

EXHIBIT F

**Declaration of Joseph A. Fonti in Support of Lead Counsel and
WTO's Motion for Awards of Attorneys' Fees, Litigation Expenses,
and Reasonable Costs and Expenses to Plaintiffs,
Filed on Behalf of Bleichmar Fonti & Auld LLP**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:22-cv-00453-PAB-KAS

MICHAEL BILINSKY, Individually and on Behalf of All Others
Similarly Situated,

Plaintiff,

v.

GATOS SILVER, INC.,
STEPHEN ORR,
ROGER JOHNSON,
PHILIP PYLE,
JANICE STAIRS,
ALI ERFAN,
IGOR GONZALES,
KARL HANNEMAN,
DAVID PEAT,
CHARLES HANSARD, and
DANIEL MUÑIZ QUINTANILLA,

Defendants.

**DECLARATION OF JOSEPH A. FONTI IN SUPPORT OF LEAD COUNSEL AND
WTO'S MOTION FOR AWARDS OF ATTORNEYS' FEES, LITIGATION EXPENSES,
AND REASONABLE COSTS AND EXPENSES TO PLAINTIFFS,
FILED ON BEHALF OF BLEICHMAR FONTI & AULD LLP**

JOSEPH A. FONTI declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true:

1. I am a partner at Bleichmar Fonti & Auld LLP (“BFA” or “Lead Counsel”), the Court-appointed Lead Counsel and Class Counsel in the above-captioned Action (the “Action”).¹

2. I submit this Declaration in support of Lead Counsel and WTO’s Motion for Awards of Attorneys’ Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs. I have personal knowledge of the matters set forth herein based on my active participation in the prosecution and settlement of the Action.

I. BFA’S WORK, RATES, AND LODESTAR

3. BFA is highly qualified and experienced in prosecuting securities class actions, as well as shareholder derivative actions and complex antitrust and consumer class actions. Attached hereto as **Exhibit 1** is BFA’s firm resume, which includes biographical information about attorneys and staff members and information about the firm’s philosophy, organization, and successes.

4. Attached hereto as **Exhibit 2** is a list of BFA attorneys and professional support staff for whom fees are sought in this Action. Exhibit 2 also provides further information about each individual’s qualifications, experience, and role in the litigation.

¹ Capitalized terms not defined herein have the meanings stated in the Amended Class Action Complaint for Violations of the Securities Laws (ECF 54), the Stipulation and Agreement of Settlement dated September 12, 2023 (ECF 85-1), and the Joint Declaration of Joseph A. Fonti and Kathryn A. Reilly in Support of: (I) Plaintiffs’ Motion for Final Approval of the Settlement and Approval of the Plan of Allocation and (II) Lead Counsel and WTO’s Motion for Awards of Attorneys’ Fees, Litigation Expenses, and Reasonable Costs and Expenses to Plaintiffs (the “Joint Declaration” or “Joint Decl.”).

5. As Lead Counsel in this Action, BFA performed the majority of the work necessary to prosecute the Action. That work is further detailed in the Joint Declaration filed contemporaneously herewith, which also provides the amount of time and lodestar BFA devoted to the Action during each phase of the litigation.

6. Table 1 below is a schedule summarizing the amount of time spent by each of BFA's attorneys and professional support staff from the Action's inception through and including April 19, 2024, the rates applicable to each individual, and a lodestar calculation for each individual.

7. Table 1 is based on contemporaneous time records prepared and maintained by BFA in the ordinary course. As the lead partner responsible for supervising BFA's work on this case, I supervised the review of these time records to prepare this declaration. The purpose of this review was to confirm both the accuracy of the time entries and the necessity for, and reasonableness of, the time committed to the Action. Table 1 excludes all time concerning fee and expense award matters.

8. Following the review and the adjustments made, as set forth in Table 1, BFA attorneys and professional support staff devoted 1,981.95 hours to this Action from inception through April 19, 2024. The total lodestar reflected in Table 1 for that period is \$1,687,409. I believe that the time reflected in BFA's lodestar calculation, as set forth herein, is reasonable in amount and was necessary for the effective and efficient prosecution and resolution of the Action.

TABLE 1

Timekeeper Name	Position	Hours	Hourly Rate	Lodestar
George Bauer	Partner	10.25	\$950	\$9,738
Javier Bleichmar	Partner	18.70	\$1,250	\$23,375
Benjamin Burry	Partner	294.55	\$950	\$279,822
Christopher Capuozzo	Director, Client Data and Claims	22.80	\$475	\$10,830
Nicholas Dennany	Associate	41.85	\$695	\$29,086
Jeffrey Esperance	Data Analyst	10.50	\$375	\$3,937
Masiel Feliz	Paralegal	46.65	\$395	\$18,427
Joseph Fonti	Partner	212.50	\$1,250	\$265,625
William Green	Associate	62.70	\$650	\$40,755
Mathew Hough	Former Associate	180.75	\$665	\$120,198
Kayla Kershen	Former Law Clerk	27.00	\$365	\$9,855
Evan Kubota	Partner	522.20	\$950	\$496,090
Nancy Kulesa	Partner	2.00	\$995	\$1,990
Elaine Rivera	Senior Data Analyst	9.00	\$375	\$3,375
Michael Russo	Director of Operations	16.25	\$495	\$8,044
Ross Shikowitz	Partner	87.70	\$950	\$83,315
Sara Simnowitz	Special Counsel	2.75	\$895	\$2,461
Thayne Stoddard	Associate	195.05	\$795	\$155,065
Umang Suhalka	Data Analyst	2.00	\$395	\$790
Franklyn Williams	Senior Projects Associate	216.75	\$575	\$124,631
TOTALS		1,981.95		\$1,687,409

9. As reflected in Table 1, the hourly rates for BFA attorneys and professional support staff range from \$365 to \$1,250. Current rates are used for current personnel; for attorneys and professional support staff who are no longer employed by BFA, the hourly rate used is the hourly rate for such employee in his or her final year of employment by BFA.

10. BFA's rates are the usual and customary rates set by BFA for each individual. Different timekeepers within the same employment category (*e.g.*, partner, associate) may have different rates depending on their respective years of experience, years at the firm, years in current position, relevant experience, relevant expertise, and/or rates of similarly situated individuals at

BFA or at peer firms. BFA's rates are comparable to the rates set by peer firms for attorneys and staff of similar skill and experience.

11. My firm's lodestar figures are based upon our billing rates, which rates do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

12. Courts across the country have consistently held that BFA's hourly rates are reasonable. *See, e.g., Police Ret. Sys. of St. Louis v. Granite Constr. Inc.*, No. C 19-04744 WHA, 2022 WL 816473, at *9 (N.D. Cal. Mar. 17, 2022) ("This order accepts [BFA's] claimed rates as generally tracking the going rate for those with the same levels of skill and experience in our geographic region."); Settlement Approval Hearing Transcript, *In re Teva Sec. Litig.*, No. 3:17-cv-00558 (SRU) (D. Conn.) (June. 2, 2022), 28-29 (granting fee award requested and accepting BFA's rates as reasonable).

II. EXPENSES

13. BFA is seeking an award of \$226,314 in expenses incurred by all Plaintiffs' Counsel in the prosecution of the Action. In incurring these expenses, Plaintiffs' Counsel was motivated to proceed efficiently, as they might not recover any of these expenses if the litigation was unsuccessful, and in all events any recovery would only occur after a favorable resolution, which could (and did) take an extended period of time.

14. The expenses and charges incurred by BFA are summarized below in Table 2:²

² WTO separately incurred \$227 in computer research expenses. (*See* Ex. G ¶11.)

TABLE 2

CATEGORY	AMOUNT
Computer Research	\$1,876
Expert Fees	\$87,078
Global Economics Group, LLC	\$48,212
Hemming Morse, LLP	\$33,916
IMS Consulting and Expert Services LLC	\$4,950
Litigation Support Vendor Fees	\$30,926
Outside Counsel	\$91,899
Mediation Fees	\$9,475
Postage and Overnight Mail	\$24
Service and Filing Fees	\$1,127
Accommodations	\$1,076
Meals	\$150
Local Transportation	\$155
Out-of-Town Transportation	\$1,889
Miscellaneous	\$412
TOTAL	\$226,087

15. The information provided in Table 2 is based on information maintained contemporaneously and in the ordinary course by BFA, including receipts, invoices, expense vouchers, check records, and similar documents. As the lead partner supervising Plaintiffs’ Counsel’s work in the Action, I supervised and participated in the review of this supporting documentation to confirm the accuracy of the expenses incurred, as well as the reasonableness of and necessity for those expenses.

16. The following provides additional information regarding the expenses set forth in Table 2:

a. Computer Research: \$1,876. This category includes vendors such as PACER and Thomson Reuters. These resources were used to obtain access to legal research, factual databases, and for cite-checking of briefs. This expense represents the expense incurred by BFA for use of these services in connection with the Action. The charges for these vendors

vary depending upon the type of services requested. For example, BFA has flat-rate contracts with some of these providers for use of their services. When BFA utilizes online services provided by a vendor with a flat-rate contract, access to the service is by a billing code entered for the specific case being litigated. At the end of each billing period in which such service is used, BFA's costs for such services are allocated to specific cases based on the percentage of use in connection with that specific case in the billing period.

b. Expert Fees: \$87,078. This category includes the fees incurred for the following services:

i. Global Economics Group, LLC: \$48,212. Global Economics Group, LLC provided consulting advice concerning damages.

ii. Hemming Morse, LLP: \$33,916. Hemming Morse LLP provided consulting advice regarding forensic accounting issues in connection with the Amended Complaint.

iii. IMS Consulting and Expert Services LLC: \$4,950. IMS Consulting and Expert Services LLC provided consulting advice regarding technical mining issues in connection with the Amended Complaint.

c. Litigation Support Vendor Fees: \$30,926. This category includes vendors who provided investigative services concerning former Gatos employees in connection with the Amended Complaint.

d. Outside Counsel: \$91,899. This category includes counsel retained to represent a former Gatos employee who provided information concerning the allegations in the Amended Complaint.

e. Mediation Fees: \$9,475. Plaintiffs' Counsel incurred fees for the services of JAMS and Robert A. Meyer in connection with the mediation of the Action.

f. Postage and Overnight Mail: \$24. This category includes postage and outside vendor fees for messenger services and overnight delivery.

g. Service and Filing Fees: \$1,127. This category includes Court filing fees.

h. Accommodations: \$1,076. This category includes case-related hotel expenses incurred to attend the mediation session in Los Angeles, California on June 13, 2023.

i. Meals: \$150. This category includes meals during travel for the June 13, 2023 mediation session.

j. Local Transportation: \$155. This category includes expenses incurred for car service when traveling for the June 13, 2023 mediation session.

k. Out-of-Town Transportation: \$1,889. This category includes travel expenses incurred to attend the mediation session in Los Angeles, California on June 13, 2023.

These expenses are limited to coach rates, in accordance with BFA firm policy.

l. Miscellaneous: \$412. This expense is a registration fee to attend a virtual mining industry conference at which Gatos personnel presented.

Dated: April 26, 2024

s/ Joseph A. Fonti

Joseph A. Fonti

EXHIBIT 1

Bilinsky v. Gatos Silver, Inc.,
No. 1:22-cv-00453-PAB-KAS

BFA FIRM RESUME



FIRM RESUME



OVERVIEW

Bleichmar Fonti & Auld LLP (“BFA” or the “Firm”) is a leading class action law firm founded in 2014 and based in New York City with additional offices in Oakland, California; Wilmington, Delaware; Toronto, Ontario; and Westchester, New York. The Firm focuses on securities fraud class actions and other investment and consumer-related matters on behalf of a wide range of domestic and international clients, including some of the largest institutional investors and asset managers in the world.

Since 2014, BFA has recovered nearly \$2 billion for investors. This track record reflects the long and extensive experience of the Firm’s partners in the last two decades prosecuting securities class actions. Indeed, BFA has repeatedly been in the top 10 and 15 in total monetary recoveries in securities class actions. In 2022, for example, BFA’s \$420 million settlement with Teva Pharmaceutical Industries, Ltd. was number two in a list of the Top U.S. Shareholder Class Actions of 2022 as reported by ISS Insights, and, with BFA’s \$129 settlement with Granite Construction, Inc., BFA was the only law firm to place twice on ISS’ top 10 list for 2022 as sole lead counsel. These results also placed BFA as a “Top 5” Plaintiff Law Firm based on 2022 securities settlements achieved, as reported by ISS.

BFA’s founding partners have worked together for nearly two decades, recovering billions of dollars for investors. In the last ten years, BFA’s partners have represented lead plaintiffs in more than a dozen securities class actions. Our partners are supported by a team recruited for their excellence and dedication to our practice, as they carefully built a talented team who have collaborated for years, ensuring a wealth of experience to draw on for our clients.

Our attorneys are nationally recognized as leading litigators in the field of securities litigation, and our achievements have been profiled in a variety of national publications, including *The Wall Street Journal*, *The New York Times*, *Law 360*, the *National Law Journal’s* Plaintiffs’ Hot List, *Lawdragon*, and *The Legal 500*. We are also frequently asked to comment on breaking developments in financial fraud, securities, and other investment-related issues.



SECURITIES LITIGATION HIGHLIGHTS

BFA partners have represented lead plaintiffs in dozens of securities class actions, as well as investors in direct actions, including the cases featured below.

Ontario Teachers' Pension Plan Board, et al. v. Teva Pharmaceutical Industries Ltd. et al.

- District of Connecticut, No. 17-cv-00558
- Clients: Ontario Teachers' Pension Plan Board and Anchorage Police and Fire Retirement System
- Attorneys: Joseph A. Fonti, Javier Bleichmar, Evan A. Kubota, Benjamin F. Burry, Sara Pildis Simnowitz, Thayne Stoddard

Total Settlement:
\$420 Million

Background: Plaintiffs alleged that the company and its senior management made materially false and misleading statements that concealed that Teva had engaged in a multi-year scheme to exponentially increase generic drug prices across its portfolio, in some instances by more than 1000%. Often, these increases were in lock-step with so-called competitors.

BFA's Role: BFA was sole Lead Counsel for the Class and Court-appointed Lead Plaintiff Ontario Teachers' and named plaintiff Anchorage Police and Fire Retirement System.

Status: On June 2, 2022, BFA secured final approval of the \$420 million settlement after five years of hard-fought litigation, including the Court's certification of the class and the Second Circuit's denial of defendants' attempt to appeal class certification, completing intensive fact and expert discovery, and preparing a summary judgment motion. This represents the second largest class settlement in the history of the District of Connecticut (where the case was pending), the fourth-largest within the Second Circuit (excluding cases arising from restatements or the 2008-09 financial crisis), and among the five largest securities settlements against a pharmaceutical manufacturer. No objections were filed. BFA's effort required over 77,000 hours of work, investing nearly \$10 million in litigation and expert expenses, and navigating both Teva's financial distress and competing civil and criminal actions arising from the same alleged pricing conduct (including Teva USA's 2020 indictment by the U.S. Department of Justice). The resulting \$420 million settlement was the first meaningful recovery related to this conduct.

In approving the settlement, Judge Underhill described Teva as "the most complex securities case I've ever had" and a "remarkably complex" case that "required analysis of a very broad portfolio of drugs." Judge Underhill praised BFA's work,



stating, “The quality of the representation was excellent in the face of very quality defense . . . This was not a case that every law firm could handle, and I think it was done exceptionally well.”

The Police Retirement System of St. Louis v. Granite Construction Incorporated, et al.

- Northern District of California, No. 19-cv-04744
- Client: The Police Retirement System of St. Louis
- Attorneys: George N. Bauer, Javier Bleichmar, Benjamin F. Burry, Evan A. Kubota, Ross Shikowitz, Sara Pildis Simnowitz, Thayne Stoddard

Total Settlement:
\$129 Million

Background: Plaintiffs alleged that Granite and its senior management fraudulently misrepresented the impact of several of the company’s largest joint venture construction projects on Granite’s business. Specifically, plaintiffs asserted that Granite and its senior management understated the significant cost overruns and schedule delays the Company was experiencing as well as their impact on Granite’s financial statements.

BFA’s Role: BFA was sole Lead Counsel for Court-appointed Lead Plaintiff the Police Retirement System of St. Louis.

Status: The Court appointed the Police Retirement System of St. Louis on November 26, 2019 and approved its choice of BFA as Lead Counsel on January 16, 2020. BFA filed an amended complaint on February 20, 2020. In May 2020, Judge Alsup denied defendants’ motion to dismiss. In January 2021, Judge Alsup certified the class, naming the Police Retirement System of St. Louis as class representative and BFA as class counsel. After beginning discovery and taking a number of depositions, the parties reached a \$129 million settlement.

On March 17, 2022, Judge Alsup granted final approval of the settlement. In approving the settlement, Judge Alsup noted that the “\$129 million settlement flowed from the hard work of class counsel, the discovery they took, the investigations they did, and their victories in court.” He further observed that “the \$129 million settlement is almost entirely the result of the hard work of class counsel,” that “[c]lass counsel investigated this case in great depth,” and that class counsel’s efforts “plausibly led to a restatement” whereby Granite admitted that its financial statements could no longer be relied upon.

At the time, the settlement was the third largest approved in the Northern District of California in the last decade. The settlement promises to compensate investors for 20-30% of their estimated damages, which exceeds by nearly 400% the average rate of recovery in cases alleging claims under Section 10(b) of the Securities Exchange Act of 1934.



In re Citigroup Securities Litigation

- Southern District of New York, No. 20-CV-9132
- Client: Public Sector Pension Investment Board ("PSP")
- Attorneys: Javier Bleichmar, Joseph A. Fonti, Benjamin F. Burry, Erin H. Woods, Thayne Stoddard

Case Status:
Pending

Background: Plaintiffs allege that Citigroup and its senior management misrepresented and concealed that the company's internal controls and risk management systems suffered from serious and longstanding deficiencies that exposed the Company to massive regulatory penalties that will cost significantly more than \$1 billion to remediate.

BFA's Role: BFA is sole Lead Counsel for Court-appointed Lead Plaintiff PSP.

Status: The Court appointed PSP as Lead Plaintiff and approved its choice of BFA as Lead Counsel on February 4, 2021. BFA filed an Amended Complaint on April 20, 2021. The Court granted defendants' motion to dismiss on March 24, 2023. BFA filed a motion to amend the complaint and a proposed Amended Class Action Complaint on May 24, 2023.

MTA v. Allianz Global Investors U.S., L.L.C.

- Southern District of New York, No. 20-CV-7842
- Client: Metropolitan Transportation Authority
- Attorneys: Javier Bleichmar, George Bauer

Settled

Background: Since 2008, the Metropolitan Transportation Authority ("MTA") invested nearly \$200 million in Allianz Global Investor's ("AllianzGI") Structured Alpha funds. Due to AllianzGI's negligent and imprudent trading strategies and its failure to implement adequate risk management procedures, despite its commitment to do so, the MTA lost over 90% of its investment. AllianzGI's failure cost the MTA and similar institutional investors hundreds of millions of dollars.

BFA's Role: BFA represented the MTA in their suit against AllianzGI.

Status: BFA filed a complaint against AllianzGI on behalf of the MTA in September 2020. On September 30, 2021, the Court denied defendants' motion to dismiss. The parties reached a confidential settlement on May 17, 2022.



Lozada v. TaskUs, Inc.

- Southern District of New York, No. 22-CV-01479
- Client: Oklahoma Firefighters Pension and Retirement System and Individual Investors
- Attorneys: Joseph A. Fonti, Javier Bleichmar, Nancy A. Kulesa, Evan Kubota, Thayne Stoddard, Alessandra Slayton

Case Status:
Pending

Background: Plaintiffs allege that from June 11, 2021 to January 19, 2022, and in the offering documents for TaskUs’s June 2021 IPO and October 2021 secondary public offering, defendants made false and misleading statements touting TaskUs’s low employee attrition rate and its industry-leading Glassdoor rating. These statements were false and misleading because, in truth, TaskUs suffered from high employee attrition and its Glassdoor rating was the product of reviews that TaskUs required new hires to submit during training, before they experienced the disappointing reality of working at TaskUs. Plaintiffs allege violations of the Securities Act of 1933 and the Securities and Exchange Act of 1934.

BFA’s Role: BFA is Lead Counsel representing Court-appointed Lead Plaintiff Humberto Lozada, Named Plaintiff Oklahoma Firefighters Pension and Retirement System, and the putative class.

Status: On January 5, 2024, the Court granted in part and denied in part defendants’ motion to dismiss the amended complaint, sustaining claims under Sections 11 and 15 of the Securities Act based on Lead Plaintiff’s allegations that: (i) statements that TaskUs experienced “low attrition” were false and misleading because TaskUs did not in fact have “low attrition”; and (ii) statements touting TaskUs’s Glassdoor rating were misleading in suggesting the rating was the product of a uniquely strong workplace culture rather than the result of a policy requiring new hires to submit Glassdoor reviews. The Court also sustained claims under Sections 10 and 20 of the Exchange Act arising from the statements regarding low attrition. The parties are moving forward with discovery.

Ciarciello v. Bioventus Inc.

- Middle District of North Carolina, No. 23-CV-32
- Client: Wayne County Employees’ Retirement System
- Attorneys: Joseph A. Fonti, Javier Bleichmar, Evan A. Kubota, Nancy A. Kulesa, George Bauer, Benjamin Burry, Thayne Stoddard

Case Status:
Pending

Background: Plaintiff alleges that in violation of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934, from February 11, 2021 to March 30, 2023,



defendants misrepresented and concealed: (1) deficiencies in Bioventus’s internal controls over financial reporting and disclosure controls and procedures; (2) that Bioventus improperly accounted for rebates, in violation of Generally Accepted Accounting Principles, leading to materially inflated financial statements; and (3) that Bioventus had successfully offset the impact of a Medicare pricing shift on its key products.

BFA’s Role: BFA is sole Lead Counsel representing Court-appointed Lead Plaintiff Wayne County Employees’ Retirement System and the putative class.

Status: The Court appointed BFA as Lead Counsel to represent Lead Plaintiff Wayne County Employees’ Retirement System on April 12, 2023. BFA filed an amended complaint on June 12, 2023, which defendants moved to dismiss on July 17, 2023. In response, BFA filed a second amended complaint on July 31, 2023. On November 6, 2023, the Court denied defendants’ motion to dismiss the Exchange Act claims. The case is proceeding in discovery.

Colwell v. Exicure Inc.

- Northern District of Illinois, No. 21-CV-6637
- Client: Individual Investors
- Attorneys: Joseph A. Fonti, Evan A. Kubota

Case Status:
Pending

Background: The amended complaint alleges that from January 7, 2021 to December 10, 2021, defendants misrepresented the results of Exicure’s XCUR-FXN preclinical program for the treatment of Friedreich’s ataxia (“FA”) in public presentations and SEC filings, concealing serious improprieties committed by a senior researcher in the preclinical program. The initial complaint alleges violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934.

BFA’s Role: BFA was appointed as Lead Counsel for the putative class on March 20, 2023.

Status: The Court appointed BFA client James Mathew as Lead Plaintiff on March 20, 2023. BFA filed a second amended complaint on May 26, 2023.



Peters v. Twist Bioscience Corp.

- Northern District of California, No. 22-cv-08168
- Client: Policemen’s Annuity and Benefit Fund of Chicago
- Attorneys: Joseph A. Fonti, Nancy A. Kulesa, George Bauer, Benjamin Burry, Joseph Baier, Alessandra Slayton

Case Status:
Pending

Background: Plaintiffs allege that from December 13, 2019 through November 14, 2022, Twist and its senior management misrepresented that the company possessed innovative proprietary technology to produce synthetic DNA at a higher quality and lower cost than competitors, positioning Twist for significant future growth. Plaintiffs further allege that defendants engaged in accounting improprieties to conceal the scheme.

BFA’s Role: The Court appointed BFA as Lead Counsel to represent Lead Plaintiff Policemen’s Annuity and Benefit Fund of Chicago on July 28, 2023.

Status: BFA filed an amended complaint on October 11, 2023. defendants filed a motion to dismiss on December 6, 2023 and plaintiffs filed their opposition on January 26, 2024.

In re Talis Biomedical Securities Litigation.,

- Northern District of California, No. 3:22-cv-00105
- Client: Individual Investors
- Attorneys: Joseph A. Fonti, Evan Kubota

Case Status:
Pending

Background: Plaintiffs allege that the company, its senior officers and directors, as well as the underwriters for Talis’s initial public offering (“IPO”) violated Sections 11 and 15 of the Securities Act of 1933 by misrepresenting the effectiveness, regulatory status, and ability to manufacture the company’s “Talis One” COVID-19 test in the offering documents for the IPO.

BFA’s Role: BFA was appointed co-Lead Counsel for the putative class on June 3, 2022.

Status: BFA filed a second amended class action complaint on January 13, 2023. On April 28, 2023, the Court denied defendants’ motion to dismiss. Plaintiffs’ motion for class certification was granted on February 9, 2024. Discovery is ongoing.



In re MF Global Holdings Ltd. Securities Litigation

- Southern District of New York, No. 11-cv-07866
- Client: Alberta Investment Management Corp. (“AIMCo”)
- Lead Attorneys: Javier Bleichmar, Dominic Auld

Total Settlements:
\$234.3 Million

Background: This litigation arose from MF Global’s dramatic bankruptcy in October 2011. Plaintiffs alleged that defendants misrepresented the company’s risk controls, liquidity position, and exposure to European sovereign debt, and failed to properly account for its deferred tax assets.

BFA’s Role: BFA represented Court-appointed Co-Lead Plaintiff AIMCo. Partners Javier Bleichmar and Dominic Auld represented AIMCo in this case since its inception in November 2011, and served as Court-appointed Co-Lead Counsel for the putative class since January 2012. When BFA launched in August 2014, the Court approved AIMCo’s selection of BFA to serve as Co-Lead Counsel for the putative class, continuing the core litigation team’s representation.

Status: Lead Counsel achieved five partial settlements valued at a total of just over \$234 million on behalf of investors: (1) a \$74 million settlement with Goldman Sachs and certain other underwriters of the company’s securities; (2) a \$64.5 million settlement with former officers and directors, including MF Global’s former CEO Jon Corzine; (3) a \$65 million settlement with auditor PricewaterhouseCoopers; (4) a \$29.825 million settlement with Jefferies and other underwriters of the final bond offering issued during the Class Period; and (5) a separate \$932,828 settlement with another underwriter defendant associated with that last offering. These settlements represent a recovery of as much as 35% of the estimated recoverable damages available at trial – an excellent result, particularly in light of the issuer’s bankruptcy.

These settlements were achieved after years of hard-fought litigation. Following the Court’s decision sustaining the Complaint and denying defendants’ six motions to dismiss in their entirety, Co-Lead Counsel reviewed millions of documents produced by defendants and third-parties, and conducted more than 50 depositions of former employees of MF Global and other key witnesses, including four days of testimony from former CEO Jon Corzine. The Court granted Plaintiffs’ motion for class certification on October 14, 2015, which assisted in achieving the settlements.



In re Genworth Financial Inc. Securities Litigation

- Eastern District of Virginia, No. 14-cv-00682
- Client: Alberta Investment Management Corp. (“AIMCo”)
- Lead Attorney: Joseph A. Fonti

Total Settlement:
\$219 Million

Background: Plaintiffs alleged that defendants misrepresented the profitability of the company’s core business and reported false financial results by grossly understating long-term care insurance reserves. When Genworth announced a \$531 million charge to its reserves, the company’s stock price fell more than 55% - wiping out billions in market capitalization - and credit rating agencies downgraded the company and its corresponding debt to “junk” status.

BFA’s Role: BFA represented Court-appointed Co-Lead Plaintiff AIMCo. In November 2014, the Court approved AIMCo’s selection of BFA to serve as Co-Lead Counsel for the putative class.

Notably, BFA secured one of the most thoroughly reasoned, investor-oriented decisions after the then-recent decision in *Omnicare v. Laborers District Council Construction Industry Pension Fund*, 135 S. Ct. 1318 (2015). The District Court ruled that Lead Plaintiffs had sufficiently pled that defendants’ statements were intended to mislead investors and to provide false assurances regarding the company’s reserves. The District Court also largely sustained allegations that defendants falsely certified that the company’s internal controls were adequate.

Status: On March 10, 2016, Genworth announced a proposed settlement of \$219 million, the largest securities class action recovery achieved in the Eastern District of Virginia, and as much as 44% of estimated recoverable damages available at trial. BFA and AIMCo sought and achieved a significant contribution from the company beyond available insurance; despite significant liquidity issues, the company paid \$69 million, and the remaining \$150 million was funded by insurance.

The settlement was reached after 15 months of intense and complex litigation. The Eastern District of Virginia is known as the “rocket docket” for its rapid disposition of cases and strict adherence to schedule deadlines. In December 2014, Lead Plaintiffs filed a consolidated complaint and, in February 2015, defendants filed a motion to dismiss. Partner Joseph A. Fonti successfully argued against the motion on April 28, 2015, and the securities fraud claims were sustained on May 1, 2015. Lead Plaintiffs filed their motion for class certification on December 3, 2015; fact discovery closed on January 15, 2016; and expert discovery closed on February 11, 2016. In effect, BFA conducted two to four years of litigation in just 15 months. This effort included more than 20 depositions, extensive trial preparation, and full briefing on motions for class certification and summary judgment. At the time of



settlement, BFA attorneys were preparing for trial, which was scheduled to begin on May 9, 2016.

In re Weatherford International Securities Litigation

- Southern District of New York, No. 12-cv-02121
- Client: Anchorage Police and Fire Retirement System
- Lead Attorney: Javier Bleichmar

Total Settlement:
\$120 Million

Background: Plaintiffs alleged that Weatherford, one of the world's largest oil and gas servicing companies, issued false financial statements that misled investors about its tax structure and internal controls. The company allegedly overstated its earnings by more than \$900 million and was forced to issue three restatements due to its failure to comply with Generally Accepted Accounting Principles.

BFA's Role: BFA represented Court-appointed Co-Lead Plaintiff Anchorage Police and Fire Retirement System, and BFA partner Javier Bleichmar represented Anchorage continuously since the case was filed in March 2012.

Status: In June 2015, the company agreed to settle all claims for \$120 million of out-of-pocket cash, with no available insurance, or as much as 30% of recoverable damages available at trial. Achieving this settlement required more than three years of intense litigation, including defeating defendants' motion to dismiss in its entirety; obtaining class certification; completing fact discovery, after more than 20 depositions and the review of more than eight million pages of documents; filing four expert reports; and preparing for expert discovery and summary judgment.

In re Computer Sciences Corp. Securities Litigation

- Eastern District of Virginia, No. 11-cv-00610
- Client: Ontario Teachers' Pension Plan Board
- Lead Attorney: Joseph A. Fonti

Total Settlement:
\$97.5 Million

Background: Plaintiffs alleged that the company and two of its executive officers misrepresented (i) a multi-billion-dollar contract with the United Kingdom's National Health Service, and (ii) that the company's internal controls were adequate.

BFA Role: BFA partners Javier Bleichmar, Joseph A. Fonti, and Dominic Auld represented Court-appointed Lead Plaintiff Ontario Teachers' at all stages of this case. Upon the founding of the Firm, the Court approved Ontario Teachers' Pension Plan Board's selection of BFA as counsel, continuing the team's representation.

Status: On September 2013, the Court granted final approval to the \$97.5 million settlement. At that time, the settlement was the second largest all cash recovery



achieved in the Eastern District of Virginia, and represented as much as 38% of recoverable damages at trial.

In re Celestica Inc. Securities Litigation

- Southern District of New York, No. 07-cv-00312
- Client: New Orleans Employees' Retirement System
- Lead Attorney: Joseph A. Fonti

Total Settlement:
\$30 Million

Background: Plaintiffs alleged false and misleading statements relating to a significant corporate restructuring plan, earnings, profitability, and financial outlook. When Celestica ultimately disclosed the truth, its stock price dropped 50%, reducing market capitalization by \$1.3 billion.

BFA's Role: BFA partners Joseph A. Fonti and Erin Woods represented Lead Plaintiffs in this litigation. Notably, Joseph was successful in arguing before the Court of Appeals for the Second Circuit, securing an investor-oriented interpretation of the pleading standard for scienter. Joseph also successfully argued in favor of plaintiffs' class certification and summary judgment motions before the District Court, securing the first lower court decision after *Halliburton Co. v. Erica P. John Fund, Inc.*, 134 S. Ct. 2398 (2014) in favor of investors on the issue of class-wide reliance.

Status: In April 2015, plaintiffs filed a motion for preliminary approval of a proposed \$30 million settlement resolving all claims against the company and officer defendants. The final approval hearing was held on July 28, 2015 and, later that day, the Court approved the \$30 million settlement.

* * *

BFA attorneys have also played key roles in some of the most significant investor protection litigation in recent history, helping shareholders recover significant losses caused by financial misconduct in various industries across the marketplace. Select cases include:

In re Broadcom Corp. Class Action Litigation, No. 06-cv-5036 (C.D. Cal.).

This class action against Broadcom was based on allegations that the company inflated its stock price by intentionally backdating its stock option grants for over five years. Ultimately, the company was forced to issue a \$2.2 billion restatement of its financial statements for the period spanning from 1998 through 2005, which became the largest restatement ever due to options backdating.

The company acknowledged the "substantial evidence" of backdating, and lead plaintiffs secured a \$173.5 million settlement, which, at the time, was the second



largest cash settlement ever involving a company accused of options backdating. This was also the only such case in which claims against the auditors were sustained.

In re HealthSouth Corp. Securities Litigation, No. 03-cv-1501-S (N.D. Ala.).

This case involved the largest securities fraud ever arising out of the healthcare industry, and ultimately resulted in a total settlement amount of \$804.5 million for the class. The class action involved claims against HealthSouth for falsifying its revenues and conducting a series of acquisition transactions in order to effectuate a massive fraud against the Medicare system.

False statements by the company and its officers led to the inflation of HealthSouth's stock price, while at the same time company executives were amassing significant personal wealth by selling their own shares of HealthSouth stock.

Significantly, the litigation also resulted in the recovery of \$109 million from HealthSouth's outside auditor Ernst & Young LLP, one of the largest recoveries to date against an auditing firm.

In re Schering-Plough Corp. / ENHANCE Securities Litigation, No. 08-397 (D.N.J.).

Lead Plaintiffs brought litigation in the District of New Jersey against Schering-Plough Corporation and Merck/Schering-Plough Pharmaceuticals, and certain company officers, in *In re Schering-Plough Corp. / ENHANCE Securities Litigation*, alleging that they failed to disclose material information about the prospects of cholesterol-lowering drugs.

After nearly six years of litigation, defendants agreed to pay \$473 million to settle the matter on the eve of trial. This marked the largest securities class action recovery in history obtained from a pharmaceutical company. Together with a related securities class action against Merck, the *ENHANCE* litigation settled for \$688 million.



CORPORATE GOVERNANCE HIGHLIGHTS

The Police and Fire Retirement System of the City of Detroit v. Elon Musk, et al.

- Court of Chancery of the State of Delaware, No. 2020-0477
- Client: Police and Fire Retirement System of the City of Detroit
- Lead Attorneys: Javier Bleichmar, Joseph A. Fonti, George Bauer, Nancy A. Kulesa, Thayne Stoddard

Case Status:
Pending

Background: Plaintiffs allege that from 2017 to 2020, certain current and former members of Tesla’s Board of Directors (the “Director Defendants”) awarded themselves unfair and excessive compensation. This compensation was significantly above the compensation awarded to directors at Tesla’s peer companies. Through these awards, plaintiff alleges that the Director Defendants breached their fiduciary duties and unjustly enriched themselves at Tesla’s expense.

BFA’s Role: BFA is co-Counsel representing Plaintiff Police and Fire Retirement System of the City of Detroit.

Status: BFA filed a complaint on June 17, 2020. On September 17, 2020, the Director Defendants filed an answer to the complaint. Thereafter, the parties engaged in extensive discovery: Plaintiff served numerous written discovery requests on Defendants, served 23 third-party subpoenas, completed 22 fact witness depositions, and the parties exchanged opening and rebuttal expert reports. On July 14, 2023, the parties agreed to settle the action on terms that amount to the largest derivative settlement in the history of the Delaware Court of Chancery.

The settlement contemplates the following considerations:

- The Director Defendants will return to Tesla the value of over 3.1 million options, which, by using an agreed-upon valuation methodology, are valued at over \$735 million.
- Certain Director Defendants will permanently forego compensation for 2021, 2022, and 2023.
- Tesla and its Board of Directors will implement certain governance reforms regarding director compensation effective for the next five years. These reforms include: (i) conducting an annual review and assessment of director compensation with the assistance of an independent compensation consultant; (ii) providing disclosures to Tesla stockholders regarding the



results of the annual review and assessment of director compensation, including any peer group or other comparative data; (iii) submitting proposed director compensation to an approval vote of the majority of Tesla stockholders who are unaffiliated with the Director Defendants and the other members of the current Tesla Board; and (iv) reviewing Tesla's internal controls specific to director compensation and implementing any changes necessary to ensure appropriate administration of director compensation.

The hearing for approval occurred on October 13, 2023. The proposed settlement is subject to Court approval.



CONSUMER LITIGATION HIGHLIGHTS

BFA Partner Lesley Weaver has been appointed to leadership positions in some of the most significant consumer actions of recent years, including: *In re Facebook, Inc. Consumer Privacy User Profile Litigation*, which has received preliminary approval of a \$725 million settlement; *In re Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation*, which resulted in settlements totaling greater than \$17 billion, the largest automotive settlement in history; *In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability*, which resulted in a settlement of \$307.5 million; and *In re Google RTB Consumer Privacy Litigation*, which is currently pending. These, and additional matters, are described below.

In re Facebook, Inc. Consumer Privacy User Profile Litigation

- MDL No. 2843
- Northern District of California, No. 3:18-md-02843

Total Settlement:
\$725 Million

Background: This high-profile case arising out of the Cambridge Analytica scandal, seeks redress for Facebook users in the U.S. whose private content was unlawfully shared with numerous third parties. The detailed consolidated complaint alleges that Facebook violated consumer fraud and privacy laws by disclosing Facebook users’ private information, without their knowledge or consent, to third parties, and that Facebook failed to take adequate steps to monitor third parties’ access to, and use of, that information in violation of Facebook’s terms of service.

BFA’s Role: Ms. Weaver serves as Co-Lead Counsel for Plaintiffs.

Status: On October 10, 2023, Judge Vince Chhabria issued an Order Granting Final Approval of the \$725 million class action settlement.

In re Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation

- MDL No. 2672
- Northern District of California, No. 3:15-md-02672

Total Settlements:
\$17 Billion

Background: This landmark case resolved claims against Volkswagen, Audi and Porsche in connection with the widely-reported news that the companies had installed emission systems created to avoid regulator detection and defraud customers who believed they were buying Volkswagen and Audi vehicles with “clean diesel” engines. VW admitted that it installed these “defeat devices,” which eliminated the emissions reduction during normal driving, and only allowed for reduced fuel emissions when the automobiles were being tested.



BFA's Role: Judge Charles R. Breyer appointed Ms. Weaver to the Plaintiffs' Steering Committee. Ms. Weaver's leadership position in the case included spearheading the investigation that ultimately uncovered German auto supplier Robert Bosch GmbH's significant role in multiple schemes to place software purposefully designed to evade emissions laws in vehicles. She also led the investigation into additional claims relating to defeat devices in certain gas vehicles, resulting in an additional \$96.5 million settlement for the Class.

Status: Lead Counsel and the Plaintiffs' Steering Committee have achieved settlements for Plaintiffs worth more than \$17 billion, the largest automotive class action recovery in history.

In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability Litigation

- MDL No. 2777
- Northern District of California, No. 3:17-md-02777

Total Settlements:
\$307.5 Million

Background: This case resolved claims against Fiat Chrysler and Bosch over allegations that they deliberately cheated on emission testing of 2014-2016 model Dodge and Jeep trucks marketed and sold as environmentally friendly "eco-diesel" vehicles.

BFA's Role: Judge Edward Chen of the U.S. District Court for the Northern District of California appointed Ms. Weaver as one of nine members of the Plaintiffs' Steering Committee. Ms. Weaver played a key role in litigating the action, including taking depositions and coordinating with experts.

Result: The case has settled for \$307 million in cash in addition to extended warranties worth more than \$120 million.

In re Google RTB Consumer Privacy Litigation

- Northern District of California, No. 5:21-cv-02155

Case Status:
Pending

Background: The case is the first in the country to demand transparency about what information Google reveals about its users when it auctions ad placements to Google users through Google's "Real-Time Bidding" system.

BFA's Role: Ms. Weaver is a member of the Plaintiffs' Executive Committee.

Status: On June 13, 2022, Judge Gonzalez Rogers denied in large part Google's motion to dismiss, upholding all but one of plaintiffs' claims. The case is pending.



Calhoun, et al. v. Google LLC

- Northern District of California, No. 4:20-cv-05146

Case Status:
Pending

Background: This nationwide data privacy class action is brought on behalf of Google Chrome users alleging that Google violated its express promise not to take users' personal data when using the Chrome browser outside of synched mode.

BFA's Role: BFA is acting as co-lead counsel representing the class of Chrome users in this litigation.

Status: In March 2021, Judge Koh issued a landmark ruling holding that data is property in upholding plaintiffs' claims at the pleading stage. In December 2022, Judge Gonzalez Rogers granted Google's motion for summary judgment. Plaintiffs' appeal of that ruling is currently pending.

In re: ZF-TRW Airbag Control Units Products Liability Litigation

- MDL No. 2905
- Central District of California, No. 2:19-MD-02905

Case Status:
\$147,800,000 Million in Settlements; Remaining litigation pending

Background: The class action complaint alleges the ZF-TRW airbag and seat belt control units in over 15 million cars sold are defective and may prevent airbags from inflating in the event of crash. This defect has been linked to at least eight deaths and several serious injuries.

BFA's Role: Judge John A. Kronstadt of the Central District of California appointed Lesley Weaver to the Plaintiffs' Steering Committee for this multidistrict litigation.

Status: On November 28, Judge Kronstadt granted final approval of the settlement for Toyota Class Members, with settlement benefits worth more than \$147.8 million. On October 10, 2023, plaintiffs announced a settlement with Defendants Mitsubishi Motors Corporation and Mitsubishi Motors North America, Inc. The remaining parties have briefed motions to dismiss, to stay discovery, and to compel arbitration.

Sydney Ji, et al. v. Naver Corp., et al.

- Northern District of California, No. 4:21-cv-05143

Case Status:
Pending

Background: The class action complaint alleges defendants surreptitiously collected personal information of users of the mobile messenger app, LINE Messenger, and photo altering app, B612.

BFA's Role: BFA is acting as co-lead counsel representing the class of users of the LINE Messenger and B612 apps.



Status: Plaintiffs filed their First Amended Class Action Complaint on October 28, 2022. On October 3, 2023, Judge Haywood S. Gilliam, Jr. largely denied defendants' motion to dismiss.



U.S. ANTITRUST LITIGATION HIGHLIGHTS

Lesley Weaver has been appointed to leadership positions and the BFA team plays key roles in many significant antitrust actions, including in those described below.

In re Local TV Advertising Antitrust Litigation

- MDL No. 2867
- Northern District of Illinois, No. 1:18-cv-0678

Case Status:
\$48 Million in
Settlements;
Remaining litigation
pending

Background: Plaintiffs allege a price fixing cartel facilitated by an anticompetitive information exchange between and among certain major television station owners and operators to artificially inflate the prices of broadcast television spot advertisements.

BFA's Role: BFA acts as counsel for Plaintiff One Source Heating & Cooling, LLC and is an integral member of the litigation team.

Status: On November 6, 2020, Judge Virginia Kendall of the Eastern District of Illinois denied defendants' motion to dismiss. On December 7, 2023, Judge Kendall granted final approval of a \$48,000,000 settlement with Defendants CBS, Fox, The Cox Entities, and ShareBuilders. The action against the remaining defendants is ongoing.

In re Packaged Seafood Products Antitrust Litigation

- MDL No. 2670
- Southern District of California, No. 3:15-md-02670

Case Status:
Settlements Totaling Over
\$39 Million Approved;
Remaining litigation and
settlements pending

Background: Plaintiffs allege Defendants entered into a conspiracy involving packaged seafood products in violation of the Sherman Act and state antitrust law.

BFA's Role: BFA is part of a critical discovery effort against a key Defendant.

Status: On July 30, 2019, Judge Janis L. Sammartino of the Southern District of California granted class certification to a class of direct purchasers. In January 2021, Direct Purchaser Plaintiffs and Defendant Tri-Union Seafoods d/b/a Chicken of the Sea International and Thai Union Group PCL (collectively, "COSI"), announced a settlement agreement in principle, and final approval was granted in the amount of \$13,001,961.86 on March 7, 2023. On July 18, 2023, the Court granted final approval of a \$20 million settlement between End Payer Plaintiffs and Defendants COSI. On August 22, 2022, the Court granted final approval of a \$6,500,000 settlement



between Commercial Food Preparer Plaintiffs and Defendants COSI. Commercial Food Preparer Plaintiffs and Defendants StarKist Co. and Dongwon Industries Co., Ltd. reached a settlement on January 5, 2024. The remaining parties have briefed motions for summary judgment and are awaiting a decision.

In re Domestic Airlines Travel Antitrust Litigation

- District of Columbia, No. 1:15-mc-01404

Case Status:
\$60 Million in Settlements;
Remaining litigation pending

Background: Plaintiffs allege a conspiracy by the four largest commercial air passenger carriers in the United States—American Airlines, Inc., Delta Airlines, Inc., Southwest Airlines Co., and United Airlines, Inc.—to fix prices for domestic air passenger transportation services in violation of the Sherman Act by colluding to limit capacity on their respective airlines.

BFA's Role: BFA is a key part of plaintiffs' nonparty discovery committee and has led meet and confer negotiations with dozens of nonparties, resulting in the production of some of plaintiffs' best evidence.

Status: Plaintiffs settled for \$15 million with Defendant Southwest Airlines and \$45 million with Defendant American Airlines. On September 5, 2023, Judge Kollar-Kotelly denied in full Defendants Delta's and United's Motions for Summary Judgment, which sought dismissal of Class Plaintiffs' claims.

In re Mexican Government Bonds Antitrust

- Southern District of New York., No. 1:18-cv-02830

Case Status:
\$21 million in Settlements; Remaining litigation pending

Background: Plaintiffs allege that Defendant broker-dealers have fixed auctions for securities issued by the Mexican government and manipulated the bid-ask spread in transactions to U.S.-based investors, causing U.S.-based investors to pay artificially inflated prices for their Mexican government bonds.

BFA's Role: BFA represents Southeastern Pennsylvania Transit Authority and is assisting the team litigating the case in the Southern District of New York.

Status: Plaintiffs negotiated ice-breaker settlements with JPMorgan for \$15 million and Barclays PLC for \$5.7 million, and are cooperating in litigating against the remaining defendants, based on a highly detailed complaint based in part on incriminating documents received from the cooperating defendants. On February 9, 2024, the Second Circuit vacated the District Court's dismissal on jurisdictional



grounds, finding that the alleged price-fixing had enough connection to New York to maintain the case in the United States.

In re Disposable Contact Lens Antitrust Litigation

- MDL No. 2626
- Middle District of Florida, No. 3:15-md-02626

Total Settlements:
\$118 million

Background: This case resolved claims against four leading contact lens manufacturers and the largest nationwide distributor of contact lenses. Plaintiffs alleged that defendants unilaterally imposed minimum retail prices for contact lenses, in violation of state and federal antitrust laws.

BFA's Role: BFA led discovery efforts against the largest manufacturer-Defendant, Johnson & Johnson.

Status: Plaintiffs settled with Defendant CooperVision, Inc. for \$3 million, with Defendant Bausch & Lomb for \$10 million, with Defendant ABB Optical Group LLC for \$30.2 million, with Defendant Alcon Vision, LLC for \$20 million, and with Defendant Johnson & Johnson Vision Care, Inc. for \$55 million.

In re Farm-Raised Salmon and Salmon Products Litigation

- Southern District of Florida, No. 19-CV-21551

Total Settlements:
\$85 Million

Background: Plaintiffs alleged that defendants fixed prices of farm-raised Atlantic salmon sold in the United States.

Role: BFA worked with the executive team facilitating jurisdictional discovery.

Status: Plaintiffs achieved a \$85 million settlement.

In re Blood Plasma Antitrust Litigation

- MDL No. 2109
- Northern District of Illinois, No. 1:09-cv-07666

Total Settlements:
\$128 Million

Background: Plaintiffs alleged that defendants participated in a multi-year conspiracy to restrict output and fix prices of Ig and Albumin in the United States.

BFA's Role: Ms. Weaver played a significant role, including deposing the Chief Operating Officer and Chief Marketing Officer of one of the main defendants.

Result: Plaintiffs achieved a \$128 million settlement.



In re Lithium Ion Batteries Antitrust Litigation

- MDL No. 2420
- Northern District of California, No. 4:13-md-02420

Total Settlements:
\$113 Million

Background: Indirect Purchaser Plaintiffs alleged that the largest lithium ion battery producers unlawfully fixed the prices of lithium ion battery cells, affecting the prices indirect purchasers paid for lithium ion batteries and lithium ion products.

BFA's Role: BFA represented the cities of Palo Alto and Richmond, California.

Result: Indirect Purchaser Plaintiffs settled with defendants for \$113 million.



TEAM PROFILES

<p>JAVIER BLEICHMAR <i>Partner</i></p>	<p>New York</p>	<ul style="list-style-type: none">• Email: jbleichmar@bfalaw.com• Tel: +1 212 789 1341• www.bfalaw.com/professionals/javier-bleichmar
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Javier Bleichmar leads BFA’s U.S. Case Evaluation and U.S. Securities Litigation teams. He brings a decades-long career of litigation success to his prosecution of large-scale securities class and shareholder actions on behalf of institutional investors. Over the course of his career, Javier has recovered billions of dollars for clients and the classes they represent, including recovering nearly \$2 billion for investors since founding BFA, while also securing landmark and sweeping corporate governance improvements.

As a result of Javier’s success, he has consistently been recognized as one of the nation’s leading plaintiff’s-side financial lawyers. He has been named a Titan of the Plaintiffs’ Bar by *Law360*, a SuperLawyer by Thompson Reuters, a Leading Plaintiff Financial Lawyer by Lawdragon, and has been “recommended” in the field of securities litigation by the *Legal 500*. Most recently, Javier has been profiled by *The New York Law Journal*, *Forbes & Fortune*, and *CT Insider* for the landmark outcomes he achieved.

Javier helped prosecute the Firm’s derivative stockholder action against Tesla’s Board of Directors in Delaware Chancery Court, resulting in a historic resolution valued at \$919 million, which is among the largest such settlements in Delaware history (pending court approval). He also helped spearhead the securities class action against Teva Pharmaceutical Industries, Ltd., recovering \$420 million for investors.

Other significant resolutions that Javier obtained include the \$234 million recovery in *In re MF Global Holdings Limited Securities Litigation* on behalf of BFA client Her Majesty the Queen in Right of Alberta in connection with MF Global’s collapse and bankruptcy. In addition, Javier recovered \$129 million for investors in the securities class action against Granite Construction Inc. that involved the company’s restatement of financial results in 2020. Javier also successfully represented the Metropolitan Transportation Authority in an action against Allianz Global Investors U.S., L.L.C. that centered on Allianz’s now-defunct Structured Alpha funds and that toppled one of Allianz’s U.S. subsidiaries.

Currently, Javier leads the BFA teams prosecuting the securities class actions against Bioventus Inc., TaskUs Inc. and Citigroup Inc. He also represents Plaintiff Hamilton Reserve Bank in a sovereign debt default action against Sri Lanka.



Javier has co-authored several articles concerning developments in the class action landscape as well as investor protection that have been published by the New York Law Journal, National Association of Public Pension Attorneys, the National Council on Teacher Retirement, and the National Conference on Public Employee Retirement Systems, among others. He has also frequently published works addressing new and important developments in the realm of securities class actions, and he has authored timely pieces with respect to developments in class and group action regimes outside of the United States.

Javier is a member of the National Association of Public Pension Plan Attorneys, and the National Conference on Public Employee Retirement Systems. He also serves as a Vice President of the Institute for Law and Economic Policy, a public policy research and educational foundation whose mission is to preserve, study, and enhance investor and consumer access to the civil justice system.

Prior to founding the Firm, Javier was a Partner at another plaintiffs' securities firm. He began his legal career at Kirkland & Ellis LLP.

Javier graduated from the University of Pennsylvania and Columbia Law School, and is a native Spanish speaker and fluent in French.

Javier is admitted to practice in New York (1999), the U.S. Supreme Court (2014), and the U.S. Courts of Appeals for the Second Circuit (2010), Eighth Circuit (2010), Ninth Circuit (2010), Tenth Circuit (2013), and Eleventh Circuit (2011). He is also admitted in the U.S. District Courts for the Southern and Eastern Districts of New York (1999).

<p>JOSEPH A. FONTI <i>Partner</i></p>	<p>New York</p>	<ul style="list-style-type: none">• Email: jfonti@bfalaw.com• Tel: +1 212 789 1342• www.bfalaw.com/professionals/joseph-fonti
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Joseph A. Fonti leads the Firm's U.S. Securities Litigation practice. With over two decades of experience representing institutional investors in complex litigation, Joseph's commitment to clients, dedication to his cases, and advocacy skills have led to exceptional results in several of the most prominent cases in recent decades. Joseph has recovered nearly \$2 billion for investors since founding BFA, while also securing landmark and sweeping corporate governance improvements.

As a result of his success, Joseph has consistently been recognized as one of the nation's leading plaintiff's-side financial lawyers. He has been named a Titan of the Plaintiffs' Bar by *Law360*, a SuperLawyer by Thompson Reuters, and a Leading Plaintiff Financial Lawyer by Lawdragon. Most recently, Joseph has been profiled by *The New York Law Journal*, *Forbes & Fortune*, and *CT Insider* for the landmark achievements he achieved for investors.



Joseph led the team that prosecuted the Firm's derivative stockholder action against Tesla's Board of Directors in Delaware Chancery Court, resulting in a historic resolution valued at \$919 million, which is among the largest such settlements in Delaware history (pending court approval). Joseph also led BFA's prosecution of the securities class action against Teva Pharmaceutical Industries, Ltd. arising from misrepresentations concerning price fixing and other unlawful conduct. BFA secured a \$420 million settlement after five years of hard-fought litigation, including class certification, completing intensive fact and expert discovery, and preparing a summary judgment motion.

Throughout his career, Joseph has led historic litigations representing U.S. institutional investors as well as a number of Canada's most significant pension systems and asset managers. He served as co-lead counsel in the \$219 million recovery on behalf of shareholders of Genworth Financial, a long-term care insurer, which represents the largest securities class action settlement in the history of the Eastern District of Virginia. Likewise, Joseph served as sole Lead Counsel in the securities class action involving Computer Science Corporation, and resolved the case for \$97.5 million for the class at the brink of trial. Joseph also helped lead the prosecution and ultimate resolution of the *Weatherford* securities litigation achieving a \$120 million recovery for Weatherford shareholders. He also contributed to securing a \$173.5 million settlement in *In re Broadcom Corp. Securities Litigation*, which, at the time, was the second-largest cash settlement involving a company accused of options backdating.

Joseph's career is also marked by significant successes in the area of auditor liability. He represented shareholders in the \$671 million recovery in *In re HealthSouth Securities Litigation* and recovered \$109 million from HealthSouth's outside auditor Ernst & Young LLP, one of the largest recoveries to date against an auditing firm.

Currently, Joseph is leading BFA's securities class actions against Exicure, Bioventus, Talis Biomedical, TaskUs, and Citigroup.

Additionally, Joseph has achieved notable success as an appellate advocate. He successfully argued before the Second Circuit Court of Appeals in *In re Celestica Inc. Securities Litigation* and was instrumental in advocacy before the Ninth Circuit Court of Appeals in the *In re Broadcom Corp. Securities Litigation*.

Joseph is a member of the American Bar Association, the New York State Bar Association, the Bar of the City of New York, and the National Association of Public Pension Attorneys (NAPPA).

Dedicated to community service, Joseph serves as Chair of the Leadership Committee for the Cardinal's Annual Stewardship Appeal for the Archdiocese of New York, which supports local communities throughout ten New York counties.



Joseph earned a B.A., *cum laude*, from New York University and a J.D. from New York University School of Law (1999), where he was a member of the Marden Moot Court. He is admitted to practice in New York (2000), the U.S. Supreme Court (2007), and the U.S. Courts of Appeals for the Second Circuit (2010), Ninth Circuit (2007), and Tenth Circuit (2013). He also is admitted in the U.S. District Courts for the Southern and Eastern Districts of New York (2001).

DOMINIC J. AULD <i>Partner</i>	Toronto	<ul style="list-style-type: none">• Email: dauld@bfalaw.com• Tel: +1 212 789 1344• www.bfalaw.com/professionals/dominic-auld
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Dominic J. Auld has nearly two decades of experience in representing and advising institutional clients in large-scale securities and investment-related lawsuits. Dominic has been named a “Super Lawyer” in the field of securities litigation by *Super Lawyer* awards and has been “recommended” in the field of securities litigation by *The Legal 500*.

Dominic is responsible for BFA’s outreach to pension systems, asset managers, and sovereign wealth funds outside the United States – regularly advising clients in Europe, Australia, Asia, and across his home country of Canada.

Dominic and his team have served as liaison counsel to global investors in dozens of shareholder and investor litigations outside the United States.

Dominic is sought after as a commentator on topics such as corporate governance, shareholder activism, fiduciary duty, corporate misconduct, and international class and collective litigation. He has been a regular speaker and panelist at law and investment conferences, including past events such as the Canadian Foundation for Advancement of Investor Rights (FAIR Canada) and Osgoode Hall Law School conference on public and private securities enforcement and investor recovery in Toronto, the IMF Bentham shareholder class action conference in Sydney, and the Annual International Bar Association meeting in Dubai.

Dominic is the author of various articles of interest to the Firm’s client base, including an analysis of shareholder remedies in Japan in *Law360*, and a piece regarding custodian bank fees and their impact on pension funds globally in *Nordic Regions Pensions and Investment News* magazine. He is quoted in publications including *The Economist*, *The Financial Times*, *The New York Times*, *USA Today*, *The Times of London*, *The Evening Standard*, *The Guardian*, and *The Daily Mail*, and trade publications such as *Global Pensions*, *OP Risk and Regulation*, *The Lawyer*, *Investments and Pensions Europe*, *Professional Pensions*, and *Benefits Canada*. He also was interviewed by *Corporate Counsel* for a feature article on rogue trading.

Prior to founding the Firm, Dominic was a Partner at another securities litigation firm, and was previously a member of the team responsible for prosecuting the



landmark action *In re WorldCom Inc. Securities Litigation*, which resulted in a settlement of more than \$6 billion.

Dominic has years of experience working directly with institutional clients affected by securities fraud. For example, he worked extensively with the Ontario Teachers' Pension Plan Board as it led securities actions *In re Nortel Networks Corp. Securities Litigation*, *In re Williams Securities Litigation*, and *In re Biovail Corp. Securities Litigation* - cases that recovered a total of more than \$1.7 billion for investors.

Dominic earned a B.A. from Queen's University in Canada and a J.D. from Lewis and Clark Law School (1998). He is admitted to practice in New York (1998), and in the U.S. District Courts for the Southern and Eastern Districts of New York (2011).

LESLEY E. WEAVER <i>Partner</i>	Oakland	<ul style="list-style-type: none">• Email: lweaver@bfalaw.com• Tel: +1 415 455 4004• www.bfalaw.com/professionals/lesley-weaver
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Lesley Weaver is the Partner in Charge of BFA's California office, and the head of BFA's Antitrust and Consumer Litigation Teams, and has received multiple honors throughout her career. For nearly thirty years, Lesley has litigated high profile cases that protect the public interest, consumers, and public entities and has been appointed to leadership positions in some of the largest class actions in the country.

Lesley has recovered billions of dollars for consumers, small businesses, and public entities in consumer, antitrust and securities matters in the course of her career. In December 2022, Lesley and the team announced the historic settlement of the privacy claims against Facebook arising out of the Cambridge Analytica scandal of \$725 million, in which she was Co-Lead Counsel. The case generated many notable, cutting-edge decisions.

The settlement has set a new, high bar for resolving privacy class actions on behalf of consumers not just in the United States but also around the world.

Lesley previously served on the Plaintiffs' Steering Committee "legal dream team" in *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litig.*, MDL No. 2672 CRB (JSC). The PSC in the Volkswagen litigation recovered roughly \$14.7 billion for class members and nearly \$5 billion for the environment, the largest automotive class action recovery ever. In June 2017, Lesley was appointed to the Plaintiffs' Steering Committee bringing claims against Fiat Chrysler and Bosch in *In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability*, MDL No. 17-MD-02777-EMC ("Fiat Chrysler"). Like Volkswagen, that lawsuit provided significant financial relief to consumers arising out of the emissions defeat devices, resulting in consumer payments of roughly \$400 million and another \$350 million for the environment. In 2015, Lesley won a complete jury verdict in one of the few privacy cases to go to trial in the country, which awarded 100% of economic



damages and \$15 million in punitive damages. Lesley is also actively involved in various antitrust matters, including *In re Local TV Advertising Antitrust Litigation*, which seeks redress against providers of local television advertising who shared pricing information with each other to artificially increase prices for small business.

Lesley has received numerous awards throughout her career. Most recently, she was named by The National Law Journal as one of just ten Elite Women in the Plaintiffs' Bar nationally in 2023; one of the Top 500 Leading Plaintiff Consumer Lawyers as well as Financial Lawyers by Lawdragon; one of the Top 100 Plaintiffs Lawyers by the National Trial Lawyers; and the prestigious recognition as California Attorney of the Year in 2018 by the Daily Journal. She has been deemed a SuperLawyer since 2016; holds an antitrust ranking in Chambers; and was inducted into the Fellows of the American Bar Association in 2017.

Currently, Lesley is a member of the Plaintiffs' Executive Committee in *In re Google RTB Consumer Privacy Litigation*, a nationwide class action challenging Google's practice of sharing and selling users' personal information through Google's digital ad auction system, Google Real-Time Bidding (RTB); and is a member of the Plaintiffs' Steering Committee in *In re ZF-TRW Airbag Control Units Products Liability Litigation*, a class case alleging that the ZF-TRW airbag and seat belt control units in over 15 million cars are defective and may prevent airbags from inflating in the event of crash.

Lesley also has extensive experience in representing sophisticated institutional investors in landmark securities actions. Some of those cases include: *In re Marsh & McLennan Cos., Inc. Securities Litigation* (\$400 million settlement); *In re Cavanaugh Securities Litigation* (including an appeal to the Ninth Circuit concerning the method of selecting lead plaintiff and lead counsel after the enactment of the Private Securities Litigation Reform Act ("PSLRA")); *In re Cardinal Health Inc. Securities Litigation* (\$600 million settlement); and *In re Cisco Systems, Inc. Securities Litigation* (\$99 million settlement). Lesley also recently served as liaison counsel in *In re Twitter Secs. Litigation*, which resolved for \$805 million in 2022.

Lesley is committed to public service through volunteer efforts. She currently serves as Chair of the Executive Committee of the Securities Section for the Bar Association of San Francisco, as well as Chair of BASF's cybersecurity and privacy committee. She has been a repeat presenter at the Bolch Institute's MDL Certificate training program, and is one of the original drafters of the Duke MDL Diversity Guidelines. She has been honored to serve as a panelist at multiple seminars by the Practising Law Institute; the California Lawyers Association; the BA; the Golden State Institute; Women En Masse; California ABOTA; and many others. She is a past Co-Chair of Bay Area Lawyers for Individual Freedom; a past Co-Chair of the San Francisco LGBT Community Center; past National Chair of the National Center for Lesbian Rights; and past Vice-President and Director of the Board of the Frameline



Film Festival. She has served on the advisory board for the Lawyers Committee for Civil Rights; the board of the International Gay and Lesbian Human Rights Commission (now OutRight); and volunteers for Rotary, having been a Rotary exchange student herself.

Lesley studied at the University of Bonn (Germany) and Harvard College (A.B.), and received a J.D. from the University of Virginia Law School (1997). She speaks German, Danish and some French.

Lesley is admitted to practice in California (1997), the U.S. Court of Appeals for the Ninth Circuit (1998), Delaware (2008), and the U.S. District Courts for the Northern District (1997) and the Eastern, Central, and Southern Districts of California (1998), and the Eastern District of Michigan (2019).

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Nancy has extensive experience in complex litigation in federal and state courts, including securities litigation, Employee Retirement Income Security Act of 1974 (ERISA) litigation, consumer fraud litigation, mergers and acquisitions cases, and antitrust litigation.

Nancy represents public pension funds, Taft-Hartley funds, and other institutional investors in securities class actions and derivative litigation. She has over two decades of experience assisting clients in identifying material losses in their securities portfolios caused by corporate wrongdoing. Nancy consults with institutional investors to help them monitor litigation and to evaluate opportunities for recovery.

Nancy was a member of the team that prosecuted the securities action against Allianz Global Investors U.S., L.L.C. Nancy is also a member of the team that prosecuted the Firm's derivative stockholder action against Tesla's Board of Directors on behalf of the Police & Fire Retirement System of City of Detroit in Delaware Chancery Court, resulting in a historic resolution valued at \$919 million, which is among the largest such settlements in Delaware history (pending court approval). Nancy is currently on the teams litigating BFA's securities cases against Bioventus, Inc., Twist Bioscience, and TaskUs, Inc. She is also pursuing confidential derivative actions on behalf of additional institutional clients.

Prior to joining BFA, Nancy was a partner at a well-established national securities litigation firm where she created and directed the firm's Portfolio Monitoring Services practice. Nancy has also been counsel in numerous high-profile securities fraud litigations which have recovered hundreds of millions of dollars for shareholders, including: *In re CIT Group Securities Litigation*, No. 08-06613 (S.D.N.Y.)



(\$75 million settlement) and *Carlson v. Xerox Corporation*, No. 00CV01621 (D. Conn.) (\$750 million settlement).

Nancy also represented a Taft-Hartley Fund in the historic settlement with Twenty-First Century Fox, Inc. regarding allegations surrounding workplace harassment incidents at Fox News, which resulted in a \$90 million derivative settlement and wide-ranging corporate governance reforms at the company.

Nancy recently co-authored “The Importance of Private Enforcement of Federal Securities Laws: Institutional Investors Continue to Outpace SEC” in NCPERS PERSist. Nancy frequently speaks on topics related to securities litigation and investor rights at educational forums for public pension funds and Taft-Hartley funds. She has repeatedly been recognized by *Lawdragon* as a Leading Plaintiff Financial Lawyer.

Nancy earned a B.A. from Fordham University and a J.D. from the University of Connecticut School of Law (2001). She is a member of the National Conference on Public Employee Retirement Systems (NCPERS), International Foundation of Employee Benefit Plans (IFEBP), and many other organizations. She also serves as Treasurer of the National Association of Shareholder & Consumer Attorneys (NASCAT). Nancy is admitted to practice in Connecticut (2001), the U.S. Court of Appeals for the Ninth Circuit (2016), and the U.S. District Courts for the District of Connecticut (2004) and the Southern District of New York (2015).

<p>ERIN H. WOODS <i>Partner</i></p>	<p>New York</p>	<ul style="list-style-type: none"> • Email: ewoods@bfalaw.com • Tel: +1 212 789 1353 • www.bfalaw.com/professionals/erin-woods
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As Director of Institutional Investor Relations and the head of BFA’s Claims Filing Team, Erin’s practice combines her vast experience advising institutional investors on current and potential securities litigation and advising clients in recovering investment losses through filing settlement claims.

With over 15 years in the class action industry, Erin brings a unique blend of years of litigation experience, over a decade of representation of institutional investors, and extensive expertise in the claims administration process. Erin is currently a member of the team prosecuting the securities class action against Citigroup, Inc., as well as teams pursuing Section 220 Demands on behalf of clients. She also leads institutional investor outreach and advises pension funds and other entities on lawsuits concerning violations of U.S. and non-U.S. securities and investment laws, antitrust and consumer laws, and relevant securities class action settlements.

Erin most recently spoke on the Securities Litigation Panel at the National Council on Teacher Retirement (NCTR) Annual Conference. Erin recently co-authored “Maximizing Returns Through Asset Protection and Recovery,” “The Importance of



Private Enforcement of Federal Securities Laws: Institutional Investors Continue to Outpace SEC,” and “Claims Filing in Australia: Missed Recovery Opportunities for American Investors” in NCPERS PERSist. She co-authored “The Australian Securities Class Action Landscape and Potential Changes Ahead” in The National Association of Public Pension Attorneys Report.

Prior to joining BFA, Erin was a Director at an industry-leading claims administration firm, where she provided plaintiffs’ and defense counsel comprehensive, accurate, and practical approaches to class action and mass tort settlement administration.

While working with BFA’s founding partners as an associate at their prior firm, Erin litigated securities class actions such as *In re Celestica Inc. Securities Litigation* and *In re NovaGold Resources Inc. Securities Litigation*, which resulted in a cross-border settlement that was at the time the largest settlement under Canada’s securities class action laws, and two related cases against OppenheimerFunds Inc. that resulted in a \$100 million settlement.

Erin is a member of the National Association of Public Pension Attorneys (NAPPA), National Conference of Public Employee Retirement Systems (NCPERS), National Council on Teacher Retirement (NCTR), National Association of State Retirement Administrators (NASRA), State Association of County Retirement Systems (SACRS), California Association of Public Retirement Systems (CALAPRS), and a number of additional organizations.

Erin earned a B.A. from Villanova University in 2004 and a J.D. from Brooklyn Law School in 2008. She is admitted to practice in New York (2009), the U.S. Courts of Appeals for the Ninth Circuit (2010) and Second Circuit (2011), and the U.S. District Court for the Southern District of New York (2009).

<p>DERRICK FARRELL <i>Partner</i></p>	<p>Delaware</p>	<ul style="list-style-type: none"> • Email: dfarrell@bfalaw.com • Tel: +1 302 499 2158 • www.bfalaw.com/professionals/derrick-farrell
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Derrick Farrell is a Partner in the Delaware office and focuses his practice on representing stockholders in direct and derivative breach of fiduciary duty class action litigation. Derrick has substantial trial experience in the Delaware Court of Chancery.

Derrick served as one of the attorneys representing the lead plaintiff in *In re: Dell Technologies Inc. Class V Stockholders Litigation*, which challenged the acquisition of Dell’s Class V tracking stock by Dell’s controllers. In November 2022, the parties reached an agreement to settle the case for \$1 billion. If approved by the Delaware Court of Chancery, it will be the largest settlement in U.S. state court history.



Derrick also served as a lead member of the trial team and successfully obtained a \$3.1 million partial settlement in *In re Sears Hometown and Outlet Stores Inc. Stockholders Litigation*. In addition to helping lead the trial team, Derrick successfully argued and won a motion to exclude the expert report and testimony of one of defendants' expert witnesses. The case is currently in post-trial briefing.

Derrick has tried a number of other cases in the Delaware Court of Chancery including: *In re Appraisal of Ancestry.com, Inc.*; *IQ Holdings, Inc. v. Am. Commercial Lines Inc.*; and *In re Cogent, Inc. Shareholder Litigation*. He has also argued before the Delaware Supreme Court on multiple occasions.

Derrick began his career as a Clerk for the Honorable Donald F. Parsons, Jr., Vice Chancellor, Court of Chancery of the State of Delaware and thereafter gained substantial M&A experience as a defense lawyer at a prominent global law firm. He has guest lectured at Harvard University and co-authored numerous articles for various publications, including the Harvard Law School Forum on Corporate Governance and Financial Regulation and PLI.

ANNE K. DAVIS <i>Partner</i>	Oakland	<ul style="list-style-type: none">• Email: adavis@bfalaw.com• Tel: +1 415 445 4016• www.bfalaw.com/professionals/anne-davis
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Anne Davis has more than a decade of experience litigating complex matters in both federal and state courts, including the courts of California, Delaware, and Kansas. She focuses her practice on complex investigations and litigation of antitrust, consumer, and securities matters.

Anne was a key member of the team litigating *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*, which resulted in the largest privacy class action settlement in history at \$725 million. Anne is currently a key member of the team litigating *In re Google RTB Consumer Privacy Litigation*; and is also litigating *In re Local TV Advertising Antitrust Litigation*, *In re Domestic Airlines Travel Antitrust Litigation*, *In Re: ZF-TRW Airbag Control Units Products Liability Litigation*, and *In re Mexican Government Bonds Antitrust Litigation*. Anne was named a National Trial Lawyers Top 100 litigator in 2023. She serves on the Executive Committee of the California Lawyers Association's Antitrust and Unfair Competition Law Section, is an active member of and contributor to WG11 (Data Security and Privacy Liability) for the Sedona Conference, and serves on the drafting team for the Sedona Conference Data Privacy Primer, Second Edition. Anne is a current member of faculty for PLI's annual Accounting for Lawyers seminar.

Prior to joining BFA, Anne served as a Principal Counsel for Sales Practice Enforcement at the Financial Industry Regulatory (FINRA), where she, as appropriate, brought charges and negotiated resolutions or litigated formal actions



pertaining to violations of FINRA, U.S. Securities and Exchange Commission (SEC), and Municipal Securities Rulemaking Board (MSRB) rules, and the federal securities laws by registered individuals and FINRA member firms.

Before FINRA, she was a senior associate at a global law firm, where she specialized in securities litigation and enforcement, complex civil litigation, and internal investigations.

Anne earned a B.A. with honors from DePaul University (2002), a M.A. (Political Science) from the University of Michigan (2006), and a J.D. from the University of Michigan Law School (2008). She is admitted to practice in California (2009), the U.S. Court of Appeals for the Ninth Circuit (2023), and the U.S. District Courts for the Northern (2010), Central (2011) and Eastern (2014) Districts of California and the Eastern District of Michigan (2019).

<p>EVAN KUBOTA <i>Partner</i></p>	<p>New York</p>	<ul style="list-style-type: none"> • Email: ekubota@bfalaw.com • Tel: +1 212 789 1347 • www.bfalaw.com/professionals/evan-kubota
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Evan Kubota brings substantial experience in all stages of litigation, from pre-suit investigation and strategic advice through motion practice, discovery, trial, and appeal. His experience includes complex securities and derivative actions, bankruptcy confirmation and adversary proceedings, and regulatory investigations. He has taken and defended numerous depositions, worked closely with damages and industry experts, and participated in several trials.

Evan was a member of the team prosecuting the case against Teva Pharmaceutical Industries, Ltd., Granite Construction Incorporated, and Gatos Silver, Inc., and is currently litigating class actions against TaskUs, Inc., Bioventus Inc., Talis Biomedical Corp., and Exicure Inc., as well as sovereign debt litigation against Sri Lanka and the Republic of Argentina.

Prior to joining BFA in 2019, Evan was an associate at Paul, Weiss, Rifkind, Wharton & Garrison LLP for nine years, where he litigated high-profile matters on behalf of financial institutions and issuers in a variety of industries. Representative matters include plaintiff’s counsel in breach of contract, fraud and civil RICO litigations against a distressed insurance company; debtor’s counsel in a leading media company’s Chapter 11 bankruptcy, which eliminated over \$1 billion in debt; and the defense of numerous RMBS-related litigations, arbitrations, and investigations in the wake of the financial crisis.

Evan earned a B.A. from the University of Florida, *cum laude*, in 2007 and a J.D. from Harvard Law School, *cum laude*, in 2010. He is admitted to practice in New York (2011), as well as the U.S. District Courts for the Southern and Eastern Districts of New York (2011).



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Ross Shikowitz focuses his practice on investigating, analyzing and prosecuting complex securities matters on behalf of institutional investors.

For over a decade, Ross has been advising many of the world's largest and most sophisticated institutional investors concerning their rights and potential legal claims arising out of securities-related matters. He is a senior member of the firm's Client Monitoring and Case Evaluation Group in which he, together with a team of attorneys and financial analysts, develops and recommends legal strategies to the firm's clients.

Ross was one of the lead attorneys that litigated the securities class action against Granite Construction Incorporated and achieved a \$129 million resolution on behalf of the class. For his success representing investors, Ross has consistently been named as a "Rising Star" and a member of "Super Lawyers" in the area of securities litigation by Thompson Reuters *Super Lawyers*. He was also recognized by The Legal 500 for his work representing investors.

Currently, Ross serves as a Vice President of the Institute for Law and Economic Policy, a public policy research and educational foundation whose mission is to preserve, study, and enhance investor and consumer access to the civil justice system. In addition, Ross served as a member of *Law 360's* 2023 Securities Editorial Advisory Board, which provides the organization with expert insight into relevant trends in securities litigation. Ross has also authored several articles focused on investor protection that have been published by the National Association of Public Pension Attorneys, among others.

Prior to joining the firm, Ross successfully represented numerous institutions that were misled when investing in residential mortgage-backed securities and participated in the resolution of securities class actions concerning a European car manufacturer as well as a U.S. technology company.

Ross earned a B.A., *cum laude*, from Skidmore College, and an M.A. from Indiana University-Bloomington. He earned a J.D., *cum laude*, from Brooklyn Law School (2010) where he worked as a research assistant to Brooklyn Law School Professor of Law Emeritus Norman Poser, a widely respected expert in international and domestic securities regulation. He also served as a judicial intern to the Honorable Brian M. Cogan of the Eastern District of New York, a legal intern for the Major Narcotics Investigations Bureau of the Kings County District Attorney's Office, and a summer associate at a prominent defense firm.



Ross is admitted in New York (2011), and the U.S. District Court for the Southern District of New York (2011) and the Eastern District of New York (2011).

GEORGE BAUER <i>Partner</i>	New York	<ul style="list-style-type: none">• Email: gbauer@bfalaw.com• www.bfalaw.com/professionals/george-bauer
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George Bauer is a partner in the Westchester office where he represents institutional investors in complex securities and investment-related disputes.

George was a member of the teams that prosecuted BFA's cases against Granite Construction Inc. and Allianz Global Investors U.S., L.L.C. George is currently on the teams litigating BFA's securities cases against Bioventus, Inc., Twist Bioscience Corp., and Citigroup, and was a member of the team that litigated the Firm's derivative stockholder action against Tesla and its Board of Directors in Delaware Chancery Court.

George has taken a lead role in all stages of complex civil litigation, from pre-suit investigation through motion practice, discovery, summary judgment, and trial. While an associate and later junior partner at Kirkland & Ellis LLP, George gained experience taking and defending depositions, working with expert consultants and witnesses, and appearing in court. In addition, George has handled numerous internal investigations and investigations by both the U.S. Department of Justice and the U.S. Securities and Exchange Commission. George has represented clients in connection with complex regulatory enforcement matters dealing with, among other things, securities fraud, commodities fraud, and foreign bribery issues. He has also advised transactional teams on litigation and compliance related risks. Prior to Kirkland, George attended Brooklyn Law School where he served as a student prosecutor in the Kings County District Attorney's office and led the prosecution of misdemeanor domestic violence cases. He also interned at the New York City Police Department, the U.S. Attorney's Office for the Eastern District of New York, the Federal Trade Commission, and the New York Attorney General's Office.

George earned a B.A. from the University of Massachusetts at Amherst, *cum laude*, in 2008 and a J.D. from Brooklyn Law School, *magna cum laude*, in 2011. He is admitted to practice in New York (2012), the Eastern District of New York (2013), and the Southern District of New York (2014).

BENJAMIN F. BURRY <i>Partner</i>	New York	<ul style="list-style-type: none">• Email: bburry@bfalaw.com• Tel: +1 212 789 1345• www.bfalaw.com/professionals/benjamin-burry
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Benjamin has substantial experience representing clients in a broad range of complex commercial and statutory litigation matters, including in contract and



investment disputes, intellectual property disputes, actions involving a wide array of business torts, fraud, breach of fiduciary duty, securities class actions, shareholder derivative litigation, and bankruptcy litigation, as well as cases involving the Federal Arbitration Act. He has represented clients in federal and state courts throughout the United States, including bankruptcy court, as well as arbitration forums, private mediation, and in enforcement proceedings.

Benjamin was a member of the teams that prosecuted the securities class actions against Teva Pharmaceutical Industries, Ltd., Granite Construction Incorporated, and Gatos Silver, Inc., and is currently a member of the teams prosecuting securities class action cases against Citigroup Bioventus, Inc., and Twist Bioscience Corp.

Benjamin also maintains an active pro bono practice, including representing New York City parks and community gardens in civil litigation as well as in corporate governance issues, land rights, local law and regulations, licensing and leases.

Prior to joining BFA, Benjamin was a senior associate at Sidley Austin LLP, where he was a member of the firm’s securities and shareholder litigation, commercial litigation and disputes, and Supreme Court and appellate practices.

Benjamin earned a B.A., *magna cum laude*, from Illinois Wesleyan University in 2007 and a J.D. from the University of Chicago Law School in 2010. Benjamin is admitted to practice in the U.S. Court of Appeals for the Second Circuit (2014) and the U.S District Courts for the Southern and Eastern Districts of New York (2013). After earning his law degree, Benjamin served as law clerk to the Honorable Susan P. Read of the New York Court of Appeals.

<p>KENDRA SCHRAMM <i>Of Counsel</i></p>	<p>New York</p>	<ul style="list-style-type: none"> • Email: kschramm@bfalaw.com • Tel: +1 212 789 1358 • www.bfalaw.com/professionals/kendra-schramm
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Kendra Schramm is a highly valued litigator, with years of experience working on large and complex securities matters, and a key member of BFA’s International Litigation Practice.

The Firm’s International Litigation Practice advises, and acts in a liaison capacity on behalf of, leading institutional investors in connection with securities and investment-related claims pursued outside the United States – the majority of which require a client’s formal decision to participate.

Kendra provides pragmatic and unbiased advice regarding meaningful recovery opportunities, including the risks and burdens that can arise from pursuing an international claim. Kendra has experience overseeing matters in Australia, Japan, England, the Netherlands, Germany, Denmark, Brazil, France, and elsewhere, on behalf of public pension systems, asset managers, and sovereign wealth funds



located around the global. Kendra also recently co-authored “The Australian Securities Class Action Landscape and Potential Changes Ahead” in The National Association of Public Pension Attorneys Report, and “Claims Filing in Australia: Missed Recovery Opportunities for American Investors” in NCPERS PERSist, and “A Look at Shareholder Remedies in Japan,” in *Law360*, discussing the evolving Japanese litigation regime.

Kendra is instrumental to the Firm’s outreach to prospective clients and ongoing client relations, and also works with the Firm’s Client Monitoring and Case Evaluation Group, assisting in the assessment and prosecution of domestic securities class actions.

Prior to joining BFA, Kendra was an associate at another plaintiffs’ securities firm, where she was a member of the team that recovered more than \$1 billion in total settlements on behalf of investors in the landmark securities litigation against American International Group and numerous related defendants. Kendra was also instrumental in prosecuting the complex securities litigation against the Federal National Mortgage Association (Fannie Mae), which persuasively alleged that investors’ losses were caused by Fannie Mae’s statements and actions rather than the financial crisis and resulted in a \$170 million settlement.

Kendra earned a B.A. from New York University and a J.D. from Brooklyn Law School (2011), where she was an Associate Managing Editor of the *Journal of Law & Policy*. During law school, she served as a law clerk to the Honorable Elizabeth S. Stong, U.S. Bankruptcy Court Judge for the Eastern District of New York. She is admitted to practice in New York (2012), New Jersey (2012), the U.S. Supreme Court (2014), and the U.S. District Courts for the Southern District of New York (2012) and the District of New Jersey (2012).

<p>MATTHEW MILLER <i>Of Counsel</i></p>	<p>Delaware</p>	<ul style="list-style-type: none"> • Email: mmiller@bfalaw.com • Tel: +1 302 499 2630 • www.bfalaw.com/professionals/matthew-miller
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Matthew Miller is Of Counsel in the Delaware office. He focuses his practice on representing investors in class action and derivative breach of fiduciary duty litigation. Matt has practiced before Delaware state and federal courts for more than a decade, with his primary focus on litigation in the Court of Chancery. He has stand-up trial experience and has argued dispositive and other motions.

Before coming to BFA, Matt spent more than a decade at a Delaware corporate and business law boutique focusing on high stakes commercial litigation. There, he represented plaintiffs and defendants, along with appraisal petitioners and respondents. Matt has extensive experience with valuation and industry experts. He co-wrote an article addressing the relationship between appraisal fair value and



fiduciary duty fair price. The article—“Fair Price for Delaware Fiduciary Actions Can Exceed Appraisal Fair Value”—was published in the *Business Valuation Review* and appeared on the Harvard Law School Forum on Corporate Governance.

Prior to joining BFA, Matt gained extensive experience representing defendants and special litigation/demand review committees in high-profile derivative actions. He represented defendants in *In re Baker Hughes, a GE Co., Derivative Litigation*, Consol. C.A. No. 2019-0201-LWW (Del. Ch.) (a challenge to a secondary public offering and amended master agreement framework), *Stein ex rel. The Goldman Sachs Group, Inc. v. Blankfein*, C.A. No. 2017-0354-SG (Del. Ch.) (a challenge to compensation of non-employee directors at The Goldman Sachs Group, Inc.), *In re Amtrust Financial Services, Inc. Derivative Litigation*, No. 1:17-cv-00553-MN (D. Del.) (a challenge to the board’s failure to prevent alleged financial fraud leading to allegedly fraudulent disclosures), *Ironworkers District Counsel of Philadelphia & Vicinity Retirement & Pension Plan v. Andreotti*, No. 286, 2015 (Del.) (a derivative demand refusal action related to E.I. du Pont & Nemours Co.’s misuse of certain Monsanto technology), *Sandys ex rel. Zynga, Inc. v. Pincus*, C.A. No. 9512-CB (Del. Ch.) (a derivative action bringing state-law insider trading claims regarding \$515 million in stock sales), and *In re Massey Energy Co. Derivative and Class Action Litigation*, Consol. C.A. No. 5430-VCS (Del. Ch.) (a derivative action challenging board and officer conduct in connection with a mine disaster).

Matt earned a J.D. from the University of Virginia School of Law, where he graduated *Order of the Coif*. Matt is admitted to practice in Delaware (2013) and the U.S. District Court for the District of Delaware (2013).

DAVID MACISAAC <i>Of Counsel</i>	New York	<ul style="list-style-type: none">• Email: dmacisaac@bfalaw.com• Tel: +1 212 789 3606• www.bfalaw.com/professionals/david-maclsaac
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David Maclsaac is Of Counsel in the New York Office. His practice focuses on investigating, analyzing and prosecuting direct and derivative breach of fiduciary duty actions on behalf of stockholders. He is currently actively pursuing confidential books and records requests on behalf of institutional and individual clients.

For nearly a decade, David has built a track record of success in the Delaware Chancery Court. He successfully developed and prosecuted numerous high-profile actions against board of directors and officers for breaches of fiduciary duty, including but not limited to:

- *Nantahala Capital Partners L.P. v. QAD Inc., et al.* (direct action; enjoined merger on basis of inadequate disclosures; settled for \$65 million)



- *Macomb County Employees' Retirement System v. Kenneth McBride, et al.* (Stamps.com) (derivative action; settled for \$30 million plus corporate governance reforms)
- *In re Versum Materials, Inc. Stockholder Litigation* (direct action; resulted in revocation of poison pill)
- *In re Pattern Energy Group Inc. Stockholder Litigation* (direct action; successful challenge to \$6.1 billion merger transaction)
- *Ontario Provincial Council of Carpenters' Pension Trust Fund, et al. v. Walton, et al.* (Walmart Inc.) (derivative action arising from the opioid crisis)
- *In re McKesson Corporation Derivative Litigation* (derivative action arising from the opioid crisis; settled for \$175 million plus corporate governance reforms)
- *City of Monroe Employees' Retirement System v. Rupert Murdoch et al.* (derivative action arising from sexual harassment at Fox News; settled for \$90 million plus corporate governance reforms)
- *In re Yahoo, Inc. Derivative Litigation* (derivative action arising from the largest data breach in U.S. history; settled for \$29 million)

Prior to joining the plaintiffs' bar, David served as an Associate at Kirkland & Ellis LLP, where he litigated a wide array of complex matters. He earned his Juris Doctor *cum laude* from Georgetown University Law Center and received his bachelor's degree from Franklin & Marshall College. David is admitted to practice in New York (2014).

SARA PILDIS SIMNOWITZ
Special Counsel

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Sara Pildis Simnowitz is Special Counsel at BFA, prosecuting a variety of complex litigations.

Sara has nearly twenty years of experience in all aspects of litigating complex matters. Sara is dedicated to prosecuting securities, antitrust, and consumer fraud class actions on behalf of institutional, municipal, and individual clients. Sara draws on her extensive litigation experience while playing a key role in prosecuting the Firm's antitrust and consumer cases, including *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*.



Sara is also an active member of BFA’s securities litigation teams. For example, she was a member of the team in both *In re Teva Securities Litigation* and *In re Genworth Financial Securities Litigation*.

Before joining BFA, Sara was a senior associate at Arnold & Porter LLP, where she focused on complex commercial litigation. She previously practiced at Heller Ehrman LLP in New York and Foley Hoag LLP in Massachusetts, where she focused on complex commercial and securities litigation.

Sara earned a B.A., *summa cum laude*, from Brandeis University, a J.D. from the University of Chicago Law School (2001), and an M.A. from the London School of Economics and Political Science (2002). She is admitted to practice in Massachusetts (2002), New York (2006), the U.S. Supreme Court (2008), the U.S. Court of Appeals for the First Circuit (2003), and the U.S. District Courts for the District of Massachusetts (2002), the Southern and Eastern Districts of New York (2006), and the Western District of New York (2008).

<p>THAYNE STODDARD <i>Associate</i></p>	<p>New York</p>	<ul style="list-style-type: none"> • Email: tstoddard@bfalaw.com • Tel: +1 212 789 1355 • www.bfalaw.com/professionals/thayne-stoddard
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Thayne Stoddard has experience in all aspects of litigation, including investigating and drafting claims, briefing dispositive and other motions, coordinating discovery efforts, taking depositions, and preparing for and attending trial. At BFA, Thayne primarily prosecutes complex securities fraud cases on behalf of institutional investors, and was a member of the teams that prosecuted the Firm’s cases against Teva Pharmaceutical Industries, Ltd., Granite Construction, Inc., and Gatos Silver, Inc. Thayne is currently a member of the teams prosecuting the Firm’s cases against Bioventus, Inc., Citigroup, Inc., and TaskUs, Inc. Thayne was also a member of the team that litigated the derivative stockholder action against Tesla and its Board of Directors in Delaware Chancery Court.

Prior to joining BFA, Thayne was an associate at Kirkland & Ellis LLP for over three years and represented clients in numerous securities class actions, complex commercial, shareholder, and bankruptcy cases.

Thayne earned a B.A. from Yale University in 2007, a J.D. from Duke University School of Law in 2014, and a M.A. from Duke University in 2014. Thayne is admitted to practice in New York (2015) and the U.S. District Court for the Southern District of New York (2016).



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Stephanie Bartone is a member of BFA’s Global Recovery Services Group where she provides comprehensive consulting and liaison services to leading institutional investors in connection with pursuing securities and investment-related claims across the globe.

Stephanie has nearly a decade of experience representing clients in large-scale securities and consumer related class action lawsuits in both federal and state court and brings her substantial securities litigation experience to help monitor and evaluate opportunities for institutional clients to obtain recoveries outside the United States.

Prior to joining BFA, Stephanie was an associate at a nationally recognized securities litigation firm where she represented individuals and institutional clients in a wide-range of complex class actions, including securities fraud, consumer fraud, and mergers and acquisitions. Most recently, Stephanie was an attorney at the Connecticut Department of Consumer Protection where she oversaw the regulation and implementation of newly enacted legislation authorizing online casino gaming, online sports betting, and online fantasy contests in the State of Connecticut.

Stephanie earned a B.A., *summa cum laude*, from the University of New Hampshire (2008) and a J.D. from the University of Connecticut School of Law (2012), where she served as Symposium Editor for the Connecticut Law Review. Stephanie is admitted to practice in Connecticut (2012), the Commonwealth of Massachusetts (2012), New York (2023), the District of Connecticut (2015), the District of Massachusetts (2015), the Second Circuit Court of Appeals (2018) and the Third Circuit Court of Appeals (2020).

NICHOLAS DENNANY <i>Associate</i>	New York	<ul style="list-style-type: none">• Email: ndennany@bfalaw.com• Tel: +1 212 789 1354• www.bfalaw.com/professionals/nicholas-dennany
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Nicholas Dennany focuses his practice on investigating and analyzing pending and potential securities fraud and derivative claims and assists the Firm in advising and recommending strategies to its clients to ensure that their rights are protected. Nick is also a member of the Firm’s litigation teams, including the team that prosecuted *In re Teva Securities Litigation*, and has more than a decade of litigation experience, with specific expertise in discovery matters and managing large-scale electronic document reviews.



Nick was also a member of the team that prosecuted *Genworth Financial* in the notoriously fast-paced jurisdiction of the Eastern District of Virginia. The case alleged that the defendants misled investors about the true state of the company's deteriorating long-term care business. BFA recovered \$219 million for investors - the largest class action settlement in the Eastern District of Virginia.

Nick was also a key contributor to the Firm's success in *MF Global*, in connection with the company's dramatic collapse on October 31, 2011. The plaintiffs secured several settlements totaling more than \$234 million, resolving claims against MF Global's former officers and directors, several underwriter defendants, and MF Global's outside auditor.

Prior to joining the Firm, Nick was an attorney at a prominent plaintiffs' law firm where he was a member of the teams that successfully litigated and ultimately secured significant settlements in *In re Broadcom Corp. Securities Litigation* (\$173.5 million settlement) and *In re NovaGold Resources Inc. Securities Litigation* (\$26.6 million settlement).

Nick earned a B.A., *cum laude*, from the University of Florida and a J.D. from the University of Florida, Levin College of Law (2004). He is admitted to practice in New York (2006) and the U.S. District Courts for the Southern and Eastern Districts of New York (2021).

JOSHUA SAMRA
Associate

Oakland

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Josh Samra is an associate in the Firm's Antitrust and Consumer practice group. Josh was a significant member of the team litigating *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*, which resulted in the largest privacy class action settlement in history at \$725 million. Josh currently plays an important role in the teams litigating *Ji, et al. v. Naver Corp., et al.*, *In re Google RTB Consumer Privacy Litigation*, and he is also litigation *In re Local TV Advertising Antitrust Litigation*.

Prior to joining BFA, Josh was a Deputy District Attorney in Contra Costa County. As a Deputy District Attorney, Josh oversaw all parts of criminal prosecutions, including filing complaints, preparing and arguing motions, interviewing witnesses, trying cases before a jury, and litigating post-trial appeals. During his time in the District Attorney's office, Josh prosecuted ten jury trials to verdict.

Josh earned his B.A. from the University of California Berkeley (2013) and his J.D. from the University of California Los Angeles (2016), where he served as an Associate Editor for the UCLA Law Review. Josh is admitted to practice in California (2016), and the U.S. District Courts for the Northern and Central Districts of California (2019), and the Eastern District of Michigan (2019).



Josh is an active member of The Sedona Conference, Working Group 1 on Electronic Document Retention and Production, and Working Group 6 on International Electronic Information Management, Discovery, and Disclosure.

FREDERICK WILLIAM GREEN
Associate

New York

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Frederick William Green joined the firm in 2014 and is currently an Associate who assists with a number of the firm's securities litigation cases.

Will previously contributed to the Firm's discovery efforts in *In re Genworth Financial Inc. Securities Litigation*, managing the staff attorney discovery team from inception to settlement. The case alleged that Genworth, the largest seller of long-term care insurance in the U.S., misled investors about the true state of its deteriorating long-term care business. On May 1, 2015, U.S. District Judge James R. Spencer denied defendants' motion to dismiss. The parties reached a settlement of \$219 million, establishing a record for securities litigations in the Eastern District of Virginia.

Will also contributed to the Firm's discovery efforts in the securities litigation against Weatherford International Ltd. on behalf of the Anchorage Police & Fire Retirement System (*Freedman v. Weatherford International Ltd., et al.*). The case alleged that Weatherford, which made three restatements of audited financials totaling approximately \$1 billion, misled investors about the Company's tax accounting. After more than three years of intense litigation, including 22 depositions and complex expert testimony, plaintiffs reached an outstanding recovery of \$120 million on behalf of shareholders.

Will received a B.A. from Union College (2009) and a J.D. from Washington University in St. Louis (2013). Will is admitted to practice in New York (2015) and Massachusetts (2013).

JOSEPH W. BAIER
Associate

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Joe Baier is an associate at BFA and represents investors in complex securities class actions and shareholder derivative suits across the country. Joe leverages his experience as a judicial law clerk at both the trial and appellate level to deliver a wide array of litigation services to clients.

Prior to joining the firm, Joe served as a law clerk to the Honorable Andrew L. Brasher of the United States Court of Appeals for the Eleventh Circuit and the



Honorable Rodolfo A. Ruiz II of the United States District Court for the Southern District of Florida. Before clerking, Joe was an associate at the D.C. office of an international law firm where his practice focused on representing clients in investigations conducted by the Securities and Exchange Commission, as well as in appellate litigation before the United States Courts of Appeals and the Supreme Court of the United States.

Joe received a B.A. from the University of Maryland (2017) and a J.D., *cum laude*, from Duke University School of Law (2020). Joe is admitted to practice in the District of Columbia (2021).

<p>ALESSANDRA (SASHA) SLAYTON <i>Associate</i></p>	<p>New York</p>	<ul style="list-style-type: none">• Email: sslayton@bfalaw.com• Tel: +1 212 789 1359• www.bfalaw.com/professionals/alessandra-slayton
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Alessandra (Sasha) Slayton is an associate in BFA's New York City office. Her practice focuses on prosecuting complex securities and shareholder derivative suits.

Sasha has experience representing clients in a broad range of complex commercial and statutory litigation matters, including contract, investment, and intellectual property disputes. She has also litigated actions involving business torts, fraud, breach of fiduciary duty, and bankruptcy.

Sasha is currently a member of the teams prosecuting securities class action cases against Citigroup, Talis, TaskUs, and Bioventus.

Prior to joining BFA, Sasha was an associate at McKool Smith, where she worked on securities litigation, intellectual property litigation, and commercial litigation and disputes. Sasha earned a B.A., *cum laude*, from Dartmouth College (2013), an M.B.A. from Harvard Business School (2022), and a J.D. from Harvard Law School (2022). Prior to graduate school, Sasha served as an officer in the U.S. Army.

<p>ROBERT LACKEY <i>Associate</i></p>	<p>Delaware</p>	<ul style="list-style-type: none">• Email: rlackey@bfalaw.com• Tel: +1 302 499 2317• www.bfalaw.com/professionals/robert-lackey
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Robert Lackey is an associate in the Delaware office of BFA. His practice focuses on representing stockholders in direct and derivative actions in the Delaware Court of Chancery and in other courts. Robert has experience in pursuing claims arising under Section 220 of the Delaware General Corporation Law, breaches of fiduciary duty, breaches of contract, and other commercial torts.

Prior to joining BFA, Robert was an associate at another well-regarded plaintiffs' firm where he developed expertise in litigating in the Delaware Court of Chancery.



Robert received a B.S. in Economics from the University of Delaware (2017) and a J.D. *cum laude* from American University, Washington College of Law (2020). Robert is admitted to practice in Delaware (2022).

WILLIAM A. MASSA
Associate

New York

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Billy Massa is an associate in the Firm's New York City office and focuses his practice on investigating and analyzing complex securities matters on behalf of the Firm's clients. Billy leverages his experience prosecuting complex securities fraud matters to monitor and evaluate opportunities for the Firm's institutional investor clients.

Prior to joining BFA, Billy was an associate at a prominent securities litigation firm, where he represented individuals and institutional clients in securities fraud class actions. Billy graduated *cum laude* from Fordham University School of Law in 2020, obtained an MBA from Stony Brook University in 2016, and graduated *summa cum laude* with a major in economics from Stony Brook University in 2014, where he was the recipient of the H. Lee Dennison Valedictorian Award.

Billy is admitted to practice in New York (2021) and U.S. District Courts for the Southern and Eastern Districts of New York (2021).

FRANKLYN WILLIAMS
Senior Projects Attorney

New York

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Franklyn Williams brings nearly a decade of legal experience to his role as a Senior Projects Attorney. As a Senior Projects Attorney, Franklyn was an integral part of the team that litigated *Ontario Teachers' Pension Plan Board, et al v. Teva Pharmaceutical Industries Ltd. et al*, which alleged that Teva fraudulently misled investors about its U.S. generics business, its financial performance, and its participation in a widespread generic drugs antitrust conspiracy.

Prior to joining BFA, Franklyn served as a Team Leader on a variety of complex litigations. He was also contracted to serve as part of the team that litigated *Beaver County Emps' Ret. Fund v. Tile Shop Holdings, Inc.*, resulting in a \$9.5 million recovery.

Franklyn received his J.D. in 2006 from Boston University School of Law where he served as the Editor in Chief of the Boston University International Law Journal and participated in the Civil Litigation Clinic. Franklyn earned his BA in 2003 from Cornell University with a minor in Law & Society and majors in both government and



philosophy. While attending Cornell, Franklyn externed with Judge Patricia Anne Williams of the Bronx County Supreme Court and summer interned with both NYC HRA Bureau of Fraud Investigation and NYC ACS Legal Division.

Franklyn is admitted to practice in New York (2008) and New Jersey (2007).

JOOYOUNG KOO <i>Projects Associate</i>	Oakland	<ul style="list-style-type: none">• Email: jkoo@bfalaw.com• Tel: +1 415 445 4003• www.bfalaw.com/professionals/jooyoung-koo
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Jooyoung Koo is a Projects Associate in BFA's Oakland office.

Jooyoung is an experienced attorney who has worked on complex IP, antitrust, consumer protection and pharmaceutical product liability cases, and has conducted in-depth document review and research analysis on a wide variety of subject matters.

Jooyoung earned her J.D. from DePaul University College of Law (2012) and a B.S. from Northwestern University (2008), and is admitted to practice in Illinois (2013), New York (2013), and Washington (2015). She is also fluent in Korean.

KATHERINE SULLIVAN <i>Projects Associate</i>	Oakland	<ul style="list-style-type: none">• Email: ksullivan@bfalaw.com• Tel: +1 415 445 4014• www.bfalaw.com/katherine-sullivan
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Katherine ("Kasey") Sullivan joined the Firm in 2016 and is currently a Projects Associate in BFA's Oakland office. Kasey brings nearly two decades of experience to BFA and has worked on complex antitrust, consumer protection, data privacy, and products liability litigation. She has played a significant role in managing third party discovery in the *In re Domestic Airlines Travel Antitrust Litigation*, and was an integral part of the team litigating the *In re Facebook, Inc. Consumer Privacy User Profile Litigation*.

Kasey earned her J.D. from Northwestern University School of Law (1999), and is admitted to practice in California (2000).

MARGARET STRAKOSCH <i>Projects Associate</i>	Oakland	<ul style="list-style-type: none">• Email: mstrakosch@bfalaw.com• Tel: +1 415 445 40003• www.bfalaw.com/margaret-strakosch
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Margaret ("Margo") Strakosch joined the Firm in 2020 and is currently a Projects Associate in BFA's Oakland office, where she focuses on BFA's discovery efforts against defendants in major consumer privacy class actions and antitrust matters, including *In re Local TV Advertising Antitrust Litigation*, *In re Google RTB Consumer Privacy Litigation*, and *Ji, et al. v. Naver Corp., et al.*



She has played a significant role in discovery actions including *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*.

Prior to joining BFA, she clerked for Alaska Supreme Court Justice Susan M. Carney and the U.S. Department of Labor’s Office of Administrative Law Judges.

Margo earned her J.D. from the University of Michigan Law School (2015) and a B.A. from the Thomas More College of the Liberal Arts (2008). While at the University of Michigan Law School, Margo served as an Executive Editor of the Michigan Journal of International Law. Margo is admitted to practice in California (2018).

SYLVIA SUM <i>Staff Associate</i>	Oakland	<ul style="list-style-type: none">• Email: ssum@bfalaw.com• Tel: +1 415 445 4003
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Sylvia joined the Firm in 2016, and is a staff associate at BFA’s Oakland office where she focuses on prosecuting consumer and antitrust class actions. Sylvia brings over twenty years of experience to BFA. She has played a meaningful role in litigating several matters including *In re Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation* and *In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices, and Products Liability Litigation*. In each of these litigations, Sylvia’s German language skills have been critical in analyzing the evidence underlying plaintiffs’ claims.

Sylvia earned her J.D. from the UC Los Angeles School of Law (1997), and is admitted to practice in California (2000) and Oregon (1997).

GLEN TSURUDOME <i>Staff Associate</i>	Oakland	<ul style="list-style-type: none">• Email: gtsurudome@bfalaw.com• Tel: +1 415 789 1348
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Glen joined BFA’s Oakland office in 2019. Glen brings nearly two decades of experience to his role as staff associate, where he focuses on prosecuting consumer and antitrust class actions. Glen is a key member of the team litigating *Calhoun, et al. v. Google LLC* and played a significant role in *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*.

Glen received a B.A. from the UC San Diego (1996) and a J.D. from the University of San Francisco School of Law (2005). Glen has also completed the Yamasa Institute Academic Intensive Japanese Program (2012). Glen is admitted to practice in California (2005).



<p>JENNIFER JURMARK <i>Senior Discovery Operations Manager</i></p>	<p>New York</p>	<ul style="list-style-type: none">• Email: jjurmark@bfalaw.com• Tel: +1 212 789 1340• www.bfalaw.com/professionals/Jennifer-jurmark
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As BFA’s Senior Discovery Operations Manager, Jennifer Jurmark oversees daily discovery operations firmwide and manages large scale document reviews. She works closely with Partners, Associates, Staff Attorneys and other external stakeholders on the strategy and implementation of eDiscovery protocols for complex high-stakes litigation. Jennifer leverages AI and Data Analytics to optimize evidence gathering and case analysis.

Jennifer helped lead the eDiscovery efforts and designed and implemented workflows for document reviews as a member of the teams that prosecuted the securities actions concerning Teva Pharmaceuticals Industries Ltd, Granite Construction Inc, and Allianz Global Investors U.S. LLC, and the firm’s derivative action against certain current and former members of Tesla’s Board of Directors. Currently, Jennifer manages the eDiscovery efforts as a member of the teams litigating BFA’s securities cases against Talis and Bioventus.

Jennifer has nearly fifteen years of experience working at the intersection of law, business and technology. Prior to joining BFA, Jennifer worked at large financial institutions and law firms. In her prior roles, she gained extensive experience managing and leading eDiscovery efforts for multiple complex investigations and litigations using cutting edge technology, advising senior stakeholders daily, and running large document review teams.

Jennifer received a J.D. from Benjamin N. Cardozo School of Law (1999) and a B.A. from Barnard College of Columbia University (1995).

<p>CHRISTOPHER CAPUOZZO <i>Director, Client Data and Claims</i></p>	<p>New York</p>	<ul style="list-style-type: none">• Email: ccapuozzo@bfalaw.com• Tel: +1 212 789 2307• www.bfalaw.com/professionals/christopher-capuozzo
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Christopher Capuozzo is BFA’s Director of Client Data and Claims. He manages a team of analysts dedicated to the evaluation of client exposure to alleged securities fraud and is at the vanguard of the firm’s efforts of recovering funds by preparing and submitting class action claims on behalf of institutional investor clients.

With nearly twenty years of experience in the securities class action field, Chris monitors client portfolios to identify and evaluate investment losses and potential opportunities for BFA clients to serve as lead plaintiff, to participate in direct or



derivative actions, to join class action litigation in non-U.S. jurisdictions, and to recover from class action settlements.

Prior to joining BFA, Chris was a Data Analytics Manager at a securities litigation firm, where he managed a team of analysts providing portfolio monitoring services to the firm’s client base. Chris was also a Research Analyst at a global leader in class action recovery services. Chris began his career at a prominent claims administrator, where he processed electronically filed claims from financial institutions across the globe.

Chris received a Bachelor of Arts from New York University.

<p>VICTORIA TSE <i>Senior Data Analyst</i></p>	<p>New York</p>	<ul style="list-style-type: none">• Email: vtse@bfalaw.com• Tel: +1 212 789 3601• www.bfalaw.com/professionals/victoria-tse
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Victoria Tse joined BFA in 2020 as a Senior Data Analyst. Victoria monitors client portfolios to identify and evaluate investment losses, exposure to financial fraud, and potential opportunities for BFA clients to serve as lead plaintiff, participate in direct actions, join class action litigations in non-U.S. jurisdictions, and recover from class action settlements. In assessing client exposure, she evaluates recovery opportunities for clients based on court-approved loss methodologies for a wide variety of securities fraud allegations. Victoria also helps oversee the acquisition of client investment data from custodians on a monthly basis, as well as maintains clients’ accounts by performing annual reviews.

Prior to joining the Firm, Victoria was a senior data analyst at a securities litigation firm.

<p>ELAINE RIVERA <i>Senior Data Analyst</i></p>	<p>New York</p>	<ul style="list-style-type: none">• Email: erivera@bfalaw.com• Tel: +1 212 789 3604• www.bfalaw.com/professionals/elaine-rivera
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Elaine Rivera monitors and analyzes client exposure to financial fraud and evaluates investment losses and potential opportunities for clients to serve as lead plaintiff. In assessing client exposure, she evaluates recovery opportunities for clients based on court-approved loss methodologies for a wide variety of securities fraud allegations. Elaine also assists with determining client eligibility to participate in class action settlements and submitting the necessary claim documents on behalf of eligible clients.

Prior to joining BFA, Elaine was a Data Analyst at a securities litigation firm.

Elaine received a Bachelor of Arts from Baruch College.



JEFFREY ESPERANCE
Data Analyst

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Jeffrey Esperance monitors and analyzes client exposure to financial fraud and evaluates investment losses and potential opportunities for clients to serve as lead plaintiff. In assessing client exposure, he evaluates recovery opportunities for clients based on court-approved loss methodologies for a wide variety of securities fraud allegations.

Jeffrey also assists with determining client eligibility to participate in international securities cases and in class action settlements.

Prior to joining BFA, Jeffrey was a Data Analyst at a securities litigation firm.

Jeffrey received a Bachelor of Arts from Baruch College.

**UMANG NARAYAN
SUHALKA**
Data Analyst

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Umang Narayan Suhalka is a Data Analyst at BFA, where he maintains BFA's proprietary database, monitors and analyzes client exposure to financial fraud, and evaluates investment losses and potential opportunities for clients to serve as lead plaintiff. In assessing client exposure, he evaluates recovery opportunities for clients based on court-approved loss methodologies for a wide variety of securities fraud allegations.

Umang also assists with determining client eligibility to participate in international securities cases and in class action settlements.

Prior to joining BFA, Umang interned at a financial services firm.

Umang received a Bachelor of Engineering in Computer Science from the University of Pune and a Masters of Science in Information Technology from New York University.

ALHASSAN BAH
Data Analyst

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Alhassan Bah is a Data Analyst at BFA, where he monitors and analyzes client exposure to financial fraud, and evaluates investment losses and potential opportunities for clients to serve as lead plaintiff. In assessing client exposure, he



evaluates recovery opportunities for clients based on court-approved loss methodologies for a wide variety of securities fraud allegations.

Alhassan also assists with determining client eligibility to participate in international securities cases and in class action settlements.

Prior to joining BFA, Alhassan was an analyst at a financial services firm.

Alhassan received a B.A. from Bloomsburg University of Pennsylvania.

For more information, please visit:
www.bfalaw.com

EXHIBIT 2

Bilinsky v. Gatos Silver, Inc.,
No. 1:22-cv-00453-PAB-KAS

SUMMARY OF BFA TIMEKEEPER QUALIFICATIONS, EXPERIENCE, AND ROLE IN THE ACTION

PARTNERS

George Bauer (10.25 hours): Mr. Bauer is a Partner at BFA and a 2011 graduate of Brooklyn Law School. Mr. Bauer was involved in researching and drafting the Amended Complaint.

Javier Bleichmar (18.7 hours): Mr. Bleichmar is a founding Partner of BFA and leads the firm's U.S. Case Evaluation and U.S. Securities Litigation teams. He is a 1998 graduate of Columbia University Law School. Mr. Bleichmar was involved in (i) preparing the lead plaintiff motion and related papers, and (ii) preparing for and attending the June 13, 2023 mediation session and participating in settlement negotiations.

Benjamin Burry (294.55 hours): Mr. Burry is a Partner at BFA and a 2010 graduate of the University of Chicago Law School. Mr. Burry was primarily involved in (i) researching and drafting the Amended Complaint; (ii) working with Plaintiffs' consulting experts in connection with the Amended Complaint; (iii) overseeing the investigation to locate former Gatos employees in connection with the Amended Complaint; and (iv) researching and drafting the opposition to Defendants' motion to dismiss.

Joseph Fonti (212.50 hours): Mr. Fonti is a founding Partner of BFA and leads the firm's U.S. Securities Litigation team. He is a 1999 graduate of the New York University Law School. From the inception of the matter, Mr. Fonti oversaw the day-to-day prosecution of the Action, and oversaw all aspects of the case, including: (i) preparing the Amended Complaint, including the work with consulting experts and an investigative firm in connection with the Amended Complaint; (ii) preparing Plaintiffs' opposition to Defendants' motion to dismiss; (iii) leading the mediation process and settlement negotiations, and (iv) preparing the preliminary approval and final approval motion papers, including the Plan of Allocation, settlement notice documents, and related submissions.

Evan Kubota (522.20 hours): Mr. Kubota is a Partner at BFA and a 2010 graduate of Harvard Law School. From the inception of the matter, Mr. Kubota was primarily involved in (i) researching and drafting the Amended Complaint; (ii) working with Plaintiffs' consulting experts in connection with the Amended Complaint; (iii) overseeing the investigation to locate former Gatos employees in connection with the Amended Complaint; (iv) researching and drafting the opposition to Defendants' motion to dismiss; (v) preparing for and attending the June 13, 2023

mediation session and participating in settlement negotiations; and (vi) preparing the preliminary approval and final approval motion papers.

Nancy Kulesa (2.00 hours): Ms. Kulesa is a Partner at BFA and a 2001 graduate of the University of Connecticut School of Law. Ms. Kulesa was involved in the Amended Complaint.

Ross Shikowitz (87.70 hours): Mr. Shikowitz is a Partner at BFA and a 2010 graduate of Brooklyn Law School. Mr. Shikowitz was primarily involved in preparing the lead plaintiff motion and related papers.

SPECIAL COUNSEL

Sara Simnowitz (2.75 hours): Ms. Simnowitz is Special Counsel at BFA and a 2001 graduate of the University of Chicago Law School. Ms. Simnowitz was primarily involved in the retention of consulting experts in connection with the Amended Complaint.

ASSOCIATES

Nicholas Dennany (41.85 hours): Mr. Dennany is an Associate at BFA and a 2004 graduate of the University of Florida, Levin College of Law. Mr. Dennany was primarily involved in preparing the lead plaintiff motion and related papers.

William Green (62.70 hours): Mr. Green is an Associate at BFA and a 2013 graduate of Washington University in St. Louis School of Law. Mr. Green was primarily involved in conducting research in connection with the lead plaintiff motion, Amended Complaint, and Plaintiffs' opposition to the motion to dismiss.

Mathew Hough (180.75 hours): Mr. Hough was an Associate at BFA and graduated from Boston University School of Law in 2017. Mr. Hough was primarily involved in researching and drafting the Amended Complaint.

Thayne Stoddard (195.05 hours): Mr. Stoddard is an Associate at BFA and a 2014 graduate of Duke University School of Law. Mr. Stoddard was primarily involved in (i) researching and drafting the Amended Complaint; (ii) researching and drafting Plaintiffs' opposition to Defendants' motion to dismiss; and (iii) preparing the final approval motion papers.

SENIOR PROJECTS ASSOCIATE

Franklyn Williams (216.75 hours): Mr. Williams is a Senior Projects Associate at BFA and a 2006 graduate of Boston University School of Law. Mr. Williams was primarily involved in conducting research in connection with the Amended Complaint and Plaintiffs' opposition to Defendants' motion to dismiss.

LAW CLERK

Kayla Kershen (27.00 hours): Ms. Kershen was a Law Clerk at BFA while attending Brooklyn Law School. Ms. Kershen was involved in conducting research in connection with Plaintiffs' opposition to Defendants' motion to dismiss.

PARALEGAL

Masiel Feliz (46.65 hours): Ms. Feliz is a paralegal at BFA. She was primarily involved in compiling and organizing documents for use in connection with the Amended Complaint and Plaintiffs' opposition to Defendants' motion to dismiss, and maintaining records of documents filed in the Action.

DIRECTOR OF OPERATIONS

Michael Russo (16.25 hours): Mr. Russo is BFA's Director of Operations and was involved in preparing, formatting, and finalizing Court filings in the Action, and assisting with operational aspects of the litigation.

DATA TEAM

Christopher Capuozzo (22.80 hours): Mr. Capuozzo is BFA's Director of Client Data and Claims. He assisted in calculations of Plaintiffs' losses for purposes of the lead plaintiff motion and Amended Complaint, and analyzed data regarding Gatos Securities to assist in litigation strategy.

Jeffrey Esperance (10.50 hours): Mr. Esperance is a Data Analyst at BFA. He assisted in calculations of Plaintiffs' losses.

Elaine Rivera (9.00 hours): Ms. Rivers is a Senior Data Analyst at BFA. She assisted in calculations of Plaintiffs' losses.

Umang Suhalka (2.00 hours): Mr. Suhalka is a Data Analyst at BFA. He assisted in calculations of Plaintiffs' losses.