

2021 In Review

Integrity | Tenacity | Results

**Lieff
Cabrer
Heimann &
Bernstein**
Attorneys at Law

2021 | LIEFF CABRASER YEAR IN REVIEW

VALEANT U.S. AND CANADIAN SECURITIES LITIGATION

Lieff Cabraser represents certain funds and accounts of institutional investor BlackRock in an individual action against Valeant Pharmaceuticals International, Inc. (n/k/a Bausch Health Companies Inc.) and certain of Valeant's senior officers and directors for violations of the Securities Exchange Act of 1934 arising from a scheme to generate revenues through massive price

Canada. Those cases are also in discovery. BlackRock recently prevailed in an appeal brought by defendants on a novel question under Quebec law regarding the timeliness of opt-out securities claims.

SUTTER PALO ALTO RACE DISCRIMINATION

In June 2021, Lieff Cabraser filed a lawsuit on behalf of African-American doctors at Sutter Health alleging a pattern of racial



increases for Valeant-branded drugs while concealing the truth of the Company's business operations, financial results, and other material facts. The Court denied defendants' partial motions to dismiss, and plaintiffs filed an amended complaint. The parties are currently engaged in discovery.

Lieff Cabraser also represents a number of BlackRock entities in related litigation against Valeant in

discrimination, including pay and promotion discrimination, down-leveling, biased reviews, heightened scrutiny and racial harassment, different standards of behavior, and unfair discipline. The case highlights the dirty secret plaguing healthcare practice today of racial hostility, of the great suffering of outstanding Black professionals working under inequitable systems, and of the loss we all suffer when



our most talented people have to spend their precious time in the workplace seeking basic fairness.

NATIONAL PRESCRIPTION OPIOIDS LITIGATION

We represent cities, counties, Native American tribes, and native health organizations across the U.S. seeking justice and restitution from opioid makers and distributors for their role in the devastating opioid crisis that has ravaged the nation since 2006, the worst addiction epidemic in American history. We serve on the litigation's Plaintiffs' Executive Committee, which in July 2021, along with multiple state attorneys general, helped negotiate a proposed \$26 billion global settlement agreement with a major pharmaceutical manufacturer and the

nation's "big three" distributors on behalf of nearly 4,000 communities. We also serve on the Settlement, Tribal, and Expert Oversight Committees and lead the Law & Briefing Committee in the vast, ongoing coordinated federal multidistrict opiate litigation.

LOYANT WEEDKILLER PRODUCT DEFECTS

Lieff Cabraser has filed a proposed class action complaint on behalf of purchasers of Loyant, a chemical promoted for use in controlling weeds and grasses that interfere with the growth of rice crops. The complaint, filed on November 15, 2021 in the Eastern District of Arkansas, alleges that Loyant failed to work as advertised immediately after its launch in 2018, harming



rice farmers in the major rice-growing states, who experienced reduced yields and crop injuries attributable to Loyant.

PLAID INC. DATA THEFT

In May of 2020, Lief Cabraser sued fintech start up Plaid Inc. for invading consumers' privacy by "phishing" Venmo, Stripe, and other app users' personal banking information, stealing their banking data, and monetizing that data in violation of federal and state privacy laws. In August 2021, Plaid agreed to a

litigation against current and former senior officers of Bank of Internet Federal Bank ("BOFI") charged with issuing false and misleading statements and failing to disclose adverse material facts about BOFI's business, operations, and performance. After seven years of litigation, a California District Court granted certification to a class of investors in August of 2021.

CALIFORNIA BAIL BONDS

This first-of-its-kind class action antitrust case brought by Lief Cabraser



\$58 million settlement that will implement meaningful business practice changes designed to improve user control over private login information and financial data, and further safeguard user privacy going forward.

BOFI HOLDING SECURITIES CLASS LITIGATION

We serve as Lead Counsel in shareholder derivative

and leading non-profit worker rights organizations alleges that California insurance companies have conspired to unlawfully inflate California bail bond premiums since 2004. We serve as Lead Interim Class Counsel representing the California plaintiffs alleging illegal price-fixing and collusion agreements to eliminate competitive pricing to consumers. Plaintiffs have successfully overcome the preponderance of



defendants' claims of immunity, and have shown sufficient facts of a plausible antitrust conspiracy, reinforcing the principle that antitrust laws can significantly impact intentional inequities and advance the cause of economic justice. The case has moved into merits discovery, and the litigation is ongoing.

GOOGLE PRIVACY VIOLATIONS

We are Co-Lead Interim Class Counsel in a class action alleging that Google violated consumers' privacy by tracking and retaining comprehensive location records from their mobile devices regardless of their chosen location history settings. In January 2021, the Court denied the preponderance of Google's second motion to dismiss, allowing discovery to move forward on two privacy torts and a claim of unjust enrichment.

DUKE/UNC "NO-POACH" EMPLOYEE ANTITRUST

We won a \$19 million settlement representing a class of thousands of faculty members in a federal class action against Duke University and UNC alleging that their illegal agreement not to compete for certain of each other's employees (a "No-Hire" pact) suppressed employee compensation and mobility. The litigation follows a prior case Lief Cabraser successfully resolved with respect to Duke and UNC medical faculty, which led to a certified class of all doctors of the two schools with an academic appointment, and a class settlement of \$54.5 million.

CSC IT WORKER OVERTIME PAY

Lief Cabraser represents Professional and Associate Professional System Administrators who worked



for Computer Sciences Corporation (CSC) in a class action lawsuit alleging that CSC wrongly and willfully denied overtime pay to approximately 1,000 current and former technology support workers around the country. CSC is alleged to have purposely misclassified workers as exempt so that they were ineligible for overtime compensation under federal and state laws. A Connecticut District Court ruled that the workers should have been classified as nonexempt and paid overtime, and in April 2021,

alleged antitrust violations, and alleges that employee compensation and mobility were criminally suppressed at Surgical Care Affiliates via illegal agreements between SCA and its competitors not to compete for each other's senior employees.

BOEING SHAREHOLDER DERIVATIVE CASE

We serve as Co-Lead Counsel on behalf of Co-Lead Plaintiffs New York State Comptroller Thomas P. DiNapoli, as trustee of the



Boeing's lauded safety-engineering corporate culture in favor of what became a "financial-engineering culture." In November 2021, a \$237.5 million settlement together with unparalleled corporate governance reforms was agreed to by the parties, subject to court review in early 2022.

GOOGLE CHILD PRIVACY VIOLATIONS

We represent the state of New Mexico in a lawsuit alleging that Google violated child privacy laws when it harvested personal information from kids playing child-directed mobile apps in order to profit from their data. The complaint alleges that the Google AdMob "software development kit" was embedded in kid apps created by game developer Tiny Lab for Google to collect children's personal information to track and serve them targeted advertisements. In February 2021, the District Court

denied Google's second motion to dismiss the lawsuit, and the case is continuing through discovery.

RESTASIS EYE-DRUG ANTITRUST

With co-counsel, we filed the first two class actions on behalf of indirect purchasers of Restasis, a blockbuster drug used to treat dry-eye disease, in a case alleging a broad-based and ongoing anticompetitive scheme by pharmaceutical giant Allergan to maintain a market monopoly. The complaints allege a complex scheme by Allergan to list invalid patents with the FDA, accompanied by sham transfers of the invalid patents, to secure immunity from challenge. After several other lawsuits were filed, the Judicial Panel on Multidistrict Litigation granted Lief Cabraser's motion to centralize all cases for pretrial proceedings. In October 2021, the parties announced a settlement that will provide \$30 million to indirect Restasis purchasers.



CSC agreed to a \$9.5 million settlement to be paid to the workers.

SURGICAL CARE AFFILIATES NO-POACH

We have been appointed Co-Lead Counsel for plaintiffs in a consolidated federal class action lawsuit against medical care center giant Surgical Care Affiliates for violations of U.S. antitrust laws. The civil case comes in the wake of a federal indictment regarding SCA's

New York State Common Retirement Fund, and the Fire and Police Pension Association of Colorado, in shareholder derivative litigation against the board and senior officers of The Boeing Company relating to their disregard for safety in the flawed design of the Boeing 737 MAX that led to 346 tragic deaths and the grounding of all 737 Max aircraft. Boeing's officers and directors are alleged to have breached their fiduciary duties to the company by dismantling



PERRIGO COMPANY SECURITIES LITIGATION

Lieff Cabraser represents certain funds and accounts of BlackRock in an individual action against Perrigo Company plc and certain of Perrigo's former senior executives for violations of the Securities Exchange Act of 1934. The action charges defendants with misstating or failing to disclose to investors that Perrigo was engaged in a price-fixing scheme with respect to generic drugs, that Perrigo was insulated from pricing

were in fact limited, imposing data quotas and throttling customer access once usage reached undisclosed and arbitrary ceilings. AT&T agreed to settle the case for \$12 million in August of 2021; the payment comes on the heels of an earlier Federal Trade Commission settlement with the carrier over similar claims.

CONSUMER TELESCOPES PRICE-FIXING

We serve as Lead Counsel for indirect purchasers



U.S. telescope market to improperly set prices and monopolize the consumer telescope market in violation of antitrust law.

WELLS FARGO MERCHANT SERVICES OVERCHARGES

We represent a nation wide class of businesses alleging that they were assessed improper overcharges as well as undisclosed fees in the processing of small business card transactions with Wells Fargo Merchant Services. In July of 2021, Wells Fargo Merchant Services agreed to pay \$40 million to the class in settlement of the litigation.

employees in California, at times paying women thousands of dollars less than their male counterparts. Filed by Lieff Cabraser and co-counsel under California's newly-amended Equal Pay law, the Google Gender Discrimination class action is breaking new ground in tech in particular as it seeks to address two pernicious practices – the under-leveling of women relative to comparable men at hire, and using candidates' past salary information to determine their pay rate, a process thought to perpetuate inequity as women have historically been paid significantly less on average than men.

GOOGLE GENDER PAY BIAS LAWSUIT

On May 27, 2021, a California Superior Court judge issued an order certifying a class of nearly 11,000 former female Google workers who allege the tech giant engaged in systemic and pervasive pay and promotion discrimination since 2013 against its female

JUUL TEEN INJURIES & PREDATORY MARKETING

Lieff Cabraser leads nationwide multidistrict fraud, injury, and class litigation against JUUL, its Owners, and Altria for predatory marketing, design defects, intentional misrepresentation, and fraudulent concealment in their marketing of



pressure in the generic pharmaceuticals industry, and that Perrigo had successfully integrated Omega Pharma NV, the company's largest acquisition. The parties have completed fact and expert discovery.

of amateur telescopes in the U.S. who allege an illegal price-fixing and market allocation scheme intended to monopolize the consumer telescope manufacture and distribution markets. As a result of this conduct, purchasers of consumer telescopes have been illegally overcharged hundreds of millions of dollars for telescopes since at least 2005. As the class action complaint alleges, manufacturers Synta and Ningbo Sunny leveraged their 80% share of the

AT&T "UNLIMITED DATA" FRAUD

We represent a class of California consumers who alleged that AT&T sold them "unlimited data" plans which



e-cigarettes, including a teen-specific marketing onslaught that led to a nationwide teen nicotine addiction health crisis. We serve as Co-Lead Counsel for Plaintiffs in the nationwide litigation against JUUL, represent a series of teens in individual lawsuits against JUUL, and have filed additional similar actions on behalf of the State of Hawaii, Northern California’s Yurok Tribe, and the Boulder Valley Colorado School District. In July 2021, a California federal judge issued an order denying the bulk of the latest

discovery was completed in November 2020, and included depositions of key corporate decision makers. The parties are currently engaged in expert discovery, and are scheduled to brief pre-trial motions. A trial is expected in early 2022.

CALIFORNIA WILDFIRES

Horrific unprecedented wildfires have blazed devastation through California over the last several years. Lief Cabraser has been successful in representing



of the 2020 Zogg fire, which killed four people and burned more than 56,000 acres in the Sierra Nevada Mountains.

PG&E faces 31 criminal charges for its role in the Zogg fire, and in October 2021 was ordered by the judge overseeing its criminal probation to explain its “role in the ignition” after the company said its equipment was being investigated as a possible cause of the blaze.

EVENFLO & GRACO FRAUDULENT CHILD CARSEAT MARKETING

In August 2020, the U.S. District Court in Massachusetts appointed Lief Cabraser as Co-Lead Counsel for parents and their children in two consolidated class action fraud lawsuits against Graco and Evenflo, accusing the companies of improper, fraudulent, and dangerous marketing

of child car booster seats. Parents who purchased these booster seats for their small children claim the companies perpetrated a potentially lethal fraud in concealing information that the seats are unsafe for kids under 40 lbs.

HUNTINGTON BEACH OIL SPILL

In December 2021, Lief Cabraser partner Lexi J. Hazam was named Interim Co-Lead Counsel representing businesses and individuals in the class action litigation against Amplify Energy over the October 2021 pipeline rupture and resulting catastrophic oil spill that dumped tens of thousands of gallons of highly toxic crude oil off the coast of Huntington Beach. The spill killed fish and wildlife, forced the closure of fishing blocks and harbors, and soiled world-famous Southern California



wave of defendant motions to dismiss the 18 bellwether suits in the litigation.

GOLDMAN SACHS GENDER DISCRIMINATION

We serve as Co-Lead Counsel for plaintiffs in a gender discrimination class action against Goldman Sachs accusing the global investment firm of workplace discrimination and gender bias resulting in the systemic denial of equal pay and promotions for women. Merits

wildfire victims throughout the state, including serving as Co-Lead Counsel in the coordinated Woolsey and Thomas Fire cases in Southern California against SoCal Edison, and as Class Action Committee Chair and on the Individual Plaintiffs’ Executive Committee in lawsuits against PG&E over Northern California wildfires. In 2019, we helped guide negotiations with PG&E that culminated in an historic \$13.5 billion trust settlement on behalf of wildfire victims. We also represent victims



beaches and beachfront communities. The litigation seeks all recoverable compensatory, statutory, and other damages, including remediation costs, as well as injunctive relief to help prevent future ruptures, leaks, and spills.

FLINT MICHIGAN WATER CONTAMINATION

The Flint water crisis exposed over 20,000 children to lead poisoning. Lief Cabraser served as Property Damage Subclass



Settlement Counsel in the In re Flint Water Cases, the federal class action lawsuit seeking justice for the over 100,000 residents of Flint, Michigan who were exposed to seriously elevated levels of lead as a result of insufficient water treatment that would have cost \$80/day to fix. The Settlement will provide \$626 million in compensation to affected families. On November 10, 2021, a Michigan federal judge granted final approval to the settlement.

2021 | CASES IN EUROPE

GERMAN PLANT PROTECTION PRODUCTS CARTEL LITIGATION

We serve as Co-Lead Counsel for German farmers seeking compensation for damages suffered in connection with the German plant protection products cartel. In early 2020, the German Federal Cartel Office imposed

finer of €155 million on eight wholesalers of plant protection products and their responsible employees for agreeing on anticompetitive price lists, discounts and individual sales prices to retailers and end customers in Germany between 1998 and March 2015. With more than 260,000 farmers in Germany working roughly 17 million acres of agricultural land, the negative impact of the cartel was tremendous.



TRUCK CARTEL ANTITRUST

We serve as Lead Counsel for Plaintiffs in an antitrust action against the European truck cartel that the European Commission recently sanctioned with record fines of almost €4 billion. In what is one of the largest damages cases in Europe, we represent a litigation vehicle aggregating nearly 50,000 damages claims from truck cartel victims pursuing damages claims of almost €300 million plus interest against various European truck manufacturers that engaged in price-fixing and the improper pass-on of emissions compliance costs to the detriment of truck purchasers all over Europe that had to pay inflated prices for their trucks over a period of 14 years.



GERMAN QUARTO PLATES CARTEL LITIGATION

At the end of 2019, the German Federal Cartel Office imposed record fines of €646 million on steel manufacturers for improperly exchanging information and agreeing on certain price supplements and surcharges for quarto steel plates in Germany. We serve as Lead Counsel representing companies from various industries including construction, shipbuilding, and the energy sector in obtaining compensation for the damages suffered from having to pay cartelized prices for their steel.

2021 | FIRM PRAISE

THE AMERICAN LAWYER

LITIGATOR OF THE YEAR FINALIST

BOUTIQUE/SPECIALTY LITIGATION FIRM OF THE YEAR

LITIGATORS OF THE WEEK 9/23/21

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45 LIEFF CABRASER ATTORNEYS NATIONWIDE

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CALIFORNIA PLAINTIFF FIRM OF THE YEAR

40 AND UNDER HOT LIST

THE RECORDER

THE BAY AREA'S LEGAL NEWSPAPER SINCE 1877

“2020 CALIFORNIA TRAILBLAZERS”

LAWDRAGON

500 LEADING LAWYERS

LAWDRAGON 500 HALL OF FAME

5 “TOP EMPLOYMENT LAWYERS”

7 “TOP 500 LAWYERS”

8 “TOP CONSUMER LAWYERS

16 “TOP FINANCIAL LAWYERS



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THE NATIONAL LAW JOURNAL

LITIGATION TRAILBLAZERS

PLAINTIFFS LAW TRAILBLAZERS

ENVIRONMENTAL LAW TRAILBLAZER

ELITE WOMEN OF THE PLAINTIFFS' BAR

LAW FIRM OF THE YEAR FINALIST, ANTITRUST

LAW FIRM OF THE YEAR FINALIST, CLASS ACTION

RISING STARS OF THE PLAINTIFFS BAR

Daily Journal

TOP 100 LAWYERS IN CALIFORNIA

TOP 40 UNDER 40

TOP ANTITRUST LAWYERS IN CALIFORNIA

TOP LAWYER OF THE DECADE

TOP PLAINTIFF LAWYERS

TOP WOMEN CALIFORNIA LAWYERS

2021 | CIVIL RIGHTS CASES

SEEKING BASIC DIGNITY FOR CALIFORNIA'S TRANSGENDER ELDERLY

In September 2021, Lief Cabraser filed an amicus brief in the U.S. Supreme Court on behalf of leading scholars in social work, gerontology, and social science in support of the California Attorney General's challenge to a 3rd Appellate District order that struck down part of a law meant to protect transgender seniors in

the justice system that are far too common in the typically brief trials of young Black men in America, Lief Cabraser and University of San Francisco Law Professor Lara Bazelon represented Yutico Briley, a man wrongfully convicted of armed robbery in 2013 and subsequently sentenced (at 19 years old) to the equivalent of life in prison. In March 2021, these efforts led to freedom for Yutico after



Black professionals working in administrative and consulting service positions. In April 2021, Kaiser agreed to an \$11.5 million settlement, which covers over 2,000 employees and provides significant institutional changes to advance pay equity, promotional opportunities, and further efforts to ensure a racially inclusive workplace.

in a lawsuit challenging the IRS and U.S. Treasury Department's improper withholding of CARES Act stimulus funds. The suit, filed by Lief Cabraser and the Equal Justice Society in September 2020, led to a certified class and a ruling that the policy of excluding incarcerated people from stimulus benefits was "arbitrary and capricious." The \$1.5 billion settlement represents the largest recovery in history on behalf of a purposefully disenfranchised group through a single lawsuit. We also secured a ruling in District Court in California that the IRS can no longer ask the over 950,000 people who collectively received more than \$1.1 billion to return their funds.

SECURING COVID RELIEF MONEY FOR INCARCERATED AMERICANS AND THEIR FAMILIES

We secured an additional \$465 million in federal stimulus payments for over 300,000 incarcerated people who are among the millions we represented



long-term care facilities by making sure they receive culturally responsive services, including their preferred names and pronouns.

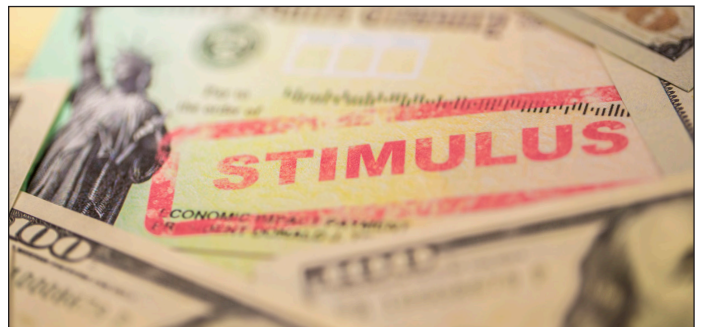
he had spent 8 years in prison despite his actual innocence.

60-YEAR WRONGFUL ROBBERY SENTENCE OVERTURNED

In a case that demonstrates the multiple failures of

WORKING TOWARDS PAY EQUITY FOR AFRICAN-AMERICAN EMPLOYEES

We filed a race discrimination class action lawsuit against Kaiser on behalf of



2021 | ATTORNEY LEADERSHIP

KATHERINE LUBIN BENSON

Ninth Circuit Judicial Counsel, Lawyer Representative; Bar Association of San Francisco, Board of Directors; Northern District Practice Program, Board of Directors

KENNETH S. BYRD

Tennessee Trial Lawyers Association, Board of Governors

ELIZABETH J. CABRASER

American Law Institute Council (emeritus); American Academy of Arts and Sciences, Fellow; Legal Aid at Work, Vice-Chair/Executive Committee; Giffords Law Center to Prevent Gun Violence, Board of Directors; National Consumer Law Center Partners' Council, President; RAND Center for Catastrophic Risk Management and Compensation, Advisory Board; NYU School of Law Center on Civil Justice, Board of Advisors

MARK P. CHALOS

American Association for Justice Class Action Litigation Group, Vice-Chair; Tennessee Trial Lawyers Association, President-Elect; Lawyers Involved for Tennessee, Treasurer; Tennessee Innocence Project, Board of Directors

LIN Y. CHAN

Committee to Support the Antitrust Laws, President; Asian American Bar Association of the Greater Bay Area, Treasurer

KELLY M. DERMODY

American Bar Association Labor and Employment Law Section, Chair; ABA Diversity & Inclusion Advisory Council, Member; Equal Justice Society, Board of Directors

NIMISH R. DESAI

Taxpayers Against Fraud Education Fund, Education Committee

NICHOLAS DIAMAND

Civil Justice Research Initiative, Advisory Board

PAULINA do AMARAL

UC Hastings College of Law Foundation, Board of Trustees

DAN DRACHLER

American Antitrust Institute, Advisory Board; Committee to Support the Antitrust Laws, Attorney General Committee Co-Chair

ERIC B. FASTIFF

American Antitrust Institute, Advisory Board; ABTL Northern California, Board Member

STEVEN E. FINEMAN

American Constitution Society, Board of Directors; Anti-Defamation League, Co-Chair, Global Leadership Council, National Growth Committee, NY/NJ Regional Board and Executive Committee; Stanford Law School Center on the Legal Profession, Advisory Board

WENDY R. FLEISHMAN

ABA Tort Trial & Insurance Section Pharma Med Bioscience General Committee, Vice-Chair; American Association for Justice, National Finance Committee

MELISSA GARDNER

California Women Lawyers, District Governor, Legislative Chair

RACHEL GEMAN

American Bar Association, Law Student Writing Committee; National Employment Lawyers Association-NY, Amicus Committee Chair; National Employment Lawyers Association, Department of Labor Working Group

BRENDAN P. GLACKIN

American Bar Association Antitrust Section, Global Private Litigation Committee, Co-Chair

DEAN M. HARVEY

American Antitrust Institute, Advisory Board

LEXI J. HAZAM

American Association for Justice, Section on Qui Tam Litigation, Chair

ROGER HELLER

Bar Association of San Francisco Privacy & Cybersecurity Chapter, Executive Committee

DANIEL M. HUTCHINSON

National Employment Lawyers Association, Annual Convention Committee; Law360 Employment Law Editorial Advisory Board

ANDREW KAUFMAN

Law360 Product Liability Law Editorial Advisory Board

MICHELLE LAMY

Equal Rights Advocates, Litigation Committee; Bar Association of San Francisco, Litigation Section Executive Committee

LYDIA LEE

The Ruth Bader Ginsburg Inn of Court, Master; National Association of Public Pension Attorneys, Emeritus Board, Mentoring Committee and Defined Contribution Affinity Group

BRUCE W. LEPPLA

National Association of Public Pension Attorneys, Securities Litigation Committee; Wall Street Lawyer, Editorial Board

SARAH R. LONDON

National Association of Women Judges, Resource Board Co-Chair; Consumer Attorneys of California, Women's Caucus Representative

ANNIKA K. MARTIN

The Sedona Conference Working Group Series, Leadership Council

KELLY McNABB

American Association for Justice Section on Toxic Torts, Membership Liaison; The Sedona Conference WG1 Brainstorming Group on Discovery Sanctions, Member

PHONG-CHAU G. NGUYEN

Bar Association of San Francisco Barrister's Club, Treasurer

JONATHAN D. SELBIN

Equal Justice Works, Board of Directors

NIGAR SHAIKH

ABA Labor and Employment Law Section, New and Young Lawyers Affinity Group Co-Chair; Committee to Support the Antitrust Laws, Young Lawyers Division Co-Chair and DEI Committee Member; Surveillance Technology Oversight Project, Board President

ANNE B. SHAVER

ABA Labor & Employment Section, Conference Vice-Chair; Equal Opportunity Committee, Immediate Past Co-Chair

FABRICE N. VINCENT

American Bar Association Litigation Section, Product Liability Committee Co-Lead; ABA Litigation Section Book Committee

TISEME ZEGEYE

The Lawyering Project, Advisory Board; American Bar Association Labor and Employment Section, Social Media Committee Employee Side Co-Chair

Lieff Cabraser Heimann & Bernstein

Attorneys at Law

San Francisco

275 Battery Street, 29th Floor
San Francisco, CA 94111
415.956.1000

New York

250 Hudson Street, 8th Floor
New York, NY 10013
212.355.9500

Nashville

222 2nd Avenue S., Suite 1650
Nashville, TN 37201
615.313.9000

Munich

Frauenplatz 2
Munich, Germany 80331
+49 89 25 55 2361