

Annika K. Martin

PARTNER

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Annika K. Martin is a partner in the firm's New York office and head of the firm's Sexual Abuse Survivors Practice Group. She has represented plaintiffs since 2005 in environmental, mass tort, consumer protection, and sexual abuse cases.

In May 2020, Annika was appointed Interim Class Counsel for the plaintiffs in the University of Michigan / Dr. Robert E. Anderson sexual abuse litigation pending before Judge Victoria A. Roberts in the United States District Court for the Eastern District of Michigan.

Annika also serves as court-appointed Co-Lead Class Counsel representing women who were sexually abused by gynecologist George Tyndall, M.D., in a class action against Tyndall and the University of Southern California. Plaintiffs and class members are women who saw Tyndall at the USC Student Health Clinic during his tenure there. From 1989 through 2016, Tyndall was the only full-time gynecologist on staff at USC's Student Health Clinic. The lawsuit alleges Tyndall used this position of trust and authority to repeatedly sexually abuse the Plaintiffs and potentially thousands of other class members, and that despite that USC received numerous complaints of Tyndall's sexually abusive behavior, dating back to at least the year 2000, USC actively and deliberately concealed Tyndall's sexual abuse for years, continuing to grant Tyndall unfettered sexual access to the female USC students in his care.

This case is of particular importance to Annika because she herself is an alumnus of USC's law school. On behalf of Tyndall's victims, Annika helped negotiate a \$215 million settlement with USC and Dr. Tyndall; the settlement also requires USC to make sweeping institutional changes to ensure something like this never happens again on campus. The settlement received final approval from the court in February 2020. See <https://www.usctyndallsettlement.com/>.

Annika represents clients in the class action lawsuit against Devereux Advanced Behavioral Health alleging sexual and other abuse of children in Devereux's care, and also represents two former students in their lawsuits against The Hotchkiss School. John Doe's suit alleges that, during his two years at the Hotchkiss School in the 1980s, John Doe was subjected to ritual hazing of a sexual nature by older student-proctors and was raped by a male teacher who was known to the School as a pedophile who had abused numerous other male students at the School. Richard Roe's suit alleges that, during Roe's time as a student at the School in the

1990s, that same male teacher groomed and sexually assaulted Roe in much the same way as he had Doe.

Annika serves as court-appointed Co-Lead counsel in *In re General Motors Corp. Air Conditioning Marketing and Sales Practices Litigation*, MDL 2818, representing owners and lessees of certain GM trucks with allegedly defective air conditioning systems that repeatedly fail and cost thousands of dollars to repair each time. She represents Mercedes owners and lessees in an automotive defect lawsuit against Mercedes-Benz alleging sudden total car battery failures in 2004-2022 models across the MB vehicle line, and represents owners and lessees of Ford F-150 trucks in litigation relating to sudden and potentially fatal brake failures.

Annika represents consumers in class action lawsuits filed in federal courts in California and Georgia against Mercedes-Benz USA and Daimler AG over allegations that defects in the vehicle HVAC systems lead to the growth of noxious mold that spews extremely unpleasant odors throughout the vehicles during use. The lawsuit seeks an effective permanent fix for the problem, as well as monetary damages for affected Mercedes-Benz owners and lessees. Watch a report from WSB-TV in Atlanta, Georgia on the Mercedes-Benz AC Mold litigation.

Annika also represents the residents of Benton Harbor, Michigan in the federal public health emergency litigation arising from the poisoning of the Benton Harbor water supply from lead, bacteria, and other contaminants.

Annika's previous successes include the class action litigation against BP, Transocean, Halliburton, and the other companies responsible for the Deepwater Horizon oil rig blowout in the Gulf of Mexico and the worst oil spill in U.S. history. Among other significant roles, Annika was a key member of the small team that negotiated settlements that have paid out over \$11.6 billion so far to compensate individuals and businesses across the Gulf Coast harmed by the Spill.

Annika also served as court-appointed Pro Se Liaison counsel in *In re New England Compounding Pharmacy Products Liability Litigation*, MDL 2419, the Multidistrict Litigation arising out of the 2012 meningitis outbreak caused by contaminated medication manufactured by New England Compounding Pharmacy (NECC). Annika's work helped result in settlements totaling \$227.8 million with NECC and the hospitals and clinics that unlawfully purchased and administered contaminated medication to the victims.

Annika's published works include "Stick a Toothbrush Down Your Throat: An Analysis of the Potential Liability of Pro-Eating Disorder Websites," *Texas Journal of Women & the Law*, Volume 14 Issue 2, Spring 2005 and "How to Stop Worrying and Love Predictive Coding," *Trial Magazine*, January 2016.

An active member of the legal community, Annika is past Chair of the Class Action Litigation Group within the American Association for Justice. Annika serves on the Leadership Council for the Sedona Conference's Working Group 1 (Electronic Discovery Retention and Production), and co-founded the Complex Litigation E-Discovery Forum, an annual e-discovery conference for plaintiffs-side complex litigation practitioners. Annika speaks and writes regularly on issues of class actions, mass torts, e-discovery, and diversity in legal practice.

In 2018, Annika won a Certificate of Recognition from the American Association for Justice. The rarely-given award acknowledges AAJ members who have made important and unique contributions to the organization through membership, education, leadership, and/or fundraising to sustain and strengthen the AAJ.

Areas of Practice

Antitrust & Intellectual Property, Consumer Protection, Defective Products, Environmental Law, Personal Injury & Mass Torts

Education

University of Southern California Law Center, Los Angeles, California, J.D. - 2004

Honors: Jessup Moot Court

Law Review: Review of Law & Women's Studies

Medill School of Journalism, Northwestern University, Evanston, Illinois, B.S.J. - 2001

Stockholm University, Stockholm, Sweden, 1999

Bar Admissions

New York, 2005

U.S. Court Of Appeals, 6th Circuit, 2022

U.S. Court Of Appeals, 9th Circuit

U.S. District Court, District of Colorado, 2019

U.S. District Court, Eastern District of Michigan

U.S. District Court, Western District of Michigan, 2014

U.S. District Court, Eastern District of New York, 2005

U.S. District Court, Southern District of New York, 2005

Professional Associations and Memberships

American Association for Justice (Co-Chair, Class Action Litigation Group, 2016-2017)

American Association for Justice (Steering Committee of the Public Education Committee)

Barrister of the New York American Inn of Court

Emory University Law School Institute for Complex Litigation & Mass Claims (Next Generation Advisory Board Member)

Georgetown Law Advanced E-Discovery Institute (Advisory Board and Planning Committee)

New York City Bar Association

New York County Lawyer's Association

New York State Bar Association

Swedish American Bar Association

The Sedona Conference Working Group 1 (Leadership Council)

Published Works & Appearances

"Tackling the Exploited Teen Industry," Spring 2023 Mass Torts Made Perfect Conference – April 11, 2023

"eDiscovery 2022: Year in Review," Live CLE Webinar Panel – January 25, 2023

Complex Litigation E-Discovery Forum (CLEF) Annual Conference – May 5, 2022

Speaker, "Crafting Meaningful Sexual Harassment Settlements," Berkeley Law Sexual Harassment in Education Conference, October 29, 2021

"Understanding Nuances of Civil Sexual Assault Lawsuits, Pursuing Criminal Charges and Lessons Learned," Practising Law Institute Chronicle, Item # 337305, co-author – September 22, 2021

Faculty Member, "Understanding Nuances of Civil Sexual Assault Lawsuits, Pursuing Criminal Charges and Lessons Learned," Practising Law Institute Webcast, June 23, 2021

Speaker, "Prevention Education Programs: Is Behavior Actually Changing," Berkeley Law Sexual

Harassment in Education Virtual Conference, January 29, 2021

Interview re #MeToo in Corporate Culture, AgendaWeek – March 20, 2020.

Duke University Mass Tort MDL Certificate Program, faculty – March 11-13, 2020.

“Lessons from the USC Tyndall Sex Abuse Litigation,” Women Trial Lawyers’ Caucus Leadership Summit, speaker – New Orleans, February 7, 2020.

“Plaintiffs’ Side Litigation,” University of California Public Service Law Conference, panelist – Irvine, CA, January 25, 2020

“How to Get the Most Out of Your Most Valuable Assets,” AAJ Class Action Seminar, speaker – New York, NY, December 5, 2019

“Information Exchange and Effective Use of Rule 34,” AAJ Overcoming Obstructionist Discovery, speaker – Washington, DC, November 21, 2019

Complex Litigation E-Discovery Forum, co-founder and producer; also speaker on “2019 Discovery Case Law Update” – Minneapolis, MN, September 20, 2019

Faculty Member, “Mass Tort MDL Certificate Program,” Duke Law School Bolch Judicial Institute, March 13-15, 2019

Speaker, “Certifying a Class on Women’s Issues – Pay Equity, Sexual Assault, and More,” Women’s Issues in Litigation Conference, Santa Monica, CA, October 25, 2018

Co-founder and Producer, “Complex Litigation E-Discovery Forum; Speaker, “Proportionality: What’s Happened since the Amendments,” Minneapolis, MN, September 28, 2018

Producer & Speaker, “Getting the Most Out of Your Team,” AAJ Class Action Litigation Group CLE, Denver, CO, July 18, 2018

Speaker, “Careful What You Wish For: Protecting Data Security in Discovery,” ABA 12th Annual National Institute on E-Discovery, Chicago, IL, May 18, 2018

Speaker, “Class Certification,” HB Class Action Mastery Conference, New York, NY, May 9, 2018

Producer & Faculty Member, AAJ Effective Legal Writing Workshop, New York, NY, April 12-13, 2018

Co-Editor-in-Chief, “The Sedona Conference Federal Rule of Civil Procedure 34 Primer,” 19 Sedona Conf. J. 447, March 2018

Speaker, “Lawyers as Managers,” Emory Law’s Institute for Complex Litigation & Mass Claims Leadership Conference, January 2018

Speaker, “From Terabytes to Binders: Fusing Discovery and Advocacy Strategies,” Georgetown Law’s 14th Annual Advanced eDiscovery Institute, November 2017

Co-Editor-in-Chief & Steering Committee Liaison, “The Sedona Conference Federal Rule of Civil Procedure 34 Primer,” The Sedona Conference Working Group Series, September 2017

Drafting Team Member, “The Sedona Conference Commentary on Proportionality in Electronic Discovery,” The Sedona Conference Journal, Volume 18, May 2017

Producer & Moderator, “The Future of Class Actions,” AAJ Class Action Litigation Group seminar – Nashville, TN, May 11, 2017

Producer & Speaker, “Examining Amended Rule 34,” The Sedona Conference Working Group 1 Mid-Year Meeting – Minneapolis, MN, May 4-5, 2017

Speaker, “The Economic Influence and Role of the Class Representative – Ethical and Policy Issues,” Class Action Money & Ethics Conference – New York, NY, May 1, 2017

Producer & Speaker, “Diversity in Law: The Challenges and How to Overcome Them,” AAJ Education webinar, March 27, 2017

Co-chair, “Staying Ahead of the eDiscovery Curve: Retooling Your Practice Under the New Federal Rules,” 10th Annual Sedona Conference Institute Program on eDiscovery, March 2-3, 2017

Faculty Member, "The Sedona Conference eDiscovery Negotiation Training: Practical Cooperative Strategies," Miami, FL, February 8-9, 2017

Speaker, "Proportionality: What's Happened since the Amendments," Western Trial Lawyers Association CLE, Steamboat Springs, CO, February 2017

"Quality In, Quality Out," Trial Magazine, January 2017

Testified before the Federal Rules Advisory Committee concerning proposed amendments to Federal Rule 23, Phoenix, AZ, January 4, 2017

Profiled in "Women of Legal Tech: From Journalism to Law", LegalTech News – December 8, 2016

Speaker, "Closure Mechanisms," Federal Judicial Center / Judicial Panel on Multidistrict Litigation Conference, Atlanta, GA, December 15, 2016

Speaker, "Getting Selected for Leadership – What Decisionmakers Look For and How to Overcome Common Barriers," Emory Law Institute for Complex Litigation & Mass Claims, Atlanta, GA, December 14, 2016

Producer & Speaker, "Mitigating Explicit and Implicit Bias in Associate Recruitment and Retention," AAJ Hot Topics: Diversity in the Law, Charlotte, NC, November 30, 2016

Speaker, "The New Rules x 1 Year: Sanctions," Georgetown Law Advanced E-Discovery Institute, Washington DC, November 10-11, 2016

Faculty Member, AAJ Effective Legal Writing Workshop, Washington DC, November 3-4, 2016

Speaker, "Proportionality under the Amended FRCP 26", Complex Litigation E-Discovery Forum, Minneapolis, MN, September 25, 2016

Speaker, "Proportionality: What's Happened since the Amendments," Complex Litigation E-Discovery Forum, Minneapolis, MN, September 23, 2016

Moderator, "Who Will Write Your Rules—Your State Court or the Federal Judiciary?," Pound Civil Justice Institute Forum for State Appellate Court Judges, Los Angeles, CA, July 23, 2016

Producer, Moderator & Speaker, "Dissecting the U.S. Supreme Court Decision in Spokeo, Inc. v. Robins," American Association for Justice webinar, May 26, 2016

Moderator & Speaker, "Consumer Class Actions," HB Litigation Conference, San Juan, PR, May 4, 2016

Faculty Member, The Sedona Conference eDiscovery Negotiation Training: Practical Cooperative Strategies, Washington, DC, March 1-2, 2016

Producer & Speaker, "The 2015 Amendments to the Federal Rules of Civil Procedure," New York, NY, February 9, 2016

"How to Stop Worrying and Love Predictive Coding," Trial Magazine, January 2016

Speaker, "How Will New Rule 26(b)(1) on Proportionality Impact Search and the Use of Search Technology?," Innovation in E-Discovery Conference, New York, NY, December 9, 2015

Speaker, "New Forms of Communication," Innovation in E-Discovery Conference, New York, NY, December 9, 2015

Speaker, "2015 Amendments to Federal Civil Rules," Tennessee Bar Association CLE, Nashville, TN, December 2, 2015

"Discovery Proportionality Guidelines and Practices," 99 Judicature, no. 3, Winter 2015, at 47–60 (Complex Litigation Drafting Team Leader)

Speaker, "Check Your Sources: Understanding the Technical Aspects of Data Collection", Georgetown Advanced E-Discovery Institute, Washington, DC, November 19, 2015

Speaker, "The Contentious Battle over Search Protocols in e-Discovery", Association of Certified E-Discovery Specialists webinar, October 8, 2015

Speaker, "Proportionality in Preservation and Discovery," The Sedona Conference Working Group 1 Mid-Year Meeting, Dallas, TX, April 30, 2015

Speaker, "Ethical Challenges in eDiscovery: Representing Clients Responsibly," The Sedona Conference Institute, Nashville, TN, March 20, 2015

Speaker, "Issue Classes under Rule 23," Western Trial Lawyers Association CLE, Squaw Valley, NV, February 2015

Speaker, "Issue Classes under Rule 23," American Association for Justice Winter Convention, Palm Desert, CA, February 24, 2015

"An Introduction to Issue Classes under Rule 23(c)(4)," American Association for Justice Winter Convention published materials, February 2015

Speaker, "Shifting and Sharing the Costs of Preservation and Discovery: How, When, and Why," Bloomberg BNA webinar, November 18, 2014

Speaker, "Application of Proportionality in Preservation and Discovery," The Sedona Conference All Voices Meeting, New Orleans, LA, November 5, 2014

Speaker, "A Tour of TAR (Technology-Assisted Review)," Twawe Sedona Conference All Voices Meeting, New Orleans, LA, November 7, 2014

Speaker, "Data Privacy and Security Are Front and Center in Litigation News – Substantive Claims and eDiscovery Issues Abound," Georgetown Advanced E-Discovery Institute, Tysons Corner, VA, November 21, 2014

Interviewed re class action litigation regarding defective products on China Central Television for China's national "Consumer Protection Week" feature programming – CCTV, March 15, 2014

Organizer & Speaker, "Introduction to TAR," Lieff Cabraser Heimann & Bernstein CLE, New York, NY, August 18, 2014

Speaker, "Motions to Strike Class Allegations Using 'Predominance'," Strafford webinar, August 6, 2014

"Wit and Wisdom," Trial Magazine, Volume 49, No. 12, December 2013

Speaker, "Status of Subsistence Claims in BP Oil Spill Settlement," American Association for Justice Annual Convention, San Francisco, CA, July 2013

"Stick a Toothbrush Down Your Throat: An Analysis of the Potential Liability of Pro-Eating Disorder Websites," Texas Journal of Women & the Law, Volume 14 Issue 2, Spring 2005

"The Gift of Legal Vision," USC Law, Spring 2003

"Welcome to Law School," monthly column on www.vault.com, 2001 – 2004

Honors and Awards

Selected for inclusion by peers in The Best Lawyers in America in field of "Personal Injury Litigation – Plaintiffs," 2021-2025

"Lawdragon 500 Leading Plaintiff Consumer Lawyers in America," Lawdragon, 2019-2024

"Lawdragon 500 Leading Lawyers in America," Lawdragon, 2020-2024

"Super Lawyer for New York Metro," Super Lawyers, 2018-2024

"Top 10 Leading Lawyers Shaping E-Discovery and Information Governance Nationwide," Business Today, 2023

"Elite Women of the Plaintiffs Bar," National Law Journal, 2021

"40 and Under Hot List," Benchmark Litigation, 2018-2020

“Litigation Trailblazer,” The National Law Journal, 2020

“Lawdragon 500 Leading Plaintiff Financial Lawyers in America,” Lawdragon, 2019

“Rising Star for Class Action Law,” Law360, 2018

Certificate of Recognition, American Association for Justice, 2018

“Leaders in the Field – Litigation: E-Discovery,” Chambers USA, 2017

“Rising Star for New York Metro,” Super Lawyers, 2013-2015

“Wiley W. Manuel Award for Pro Bono Legal Services,” awarded by the State Bar of California for voluntary provision of legal services to the poor, 2005