

**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

**JOINT DECLARATION OF W. DANIEL “DEE” MILES, III AND DEMET BASAR IN SUPPORT OF PLAINTIFFS’ CORRECTED UNOPPOSED MOTION FOR ATTORNEYS’ FEES, EXPENSES, AND SERVICE AWARDS TO THE CLASS REPRESENTATIVES**

W. DANIEL “DEE” MILES, III and DEMET BASAR, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I, Dee Miles am a principal of the law firm Beasley, Allen, Crow, Methvin, Portis & Miles, P.C (“Beasley Allen”), located in Montgomery, Alabama and Atlanta, Georgia, and serve as the firm’s Consumer Fraud and Commercial Litigation Section Head. I am admitted to practice

in the State of Alabama, and have also been admitted to practice in the United States District Courts of the Middle District of Alabama, the Southern District of Alabama, Northern District of Alabama and the Eastern District of Michigan, as well as the United States Court of Appeals for the Eleventh Circuit.

2. I, Demet Basar, am of counsel with the law firm Beasley Allen, located in Montgomery, Alabama and Atlanta, Georgia, and part of the firm's Consumer Fraud and Commercial Litigation Section. I am admitted to practice in the States of New York and New Jersey, and have also been admitted to practice in the United States District Courts for the Eastern District of New York, the Southern District of New York, the Western District of New York, the District of New Jersey, the Central District of Illinois, and the Eastern District of Wisconsin, as well as the United States Court of Appeals for the Second, Sixth, Seventh, Eighth and Ninth Circuits.

3. Beasley Allen represents Plaintiffs in this Action, all of whom were appointed Class Representatives by this Court in its Order on Joint Motion for Preliminary Approval ("Preliminary Approval Order") dated September 16, 2022. ECF No. 167. In the same Order, we were appointed Class Counsel for the proposed Settlement Class. *Id.*

4. We respectfully submit this Joint Declaration in support of Plaintiffs' Corrected Unopposed Motion for Attorneys' Fees, Reimbursement of Expenses, and Class Representative Service Awards ("Motion").<sup>1</sup> We have personal knowledge of the matters set forth herein and are competent to testify regarding the same.

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<sup>1</sup> See text order dated November 23, 2022 granting Plaintiffs' motion (ECF No. 178) to file a corrected motion, memorandum of law and joint declaration in support (ECF Nos. 175, 176).

5. In the Motion, Plaintiffs seek an award of attorneys' fees in the amount of \$28,500,000; for reimbursement of \$384,073.26 in unreimbursed litigation expenses that were reasonably and necessarily incurred in prosecuting and resolving the Action; and for \$2,500 to be awarded to the Class Representatives in this Action in recognition of their contributions to the successful prosecution of this case. Defendants Toyota Motor Corporation ("TMC"), Toyota Motor North America, Inc. ("TMNA") ("TMNA" and "TMC" are collectively referred to as "Toyota"), and Denso International America, Inc. ("Denso") ("Toyota" and "Denso" are collectively referred to as "Defendants") do not oppose the Motion

### **INTRODUCTION**

6. From January 2020 to November 15, 2022, Beasley Allen has expended 6835.9 hours of work in connection with this litigation. Based upon our customary rates in this type of litigation, the lodestar value of that time is \$5,116,525.00, at current rates.

7. Prior to bringing this action, our firm conducted extensive factual investigation and exhaustive legal research regarding our client's potential claims against Defendants arising from alleged defects in the Denso-made low-pressure fuel pumps of the Subject Vehicles. We began work on this matter in January 2020 after Toyota issued its Notice of Safety Recall No. 20V-012 (the "Safety Recall Notice"). Shortly thereafter, Class Counsel was contacted by counsel for Sharon Cheng, the original named Plaintiff in this Action, regarding her concern with her vehicle's fuel pump. Attorneys at our firm, assisted by legal staff in certain instances, (a) had discussions with Ms. Cheng and her counsel concerning Ms. Cheng's experience with her vehicle, her reasons for leasing the vehicle, the research she conducted before leasing it, the Safety Recall, and the potential for litigation; (b) reviewed the Safety Recall Notice and related documentation Toyota filed with the National Highway Transportation Safety Administration ("NHTSA") concerning the

nature of the fuel pump problems underlying the Safety Recall, Toyota's knowledge of the problems, and other communications between Toyota and NHTSA; (c) reviewed a multitude of complaints filed with NHTSA and elsewhere concerning problems with the fuel pumps and developed an understanding of other vehicles that were not covered by the Safety Recall; (d) analyzed similar problems that were reported regarding models and model years that were not included in the Safety Recall; (e) examined every Technical Service Bulletin ("TSB") issued by Toyota and Denso seeking to address problems with the fuel pumps; (f) located and reviewed current and past Toyota advertising and marketing materials for statements about safety, reliability, and other material issues; and (g) conducted extensive legal research and evaluated numerous legal theories and claims, including statutory consumer protection claims, express and implied warranty claims, a claim under the federal Magnuson-Moss Warranty Act, and various common law claims.

8. After this intensive factual and legal research, we conferred and received approval from Ms. Cheng to commence this action and filed the class action complaint in this Court on February 4, 2020. ECF No. 1.

9. We also retained an automotive engineering expert to get an independent professional opinion regarding the potential safety defects in the fuel pumps. We conferred extensively with the expert to identify the specific potential causes of the Fuel Pump Defect.

10. During this period, we also communicated with a number of Lexus and Toyota owners and lessees who were concerned about the Safety Recall, and on April 14, 2020, Plaintiff Cheng filed her First Amended Class Action Complaint ("FAC"), adding (1) new plaintiffs; (2) Denso and its parent, Denso Corporation, the makers of the defective fuel pumps, as defendants; (3) new and more robust allegations arising from Toyota's March 19, 2020 expansion of the recall

to about 1.8 million Toyota and Lexus Vehicles; and (4) the research and analysis of Plaintiffs' Automotive Expert.

11. After Plaintiff Cheng filed her original complaint on February 4, 2020, seven other cases were filed in different districts across the country. ECF No. 91.<sup>2</sup> Plaintiffs in many of these later-filed cases voluntarily transferred their cases to this District for consolidation with this Action, and, on July 3, 2020, Plaintiff Cheng, together with those Plaintiffs, filed a Consolidated Amended Complaint. ECF No. 59.

12. Other Plaintiffs filed an application with the Judicial Panel on Multidistrict Litigation ("JPML") to centralize the then pending cases in the Eastern District of Michigan. ECF No. 57. However, through our extensive efforts and communications with counsel, and, ultimately, to best protect the interests of the Classes and preserve judicial and party resources, these Plaintiffs dismissed their JPML application (ECF No. 79), and transferred their cases to this District to be consolidated with this Action. All transferred cases were consolidated for all purposes by mid-October 2020 (ECF No. 91), and Plaintiffs filed their First Amended Consolidated Class Action Complaint ("FACC") on November 5, 2020. ECF No. 96.

13. As the case progressed, the Parties submitted a Discovery Plan, which was approved by the Court on October 28, 2020. ECF No. 92-A.

14. As part of formal discovery, Defendants produced, and we processed and reviewed approximately 655,000 documents containing roughly 1.5 million pages of documents related to the Recall, the design and operation of the Defective Fuel Pumps, warranty data, failure modes, Defendants' investigation into the defect, and the Recall countermeasure development and

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<sup>2</sup> One additional complaint, *Jose Ruis, et al. v. Toyota Motor North America, Inc. et al.*, 2:20-cv-12600 (D.N.J.), was filed on September 11, 2020, and made similar allegations to the cases above. *Ruis* was dismissed without prejudice on September 23, 2020. SA at 4, n.4.

implementation. Additionally, Plaintiffs' Automotive Expert sourced and inspected over 100 Defective Fuel Pumps, and analyzed their operation, specifications, and the density of their impellers.

15. On November 4, 2020, Toyota added about 1.52 million additional vehicles to the recall, but the amended recall was not published until after Plaintiffs filed the FACC. The parties stipulated for leave to file the Second Amended Consolidated Class Action Complaint ("SACC"), which was filed on December 14, 2020. ECF No. 106. The SACC added additional plaintiffs and asserted additional claims. All in all, there were 33 plaintiffs named and 97 causes of action for violations of state consumer protection statutes; breaches of express warranty; breaches of implied warranty; negligent recalls/undertakings; unjust enrichment; strict products liability; and, on behalf of a nationwide class, a claim for violations of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301, *et seq.*

16. On January 15, 2021, DIAM and TMNA served Plaintiffs with their motions to dismiss, to which Plaintiffs served responses on March 30, 2021, Defendants replied and fully briefed packages were filed on May 28, 2021. ECF Nos. 129-134. The briefing included over 303 total pages of detailed legal and factual analyses of complex issues covering 33 Plaintiffs and 97 causes of action from 16 states related to issues such as the Defendants' knowledge of the defect and their duty to disclose it; whether the economic loss doctrine barred Plaintiffs' claims; statutes of limitations and whether the claims could be tolled; and vertical privity with a vehicle manufacture and part supplier, among other issues. Defendants withdrew their Motions on March 1, 2022. ECF Nos. 152-153.

**SETTLEMENT NEGOTIATIONS AND RELIEF**

17. As detailed in our Joint Declaration in support of Plaintiffs' Motion for Preliminary Approval (ECF 165-1), we engaged in intensive, hard-fought, arms' length negotiations with Defendants that lasted over a period of eighteen months, during which we participated in multiple in-person meetings with Defendants' counsel, frequent lengthy conference calls, exchanged numerous drafts of the Settlement Agreement and painstakingly negotiated and refined alterations before a final agreement could be reached. During the negotiation process, Defendants produced hundreds of pages of informal and confirmatory electronic document discovery. Our firm facilitated the review of that discovery, which assisted us in determining the propriety of the measures included in the proposed Settlement. Our firm also worked with our independent automotive expert to assess the merit of the technical measures included in the proposed settlement agreement. Class Counsel also interviewed Toyota and Denso engineers who are knowledgeable about the Recall and implementation, the Covered Vehicles, the Defective Fuel Pumps, and the Countermeasure Fuel Pumps. As a result of Counsel's efforts, the Parties were successful in reaching a settlement that provides concrete substantial benefits to millions of Class Members.

18. The Parties finalized all the terms and conditions of the Settlement, which was executed on September 7, 2022, and submitted to this Court the same day along with the Parties' Joint Motion for Preliminary Approval. ECF No. 161.

19. The Settlement achieved here provides valuable relief for all current and former owners or lessees of the 1.4 million Additional Vehicles (vehicles that were not recalled but are part of the Settlement) and the 3.5 million Subject Vehicles (the recalled vehicles) and SSC Vehicles (hybrid versions of the recalled vehicles that are also eligible for the recall remedy). The value of the CSP and the Extended New Parts Warranty are estimated to be between \$212,000,000

and \$287,000,000. *See* ECF No. 174-1, Declaration of Lee M. Bowron, ACAS, MAAA (“Bowron Decl.”) at ¶ 8.

20. In addition to these benefits, the Settlement provides for a reconsideration procedure in connection with the CSP and the Extended Warranty (SA, § III.D) and Settlement oversight by Settlement Special Master Juneau. *Id.*, at § III.F. The CSP and the Extended New Parts Warranty will benefit the owners and lessees of approximately 4.9 million Toyota and Lexus vehicles nationwide and will continue providing relief up through 2035 in some cases.

21. The Court granted preliminary approval of the Settlement on September 16, 2022. ECF No. 167. This Order gave preliminary approval to the Settlement, preliminarily certified the Class, appointed Plaintiffs as Class Representatives and Class Counsel as counsel for the Settlement Class, approved the form and method of providing notice to the Class, and set a date for the final approval hearing. *Id.*

22. In accordance with the Preliminary Approval Order, notice of the Settlement was distributed in accordance with the Court-approved Notice Program. The approved Direct Mail Notice was sent by first-class mail on a rolling basis beginning on about September 19, 2022, to each person within the Settlement Class who could be identified based on data provided by IHS Automotive, Driven by Polk. *Id.* Notice of the Settlement was also distributed via a number of publications, social media, and Internet channels. *Id.* In addition, the Long Form Notice of the Settlement and other key documents from this litigation, including the Preliminary Approval Motion and supporting materials, were published on the official settlement website at [www.ToyotaFuelPumpsSettlement.com](http://www.ToyotaFuelPumpsSettlement.com). *Id.* The Long Form Notice specifically described the provisions of the Settlement related to this motion:

The law firms that worked on this Action will ask the Court for an award of attorneys’ fees in the amount of \$28,500,000.00 and for reimbursement of their out-



of-pocket costs and expenses in an amount not to exceed \$500,000.00.

See [www.ToyotaFuelPumpsSettlement.com](http://www.ToyotaFuelPumpsSettlement.com), Long Form Notice, at §15.

23. Since the preliminary approval hearing on September 14, 2022, Class Counsel has spent a substantial amount of time working with the Settlement Notice Administrator on getting the Settlement website up and running by the September 19, 2022 deadline in the Preliminary Approval Order; otherwise reviewing and communicating with the Settlement Notice Administrator and others concerning notice and related issues; fielding Class Member questions; conferring with Plaintiffs concerning the Settlement and various other matters; working with other Plaintiffs' Counsel who were also working with their clients, and researching and drafting the final motion papers to approve the Settlement and related relief.

#### **THE MOTION**

24. The Motion seeks fees and expenses for all Plaintiffs' Counsel in this consolidated Action, who together represent a total of 33 Plaintiffs, all of whom have now been appointed Class Representatives. ECF No. 167. All Class Representatives have endorsed Plaintiffs' Counsel's application for fees and expenses. See ECF Nos. 174-2 – 174-34.

25. If the Court grants the application for fees, costs and expenses, and class representative service awards, any awarded amounts will be paid by Defendants into a Qualified Settlement Fund established by the Court.

26. Plaintiffs' Counsel is comprised of attorneys from our firm, which was appointed interim Class Counsel in November 2020; the firms that were appointed to the Plaintiffs Steering Committee: Finkelstein & Krinsk LLP ("Finkelstein & Krinsk"), Spector Roseman & Kodroff, P.C. ("Spector Roseman"), Wolf Haldenstein Adler Freeman & Herz LLP ("Wolf Haldenstein"),

and Hagens Berman Sobol Shapiro LLP (“Hagens Berman”);<sup>3</sup> and Additional Plaintiffs’ Counsel Forchelli Deegan Terrana LLP (“Forchelli Deegan”). Counsel from these firms have each prepared and executed separate declarations in support of the Motion, which are being concurrently filed herewith.

27. The proposed fee \$28,500,000, if approved, amounts to only 13.4% of \$212,000,000, the lowest estimate of the economic benefit to the Class, and only 9.9% of the highest estimated value of \$287,000,000, which is well within the range awarded in the Second Circuit. The proposed fee follows 11,620 hours of work performed by Plaintiffs’ Counsel over two and a half years, all of which was performed on a contingent basis without any compensation.

28. As set forth above, Beasley Allen logged 6835.9 hours of work performed on this case since January 2020. Based on our customary rates in this type of litigation, Beasley Allen’s lodestar value is \$5,116,525.00, at current rates.

29. Beasley Allen’s work on this case was performed on a wholly-contingent basis. The firm has not received any amount in connection with this case, either as fee income or expense reimbursement.

30. Below is a true and accurate summary identifying the attorneys and paralegals who have worked on this litigation, the number of hours those individuals have worked, their regular hourly billing rates, and their respective lodestar values:

<u>Name</u>	<u>Role</u>	<u>Hours</u>	<u>Rate</u>	<u>Lodestar</u>
Miles, III, W. Daniel	Principal	1176.5	\$1100	\$1,296,037.5
Basar, Demet	Of Counsel	1590.5	\$975	\$1,550,737.50
Barnett, Clay	Principal	663.4	\$950	\$630,230

<sup>3</sup> See November 6, 2020 Electronic Order.

<u>Name</u>	<u>Role</u>	<u>Hours</u>	<u>Rate</u>	<u>Lodestar</u>
Reynolds, Lydia	Of Counsel	205.9	\$850	\$175,015
Gilliland, Rebecca	Of Counsel	25.6	\$750	\$19,200
Williams, Mitch	Associate	1166.2	\$650	\$758,060
Martin, Dylan	Law Clerk/Associate	445.6	\$350/\$550	\$221,085
Helms, Tyner	Associate	41.6	\$450	\$18,045
Hughes, Clayton	Law Clerk	284.4	\$350	\$99,540
Gregg, Hunter	Law Clerk	216.9	\$350	\$75,915
Carr, Caleb	Law Clerk	187.7	\$350	\$65,695
Nour, Zina	Law Clerk	158.5	\$350	\$55,475
Russell, Brenda	Paralegal	428.9	\$225	\$96,502.50
Beasley, Frances	Paralegal	135.6	\$225	\$30,510
Pugh, Ashley	Paralegal	108.6	\$225	\$24,477.5
<b><u>TOTAL</u></b>		<b>6835.9</b>		<b>\$5,116,525.00</b>

31. The hourly rates shown above are the usual and customary lodestar rates charged in Montgomery, Alabama and in Atlanta Georgia, 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, where Ms. Basar resides and works. 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. Additionally, Beasley Allen has been retained on hourly matters at these rates and Dee Miles has personally been paid based upon these rates.

32. The lodestar summary reflects Beasley Allen's expertise in class action litigation, the complexity of the matters involved in this litigation, and the prevailing rate for providing such services. Beasley Allen has been recognized by both federal and state courts across the country as being highly skilled and experienced in complex litigation including successfully leading multiple automotive and consumer fraud class actions. Beasley Allen has been appointed to over 30 Executive and/or PSC positions in MDL and other class action cases in federal courts across the country. Just recently, Beasley Allen attorneys obtained a favorable \$ 102.6 million jury verdict in an automotive class action against General Motors, LLC pending in the Northern District of California. Beasley Allen's Firm Resume is attached hereto.

33. Beasley Allen has also advanced a total of \$194,424.14 in expenses reasonably and necessarily incurred in connection with this matter, broken down as follows:

<u>Expense</u>	<u>Amount</u>
Assessments (Litigation Fund)	\$40,000.00
Federal Express/Local Courier, etc.	\$173.34
Postage Charges	\$212.92
Long Distance	\$18.00
In-House Photocopying	\$103.76
Expert Fees	\$105,847.16
E-Discovery	\$9,205.80
Lexis/Westlaw	\$20,025.23
Court Fees	\$750.00
Investigation Fees/Service Fees	\$1,083.33
Hotels	\$7,644.39

<u>Expense</u>	<u>Amount</u>
Meals	\$1,748.13
Air Travel	\$6,951.34
Ground Transportation (i.e., Rental, Taxis, etc.)	\$660.74
<b>TOTAL</b>	<b>\$194,424.14</b>

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

35. In our opinion, the time expended and the expenses incurred in prosecuting this Action as interim Class Counsel and, later, as Settlement Class Counsel, were reasonable and necessary for the diligent litigation of this Action and the valuable Settlement that was ultimately reached.

36. Moreover, we expect to expend a significant amount of time in this case until it is fully resolved. Since November 15, 2022, Beasley Allen has already spent many hours preparing and finalizing the voluminous motion papers, including 40 declarations, that were filed November 18, 2022. ECF Nos. 175, 176. Between now and the final approval hearing set for December 14, 2022, we will continue to do a significant amount of work, including, among other things, (i) conferring with Defendants' counsel on Settlement-related issues; (ii) conferring with the Settlement Notice Administrator about notice, objectors and opt-out requests; (iii) consulting with the Settlement Special Master Juneau as may be necessary; (iv) working with the firms on the PSC; (v) working with Plaintiffs' experts, including, potentially, on additional expert declarations; (vi) fielding calls from Class Members, including potential objectors; (vii) researching and drafting supplemental briefs and declarations by the December 9, 2022 deadline; (viii) preparing for the

final approval hearing; (viii) traveling to and from New York; (ix) presenting oral argument at the final approval hearing; and (x) communicating with Class Representatives. Based on prior experience and recent billings, we expect to expend another 750 hours on this litigation until the end of 2022, which yields a lodestar of nearly \$600,000.

37. In addition, if the Court grants final approval of the Settlement, as Settlement Class Counsel, Beasley Allen will continue to expend time and resources overseeing the Settlement administration, assisting Class members, and tending to any other issues may arise related to the Settlement. Indeed, some of our future obligations are set forth in the Settlement Agreement itself. For example, under the Settlement Agreement, if a Class Member disputes the rejection of all or part of her Claim, or if a Class Member has an unresolved dispute concerning any benefit under the Settlement, Class Counsel will be involved in the resolution of the dispute, including by communicating with the Class Member, conferring with Defendants' Counsel, the Settlement Notice Administrator or the Settlement Claims Administrator, as the case may be, and may need to make written recommendations in connection with the dispute. SA, §§ III.C.5.b, III.F.1. Notably, some of the Covered Vehicles have coverage under the Extended New Parts Warranty until 2035. In addition, the Settlement Notice Administrator is to provide status reports to Class Counsel every six months until the distribution of the last check, together with copies of all rejection notices, which Class Counsel will review and monitor. SA, § III.C.6. During the 12 months after the Final Effective Date, the Settlement Claims Administrator and the Settlement Notice Administrator, with cooperation of Defendants' Counsel, will provide quarterly reports to Class Counsel concerning the implementation of and Class Member participation in the CSP. SA, § III.F.2. In addition to these delineated duties, Beasley Allen will field numerous Class Member

inquiries and otherwise communicate with Class Members as we are identified as the only lawyers Class Members should contact on the Settlement website.

38. We submit the requested fee of \$28,500,000 is reasonable when viewed in relation to the substantial recovery obtained for the Class and in light of: (1) the tremendous amount of time and effort spent litigating this Action for over two and a half years; (2) the magnitude and complexity of this Action; (3) the tremendous risk inherent in complex litigation such as this, especially when on a purely contingent basis; (4) the task of litigating against some of the best defense firms in the county; (5) the unique complexities involved with litigating claims against multiple defendants involved in the automotive industry; (6) the requested fees' relation to the Settlement, which provides better relief to a larger class than most recent automotive class action settlements; and (7) the public policy favoring the granting of reasonable attorneys' fees that will attract qualified plaintiffs' counsel and encourage plaintiffs' counsel to zealously enforce state laws.

39. We submit that the requested fees and expense application, measured by the criteria for awards of attorneys' fees and expense reimbursements in similar complex class actions, satisfies the relevant legal standards and merits approval by the Court as fair and reasonable.

40. We also submit that Court-appointed Class Representatives should be awarded Service Awards of \$2,500 each. We submit that this request is fair and reasonable considering the time and effort each Plaintiff spent on this matter, and this Settlement would not have been possible without the extraordinary care, attention, and efforts provided by each Plaintiff. Each Plaintiff fulfilled his or her obligations as Class representatives, complying with all demands placed upon them during this litigation. *See* ECF Nos. 174-2 – 174-34.

**CONCLUSION**

41. For the reasons set forth herein, and in the Motion and Memorandum in Support, We submit that Court award: (1) attorneys' fees of \$28,500,000; (2) expense reimbursements of \$384,703.26; and (3) Class Representative service awards of \$2,500 per representative.

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

Dated November 23, 2022



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W. DANIEL "DEE" MILES, III

Dated November 23, 2022



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DEMET BASAR



FIRM RESUME



## **FIRM BIO**

### **I. Background of Beasley Allen**

In 1978, Jere Locke Beasley founded the firm now known as Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., which is located in Montgomery, Alabama and Atlanta, Georgia. From 1970 through 1978, Jere served as Lieutenant Governor of the State of Alabama, and for a short period as Governor. In 1978, he re-entered the private practice of law representing plaintiffs and claimants in civil litigation. This was the genesis of the present law firm, which is now made up of eighty-two attorneys and approximately two hundred sixteen support staff representing clients all over the country. Beasley Allen has forty-nine principals, one managing attorney, four supervising attorneys, five Board of Directors, and five non-attorney supervisors. Our support staff includes full time legal secretaries, paralegals, nurses, investigators, computer specialists, technologists, a public relations department, and a comprehensive trial graphics department. Beasley Allen is adequately qualified, prepared, and equipped to handle complex litigation on a national scale.

### **II. Experience of Beasley Allen**

Beasley Allen's highly qualified attorneys and staff work tirelessly for clients throughout the country, representing plaintiffs and claimants in the following areas: Personal Injury, Products Liability, Consumer Fraud, Class Action Litigation, Toxic Torts, Environmental Litigation, Business Litigation, Mass Torts Drug Litigation, and Nursing Home Litigation. We have handled cases involving verdicts and settlements amounting to nearly \$30 billion. For instance, Beasley Allen has played an integral role in this nation's most important consumer litigation such as Vioxx MDL, BP MDL, Toyota SUA MDL, VW MDL, Chrysler Fiat MDL and many others. Beasley Allen has recovered multi-million dollar verdicts for our clients against many corporate

wrongdoers, many of which are in the healthcare industry, including AstraZeneca, \$216 million, GSK, \$83 million, Johnson & Johnson, Johnson & Johnson Consumer Companies, Inc., and Imerys Talc America, Inc., \$72 million in February of 2016, \$55 million in May of 2016, \$70 million in October of 2016, and \$110 million in May of 2017, as well as Exxon, \$11.9 billion, and G.M., \$155 million, just to name a few.

Beasley Allen has extensive experience handling complex litigation, attorney general litigation, multi-district litigation throughout the U.S., including district and federal courts, *qui tam* litigation, and class-action lawsuits all involving matters in the healthcare, pharmaceutical, and medical device industry. Our attorneys have also represented clients testifying before U.S. Congressional committees on Capitol Hill in Washington, D.C. Beasley Allen has also been appointed to the Plaintiff's Steering Committee in many complex litigations.

***i. Beasley Allen's Involvement as Lead or Co-Lead Counsel Representing States in Complex Litigation, as well as our Qui Tam and Class Action Litigation Experience***

Beasley Allen is a proven leader in complex litigation on a national level. Beasley Allen has successfully represented the states of Alabama, Louisiana, Mississippi, Alaska, Hawaii, South Carolina, Kansas, Utah, and Kentucky involving various issues within the healthcare arena, and has confidentially investigated matters for several other Attorneys General. Beasley Allen's experience representing states with complex legal theories involves investigating wrongdoing, advising the states as to whether litigation should be pursued, handling all aspects of filed litigation, negotiating the Attorney General's claims in settlement discussions, and trying the litigations before a judge and jury. Our firm's experience with Attorney General cases involves litigating violations of Medicaid fraud, antitrust violations, consumer protection statutes, false claims act violations, fraud, false advertising, negligence, unjust enrichment, breach of contract,

and unfair and deceptive trade practices with respect to the provision of healthcare goods and services. Beasley Allen's Attorney General litigation background includes the Average Wholesale Price litigations on behalf of eight states concerning the fraudulent pricing of prescription drugs, the representation of four states against McKesson Corporation for its fraudulent and unfair practices involving prescription drugs, the Fresenius litigation on behalf of two states involving the medical device GranuFlo, the Unapproved Drugs litigations on behalf of two states concerning the states' reimbursement of drugs with a fraudulently obtained Medicaid reimbursement approval status, the Usual and Customary litigations regarding the false reporting of pharmacy price lists by the nation's largest chain pharmacies, the Actos litigation, and many other investigations. Beasley Allen's attorneys serve or served as lead counsel in the following cases:

- a. *State of Louisiana, ex rel. v. Fresenius Medical Care Holdings, Inc., et al.*, Suit No. 631,586, Div. "D"; 19th JDC; Parish of East Baton Rouge, Judge Janice Clark;
- b. *In Re Alabama Medicaid Pharmaceutical Average Wholesale Price Litigation* filed in the Circuit Court of Montgomery, Alabama, Master Docket No. CV-2005-219, Judge Charles Price;
- c. *In Re Kansas Medicaid Pharmaceutical Average Wholesale Price Litigation* filed in the District Court of Wyandotte County, Kansas, Master Docket No. MV-2008-0668, Division 7, Judge George A. Groneman;
- d. *In Re Mississippi Medicaid Pharmaceutical Average Wholesale Price Litigation* filed in the Chancery Court of Rankin County, Mississippi, Master Docket No. 09-444, Judge W. Hollis McGehee;
- e. *The State of Utah v. Apotex Corporation, et al.*, filed in the Third Judicial District Court of Salt Lake City, Utah, Case No. 08-0907678, Judge Tyrone E. Medley;
- f. *The State of Utah v. Abbott Laboratories, et al.*, filed in the Third Judicial District Court of Salt Lake City, Utah, Case No. 07-0915690, Judge Robert Hilder;

- g. *The State of Utah v. Actavis US, et al.*, filed in Third Judicial District Court of Salt Lake City, Utah, Case No. 07-0913717, Judge Kate A. Toomey;
- h. *The State of Louisiana, et al. v. Molina Healthcare, Inc., et al.*, filed in 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, Suit No. 631612, Judge Janice Clark;
- i. *The State of Louisiana, et al. v. Takeda Pharmaceuticals America, Inc., et al.*, filed in 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, Suit No. 637447, Judge R. Michael Caldwell;
- j. *The State of Mississippi v. CVS Health Corporation, et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01392, Judge Mitchell M. Lundy, Jr.;
- k. *The State of Mississippi v. Fred's, Inc., et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01389, Judge Mitchell M. Lundy, Jr.;
- l. *The State of Mississippi v. Rite Aid Corporation, et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01390, Judge Percy L. Lynchard, Jr.;
- m. *The State of Mississippi v. Walgreen Co., et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01391, Judge Mitchell M. Lundy, Jr.;
- n. *In the Matter of the Attorney General's Investigation*, AGO Case No. AN2014103885, Alaska Pay-for-Delay Antitrust Investigation;
- o. *State of Louisiana v. Pfizer, Inc., et al.*, Docket No. 625543, Sec. 24, 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, Judge R. Michael Caldwell;
- p. *State of Louisiana v. Abbott Laboratories, Inc., et al.*, Docket No. 596164, Sec. 25, 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, Judge Wilson Fields;
- q. *State of Louisiana v. McKesson Corporation*, Docket No. 597634, Sec. 25, 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, Judge Wilson Fields;
- r. *State of South Carolina v. Abbott Laboratories, Inc., et al., In re: South Carolina Pharmaceutical Pricing Litigation*, Master Caption Number:

2006-CP-40-4394, State of South Carolina, County of Richland, Fifth Judicial Circuit, Judge J. Cordell Maddox, Jr.;

- s. *State of Alaska v. Alharma Branded Products Division, Inc., et al.*, Case No.: 3AN-06-12026, Superior Court for the State of Alaska, Third Judicial District at Anchorage, Judge William F. Morse;
- t. *State of Alaska v. McKesson Corporation and First DataBank, Inc.*, Case No. 3AN-10-11348-CI, Superior Court for the State of Alaska, Third Judicial Circuit of Anchorage, Judge Peter A. Michalski;
- u. *State of Kansas, ex rel. v. McKesson Corporation, et al.*, Case No. 10-CV-1491, Division 2, District Court of Wyandotte County, Kansas, Judge Constance Alvey;
- v. *State of Hawaii, ex rel. v. McKesson Corporation, et al.*, Civil Action No. 10-1-2411-11, State of Hawaii, First Circuit, Judge Gary W. B. Chang;
- w. *Commonwealth of Kentucky. v. Fresenius Medical Care Holdings, Inc., et al.*, Civil Action No. 16-CI-00946, Franklin Circuit Court, Div. 2, Judge Thomas D. Wingate;
- x. *State of Mississippi v. Actavis Pharma, Inc., et al.*, Civil Action No. 17-cv-000306, Hinds County Chancery Court, District 1, Judge Patricia D. Wise;
- y. *State of Mississippi v. Barr Laboratories, Inc., et al.*, Civil Action No. 17-cv-000304, Hinds County Chancery Court, District 1, Judge J. Dewayne Thomas;
- z. *State of Mississippi v. Camline, L.L.C. (f/k/a Pamlab, L.L.C.)*, Civil Action No. 17-cv-000307, Hinds County Chancery Court, District 1, Judge J. Dewayne Thomas;
- aa. *State of Mississippi v. E. Claiborne Robins Company, Inc., et al.*, Civil Action No. 17-cv-000305, Hinds County Chancery Court, District 1, Judge Denise Owens;
- bb. *State of Mississippi v. Endo Pharmaceuticals, Inc.*, Civil Action No. 17-cv-000309, Hinds County Chancery Court, District 1, Judge J. Dewayne Thomas;
- cc. *State of Mississippi v. United Research Laboratories, Inc., et al.*, Civil Action No. 17-cv-000308, Hinds County Chancery Court, District 1, Judge Denise Owens;

- dd. *State of West Virginia v. Merck-Medco*, Civil Action No. 02-C-2944, Circuit Court of Kanawha County, West Virginia, Judge Jennifer F. Bailey;
- ee. *State of Alabama, ex. rel. Troy King, Attorney General v. Transocean, Ltd., et al.*, Civil Action No. 2:10-cv-691-MHT-CSC, Middle District of Alabama, Northern Division, Judge Myron H. Thompson;
- ff. *State of Alabama v. Purdue Pharma, LP, et al.*, Civil Action No. 03-CV-2019-901174, Circuit Court of Montgomery County, Alabama, Judge J.R. Gaines; and
- gg. *State of Georgia v. Purdue Pharma, et al.*, Civil Action No. 19-A-00060-2, Superior Court of Gwinnett County, Georgia, Judge Tracie H. Cason.

Through the various representations of the states listed in the previous paragraph, our firm has recovered billions of dollars for the states, with over \$1.5 billion pertaining to recoveries involving state funds. Beasley Allen continues to represent states with complex litigation involving the manufacture and marketing of pharmaceuticals and pharmaceutical devices, including, but not limited to, allegations of Medicaid fraud, antitrust, consumer protection violations, false claims, fraud, unjust enrichment, false advertising, and unfair and deceptive trade practices with respect to the manufacture, marketing, pricing, and sale of pharmaceuticals, pharmaceutical devices, and the general provision of goods and services in the healthcare industry.

In addition to representing states, Beasley Allen is one of the nation's leading firms in *qui tam* litigation, especially in the healthcare industry. Our firm currently is handling seventeen filed *qui tam* cases, investigating approximately ten *qui tam* cases, tried two *qui tam* cases, settled fourteen *qui tam* cases, and has reviewed over three hundred thirty-five *qui tam* cases altogether. Beasley Allen, with the cooperation of the U.S. Department of Justice (DOJ), settled one of the most important *qui tam* cases in recent history against U.S. Investigations Services, Inc. (USIS), a private government contractor, for \$30 million. The case is *United States ex rel. Blake Percival v. U.S. Investigations Services, Inc.*, Civil Action No. 2:11-cv-527-WKW, (M.D. Ala.). Beasley

Allen also represented one of six whistleblowers jointly responsible for a \$39 million settlement in a False Claims Act case alleging illegal kickbacks and off-label marketing against Daiichi-Sankyo Company, Ltd. The case was *United States, et al., ex rel. Jada Bozeman v. Daiichi-Sankyo Company*, Civil Action No. 14-cv-11606-FDS. Beasley Allen's *qui tam* cases involve a variety of complex legal issues, including but not limited to violations of the Anti-Kickback Statute, Stark Law, Medicare/Medicaid fraud, military contractor fraud, abuse of Title IV funds, federal grant fraud and government contracting malfeasance.

Beasley Allen is also a leader in complex class action litigation. Beasley Allen has successfully brought a number of class actions, some of which were subsequently transferred to multidistrict litigation, which we originally filed in federal and state courts, including: *Ace Tree Surgery, Inc. v. Terex Corporation, et al.*, Case No. 1:16-cv-00775-SCJ D (N.D. Ga., filed July 22, 2015); *In re: Polaris Marketing, Sales Practices, and Products Liability Litigation*, Case No. 0:18-cv-00939-WMW-DTS (D. Minn., filed April 5, 2018); *Scott Peckerar et al. v. General Motors, LLC*, Case No. 5:18-cv-02153-DMG-SP (C.D. Cal., filed December 9, 2018); *Jason Compton et al v. . General Motors, LLC*, Case No. 1:19-cv-00033-MW-GRJ (N.D. Fla., filed February 21, 2019); *Simerlein v. Toyota Motor Corporation et al.*, Case No. 3:17-cv-01091-VAB (D. Conn., filed June 30, 2017); *Kerkorian et al v. Nissan North America, Inc.*, Case No. 18-cv-07815-DMR (N.D Cal., filed December 31, 2018); *Monteville Sloan, Jr. v. General Motors LLC*, Case No. 3:16-cv-07244-EMC (C.D. Cal., filed December 19, 2016); *William Don Cook v. Ford Motor Company*, Case No. 2:19-cv-00335-ECM-GMB (M.D. Ala., filed May 8, 2019); *Sigfredo Rubio et al., vs. ZF-TRW Automotive Holdings Corp., et al.*, Case No. 2:19-cv-11295-LVP-RSW (E.D. Mich., filed May 3, 2019); *Weidman, et al. v. Ford Motor Co.*, Case No. 2:18-cv-12719 (E.D. Mich., filed August 30, 2018); *Gerrell Johnson v. Subaru of America, Inc. et al.*, Case No.



2:19-cv-05681-JAK-MAA (C.D. Cal., filed June 28, 2019); *Thondukolam et al., vs. Corteva, Inc., et al.*, Case No. 4:19-cv-03857 (N.D. Cal., filed July 3, 2019); *Dickman, et al. v. Banner Life Insurance Company, et al.*, Case No. 1:16-cv-00192-WMN (D. Md., filed January 19, 2016); *Lesley S. Rich, et al. v. William Penn Life Insurance Company of New York*, Case No. 1:17-cv-02026-GLR (D. Md., filed July 20, 2017); *Vivian Farris, et al. v. U.S. Financial Life Insurance Company*, Case No. 1:17-cv-417 (S.D. Ohio, filed June 19, 2017); *In Re: Apple Inc. Device Performance Litigation*, Case No. 5:18-md-02827-EJD (N.D. Cal., filed April 5, 2018); *Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation*, Case No. 3:18-md-02828 (D.Or., filed April 5, 2018); *In Re: The Home Depot, Inc., Customer Data Security Breach Litigation*, Case No. Case 1:14-md-02583-TWT (N.D. Ga., filed November 13, 2014); *In Re: German Automotive Manufacturers Antitrust Litigation*, Case No. 3:17-md-02796-CRB (N.D. Cal., filed October 5, 2017); *In re: Domestic Airline Travel Antitrust Litigation*, Case No. 1:15-mc-01404-CKK (D.D.C., filed October 13, 2015); *In Re: Facebook, Inc., Consumer Privacy User Profile Litigation*; Case No. 5:18-md-02827-EJD (N.D. Cal., filed June 6, 2018); *Estrada v. Johnson & Johnson, et al.*, Case No. 2:14-cv-01051-TLN-KJN (E.D. Cal., filed April 28, 2014); *Larry Clairday, et al. v. Tire Kingdom, Inc., et al.*, No. 2007-CV-020 (S.D. Ga.); *Wimbreth Chism, et al. v. The Pantry, Inc. d/b/a Kangaroo Express*, No. 7:09-CV-02194-LSC (N.D. Ala.); *Danny Thomas, et al. v. Southern Pioneer Life Insurance Company*, No. CIV-2009-257JF, in the Circuit Court of Greene County, State of Arkansas; *Dolores Dillon v. MS Life Insurance Company n/k/a American Bankers Life Assurance Company of Florida*, No. 03-CV-2008-900291, in the Circuit Court of Montgomery County, Alabama; *Coates v. MidFirst Bank*, 2:14-cv-01079 (N.D. Ala., certified July 29, 2015); *Walls v. JP Morgan Chase Bank, N.A.*, 3:11-cv-00673 (W.D. Ky., certified October 13, 2016); *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and*

*Products Liability Litig.*, 3:15-md-02672 (N.D. Cal., settlements approved October 25, 2016 and May 17, 2017); and *In re Takata Airbag Products Liability Litig.*, 1:15-md-02599 (S.D. Fla.). Beasley Allen's class action cases involve a variety of complex legal issues.

***ii. Beasley Allen's Additional Experience as Lead or Co-Lead Counsel in Nationwide Complex Litigation***

Beasley Allen is one of the country's leading firms involved in complex civil litigation on behalf of claimants, having represented hundreds of thousands of people. Attorneys from Beasley Allen have been selected by Federal Courts as lead counsel or co-lead counsel in the following complex multidistrict litigations:

- a. *In Re Vioxx Products Liability Litigation*, United States District Court for the Eastern District of Louisiana, Judge Eldon E. Fallon, MDL No. 1657; (Andy Birchfield, Shareholder of Beasley Allen);
- b. *In Re Reciprocal of America (ROA) Sales Practices Litigation*, United States District Court for the Western District of Tennessee, Judge J. Daniel Breen, MDL No. 1551; (Dee Miles and Jere Beasley, both Shareholders in Beasley Allen);
- c. *In Re American General Life and Accident Insurance Company Industrial Life Insurance Litigation*, United States District Court for the District of South Carolina, Judge Cameron McGowan Currie, MDL No. 11429; (Dee Miles, Shareholder of Beasley Allen);
- d. *In Re Dollar General Corp. Fair Labor Standards Acts Litigation*, United States District Court for the Northern District of Alabama, Western Division, Judge U.W. Clemon, MDL No. 1635; (Dee Miles, Shareholder of Beasley Allen);
- e. *In re: Xarelto (Rivaroxaban) Products Liability Litigation*, District of Louisiana, Judge Eldon E. Fallon, Eastern MDL No. 2592;

- f. *Johnson & Johnson Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, United States District Court for the District of New Jersey, Judge Freda L. Wolfson, MDL No. 2738 (Leigh O'Dell, Shareholder of Beasley Allen);
- g. *Bruner et al v. Polaris Industries, Inc. et al*, United States District Court for the District of Minnesota, Judge David T. Schultz Case 0:18-cv-00939-WMW-DTS, 0:18-cv-00975-WMW-DTS (Dee Miles, Shareholder of Beasley Allen)<sup>1</sup>;
- h. *Weidman et al v. Ford Motor Company*, United States District Court of the Eastern District of Michigan, Judge Gershwin A. Drain, 2:18-cv-12719 (Dee Miles, Shareholder of Beasley Allen)<sup>2</sup>.
- i. *Sharon Cheng, et al. v. Toyota Motor Corporation, et al.*, United States District Court, Eastern District of New York, Judge William F. Kuntz, II, 1:20-cv-00629-WFK-CLP (Dee Miles, Shareholder of Beasley Allen)<sup>3</sup>;
- j. *Tucker Oliver, et al. v. Honda Motor Company Limited, et al.*, United States District Court, Eastern District of Alabama, Judge Madeline Hughes Haikala, 5:20-cv-006666-MHH (Dee Miles, Shareholder of Beasley Allen)<sup>4</sup>; and
- k. *The K's Inc. v. Westchester Surplus Lines Insurance Company*, United States District Court, Northern District of Georgia, Judge William M. Ray, II, 1:20-cv-1724-WMR (Dee Miles, Shareholder of Beasley Allen).

**iii. *Beasley Allen's Leadership Appointments on Executive and/or Plaintiff Steering Committees in Complex Multidistrict Litigation***

Beasley Allen has been appointed to the Plaintiff's Executive Committee and/or Steering Committee in many complex litigations. All of these multidistrict litigations involved multiple

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<sup>1</sup> Beasley Allen was appointed as interim co-lead counsel.

<sup>2</sup> Beasley Allen was appointed as interim co-lead counsel.

<sup>3</sup> Beasley Allen was appointed as interim co-lead counsel.

<sup>4</sup> Beasley Allen was appointed as interim co-lead counsel.

claims against multiple defendants, which required excellent organization and leadership from our attorneys. Beasley Allen has been appointed to the following MDL complex litigation cases:

- a. *In Re: Motor Fuel Temperature Sales Practices Litigation*, United States District Court for the Middle District of Kansas, Judge Kathryn Vratil, MDL No. 1840;
- b. *Bextra/Celebrex, Bextra and Celebrex Marketing Sales Practices and Product Liability Litigation*, United States District Court for the Northern District of California, Judge Charles R. Breyer, MDL No. 1699;
- c. *In Re: Vioxx Products Liability Litigation*, United States District Court for the Eastern District of Louisiana, Judge Eldon E. Fallon, MDL No. 1657;
- d. *In Re: Actos (Pioglitazone) Products Liability Litigation*, United States District Court for the Western District of Louisiana, Judge Rebecca F. Doherty, MDL No. 2299;
- e. *In Re: Zoloft (Sertraline Hydrochloride) Products Liability Litigation*, United States District Court for the Eastern District of Pennsylvania, Judge Cynthia M. Rufe, MDL No. 2342;
- f. *In Re: Fosamax (Alendronate Sodium) Products Liability Litigation (No. II)*, United States District Court District of New Jersey, Judge Garrett E. Brown, Jr., MDL No. 2243;
- g. *In Re: Fosamax Products Liability Litigation*, United States District Court, Southern District of New York, Judge John F. Keenan, MDL No. 1789;
- h. *In Re: Depuy Orthopaedics, Inc. ASR Hip Implant Products Liability Litigation*, United States District Court for the Northern District of Ohio, Judge David A. Katz, MDL No. 2197;
- i. *In Re: DePuy Orthopaedics, Inc. Pinnacle Hip Implant Products Liability Litigation*, US District Court for the Northern District of Texas, Judge Ed Kinkeade, MDL No. 2244;
- j. *In Re: Biomet M2a Magnum Hip Implant Products Liability Litigation*, US District Court for the Northern District of Indiana, Judge Robert L. Miller, Jr., MDL No. 2391;

- k. *In Re: Prempro Products Liability Litigation*, United States District Court, Eastern District of Arkansas, Western Division, Judge Billy Roy Wilson, MDL No. 1507;
- l. *In Re: Mirena IUD Products Liability Litigation*, United States District Court, Southern District of New York, Judge Cathy Seibel, MDL No. 2434;
- m. *In Re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*, United States District Court, District of Massachusetts, Judge Douglas P. Woodlock, MDL No. 2428;
- n. *In Re: American Medical Systems, Inc. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Southern District of Ohio, Judge Joseph R. Goodwin, MDL No. 2325;
- o. *In Re: C.R. Bard, Inc. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Charleston Division, Judge Joseph R. Goodwin, MDL No. 2187;
- p. *In Re: Boston Scientific Corp. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Southern District of West Virginia, Judge Joseph R. Goodwin, MDL No. 2326;
- q. *In Re: Ethicon, Inc. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Charleston Division, Judge Joseph R. Goodwin, MDL No. 2327;
- r. *In Re: Coloplast Corp. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Charleston Division, Judge Joseph R. Goodwin, MDL No. 2387;
- s. *In Re: Google Inc. Gmail Litigation*; United States District Court for the Northern District of California, San Jose Division, Judge Lucy H. Koh, MDL No. 2430;
- t. *In Re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, United States District Court for the Central District of California, Judge James V. Selna, MDL No. 2151;

- u. *In Re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*; California Northern District (San Francisco), Hon. Charles R. Breyer, Case No. 3:15-md-02672-CRB;
- v. *In Re: Xarelto (Rivaroxaban) Products Liability Litigation*, District of Louisiana, Judge Eldon E. Fallon, Eastern MDL No. 2592;
- w. *In Re: Target Corporation Customer Data Security Breach Litigation*, United States District Court for the District of Minnesota, Judge Paul A. Magnuson, MDL No. 2522;
- x. *In Re: Lipitor (Atorvastatin Calcium) Marketing, Sales Practices and Products Liability Litigation*, United States District Court for the District of South Carolina, Judge Richard M. Gergel, MDL No. 2502;
- y. *In Re: Blue Cross Blue Shield Antitrust Litigation*, United States District Court for the Northern District of Alabama, Judge R. David Proctor, MDL No. 2406;
- z. *In Re: Androgel Products Liability Litigation*, United States District Court for the Northern District of Illinois, Judge Matthew F. Kennelly, MDL No. 2545;
- aa. *In Re: The Home Depot, Inc., Customer Data Security Breach Litigation*, United States District Court for the Northern District of Georgia, Judge, Thomas W. Thrash, Jr., MDL No. 2583;
- bb. *In Re: Takata Airbag Products Liability Litigation*, United States District Court for the Southern District of Florida, Judge Federico A. Moreno, MDL No. 2599, serving on a discovery committee responsible for two Auto Manufacturer's discovery<sup>5</sup>;
- cc. *In Re: Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability Litigation*, United States District Court for the Northern District of California, Judge Edward Chin, MDL No. 2777;

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<sup>5</sup> Discovery Committee appointment only.

- dd. *In re: Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico*, United States District Court of the Eastern District of Louisiana, Judge Carl J. Barbier, MDL No. 2179;
- ee. *In re: Invokana (Canagliflozin) Products Liability Litigation*, United States District Court District of New Jersey, Judge Lois H. Goodman, MDL No. 2750;
- ff. *In re: Proton-Pump Inhibitor Products Liability Litigation*, United States District Court District of New Jersey, Judge Claire C. Cecchi, MDL No. 2789;
- gg. *In Re: Apple Inc. Device Performance Litigation*, United States District Court for the Northern District of California, Judge Edward J. Davila, MDL 2827;
- hh. *In Re: JUUL Labs, Inc. Marketing, Sales Practices & Products Liability Litigation*, United States District Court for the Northern District of California, Judge William H. Orrick, MDL 2913;
- ii. *In re ZF-TRW Airbag Control Units Products Liability Litigation*, United States District Court Central District of California, Judge John A. Kronstadt, MDL No. 2905;
- jj. *In Re: Zantac (Ranitidine) Products Liability Litigation*, United States District Court for the Southern District of Florida, Judge Robin L. Rosenberg, MDL No. 2924;
- kk. *In Re: Rock ‘N Play Sleeper Marketing, Sales Practices, and Products Liability Litigation*, United States District Court for the Western District of New York, Judge Geoffrey Crawford, MDL No. 1:19-mc-2903; and
- ll. *In Re: Robinhood Outage Litigation*, United States District Court for the Northern District of California, Judge James Donato, Case No. 20-cv-01626-JD.

### **III. Qualifications of Beasley Allen Attorneys**

Beasley Allen is comprised of highly qualified attorneys and staff that are well-equipped to be the co-lead counsel in handling any investigation and litigation. Our attorneys are some of the most qualified and experienced attorneys in the country.

On a firm-wide basis, national publications have profiled several Beasley Allen lawyers, including Forbes, Time Magazine, BusinessWeek, The New York Times, The Wall Street Journal, Jet Magazine, The National Law Journal, The ABA Journal, and Lawyers Weekly USA. Beasley Allen has also appeared nationally on Good Morning America, 60 Minutes, The O'Reilly Factor, CNN Live at Daybreak, CNN Headline News, ABC Evening News, CBS Evening News, NBC Evening News, FOX, National Public Radio, and Court TV.

Additionally, Beasley Allen attorneys have some of this country's largest verdicts and settlements in the following categories:

- a. Largest verdict against an oil company in American history, \$11,903,000,000, in *State of Alabama v. Exxon*, filed in the Circuit Court of Montgomery County, Alabama, Case No. CV-99-2368, Judge Tracy S. McCooey;
- b. Largest environmental settlement in American history, \$750,000,000, in *Tolbert v. Monsanto*, filed in the United States District Court for the Northern District of Alabama, Civil Action No. CV-01-1407PWG-S, Judge Paul W. Greene;
- c. Largest predatory lending verdict in American history \$581,000,000, in *Barbara Carlisle v. Whirlpool*, filed in the Circuit Court of Hale County, Alabama, Case No. CV-97-068, Judge Marvin Wiggins;
- d. Largest average wholesale price litigation verdict, \$215,000,000, in *State of Alabama v. AstraZeneca*, filed in the Circuit Court of Montgomery County, Alabama, Case No. CV-05-219.10, Judge Charles Price (Dee Miles as Co-Lead Counsel);



- e. Second largest average wholesale price litigation verdict, \$114,000,000, in *State of Alabama v. GlaxoSmithKline - Novartis*, filed in the Circuit Court of Montgomery County, Alabama, Case No. CV-05-219.52, Judge Charles Price (Dee Miles as Co-Lead Counsel);
- f. Third largest average wholesale price litigation verdict, \$78,000,000, in *State of Alabama v. Sandoz, Inc.*, filed in the Circuit Court of Montgomery County, Alabama, Case No. CV-05-219.65, Judge Charles Price (Dee Miles as Co-Lead Counsel);
- g. Average wholesale price litigation verdict, \$30,200,000, in *State of Mississippi v. Sandoz, Inc.*, filed in the Chancery Court of Rankin County, Mississippi, Case No. 09-00480, Judge Thomas L. Zebert (Dee Miles as Co-Lead Counsel);
- h. Average wholesale price litigation verdict, \$30,262,052, in *State of Mississippi v. Watson Laboratories, Inc., et al.*, filed in the Chancery Court of Rankin County, Mississippi, Case Nos. 09-488, 09-487, and 09-455, Judge Thomas L. Zebert (Dee Miles as Co-Lead Counsel);
- i. Hormone Therapy Litigation Verdict, \$72,600,000, in *Elfont v. Wyeth Pharmaceuticals, Inc., et al.*, *Mulderig v. Wyeth Pharmaceuticals, Inc., et al.*, *Kalenkoski v. Wyeth Pharmaceuticals, Inc., et al.*, filed in the County of Philadelphia, Court of Common Pleas, Case Nos. July Term 2004, 00924, 00556, 00933, Judge Gary S. Glazer;
- j. Hormone Therapy Litigation Verdict, \$5,100,100, in *Okuda v. Wyeth Pharmaceuticals, Inc.*, filed in the United States District Court of Utah, Northern Division, Case No. 1:04-cv-00080-DN, Judge David Nuffer;
- k. Talcum Powder Litigation Verdict, \$72,000,000, in *Fox v. Johnson & Johnson, et al.*, filed in the Circuit Court of St. Louis City, Case No. 1422-CC03012-01, Judge Rex M. Burlison; and
- l. Talcum Powder Litigation Verdict, \$55,000,000, in *Ristesund v. Johnson & Johnson, et al.*, filed in the Circuit Court of St. Louis City, Case No. 1422-CC03012-01, Judge Rex M. Burlison.

Additionally, Beasley Allen maintains a full-time technology department comprised of six professionals who have successfully passed rigorous industry certification exams, in addition to an in-house graphics department that is responsible for designing, constructing, and presenting essential demonstratives and other presentations used in the courtroom and during mediations. These technological advancements not only allow Beasley Allen to successfully present the case for our clients at hearings and trial, but they allow our firm to stay in the forefront of multi-media and case management.