

2024 In Review

Integrity | Tenacity | Results

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

2024 | LIEFF CABRASER YEAR IN REVIEW

EXPRESS FREIGHT INTERNATIONAL V. HINO MOTORS, LTD.

In August 2022, Lieff Cabraser and co-counsel filed a federal class action lawsuit against Hino Motors and related entities alleging emissions and fuel economy manipulation of Hino-branded trucks in the United States. Similar to other major emissions fraud cases—including those involving Volkswagen, Fiat Chrysler, and Mercedes-Benz—this case claims that Hino illegally altered emissions and performance data to misrepresent vehicle

derailment ignited a massive fire and released a toxic cloud of smoke that spread hazardous chemicals into the surrounding air, soil, and water, causing over a million pounds of chemicals to discharge, impacting miles of inhabited neighborhoods. In September 2024, Judge Benita Y. Pearson of the Northern District of Ohio granted approval to a historic \$600 million settlement, believed to be the largest settlement of a railroad disaster in U.S. history. Lieff Cabraser serves on the Plaintiffs' Executive Committee and as Co-Chair



compliance. The parties reached a settlement providing \$237.5 million in cash compensation to class members, along with an extended warranty valued at an additional \$208 million. The Court granted final approval to the settlement in April 2024.

NORFOLK SOUTHERN TOXIC RELEASE

Lieff Cabraser represents plaintiffs in injury litigation against Norfolk Southern Corporation arising from the February 3, 2023 derailment of a Norfolk Southern train carrying hazardous materials in East Palestine, Ohio. The

of the Law and Briefing Committee in the litigation.

ORACLE/DATA BROKER CONSUMER PRIVACY VIOLATIONS

Lieff Cabraser serves as class counsel in litigation against Oracle Inc., a leading data broker, alleging it surveilled consumers, compiled detailed profiles—covering geolocation, finances, demographics, and health—and sold this data to third parties without consent. Plaintiffs claim Oracle's "coretag" tracking embedded in popular websites unlawfully intercepted communications, affecting individuals with no

relationship to Oracle. In August 2024, the Northern District of California granted preliminary approval to a \$115 million settlement, which includes compensation to class members and mandates changes to Oracle's data practices. The settlement received final approval on November 15, 2024.

CALIFORNIA CLIMATE CHANGE

Lieff Cabraser is co-counsel with the California Attorney General in litigation on behalf of the People of the State of California against Exxon Mobil, Shell, Chevron, ConocoPhillips, BP, and the American Petroleum Institute, alleging that these companies knowingly misled the public about the catastrophic effects of fossil fuels, delaying action on climate change and causing significant harm to California. In October 2024, the Court denied the defendants' motion to dismiss, allowing the case to move forward in San Francisco Superior Court.

The lawsuit seeks to establish an abatement fund to address climate harms and protect California's future.

PROTECTING AUTHORS' RIGHTS: LEADERSHIP ROLES IN COPYRIGHT AI CLASS ACTION LITIGATION

Lieff Cabraser, with co-counsel, represents an array of writers as well as the Authors Guild in class action litigation against AI companies for alleged theft of copyright-protected materials. LCHB's author clients assert that AI companies commit copyright infringement if they download and make unlicensed copies of copyright protected books—to say nothing of entire pirated book datasets—to "train" Large Language Models. Books are valuable for their



expressive content. The tech companies know this, have benefited from this value, yet have chosen not to pay for it. The lawsuits seek damages and other relief to give authors control over use of their work. Lief Cabraser's cases include *Authors Guild, et al. v. OpenAI & Microsoft*, pending in the SDNY (filed 2023; LCHB appointed interim co-lead class counsel in 2024); *Bartz, et al. v. Anthropic PBC*, pending in the NDCA (filed 2024); and *Farnsworth v. Meta Platforms Inc.*, pending in the NDCA (filed 2024).

ACADEMIC JOURNAL PUBLISHERS ANTITRUST LITIGATION

In September 2024, Lief Cabraser and Justice Catalyst Law filed a federal antitrust lawsuit in New York on behalf of plaintiff Lucina Uddin and a proposed class of scholars and scientists. The lawsuit targets six major academic journal publishers—including Elsevier, Springer Nature, Taylor & Francis, Sage, Wiley, and Wolters Kluwer—alleging they conspired to monopolize billions of dollars that would otherwise fund scientific research. The complaint outlines three main elements of the alleged scheme: coercing scholars to provide unpaid peer review labor under threat of delayed publication, restricting competition by requiring one-journal-at-a-time submissions, and prohibiting scholars from freely sharing their research under lengthy review processes. This scheme, plaintiffs assert, hinders scientific progress and unfairly appropriates publicly funded research into private

2024 | CIVIL RIGHTS & SOCIAL JUSTICE CASES

HEALTH EQUITY NEWSLETTER

Since 2023, Lief Cabraser and Equal Justice Society have worked together to produce the Health Equity Newsletter, a monthly publication advocating for racial health equity and environmental justice in the United States and its territories. Article topics over the last year have included racism and mental health, maternal health and reproductive justice, new Ebony Alert missing child laws in California, racial

milk injury cases. See the "News" page on our website to sign up for the newsletter.

PROTECTING THE VOTE PRO BONO PROJECT

Between August and November, more than a dozen Lief Cabraser attorneys devoted hundreds of hours to helping free and fair elections in states across the country. Lief Cabraser drafted legal memoranda to challenge barriers to voter access, staffed non-partisan election protection hotlines (answering voter calls about registration, voter I.D.,



asylum, and obtained work authorization and Special Immigrant Juvenile Status for our clients. Most recently, we obtained legal permanent residency (often known as a "green card") for one client, and have applied for the same for another. It is a privilege to represent our clients who arrived in this country as children under difficult circumstances and are now thriving adults with children of their own.

HAIR RELAXER INJURY LITIGATION

Lief Cabraser was appointed by the federal court to the Plaintiff's Executive Committee overseeing multidistrict litigation involving approximately 9,000 claims brought predominantly by Black and Afro-Latinx women who have suffered ovarian and uterine cancers after using hair relaxers. Amidst a wide range of plaintiff firms in the case, Lief Cabraser has partnered with co-counsel the Equal Justice Society in raising awareness of the ways in which racial stereotypes and the colonization of beauty have injured Black women. The litigation is ongoing and no trial date has been set.



imbalances in cancer risk and outcomes, intersectional bias and the consequences of stigmatizing AIDS and HIV for communities of color and LGBTQ people, disability inclusion in emergency disaster planning and intersectional community impacts, and racial justice victories in the workplace, as well as ongoing updates on social justice litigation impacting people of color including hair relaxer injury cases, talcum powder injury cases, social media child harm cases, Camp Lejeune poisoned water cases, and infant cow-

disability access, and poll site issues), and monitored poll sites in communities across the country that were targeted for voter suppression, including by addressing voter intimidation when spotted.

KIND IMMIGRATION CASES

For the past seven years, Lief Cabraser attorneys have represented three clients who arrived in the United States as undocumented minors in their immigration proceedings. We have terminated removal/deportation proceedings, applied for a U visa and

hands. The suit seeks treble damages and injunctive relief to dissolve these practices and ensure a competitive landscape in academic publishing.

MAUI FIRE LITIGATION

In collaboration with Hawai'i attorneys including Terry Revere & Associates, Kyle Smith, and Richard Wilson, Lieff Cabraser represents Maui residents and businesses affected by the devastating August 2023 Lahaina Fire. The deadliest fire in Hawai'i's history, it consumed thousands of acres and destroyed



over 2,200 structures, most of them residential, causing widespread losses. Investigations indicate that equipment owned by Hawaiian Electric Company (HECO) sparked the fire, with utility lines contacting vegetation during high winds. Despite Red Flag conditions, HECO failed to implement a power safety shut-off program, contributing to this catastrophic event. Our firm remains committed to helping those affected seek justice and rebuild their lives.

FALSE CLAIMS ACT

Lieff Cabraser represents a large and professionally diverse group of whistleblowers in False Claims Act (FCA) cases at various stages of investigation, prosecution, and resolution. In 2024, with assistance from LCHB lawyers, the Government reached FCA settlements with a defense contractor, two drug testing companies, and a physician that will result in tens of millions of dollars in Government recoveries. Lieff Cabraser lawyers also served as leaders in the Federal Bar Association Qui Tam Section,

The Anti-Fraud Coalition, and the ABA's Workplace and Occupational Safety & Health Committee, and maintained or secured leadership roles in cases at the forefront of FCA practice, including cybersecurity and AI.

T-MOBILE / SPRINT MERGER ANTITRUST

In June 2022, Lieff Cabraser and co-counsel filed a federal class action against Deutsche Telekom, T-Mobile, and Softbank Group, challenging the merger of

T-Mobile and Sprint as a violation of antitrust laws. Brought on behalf of AT&T and Verizon subscribers, the case alleges that the merger reduced competition in the wireless market, resulting in higher prices for consumers. Plaintiffs defeated T-Mobile's motion to dismiss, and the company was ordered to face the lawsuit from AT&T (T.N) and Verizon (VZ.N) subscribers who claim the merger hurt competition and led to billions of dollars in overcharges for wireless service. In his 41-page ruling, Judge Durkin noted that plaintiffs "plausibly" argued that higher prices "flowed directly" from the \$26 billion merger.

TESLA DERIVATIVE ACTION

Lieff Cabraser represents plaintiff the Employees' Retirement System of Rhode Island ("Rhode Island") in a shareholder derivative action against Elon Musk and certain current and former members of the Board of Directors of Tesla, Inc. The action alleges breaches of fiduciary duties including: (a) Musk's unlawful stock sales in connection with his purchase of Twitter, Inc. ("Twitter," rebranded as "X"); (b) Musk's usurpation of corporate opportunity properly belonging to Tesla by his investment in X.AI, an artificial intelligence company; (c) Musk's diversion



of Tesla's employees to work for Twitter and X.AI; (d) Musk's and others' breaches of contractual obligations established by Tesla's Code of Business Ethics ("Code"); and (e) bad faith implementation and oversight regarding Tesla's Code. Rhode Island and other plaintiffs have moved to consolidate several overlapping cases in the Delaware Court of Chancery, after which the case will proceed to motions to dismiss.

STIIIZY/TEEN CANNABIS PSYCHOSIS LITIGATION

In May 2024, Lieff Cabraser and co-counsel filed an injury lawsuit in California Superior Court against STIIIZY IP, LLC, alleging that the company promoted high-potency THC vape pens and cartridges to teenagers without sufficient warnings about the serious risk of cannabis-induced psychosis. The lawsuit highlights a disturbing rise in teen psychosis cases linked to these products, which pose severe mental health



risks for developing minds. The plaintiff, John Doe, was a 15-year-old star athlete and honor student before using STIIIZY's products. Afterward, he suffered from cannabis-induced psychosis, experiencing hallucinations, paranoia, and agitation, requiring extended psychiatric care and leaving him with lasting mental health challenges.

SPACE X RETALIATORY FIRINGS

In June of 2024, Lieff Cabraser and co-counsel filed a harassment and retaliation lawsuit against SpaceX and Elon Musk in California Superior Court on behalf of eight former employees who



allege they were terminated for submitting an open letter challenging a hostile work environment at SpaceX. Plaintiffs claim that SpaceX, under Musk's leadership, fosters a "dark ages" culture rife with harassment, where women are objectified, lewd banter is pervasive, and dissenting employees are told to leave. The complaint asserts that Musk personally ordered the plaintiffs' terminations in retaliation, and includes claims of hostile work environment, retaliation, failure to prevent harassment, gender discrimination, whistleblower retaliation, and wrongful termination, and seeks

declarative, compensatory, and injunctive relief.

DISCOVER FINANCIAL SERVICES CREDIT CARD MISCLASSIFICATION

Lieff Cabraser and co-counsel represent consumers in a federal class action lawsuit alleging that Discover engaged in a years' long practice of misclassifying credit card transactions. Plaintiffs allege that for millions of credit card transactions, Discover misclassified the cards used as being Commercial cards when they were really Consumer cards (which are generally subject to lower per-transaction fees than Commercial cards). Plaintiffs

claim this misclassification led the class members to incur hundreds of millions in excessive fees. In 2024, the parties reached a settlement. Under the settlement, Discover will provide refunds of no less than \$500 million for the alleged overcharges.

HOTCHKISS ABUSE CLASS ACTION

We represent former students in a class action lawsuit against The Hotchkiss School, a private boarding and day school in Lakeville, Connecticut, alleging the students were subjected to grooming, inappropriate touching, and sexual abuse



by an English teacher/athletic trainer. The suit asserts that Hotchkiss knowingly fostered an environment that allowed abuse for decades, protecting the abuser despite his long history of predatory behavior toward students.

The suit seeks to certify the issues of Hotchkiss's duty to its students, and its breach of that duty, on a classwide basis, so others coming forward will not have to prove those elements again from scratch each time. This will make it easier for other victims to hold Hotchkiss accountable for what it allowed to happen to them.

TRAFFICKING WAGE THEFT CASE FOR COLOMBIAN HOUSEKEEPERS

Lieff Cabraser, with co-counsel, brought a federal action in the Eastern District of Virginia on behalf of over 200 Colombian nationals or individuals of Colombian origin transported to work as housekeepers at MasterCorp-serviced hotel and resort properties nationwide. Employed by Perennial Pete General Services LLC, the housekeepers worked 12–15 hours for four-month periods without overtime, faced unlawful wage deductions, and were housed in overcrowded motel rooms. Plaintiffs allege they were threatened with immigration-related harm if they complained or quit. In

late 2024, we secured final approval of a settlement of TVPA and wage claims that led to robust five-figure recoveries for the claimants.

FOX SHAREHOLDER DERIVATIVE ACTION LABOR

Lieff Cabraser serves as co-lead counsel representing five New York City pension funds in shareholder derivative litigation against the Board of Directors and certain officers of Fox Corporation, the parent company of Fox News Network, alleging breach of fiduciary duty. The lawsuit claims Fox's Board ignored the need for journalistic standards and failed to establish safeguards, despite having a business model that invites defamation litigation.

The complaint asserts that Fox's Board knowingly promoted unverified political narratives, from false claims about murdered DNC staffer Seth Rich to allegations that Dominion and Smartmatic rigged the 2020 election. It further argues that Fox's model of broadcasting stories to appeal to viewers, regardless of truth, required vigilance regarding defamation risks—vigilance the Board allegedly ignored. Defendants' motion to dismiss has been briefed and will be argued later this year.



GOOGLE WORKSPACE

In *Rabin v. Google LLC*, Lief Cabraser represents a nationwide class of early adopter consumers who signed up for Google workspace service under a promise that they would receive free service as long as Google offered the service. Plaintiffs allege that in 2022, Google violated that promise, requiring the class members to start paying or give up the service. The Class Action Complaint asserts claims for breach of contract, unjust enrichment, and violations of California's

defendants conducted the scheme while concealing the truth about unlawful payments made to former Speaker of the Ohio House of Representatives Larry Householder and former Chairman of the Public Utilities Commission of Ohio Samuel Randazzo in exchange for official actions to benefit FirstEnergy. Revelations of the unlawful conduct in July 2020 and thereafter caused the value of plaintiffs' investments in FirstEnergy stock to drop precipitously, causing losses in the hundreds of millions of dollars. The cases were filed



in the Western District of Tennessee, the litigation includes church officials, investment advisors, and others as defendants. In March 2023, the case was consolidated into multidistrict litigation before Judge S. Thomas Anderson, who largely denied motions to dismiss from the church's investment advisors. The case is in discovery.

reassigned to specific judges for Track 1 trials.

FACEBOOK PIXEL VIDEO PRIVACY PROTECTION ACT CASES - AMC VPPA

Lief Cabraser, with co-counsel, has filed multiple privacy class actions against video streaming services and media companies alleging they unlawfully disclosed private customer information to Meta (formerly Facebook) in violation of the Video Privacy Protection Act. Plaintiffs claim defendants embedded Meta's "Pixel" tracking software on their websites, allowing specific users' video viewing habits to be linked to their Facebook IDs without consent.

In January 2023, the court granted preliminary approval to a class settlement. In *Vela v. AMC Networks, Inc.*, preliminary approval was granted on January 10, 2024. In *Collins v. Pearson Education, Inc.*, the court denied the defendant's motions to strike and dismiss on March 1, 2024.



Unfair Competition Law. The suit seeks restitution, specific performance, and injunctive relief.

FIRSTENERGY CORP. OPT-OUT CASES

Lief Cabraser represents certain entities managed by MFS Investment Management or Brighthouse Investment Advisers in direct (non-class) actions against FirstEnergy Corp. and former senior executives arising from an illegal bribery and money laundering scheme in the state of Ohio. Plaintiffs allege

in late 2021 and early 2022 in the U.S. District Court for the Southern District of Ohio, have passed the pleading stage, and are in discovery.

AME CHURCH RETIREMENT FUNDS

Lief Cabraser has been appointed to the Plaintiffs' Steering Committee in a multidistrict litigation on behalf of clergy and employees of the African Methodist Episcopal Church who lost nearly \$90 million in misappropriated retirement funds. Centralized in the

CAMP LEJEUNE TOXIC WATER LITIGATION

In July 2023, Lief Cabraser was appointed co-lead counsel in the federal multidistrict litigation over toxic water exposure at Camp Lejeune. This landmark case, made possible by the Camp Lejeune Justice Act of 2022, represents a historic effort to hold parties accountable for decades of environmental harm. The Act allows Marines, military families, and civilian workers who spent at least 30 days at the base between 1953 and 1987 to seek compensation for illnesses caused by toxic water exposure. Fact discovery is almost complete, and cases are currently being



2024 Munich Office | CASES IN GERMANY & EUROPE

EUROPEAN TRUCK CARTEL LITIGATION

Lieff Cabraser serves as lead counsel for plaintiffs in several antitrust damages actions against the members of the European truck cartel in Germany, the Netherlands, and France. In 2016 and 2017, the European Commission sanctioned the truck manufacturers with record fines of almost €4 billion for having engaged in price-fixing and the improper pass-on of emissions compliance costs to the detriment of truck purchasers all over Europe. In what is one of the largest

vehicles and German legal services providers in their claims against Scania, whose appeals against the European Commission's decision were finally rejected by the European Court of Justice in 2024.

GERMAN PLANT PROTECTION PRODUCTS CARTEL LITIGATION

Lieff Cabraser serves as counsel for more than 4,000 German farmers as well as an SPV that purchased damages claims from hundreds of German farmers seeking compensation

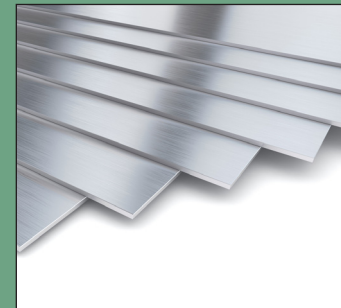
before the Regional Court of Dortmund in August 2022. Overall, farmers represented by Lieff Cabraser could have suffered damages of more than €100 million plus interest.

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. Lieff Cabraser serves as lead counsel representing not only two large steel fabricators from Germany and Austria but also one of the largest shipbuilders in the world as well as an SPV that acquired cartel damages claims from companies in various industries including the construction and the energy sector. In 2024, Lieff Cabraser filed the first cartel damages action against members of the quarto steel cartel, seeking compensation of more than €100 million plus interest.

GERMAN STAINLESS STEEL CARTEL LITIGATION

Lieff Cabraser has been retained by multiple companies that were damaged by the German stainless steel cartel. As stated in the press release and findings of the German Federal Cartel Office, the stainless steel cartel involved eleven German, Swiss and Austrian steel companies and two German



steel associations. The Cartel Office found that the cartelists, between July 2002 and January 2016, engaged in illegal price setting practices and exchanged sensitive competitive information in violation of competition laws. Based on this illegal conduct, the Cartel Office issued a fine against the cartelists in the amount of €355 million.

CAPACITORS CARTEL LITIGATION

Lieff Cabraser is representing purchasers of capacitors, used to store and regulate current in electronic circuits and computers, phones, appliances, and cameras, in pursuing cartel damages claims against the world's largest manufacturers of capacitors following a decision by the European Commission from March 2018 fining the cartelists more than €250 million.



damages cases in Europe, we represent SPVs aggregating nearly 50,000 damages claims amounting to €465 million (including interest to date) from truck cartel victims that had to pay inflated prices for their trucks over a period of 14 years. We also represent one of the most well-known European dairy producers claiming damages of roughly €50 million from having purchased and leased nearly 4,500 trucks at overcharged prices, as well as a Polish transportation company that suffered damages from the purchase and lease of 60 trucks during the cartel period. We also represent several litigation

for damages suffered in connection with the German plant protection products cartel. In 2020, the German Federal Cartel Office imposed fines 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. As lead counsel, we filed the first cartel damages litigation



META/FACEBOOK/ INSTAGRAM YOUTH & TEEN SOCIAL MEDIA ADDICTION

Lieff Cabraser serves as co-lead counsel for plaintiffs in multidistrict litigation against Meta, TikTok, Snap, Google, and others alleging their platforms cause addiction and severe mental health issues in young users, including suicidal thoughts, body image issues, anxiety, and depression. Plaintiffs claim these platforms are intentionally designed to exploit young users' vulnerabilities for profit, harming their mental health.



In November 2023, plaintiffs achieved a significant victory by defeating defendants' attempts to dismiss the case, marking a crucial step forward for families harmed by social media. In November 2024, plaintiffs secured another major win when the court allowed public nuisance claims to proceed in a separate lawsuit brought by more than 35 states against Meta. The states allege that Meta's platforms exploit young people through features designed to keep them focused on screens

and mine their data without parental consent. U.S. District Judge Yvonne Gonzalez Rogers upheld claims under the laws of 15 states, finding that the platforms intentionally harm young users.

TELESCOPE ANTITRUST LITIGATION

Lieff Cabraser serves as interim lead counsel for indirect purchasers of consumer telescopes who allege that manufacturers Synta and Ningbo Sunny (owners of Celestron and Meade) conspired to fix

prices and monopolize the U.S. consumer telescope market. Plaintiffs claim these companies, holding over 80% of the market, engaged in price-fixing and market allocation, leading to hundreds of millions of dollars in overcharges for consumers since at least 2005. The settlement received preliminary approval in November 2024, marking a significant victory for the class by holding defendants accountable for anticompetitive practices and helping to restore fair pricing in the telescope market.



USAA AUTO INSURANCE FRAUD

Lieff Cabraser, with co-counsel, represents a proposed nationwide class of USAA insurance customers alleging that USAA misled them into believing they were "members" while concealing and obfuscating that they were, in essence "fake members," and did not receive benefits provided only to "real" members (limited to officer class customers), including an annual distribution of company surplus. Plaintiffs allege claims for deceptive trade practices and breach of contract.

UBER SEX ASSAULT LAWSUIT

Lieff Cabraser represents plaintiffs in the Uber Passenger Sexual Assault Multi-District Litigation (MDL), where over 10,000 reported incidents of sexual assault and rape have been consolidated in federal court. Plaintiffs allege Uber misled users into believing its rides were safe despite

numerous reports of assault, and failed to implement adequate safety measures. They seek compensatory and punitive damages, as well as injunctive relief to enforce changes in Uber's practices.

In October 2023, the Judicial Panel on Multidistrict Litigation ordered centralization of the case under Judge Charles R. Breyer in the Northern District of California. In December 2023, Lieff Cabraser was named Plaintiffs' Liaison Counsel and Co-Lead Counsel for Plaintiffs in the MDL, and tasked with overseeing the Plaintiff Steering Committee's responsibilities and presenting to the Court and defendants the position of the plaintiffs on all matters arising during pretrial proceedings.

Notably, the MDL is led by an all-female team, a first in MDL history. In February 2024, plaintiffs filed a master complaint to define discovery scope and address common legal issues. Lieff Cabraser



has filed dozens of cases on behalf of plaintiffs in the MDL and in the parallel proceeding in California state court.

MERCEDES-BENZ SUBFRAME RUST AND CORROSION

In April 2023, Lief Cabraser was named co-lead counsel representing plaintiffs in the federal class action lawsuit against Mercedes-Benz and Daimler AG alleging breach of warranty and violation of state and federal consumer fraud laws relating to a vehicle defect that can cause rear subframes to rust or corrode, resulting in sudden, unexpected loss of control for the driver. The defect is



alleged to affect tens if not hundreds of thousands of 2012-2022 model cars across the Mercedes-Benz vehicle line, including Classes C, E, GLK, G, CLS SLK/SLC, and SL. The parties await the Court's ruling on defendant's motion to dismiss the case.

DISCOVER FINANCIAL SERVICES SECURITIES CLASS ACTION LITIGATION

Lief Cabraser, on behalf of several New York City pension funds, serves as court-appointed co-lead counsel for investors in securities class litigation against Discover Financial Services (DFS), a financial services company that owns

and operates Discover Bank. The action alleges that DFS made false or misleading statements concealing that the Company's risk management and compliance protocols were inadequate, and that DFS did not meet industry standards for servicing student loans, did not categorize credit card accounts correctly, and failed to curb its surging credit card delinquency rate. Once the truth about these issues was disclosed, DFS's stock price dropped precipitously, reducing the company's market capitalization by billions of dollars. Defendants' motion to dismiss is fully briefed and is currently awaiting adjudication.

DEVEREUX ADVANCED BEHAVIORAL HEALTH STAFF SEXUAL ABUSES

Lief Cabraser represents six individuals and a putative class of thousands of children across the U.S. in a federal class action lawsuit against Devereux Foundation (Devereux Advanced Behavioral Health) and QualityHealth Staffing, LLC, in Pennsylvania. The complaint alleges multiple state and federal law violations by Devereux, one of the nation's largest behavioral health organizations, with 7,500 staff members in 13 states. Claims include rape and sexual abuse of inpatient



clients and alleged abuses among inpatients that were overlooked or suppressed by Devereux staff and management.

In January 2023, the Court denied multiple motions by the defendants to dismiss the class action. By February 2023, the Court ordered Devereux to produce records related to alleged abuse at its facilities, stating that its protestations about privacy concerns were a non-issue. Notably, previous sexual abuse cases against Devereux have resulted in significant verdicts, including one for \$60 million. The allegations have drawn extensive media coverage from the *Philadelphia Inquirer*, ABC and NBC affiliates, *Florida Today*, and *Arizona Central*.

ELECTRICAL MEDICAL TRUST ET AL. V. U.S. ANESTHESIA PARTNERS

Lief Cabraser represents self-funded insurers in a class action against U.S. Anesthesia Partners, Inc. and private equity firm

Welsh, Carson, Anderson & Stowe, alleging a multi-year scheme to monopolize hospital anesthesia services in Texas, inflate prices, and boost profits. The complaint claims that defendants executed an "aggressive 'buy and build' consolidation strategy" to increase negotiating power with commercial payors and raise prices for anesthesia services without improving the efficiency or quality of healthcare. In a key development, plaintiffs recently defeated defendants' motion to dismiss, allowing the case to move forward.

KENMORE REFRIGERATOR FAILURES

Lief Cabraser and co-counsel are representing consumers in a putative consumer class action concerning Kenmore Refrigerators that stop cooling prematurely due to allegedly defective compressors. The at-issue refrigerators were made by LG Electronics, which is also a defendant in the *Grotte* case. Fact discovery in one of the cases is nearly complete. A motion for class certification will be filed in 2025.



2024 | ATTORNEY LEADERSHIP

Katharine L. Benson - Ninth Circuit Judicial Counsel, Co-Chair of Lawyer Representatives; Northern District Practice Program, Board of Directors; National Association of Public Pension Attorneys, Securities Litigation Committee

Kevin R. Budner - Member of Board of Directors, Lawyers' Committee for Civil Rights of the San Francisco Bay Area

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, Board of Directors; RAND Center for Catastrophic Risk Management and Compensation, Advisory Board; NYU School of Law Center on Civil Justice, Board of Advisors; Federal Judicial Conference Committee on Rules of Practice and Procedure ("Standing Committee"), Member

Mark P. Chalos - Tennessee Trial Lawyers Association, Past President; American Association for Justice, Class Action Litigation Section, Past Co-Chair; American Association for Justice, Committee on the Judiciary, Appointed Member; Lawyers Involved for Tennessee, Trustee; Tennessee Innocence Project, Board Member

Lin Y. Chan - Ninth Circuit Judicial Counsel, Lawyer Representative; Bar Association of San Francisco, Board of Directors; American Antitrust Institute, Advisory Board

Daniel P. Chiplock - American Association for Justice, Securities Strategy Group, Member; Institute for Law and Economic Policy (ILEP), Vice

President; Law360, Securities Law Editorial Advisory Board

Douglas P. Cuthbertson - New York Civil Liberties Union, Board Member; Fordham Law School, Center on Law and Information Policy, Board of Advisory

Kelly M. Dermody - ABA Labor and Employment Law Section, International Committee Council Liaison; Bar Association of San Francisco Legal Alliance for Reproductive Rights; Equal Justice Society, Board of Directors

Nicholas Diamand - Civil Justice Research Initiative, Advisory Board, The American Bar Association

Paulina Do Amaral - Board of Trustees of University of California Law School San Francisco (fka UC Hastings)

Wilson M. Dunlavey - American Association for Justice, Class Action Section Content Curator

Steven E. Fineman - Anti-Defamation League, Co-Chair, Global Leadership Council, National Growth Committee, NY/ NJ Regional Board; Brandeis University Parents' Leadership Council, Co-Chair; Stanford Law School Center on the Legal Profession, Advisory Board

Wendy Fleishman - ABA Tort Trial & Insurance Section, Pharma Med Bioscience General Committee, Vice-Chair; American Association for Justice, National Finance Committee; Products Liability Advisor, Law 360; Member of CHIEF; Executive Circle, UJA

Melissa Gardner - Law360, Cybersecurity & Privacy Editorial Advisory Board

Rachel Geman - Union/ Employee Co-Chair of the ABA's Workplace and Occupational Safety & Health Committee; Track

Co-Chair of the ABA's Labor & Employment Law Section Annual Conference

Avery Halfon - New York State Academy of Trial Lawyers, Associate Board

Dean M. Harvey - American Antitrust Institute Advisory Board; California Law Revision Commission, Expert; Executive Committee of the Antitrust and Unfair Competition Law Section of the California Lawyers Association

Dr. Katharina Kolb - Member of The European Circle for Competition Damages; American Bar Association, Global Private Litigation Committee, Vice Chair; Competition Litigation Forum, Member of the Board of Directors; Handbook on Litigation Financing appearing at C.H. Beck Verlag, Co-Editor

Michelle Lamy - Equal Rights Advocates, Litigation Committee

Lydia Lee - The Ruth Bader Ginsburg Inn of Court, Master; 2023-2024 Outstanding Team Leader for the RBG Inn of Court; National Association of Public Pension Attorneys, Emeritus Board, Mentoring Committee and Defined Contribution Affinity Group;

Bruce W. Leppla - Editorial Board Member, Wall Street Lawyer, a Thompson Reuters Publication

Jason L. Lichtman - Public Justice, Executive Committee Member, Co-Chair Class Action Committee, Board Member

Sarah R. London - Consumer Attorneys of California (CAOC) Financial Secretary; National Association of Women Judges, Resource Board Chair

Kelly McNabb - American Association for Justice Pharma and Medical Device Section

Chair and Immediate Past Chair as of July '24; Sedona Conference Steering Committee Member, Publication Co-Chair; Complex Litigation E-Discovery Forum (CLEF) Board of Directors; Law360, Product Liability Editorial Advisory Board

Michael Miarmi - Alliance for Justice, Action Board Member

Jessica Moldovan - American Bar Association Labor and Employment Section, EEO Committee, Diversity Co-Chair

Robert J. Nelson - National Health Law Program, Board Member; RE-Volv, Solar Energy Non-Profit, Board Member; Public Advocates, Litigation Committee Member

Jules Ross - Barristers Club of the Bar Association of San Francisco, Diversity Committee

David Rudolph - Bar Association of San Francisco Cybersecurity and Privacy Law Section, Executive Committee

Jonathan D. Selbin - #BeyondMeToo, Board Member

Annie Wanless - Bar Association of San Francisco Barristers Club, Board of Directors

Caitlin Woods - Asian American Bar Association, Women's Committee Co-Chair; Bay Area Plaintiff-Side Associates' Network, Co-Founder

Sarah Zandi - Committee to Support the Antitrust Laws (COSAL) Young Lawyers Division, Co-Chair; Association of Business Trial Lawyers (ABTL) Young Leadership Division, Member

Tiseme Zegeye - The Lawyering Project, Board Member; American Bar Association Labor and Employment Section, EEO Committee, Co-Chair

2024 | FIRM PRAISE

Best Lawyers®

38 Outstanding Attorney Leaders
Top Tier Listing for Product Liability Law
Ones to Watch (9 lawyers)

Daily Journal

California Lawyers of the Year: Juul Team
Leading Commercial Litigators
Top Women Lawyers in California
Top Plaintiffs Lawyers in California
Top 40 Under 40 in California
Top 100 Lawyers in California
Top Labor & Employment Lawyers

LAWDRAGON 500

Lawdragon 500 Leading Litigators: 22
Lawdragon 500 Global Plaintiff Lawyers: 14
Lawdragon 500 Leading Lawyers: 9
Lawdragon 500X, The Next Generation: 13
Lawdragon Leading Plaintiff Financial Lawyers: 24
Lawdragon Leading Plaintiff Consumer Lawyers: 28
Law dragon Leading Plaintiff Employment Lawyers: 10



Labor & Employment Litigator of the Year
Tier 1 for Labor & Employment Litigation
Top 20 Firms for Litigation
Top Plaintiffs Firms



CONSUMER ATTORNEYS
OF CALIFORNIA

2024 Consumer Attorneys of the Year

THE NATIONAL LAW JOURNAL

Elite Trial Lawyers 2024: Employee Rights & Anti-Discrimination
50 Leading Plaintiffs Firms in America

Chambers AND PARTNERS

Tier 1 for Plaintiffs' Litigation
Tier 1 for Products Liability
Tier 1 for General Litigation
Tier 1 for Labor & Employment / Plaintiffs

Super Lawyers®

47 SUPER LAWYERS & RISING STARS

JUVE

20 Leading Lawyers in Cartel Damages Litigation in Germany

LAW360

Law360 Product Liability Practice Group of the Year
Law360 Product Liability Rising Stars
Law360 Titans of the Plaintiffs Bar

New York Law Journal

Class Action Litigation Department of the Year

NashvillePost

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