

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSEPH ZIMMERMAN, ANTHONY  
DEVITO, and SEAN DONNELLY,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

PARAMOUNT GLOBAL, COMEDY  
PARTNERS and DOES 1-10,

Defendants.

MICHAEL KAPLAN, an individual on  
behalf of himself and all others similarly  
situated,

Plaintiff,

v.

COMEDY PARTNERS, a New York general  
partnership,

Defendant.

Case No. 1:23-cv-2409 (VSB)

Hon. Vernon S. Broderick

**DECLARATION OF DANIEL L.  
WARSHAW IN SUPPORT OF  
MOTION FOR ATTORNEYS' FEES,  
COSTS AND SERVICE AWARDS**

Date: July 22, 2025

Time: 10:00 A.M.

**Consolidated with;**

Case No. 1:22-cv-09355-(VSB)

**DECLARATION OF DANIEL L. WARSHAW IN SUPPORT OF MOTION FOR  
ATTORNEYS' FEES, COSTS AND SERVICE AWARDS**

Daniel L. Warshaw declares:

1. I am an attorney duly admitted to practice before this Court. I am a partner in the firm of Pearson Warshaw, LLP (“Pearson Warshaw”), one of the law firms representing Plaintiff Michael Kaplan (“Kaplan”) and the proposed Class in the above-captioned class action lawsuit against Defendants Paramount Global and Comedy Partners (together, the “Defendants”). Defendants operate the globally renowned television channel “Comedy Central” and the record label Comedy Central Records through which Defendants produced the comedy albums of the approximately 120 artists included in the Class.

2. I submit this declaration in support of the Motion for Approval of Attorneys’ Fees, Costs and Service Awards. I am one of the attorneys principally responsible for the handling of this matter. I am personally familiar with the facts set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

**I. HISTORY OF THE CASE**

**A. Pre-Filing Investigation and Initiation of the Kaplan Class Action**

3. Pearson Warshaw has been involved in all aspects of this class action lawsuit since the summer of 2022. At that time, Pearson Warshaw joined the ongoing investigation started by our co-counsel Johnson & Johnson LLP (“J&J”) (collectively “Kaplan Counsel”). Pearson Warshaw investigated claims that Defendants were underpaying royalties to comedians that released record albums of live performances that were distributed by SiriusXM Radio (“Sirius XM”). Our collective efforts included consulting with industry experts, potential clients, retention of and consulting with royalty auditors.

4. Pearson Warshaw investigated Defendants’ launch of its SiriusXM radio station and its payment of royalties to artists on the Comedy Central Records (“CCR”) roster both prior to and after the launch of its SiriusXM station. Pearson Warshaw received and analyzed recording contracts, royalty statements, and SiriusXM digital performance data for several artists on CCR’s

roster including, but not limited to, Kaplan and Plaintiffs Joseph Zimmerman and Anthony DeVito.

5. This investigation confirmed that the sampled artists were receiving royalties at per-performance rates consistent with the Digital Performance in Sound Recordings Act of 1995 (“DPSRA”) statutory rates both prior to the launch of the Comedy Central SiriusXM radio station in May 2013 and through the end of 2017. However, starting in the first quarter of 2018, the sampled artists’ per-performance royalty rates were roughly 2-4% of what they previously received and on a per-performance basis, if paid in accordance with DPSRA’s statutory licensing rates.

6. Additional pre-filing efforts were directed toward the review, analysis, and drafting of a class action complaint. Time was expended in reviewing draft complaints, conducting legal research pertinent to the underlying claims, and revising the complaint in collaboration with Kaplan.

7. Following the filing of the Kaplan complaint on November 1, 2022 (“*Kaplan* action”), Kaplan Counsel engaged in further research and analysis of the case, and drafted a response to a pre-motion letter brief filed by Comedy Partners regarding its intention to file a motion to dismiss. *Kaplan* ECF No. 12. Further, Kaplan Counsel prepared for and participated in numerous telephonic conferences with Comedy Partner’s counsel and the Court; as well as, drafted correspondence to the Court concerning pre-motion conferences. Kaplan Counsel also analyzed Comedy Partner’s anticipated arguments and formulated a strategy to respond. In early 2023, substantial attention was devoted to case management. This included, but was not limited to, conferences pursuant to Federal Rule of Civil Procedure 26 with J&J and Comedy Partner’s counsel regarding deadlines and procedural matters.

#### **B. Pre-Mediation Work Performed**

8. In early January 2023, Kaplan Counsel and Comedy Partner’s counsel opened a dialogue regarding the strengths and weaknesses of the claims in the *Kaplan* action and the potential for early resolution. The first of many discussions occurred on January 12, 2023. In order to continue working on early resolution, Kaplan and Comedy Partners agreed to postpone the

January 18, 2023 pre-motion conference related to its motion to dismiss. *Kaplan* ECF No. 17.

9. By February 2023, significant time was incurred on discussions surrounding potential settlement of the *Kaplan* action. The work performed included numerous discussions regarding the scope of informal discovery exchanges to be made by the parties and negotiations over a Non-Disclosure and Confidentiality Agreement requested by Comedy Partners. On February 21, 2023, Comedy Partners produced documents to Kaplan under the settlement privilege in furtherance of the parties' settlement efforts. Kaplan Counsel reviewed and analyzed the data in conjunction with public information regarding the DPSRA statutory licensing rates and SiriusXM spin data to further evaluate the merits of the class claims and damages. To assist with this complex analysis, we retained the services of consultants Darla Crain and Wayne Coleman of Armanino LLP, who specialize in music licensing and auditing of royalties.

10. Following the exchange of initial data, Kaplan Counsel and counsel for Comedy Partners engaged in extensive meet-and-confers to discuss expanding the scope of data exchanged. These discussions spanned several weeks and ultimately resulted in the parties seeking several requests for adjournment of Comedy Partners' pre-motion conference, which were granted by the Court, to enable continued focused settlement discussions. *Kaplan* ECF Nos. 28, 30, 32 and 34.

11. On March 21, 2023, the *Zimmerman* complaint was filed. *Zimmerman v. Paramount Global*, Case No. 1:23-cv-2409 (VSB). The complaint contained similar allegations to the *Kaplan* complaint, as well as additional claims based upon alleged copyright infringement of the Class Members' copyrights in the literary works. The filing of the *Zimmerman* complaint caused a short delay in the settlement process; however, the parties eventually agreed to participate in a global mediation.

### **C. Mediation and Settlement**

12. A joint mediation with Judge Louis Meisinger (Ret.), an experienced mediator with extensive background in, *inter alia*, the entertainment industry, was scheduled for September 19, 2023. The parties continued their pre-mediation work by engaging in informal discovery, analysis of the data and documents provided by Defendants and engaging in numerous communications

regarding these matters. Pearson Warshaw spent considerable time analyzing the information provided by Defendants in advance of the mediation. To assist with the analysis of the data and materials provided by Defendants, Pearson Warshaw leveraged the expertise and experience of its consultants. This analysis was a key factor that assisted Kaplan in settling the case.

13. As part of the settlement process, Kaplan Counsel prepared a substantive mediation brief analyzing the legal and factual issues of the parties' respective claims and defenses as well as class certification. We synthesized the data provided by Defendants to support the allegations raised in the *Kaplan* complaint. Further, our consultants provided key industry and accounting information that bolstered the content of the brief, Kaplan's allegations and our settlement position. The mediation brief and the settlement itself were the culmination of the pre-mediation and early resolution work conducted by Kaplan Counsel in January 2023.

14. The in-person joint mediation with Judge Meisinger occurred on September 19, 2023. The mediation resulted in a settlement in principle; however, the Settlement Agreement was not fully executed until July 23, 2024. *Kaplan* ECF No. 49-1. Over the following ten months, the parties engaged in extensive negotiations regarding a host of issues relating to the substance of the settlement. At times, it was necessary to engage Judge Meisinger to assist the parties resolve these issues. I was personally leading these negotiations for Pearson Warshaw and coordinated several discussions between the parties and the mediator. Further, I was extensively involved in drafting revisions to the Settlement Agreement. I took direct responsibility for finalization of the Settlement Agreement and the exhibits appended thereto.

## **II. PRELIMINARY APPROVAL OF SETTLEMENT**

15. Pearson Warshaw was responsible for preparing the Motion for Preliminary Approval of Class Action Settlement Agreement and related documents ("Preliminary Approval Motion"). *Kaplan* ECF Nos. 47-57. In doing so, Pearson Warshaw conducted legal research regarding the standards for approval of the settlement under Second Circuit law. We also reviewed the preliminary approval order issued by the Court. I worked with the settlement administrator, Epiq Global ("Epiq"), to draft the class notices, website content and all other materials

disseminated to the Class.

16. Pearson Warshaw worked with Epiq to develop a direct notice plan to ensure that the best notice practicable was provided to the Class. We worked with defense counsel to make sure the Class list was current and accurate. Further, Pearson Warshaw advocated for a streamlined claims process whereby Class Members are not required to complete a claim form to participate in the settlement. Rather, payment will be automatically provided to the Class. However, the process does allow for claimants to select their preferred method of payment.

17. On August 29, 2024, I filed the Motion for Preliminary Approval. The Court granted the motion in its entirety on March 11, 2025.

18. Since that time, Pearson Warshaw has supervised the dissemination of notice to the Class and the claims process. I have been in regular contact with Epiq and reviewed its reporting regarding the status of the settlement. Further, I have responded to inquiries from potential Class Members regarding the settlement and claims process. Lastly, Pearson Warshaw assisted in the drafting of the instant motion for an award of attorneys' fees, costs and service awards.

### **III. PEARSON WARSHAW IS A LEADER IN CLASS ACTION LITIGATION**

19. I am a founding partner of Pearson Warshaw. My practice focuses on prosecuting class action cases. I have been a member in good standing of the California Bar since 1996. As set forth in more detail below, I have extensive experience in national class action litigation, including cases brought in the entertainment space relating to the underpayment of profits and royalties. For the years 2022, 2023 and 2024, I was named by the *Daily Journal* as one of the Top 100 Lawyers in California. I was also named as one of the *Daily Journal's* Top Plaintiff Lawyers in 2019 and 2020, and one of the Top Antitrust Lawyers in 2020, 2022 and 2024. I was selected by my peers in the legal community as a Super Lawyer, limited to the top 5% of practicing lawyers in southern California, every year since 2005. I have also attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

20. A complete profile of Pearson Warshaw's attorneys and a summary of the numerous complex litigation matters in which they have obtained successful results is set forth in

Pearson Warshaw's firm resume attached hereto as **Exhibit A**, which is incorporated by reference.

21. Pearson Warshaw's firm resume reflects that the attorneys in my firm have successfully adjudicated some of the largest and most important class action lawsuits in the United States and have obtained approximately three billion dollars in settlements and verdicts in a wide range of cases.

22. For example, Pearson Warshaw served as co-lead counsel in *In re Credit Default Swaps Antitrust Litigation*, MDL No. 2476 (S.D.N.Y.), an antitrust class action alleging an anticompetitive conspiracy by the world's largest banks and financial institutions to fix the price of credit default swaps. That case resulted in \$1.86 billion in settlements, making it one of the largest civil lawsuit recoveries in history.

23. Pearson Warshaw also served as co-lead counsel on behalf of the direct purchaser plaintiffs in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.). In that case, we helped secure a settlement of over \$400 million for the class and obtained an \$87 million verdict, before trebling, following a five-week trial against the only remaining defendant in the case, Toshiba Corporation and its related entities.

24. Pearson Warshaw attorneys served as class counsel in *James v. UMG Recordings, Inc.*, Case No. 11-cv-01613-SI (N.D. Cal.) and *In re Warner Music Group Corp. Digital Downloads Litigation*, Case No. 12-cv-0559-RS (N.D. Cal.), nationwide class actions brought on behalf of recording artists and producers, who alleged that they were systematically underpaid royalties by the record companies UMG Recordings and Warner Music Group. In groundbreaking class action settlements, Pearson Warshaw helped secure both past relief and future relief in perpetuity for eligible class members, who receive royalties from the defendant record companies.

25. Pearson Warshaw also served as counsel in a series of related class action lawsuits arising from the failure of major movie studios to adequately account for, and pay, home video revenue to profit participants, which resulted in class action settlements in the following cases: *Colin Higgins Productions, Ltd. v. Universal City Studios, LLC* (L.A. Super. Ct. Case No. BC499180), *Colin Higgins Productions, LTD. v. Paramount Pictures Corporation* (L.A. Super.

Ct. Case No. BC499179), *Martindale, et al. v. Sony Pictures Entertainment, Inc.* (L.A. Super. Ct. Case No. BC499182), and *Stanley Donen Films, Inc. v. Twentieth Century Fox Film Corporation* (L.A. Super. Ct. Case No. BC499181).

26. In addition to those listed above, Pearson Warshaw has served as lead or co-lead counsel in some of the largest and most complex class actions in the country including, but not limited to, *In re Lithium Ion Batteries Antitrust Litigation*, MDL No. 2420 (N.D. Cal.), *In re Potash Antitrust Litigation (II)*, MDL No. 1996 (N.D. Ill.), *In re Carrier IQ Consumer Privacy Litigation*, MDL No. 2330 (N.D. Cal.), *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation*, MDL No. 2451 (N.D. Cal.), *In Re Broiler Chicken Antitrust Litig.*, Case No. 16 C 8637 (N.D. Ill.), and *In re Pork Antitrust Litig.*, Case No. 18-cv-01776 (JRT-HB) (D. Minn.).

#### IV. LODESTAR, COSTS AND SERVICE AWARD

##### A. Pearson Warshaw's Lodestar Is Reasonable

27. Pearson Warshaw has been working diligently on this case for two and one-half years on a pure contingency basis with no guarantee of recovery.

28. As of April 28, 2025, Pearson Warshaw spent a total of 254.5 hours working on this case and incurred a combined lodestar of **\$314,075.00** based on its current hourly rates. Attached hereto as **Exhibit B** is a schedule indicating the amount of time Pearson Warshaw spent in connection with this litigation, and its lodestar calculation based on its current billing rates. The schedule was prepared from contemporaneous time records, which are regularly prepared and maintained by my firm and are available upon request by the Court.

29. Pearson Warshaw will spend additional time responding to Class Member communications and objections (if any), continuing to supervise the claims process, preparing the motion for final approval and preparing for and attending the fairness hearing scheduled for July 22, 2025.

30. The attorneys of Pearson Warshaw billed this case at their usual and customary current billing rates, which have been approved by courts presiding over similar complex class



action lawsuits, and which are commensurate with the prevailing market rates attorneys of comparable experience and skill handling complex litigation, including:

a. *Freeman v. MAM USA Co.*, Case No. 24-LA-1014 (Ill. Cir. Ct.). In 2024, Judge Heinz Rudolf granted class counsel's motion for an award of attorneys' fees finding that the following Pearson Warshaw rates were reasonable: \$1,500 for Daniel L. Warshaw, \$800 for Matthew A. Pearson, and \$800 for a senior level associate;

b. *Aaron Senne et al. v. Office of the Commissioner of Baseball et al.*, Case No. 3:14-cv-00608-JCS (N.D. Cal. Mar. 29, 2023). In 2023, Chief Magistrate Judge Joseph C. Spero granted class counsel's motion for an award of attorneys' fees finding that the following Pearson Warshaw rates were reasonable: \$1,250 for Daniel L. Warshaw, \$990 for Bobby Pouya and \$700 for Matthew A. Pearson;

c. *In re Pork Antitrust Litig.*, Case No. 18-cv-01776 (JRT-HB) (D. Minn.). In 2022, Judge John R. Tunheim granted class counsel's for interim payment of attorneys' fees finding that the following Pearson Warshaw rates were reasonable: \$1,190 for Daniel L. Warshaw and \$950 for Bobby Pouya;

d. *In Re Broiler Chicken Antitrust Litig.*, Case No. 16 C 8637 (N.D. Ill.). In 2021, Judge Thomas M. Durkin issued an attorneys' fees award finding that the following Pearson Warshaw rates were reasonable: \$1,190 for Daniel L. Warshaw and \$950 for Bobby Pouya;

e. *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litig.*, Case No. 1:14-cv-04391-VSB (S.D.N.Y.). In 2021, Judge Vernon S. Broderick issued an attorneys' fees award finding that the following Pearson Warshaw rates were reasonable: \$1,190 for Daniel L. Warshaw and \$560 for Matthew A. Pearson; and,

f. *Patricia Weckwerth v. Nissan North America, Inc.*, Case No. 3:18-cv-00588 (M.D. Tenn.). In 2020, the court issued an attorneys' fees award which included Pearson Warshaw at the rate of \$1,150 for Daniel L. Warshaw, and \$670 for a senior level associate.

31. Kaplan Counsel associated the law firm Miller Shah LLP ("Miller Shah") to serve as local counsel in this matter. Miller Shah has reported a modest lodestar of **\$4,890.00**.

**B. The Costs and Expenses Advanced on Behalf of the Class Were Necessary and Reasonable**

32. In addition to the contingent nature of its fees, Pearson Warshaw has advanced all out-of-pocket expenses. As of April 28, 2025, Pearson Warshaw incurred a total of **\$15,239.78** in unreimbursed out-of-pocket expenses in connection with the prosecution of this litigation, which were advanced without any guarantee of reimbursement. Attached hereto as **Exhibit C** is a schedule of expenses incurred by Pearson Warshaw.

33. The expenses Pearson Warshaw incurred in this action are reflected in the books and records of Pearson Warshaw. These books and records are prepared from expense vouchers, check records, and other source materials and represent an accurate recollection of the expenses incurred. These expenses were reasonable and necessary to achieve the successful result achieved in this case.

34. Miller Shah has also incurred expenses related to the prosecution of this case. It has a reported **\$794.95** in out of pocket expenses related to the filing fees and service of process.

35. I anticipate that additional recoverable costs will be incurred including travel expenses related to attendance at the final approval hearing.

**C. Service Award for Plaintiff Michael Kaplan**

36. Throughout the course of this litigation Michael Kaplan has spent a significant amount of time and effort on case-related activities. These case-related activities include, but are not limited to: (1) searching for documents related to this lawsuit; (2) reviewing and approving court-filings, including the operative Class Action Complaint and Settlement Agreement; (3) staying informed and communicating with Class Counsel regarding the status and progress of this lawsuit; (4) engaging in numerous conversations regarding the settlement terms.

37. Kaplan's involvement in this litigation put him at risk of having his name disclosed in the media, and a potentially negative impact on his business relationship with Defendants and other entities in the entertainment industry.

38. Based on his involvement, it is submitted that the requested service payment of

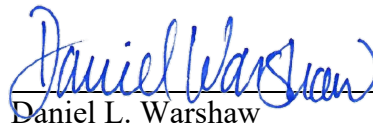
\$5,000 is reasonable and appropriate so as to compensate Michael Kaplan for serving as a name Plaintiff, and the risk he took on the case.

\* \* \*

39. I have been prosecuting class action cases since 1998. The \$11 million common fund recovery in this case is exceptional, as it represents a sixty-eight percent (68%) recovery of the total damages suffered by the Class. This matter was resolved early and without motion practice. Such early resolution not only gets the recovery in the hands of class members sooner than the typical protracted class litigation, but it also helps preserve limited judicial resources. Class Counsel's work in this case was clearly a large factor in obtaining this result.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 5th day of May, 2025, at Sherman Oaks, California.

  
Daniel L. Warshaw

# EXHIBIT A

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Pearson Warshaw, LLP (“PW”) is an AV-rated civil litigation firm with offices in Los Angeles, San Francisco and Minneapolis. The firm specializes in complex litigation, including state coordination cases and federal multi-district litigation. Its attorneys have extensive experience in antitrust, securities, consumer protection, and unlawful employment practices. The firm handles national and multi-national class actions that present cutting-edge issues in both substantive and procedural areas. PW attorneys understand how to litigate difficult and large cases in an efficient and cost-effective manner, and they have used these skills to obtain outstanding results for their clients, both through trial and negotiated settlement. They are recognized in their field for excellence and integrity and are committed to seeking justice for their clients.

**CASE PROFILES**

PW attorneys *currently* hold, or have held, a leadership role in the following representative cases:

**NOTABLE CASES**

- ***In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation***, Northern District of California, MDL No. 2451. PW attorneys served as co-lead counsel in this multidistrict litigation alleging that the NCAA and its member conferences violated the antitrust laws by restricting the value of grant-in-aid athletic scholarships and other benefits that college football and basketball players could receive. The damages portion of the case settled for \$208 million dollars, while the injunctive relief phase of the case proceeded to a successful bench trial before ultimately concluding with a 9-0 victory in front of the Supreme Court of the United States. *See Nat’l Collegiate Athletic Ass’n v. Alston*, 594 U.S. 69 (2021).
- ***In re Credit Default Swaps Antitrust Litigation***, Southern District of New York, MDL No. 2476. PW attorneys served as co-lead counsel and represented the Los Angeles County Employees Retirement Association (“LACERA”) in a class action on behalf of all purchasers and sellers of Credit Default Swaps (“CDS”) against twelve of the world’s largest banks. The lawsuit alleged that the banks, along with other defendants who controlled the market infrastructure for CDS trading, conspired for years to restrain the efficient trading of CDS, thereby inflating the cost to trade



CDS. The alleged antitrust conspiracy resulted in billions of dollars in economic harm to institutional investors such as pension funds, mutual funds, and insurance companies who used CDS to hedge credit risks on their fixed income portfolios. After nearly three years of litigation and many months of intensive settlement negotiations, PW helped reach a settlement with the defendants totaling \$1.86 *billion* plus injunctive relief. On April 15, 2016, the Honorable Denise L. Cote granted final approval to the settlement, which is one of the largest civil antitrust settlements in history.

- ***Senne, et al. v. Office of the Commissioner of Baseball, et al.***, Northern District of California, Case No. 14-cv-00608. PW attorneys currently serve as co-lead counsel in this certified class action and FLSA collective action on behalf of minor league baseball players who allege that Major League Baseball and its member franchises violate the FLSA and state wage and hour laws by failing to pay minor league baseball players minimum wage and overtime. On March 29, 2023, the court granted final approval to a historic proposed \$185 million settlement.
- ***In re TFT-LCD (Flat Panel) Antitrust Litigation***, Northern District of California, MDL No. 1827. PW served as co-lead counsel for the direct purchaser plaintiffs in this multidistrict litigation arising from the price-fixing of thin film transistor liquid crystal display (“TFT-LCD”) panels. Worldwide, the TFT-LCD industry is a multi-billion-dollar industry, and many believe that this was one of the largest price-fixing cases in the United States. PW helped collect over \$405 million in settlements before the case proceeded to trial against the last remaining defendant, Toshiba Corporation and its related entities. PW partner Bruce L. Simon served as co-lead trial counsel, successfully marshaled numerous witnesses, and presented the opening argument. On July 3, 2012, PW obtained a jury verdict of \$87 million (before trebling) against Toshiba. PW later settled with Toshiba and AU Optronics to bring the total to \$473 million in settlements. In 2013, California Lawyer Magazine awarded Mr. Simon a California Lawyer of the Year Award for his work in the *TFT-LCD* case.
- ***In re Potash Antitrust Litigation (No. II)***, Northern District of Illinois, MDL No. 1996. PW partner Bruce L. Simon served as co-lead counsel for the direct purchaser plaintiffs in this multidistrict litigation arising from the price-fixing of potash sold in the United States. After the plaintiffs defeated a motion to dismiss, the defendants appealed, and the Seventh Circuit Court of Appeals agreed to hear the case *en banc*. Mr. Simon presented oral argument to the *en banc* panel and achieved a unanimous 8-0 decision in his favor. The case resulted in \$90 million in settlements for the direct purchaser plaintiffs, and the Court’s opinion is one of the most significant regarding the scope of international antitrust conspiracies. *See Minn-Chem, Inc. v. Agrium Inc.*, 683 F. 3d 845 (7th Cir. 2012).



- ***In Re Fairlife Milk Products Marketing And Sales Practices Litigation***, Northern District of Illinois, MDL No. 2909. PW partner Melissa S. Weiner served as co-lead counsel for a class of purchasers of Fairlife-brand milk products who were allegedly subjected to false and misleading representations regarding the treatment of the dairy cows. In 2022, the court granted final approval of a landmark \$21 million settlement, which also provided for meaningful stipulated injunctive relief.

### **CURRENT CASES**

- ***In re Broiler Chicken Antitrust Litigation***, Northern District of Illinois, Case No. 1:16-cv-08637. PW attorneys currently serve as co-lead class counsel on behalf of a certified class of direct purchaser plaintiffs. The complaint alleges that the nation's largest broiler chicken producers violated antitrust laws by limiting production and manipulating the price indices. PW and co-counsel have secured settlements of over \$284 million for the direct purchaser plaintiffs.
- ***In re Pork Antitrust Litigation***, District of Minnesota, Case No. 0:18-cv-01776. PW attorneys currently serve as co-lead class counsel on behalf of a certified class of direct purchaser plaintiffs. The complaint alleges that the nation's largest pork producers violated antitrust laws by limiting production and manipulating the price indices. Thus far, PW and co-counsel have secured over \$116 million in settlements for the direct purchaser plaintiffs with numerous defendants remaining in the litigation.
- ***Vakilzadeh v. The Trustees of The California State University***, Los Angeles County Superior Court, Case No. 20STCV23134. PW partner Daniel L. Warshaw serves as co-lead counsel for a class of California State University students who were not provided refunds of tuition and fees from the closing all campuses and ending in-person learning and activities.
- ***North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.***, Eastern District of New York, Case No. 1:17-cv-05495-MKB-ST. PW, along with co-counsel, represents the North American Soccer League in a matter against the United States Soccer Federation and Major League Soccer alleging antitrust violations. The complaint alleges that U.S. Soccer and MLS prevented NASL from competing against MLS (the sole Division I league) and the United Soccer League (the sole Division II league).
- ***In re Blackbaud, Inc. Customer Data Security Breach Litigation***, District of South Carolina, Case No. 20-mn-02972. PW partner Melissa Weiner currently serves as a member of the Plaintiffs' Steering Committee in this multi-district litigation involving hundreds of millions of students, donors, patients and parishioners whose data was stolen by cybercriminals.



- ***In re MOVEit Customer Data Security Breach Litigation***, District of Massachusetts, Case No. 1:23-md-03083-ADB. In this multi-district cybersecurity litigation involving hundreds of defendants and an estimated 40 million people, PW partner Melissa Weiner currently serves as Co-Chair of the Offensive and Third-Party Discovery Committee.
- ***In re Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation***, District of New Mexico, Case No. 1:16-md-02695-JB-LF. PW partner Melissa S. Weiner chairs the Executive Committee and PW partner Daniel L. Warshaw serves on the executive committee. This class action alleges that defendants’ “natural” and “additive free” claims on their tobacco products were false and misleading to consumers.
- ***In Re: Change Healthcare, Inc. Customer Data Security Breach Litigation***, District of Minnesota, Case No. 0:24-md-03108-DWF-DJF. PW partner Melissa S. Weiner was appointed Co-Chair of the Plaintiff Steering Committee in this nationwide data breach MDL.
- ***In re Passenger Vehicle Replacement Tires Antitrust Litigation***, Northern District of Ohio, Eastern Division, Case No. 5:24-md-3107-SL. PW partner Bobby Pouya serves as a representative on the Direct Purchaser Plaintiffs’ Steering Committee. This class action alleges that the world’s largest tire manufacturers of new replacement tires for passenger vehicles violated antitrust laws by raising and maintaining prices at artificially high levels in the United States.
- ***Conry, et al. v. Gerber Products Company, et al.***, Eastern District of New York, Case No. 1:24-cv-06784. PW partners Daniel L. Warshaw and Bobby Pouya represent Plaintiffs in this proposed class action against infant formula manufacturers Gerber and Perrigo, which was filed on grounds that the corporations unlawfully colluded to inflate the prices of store-brand infant formula. Both companies violated antitrust laws by orchestrating a scheme that restricted open market competition. More specifically, Gerber is alleged to have granted Perrigo the “first right of refusal” on its surplus formula.
- ***In Re: Shale Oil Antitrust Litigation***, District of New Mexico (Albuquerque), Case No. 1:24-MD-03119. On August 1, 2024, a U.S. judicial panel said that a series of related lawsuits accusing shale oil producers of a price-fixing scheme would be grouped together and assigned to a U.S. federal judge in New Mexico. The order by the federal Judicial Panel on Multidistrict Litigation designated the New Mexico federal court over other venues, including Texas and Nevada, where lawsuits had been filed in recent months. More than a dozen lawsuits allege that shale oil producers conspired to curb shale oil output, which has led to higher prices for products including gasoline, diesel fuel, commercial marine fuel, and heating oil. PW partners Daniel L. Warshaw and Bobby Pouya represent Plaintiff Richard Beaumont in the





case of *Beaumont v. Permian Resources Corp. et al.*, District of New Mexico (Albuquerque), Case No. 1:24-CV-00857.

### **PAST CASES**

- ***Gupta v. Aeries Software, Inc.***, Central District of California, Case No. 8:20-cv-00995-FMO. PW partner Daniel L. Warshaw served as class counsel in this nationwide data breach class action involving the unauthorized access to defendant's servers that stored student data.
- ***Grace v. Apple, Inc.***, Northern District of California, Case No. 5:17-CV-00551-LHK. PW partner Daniel L. Warshaw served as class counsel in this California certified class action on behalf of consumers who allege Apple intentionally broke its "FaceTime" video conferencing feature for Apple iPhone 4 or iPhone 4S users operating on iOS 6 or earlier. PW and co-counsel obtained final approval of an \$18 million settlement in this matter.
- ***In re Lithium Ion Batteries Antitrust Litigation***, Northern District of California, MDL No. 2420. PW served as co-lead counsel for the direct purchaser plaintiffs in this multidistrict antitrust class action alleging price-fixing of lithium ion battery cells. PW and co-counsel secured final approval of over \$139 million in settlements for the direct purchaser plaintiffs.
- ***In re Keurig Green Mountain Single-Serving Coffee Antitrust Litigation***, Southern District of New York, MDL No. 2542. In June 2014, Judge Vernon S. Broderick appointed PW to serve as interim co-lead counsel on behalf of indirect purchaser plaintiffs in this multidistrict class action litigation. The case arose from the alleged unlawful monopolization of the United States market for single-serve coffee packs by Keurig Green Mountain, Inc. Keurig's alleged anticompetitive conduct included acquiring competitors, entering into exclusionary agreements with suppliers and distributors to prevent competitors from entering the market, engaging in sham patent infringement litigation, and redesigning the single-serve coffee pack products in the next version of its brewing system to lock out competitors' products. PW and co-counsel obtained final approval of a \$31 million settlement in this matter.
- ***Trepte v. Bionaire, Inc.***, Los Angeles County Superior Court, Case No. BC540110. PW attorneys served as Class Counsel in this certified class action alleging that the defendant sold defective space heaters. The complaint alleged that the defendant breached the warranty and falsely advertised the safety of the heaters due to design defects that cause the heaters to fail – and, as a result of the failure, the heaters could spark, smoke and catch fire. Final approval of the class settlement was granted.
- ***In re Carrier IQ Consumer Privacy Litigation***, Northern District of California, MDL No. 2330. PW attorneys served as interim co-lead counsel in this putative nationwide



class action on behalf of consumers who alleged privacy violations arising from software installed on their mobile devices that was logging text messages and other sensitive information.

- ***Sciortino v. PepsiCo, Inc.***, Northern District of California, Case No. 14-cv-0478. PW attorneys served as interim co-lead counsel in this putative California class action on behalf of consumers who alleged that PepsiCo failed to warn them that certain of its sodas contain excess levels of a chemical called 4-Methylimidazole in violation of Proposition 65 and California consumer protection statutes.
- ***James v. UMG Recordings, Inc.***, Northern District of California, Case No. 11-cv-01613. PW partner Daniel L. Warshaw served as interim co-lead counsel in this putative nationwide class action on behalf of recording artists and music producers who alleged that they had been systematically underpaid royalties by the record company UMG.
- ***In re Warner Music Group Corp. Digital Downloads Litigation***, Northern District of California, Case No. 12-cv-00559. PW attorneys served as interim co-lead counsel, with partner Bruce L. Simon serving as chairman of a five-firm executive committee, in this putative nationwide class action on behalf of recording artists and music producers who alleged that they had been systematically underpaid royalties by the record company Warner Music Group.
- ***In re Dynamic Random Access Memory (DRAM) Antitrust Litigation***, Northern District of California, MDL No. 1486. PW partner Bruce L. Simon served as co-chair of discovery and as a member of the trial preparation team in this multidistrict litigation arising from the price-fixing of DRAM, a form of computer memory. Mr. Simon was responsible for supervising and coordinating the review of almost a terabyte of electronic documents, setting and taking depositions, establishing and implementing protocols for cooperation between the direct and indirect plaintiffs as well as the Department of Justice, presenting oral arguments on discovery matters, working with defendants on evidentiary issues in preparation for trial, and preparation of a comprehensive pretrial statement. Shortly before the scheduled trial, class counsel reached settlements with the last remaining defendants, bringing the total value of the class settlements to over \$325 million.
- ***In re Methionine Antitrust Litigation***, Northern District of California, MDL No. 1311. PW partner Bruce L. Simon served as co-lead counsel in this nationwide antitrust class action involving a conspiracy to fix prices of, and allocate the markets for, methionine. Mr. Simon was personally responsible for many of the discovery aspects of the case including electronic document productions, coordination of document review teams, and depositions. Mr. Simon argued pretrial motions,



prepared experts, and assisted in the preparation of most pleadings presented to the Court. This action resulted in over \$100 million in settlement recovery for the Class.

- ***In re Sodium Gluconate Antitrust Litigation***, Northern District of California, MDL No. 1226. PW partner Bruce L. Simon served as class counsel in this consolidated antitrust class action arising from the price-fixing of sodium gluconate. Mr. Simon was selected by Judge Claudia Wilken to serve as lead counsel amongst many other candidates for that position, and successfully led the case to class certification and settlement.
- ***In re Citric Acid Antitrust Litigation***, Northern District of California, MDL No. 1092. PW partner Bruce L. Simon served as class counsel in antitrust class actions against Archer-Daniels Midland Co. and others for their conspiracy to fix the prices of citric acid, a food additive product. Mr. Simon was one of the principal attorneys involved in discovery in this matter. This proceeding resulted in over \$80 million settlements for the direct purchasers.
- ***Olson v. Volkswagen of America, Inc.***, Central District of California, Case No. CV07-05334. PW attorneys brought this class action lawsuit against Volkswagen alleging that the service manual incorrectly stated the inspection and replacement intervals for timing belts on Audi and Volkswagen branded vehicles equipped with a 1.8 liter turbo-charged engine. This case resulted in a nationwide class settlement.
- ***Swain v. Eel River Sawmills, Inc. et al.***, California Superior Court, DR-01-0216. Bruce L. Simon served as lead trial counsel for a class of former employees of a timber company whose retirement plan was lost through management's investment of plan assets in an Employee Stock Ownership Plan. Mr. Simon negotiated a substantial settlement on the eve of trial resulting in a recovery of approximately 40% to 50% of plaintiffs' damages after attorneys' fees and costs.
- ***In re Homestore Litigation***, Central District of California, Master File No. 01-11115. PW attorneys served as liaison counsel and class counsel for plaintiff CalSTRS in this securities class action. The case resulted in over \$100 million in settlements to the Class.
- ***In re MP3.Com, Inc., Securities Litigation***, Southern District of California, Master File No. 00-CV-1873. PW attorneys served as defense counsel in this class action involving alleged securities violations under Rule 10b-5.
- ***In re Automotive Refinishing Paint Cases***, Alameda County Superior Court, Judicial Council Coordination Proceeding No. 4199. PW attorneys served as class counsel with other law firms in this coordinated antitrust class action alleging a conspiracy by defendants to fix the price of automotive refinishing products.



- ***In re Beer Antitrust Litigation***, Northern District of California, Case No. 97-20644 SW. PW partner Bruce L. Simon served as primary counsel in this antitrust class action brought on behalf of independent micro-breweries against Anheuser-Busch, Inc., for its attempt to monopolize the beer industry in the United States by denying access to distribution channels.
- ***In re Commercial Tissue Products Public Entity Indirect Purchaser Antitrust Litigation***, San Francisco Superior Court, Judicial Counsel Coordination Proceeding No. 4027. PW partner Bruce L. Simon served as co-lead counsel for the public entity purchaser class in this antitrust action arising from the price-fixing of commercial sanitary paper products.
- ***Hart v. Central Sprinkler Corporation***, Los Angeles County Superior Court, Case No. BC176727. PW attorneys served as class counsel in this consumer class action arising from the sale of nine million defective fire sprinkler heads. This case resulted in a nationwide class settlement valued at approximately \$37.5 million.
- ***Rueda v. Schlumberger Resources Management Services, Inc.***, Los Angeles County Superior Court, Case No. BC235471. PW attorneys served as class counsel with other law firms representing customers of the Los Angeles Department of Water & Power (“LADWP”) who had lead-leaching water meters installed on their properties. The Court granted final approval of the settlement whereby defendant would pay \$1.5 million to a *cy pres* fund to benefit the Class and to make grants to LADWP to assist in implementing a replacement program to the effected water meters.
- ***In re Louisiana-Pacific Corp. Inner-Seal OSB Trade Practices Litigation***, Northern District of California, MDL No. 1114. PW partner Bruce L. Simon worked on this nationwide product defect class action brought under the Lanham Act. The proposed class was certified, and a class settlement was finally approved by Chief Judge Vaughn Walker.
- ***In re iPod nano Cases***, Los Angeles County Superior Court, Judicial Counsel Coordination Proceeding No. 4469. PW attorneys were appointed co-lead counsel for this class action brought on behalf of California consumers who own defective iPod nanos. The case resulted in a favorable settlement.
- ***Unity Entertainment Corp. v. MP3.Com***, Central District of California, Case No. 00-11868. PW attorneys served as defense counsel in this class action alleging copyright infringement.



- ***Vallier v. Jet Propulsion Laboratory***, Central District of California, Case No. CV97-1171. PW attorneys served as lead counsel in this toxic tort action involving 50 cancer victims and their families.
- ***Nguyen v. First USA N.A.***, Los Angeles County Superior Court, Case No. BC222846. PW attorneys served as class counsel on behalf of approximately four million First USA credit card holders whose information was sold to third party vendors without their consent. This case ultimately settled for an extremely valuable permanent injunction plus disgorgement of profits to worthy charities.
- ***Morales v. Associates First Financial Capital Corporation***, San Francisco Superior Court, Judicial Council Coordination Proceeding No. 4197. PW attorneys served as class counsel in this case arising from the wrongful sale of credit insurance in connection with personal and real estate-secured loans. This case resulted in an extraordinary \$240 million recovery for the Class.
- ***In re AEFA Overtime Cases***, Los Angeles County Superior Court, Judicial Council Coordination Proceeding No. 4321. PW attorneys served as class counsel in this overtime class action on behalf of American Express Financial Advisors, which resulted in an outstanding class-wide settlement.
- ***Khan v. Denny's Holdings, Inc.***, Los Angeles County Superior Court, Case No. BC177254. PW attorneys settled a class action lawsuit against Denny's for non-payment of overtime wages to its managers and general managers.
- ***Kosnik v. Carrows Restaurants, Inc.***, Los Angeles County Superior Court, Case No. BC219809. PW attorneys settled a class action lawsuit against Carrows Restaurants for non-payment of overtime wages to its assistant managers and managers.
- ***Castillo v. Pizza Hut, Inc.***, Los Angeles County Superior Court, Case No. BC318765. PW attorneys served as lead class counsel in this California class action brought by delivery drivers who claimed they were not adequately compensated for use of their personally owned vehicles. This case resulted in a statewide class settlement.
- ***Baker v. Charles Schwab & Co., Inc.***, Los Angeles County Superior Court, Case No. BC286131. PW attorneys served as class counsel for investors who were charged a fee for transferring out assets between June 1, 2002 and May 31, 2003. This case resulted in a nationwide class settlement.
- ***Eallonardo v. Metro-Goldwyn-Mayer, Inc.***, Los Angeles County Superior Court, Case No. BC286950. PW attorneys served as class counsel on behalf a nationwide class of consumers who purchased DVDs manufactured by defendants. Plaintiffs



alleged that defendants engaged in false and misleading advertising relating to the sale of its DVDs. This case resulted in a nationwide class settlement.

- ***Leiber v. Consumer Empowerment Bv A/K/A Fasttrack***, Central District of California, Case No. CV 01-09923. PW attorneys served as defense counsel in this class action involving copyrighted music that was made available through a computer file sharing service without the publishers' permission.
- ***Higgs v. SUSA California, Inc.***, Los Angeles County Superior Court Case No. BC372745. PW attorneys served as co-lead class counsel representing California consumers who entered into rental agreements for the use of self-storage facilities owned by defendants. In this certified class action, plaintiffs allege that defendants wrongfully denied access to the self-storage facility and/or charged excessive preforeclosure fees.
- ***Fournier v. Lockheed Litigation***, Los Angeles County Superior Court. PW attorneys served as counsel for 1,350 residents living at or near the Skunks-Works Facility in Burbank. The case resolved with a substantial confidential settlement for plaintiffs.
- ***Nasseri v. CytoSport, Inc.***, Los Angeles County Superior Court, Case No. 439181. PW attorneys served as class counsel on behalf of a nationwide class of consumers who purchased CytoSport's popular protein powders, ready to drink protein beverages, and other "supplement" products. Plaintiffs alleged that these supplements contain excessive amounts of lead, cadmium and arsenic in amounts that exceed Proposition 65 and negate CytoSport's health claims regarding the products. The case resulted in a nationwide class action settlement which provided monetary relief to the class members and required the reformulation of CytoSport supplement products.
- ***In re Samsung Top-Load Washing Machine Marketing, Sales Practice and Products Liability Litigation***, Western District of Oklahoma, Case No. 5:17-ml-02792-D. Plaintiffs alleged that the top-load washing machines contain defects that cause them to leak and explode. PW Partner Melissa S. Weiner was appointed to the Plaintiffs' Steering Committee in this multi-district class action, which settled nationwide.





## CLIFFORD H. PEARSON

### Founding Partner

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Clifford H. Pearson is a founding partner of Pearson Warshaw, LLP. Mr. Pearson is a civil litigator, business lawyer and mediator focusing on complex litigation, class actions, and business law. In 2013, 2016, 2021, 2022, 2023 and 2024 Mr. Pearson was named by the *Daily Journal* as one of the Top 100 Lawyers in California. Additionally, Mr. Pearson was named as one of the *Daily Journal's* 2019 Top Plaintiff Lawyers and in 2022, 2023 and 2024 he was named one of the Top Antitrust Lawyers. He was instrumental in negotiating a landmark settlement totaling \$1.86 billion in *In re Credit Default Swaps Antitrust Litigation*, a case alleging a conspiracy among the world's largest banks to maintain opacity of the credit default swaps market. Mr. Pearson also negotiated \$473 million in combined settlements in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, an antitrust case in the Northern District of California that alleged a decade-long conspiracy to fix the prices of TFT-LCD panels and over \$90 million in *In re Potash Antitrust Litigation*, an antitrust case in the Northern District of Illinois that alleged price fixing by Russian, Belarusian and North American producers of potash, a main ingredient used in fertilizer. Mr. Pearson currently serves as co-lead counsel in both the *In re Broiler Chicken Antitrust Litigation* and *In re Pork Antitrust Litigation* antitrust class action cases alleging price fixing in the broiler and pork industries.

Before creating the firm in 2006, Mr. Pearson was a partner at one of the largest firms in the San Fernando Valley, where he worked for 22 years. There, he represented aggrieved individuals, investors and employees in a wide variety of contexts, including toxic torts, consumer protection and wage and hour cases. Over his career that spans over 40 years, Mr. Pearson has successfully negotiated substantial settlements on behalf of consumers, small businesses and companies. In recognition of his outstanding work on behalf of clients, Mr. Pearson has been regularly selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California). He has also attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Pearson is an active member of the American Bar Association, Los Angeles County Bar Association, Consumer Attorneys of California, Consumer Attorneys Association of Los Angeles, and Association of Business Trial Lawyers.



### Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *In re Pork Antitrust Litigation* (D. Minn.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)

### Education:

- Whittier Law School, Los Angeles, California – J.D. – 1981
- University of Miami – M.B.A. – 1978
- Carleton University, Ontario, Canada – B.A. – 1976

### Bar Admissions:

- State of California
- United States Court of Appeals for the Ninth and Seventh Circuits
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California

### Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association



## DANIEL L. WARSHAW

### Founding Partner

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Daniel L. Warshaw, a founding partner of Pearson Warshaw, LLP, is a civil litigator and trial lawyer who focuses on antitrust, complex litigation, class actions, and consumer protection. Mr. Warshaw has held leadership roles in numerous state, federal and multidistrict class actions, and obtained significant recoveries for class members in many cases. These cases have included, among other things, antitrust violations, high-technology products, automotive parts, entertainment royalties, intellectual property and false and misleading advertising. Mr. Warshaw has also represented employees in a variety of class actions, including wage and hour, misclassification and other Labor Code violations.

Mr. Warshaw's cases have received significant attention in the press, and Mr. Warshaw has been profiled by the *Daily Journal* for his work. In 2022, 2023 and 2024 Mr. Warshaw was named by the *Daily Journal* as one of the Top 100 Lawyers in California. In 2019 and 2020, Mr. Warshaw was named as one of the *Daily Journal*'s Top Plaintiff Lawyers. And in 2020, 2022 and 2024 he was also named one of the *Daily Journal*'s Top Antitrust Lawyers. Additionally, Mr. Warshaw has been selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California) every year since 2005. He has also attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Warshaw played an integral role in several of the firm's groundbreaking cases. In the *In re TFT-LCD (Flat Panel) Antitrust Litigation*, 3:07-md-01827-SI (N.D. Cal.) he assisted in leading this multidistrict to trial and securing \$473 million in recoveries to the direct purchaser plaintiff class. After the firm was appointed as interim co-lead counsel in *In re Credit Default Swaps Antitrust Litigation*, Mr. Warshaw along with his partners and co-counsel successfully secured a \$1.86 billion settlement on behalf of the class.



### Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *Vakilzadeh v. The Trustees of the California State University* (Cal. Super. Ct.)
- *Yoo v. The Regents of the University of California* (Cal. Super. Ct.)
- *Zimmerman v. Paramount Global*, (S.D.N.Y.)
- *In re Pork Antitrust Litigation* (D. Minn.)
- *In re Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation* (D.N.M.)

### Education:

- Whittier Law School, Los Angeles, California – J.D. – 1996
- University of Southern California – B.S. – 1992

### Bar Admissions:

- State of California
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Second Circuit
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California
- United States District Court for the District of Colorado
- United States District Court for the Northern District of Illinois
- United States District Court for the Western District of Texas





Mr. Warsaw served or currently serves in a lead or co-lead position in the following cases: *Vakilzadeh v. The Trustees of The California State University*, Los Angeles County Superior Court, Case No. 20STCV23134, a class action alleging that students were not properly refunded for tuition and fees when the California State University System closed its campuses and provided remote learning in lieu of in-person education; *Zimmerman v. Paramount Global*, No. 23 Civ. 2409 (VSB) (S.D.N.Y.), a class action alleging that Paramount failed to adequately pay royalties for the dissemination of artists' works over satellite radio; and *Senne v. The Office of the Commissioner of Baseball*, 3:14-cv-00608-JCS (N.D. Cal.), a certified multistate class action alleging that Major League Baseball and its teams violated state and federal wage and hour laws relating to minor league players.

Mr. Warsaw has assisted in the preparation of two Rutter Group practice guides: *Federal Civil Trials & Evidence* and *Civil Claims and Defenses*. He is also the founder and Chair of the *Class Action Litigation Forum*, whose purpose is to facilitate a high-level exchange of ideas and in-depth dialogue on class action litigation.

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### Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers, Board Member
- Consumer Attorneys of California
- Plaintiffs' Class Action Roundtable, Chair



## BRUCE L. SIMON

### Founding Partner

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Bruce L. Simon is a partner emeritus at Pearson Warshaw, LLP and led the firm to national prominence. Mr. Simon specializes in complex cases involving antitrust, consumer fraud and securities. He has served as lead counsel in many business cases with national and global impact.

In 2019, Mr. Simon was named as one of the Daily Journal's Top Plaintiff Lawyers. In 2018, Mr. Simon was awarded "Antitrust Lawyer of the Year" by the California Lawyers Association. In 2013 and 2016, Mr. Simon was chosen by the Daily Journal as one of the Top 100 attorneys in California. In 2013, he received the California Lawyer of the Year award from California Lawyer Magazine and was selected as one of seven finalists for Consumer Attorney of the Year by Consumer Attorneys of California for his work in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.). That year, Mr. Simon was included in the Top 100 of California's "Super Lawyers" and has been named a "Super Lawyer" every year since 2003. He has attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Simon was co-lead class counsel in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, a case that lasted over five years and resulted in \$473 million recovered for the direct purchaser plaintiffs. Mr. Simon served as co-lead trial counsel and was instrumental in obtaining an \$87 million jury verdict (before trebling). He presented the opening argument and marshalled numerous witnesses during the six-week trial.

Also, Mr. Simon was co-lead class counsel in *In re Credit Default Swaps Antitrust Litigation*, a case alleging a conspiracy among the world's largest banks to maintain opacity of the credit default swaps market as a means of maintaining supracompetitive prices of bid/ask spreads. After three years of litigation and many months of intensive settlement negotiations, the parties in *CDS* reached a landmark settlement amounting to \$1.86 billion. It is one of the largest civil antitrust settlements in history.

Mr. Simon was also co-lead class counsel in *In re Potash Antitrust Litigation (II)*, MDL No. 1996 (N.D. Ill.), where he successfully argued an appeal of the district court's order denying the defendants' motions to dismiss to the United States Court of Appeals for the Seventh Circuit. Mr. Simon presented oral argument during an *en banc* hearing before the Court and achieved a unanimous 8-0 decision in his favor.



### Reported Cases:

- *Minn-Chem, Inc. et al. v. Agrium Inc., et al.*, 683 F.3d 845 (7th Cir. 2012)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation*, 141 S.Ct. 2141 (2021).

### Education:

- University of California, Hastings College of the Law, San Francisco, California – J.D. – 1980
- University of California, Berkeley, California – A.B. – 1977

### Bar Admissions:

- State of California
- Supreme Court of the United States
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Seventh Circuit
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California

### Professional Associations and Memberships:

- California State Bar Antitrust and Unfair Competition Section, Advisor and Past Chair
- ABA Global Private Litigation Committee, Co-Chair
- ABA International Cartel Workshop, Steering Committee
- American Association for Justice, Business Torts Section, Past Chair
- Business Torts Section of the American Trial Lawyers Association, Past Chair



The case resulted in \$90 million in settlements for the direct purchaser plaintiffs, and the Court's opinion is one of the most significant regarding the scope of international antitrust conspiracies.

More recently, Mr. Simon completed the trial seeking injunctive relief in the *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation*. The plaintiffs allege that the NCAA and its member conferences violate the antitrust laws by restricting the value of grant-in-aid athletic scholarships and other benefits that college football and basketball players can receive.

- Hastings College of the Law, Board of Directors (2003-2015), Past Chair (2009-2011)

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### **Publications:**

- Class Certification Procedure, Ch. V, ABA Antitrust Class Actions Handbook (3d ed.), (forthcoming)
- Reverse Engineering Your Antitrust Case: Plan for Trial Even Before You File Your Case, *Antitrust*, Vol. 28, No. 2, Spring 2014
- *The Ownership/Control Exception to Illinois Brick in Hi-Tech Component Cases: A Rule That Recognizes the Realities of Corporate Price Fixing*, ABA International Cartel Workshop February 2014
- *Matthew Bender Practice Guide: California Unfair Competition and Business Torts*, LexisNexis, with Justice Conrad L. Rushing and Judge Elia Weinbach (Updated 2013)
- *The Questionable Use of Rule 11 Motions to Limit Discovery and Eliminate Allegations in Civil Antitrust Complaints in the United States*, ABA International Cartel Workshop February 2012



## MELISSA S. WEINER

### Partner

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Melissa S. Weiner is a partner and civil litigator whose work is squarely focused on combating consumer deception. Her experience is expansive, including class actions related to consumer protection, product defect, intellectual property, automotive, false advertising and data breach. Ms. Weiner has taken a leadership role in numerous large class actions and MDLs in cases across the country and lectures regularly on complex litigation matters.

Since her admission to the bar in 2007, she has earned appointment in a variety of MDL's and class actions throughout the country. She was recently appointed as the Co-Chair of the Plaintiff Steering Committee in *In Re: Change Healthcare, Inc. Customer Data Security Litigation* and as a member of the Plaintiffs' Executive Committee in *In re: MOVEit Customer Data Security Breach Litigation*, MDL No. 1:23-md-03083-ADB (D. Mass.), two of the largest data breach MDLs in the country. Additionally, she chairs the Plaintiffs' Executive Committee in *In Re Santa Fe Natural Tobacco Company Marketing & Sales Practices and Products Liability Litigation*, No. 1:16-md-02695-JB-LF (D.N.M.), where she co-led the strategy on class certification, which resulted in achieving class certification for a class of cigarette purchasers.

A significant contributor to her professional community, Ms. Weiner serves on the Executive Committee and as Chair of the Development Committee for Public Justice. Ms. Weiner is an active member of the Minnesota bar, and a former Co-Chair of the Mass Tort and Class Action Practice Group for the Minnesota Chapter of the Federal Bar Association where, in collaboration with the bench, she helped institute new recommended procedures for inclusion of newer and diverse attorneys in key litigation roles to combat the steep decline of in-court opportunities that disproportionately impacts women, diverse attorneys and other underrepresented groups. She also currently serves on the Minnesota Bar Association Food & Drug Law Council. Dedicated to her identity as a Jewish lawyer, Ms. Weiner is also the Co-Chair of the Twin Cities Cardozo Society, an affinity group of the Minneapolis and St. Paul Jewish Federations, which is the leading Jewish lawyers network serving the community.

In recognition of her outstanding efforts in the legal community, each year since 2012, Ms. Weiner has been named a Super Lawyers *Rising Star* by Minnesota Law & Politics.

### Current Cases:

- *Ashour v. Arizona Beverages USA LLC et al.* (S.D.N.Y.) (false advertising/mislabeling)
- *Benson et al. v. Newell Brands Inc., et al.* (N.D. Ill.) (false advertising/mislabeling)
- *In Re Pork Antitrust Litigation* (D. Minn.)
- *In Re Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation* (D.N.M.) (false advertising/mislabeling)
- *Bombin v. Southwest Airlines Co.* (E.D. Pa.) (breach of contract)
- *Freeman v. MAM USA Corp.* (N.D. Ill.) (false advertising/mislabeling)
- *In re: Apple Inc. App Store Simulated Casino-Style Games Litig.; In re: Facebook, Inc. App Center Simulated Casino-Style Games Litig.; and In re: Google Play Store Simulated Casino-Style Games Litig.* (N.D. Cal.)
- *David Plowden v. Similasan Corporation* (D. Co) (false advertising/mislabeling)
- *Nutraceutical Wellness, Inc. Consumer Fraud Litigation* (S.D.N.Y.) (false advertising/mislabeling)
- *Beaver, et al. v. Nissan of North America, Inc., et al.* (M.D. Tenn.) (automobile defect)
- *Stockley, et al. v. Nissan of North America, Inc., et al.* (M.D. Tenn.) (automobile defect)
- *In Re: Change Healthcare, Inc. Customer Data Security Breach Litigation* (D. Minn.)



Ms. Weiner has been appointed to leadership positions in the following MDLs and consolidated cases:

- *In Re: Change Healthcare, Inc. Customer Data Security Breach Litigation*, (D. Minn.) (Appointed as the Co-Chair of the Plaintiff Steering Committee in the Patient Track);
- *In re MOVEit Customer Data Security Breach Litigation* (D. Ma.) (Appointed to Plaintiffs' Steering Committee);
- *In Re: Fairlife Milk Products Marketing and Sales Practices Litigation* (N.D. Ill.) (Appointed Interim Co-Lead Counsel);
- *In Re Santa Fe Natural Tobacco Company Marketing & Sales Practices and Products Liability Litigation* (D.N.M.) (chair of the Plaintiffs' Steering Committee and member of the Plaintiffs' Oversight Committee);
- *In Re: Blackbaud, Inc. Customer Data Security Breach Litigation* (D.S.C.), nationwide data breach class action, (appointed to Plaintiffs' Steering Committee);
- *Dusko v. Delta Airlines, Inc.* (N.D. Ga.), a nationwide breach of contract class action (appointed as Co-Lead Class Counsel);
- *In re Apple Inc. App Store Simulated Casino Style Games Litigation* (N.D. Cal.), a multi-state statutory class action (appointed to Plaintiffs' Steering Committee);
- *In Re Samsung Top-Load Washing Machine Marketing, Sales Practices & Product Liability Litigation* (W.D. Okla.), (appointed to Plaintiffs' Executive Committee), a nationwide class action regarding a design defect in 2.8 million top loading washing machines, which resulted in a nationwide settlement;
- *In Re Windsor Wood Clad Window Product Liability Litigation* (E.D. Wis.), a nationwide class action regarding allegedly defective windows, which resulted in a nationwide settlement (Appointed Interim Executive Committee Member);
- *In Re: Luxottica of America, Inc. Data Security Breach Litigation* (S.D. Ohio) (Appointed Interim Executive Committee Member);
- *Culbertson v. Deloitte Consulting LLP* (S.D.N.Y.) (Appointed to Plaintiffs' Executive Committee), a nationwide data breach class action.

#### Education:

- William Mitchell College of Law – J.D. – 2007
- University of Michigan – Ann Arbor – B.A. – 2004

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#### Bar Admissions:

- State of New York
  - State of Minnesota
  - United States Court of Appeals for the Ninth Circuit
  - United States District Court for the District of Minnesota
  - United States District Court for the District of Colorado
  - United States District Court for the North District of Illinois
  - United States District Court for the Southern District of New York
  - United States District Court for the Eastern District of New York
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#### Professional Associations and Memberships:

- Minnesota State Bar Association
- Federal Bar Association
- Public Justice



## BOBBY POUYA

### Partner

Location: Sherman Oaks, California

Phone: (818) 205-2818

Email: bpouya@pwfirm.com

Bobby Pouya is a partner in the firm's Los Angeles office, focusing on complex litigation, antitrust litigation, and class actions. Effective advocacy in complex litigation requires experience and understanding of the multiple phases of these cases from inception through trial. During his career, Mr. Pouya has established himself as a member of the small category of attorneys who has personal experience leading litigation teams in each of these phases including, complex dispositive motions, high level depositions, class certification, settlement negotiation and approval, expert witness presentation, and trial and appellate advocacy.

Mr. Pouya has served in a leadership position in numerous complex multiparty cases that have resulted in hundreds of millions of dollars in recovery on behalf of his clients, including: *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.) (co-lead class counsel in a wage and hour class action on behalf of minor league baseball players resulting in a \$185 million settlement); *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.) (co-lead class counsel for direct purchaser plaintiffs in an antitrust conspiracy involving the sale of chicken resulting in \$284 million in settlements); *In re Pork Antitrust Litig.* (D. Minn.) (co-lead class counsel for direct purchaser plaintiffs in an antitrust conspiracy involving the sale of chicken resulting in \$116 million in settlements to date); *In re Polyurethane Foam Antitrust Litig.* (N.D. Ohio.) (member of executive committee for direct purchaser plaintiffs in an antitrust class action involving polyurethane foam products that resulted in over \$400 million in settlements).

Mr. Pouya currently serves as a member of the leadership team for plaintiffs in multiple notable antitrust actions including: *In re Cattle and Beef Antitrust Litig.* (D. Minn.) (executive committee for cattle rancher class), *In re Replacement Tires Antitrust Litig.* (executive committee for direct purchaser plaintiffs); *In re Shale Antitrust Litig.* (executive committee for indirect class plaintiffs); *Conroy v. Gerber* (discovery committee for indirect class plaintiffs); *In re PVC Pipe Antitrust Litig.* (counsel for non-converter purchaser class plaintiffs). Mr. Pouya also has a proven track record of representing consumers, members of the entertainment industry, and employees in a number of class actions.

Mr. Pouya's success has earned him recognition by his peers as a Southern California Super Lawyer and Super Lawyer Rising Star. Mr. Pouya earned his Juris Doctorate from Pepperdine University School of Law in 2006, where he received a certificate in dispute resolution from the prestigious Straus Institute for Dispute Resolution and participated on the interschool trial and mediation advocacy teams.



### Current and Notable Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *In re Pork Antitrust Litigation* (D. Minn.)
- *In re Cattle Antitrust Litigation* (D. Minn.)
- *In re Shale Oil Antitrust Litigation* (D.N.M.)
- *In re PVC Pipe Antitrust Litigation* (D. Ill.)
- *In re Replacement Tires Antitrust Litigation* (N.D. Ohio)
- *Conroy, et al. v. Gerber Products Company, et al.* (E.D. VA)

### Education:

- Pepperdine University School of Law, Malibu, California – J.D. – 2006
- University of California, Santa Barbara, California – B.A., with honors – 2003

### Publications:

- *Should Offers Moot Claims?* Daily Journal, Oct. 10, 2014
- *Central District Local Rules Hinder Class Certification*, Daily Journal, April 9, 2013

### Bar Admissions:

- State of California
- United States Court of Appeals for the Ninth and Seventh Circuits
- United States District Court for the Central, Northern, Southern and Eastern Districts of California

### Professional Associations and Memberships:

- American Bar Association
- Consumer Attorneys of California
- Los Angeles County Bar Association





# MICHAEL H. PEARSON

## Partner

Location: Sherman Oaks, California

Phone: (818) 205-2803

Email: mpearson@pwfirm.com



Michael H. Pearson is a partner and civil litigator in the firm's Los Angeles office, focusing on complex litigation, class actions, and consumer protection. Mr. Pearson has extensive experience in representing clients in a variety of contexts. He has served as a member of the litigation team in multiple cases that resulted in class certification or a class-wide settlement, including cases that involved antitrust, business litigation, complex financial products, high-technology products, consumer safety, and false and misleading advertising. *In re Broiler Chicken Antitrust Litig.*, No. 16 C 8637, 2022 WL 1720468 (N.D. Ill. May 27, 2022); *In re Pork Antitrust Litig.*, No. CV 18-1776 (JRT/JFD), 2023 WL 2696497 (D. Minn. Mar. 29, 2023); *Benson v. Newell Brands, Inc.*, No. 19 C 6836, 2021 WL 5321510 (N.D. Ill. Nov. 16, 2021). Specifically, he was instrumental in managing the review of tens of millions of documents and drafting pleadings in *In Re Credit Default Swaps Antitrust Litigation*, which was settled for \$1.86 billion, plus injunctive relief.

Mr. Pearson received his Bachelor of Science degree from Tulane University in 2008, majoring in Finance with an Energy Specialization. He received his Juris Doctorate from Loyola Law School Los Angeles in 2011. Mr. Pearson is an active member in a number of legal organizations, including the American Bar Association, Los Angeles County Bar Association, and the Association of Business Trial Lawyers.

Mr. Pearson's success has earned him recognition by his peers as a Super Lawyers Rising Star (representing the top 2.5% of lawyers in Southern California age 40 or younger or in practice for 10 years or less) each year from 2017 to the present.

### Bar Admissions:

- State of California
- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California
- United States District Court for the Northern District of Illinois

### Professional Association and Memberships:

- American Bar Association
- Association of Business Trial Lawyers
- Los Angeles County Bar Association

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### Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *In re Pork Antitrust Litigation* (D. Minn.)
- *Benson et al. v. Newell Brands Inc., et al.* (N.D. Ill.)
- *Freeman v. MAM USA Corp.* (N.D. Ill.)
- *Busler v. Nissan North America, Inc.* (M.D. Tenn.)
- *Beaver v. Nissan North America, Inc.* (M.D. Tenn.)
- *Stockley, et al. v. Nissan of North America, Inc., et al.* (M.D. Tenn.)
- *In Re: Change Healthcare, Inc. Customer Data Security Breach Litigation* (D. Minn.)

### Past Cases:

- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.) – **\$208 million settlement**
- *In re Credit Default Swaps Antitrust Litigation* (S.D.N.Y.) – **\$1.86 billion settlement**
- *In Re Fairlife Milk Products Marketing And Sales Practices Litigation* (N.D. Ill.) – **\$21 million settlement**
- *Trepte v. Bionaire, Inc.* (Los Angeles County Superior Court)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.) – **\$185 million settlement**

### Education:

- Loyola Law School Los Angeles, Los Angeles, California – J.D. – 2011
- Tulane University, New Orleans, Louisiana – B.S., *magna cum laude* - 2008



## MATTHEW A. PEARSON

### Partner

Location: Sherman Oaks, California

Phone: (818) 205-2806

Email: mapearson@pwfirm.com

Matthew A. Pearson is a partner in the firm's Los Angeles office focusing on antitrust, consumer protection, business litigation and childhood sexual abuse matters. Matt received his Bachelor of Science degree from the University of Arizona in 2010, majoring in Business Management, and received his Juris Doctorate from Whittier Law School in 2013.

Over the course of his career, Matt has represented clients in variety of different matters including toxic tort litigation, general business litigation, intellectual property, products liability, family law and high-stakes personal injury matters. Matt's clients have included public and private companies, closely held corporations and thousands of individuals.

Matt was part of the litigation team in the *National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* which resulted in a plaintiff verdict for the injunctive relief portion of the case in 2018. The damages portion of the case had previously been settled for \$208 million. The plaintiffs' litigation team was honored with the "Outstanding Antitrust Litigation Achievement in Private Law Practice" award by the American Antitrust Institute (AAI) in 2019 for their success in the matter. The verdict was later appealed to the United States Supreme Court where plaintiffs successfully upheld district court's verdict in a landmark 9-0 victory.

Matt is an active member in a number of legal organizations including the American Bar Association, American Association for Justice, Association of Business Trial Lawyers and the Los Angeles County Bar Association. Matt has also been selected as a Southern California Rising Star by Super Lawyers from 2019 to the present.

#### Bar Admissions:

- State of California
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California

#### Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers
- Los Angeles County Bar Association



#### Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *In re Pork Antitrust Litigation* (D. Minn.)
- *In re Cattle Antitrust Litigation* (D. Minn.)
- *Jennifer Andrews, et al. v. Google LLC, et al.* (N.D. Cal.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, LLC* (E.D.N.Y.)
- *In re Northern California Clergy Cases* (Cal. Sup. Ct.)
- *In re Southern California Clergy Cases* (Cal. Sup. Ct.)
- *In re The San Diego Diocese Cases* (Cal. Sup. Ct.)

#### Past Cases:

- *In re: Keurig Green Mountain Single-Serve Coffee Antitrust Litigation* (S.D.N.Y.) – **\$31 million settlement**
- *Grace v. Apple, Inc.* (N.D. Cal.) – **\$18 million settlement**
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.) – **\$208 million settlement**
- *In re Credit Default Swaps Antitrust Litigation* (S.D.N.Y.) – **\$1.86 billion settlement**
- *Eashoo v. Iovate Health Sciences USA Inc.* (C.D. Cal.) – **\$2.5 million settlement**

#### Education:

- Whittier Law School, California – J.D. – 2013
- University of Arizona: Eller College of Management – B.S. – 2010





## NEIL J. SWARTZBERG

### Of Counsel

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Location: San Francisco, California

Phone: (415) 400-7711

Email: nswartzberg@pwfirm.com



Neil Swartzberg, of counsel to Pearson Warshaw, LLP, has significant litigation and counseling experience, with a track record of providing advice and representation to individuals and companies. He has expertise in complex and commercial litigation, focusing on consumer protection, antitrust and securities laws, primarily in the class action context. Practicing in both federal and state courts, he has litigated price-fixing class actions, securities fraud suits and other consumer protection cases, as well as patent infringement, trade secret misappropriation and related intellectual property matters.

Mr. Swartzberg was a leading attorney in the direct purchaser plaintiff class action *In re Static Random Access Memory (SRAM) Antitrust Litigation* (N.D. Cal.). He was also actively involved in several other antitrust class actions, such as *In re International Air Transportation Surcharge Antitrust Litigation* (N.D. Cal.), *Air Cargo Shipping Services Antitrust Litigation* (E.D.N.Y.), *In re Cathode Ray Tube (CRT) Antitrust Litigation* (N.D. Cal.), and *In re Optical Disk Drive (ODD) Antitrust Litigation* (N.D. Cal.). In addition, he has represented patent owners and companies in infringement cases for patents covering video game controllers, Internet search functionality, secure mobile banking transactions and telecommunications switches.

His current cases include: direct purchaser antitrust class actions against the leading domestic producers of poultry (broiler chickens) and pork; several class actions on behalf students against colleges and universities seeking partial refunds of tuition and fees because of the schools closing their campuses and transitioning to online-only classes in the wake of COVID-19; an antitrust suit challenging the conduct of Major League Soccer and the United States Soccer Federation to exclude competition in men's professional soccer; and, two consumer class actions against airlines who failed to provide proper refunds when they canceled passengers' flights following COVID-19.

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#### Professional Associations and Memberships:

- American Bar Association

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#### Languages:

- German (proficient)

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#### Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *In re Pork Antitrust Litigation* (D. Minn.)
- *Vakilzadeh v. The Trustees of California State University* (Cal. Sup. Ct., Los Angeles)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc.* (E.D.N.Y.)
- *Bombin v. Southwest Airlines Co.* (E.D. Pa.)

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#### Education:

- University of California, Davis, School of Law – J.D. – 2001
- State University of New York, Buffalo – M.A. – 1994
- Duke University – A.B. – 1991

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#### Bar Admissions:

- State of California
- United States Court of Appeals for the Ninth Circuit
- Federal Circuit Court of Appeals
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Eastern District of Missouri
- United States District Court for the Western District of Pennsylvania

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#### Publications and Presentations:

- *The Hard Cell, Mobile banking and the Federal Circuit's "divided infringement" decisions*, Feb. 2013, Intellectual Property magazine, with Robert D. Becker



## NAVEED ABAIE

### Associate

Location: Los Angeles, California

Phone: (818) 205-2802

Email: nabaie@pwfirm.com

Naveed Abaie is an associate in the firm's Los Angeles office focusing on consumer protection, antitrust, and business litigation. Mr. Abaie recently served on the co-lead class counsel trial team on behalf of a certified class of direct purchaser plaintiffs in *In re Broiler Chicken Antitrust Litigation*, Northern District of Illinois, Case No. 1:16-cv-08637. Trial commenced in September 2023, and the complaint alleged that the nation's largest broiler chicken producers violated antitrust laws by limiting production and manipulating the price indices. PW and co-counsel secured settlements of over \$284 million for the direct purchaser plaintiffs.

Mr. Abaie graduated from the University of San Diego, School of Law in 2017. While at the University of San Diego, he earned his J.D. with a concentration in Business and Corporate Law. Mr. Abaie received his Bachelor's degree from the University of California, Berkeley Haas School of Business in 2012.



### Current Cases:

- *In re Pork Antitrust Litigation* (D. Minn.)
- *In re Cattle Antitrust Litigation* (D. Minn.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc. et al.* (E.D.N.Y.)
- *Doyle v. Tesla, Inc.* (N.D. Cal.)
- *In re Northern California Clergy Cases* (Cal. Sup. Ct.)
- *In re Southern California Clergy Cases* (Cal. Sup. Ct.)
- *In re The San Diego Diocese Cases* (Cal. Sup. Ct.)

### Education:

- University of San Diego, California – J.D. – 2017
- University of California, Berkeley, California – B.A. – 2012

### Bar Admissions:

- State of California

### Professional Associations and Memberships:

- Association of Business Trial Lawyers



## BRIAN S. PAFUNDI

### Associate

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Location: Minneapolis, Minnesota

Phone: (612) 389-0604

Email: bpafundi@pwfirm.com



Brian S. Pafundi is an associate in the firm's Minneapolis office focusing on antitrust and consumer class actions.

Mr. Pafundi graduated from University of Florida Levin College of Law in 2010. After law school he worked as an Assistant Public Defender for the State of Minnesota where he handled a full and diverse caseload including felony trials.

Mr. Pafundi received his B.A. in Political Science in 2005 and a Master of Arts degree in Mass Communications in 2009, both from the University of Florida.

His research on public access to criminal discovery records has been quoted by the Tennessee Supreme Court, *see Tennessean v. Metro. Gov't of Nashville*, 485 S.W.3d 857, 871 (Tenn. 2016), and is cited in LaFave and Israel's Criminal Procedure Practice Series treatise. *See* n. 198, § 23.1(d) Closed proceedings: First Amendment right of access, 6 Crim. Proc. § 23.1(d) (4th ed.).

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### Current Cases:

- *In re Pork Antitrust Litigation* (D. Minn.)
- *Freeman v. MAM USA Corp.* (N.D. Ill.)
- *In re Cattle Antitrust Litigation* (D. Minn.)
- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *Benson et al. v. Newell Brands Inc., et al.* (N.D. Ill.) (false advertising/mislabeling)

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### Education:

- University of Florida Levin College of Law – J.D. – 2010
- University of Florida College of Journalism and Communications – M.A. – 2009
- University of Florida College of Liberal Arts and Science – B.A. – 2005

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### Bar Admissions:

- Minnesota
- United States District Court for the District of Minnesota

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### Publications:

- *Public Access to Criminal Discovery Records: A Look Behind the Curtain of the Criminal Justice System*, 21 U. Fla. J.L. & Pub. Pol'y 227 (2010).



## ADRIAN J. BUONANOCE

### Associate

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Location: Sherman Oaks, California

Phone: (818) 205-2807

Email: [abuonanoce@pwfirm.com](mailto:abuonanoce@pwfirm.com)



Adrian J. Buonanoce is an associate in the firm's Los Angeles office, focusing on antitrust and consumer protection litigation.

Mr. Buonanoce received a Bachelor's degree in Political Economy from the University of California, Berkeley in 2012. He earned his Juris Doctorate from the University of San Diego School of Law with a concentration in International Law in 2018.

In 2024, Mr. Buonanoce published "The Basics of Antitrust" in the Consumer Attorneys of California Forum magazine.

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#### Current Cases:

- *Vakilzadeh v. The Trustees of California State University* (Cal. Sup. Ct., Los Angeles)
- *In re Pork Antitrust Litigation* (D. Minn.)
- *In re Cattle Antitrust Litigation* (D. Minn.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc.* (E.D.N.Y.)
- *Benson et al. v. Newell Brands Inc., et al.* (N.D. Ill.)
- *Freeman v. MAM USA Corp.* (N.D. Ill.)
- *Zimmerman v. Paramount Global* (S.D.N.Y.)

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#### Education:

- University of San Diego, California – J.D. – 2018
- University of California, Berkeley, California – B.A. – 2012

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#### Bar Admissions:

- State of California

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#### Professional Associations and Memberships:

- Association of Business Trial Lawyers
- Public Justice

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#### Publications:

- *The Basics of Antitrust*, Consumer Attorneys of California Forum Magazine, vol. 54, no. 1, 2024, pp. 32-35.



## ERIC J. MONT

### Associate

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Location: Sherman Oaks, California

Phone: (818) 205-2816

Email: emont@pwfirm.com



Eric J. Mont, an associate based in the firm's Los Angeles office, specializes in class action litigation with a primary focus on antitrust and consumer protection laws. Mr. Mont received his Bachelor of Science degree from Loyola Marymount University in 2012, majoring in Natural Science. He received his Juris Doctorate from UCLA in 2017.

Mr. Mont has represented clients in a variety of different matters and works closely with clients, co-counsel, and opposing counsel on all aspects of litigation. In 2023, Mr. Mont was a core member of the plaintiffs' trial team in the matter of *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.), which lasted for nearly two months. The rigorous demands and complex nature of the trial were instrumental in shaping Mr. Mont into a consummate trial attorney with a deeper understanding of the complex litigation process.

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#### Current Cases:

- *North American Soccer League, LLC v. United States Soccer Federation, Inc., et al.* (E.D.N.Y.)
- *In re Pork Antitrust Litigation* (D. Minn.)
- *In re Cattle Antitrust Litigation* (D. Minn.)
- *Michael Curran v. The Goodyear Tire & Rubber Company, et al.* (S.D.N.Y.)

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#### Education:

- University of California, Los Angeles, CA – J.D. - 2017
- Loyola Marymount University, Los Angeles, CA – B.S. – 2012

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#### Bar Admissions:

- State of California

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#### Professional Associations and Memberships:

- Association of Business Trial Lawyers



## RYAN T. GOTT

### Associate

Location: Minneapolis, Minnesota

Phone: (612) 389-0602

Email: rgott@pwfirm.com

Ryan T. Gott is an attorney in the firm's Minnesota office with a practice focused on consumer protection, data privacy & security, false advertising, product liability, and environmental law matters.

Mr. Gott has a demonstrated history of litigation success in both state and federal courts, including multiple appearances and favorable results before the Minnesota Supreme Court and federal district courts. He is a passionate advocate for his clients with a dedication to open communication and consultation.

Mr. Gott has taken significant roles in the litigation and maintenance of the *In Re Blackbaud, Inc.* and *In Re MOVEit* MDLs, including dispositive motion briefing, plaintiff vetting and ESI preservation coordination, offensive, non-party and expert discovery and depositions.

Prior to joining the firm, Mr. Gott's practice focused on product liability, construction, and premises liability litigation. While in law school at the University of St. Thomas School of Law, he worked as a judicial clerk the Honorable Frank Karasov, Judge of the Fourth Judicial District, State of Minnesota and was a senior editor of the University of St. Thomas School of Law, Journal of Law and Public Policy.



### Current Cases:

- *Ashour v. Arizona Beverages USA LLC et al.* (S.D.N.Y.) (false advertising/mislabeling)
- *Bohen et al. v. Conagra Brands* (N.D. Ill.) (false advertising/mislabeling)
- *Bounthon v. Procter & Gamble Company* (N.D. Ill.) (false advertising/mislabeling)
- *Cake Love Co. v. AmeriPride Services and ARAMARK* (D. Minn.) (data breach)
- *In Re Santa Fe Natural Tobacco Company, Marketing, Sales Practice, and Products Liability Litigation* (D.N.M.) (false advertising/mislabeling)
- *Lowe v. Edgewell Personal Care Co.* (N.D. Cal.) (false advertising/mislabeling)

### Education:

- University of St. Thomas School of Law, J.D., 2015
- Saint John's University, B.A., 2012

### Bar Admissions:

- State of Minnesota
- U.S. District Court, District of Minnesota
- U.S. District Court, Northern District of Illinois

### Professional Associations and Memberships:

- Minnesota State Bar Association
- American Bar Association
- Federal Bar Association
- Public Justice

# EXHIBIT B

**MICHAEL KAPLAN v. COMEDY PARTNERS****TIME REPORT - CURRENT RATES****FIRM NAME: PEARSON WARSHAW, LLP****REPORTING PERIOD: INCEPTION THRU 04/28/2025**

Status:

(P) Partner

(OC) Of Counsel

(A) Associate

(PL) Paralegal

NAME	STATUS	HOURLY RATE	CUMULATIVE HOURS	CUMULATIVE LODESTAR
Daniel L. Warshaw	P	\$ 1,500.00	144.30	\$ 216,450.00
Bobby Pouya	P	\$ 1,100.00	64.90	\$ 71,390.00
Adrian Buonanoce	A	\$ 600.00	42.60	\$ 25,560.00
<b>ATTORNEY TOTALS</b>			251.80	\$ 313,400.00
Ellovene Grant	PL	\$ 250.00	2.70	\$ 675.00
<b>NON-ATTORNEY TOTALS</b>			2.70	\$ 675.00
<b>TOTALS</b>			<b>254.50</b>	<b>\$ 314,075.00</b>



# EXHIBIT C

**MICHAEL KAPLAN v. COMEDY PARTNERS**  
**COST REPORT**

**FIRM NAME: PEARSON WARSHAW, LLP**  
**REPORTING PERIOD: INCEPTION THRU 04/28/2025**

CATEGORY		AMOUNT INCURRED
Conference Calls	\$	24.21
Online Research - Westlaw	\$	426.57
Delivery Services / Messenger - Federal Express	\$	72.87
Postage	\$	19.80
Travel	\$	35.00
Court Fees	\$	603.00
Experts / Consultants	\$	8,000.00
Arbitrators / Mediators	\$	6,058.33
<b>TOTAL</b>	<b>\$</b>	<b>15,239.78</b>