

2015

Year In Review

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

2015

Working to Achieve

▶ *Office Depot False Discount Pricing*

Lieff Cabraser and co-counsel represented a whistleblower and municipal intervenors in a California fraud suit against Office Depot for widespread pricing misconduct. In February 2015, the court approved a \$77.5 million California whistleblower law settlement.



▶ *American International Group*

Lieff Cabraser represented the Regents of the University of California and a prominent family of mutual funds against American International Group in litigation involving alleged violations of the federal securities laws arising out of the financial crisis of 2007 - 2009. The cases settled on confidential, favorable terms in 2015.

▶ *Lusardi v. McHugh, Secretary of the Army*

Tamara Lusardi transitioned from male to female while working as a civilian employee



for the Department of the Army. After innovative work by Lieff Cabraser and the Transgender Law Center, the EEOC ruled in April 2015 that Ms. Lusardi was subjected to disparate treatment and harassment based on sex in violation of federal law. The case raised some of the most common forms of harassment faced by transgender employees.

▶ *DePuy ASR Hip Implant Litigation*

Lieff Cabraser represents over 150 patients who received a recalled DePuy ASR metal-on-metal hip and required surgical revision when the hip failed. In 2013, DePuy agreed to a settlement with an estimated value of over \$2.5 billion for qualifying revision cases. Lieff

Justice Now

Cabraser serves on the Plaintiffs' Steering Committee in the DePuy MDL and has recovered over \$40 million for the firm's clients.

automated cell phone calls. We have helped recover more than \$200 million in TCPA lawsuits against Sallie Mae, Bank of America, Bank of the West, and numerous other companies.

Abusive Robocall & Text Cases

Lieff Cabraser represents consumers who received harassing unconsented

Supreme Court Affirms Marriage Equality Nationwide

Early this year, Lieff Cabraser joined 378 businesses to ask the United States Supreme Court to strike down state law bans on same-sex marriage in *Obergefell v. Hodges*. In June 2015, the U.S. Supreme 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.

Cipro Cases I and II

Lieff Cabraser represents California consumers and third party payors in a class action lawsuit charging 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. In May 2015, the California

Supreme Court reversed a summary judgment grant and resoundingly endorsed consumers' right to challenge pay-for-delay pharmaceutical settlements under California competition law.

Bosch Front-Loading Washer Mold

Lieff Cabraser represented consumers nationwide in a class action against Bosch alleging certain front-loading Bosch and Siemens washers accumulated biofilm, mold,



mildew, and bacteria, producing foul odors. In July 2015, the Court approved a favorable settlement of the action.

▶ **High-Tech Employee Antitrust Litigation**

Lieff Cabraser served as Co-Lead Counsel for plaintiffs in a consolidated class action charging Adobe, Apple, Google, Intel, Intuit, Lucasfilm, and Pixar in a widespread conspiracy to suppress the pay of over 60,000 technical, creative, and other salaried employees. In September 2015, a \$415 million settlement of the action with Apple, Google, Intel, and Adobe was approved. With an earlier \$20 million Pixar, Intuit, and Lucasfilm settlement, this recovery constitutes the largest in history of employment-setting antitrust claims.



▶ **Takata Airbags**

Lieff Cabraser serves on the Plaintiffs' Steering Committee in ongoing national litigation against Takata Corporation and major auto manufacturers in the wake of a 34 million vehicle recall (the largest in U.S. history) over dangerously defective airbags that can potentially explode with lethal impact in an accident. The lawsuit charges Takata concealed secret tests showing dangerous airbag flaws,

placing millions of drivers and passengers at risk.

▶ **BP Oil Spill Litigation**

In 2015, the Deepwater Horizon settlement continued to provide economic and medical relief to hundreds of thousands of individuals and businesses in the Gulf Coast area whose lives and livelihoods were impacted by the 2010 drill rig explosion, which killed 11 workers and caused

the largest oil spill in U.S. history. In December 2015, the settlement administrator noted that 110,000+ claims led to payouts exceeding \$6.3 billion.

▶ **Engle Tobacco Cases**

Lieff Cabraser represented Florida smokers and their families in litigation against the tobacco companies over their 50-year conspiracy to conceal the hazards of smoking and the addictive nature of cigarettes. In October 2015, a \$100 million settlement of more than 400 Florida smoker lawsuits



against major cigarette companies Philip Morris, R.J. Reynolds, and Lorillard received final approval.

 **Bank of New York Mellon FOREX Litigation**

Lieff 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 overcharges imposed by BNY Mellon on foreign currency exchanges in custodial customers' foreign securities transactions. In September 2015, final approval was granted to a global resolution of the actions in which \$504 million will be paid back to BNY Mellon customers, \$335 million of which is directly attributable to the class litigation.

“This really was an extraordinary case in which plaintiffs’ 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 committed by the Bank of New York Mellon, 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 BNY Mellon Settlement

 **Sony Data Breach Class Action**

After personal information from over 47,000 Sony Pictures employees was stolen and posted on the Internet, Lieff Cabraser and co-counsel brought a class action alleging the company failed to take reasonable measures to secure the data of its employees. In October 2015, an \$8 million settlement was

reached under which Sony will reimburse employees for losses and harm.

 **VW, Audi & Porsche Diesel Emissions**

Lieff Cabraser represents VW, Audi, and Porsche diesel owners in nationwide federal class action suits seeking restitution and compensatory, exemplary, and punitive damages to rectify the harm caused by Volkswagen’s corporate misconduct.

 **Biotechnology Value Fund v. Celera**

Lieff Cabraser represented a group of affiliated funds investing in biotech companies in a misconduct action arising from Quest Diagnostics’ 2011 acquisition of Celera Corporation. Celera, its individual directors, and Credit Suisse were charged with violations of the Exchange Act and breach of fiduciary duty. In late 2014, plaintiffs settled with Credit Suisse for a confidential amount. In 2015, plaintiffs settled with the Celera defendants for a confidential amount.





“Law Firm of the Year” – *Best Lawyers and U.S. News*

“Highly Recommended” – *Benchmark Litigation*

“Mass Torts and Class Action Plaintiffs Law Firm of the Year” – *Legal 500*

“Most Feared Plaintiffs Law Firms” – *Law360*

“Elite Trial Lawyers: The 50 Leading
Plaintiffs Firms in America”

– *The National Law Journal*



“Lief Cabraser spent the past year facing off against a who’s who of major class action defendants.... The firm persists as a formidable agency of change, producing world class legal work against some of the most powerful corporate players in the world today.”

—Law360

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