

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

SHARON CHENG, CRISTINA DIAS, RHONDA SANFILIPO, BRUCE PULEO, ZINA PRUITT, RON ZIMMERMAN, CHERYL SILVERSTEIN, TINA FENG, ROBERT HAKIM, BERNADETTE GRIMES, ELIZABETH GENDRON, ROGER CARTER, MARLENE RUDOLPH, PATRICIA BARLOW, TERESA EDWARDS, ISAAC TORDJMAN, JAMES HETTINGER, DIEU LE, CHRIS BOHN, DANIEL DEWEERDT, CRAIG BOXER, BETTY DENDY, ELIZABETH PERSAK, KRISTI ROCK, JENNIFER CHALAL, JOHN TORRANCE, LENARD SHOEMAKER, MICHAEL MITCHELL, ROBERT SKELTON, JEFFREY JONES, ISABEL MARQUES, PAYAM RASTEGAR, and SYED ABDUL NAFAY, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

TOYOTA MOTOR CORPORATION, TOYOTA MOTOR NORTH AMERICA, INC., and DENSO INTERNATIONAL AMERICA, INC.,

Defendants.

Case No: 1:20-cv-00629-WFK-JRC

**DECLARATION OF JERROD C. PATTERSON  
IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES,  
EXPENSES, AND SERVICE AWARDS TO THE CLASS REPRESENTATIVES**

I, Jerrod C. Patterson, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I, Jerrod C. Patterson, am a Partner of the law firm Hagens Berman Sobol Shapiro LLP, with the main office located in Seattle, Washington. I am admitted to practice in the States of New York, Washington, and the District of Columbia. I have also been admitted to practice in the federal courts of the Western District of Washington and Eastern District of Michigan, as well as the United States Courts of Appeals for the Fifth and Ninth Circuits.

2. I respectfully submit this declaration in support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards to the Class Representatives. I have personal knowledge of the matters set forth herein and am competent to testify with respect thereto.

3. Hagens Berman represents Court-appointed Class Representatives Cheryl Silverstein, Isaac Tordjman, James Hettinger, Elizabeth Persak, Lenard Shoemaker, Robert Skelton, Isabel Marques, Payam Rastegar, and Syed Abdul Nafay in this consolidated action. ECF No. 167. My firm was appointed to the Plaintiffs' Steering Committee (PSC) on September 30, 2020, and, since then, we have worked on this litigation together with the other members of the PSC under the auspices of Interim Lead Class Counsel Beasley Allen. *See* Nov. 6, 2020 Order (granting ECF No. 84).

4. The services rendered and work performed by attorneys and paralegals of my firm during the course of this litigation include the following: pre-filing fact research; drafting an initial complaint, followed by three amended class action complaints; responding to Defendants' motions

to dismiss; consulting with class representatives to gather documents and respond to written interrogatories; document review; settlement discussions; and conducting confirmatory discovery.

5. From May 2020, through November 15, 2022, my firm (and attorneys working at my direction) has expended 1,186.7 hours of work in connection with this litigation. Based upon our current, customary rates in this type of litigation, the lodestar value of that time is \$568,675.

6. Our firm's work on this case was performed on a wholly-contingent basis pursuant to contingency fee contracts with the named Plaintiffs. My firm has not received any amounts in connection with this case, either as fee income or expense reimbursement.

7. Shown below is a true and correct summary identifying the attorneys and paralegals who have worked on this litigation, the number of hours, their regular hourly billing rates, and their respective lodestar values. I anticipate that additional time and expenses will be incurred for the work that my firm will be performing on this matter through the conclusion of the settlement.

8. The hourly rates shown below are the usual and customary lodestar rates charged in the State of Washington, and the national venues in which the firm typically handles cases for each individual doing the type of work performed in this litigation, including New York. These rates were not adjusted, notwithstanding the complexity of this litigation, the skill and tenacity of the opposition, the preclusion of other employment, the delay in payment, or any other factors that could be used to justify a higher hourly compensation.<sup>1</sup>

<b>Timekeeper</b>	<b>Hourly Rate</b>	<b>Cumulative Hours</b>	<b>Cumulative Lodestar</b>
Steve Berman (PT)	\$1,200.00	4.00	\$4,800.00
Thomas Loeser (PT)	\$800.00	91.90	\$73,520.00
Jerrold Patterson (PT)	\$650.00	122.10	\$79,365.00
Shelby Smith (OC)	\$600.00	1.00	\$600.00

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<sup>1</sup> In the chart, "PT" means Partner, "OC" means Of Counsel, "A" means Associate, "C" means Contract Attorney, "PA" means Paralegal, and "PAS" means Paralegal Assistant.

<b>Timekeeper</b>	<b>Hourly Rate</b>	<b>Cumulative Hours</b>	<b>Cumulative Lodestar</b>
Anthea Grivas (A)	\$525.00	271.30	\$142,432.50
Yvonne Brown (C)	\$350.00	287.00	\$100,450.00
Tiffani Fox (C)	\$350.00	8.00	\$2,800.00
Lauren Lyons (C)	\$375.00	202.00	\$75,750.00
Carrie Flexer (PA)	\$375.00	9.50	\$3,562.50
Nicolle Huerta (PA)	\$350.00	49.90	\$17,465.00
Robert Haegele (PA)	\$350.00	2.20	\$770.00
Joseph Salonga (PA)	\$350.00	1.80	\$630.00
Chan Lovell (PAS)	\$200.00	4.90	\$980.00
Andrew Levetown <sup>2</sup>	\$500.00	131.1	\$65,550
<b>TOTALS</b>		<b>1186.70</b>	<b>\$568,675</b>

9. These amounts were derived from contemporaneous daily time records compiled on this matter, which are recorded in our computerized database. The firm requires regular and contemporaneous recording of time records, which occurred in this case.

10. The lodestar summary reflects my firm's experience in the field, the complexity of the matters involved in this litigation, and the prevailing rate for providing such services.

11. My firm has advanced a total of \$23,595.411 in expenses reasonably and necessarily incurred in connection with the prosecution of this matter. They are broken down as follows:

<b>Disbursement</b>	<b>Amount</b>
Assessment Fees (Litigation Fund)	\$ 20,000
Federal Express/Local Courier, etc.	\$ 96.74
Long distance charges	\$ 9.93
Lexis/Westlaw	\$ 2,033.11
Court Fees	\$ 245.63
Investigation Fees / Service Fees	\$ 1,210.00
<b>TOTAL</b>	<b>\$23,595.41</b>

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<sup>2</sup> As described below, Andrew Levetown is not an attorney at my Firm, but performed work at my direction.

12. These expenses are reflected in the books and records regularly kept and maintained by my firm.

13. My firm's lodestar and expenses includes those of Levetown Law, LLP, a law firm that was not appointed to the PSC but performed work on this case. I oversaw the work performed by Andrew Levetown of Levetown Law, LLP, which was reasonable and necessary for the prosecution of this case.

14. In my opinion, the time expended and incurred in prosecuting this action were reasonable and necessary for the diligent litigation of this matter.

15. As reflected in the attached resume for my firm, we have significant experience in prosecuting a significant number of class action cases on behalf of consumers nationwide. Many of those cases resulted in settlements on behalf of those consumer classes, achieving well over \$50 billion in recoveries for consumers.

16. Based upon my experience, I believe that the proposed Settlement is fair, adequate, and reasonable based upon several factors, including the risks of continued litigation, the strength of Plaintiffs' claims, and the relief achieved on behalf of the individual Class members. In addition to the significant injunctive relief obtained by the attorneys, consumers may file claims to recover the amount that they have paid in eligible out-of-pocket expenses related to repair of the defective Denso fuel pumps at issue in this litigation.

17. This case was litigated over the course of nearly three years, and involved MDL briefing, dismissal motion practice, complex, multi-defendant informal and confirmatory discovery, and expert work. Class Representatives Cheryl Silverstein, Isaac Tordjman, James Hettinger, Elizabeth Persak, Lenard Shoemaker, Robert Skelton, Isabel Marques, Payam Rastegar, and Syed Abdul Nafay fulfilled their duties to the Class by devoting substantial effort to the

commencement and oversight of this litigation. As detailed in their concurrently filed declarations, Class Representatives expended considerable effort ensuring that the proposed Settlement was fair, adequate, and reasonable, stayed abreast of the litigation, including by reviewing and approving pleadings, the settlement agreement and related motions, and provided documents and information as necessary. Accordingly, I believe that the proposed service awards to each of the proposed Class Representatives are also appropriate.

18. I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 15, 2022

Respectfully submitted,

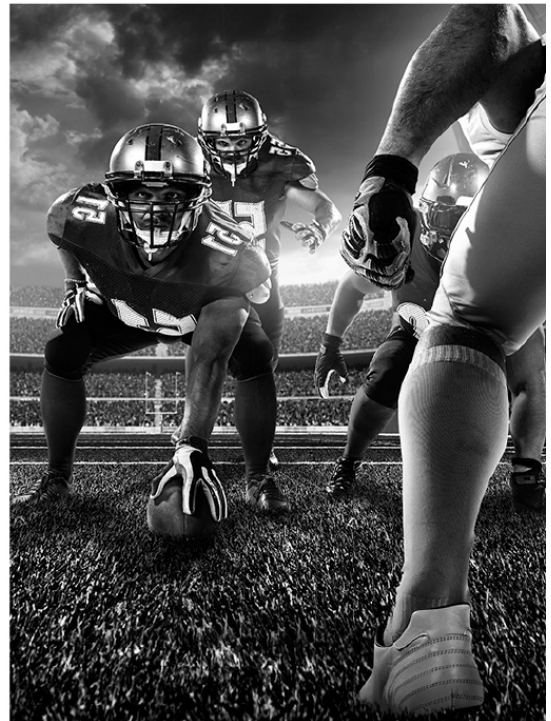
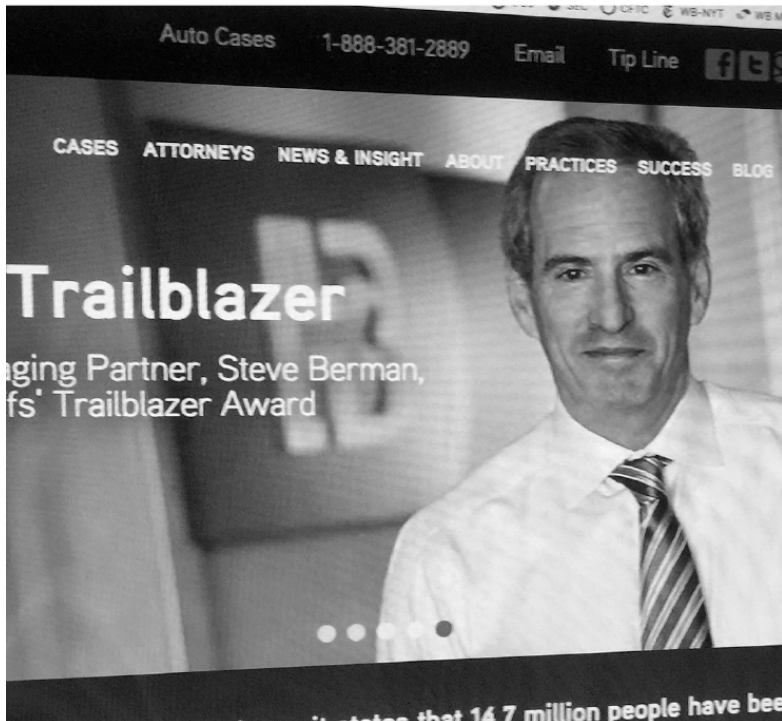
A handwritten signature in blue ink, appearing to read "jcp", is positioned above a horizontal line.

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JERROD C. PATTERSON  
Hagens Berman Sobol Shapiro LLP



## HAGENS BERMAN





Hagens Berman is a national leader in class-action litigation driven by an international team of legal powerhouses. With a tenacious spirit, we are motivated to make a positive difference in people's lives.



## INTRODUCTION

### The Firm

Hagens Berman Sobol Shapiro LLP was founded in 1993 with one purpose: to help victims with claims of fraud and negligence that adversely impact a broad group. Through the firm's initial focus on class action and other types of complex, multi-party litigation, we have always represented plaintiffs and those seeking representation against wrongdoing and fraud. As the firm grew, it expanded its scope while staying true to its mission of taking on important cases that implicate the public interest and the greater good. We represent plaintiffs including consumers, inventors, investors, workers, the environment, governments, whistleblowers and others.

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We are one of the nation's leading class-action law firms and have earned an international reputation for excellence and innovation in ground-breaking litigation against large corporations.

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#### OUR FOCUS

Our focus is to represent plaintiffs in consumer fraud, product liability, antitrust, tort, [sexual harassment](#), [securities and investment fraud](#), [employment](#), [whistleblower law](#), [intellectual property](#), [environmental](#) and employee pension protection cases. Our firm is particularly skilled at managing multi-state and nationwide class actions through an organized, coordinated approach that implements an efficient and aggressive prosecutorial strategy to place maximum pressure on defendants.

#### WE WIN

We believe excellence stems from a commitment to try each case, vigorously represent the best interests of our clients and obtain maximum recovery. Our opponents know we are determined and tenacious, and they respect our skills and recognize our track record of achieving top results for those who need it most.

#### WHAT MAKES US DIFFERENT

We are driven to return to the class every possible portion of its damages—our track record proves it. While many class action or individual plaintiff cases result in large legal fees and no meaningful outcome for the client or class, Hagens Berman finds ways to return real value to the victims of corporate fraud and malfeasance through damages and real change.

#### AN INTERNATIONAL REACH

Our firm offers clients an international scope of practice. We have flourished through our core network of offices across the United States, and with a global expansion, Hagens Berman has grown geographically to where our eyes have always been: trends of fraud, negligence and wrongdoing that may be taking form anywhere in the world. The firm now does business through endeavors in London and Amsterdam. Our reach is not limited to the cities where we maintain offices. We have cases

pending in several countries and have a vested interest in fighting global instances of oppression and injustice.

## INTRODUCTION

# Locations

### SEATTLE

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HAGENS BERMAN SOBOL SHAPIRO LLP

## INTRODUCTION

### Quotes

“...the track record of Hagens Berman[‘s] Steve Berman is...impressive, having racked... a \$1.6 billion settlement in the Toyota Unintended Acceleration Litigation and a substantial number of really outstanding big-ticket results.”

— Hon. Milton I. Shadur, Senior U.S. District Judge, naming Hagens Berman interim class counsel in Stericycle Pricing MDL. (Hagens Berman served as lead counsel and secured a \$255 million settlement for class members.)

“All right, I think I can conclude on the basis with my five years with you all, watching this litigation progress and seeing it wind to a conclusion, that the results are exceptional... You did an exceptionally good job at organizing and managing the case...”

— U.S. District Court for the Northern District of California, In re Dynamic Random Access Memory Antitrust Litigation. (Hagens Berman was co-lead counsel and helped achieve the \$325 million class settlement.)

“[A] clear choice emerges. That choice is the Hagens Berman firm.”

— U.S. District Court for the Northern District of California, In re Optical Disk Drive Products Antitrust Litigation. (Appointing the firm lead counsel in the case which would later usher in \$180 million in settlements.)

“Class counsel has consistently demonstrated extraordinary skill and effort.”

— Hon. James Selna, Central District of California, In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation. (The firm was appointed co-lead counsel without submitting to lead the case, and later achieved what was then the largest settlement in history brought against an automaker – \$1.6 billion.)

“Landmark consumer cases are business as usual for Steve Berman.”

— The National Law Journal, naming Steve Berman one of the 100 most influential attorneys in the nation for the third time in a row

“Berman is considered one of the nation’s top class action lawyers.”

— Associated Press

“...I have never worked with such professional, decent counsel.”

— Hon. Dennis M. Cavanaugh, United States District Judge (Retired), Transcript Of Proceedings Fairness Hearing for In Re Mercedes-Benz Emissions Litigation. (Hagens Berman helped secure a \$700 million settlement for class members and served as interim class counsel.)

“Class Counsel are extremely qualified and competent counsel who have experience and expertise prosecuting complex class actions...successfully tried class actions to jury verdicts and...also obtained billions of dollars in settlements...”

— Judge Magnuson, Final CBL Approval Order

“I will reiterate that class counsel has demonstrated over many years, superior experience and capability in handling class actions of this sort.”

— Hon. Beth Labson Freeman, United States District Judge, Final Approval of Settlement Hearing for [Dean Sheikh et al v. Tesla, Inc.](#).

“Not only did they work hard and do what was appropriate under the circumstances; their behavior was exemplary throughout. They were fair and firm. There were no pushovers involved here.”

— Hon. Dennis M. Cavanaugh, United States District Judge (Retired)  
Proceedings Fairness Hearing for [In Re Mercedes-Benz Emissions Litigation](#).

“...respective clients certainly got their money’s worth with these attorneys and the work that they did on their behalf. ...Plaintiffs did an excellent job on behalf of their clients in this case.”

— Hon. Dennis M. Cavanaugh, United States District Judge (Retired)  
Proceedings Fairness Hearing for [In Re Mercedes-Benz Emissions Litigation](#).

“Class Member reaction to the Mercedes Settlement is overwhelmingly positive.”

Hon. Dennis M. Cavanaugh (Ret.) Special Master, [In Re Mercedes-Benz Emissions Litigation](#).

“Plaintiffs have zealously litigated this case on behalf of the class over the course of eight years...the reaction of the class members has been overwhelmingly positive.”

— Hon. Jeffrey S. White  
Order finalizing \$28 million settlement in [class-action against Schneider National Carriers Inc.](#).

“...This result...puts significant money into the pockets of all of the class members, is an excellent result. ...I’ve also looked at the skill and quality of counsel and the quality of the work... and find that to have been at a high level.”

— Hon. Beth Labson Freeman, United States District Judge  
Final Approval of Settlement Hearing for [Dean Sheikh et al v. Tesla, Inc.](#).

“The level of representation of all parties in terms of the sophistication of counsel, was, in my view, of the highest levels. I can't imagine a case in which there was really a higher quality of representation across the board than this one.”

—Hon. William E. Smith, District Judge, U.S. District Court for the District of Rhode Island  
In re Loestrin 24 Antitrust Litigation, Master File No. 1:13-md-2472 (D.R.I.)  
Final Approval Hearing on the direct purchaser settlement (\$120M)

“I can't imagine attorneys litigating a case more rigorously than you all did in this case. It seems like every conceivable, legitimate, substantive dispute that could have been fought over was fought over to the max.”

—Hon. William E. Smith, District Judge, U.S. District Court for the District of Rhode Island  
In re Loestrin 24 Antitrust Litigation, Master File No. 1:13-md-2472 (D.R.I.)  
Final Approval Hearing on the direct purchaser settlement (\$120M)

“aggressive and independent advocacy”

— Hon. Thomas M. Durkin  
Order Appointing Hagens Berman as Interim Class Counsel in *Mapleval Farms, Inc. v. Koch Foods, Inc. et al*

“...when you get good lawyers this is what happens; you get these cases resolved. “

— Hon. Dennis M. Cavanaugh, United States District Judge (Retired)  
*Proceedings Fairness Hearing for In Re Mercedes-Benz Emissions Litigation*

“...Class counsel have devoted considerable time and resources to this litigation... “

— Hon. Dennis M. Cavanaugh, United States District Judge (Retired)  
*Proceedings Fairness Hearing for In Re Mercedes-Benz Emissions Litigation*

“unprecedented success in the antitrust field”

— California Magistrate Judge Nathanael M. Cousins  
*A July 2015 order awarding attorneys' fees in student-athlete name and likeness litigation*

“...counsel provided strong representation for the class. Class counsel discovered and developed this case without the benefit of a government investigation's coattails. In total, class counsel reviewed 578,790 documents, deposed 19 fact and opposing-expert witnesses, and consulted with and retained 10 expert witnesses of their own.”

— Hon. William Alsup, District Judge  
*U.S. District Court for the Northern District of California, In re Glumetza Antitrust Litigation*

“Class counsel also successfully defeated defendants' motions to dismiss, certified a Rule 23 class, and defeated defendants' summary judgment motions prior to reaching an agreement with all three defendants to settle this action mere weeks before the trial date. Class counsel accomplished all of this despite vigorous opposition from large multi-national companies with high-quality representation from six national law firms.”

— Hon. William Alsup, District Judge  
*U.S. District Court for the Northern District of California, In re Glumetza Antitrust Litigation*

“The settlement was achieved at arm's length only after DPPs' highly skilled and experienced counsel had received and reviewed the voluminous discovery and exchanged over 30 expert reports with defendant...”

— Hon. Nina Gerson, District Judge  
*U.S. District Court for the Eastern District of New York, In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation*

“The level of representation of all parties in terms of the sophistication of counsel, was, in my view, of the highest levels. I can't imagine a case in which there was really a higher quality of representation across the board than this one.”

— Hon. William E. Smith, District Judge, U.S. District Court for the District of Rhode Island  
*Final Approval Hearing on the direct purchaser settlement (\$120M). In re Loestrin 24 Antitrust Litigation*

“I can't imagine attorneys litigating a case more rigorously than you all did in this case. It seems like every conceivable, legitimate, substantive dispute that could have been fought over was fought over to the max.”

— Hon. William E. Smith, District Judge, U.S. District Court for the District of Rhode Island  
*Final Approval Hearing on the direct purchaser settlement (\$120M), In re Loestrin 24 Antitrust Litigation*

## INTRODUCTION

## Victories & Settlements

The firm has recovered \$325 billion on behalf of class members in large-scale complex litigation, more than \$20 billion of which has been generated from automotive-related cases. The firm's success in automotive litigation listed below.

### \$14.7 BILLION

[VOLKSWAGEN EMISSIONS LITIGATION](#)

Hagens Berman was named a member of the Plaintiffs' Steering Committee and part of the Settlement Negotiating team in this monumental case that culminated in the largest automotive settlement in history. The firm was also the first to file against Volkswagen regarding its Dieselgate emissions-cheating scandal.

### \$1.6 BILLION

[TOYOTA UNINTENDED ACCELERATION LITIGATION](#)

Hagens Berman served as co-lead counsel and secured what was then the largest automotive settlement in history in this class action that recovered \$1.6 billion for vehicle owners.

### \$1.6 BILLION

[VOLKSWAGEN FRANCHISE DEALERS LITIGATION](#)

The firm served as lead counsel representing VW franchise dealers in this lawsuit related to VW's Dieselgate scandal. The settlement recovered nearly full damages for the class.

### \$1.3 BILLION

[HYUNDAI KIA THETA II GDI FIRE HAZARD LITIGATION](#)

This settlement includes reimbursements for repairs, lifetime warranties and other compensation for affected owners. Hagens Berman is co-lead counsel in this case accusing automakers of selling vehicles with failure-prone engines that could sometimes catch fire. The case is still pending litigation pertaining to other affected models.

### \$700 MILLION

[MERCEDES BLUETEC EMISSIONS LITIGATION](#)

A monumental settlement was reached on behalf of owners of Mercedes vehicles affected by Daimler's emissions cheating. The case was initially filed and researched by Hagens Berman, based on the firm's independent vehicle testing, and the firm served as co-

lead counsel. The consumer settlement followed a \$1.5 billion settlement between Mercedes and the U.S. Justice Department and California Air Resources Board. The settlement includes an \$875 million civil penalty for violating the Clean Air Act.

### \$307 MILLION

[ECODIESEL EMISSIONS CHEATING LITIGATION](#)

The firm achieved a settlement on behalf of owners of EcoDiesel Dodge 1500 and Jeep Grand Cherokee vehicles in response to Fiat Chrysler's emissions-cheating, masking emissions levels up to 10 times the legal limit. Under the settlement, class members who repair their vehicles and submit a claim will receive \$3,075, and former owners and lessees will be entitled to \$990. The total value of the deal will be \$307 million, granted all owners submit a valid claim.

### \$255 MILLION

[HYUNDAI & KIA FUEL ECONOMY LITIGATION](#)

Hagens Berman filed a class-action lawsuit on behalf of consumers against Hyundai and Kia for overstating fuel economy for many vehicles they sold in the United States.



## PRACTICE AREAS

## Automotive – Defect, Fraud & Products Liability

In litigating cases, we strive to make an impact for large classes of consumers, especially those who fall victim to the gross negligence and lack of oversight of one of the nation's largest industries: auto manufacturing. Hagens Berman's automotive litigation team has repeatedly been named a Practice Group of the Year by Law360, highlighting its "eye toward landmark matters and general excellence" in this area of law.

The federal court overseeing the massive [multi-district litigation against Toyota](#) appointed the firm to co-lead one of the largest consolidations of class-action cases in U.S. history. The litigation combined more than 300 state and federal suits concerning acceleration defects in Toyota vehicles. Hagens Berman was selected from more than 70 law firms applying for the role. Since then, the firm's automotive practice area has grown at an unrivaled pace, pioneering new investigations into emissions-cheating, defects, false marketing and safety hazards affecting the safety of millions of drivers.

Hagens Berman's work fighting corporate wrongdoing in the automotive industry has repeatedly earned it a spot in the National Law Journal's list of Elite Trial Lawyers, and the firm's auto team who worked on *Toyota* were also named finalists for Public Justice's Trial Lawyer of the Year award.

Our firm has been a leader in this area of law for nearly a decade, and our settled cases include the following matters related to public safety, defect mitigation and more.

### TOYOTA SUDDEN, UNINTENDED ACCELERATION LITIGATION

Steve Berman served as co-lead counsel for the economic loss class in this lawsuit filed on behalf of Toyota owners alleging a defect caused vehicles to undergo sudden, unintended acceleration. In addition to safety risks, consumers suffered economic loss from decreased value of Toyota vehicles following media coverage of the alleged defect.

**RESULT:** \$1.6 billion settlement, which was the largest automotive settlement in history at the time, surpassed only by the firm's future settlements

### HYUNDAI/KIA THETA II GDI ENGINE FIRE HAZARD SETTLEMENT

As co-lead counsel against Hyundai and Kia, Hagens Berman helped secure a \$1.3 billion settlement on behalf of owners of cars affected by an engine defect causing spontaneous fires. The compensation includes lifetime warranty protection, software installation aimed to detect and prevent the engine defect, reimbursements for repair-related costs and lost value due to engine failures or fires, and payment for repair delays. The firm continues to litigate against Hyundai and Kia regarding this issue pertaining to additional engine models.

**RESULT:** \$1.3 billion settlement

### HYUNDAI KIA FUEL ECONOMY LITIGATION

Hagens Berman sued Hyundai and Kia on behalf of owners after the car manufacturers overstated the MPG fuel economy ratings on 900,000 of their cars. The suit seeks to give owners the ability to recover a lump-sum award for the lifetime extra fuel costs, rather than applying every year for that year's losses.

**RESULT:** \$255 million settlement. Lump-sum payment plan worth \$400 million on a cash basis, and worth even more if owners opt for store credit (150 percent of cash award) or new car discount (200 percent of cash award) options.

#### GENERAL MOTORS IGNITION SWITCH LITIGATION

The firm served as co-lead counsel in a high-profile case on behalf of millions of owners of recalled GM vehicles affected by a safety defect linked to more than 120 fatalities. The lawsuit alleged GM did not take appropriate remedial measures, despite having prior knowledge of the defect.

**RESULT:** \$120 million settlement

#### HONDA INFOTAINMENT SYSTEM

In 2019, owners of Honda vehicles filed a class-action lawsuit against the automaker for a defect affecting the vehicles' infotainment system which was prone to failing to boot, freezing during use and suffering general malfunctions and glitches. Owners reported the issues on vehicles with as few as 580 miles. The U.S. district judge called the settlement for vehicle owners a "significant effort" in lights of the difficulties and complexities of the case.

**RESULT:** \$33 million settlement

#### FORD MYFORD TOUCH LITIGATION

Hagens Berman served as co-lead counsel on behalf of owners of Ford vehicles equipped with MyFord Touch, an in-car communication and entertainment package, who claim that the flawed system put drivers at risk of an accident while causing economic hardship for owners. The complaint cites internal Ford documents that show that 500 of every 1,000 vehicles have issues involving MyFord Touch due to software bugs, and failures of the software process and architecture. Owners report that Ford has been unable to fix the problem, even after repeated visits.

**RESULT:** \$17 million settlement

#### ACURA RDX INFOTAINMENT SYSTEM

In this class-action lawsuit filed against American Honda Motor Co. Inc., owners of 2019 and 2020 Acura RDX vehicles accused the automaker of knowingly selling the vehicles with defective infotainment systems, posing a serious safety risk to drivers. The alleged defect causes many of the vehicles' features associated with the infotainment system to malfunction, including the navigation system, audio system, as well as safety features like the backup camera.

**RESULT:** \$10.5 million settlement

#### TESLA AUTOPILOT AP2 ROLLOUT DELAY

The firm filed a lawsuit against Tesla for knowingly selling nearly 50,000 cars with nonfunctional Enhanced Autopilot AP2.0 software that did not meet Tesla's promises, including inoperative Standard Safety Features on affected models sold in Q4 2016 and Q1 2017.

**RESULT:** \$5.4 million settlement

#### NISSAN QUEST ACCELERATOR LITIGATION

Hagens Berman represented Nissan Quest minivan owners alleging their vehicles developed deposits in a part of the engine, causing drivers to apply increased pressure to push the accelerator down.

**RESULT:** Settlement providing reimbursement for cleanings or replacements and applicable warranty coverage

#### PENDING LITIGATION AGAINST AUTOMAKERS

The firm has filed several pending cases against major automakers, including the following class actions promoting consumers' rights:

#### FIAT CHRYSLER GEAR SHIFTER ROLLAWAY LITIGATION

Hagens Berman filed a national class-action lawsuit representing owners of Jeep Grand Cherokee, Chrysler 300 and Dodge Charger vehicles affected with a defectively designed gearshift. The lawsuit states Fiat Chrysler fraudulently concealed and failed to remedy the defect present in 811,000 vehicles that can cause cars to roll away after placed in park, causing injuries, accidents and other serious unintended consequences.

#### FORD SHELBY GT350 MUSTANG OVERHEATING LITIGATION

Hagens Berman represents owners of certain model 2016 Shelby GT350 Mustangs in a case alleging Ford sold the vehicles as track cars built to reach and sustain high speeds, but failed to disclose that the absence of transmission and differential coolers can greatly diminish the vehicles' reported track capabilities. Shelby owners are reporting that this defect causes the vehicle to overheat and go into limp mode while in use, even when the car is not being tracked.

#### CP4 HIGH-INJECTION FUEL PUMP LITIGATION

Hagens Berman filed class action lawsuits against the "Big Three" – Ford, GM, and FCA – on behalf of diesel truck owners because each of the auto manufacturers used a defective high-pressure fuel injection pump in their vehicles which generates metallic shavings and can lead to catastrophic failure of the engine. The complaints allege that Ford, GM, and FCA routinely denied repair under warranty, even though the repair costs at least \$7,000, and in some cases exceeds \$10,000. After Hagens Berman filed suit against FCA with respect to the 3.0 liter engine cars and trucks, FCA issued a safety recall for those vehicles.

## PRACTICE AREAS

## Automotive – Emissions Cheating

Having filed the first DieselGate case in the country, Hagens Berman played a lead role in the record-breaking Volkswagen diesel emissions litigation. But Hagens Berman knew the story didn't end there. Since the Dieselgate scandal, the firm has uniquely dedicated resources to uncovering cheating devices used by other automakers. We have become a trailblazer in this highly specialized realm, outpacing federal agencies in unmasking fraud in emissions reporting.

When news broke in 2015 of Volkswagen's massive diesel emissions-cheating scandal, Hagens Berman was the first law firm in the nation to file suit against the automaker for its egregious fraud, going on to represent thousands of owners in litigation and take a leading role on the Plaintiffs' Steering Committee that would finalize a \$14.7 billion, record-breaking settlement for affected owners. Since this case emerged, Hagens Berman has remained on the forefront of emissions litigation, relying on our legal team's steadfast and intensive investigative skills to unearth many other emissions-cheating schemes perpetrated by BMW, General Motors, Fiat Chrysler, Mercedes and other automakers, staying one step ahead of government regulators in our pursuit of car manufacturers that have violated emissions standards and regulations, as well as consumer confidence.

Hagens Berman's managing partner, Steve Berman, has dedicated the firm's resources to upholding the rights of consumers and the environment. The firm is uniquely dedicated to this cause and is the only firm that has purchased an emissions testing machine to determine if other diesel car manufacturers install cheating devices. The firm brings new cases based on its own research, time and testing.

### VOLKSWAGEN DIESEL EMISSIONS LITIGATION

Hagens Berman was the first law firm in the nation to file a lawsuit against Volkswagen for its emissions fraud, seeking swift remedies for consumers affected by its fraud and violation of state regulations. The firm was named to the Plaintiffs' Steering Committee leading the national fight against VW, Porsche and Audi on behalf of owners and lessors of affected vehicles and also served as part of the Settlement Negotiating team in this record-breaking achievement.

**RESULT:** \$14.7 billion settlement, the largest automotive settlement in history

### VOLKSWAGEN DEALERS LITIGATION

Hagens Berman served as lead counsel in a first-of-its-kind lawsuit brought by a franchise dealer. Three family-owned Volkswagen dealers filed a class action against VW for intentionally defrauding dealers by installing so-called "defeat devices" in its diesel cars that cause them direct harm. The suit states VW separately carried out a systematic, illegal pricing and allocation scheme that favored some dealers over others and illegally channeled financing business to VW affiliate, Volkswagen Credit Inc. The settlement received nearly unanimous approval, with 99 percent participation in the settlement.

**RESULT:** \$1.67 billion settlement

#### MERCEDES BLUETEC EMISSIONS LITIGATION

Hagens Berman was appointed co-lead counsel in this class action representing thousands of vehicle owners against Mercedes concerning emissions-cheating in its BlueTEC diesel vehicles. The lawsuit states Mercedes told vehicle owners and lessees their diesel cars were “the world’s cleanest and most advanced diesel,” when in fact testing indicated a systemic failure to meet emissions standards. Low temperature testing at highway speeds for example, produced emissions that were 8.1 to 19.7 times the highway emissions standard; at variable speeds, testing produced emissions as high as 30.8 times the standard, according to the firm’s independent testing.

**RESULT:** \$700 million settlement

#### FIAT CHRYSLER ECODIESEL EMISSIONS LITIGATION

The firm led charges against Fiat Chrysler that it sold hundreds of thousands of EcoDiesel-branded vehicles that release illegally high levels of NOx emissions, despite explicitly selling these “Eco” diesels to consumers who wanted a more environmentally friendly vehicle. Hagens Berman was the first firm in the nation to uncover this scheme and file against Fiat Chrysler on behalf of owners of affected [Dodge RAM 1500](#) and [Jeep Grand Cherokee EcoDiesel](#) vehicles. Following the firm’s groundbreaking suit, the EPA took notice, filing formal accusations against Fiat Chrysler.

**RESULT:** \$307 million settlement

#### CHEVY CRUZE DIESEL EMISSIONS LITIGATION

Hagens Berman filed a class-action lawsuit against Chevrolet (a division of General Motors) and Bosch for installing emissions-cheating software in Cruze Clean Turbo Diesel cars, forcing consumers to pay high premiums for vehicles that pollute at illegal levels. While Chevy marketed these cars as a clean option, testing by an expert retained by Hagens Berman revealed the cars’ emissions are often up to 36 times the federal standard. In a recent ruling, U.S. District Judge Thomas L. Ludington upheld the bulk of the owners’ claims, and admitted the extensive emissions testing, software analysis, marketing and damages testimony offered by experts retained by Hagens Berman on behalf of Cruze owners.

#### AUDI EMISSIONS LITIGATION

Hagens Berman unearthed additional emissions-cheating by Audi, affecting its gasoline 3.0-liter vehicles. The firm’s investigation shows that the newly discovered defeat device is installed in gasoline engines and changes how the transmission operates when testing is detected to lower CO2 emissions, but otherwise allows excessive CO2 emissions in normal, on-road driving.

#### DODGE RAM 2500/3500 DIESEL EMISSIONS LITIGATION

According to the firm’s investigation, Dodge has sold hundreds of thousands of Dodge RAM 2500 and 3500 trucks equipped with Cummins diesel engines that release illegally high levels of NOx emissions because fuel is diverted and burned to clear out the soot in the emission system. The firm is leading a national class action against Fiat Chrysler and engine manufacturer, Cummins, for knowingly inducing consumers to pay premium prices for vehicles that exceed emissions standards, and lead to decreased fuel economy and higher costs because of the wasted fuel. Hagens Berman has also determined that there is an emissions-cheating defeat device in these vehicles.

#### GENERAL MOTORS DURAMAX EMISSIONS LITIGATION

Hagens Berman recently pioneered another instance of diesel emissions fraud. The firm’s independent testing revealed that GM had installed an emissions-masking defeat device in its Duramax trucks, including [Chevy Silverado](#) and [GMC Sierra](#) models, in a cover-up akin to Volkswagen’s Dieselgate concealment. In real world conditions the trucks frequently emit 1.6 – 2.5 times the legal limit of deadly NOx pollutants and have been observed emitting almost 50 times the federal standard. Emissions cheating devices are installed in an estimated 705,000 affected vehicles.



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#### YEARS OF EXPERIENCE

20

#### PRACTICE AREAS

[Civil & Human Rights](#)  
[Antitrust Litigation](#)  
[Automotive Litigation](#)  
[Class Action](#)  
Racketeering

#### BAR ADMISSIONS

- Washington
- New York
- District of Columbia

#### CLERKSHIPS

- The Hon. Louis F. Oberdorfer,  
U.S. District Court for D.C.
- U.S. Senate Judiciary  
Committee (Sen. Leahy)  
Washington, D.C.

#### EDUCATION

**BerkeleyLaw**

UNIVERSITY OF CALIFORNIA

University of California, Berkeley  
School of Law, J.D., top 15% of  
graduating class, 2002

**JOHNS HOPKINS**

SCHOOL of ADVANCED  
INTERNATIONAL STUDIES

Johns Hopkins University, School  
of Advanced International  
Studies, M.A., International  
Economics and International

#### PARTNER

## Jerrod C. Patterson

Served as federal prosecutor for more than nine years,  
prosecuting tax cases, fraud and other financial crimes.  
Extensive experience trying complex cases to verdict.

#### CURRENT ROLE

- Partner, Hagens Berman Sobol Shapiro LLP
- Practice focuses on antitrust and other fraud and RICO cases, including [Generic Pharmaceuticals Pricing Antitrust](#), [Dodge RAM 2500 and 3500 Emissions](#), and [Ford/GM/FCA CP4 Injection Pump Defect](#).
- Extensive experience in handling complex multidistrict cases.
- Mr. Patterson brings to the firm extensive trial experience and a history of prosecuting complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering and prescription fraud.

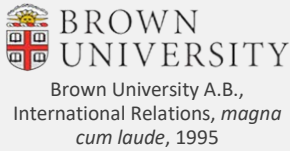
#### EXPERIENCE

- Prior to joining Hagens Berman, Mr. Patterson served as an Assistant United States Attorney at the U.S. Attorney's Office in Seattle, WA.
  - Prosecuted complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering, and prescription fraud
  - Served as Project Safe Childhood Coordinator; led efforts to investigate and prosecute child pornography and child exploitation cases
  - Led prosecution of large-scale drug trafficking organizations, including cartels and street gangs, to interdict drug smuggling and investigate money laundering
- Trial Attorney, U.S. Department of Justice Washington, D.C., Tax Division, Northern Criminal Enforcement Section
  - Co-chaired prosecution of two defendants, in separate trials, for scheme to defraud the Cleveland Catholic Diocese
- Special Assistant U.S. Attorney, U.S. Attorney's Office for D.C. Nov. 2006 – May 2007
  - Prosecuted 22 bench trials in Sex Offense/Domestic Violence Section
- Associate, Wilmer Cutler Pickering (WilmerHale)

#### RECOGNITION

- Organized Crime and Drug Enforcement Task Force "Best Financial Investigation in the Nation" – 2012
- U.S. Attorney General "Outstanding Performance as a Special Assistant U.S. Attorney" – 2010
- Assistant Attorney General "Outstanding Tax Division Attorney" – 2009
- Assistant Attorney General "Outstanding Tax Division Attorney" – 2008

Relations, Graduated with  
distinction (top 10%), 1997



## NOTABLE CASES

- CP4 High-Pressure Fuel Pump Litigation: A series of class action cases against GM, Ford, and FCA for their use of a defective high pressure fuel pump that generates metallic shavings and can lead to catastrophic failure of the engine.
- [\*In re Animation Workers Antitrust Litig.\*](#), 14-cv-4062 LHK (N.D. Cal.): Class-action antitrust case against major animation studios for conspiring to fix wages of their animators. The parties settled the case for \$169M.
- [\*In re Generic Pharmaceuticals Pricing Antitrust Litig.\*](#) (E.D. Pa.): Class-action antitrust case against over two dozen generic pharmaceutical manufacturers for conspiring to fix the price of generic drugs.
- [\*In re Lithium Ion Batteries Antitrust Litig.\*](#), 12-cv-5129 YGR (N.D. Cal.): Class-action antitrust case against large battery producers for conspiring to fix prices. The parties settled the case for a total of \$113 million.
- As a federal prosecutor, led or co-chaired 11 federal jury trials, and 22 bench trials.

## PERSONAL INSIGHT

Although not a Washington state native, Mr. Patterson has quickly adopted Seattle as his hometown. In his spare time, he and his family enjoy the local wineries, lakes and hiking trails.