtaining injunctions, settlements, and robust consent decrees, we have assisted our clients in forcing defendants to alter products, adopt safer procedures, end discrimination, and halt fraudulent business practices. Examples include:

- Mandated recall of 3.8 million Chrysler minivans to replace rear latches. Prior to the recall, an estimated 37 passengers—more than half of them children—died in accidents when they were ejected from the rear of the minivans.
- Settlements with numerous companies requiring them to increase pay

and promotion opportunities for underrepresented workers, to institute policies to prevent race and gender discrimination, and to increase workplace diversity.

- The recall of 650,000 Doral Asia cribs after we alerted the Consumer Product Safety Commission to infant suffocation hazards.
- An injunction requiring Kindred Healthcare to significantly upgrade their staffing to ensure compliance with California law in a case where a class of 54,000 current and former residents of skilled nursing care facilities sued over pervasive, intentional, and dangerously inadequate staffing levels in multiple California care facilities.
- An enhanced 20-year warranty of free service for consumers sold allegedly defective high-efficiency Carrier furnaces.

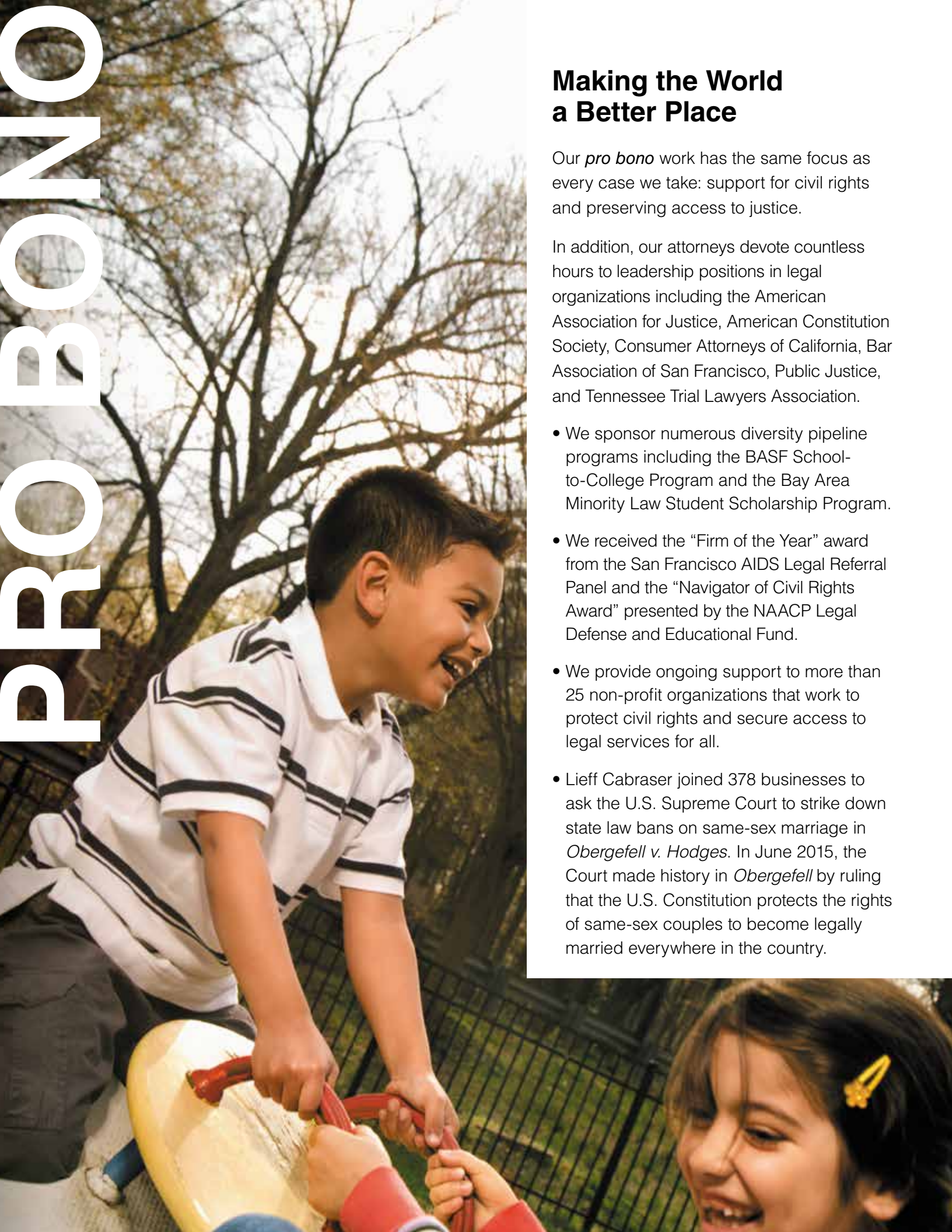
# PRO BONO

## Making the World a Better Place

Our *pro bono* work has the same focus as every case we take: support for civil rights and preserving access to justice.

In addition, our attorneys devote countless hours to leadership positions in legal organizations including the American Association for Justice, American Constitution Society, Consumer Attorneys of California, Bar Association of San Francisco, Public Justice, and Tennessee Trial Lawyers Association.

- We sponsor numerous diversity pipeline programs including the BASF School-to-College Program and the Bay Area Minority Law Student Scholarship Program.
- We received the “Firm of the Year” award from the San Francisco AIDS Legal Referral Panel and the “Navigator of Civil Rights Award” presented by the NAACP Legal Defense and Educational Fund.
- We provide ongoing support to more than 25 non-profit organizations that work to protect civil rights and secure access to legal services for all.
- Loeff Cabraser joined 378 businesses to ask the U.S. Supreme Court to strike down state law bans on same-sex marriage in *Obergefell v. Hodges*. In June 2015, the Court made history in *Obergefell* by ruling that the U.S. Constitution protects the rights of same-sex couples to become legally married everywhere in the country.



“Law Firm of the Year”

– *Best Lawyers/U.S. News*

“Most Feared Plaintiffs’ Law Firms”

– *Law 360*

“Plaintiffs’ Hot List”

– *The National Law Journal*

“A Giant–Slayer”

– *The Recorder*

“If it’s high-profile, high-dollar mass torts and class actions, it’s a good bet that Lief Cabraser Heimann & Bernstein is on the case.”

– *The National Law Journal*

“A Top 10 Plaintiffs Firm...hardest working and ethical.”

– *Benchmark Litigation*

Disclaimer: The outcome of your legal matter will depend upon the facts and applicable law of your case. Prior results do not guarantee a similar outcome.

# Lieff Cabraser Heimann & Bernstein

Attorneys at Law

## San Francisco

275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339  
415.956.1000

## New York

250 Hudson Street, 8th Floor  
New York, NY 10013-1413  
212.355.9500

## Nashville

222 2nd Avenue South, Suite 1640  
Nashville, TN 37201  
615.313.9000

## Seattle

2101 Fourth Avenue, Suite 1900  
Seattle, WA 98121-2315  
206.739.9059

LieffCabraser.com  
Facebook.com/LieffCabraser  
@LieffCabraser