

Consumer Class Action Symposium Speakers

Dan Birkhauser (Bramson, Plutzik, Mahler & Birkhaeuser)



Following law school, Mr. Birkhaeuser joined the law firm of McCutchen, Doyle, Brown and Enersen. At the McCutchen firm, he represented plaintiffs and defendants in a wide variety of complex civil litigation matters including real estate, bankruptcy and environmental litigation. At the McCutchen firm, Dan tried several cases including an eight-week jury trial recovering for his client over \$15 million which, at that time, was the largest jury verdict, in Contra Costa County history.

Mr. Birkhaeuser joined Bramson, Plutzik, Mahler & Birkhaeuser in 1994 and became a partner in 1997. At the firm, he has prosecuted class action cases involving debt collection, insurance, false nutritional labeling, price fixing and securities fraud. He has tried antitrust and consumer class action cases and has settled others after preparing them for trial.

Session: *Class Action Symposium Session 3: Trial Preparation Issues*

Katherine E. Charonko (Bailey Glasser)



Kate Charonko is a thought leader and pioneer in the field of Electronically Stored Information (ESI) and is Bailey Glasser's ESI group's Practice Group Leader. Kate is a Certified e-Discovery Specialist (CEDS), which is a globally-recognized credential that assures clients and co-counsel that our approaches are efficient, cost-effective, and reduces risk in all phases of e-Discovery. The strategic use of ESI - and the timing related to when ESI strategies

are deployed in pending or threatened litigation – can greatly impact the flow and cost of legal proceedings. In her role as ESI Practice Group Leader, Kate designs ESI strategies that provide structured and conceptual analytic functionality for numerous aspects of e-Discovery, including document review strategy, use of technology and technology assisted review (TAR), collection and preservation strategy, ESI protocols, and training and implementation of e-Discovery practices. Kate also provides consulting services for all Bailey Glasser e-Discovery case managers and attorney case teams to drive analytics adoption at the firm, resulting in significant time and cost savings to clients. In addition to her e-Discovery practice, Kate serves as part of Bailey Glasser’s multidistrict litigation (MDL) teams focusing on automotive and medical device product liability actions across the country. She was appointed to serve as liaison director of e-Discovery and ESI on several MDL leadership committees and creates case-specific document review workflows. Kate frequently speaks on various e-Discovery topics, including ESI, TAR, and legal ethics. In 2019, she was invited to share her “lessons learned” about her path to becoming a lawyer in Nora Riva Bergman’s book, “50 Lessons for Women Lawyers From Women Lawyers.”

Session: *Class Action Symposium Workshop 3: Making ESI an Integral Part of Your Litigation Practice*

Michelle Drake (Berger Montague)



E. Michelle Drake is a Shareholder in Berger & Montague’s Minneapolis office. With career settlements and verdicts valued at more than \$150 million, Michelle has had great success at a young age and in a wide variety of cases. Michelle focuses her practice primarily on consumer protection, improper credit reporting and financial services class actions. Michelle is empathetic towards her clients and unyielding in her desire to win. Possessing a rare combination of an elite academic pedigree and real world trial skills, Michelle has successfully gone toe-to-toe with some of the world’s most powerful companies. Michelle helped achieve one of the largest class action settlements in a case involving improper mortgage servicing practices associated with force-placed insurance, resulting in a settlement valued at \$110 million for a nationwide class of borrowers who were improperly force-placed with overpriced insurance. Michelle also served as liaison counsel and part of the Plaintiffs’ Steering Committee on behalf of consumers harmed in the Target data breach, a case she helped successfully resolve on behalf of over ninety million consumers whose data was affected by the breach. In 2015, Michelle resolved a federal class action on behalf of a group of adult entertainers in New York for \$15 million. Most

recently, Michelle has been successful in litigating numerous cases protecting consumers' federal privacy rights under the Fair Credit Reporting Act, securing settlements valued at over \$10 million on behalf of tens of thousands of consumers harmed by improper background checks and inaccurate credit reports in the last two years alone. Michelle was admitted to the bar in 2001 and has since served as lead class counsel in over fifty class and collective actions alleging violations of the Fair Credit Reporting Act, the Fair Debt Collection Practices Act, the Fair Labor Standards Act, various states' unfair and deceptive trade practices acts, breach of contract and numerous other pro-consumer and pro-employee causes of action. Michelle serves on the Board of the National Association of Consumer Advocates, is a member of the Partner's Council of the National Consumer Law Center, and is an At-Large Council Member for the Consumer Litigation Section for the Minnesota State Bar Association. She was named as a Super Lawyer in 2013-2016, and was named as a Rising Star prior to that.

Session: *Class Action Symposium Session 1: Evidentiary Challenges in Certifying Class Actions*

Maria Glover (Georgetown Law)



Professor Glover teaches and writes on civil procedure, complex litigation, and the interplay between private litigation and public regulation. Before coming to Georgetown in 2012, she was a Climenko Fellow and Lecturer on Law at Harvard Law School. Previously, she clerked for Judge J. Harvie Wilkinson III of the United States Court of Appeals for the Fourth Circuit and practiced in the Supreme Court and Appellate practice group at Mayer Brown LLP in Washington, DC. She is a graduate of Vanderbilt Law School, where she was Senior Articles Editor of the *Vanderbilt Law Review* and was awarded the Cecil D. Branstetter Litigation and Dispute Resolution Program Award. Professor Glover teaches courses in Civil Procedure and Complex Litigation and a seminar in Modern Litigation.

Session: *Class Action Symposium Session 1: Evidentiary Challenges in Certifying Class Actions*

Professor Llezli Green (American University Washington College of Law)



Llezzlie L. Green is Associate Dean for Experiential Education, Professor of Law, and Director of the Civil Advocacy Clinic at the American University Washington College of Law. She also teaches Critical Race Theory and Employment & Labor Law. She has also taught Advanced Civil Procedure. Her areas of expertise and scholarly interest include employment law, the intersection of workplace exploitation and immigration, critical race theory, critical race feminism, civil rights, and complex litigation in civil and human rights. Her most recent work considers the intersection of race, wage theft, and employment discrimination in low-wage worker communities. Her article, *Wage Theft in Lawless Courts*, was published in the *California Law Review* and won WCL's Pauline Ruyle Moore Scholar Award (2021). Her most recent article, *Outsourcing Discrimination*, appeared in the *Harvard Civil Rights-Civil Liberties Law Review*. Her articles have also appeared in the *Stanford Journal of Civil Rights and Civil Liberties*, the *Harvard Latino Law Review*, and the *Howard Law Journal*.

After receiving her undergraduate education at Dartmouth College with an A.B. in Government with honors, Professor Green obtained a Juris Doctorate from Columbia Law School, where she was a Harlan Fiske Stone Scholar, and worked with the NAACP Legal Defense Fund and the Center for Constitutional Rights. Following her graduation, she was a litigator at Wilmer Cutler and Pickering (now WilmerHale) and a law clerk for the Honorable Alexander Williams, Jr., United States District Judge for the District of Maryland. She then joined the Civil Rights and Employment Practice at Cohen Milstein Sellers and Toll, where she spent six years representing plaintiffs in class actions alleging employment, fair housing, and credit discrimination, as well as federal and state wage and hour law violations. Her work at Cohen Milstein included representing Native American ranchers and farmers in a landmark civil rights lawsuit against the U.S. Department of Agriculture and representing African American homeowners in a post-Katrina housing discrimination suit against the U.S. Department of Housing and Urban Development and the State of Louisiana. She also represented groups of workers in collective action wage and hour cases in 22 jurisdictions.

Professor Green develops and presents Diversity, Equity, and Inclusion Training Programs with a focus on improving cross-cultural competency and disrupting bias in the workplace.

Session: *Disrupting the Status Quo: Prioritizing Diversity and Equity in the Plaintiffs Bar*

Abbas Kazerounian (Kazerouni Law Group, PC)



Abbas Kazerounian is one of the founding partners at Kazerouni Law Group, APC, and the Injury Recovery Group. Mr. Kazerounian's areas of specialty are personal injury, consumer rights and class actions.

In 2013, 2014, 2015 Abbas was selected by his peers as a rising star and in 2016, 2017, 2018, 2019 and 2020 as a Super Lawyer (a prestigious recognition given to only 2.5 percent of the attorneys in the state). In 2020, Abbas was also named to the SuperLawyers Top 50 in Orange County and SuperLawyers Top 100 in Southern California. He was also voted as a Rising Star by the San Diego Daily Transcript in 2012. Abbas was honored to be on the list of The National Trial Lawyers: Top 40 under 40 in 2016 & 2017.

Abbas has litigated over 3000 individual consumer rights cases and is regarded as a one of the preeminent consumer rights attorneys in Southern California. His depth of experience and knowledge in this practice area along with his trial skills, make Mr. Kazerounian one of the premier advocates within this field of law. Abbas has been responsible for over 650 published opinions. He has successfully argued before the Ninth Circuit of Appeals on numerous occasions, including in the landmark case of Knutson v. Sirius XM Radio, No. 12-56120 (9th Cir. 2014). Abbas is currently litigating numerous other cases in the Ninth Circuit Courts of Appeal.

Abbas attended the University of Plymouth, U.K., where he received his Bachelor of Arts in English literature & theatre and performance. He then received his masters from the prestigious London Academy of Performing Arts. Subsequently Mr. Kazerounian received his Juris Doctor from California Western School of Law in San Diego, CA.

Abbas is an adjunct professor of law at California Western School of Law where he teaches a three-credit course in consumer law. He also lectures nationwide on class action litigation and consumer law.

Abbas is licensed to practice law in CA, TX, IL, WA, DC, NY, MI and CO. He is also licensed in the Ninth Circuit Court of Appeals, Eighth Circuit Court of Appeals as well the United States Supreme Court.

Session: *Class Action Symposium Session 3: Trial Preparation Issues*

Heather Leonard (Law Office of Heather Leonard, PC)



For more than twenty years, Heather Leonard has dedicated her practice exclusively to resolving the legal disputes that arise out of the employer/employee relationship. Other than family, the relationship between an employee and their employer can be one of the closest and the most fraught. It's important that the professional you engage to help resolve these issues has the right experience and knowledge in this sensitive area of the law.

Session: *Class Action Symposium Workshop 3: Making ESI an Integral Part of Your Litigation Practice*

Seth Lesser (Kafter Lesser LLP)



Seth R. Lesser is a founding partner of Kafter Lesser LLP and he practices in the areas of consumer advocacy, wage and hour litigation, and corporate governance, primarily on behalf of defrauded consumers, employees, and businesses. He is admitted to the bars of New York, New Jersey and the District of Columbia, as well as two dozen federal courts, listed below.

Mr. Lesser is a graduate of Princeton University, A.B., summa cum laude (1983); Oxford University, D.Phil. in Modern History, recipient of a Marshall Scholarship (1985); and Harvard Law School, J.D., magna cum laude (1988), where he was an editor of the Harvard Journal of International Law and of the Harvard Environmental Law Review. In addition, he was the Princeton University Varsity Heavyweight coxswain in 1982 & 1983 and the coxswain of the victorious Oxford Blue Boat in the Oxford-Cambridge Boat Race in 1984 & 1985.

Emmy Levens (Cohen Milstein)



Emmy Levens is a Partner at Cohen Milstein and a member of the firm's Antitrust practice group. With over a decade of experience, Ms. Levens has particular expertise in complex antitrust litigation, class actions, and appellate litigation. She also plays a central role in helping the Antitrust practice evaluate potential cases and Chairs the firm's Summer Associate Committee.

Ms. Levens has been recognized by the legal industry for her exceptional work, including being named to *The National Law Journal's* 2021 "Elite Women of the Plaintiffs Bar," recognizing the top female litigators in the U.S., who "have demonstrated repeated success in cutting-edge work on behalf of plaintiffs," as well as *Bloomberg Law's* 2021 "They've Got Next: The 40 Under 40 - Mass Torts" and *Law360's* 2020 "Rising Stars - Class Action."

Session: *Class Action Symposium Workshop 1: Winning Your Motions Through Effective Oral Advocacy*

Jason Lichtman (Lief Cabraser)



Lieff Cabraser partner Jason L. Lichtman has extensive experience leading multidistrict and large class action litigation on behalf of consumer plaintiffs. With a practice focused on consumer protection, data privacy, and damages, Jason played a key role in the recent Anthem Data Breach Litigation, leading plaintiffs' work with damages experts, including the development of highly technical, comprehensive experts reports, defending depositions of plaintiffs' experts, and taking defendants' experts' depositions. This work contributed heavily to the ground-breaking settlement for plaintiffs of \$115 million as well as significant injunctive relief targeting deficient Anthem's cybersecurity practices.

Numerous courts have appointed Jason to leadership positions in large consumer protection cases, including the exploding Samsung Top-Loading Washing Machines case (Co-Lead Counsel); the Whirlpool Corp. Front-Loading Washer products liability litigation (Co-Lead Counsel); and the *Dover v. British Airways* airline overcharging case (Class Counsel). In the Whirlpool Defective Washers Products Liability litigation, Jason served as Co-Chair of the Law and Motion Committee, one of the trial counsel, and Lead Settlement Counsel, achieving a nationwide settlement strongly favorable to plaintiffs following a bellwether trial, multiple appeals to the Sixth and Seventh Circuits (all won by plaintiffs), and multiple petitions for certiorari (all defeated by plaintiffs). Jason has also secured major victories as counsel of record before numerous federal appellate courts.

Jason played a key role in the *In re: Imprelis Herbicide Marketing Sales Practices and Product Liability Litigation*, MDL No. 2281 (E.D. Pa.), in which the parties reached a major settlement that provided relief to all homeowners and business owners injured by Imprelis. He helped secure a major settlement with Capital One Bank in the ING Direct Litigation pending in federal court in Delaware, in which Capital One will refund consumers more than \$150 per loan. He also helped secure a settlement for Hong Leong Finance, Ltd (Singapore), which had been in litigation against Morgan Stanley relating to the sale and marketing of certain financial products.

Jason serves on the executive committee and board of directors for Public Justice Foundation and is Chair of the Public Justice Class Action Committee. Public Justice is devoted to standing up for consumers against unscrupulous payday lenders, reckless polluters, dangerous food producers, and other bad corporate actors. A multiple-year "Super Lawyer" for the New York area, he also served on the *Law360* Privacy and Consumer Protection Editorial Advisory Board, providing feedback on *Law360's* news coverage, including case updates, policy developments, and trends in various industries. In 2017, the publication named Jason a "Rising Star" for Consumer Protection, and published an extensive profile and interview.

Session: *Class Action Symposium Session 1: Evidentiary Challenges in Certifying Class Actions*

Scott Nelson (Public Citizen)



Scott L. Nelson is an attorney at the Public Citizen Litigation Group in Washington, DC, where he has a pro bono, public interest practice including consumer law, campaign finance regulation, class actions, arbitration, administrative law, First Amendment law, regulation of hazardous products and substances, access to government records, energy regulation, environmental law, and Supreme Court and appellate practice. Before joining Public Citizen in 2001, Mr. Nelson was a partner at Washington's Miller, Cassidy, Larroca & Lewin, a litigation boutique where his clients included law firms, insurance companies and individuals including a former President of the United States. Mr. Nelson is a 1984 graduate of Harvard Law School, where he was President of the Harvard Law Review, and he was a law clerk to Supreme Court Justice Byron R. White from 1984 to 1986. Mr. Nelson's diverse practice has involved him in arbitrations, administrative trial-type hearings, trials in federal court, and appeals in both federal and state court systems. He has argued four cases before the United States Supreme Court and written dozens of briefs to that court.

Session: *Class Action Symposium Session 2: Hot Topics in Class Actions*

Leah Nicholls (Public Justice)



Leah M. Nicholls is Co-Director of the Access to Justice Project, working in Public Justice's Washington, DC headquarters. Leah litigates high-impact civil public interest cases at the trial and appellate levels, including cases involving access to courts, court

secrecy, consumer protection, and Public Justice's Food Project. She has briefed, argued, and won cases in state and federal appellate courts across the country and spoken at numerous national and state conferences on topics such as arbitration, class certification, standing, court secrecy, consumer protection, and ag-gag laws.

Leah first joined Public Justice in 2012, serving as the Kazan-Budd Attorney from 2012 to 2014, Staff Attorney from 2014 to 2019, and Senior Attorney from 2019 to 2021. Prior to joining Public Justice, she was a senior staff attorney for civil rights and general public interest at Georgetown University Law Center's Institute for Public Representation. Previously, she served as the Supreme Court Assistance Project Fellow at Public Citizen Litigation Group and clerked for Texas Supreme Court Justice Harriet O'Neill.

She has also taught Federal Courts and Appellate Advocacy as an adjunct law professor at Georgetown University Law Center and the University of the District of Columbia. Leah currently serves as a Consumer Fellow to the American Bar Association's Consumer Financial Services Committee.

She earned her J.D. *magna cum laude*, Order of the Coif from Duke University Law School and her B.A. in History and Philosophy *summa cum laude* from Boston University. Leah has also received an L.L.M. in Advocacy from Georgetown Law, an L.L.M. in International and Comparative Law from Duke Law, and an M.A. in History from Boston University.

Leah is admitted to practice in the District of Columbia and Virginia (inactive). She is also admitted to the bars of the U.S. Supreme Court, eleven U.S. Courts of Appeals, and two U.S. District Courts.

Session: *Class Action Symposium Session 4: Ethical Considerations and Best Practices Under the NACA Class Action Guidelines*

Mike Quirk (Motley Rice)



Michael Quirk practices in the areas of consumer rights, class action, mass tort, and appellate litigation. He currently represents people and families in Flint, Mich., who were impacted by toxic lead in the city's contaminated water crisis in *In re Flint Water Cases: Carthan v. Snyder*; women injured by defective transvaginal mesh devices in *In re Pelvic Mesh Litigation*; payday loan borrowers in Pennsylvania allegedly paying unjustifiably high interest charges to lenders seeking to evade liability through misuse of Indian tribal immunity in *Williams et*

al. v. MacFarlane Grp, Inc. et al.; and student loan borrowers who faced collection actions on a defunct for-profit trade school's institutional loans alleged to be fraudulent in *Gonzalez et al. v. New Century Financial Services, Inc. as assignee of Med-Com Career Training, Inc. d/b/a Drake College of Business*; among other cases.

Prior to joining Motley Rice, he was a partner in two Philadelphia law firms, where he was lead appellate counsel for prevailing plaintiffs in cases involving expert admissibility on causation of a rare and fatal lymphoma by prescription drugs, liability and qualified immunity in a police-on-police shooting, retaliatory employment discrimination under Title VII, women's breast cancer caused by hormone replacement therapy (HRT) drugs, and enforceability of mandatory arbitration clauses barring class actions in payday lending and other consumer contracts. He also was lead or co-lead trial court counsel for plaintiffs in cases against Wells Fargo, Bank of America, and JPMorgan Chase among others allegedly involving predatory Option Adjustable Rate Mortgage (Option ARM) loans that drained the equity from borrowers' homes, against rent-to-own companies charging allegedly unlawful interest or add-on fees to low-income consumers, and against credit card issuers for allegedly unlawful charges.

Michael also has represented public interest, consumer rights and public health organizations as amici curiae in support of consumers and other plaintiffs.

Previously, he was a staff attorney and Equal Justice Works Fellow with Public Justice, P.C., a national public interest law firm, and was Supreme Court Assistance Project Fellow with the Public Citizen Litigation Group, both in Washington, D.C.

Session: *Class Action Symposium Session 4: Ethical Considerations and Best Practices Under the NACA Class Action Guidelines*

Stuart Rossman (NCLC)



National Consumer Law Center

Stuart Rossman is a staff attorney at the National Consumer Law Center (NCLC) and has served as director of litigation since 1999. Stuart is the co-editor of NCLC's Consumer Class Actions and coordinates NCLC's annual Consumer Class Action Symposium. Stuart is a past co-chair of the National Association of Consumer Advocates (NACA) Board of Directors. Since 1992, he has been a member of the adjunct faculty at the Northeastern University School of Law where he teaches courses in Civil Trial Advocacy and was appointed the 2010 Givelber Distinguished Lecturer on Public Interest Law. He also is a visiting lecturer at the University of Michigan Law School teaching a course on Consumer Class Actions. Previously, he was a private trial attorney in Boston and served as Chief of the Trial Division and Chief of the Business and Labor Protection Bureau at the Massachusetts Attorney General's Office. Stuart has received numerous honors and awards, including the Thurgood Marshall Award by the Rainbow/PUSH Coalition. He is a 1975 graduate of the University of Michigan, summa cum laude and graduated from Harvard Law School, cum laude in 1978.

Session: *Class Action Symposium Session 4: Ethical Considerations and Best Practices Under the NACA Class Action Guidelines*

Robert Schug (Nichols Kaster)



Robert L. Schug is a partner with Nichols Kaster, PLLP in Minneapolis, MN and San Francisco, CA. Robert has dedicated his career to standing up for workers' rights through complex class action litigation. He has over a decade of experience litigating cases through trial in both court and arbitration. He has represented thousands of employees in courts across the country on a variety of issues, including, gender, race, and disability discrimination, unpaid overtime, off-the-clock work, employee misclassification, and unlawful pay deductions. Robert previously served as Director of Litigation at the Impact Fund, a nationally recognized non-profit law firm in Berkeley, California devoted to achieving social justice through large scale impact litigation. He has been recognized as a Rising Star by Minnesota and Northern California Super Lawyers. Robert graduated summa cum laude from William Mitchell College of Law and Middle Tennessee State University. He served as Executive Editor of the William Mitchell Law Review.

Session: *Class Action Symposium Workshop 3: Making ESI an Integral Part of Your Litigation Practice*

Joseph M. Sellers (Cohen Milstein)



Joseph M. Sellers is a Partner at Cohen Milstein, Chair of the firm's Executive Committee and Chair of the Civil Rights & Employment Practice Group, a practice he founded. In a career spanning nearly four decades, Mr. Sellers has represented victims of discrimination and other illegal employment practices individually and through class actions. He brings to his practice a deep commitment and broad background in fighting discrimination in all its forms. That experience includes decades of representing clients in litigation to enforce their civil rights, participating in drafting and efforts to pass landmark civil rights legislation, testifying before Congress on various civil rights issues, training government lawyers on the trial of civil rights cases, teaching civil rights law at various law schools and lecturing extensively on civil rights and employment matters.

Mr. Sellers, who joined the firm in 1997, has been practicing civil rights law for more than 35 years, during which time he has represented individuals and classes of people who have been victims of civil rights violations or denied other rights in the workplace. He has tried to judgment before courts and juries several civil rights class actions and a number of individual cases and has argued more than 30 appeals in the federal and state appellate courts, including the United States Supreme Court. He has served as class counsel, and typically lead counsel, in more than 75 civil rights and employment class actions.

Session: *Class Action Symposium Workshop 1: Winning Your Motions Through Effective Oral Advocacy*

John Soumilas (Francis Mailman Soumilas, PC)



John Soumilas is a shareholder at the law firm of Francis & Mailman, P.C. in center city Philadelphia. He concentrates his practice in consumer protection law, including fair credit reporting, fair debt collection, and consumer class actions. John has litigated hundreds of Fair Credit Reporting Act (FCRA) cases, primarily in federal courts throughout the country. He has tried several consumer cases, obtaining some of highest jury verdicts, and the highest-class action jury verdict in the history of the FCRA. He has also handled FCRA appeals and been appointed class counsel in several class actions. John has been selected by Philadelphia Magazine as a “SuperLawyer,” a recognition received by only 5% of attorneys in Pennsylvania. He is a regular lecturer on consumer matters, including for the Pennsylvania Bar Institute, the National Business Institute, the National Consumer Law Center, the Practicing Law Institute, the National Association of Consumer Advocates and other organizations. John has been interviewed and quoted concerning many legal issues affecting consumers by a wide range of media outlets, from the Wall Street Journal and Forbes Magazine to Consumer Reports and Free Speech Radio. John is a 1994 cum laude graduate of Rutgers University, where he was inducted into Phi Beta Kappa. He also holds a master’s degree in American history from the State University of New York at Stony Brook. John received his law degree cum laude from the Temple University Beasley School of Law in 1999, where he was a member of the Jessup Moot Court and Temple Law Review. He began his legal career by clerking for Justice Russell M. Nigro of the Supreme Court of Pennsylvania.

Session: *Class Action Symposium Session 3: Trial Preparation Issues*

Janet Varnell (Varnell & Warwick)



Janet Varnell is the managing partner in the law firm of Varnell & Warwick, PA headquartered in Florida but which operates virtually throughout the United States. The firm is expert at consumer class actions, but has also handles civil rights, worker's rights, environmental protection, and other high-impact public interest litigation. Her small firm has been appointed lead or co-lead class counsel in more than 40 class action cases certified in both state and federal courts across the nation and she currently serves on the Plaintiffs Steering Committee in an MDL matter. She has prosecuted a variety of multi-million-dollar disputes. The defendants in these cases have included governmental entities and companies such as AT&T, Asplundh, Bank of America, Capital One, CashCall, Citibank, Discover Bank, General Electric Capital Corp., Guthy-Renker, HSBC, Home Depot, Marion County Florida Sheriff's Office, Mercedes Benz, Navy Federal Credit Union, Ocwen Loan Servicing, Progressive Insurance, State Farm Insurance, Sallie Mae and Forgas-Taurus. Varnell was awarded Consumer Advocate of the Year in 2009 by the National Association of Consumer Advocates. Earlier this year, she was awarded "Trial Lawyer of the Year" from the Public Justice Foundation along with others for her work protecting consumers from predatory payday loans. Varnell is an active leader in public interest and consumer protection organizations and has been throughout her career. She currently serves on the Executive Committee of the Board of Public Justice and serves on the Partners Council of NCLC. Varnell is the former Co-Chair of NACA. She assisted on numerous amicus briefs on behalf of public interest organizations and consumer groups and has also litigated cases with those organizations on a wide range of matters from consumer fraud to human trafficking. She also served and chaired several committees for the Florida Bar. She has delivered numerous presentations on consumer protection law and class action litigation strategies for state bar associations and consumer groups. Her professional experience beyond law practice includes serving in the U.S. Army where she was awarded several medals before the age of 21. Varnell has started and run several small businesses including an AI expert systems technology company; a wildflower seed farm; and a healthcare technology company which became the most successful distributorship in the nation.

Session: *Class Action Symposium Session 2: Hot Topics in Class Actions*

Christine Webber (Cohen Milstein)



Christine E. Webber is a partner in the Civil Rights & Employment group of Cohen Milstein Sellers & Toll PLLC, where she represents workers in wage and hour cases and employees in race and sex discrimination class actions. Christine speaks regularly on a variety of issues related to employment class actions, wage and hour law, and ediscovery.

Session: *Class Action Symposium Workshop 3: Making ESI an Integral Part of Your Litigation Practice*

Matt Wessler (Gupta Wessler, PLLC)



Matt Wessler is a principal at Gupta Wessler PLLC, where he focuses on public interest and plaintiffs'-side appellate and complex litigation. Matt handles high-profile cases at all levels of both state and federal court and regularly appears before the U.S. Supreme Court. This past term, in *Intel Corp. v. Sulyma*, 140 S. Ct. 768 (2020), he argued and won a rare 9-0 victory for a class of workers seeking to hold companies accountable under ERISA for taking imprudent risks

with retirement savings. The Wall Street Journal called the decision a “pretty significant” victory for “people’s ability to bring lawsuits over fiduciary breaches” under ERISA.

In the federal appellate courts, Matt’s success in representing plaintiffs is virtually without peer nationally. In just the past year alone, he has argued and won significant class-action, workers-rights, and consumer-protection appeals in multiple federal courts of appeal on issues including arbitration, payday lending, antitrust, civil procedure, class-action practice, and preemption. See *Gibbs v. Haynes Inv. LLC*, 967 F.3d 332 (4th Cir. 2020); *Gibbs v. Sequoia Capital Operations, LLC*, 966 F.3d 286 (4th Cir. 2020); *Williams v. Medley Opportunity Fund II, LP*, 965 F.3d 229 (3d Cir. 2020); *In re MDL Genentech Herceptin Marketing & Sale Practice Litig.*, 960 F.3d 1210 (10th Cir. 2020); *Molock v. Whole Foods Group, Inc.*, 952 F.3d 293 (D.C. Cir. 2020); *In re Lantus Direct Purchaser Antitrust Litig.*, 950 F.3d 1 (1st Cir. 2020). Matt is frequently sought out by plaintiffs’ firms facing make-or-break appeals and is currently lead appellate counsel in a number of closely watched cases around the country. For his “excellence in appellate advocacy in America,” Matt was awarded the 2020 Pound Civil Justice Institute Appellate Advocacy Award.

In addition to his appellate work, Matt frequently co-counsels with trial firms in complex, ground-up litigation and has been appointed co-lead counsel in class actions that have successfully delivered tens of millions of dollars to consumers.

Matt also actively represents and counsels non-profit organizations. He is outside counsel to the American Association for Justice and has filed briefs on their behalf in the Supreme Court and federal circuits across a range of issues, most recently in *Henry Schein, Inc. v. Archer and White Sales, Inc.* (arbitration), *Merck Sharp & Dohme Corp. v. Albrecht* (preemption), *Retirement Plan Comm. of IBM v. Jander* (ERISA), and *Hardeman v. Monsanto* (preemption). He also represents labor unions, and recently argued and won a landmark victory on behalf of SEIU and AFT in a challenge to the Wisconsin GOP’s brazen lame-duck legislation, meant to hamstring the incoming Democratic Governor and Attorney General.

Before joining the firm, Matt spent six years as a staff attorney at Public Justice, P.C. in Washington, DC, where he spearheaded the firm’s focus on Supreme Court litigation and earned national attention for taking the lead in cases involving ERISA, preemption, arbitration, and health care. Matt previously practiced at the Washington law firm of Williams & Connolly LLP and was a member of Obama for America’s sensitive litigation team, where he handled important election litigation on behalf of the presidential campaign. He clerked for the Honorable Richard L. Nygaard of the U.S. Court of Appeals for the Third Circuit and the Honorable William E. Smith of the U.S. District Court for the District of Rhode Island. Matt is a graduate of Cornell Law School and Williams College.

Matt routinely speaks in front of audiences across the country, and to the media, on issues affecting plaintiffs’ litigation and public interest law. His cases have been profiled in major media outlets, including the New York Times, Washington Post, Reuters, Bloomberg News, and Mother Jones. He splits his time between Cambridge, Massachusetts and Washington, DC and, when he can, the mountains.

Session: *Class Action Symposium Workshop 2: Winning Your Motions Through Effective Written Advocacy*

Michelle C. Yau (Cohen Milstein)



Michelle C. Yau is a Partner at Cohen Milstein and Chair of the firm's Employee Benefits/ERISA practice group. In this role, Ms. Yau represents the interests of employees, retirees, plan participants or beneficiaries in ERISA cases, with a focus on ERISA cases involving complex financial transactions or actuarial issues.

Ms. Yau is passionate about protecting pension plan participants. She brings to her practice a unique combination of government experience related to enforcing labor statutes and experience in finance, addressing complex financial instruments. Prior to joining Cohen Milstein in 2007, Ms. Yau was an Honors Program Attorney at the Department of Labor where she enforced and administered a variety of labor statutes, and before pursuing a career in law she worked as a financial analyst at Goldman Sachs in the Financial Institutions Group of the Investment Banking Division.

As a result of this unique experience, Ms. Yau has played an instrumental role in some of the most significant ERISA lawsuits in recent U.S. history, including litigation that emerged from the Madoff Ponzi scheme, including:

- *In re Beacon Association Litigation* (S.D.N.Y.): Ms. Yau represented a multi-plan class of participants, beneficiaries and fiduciaries, which settled along with other consolidated cases for \$219 million in 2013, representing 70% of the Class members' out-of-pocket losses. The judge praised the settlement, describing the outcome as "extraordinary" and the praising the "hard work" done by plaintiffs' counsel, including Cohen Milstein.
- *In re Austin Capital Management Litigation* (S.D.N.Y.): A case which was settled by the Department of Labor on the ERISA class on very favorable terms, Ms. Yau alleged that Madoff's returns, based on his advertised investment strategy, were mathematically impossible, a fact Austin Capital ought to have recognized well before the fraud was revealed.

Ms. Yau is presently litigating a series of church plan lawsuits alleging that health care systems wrongfully claim their benefit plans are exempt from ERISA's protection. She oversees the day-to-day management of these cases, including coordinating all the aspects of the litigation. She is also involved in a series of high-profile class actions involving 401ks, Employee Stock Ownership Plans (ESOPs), and other types of employee benefit plans that are allegedly in breach of ERISA and undervaluing the investments to defined beneficiaries.

Currently, Ms. Yau is representing clients in the following notable matters:

- *Dignity Health Church Plan Litigation* (N.D. Cal.): Cohen Milstein is co-counsel to a class of defined benefit participants, which alleges that Dignity Health is improperly claiming that its

pension plans are exempt from ERISA's protections because they are "church plans," and as a result has underfunded its plans by over \$1.2 billion. In 2016, the Supreme Court agreed to hear arguments on consolidated church plan cases, and in June 2017, it reversed previous rulings and ordered plaintiffs, in this case, to file an amended complaint. Pending final approval by the court, Dignity has agreed to settle class claims for \$100 million.

- *BlackRock 401(k) Retirement Plan Litigation* (N.D. Cal.): Cohen Milstein is representing BlackRock 401(k) Plan participants and beneficiaries, who allege that the Plan fiduciaries violated their duties under ERISA by investing employees' 401(k) savings almost exclusively in BlackRock proprietary funds and by using Blackrock subsidiaries to broker securities lending deals using the Plan's assets.
- *Western Milling ESOP Litigation* (E.D. Cal.): Cohen Milstein is representing participants and beneficiaries of the Western Milling Employee Stock Ownership Plan, who allege that the ESOP's trustees breached their fiduciary duties by engaging in risky investments in violation of ERISA, including purchasing 100% of Kruse-Western, Inc. company stock, which subsequently dropped by 90% shortly after the purchase.

Session: *Class Action Symposium Workshop 1: Winning Your Motions Through Effective Oral Advocacy*

Adam J. Zapala (Cotchett, Pitre & McCarthy, LLP)



Adam J. Zapala is a partner at Cotchett, Pitre & McCarthy, LLP, where he focuses on complex litigation, including antitrust, employment & civil rights, privacy & cybersecurity, *qui tam*/false claims, consumer protection and class actions generally.

Adam has served as lead counsel, or in other court-appointed leadership positions, in some of the largest and most complex litigation matters in the United States and has obtained outstanding results. Adam is known for his deep understanding of antitrust law and class action practice and procedure. Additionally, Adam regularly represents executives and employees in complex employment litigation, securing substantial settlements and judgments for his clients.

Adam has been recognized by courts, his peers, and by various publications for his outstanding work. Since 2014, Adam has been recognized as a *Super Lawyer Rising Star*, or *Super Lawyer*. In

2019, the American Antitrust Institute (“AAI”) recognized the work of Adam and his colleagues in the groundbreaking *Auto Parts* antitrust litigation, where CPM represents the end-payor plaintiffs and has recovered over \$1 billion in settlements on their behalf. In 2020, the *Daily Journal* recognized Adam as one of the top antitrust lawyers in California. His work on cases has regularly appeared in Top Settlements & Verdicts.

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