

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE NAVISTAR MAXXFORCE ENGINES
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

Master Case No. 1:14-cv-10318

Judge Joan B. Gottschall

**DECLARATION OF JOSEPH J. DEPALMA IN SUPPORT OF PLAINTIFFS' MOTION
FOR AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES**

I, Joseph J. DePalma, declare and state as follows:

1. I am the managing member of the law firm of Lite DePalma Greenberg, LLC. I submit this declaration in support of Plaintiffs' application for an award of attorneys' fees and reimbursement of expenses in connection with the services rendered in this litigation. I make this declaration based on my own personal knowledge, and if called as a witness, I could and would competently testify to the matters stated herein.

2. I am the partner who oversaw the day-to-day activities in this litigation. I reviewed my firm's time on a line-by-line basis to confirm its accuracy and reasonableness. In the exercise of conservative billing judgment, some time was eliminated. The time reflected in my firm's lodestar figure is reasonable and was necessary to prosecute and resolve this litigation. The expenses listed would normally have been charged to a fee-paying client.

3. Following my review, the number of hours my firm spent on this litigation is 441.8. **Exhibit A** provides a lodestar breakdown by individual, for a total of \$188,380.00. The hourly rates listed in Exhibit A are the usual and customary rates charged.

4. Lite DePalma Greenberg incurred \$5,365.96 in expenses in connection with this

litigation, which are listed in more detail in **Exhibit B**. The expenses incurred in this action were reasonably and necessarily incurred during the course of our work. They are reflected on the books and records of my firm.

5. Lite DePalma Greenberg has paid a total of \$40,000 in assessments to the litigation fund in this matter for the joint prosecution of the litigation against the Defendants. Those contributions are reflected on **Exhibit B**.

6. Lite DePalma Greenberg has served as counsel to Gettysburg Auto Transport, LLC throughout the course of this litigation. In that capacity, my firm filed an initial complaint on behalf of Gettysburg and other similarly situated persons. My firm also represented Gettysburg in all discovery-related matters, including preparing responses and objections to multiple rounds of written discovery, collecting, reviewing, and producing potentially relevant documents and ESI, coordinating the inspection of Gettysburg's truck, and defending the depositions of Gettysburg's owners (James and Ruth Langley) conducted pursuant to Fed. R. Civ. P. 30(b)(6). In addition, at the direction of Co-Lead Counsel, my firm provided substantial assistance to the litigation by reviewing and coding documents produced in discovery. My firm provided both primary and secondary levels of document review on behalf of Plaintiffs.

7. The background and experience of Lite DePalma Greenberg and its attorneys are summarized in the firm's *curriculum vitae* attached hereto as **Exhibit C** and in excerpts attached as **Exhibit D**. Three attorneys at the firm billed substantial time on this matter. They are Jeremy Nash, who is Counsel at the firm; Phylicia A. Preston, who was an Associate with the firm at the time she was involved with this litigation; and Eric Sardina, who was also an Associate with the firm when he was billing on this matter.

8. Jeremy Nash has been involved with this litigation from November 2016 through

the present. His responsibilities centered on representing Gettysburg in connection with the discovery needs of the case. In addition to making himself available to Gettysburg and apprising the client of case developments, Mr. Nash helped prepare Gettysburg's responses and objections to written discovery served after November 2016, which included requests for the production of documents, interrogatories, and requests for admissions. Mr. Nash also assisted in the collection, review, and production of potentially relevant documents and ESI responsive to such written discovery. Mr. Nash defended Gettysburg's owners at their depositions, which entailed negotiating the time and location of those depositions, preparing the Langley's to testify concerning the various topics enumerated in the Rule 30(b)(6) notice, attending the depositions, and subsequently addressing requests for additional documents or information made during those depositions.

9. Mr. Nash graduated from New York Law School (2006), where he was a Harlan Merit Scholarship recipient, and is admitted to bars of New York (2008), United States District Courts for the Southern and Eastern Districts of New York (2008), United States Court of Appeals for the Second Circuit (2015), New Jersey (2017), and United States District Court for the District of New Jersey (2017). Mr. Nash has been representing plaintiffs in consumer and securities class actions around the United States for over 10 years. He currently represents over 10 million people in *Mendez v. Avis Budget Group, Inc.*, No. 11-cv-6537 (D.N.J.), a breach of contract and consumer fraud class action pending in New Jersey federal court, and hundreds of thousands of people in *Bakov v. Holiday Cruise Line*, No. 15-cv-2980 (N.D. Ill.), a robocall class action pending in Illinois federal court.

10. Eric Sardina was involved with this litigation from March 2015 through October 2016. Like Mr. Nash, during that time, Mr. Sardina's responsibilities focused on representing

Gettysburg in connection with the discovery needs of the case. He was Gettysburg's primary point of contact and helped prepare its responses and objections to written discovery served prior to October 2016, which included requests for the production of documents and interrogatories. Mr. Sardina thus helped collect, review, and produce potentially relevant documents and ESI responsive to such written discovery. Mr. Sardina also arranged for and attended the inspection of Gettysburg's truck. Mr. Sardina graduated from Seton Hall University (2013) and is admitted to the bars of New Jersey (2013) and New York (2017).

11. Phylicia A. Preston was involved with this litigation from July 2017 through January 2018. During that time, at the direction of Co-Lead Counsel, Ms. Preston reviewed and coded thousands of documents produced during discovery. The majority of her document review time was spent reviewing documents that had not previously been reviewed, but at various times Co-Lead Counsel directed our firm and thus Ms. Preston to conduct more substantial secondary review and coding work, which she did. Ms. Preston graduated from Seton Hall University School of Law (2015) and is admitted to the bars of New Jersey (2015), New York (2015), the District of Columbia (2015), and Virginia (2018).

12. Lite DePalma Greenberg, has prosecuted this litigation solely on a contingent basis, and has been at risk that it would not receive any compensation for prosecuting claims against the Defendants.

13. Lite DePalma Greenberg works primarily on class action contingency matters. The firm has litigated class actions involving securities, ERISA, antitrust, product liability, and consumer fraud. The firm has played an active role in obtaining settlements in numerous class actions comprising some of the largest settlements in the nation. As a result of my experience and practice in complex class action litigation, I am familiar with the rates charged to fee-paying

clients, as well as the rates that class action attorneys bill in the community. Other Courts have found that the rates charged by Lite DePalma Greenberg in contingency matters are well within the rates that class action contingency attorneys bill with the same level of skill and expertise. See e.g. *Schwartz v. Avis Rent A Car System, LLC*, No. 2:11-CV-4052-JLL-JAD (D.N.J.); *In re Shop-Vac Marketing and Sales Practices Litig.*, No. 4:12-MD-2380 (M.D. Pa.); *In re: Rust-Oleum Restore Marketing, Sales Practices and Products Liability Litigation*, No. 1:15-cv-1364 (N.D. Ill.); *Hegab v. Family Dollar Stores, Inc.*, No. 2:11-CV-01206-CCC (D.N.J.); *In re Motorola Securities Litigation*, Civ. No. 03-C-287 (N.D. Ill.); *Kleen Products LLC, et al. v. Packaging Corporation of America, et al.*, No. 1:10-CV-5711 (N.D. Ill.); *Bishop et al v. Behr Process Corporation et al.*, No. 1:17-CV-04464 (N.D. Ill.); *In re: National Collegiate Athletic Association Student Athlete Concussion Injury Litigation*, No. 1:13-CV-09116 (N.D. Ill.).

14. I have reviewed the time and expenses reported by my firm in this case which are included in this declaration, and I affirm that they are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 3rd day of September, 2019 at Newark, New Jersey.


JOSEPH J. DEPALMA

EXHIBIT A**In re Navistar Maxxforce Engines Marketing, Sales Practices
and Products Liability Litigation****LITE DEPALMA GREENBERG, LLC****Reported Hours and Rates**

NAME (Status)	TOTAL HOURS	CURRENT HOURLY RATE	LODESTAR
Jeremy N. Nash (C)	99	\$675.00	\$66,825.00
Erik E. Sardina (A)	63	\$375.00	\$23,625.00
Phylcia A. Preston (A)	279.8	\$350.00	\$97,930.00

TOTAL	441.8		\$188,380.00
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- (P) Partner
- (C) Counsel
- (A) Associate
- (LC) Law Clerk
- (CA) Contract Attorney
- (PL) Paralegal

EXHIBIT B**In re Navistar Maxxforce Engines Marketing, Sales Practices
and Products Liability Litigation****LITE DEPALMA GREENBERG, LLC****Reported Expenses**

CATEGORY	AMOUNT INCURRED
Litigation Cost Fund	\$40,000.00
Federal Express/Local Courier, etc.	\$193.24
Hotels	\$1,798.29
Meals	\$365.06
Air Travel	\$1,222.60
Legal Research/Lexis/Westlaw	\$74.65
Court Fees	\$800.00
Ground Transportation (i.e. Rental, Taxis, etc.)	\$912.12
TOTAL:	\$45,365.96



EXHIBIT C

FIRM BIOGRAPHY

LITE DEPALMA GREENBERG, LLC

SEPTEMBER 2019

Lite DePalma Greenberg, LLC is a general practice law firm, with offices in Newark, and Philadelphia. The firm specializes in commercial and complex litigation with a concentration in class action matters in the areas of securities, antitrust, consumer fraud and insurance sales practices. More detail about the firm and its attorneys appear on its Web site, www.litedepalma.com.

MEMBERS OF THE FIRM

JOSEPH J. DEPALMA (Newark Office), the Firm's Managing Member, has a vast breadth of experience in many types of class action cases involving securities, ERISA, antitrust, product liability and consumer fraud. Mr. DePalma also handles shareholder derivative litigation, commercial litigation and transactional matters for the firm's corporate clients. He has a Masters Degree in Business Administration and a J.D. degree from Seton Hall University School of Law.

Mr. DePalma and LDG have served as Co-Lead Counsel for the State of New Jersey, Division of Investment, as Lead Plaintiff in two prominent class actions that have resulted in significant recoveries: *Reginald Newton v. Tenet Healthcare Corp.*, (Tenet Healthcare Securities Litigation), cv-02-8462-RSWL (C.D. Cal.) (\$281.5 million settlement); *In re Motorola Securities Litig.*, Civ. No. 03-C-287 (N.D. Ill.) (\$193 million settlement reached three business days before trial).



Mr. DePalma has also played an active role in obtaining settlements in numerous recognized class actions comprising some of the largest settlements in the nation. Included in such cases are: *In re Prudential Ins. Co. of America Sales Practices Litig.*, 148 F.3d 283 (3d Cir. 1998) (over \$4 billion paid out in largest insurance sales practices settlement ever) (Liaison Counsel); *In re Lucent Technologies Securities Litig.*, Civil Action No. 00cv621(AJL) (D.N.J.), reported opinions, 2003 WL 25488395 (D.N.J. Dec. 15 2003), 2002 WL 32815233 (D.N.J. July 16, 2002), 217 F. Supp. 2d 529 (D.N.J. 2002), 2002 WL 32818345 (D.N.J., May 9, 2002), 221 F. Supp. 2d 463 (D.N.J. 2001), 221 F. Supp. 2d 472 (D.N.J. 2001)(approximate \$610 million settlement)(Liaison Counsel); *Galanti v. Goodyear*, Civil Action No. 03-209(SRC)(D.N.J.)((\$300 million product liability settlement)(Liaison Counsel); *In re Aremissoft Corp. Securities Litig.*, Civil Action No. 01-CV-2486 (JAP) (D.N.J.), reported opinion, 210 F.R.D. 109 (D.N.J. 2002)(over \$250 million recovered to date; case is ongoing)(Liaison Counsel); *In re Royal Dutch/Shell Transport Litigation*, Civil Action No. 04-1398(JWB)(D.N.J.), reported opinions, 404 F. Supp. 2d 605 (D.N.J. 2005), 380 F. Supp.2d 509 (D.N.J. 2005) (\$90 million ERISA settlement, the largest settlement ever under ERISA) (Liaison Counsel); *P. Schoenfeld Asset Management, LLC v. Cendant Corp.*, Civil Action No. 98-4734(WHW) (\$26 million settlement after precedent-setting decision in same case, *Semerenko v. Cendant Corp.*, 223 F.3d 165 (3d Cir. 2000))(Liaison Counsel); *Steiner v. MedQuist*, Civil Action No. 04-CV-05487-JBS (D.N.J.), reported opinion, 2006 WL 2827740 (D.N.J. Sept. 29, 2006)(\$7.75 million)(Liaison Counsel); *In re Tellium Securities Litig.*, No. 02-CV-5878 (FLW) (D.N.J.), reported opinion, 2005 WL 1677467 (D.N.J. June 30, 2005)(\$5.5 million)(Liaison Counsel), and; *In re NUI Securities Litig.*, Civil Action No. 02-CV-5220 (MLC)(D.N.J.), reported opinion, 314 F. Supp. 2d 388 (D.N.J. 2004) (\$3.5 million)(liaison counsel).



Mr. DePalma's years of experience also include the following major matters: *In re Computron Software, Inc. Securities Litig.*, Civil Action No. 96-1911 (AJL)(approximate \$15 million settlement) (Liaison Counsel); *In re USA Detergents, Inc. Securities Litigation*, Master File No. 97-2459 (MTB), District of New Jersey (\$10 million settlement)(Liaison Counsel); *In re: The Children's Place Securities Litig.*, Master File No. 97-5021 (JCL), District of New Jersey, reported opinion, 1998 WL 35167284 (D.N.J. Sept. 4, 1998)(\$1.7 million settlement) (Liaison Counsel); *Arthur Fields, et al. v. Biomatrix, Inc., et al.*, Civil Action No. 00-CV-3541(WGB), District of New Jersey (\$2.45 million settlement) (Liaison Counsel), and *In re Atlas Mining Securities Litig.*; Civil Action No. 07-428-N-EJL (D. Idaho) (\$1.25 million) (Lead Counsel).

Some of Mr. DePalma's other court approved class action and mass action settlements, all approved in 2010, involved product liability, takeover and ERISA matters. In a complex MDL mass action proceeding involving the illegal harvesting of body parts and the untested surgical implanting of those parts, Mr. DePalma, along with a team of nationally recognized colleagues, achieved a global settlement in a case captioned *In re Human Tissue Product Liability Litig.* (D.N.J.). Mr. DePalma achieved a settlement on behalf of shareholders in tender offer litigation, captioned *In re Alparma Shareholder Litigation*, (N.J. Superior Ct.). In a complex ERISA matter involving two appeals to the Third Circuit, Mr. DePalma obtained a settlement of \$8.5 million on behalf of a class of participants in a retirement plan alleging breaches of fiduciary duties. *In re Schering-Plough Corporation ERISA Litigation*, (D.N.J.).

Mr. DePalma has also achieved excellent results for clients in other areas of litigation. Among other things, he won large settlements for a condominium association on construction defect and legal malpractice claims, and has successfully handled securities arbitrations as well.



Mr. DePalma has lectured in the area of real estate law and in complex commercial litigation. He has also served as a member of the New Jersey Supreme Court's District Ethics Committee.

Mr. DePalma was named as a New Jersey Super Lawyer in the May 2007, May 2008, May 2009, May 2010, May 2011, May 2012, and May 2013 issues of *New Jersey Monthly* magazine. He was also named to ALM's 2012 "New Jersey Top Rated Lawyers," listed under "Business & Commercial."

BRUCE D. GREENBERG (Newark Office) has served as Co-Lead Counsel and Liaison Counsel in major securities, antitrust and consumer fraud class action cases. He also handles sophisticated appellate, commercial and real estate litigation.

A number of Mr. Greenberg's class action cases have resulted in significant settlements. Among his federal court class action successes are a settlement worth more than \$750 million for a nationwide class in *Varacallo v. Massachusetts Mutual Life Ins. Co.*, 226 F.R.D. 207 (D.N.J. 2005) (Co-Lead Counsel), an insurance sales practices case, a \$35.75 million settlement in *In re STEC Securities Litig.*, No. SACV 09-01304-JVS (MLGx) (Co-Lead Counsel), a securities fraud case, a nationwide consumer settlement worth up to \$13 million in *Schwartz v. Avis Rent a Car System, LLC*, Civil Action No. 11-4052(JLL), a highly valuable nationwide settlement in *In re Samsung DLP Television Class Action Litigation*, Civil Action No. 07-2141(GEB) (MCA) (Executive Committee), and settlements totaling over \$200 million for a nationwide class in the multidistrict antitrust litigation captioned *In re Insurance Brokerage Antitrust Litigation*, MDL No. 1663, Civil Action No. 04-5184(FSH) (District of New Jersey) (Liaison Counsel). His efforts as Co-Lead Counsel for certified classes in the United States District Court for the Western District of Pennsylvania (*Zeno v. Ford Motor Co.*, 238 F.R.D. 173 (W.D. Pa. 2006), and



480 F. Supp. 2d 825 (W.D. Pa. 2007)) and in the Superior Court of New Jersey, led to a four-state settlement that afforded full benefit of the bargain relief to consumers in *Pedersen v. Ford Motor Co.*, No. GIC 821797 (Cal. Super Ct.). Mr. Greenberg was also instrumental in *In re Motorola Securities Litig.*, Civ. No. 03-C-287 (N.D. Ill.), where LDG, as Co-Lead Counsel, achieved a \$193 million settlement just three business days before trial was to begin, and in *Reginald Newton v. Tenet Healthcare Corp.* (Tenet Healthcare Securities Litigation), cv-02-8462-RSWL (C.D. Cal.), where LDG, again as Co-Lead Counsel, won a settlement for \$281.5 million.

Recently, Mr. Greenberg was appointed Liaison Counsel and a member of the Plaintiffs' Steering Committee in a multi-district antitrust action alleging a nationwide conspiracy involving price-fixing and bid-rigging in the market for liquid aluminum sulfate, a water-treatment chemical used by public municipalities and paper mills in *In re: Liquid Aluminum Sulfate Antitrust Litigation*, MDL No. 2687, Civil Action No. 16-md-2687(JLL)(JAD) (District of New Jersey) (Liaison Counsel).

Mr. Greenberg's New Jersey state court class actions include a settlement valued at \$8.6 million for a nationwide class of current and former merchants in *Roma Pizzeria v. Harbortouch f/k/a United Bank Card*, Docket No. HNT-L-637-12 (Co-Lead Counsel); \$100 million settlement for a nationwide consumer class in *Friedman v. Samsung Electronics America, Inc.*, Docket No. BER-L-7250-01 (Liaison Counsel), a comparably sized settlement for a nationwide consumer class in *Summer v. Toshiba America Consumer Products, Inc.*, Docket No. BER-L-7248-01 (Liaison Counsel), another nationwide consumer class settlement in *Barrood v. IBM*, Docket No. MER-L-843-98, which afforded class members full benefit of the bargain relief, (Co-Lead Counsel), a settlement for a New Jersey consumer class worth over \$7 million in *Delaney v.*



Enterprise Rent-A-Car Co., Docket No. OCN-L-1160-01 (Co-Lead Counsel), a \$4.5 million settlement for a New Jersey consumer class in *DeLima v. Exxon*, Docket No. HUD-L-8969-96 (Co-Lead Counsel), and an unprecedented settlement in a class action involving a merger, *Rubin v. Mercer Insurance Group, Inc., et al.*, Docket No. MER-C-102-10 (Co-Liaison Counsel), which afforded stockholders the opportunity to review forward looking financial information of the company, thus allowing shareholders to make a more informed decision concerning the merger.

A 1982 graduate of the Columbia University School of Law, Mr. Greenberg clerked for Justice Daniel J. O’Hern of the Supreme Court of New Jersey for the 1982-83 Term. Before joining the firm, Mr. Greenberg was a partner at Greenbaum Rowe Smith & Davis, LLP, Woodbridge, New Jersey, one of New Jersey’s largest law firms.

Mr. Greenberg appears regularly in the appellate courts. He has argued nine times in the Supreme Court of New Jersey, three cases in the Third Circuit Court of Appeals, and several dozen cases in New Jersey’s Appellate Division. Nearly 40 of his cases have been published, including significant cases on class actions, zoning and land use, restrictive employment covenants, real estate brokerage, and other topics.

Among his many other publications, Mr. Greenberg is the author of the chapter entitled “Supreme Court Review” in *New Jersey Appellate Practice Handbook* (New Jersey ICLE 2015 ed.), co-author, with Susana Cruz Hodge, of the chapter entitled “Class Action Litigation” in *New Jersey Federal Civil Procedure* (NJLJ Books (1st ed. 1999, 2d ed. 2010, and annual supplements)), and author of “Keeping the Flies Out of the Ointment: Restricting Objectors to Class Action Settlements,” 84 St. John’s L. Rev. 949 (2010). Law review articles that he has written have been cited with approval by the Supreme Court of New Jersey and Appellate



Division. Mr. Greenberg has lectured on class actions for both New Jersey and Pennsylvania CLE, and has served as an expert witness on attorneys' fees in class actions. He has also spoken on civil trial preparation, appellate practice and other subjects. Mr. Greenberg also writes the New Jersey Appellate Law blog, <http://appellatelaw-nj.com>, New Jersey's foremost appellate blog.

Mr. Greenberg belongs to the New Jersey State Bar Association, and was Chair of the Association's Appellate Practice Committee from 2004-2006. He is the immediate past Co-Chair of the NJSBA's Class Actions Committee, a position he held from 2008-2016. Mr. Greenberg is also a member of the Land Use Law Section, and Securities Litigation and Regulatory Enforcement Committee. From 1991-2006, Mr. Greenberg was a member of the Supreme Court of New Jersey Committee on Character. He was also one of the founding members, and a past Chairman, of the New Jersey Law Firm Group, a consortium of major law firms to advance hiring of minority lawyers.

Mr. Greenberg has been named to the "New Jersey Super Lawyers" list in *New Jersey Monthly* magazine every year from 2005-2017. He was also named to ALM's 2012 "New Jersey Top Rated Lawyers," listed under "Commercial Litigation." Mr. Greenberg has an "AV" rating from Martindale-Hubbell.

VICTOR A. AFANADOR (Newark Office) handles litigation and trials of civil and criminal cases. His experience includes public entity tort liability defense, employment related defense of CEPA and LAD matters, police related state and federal civil rights defense, condemnation and redevelopment law, complex commercial litigation, and criminal defense. In addition, Mr. Afanador served from September 1999 through May of 2005 as Deputy Director of



Law for the City of Perth Amboy. In that capacity, he provided counsel to the Mayor, the City Council, and City department directors on legal matters.

Mr. Afanador has successfully tried to verdict jury and bench trials in civil rights and redevelopment law matters. He has also tried public entity employee termination hearings before the Office of Administrative Law and numerous matters of many types in Municipal Court. He also litigated and managed the condemnation of sixteen properties in a single municipality.

In addition to his trial work, Mr. Afanador has argued before the Superior Court of New Jersey, Appellate Division. His published opinions include *Deegan v. Perth Amboy Redevelopment Agency*, 374 N.J. Super. 80 (App. Div. 2005). Mr. Afanador has also applied his investigative skills in the class action area. He interviewed Spanish-speaking employees and prepared a report for the Court as part of the firm's responsibilities as Class Administrator for an employment discrimination class action.

Mr. Afanador clerked for Judges Mathias E. Rodriguez and Frederick P. DeVesa, Superior Court of New Jersey, Law Division Criminal Part, in Middlesex County from 1998-1999.

Mr. Afanador was appointed by the Essex County Executive in September of 2005 to serve as a Commissioner on the Essex County Board of Public Utilities. He is a member of the New Jersey State Bar Association, The Association of the Federal Bar of the State of New Jersey, Seton Hall University School of Law Alumni Association, the Essex County Bar Association, and the Hispanic Bar Association of New Jersey. He is a 2003 Graduate of the Leadership Newark Fellowship Program and has served on the African Globe Theatreworks Board of Directors, a professional theater company based in Newark, New Jersey.



Mr. Afanador was designated a Rising Star in the May 2006, May 2007, May 2008, May 2009, May 2010, May 2011, May 2012, and May 2013 issues of *New Jersey Monthly* magazine. He was also named to the “40 Under 40” issue by the New Jersey Law Journal in 2010.

SUSANA CRUZ HODGE (Newark Office) focuses her practice on appeals and complex commercial litigation, including class actions. Her primary focus is on product liability and consumer fraud cases. Mostly recently, Ms. Hodge participated in *Cole v. NIBCO, Inc.*, No. 13-CV-07871-FLW-TJB (D.N.J.), a case involving defective plumbing piping, tubing and fixtures that resulted in a nationwide consumer settlement worth \$44 million; *Schwartz v. Avis Rent a Car System, LLC*, No. 11-4052(JLL) (D.N.J.), a case involving fraudulent fee charges that resulted in a nationwide consumer settlement worth up to \$13 million; and *In re Shop-Vac Marketing and Sales Practices Litig.*, No. 4:12-MD-2380 (M.D. Pa.), a case involving misrepresentation of the peak horsepower of wet/dry vacuums that resulted in a nationwide settlement fund valued at \$174,250,000 million.

Ms. Hodge has also represented parties in general business disputes arising from breach of contract and fraud, as well as employment-related issues. She has briefed and argued before the United States Court of Appeals for the Seventh Circuit, the U.S. District Court for the District of New Jersey, and the New Jersey Superior Court. Ms. Hodge has participated in successful appeals to the United States Court of Appeals for the Third Circuit and to the Appellate Division of the New Jersey Superior Court involving constitutional and employment law, rent control, and commercial leasing issues.

Ms. Hodge is co-author, with Bruce D. Greenberg, of the chapter entitled “Class Action Litigation” in *New Jersey Federal Civil Procedure*, and has been a panelist in various seminars



such as “Significant Developments in Class Actions,” hosted yearly by the New Jersey Institute for Continuing Legal Education, and “The Evolving Nature of Class Actions,” hosted by New Jersey State Bar Association.

Ms. Hodge is a graduate of Boston College (2001) and Boston College Law School (2005). Prior to joining private practice, Ms. Hodge clerked for the Hon. Thomas J. LaConte, Superior Court of New Jersey, Passaic County, and taught Legal Writing at Seton Hall University Law School. Ms. Hodge has been named as a “Rising Star” in *New Jersey Monthly* magazine every year since 2014.

COUNSEL

ALLYN Z. LITE (Newark Office) (retired from the full-time active practice of law as of October 2013 and current serving as Counsel) specializes in class action and other complex commercial litigation. He was designated by the Judges of the United States District Court for the District of New Jersey as Clerk of that Court from 1982 to 1986. While in that position, Mr. Lite created the Court’s alternative dispute resolution program and served on and was Reporter for the committee that drafted the current Local Rules of the United States District Court for New Jersey. He was a member of the committee that drafted the new Rules of the United States Bankruptcy Court for the District of New Jersey, and participated as one of ten original members of the United States District Court Lawyer's Advisory Committee, on which he served for 11 years.

Mr. Lite is the author of *New Jersey Federal Practice Rules* (Gann Law Books), a commentary and annotations to the United States District Court's Local Rules, published annually, and cited frequently by the judges of that Court. Among his other publications is his



co-authorship, with Bruce D. Greenberg, of the chapter entitled “Class Action Litigation” in *New Jersey Federal Civil Procedure* (NJLJ Books 1st ed. 1999, 2d ed. 2010, and annual supplements).

Mr. Lite has more than 20 years of class action litigation experience, including serving as an expert on attorneys’ fees. He has served in an active role as Lead, Co-Lead, or Liaison Counsel in over 100 cases, including major securities, derivative, antitrust, consumer fraud, and products liability matters, in New Jersey federal and state courts and in other jurisdictions. In three of those cases, Mr. Lite and LDG were Co-Lead Counsel for the State of New Jersey, Division of Investment, as Lead Plaintiff: *Reginald Newton v. Tenet Healthcare Corp.*, (Tenet Healthcare Securities Litigation), cv-02-8462-RSWL (C.D. Cal.) (\$281.5 million settlement); *In re Motorola Securities Litig.*, Civ. No. 03-C-287 (N.D. Ill.), reported opinions, 505 F. Supp. 2d 501 (N.D. Ill. 2007), 2004 WL 2032769 (N.D. Ill. Sept. 9, 2004) (\$193 million settlement reached three business days before trial); *In re STEC Securities Litig.*, No. SACV 09-01304-JVS (MLGx) (\$35.75 million settlement); and *State of New Jersey and its Division of Investment v. Sprint Corp.*, Civil No. 03-2071-JWL (D. Kan.), reported opinions, 2008 WL 191780 (D. Kan. Jan. 23, 2008), 2004 WL 1960130 (D. Kan. Sept. 3, 2004), 314 F. Supp. 2d 1119 (D. Kan. 2004).

Other significant class action cases in which Mr. Lite has played an active role include *In re Bristol-Myers Squibb Securities Litigation*, Civil Action No. 00-1190(SRC), reported opinions, 2005 WL 2007004 (D.N.J. Aug. 17, 2005), 205 F.R.D. 437 (D.N.J. 2002) (Liaison Counsel) (\$185 million settlement after defeating defendants’ summary judgment motion and motions to exclude expert testimony); *In re Electrical Carbon Products Antitrust Litig.*, Master File No. 03-2182(JBS), reported opinion, 447 F. Supp. 2d 389 (D.N.J. 2006) (Co-Liaison Counsel) (\$21.9 million settlement); *In re Nazi Era Cases Against German Defendants Litigation*, Civil Action No. 98-4104(WGB), reported opinion, 198 F.R.D. 429 (D.N.J. 2000)



(Liaison Counsel in 60 actions filed throughout the United States and consolidated in the District of New Jersey; \$5.2 billion settlement); *In re Prudential Insurance Company of America Sales Practices Litigation*, Master File No. 95-4704 (AMW), reported opinions, 962 F. Supp. 450 (D.N.J. 1997), *aff'd as to settlement approval*, 148 F.3d 283 (3d Cir. 1998) (Liaison Counsel) (settlement worth over \$4 billion); *Chin v. Chrysler Corp.*, Civil Action No. 95-5569 (JCL), reported opinion, 461 F. Supp.2d 279 (D.N.J. 2006) (Co-Lead Counsel) (catalyst for \$53 million in relief to class); *Weiss v. Mercedes-Benz of North America*, Master File No. 93-96 (JWB), reported opinion, 899 F. Supp. 1297 (D.N.J.), *aff'd*, 66 F.3d 314 (3d Cir. 1995) (\$75 million settlement); *Princeton Economics Group, Inc. v. American Telephone and Telegraph Co.*, Docket No. L-3221-91, Superior Court of New Jersey, Law Division (Mercer County) (Lead Counsel) (\$95 million settlement); *Garcia v. General Motors*, Docket No. L-4394-95, Superior Court of New Jersey, Law Division, Bergen County (Liaison Counsel) (\$25 million settlement); *Angelino v. DaimlerChrysler Corp.*, Case No. GIC 765729, Superior Court of California, San Diego Division.

In other areas of his practice in complex litigation, Mr. Lite established and coordinated procedures for the nationwide defense of a major manufacturer of safety products in asbestos litigation, and handled the defense of environmental matters involving discharge of petrochemicals with Federal EPA and the U.S. Coast Guard. Mr. Lite has worked for many years alongside some of the nation's top intellectual property firms, serving as New Jersey counsel in major patent and trademark litigation, particularly in the pharmaceutical industry.

Mr. Lite served on the Lawyers' Advisory Committee for the United States Court of Appeals for the Third Circuit from 1992 through 1994, and as a member of the Third Circuit Task Force on Equal Treatment in the Courts, Gender Commission. He also chaired the United



States District Court's Merit Selection Panel to recommend candidates for a newly authorized United States Magistrate position assigned to Newark, New Jersey. In addition to many years of service on the Board of Trustees of the Association of the Federal Bar of New Jersey, Mr. Lite was co-chair for four years of the New Jersey State Bar Association's Class Action Committee.

Mr. Lite was selected as a mediator for the United States District Court pursuant to that Court's plan under the Civil Justice Improvements Act of 1990. As a mediator, Mr. Lite participated in environmental litigation involving the nation's largest Superfund site, and a multi-plaintiff public sector discrimination lawsuit, among others.

Mr. Lite is a 1978 graduate of the Seton Hall University School of Law. He was named as a New Jersey Super Lawyer in the May 2005, May 2006, May 2007, May 2008, May 2009, May 2010, May 2011, May 2012, and May 2013 issues of *New Jersey Monthly* magazine. He was also named to ALM's 2012 "New Jersey Top Rated Lawyers," listed under "Intellectual Property."

STEVEN J. GREENFOGEL (Philadelphia Office) is Counsel to the firm and is resident in the firm's Philadelphia office. Throughout his nearly 45 year legal career, Mr. Greenfogel has specialized in class action antitrust litigation, including many of the most significant multidistrict class action price fixing cases of modern times. He has served as Co-Lead Counsel in *In re Chain Link Antitrust Litigation*, Master File CLF-1 (D.Md); *In re Industrial Silicon Antitrust Litigation*, 95-2104 (W.D.Pa) (which he tried to verdict), *In re Isostatic Graphite Antitrust Litigation*, No. 2000-cv-4965 (E.D.Pa); and *Gordon v. Amadeus IT Group, S.A.*, 15-cv-03457-KPF (S.D.N.Y.). Mr. Greenfogel also served as one of the main trial counsel as well as co-chairman discovery LDGin *In re High Pressure Laminates Antitrust Litigation*, No. 00-MD-1368(CLB) (S.D.N.Y.) (which was tried to verdict) and *In re Carbon Dioxide Antitrust*



Litigation, MDL 940 (M.D. Fla) (which settled after jury selection). In addition to being Co-Chairman of Discovery in *In re Infant Formula Antitrust Litigation*, Master File No. MDL 878 (N.D. Fla), Mr. Greenfogel served as one of plaintiff's trial counsel (which settled after jury selection). He has served as a member of Plaintiffs' Executive Committee in numerous cases, including, *inter alia*, *In re Municipal Derivatives Antitrust Litigation*, MDL 1950 (S.D.N.Y. 2008), *In re Static Random Access Memory (SRAM) Antitrust Litigation*, cv-1819 (N.D. Cal 2007) and *In re Publication Paper Antitrust Litigation*, MDL 1631 (D. Ct 2004). Mr. Greenfogel has also played a major role in numerous other multidistrict antitrust class actions, including, *inter alia*, *O'Bannon v. National Collegiate Athletic Ass'n, et al.* cv-091967 cw (N.D. Cal 2009) (A Member of Plaintiff's Trial Team and Co-chairman Discovery); *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL 1827 (N.D. Cal 2006); *In re Direct Random Access Memory (DRAM) Antitrust Litigation*, No. 02-cv-01486-OHG (N.D. Cal 2002); *In re NASDAQ Market Makers Antitrust Litigation*, MDL 1023 (S.D.N.Y.) (Chairman of Discovery); *In re Brand Names Prescription Drugs Antitrust Litigation*, MDL 997 (N.D. Ill.); *In re Commercial Tissue Antitrust Litigation*, MDL 1189 (N.D. Fla); *In re Infant Formula Antitrust Litigation*, Master File No. MDL 878 (N.D. Fla); *Cumberland Farms v. Browning Ferris Industries, Inc.*, A.A. No. 87-3717; *Superior Beverage/Glass Container Antitrust Litigation*, 89 C 5251 (N.D. Ill.); *In re Chlorine and Caustic Soda Antitrust Litigation*, 86-5428 (E.D.Pa); *In re Records and Tapes Antitrust Litigation* (N.D.Ill.); and *In re Broiler Chicken Antitrust Litigation* (N.D.Ga).

Earlier in his career from 1977 to 1980, Mr. Greenfogel served as an Assistant Attorney General in the Commonwealth of Massachusetts and was the first Chief of its Antitrust Division. He was the author of the Commonwealth's Antitrust Law (M.G.L. 93). During that time, he was



a panelist at the New England Antitrust Conference in Boston as well as speaking on antitrust matters at various venues in Massachusetts.

Mr. Greenfogel served as a member of the Board of Trustees of Camden County College from 2000 through 2017, having been appointed to that position by Governors Whitman, McGreevy and Corzine. He has been selected fourteen times as one of the Top Attorneys in Pennsylvania by *Philadelphia Magazine* and has an “AV” rating from Martindale Hubbell.

MINDEE J. REUBEN (Philadelphia Office) is Counsel to the firm and is resident in the firm’s Philadelphia office. Ms. Reuben represents plaintiffs across the country in a broad range of antitrust and consumer class action matters, regularly serving as lead, co-lead and liaison counsel and as a member of case-management committees in high-profile, multi-jurisdictional litigation. *Super Lawyers* and *Philadelphia Magazine* have repeatedly named Ms. Reuben as one of Pennsylvania’s top lawyers in the field of antitrust, as well as one of the top 50 women Super Lawyers overall in the state. Prior to this, Ms. Reuben was for several years named by *Super Lawyers* as a “Rising Star” in the field of antitrust litigation, an honor given to only 2.5% of Pennsylvania lawyers under the age of 40. She has also been named to *The Best Lawyers in America*.

Ms. Reuben is currently involved in several plaintiff class action antitrust matters, including *In re: Processed Eggs Products Antitrust Litigation*, No. 08-md-2002 (E.D. Pa.), in which she was named co-lead and liaison counsel. She is also a member of the steering committee in *In re: Generic Pharmaceutical Pricing Antitrust Litigation*, No. 16-md-2724 (E.D. Pa.), and a member of the trial plan committee in *In re Blue Cross Blue Shield Antitrust Litigation* (Subscribers), No. 13-cv-20000 (N.D. Ala.). Other significant cases on which she has had a case management role include *In re: Lithium Ion Batteries Antitrust Litigation*, No. 13-md-



2420 (N.D. Cal.) (steering committee), *Gordon v. Amadeus IT Group, S.A.*, No. 15-cv-5457 (S.D.N.Y.) (co-lead counsel), and *In re: Polyurethane Foam Antitrust Litigation*, MDL No. 2196 (N.D. Ohio) (executive committee), where the court approved over \$147,000,000 in settlements. She is presently active in a number of other antitrust matters around the country as well, including *In re Aluminum Sulfate Antitrust Litigation*, No. 16-md-2687 (D.N.J.) and *In re Broiler Chicken Antitrust Litigation*, No. 16-8637 (N.D. Ill.).

Ms. Reuben's significant past antitrust matters include *BP Products North America, Inc. Antitrust Litigation* (N.D. Ill.) (\$52 million settlement), *In re: Polyester Staple Antitrust Litigation* (W.D.N.C.) (\$50 million settlement), *In re: Electrical Carbon Products Antitrust Litigation* (D.N.J.) (\$21.9 million settlement), and *In re Flonase Antitrust Litigation* (E.D. Pa.) (confidential settlement on behalf of generic competitor).

Ms. Reuben also served as class counsel in the consumer class action of *Fritzinger v. Angie's List*, Case No. 12-cv-1118 (S.D. Ind.), and as co-lead counsel in *Stone v. Stewart Title Guaranty Co.*, Philadelphia Court of Common Pleas, June Term, 2006, No. 2003 (consol. under *Cummings v. Stewart Title Guaranty Co., et al.*, Philadelphia Court of Common Pleas, March Term, 2005, No. 747) (Glazer, J.), both of which resulted in favorable settlements for the class. At the final approval hearing, the court noted that "counsel really did an extraordinary job."

Ms. Reuben is actively involved with the Philadelphia Bar Association, historically having served as Vice Chair of the Association's Bench Bar and Annual Meeting and as Chair of its Women's Rights Committee. Her work on the Women's Rights Committee focused on human trafficking in the United States, and resulted in the Association's Board of Governors passing a Resolution in Support of Ratification of the United Nations Convention on the Elimination of All



Forms of Discrimination Against Women (CEDAW). She is also a member of the Federal Courts Committee, Women in the Profession Committee and Business Law Section.

Ms. Reuben is a founding member of Women Antitrust Plaintiffs' Attorneys, a national organization of women who focus their practices on cartel and other anticompetitive cases. She is also an Amicus Judicii member of the National Association of Women Judges (NAWJ), whose mission is to promote the judicial role of protecting the rights of individuals through diverse judicial leadership, fairness and equality in the courts, and equal access to justice. She is currently a Lecturer in Law in the area of legal writing for the LL.M. program at the University of Pennsylvania School of Law. She also has served as an Adjunct Professor of Law at the James E. Beasley School of Law of Temple University, contributed to numerous comprehensive legal publications, and spoken on a variety of subjects, including ethics and the Federal Rules of Civil Procedure.

Ms. Reuben has contributed to numerous comprehensive legal publications, and has spoken on a variety of subjects, including ethics and the Federal Rules of Civil Procedure. Most recently, Mindee was a panelist for the ABA Civil Practice and Procedure Section of Antitrust Law speaking on "Antitrust Class Action Program Series: Class Action Killer or Business as Usual? -- Rule 23(b)(3) and the Predominance Requirement" and a panelist for the ABA Section of Litigation's "Rules Roadshow," on the topic "Precision Advocacy: Reinventing Motion Practice to Win" in Philadelphia.

After earning her joint law and master of public administration degrees from the University of Pittsburgh, Ms. Reuben served as a law clerk for the Honorable Frank J. Montemuro, Senior Justice of the Supreme Court of Pennsylvania.



STEVEN S. GLICKMAN (Newark Office) is Counsel to the Firm and is a resident in the Firm's Newark Office. Steven S. Glickman represents public and private sector employers throughout the State of New Jersey in a broad range of labor and employment, education and municipal law matters. Steven works with clients to ensure compliance with federal and state regulations, develop and implement union avoidance and labor relations strategies, negotiate and document individual employment contracts and collective bargaining agreements, and create and maintain effective employment policies and employee handbooks.

Steven is also an accomplished litigator, and has represented clients at trial, in settlement negotiations and in arbitration. He has successfully advised clients in a broad range of matters, including employment and labor disputes, and law enforcement investigations.

JEREMY N. NASH (Newark Office), born Oakland, California, February 2, 1981. Admitted to bar of New York, 2008, United States District Courts for the Southern and Eastern Districts of New York, 2008, United States Court of Appeals for the Second Circuit, 2015. Education: University of California at San Diego (B.S. in Biology 2003); New York Law School (J.D. 2006). Harlan Merit Scholarship recipient. Class Actions; Civil Litigation; Commercial Litigation; Appellate Practice.

ASSOCIATES

ANDREW L. SMITH (Newark Office), was born in Livingston, New Jersey on May 29, 1985. Admitted to the bar in 2011, New Jersey. Education: Muhlenberg College (B.A. in Accounting and Spanish 2008) and Pace University School of Law (J.D. 2011). Andrew's practice includes: public entity representation, criminal defense litigation, and commercial litigation.



JONATHAN M. CARRILLO (Newark Office), was born in Jersey City, New Jersey on March 30, 1988. Admitted to the bar 2012, New Jersey. Education: Saint Peter's University (B.A. in Political Science and Philosophy 2009) and Rutgers School of Law (J.D. 2012). Jonathan's practice includes: public entity representation, employment litigation, criminal litigation, class actions and complex commercial litigation.

FRANCIS A. KENNY (Newark Office), was born in Manhattan, New York on August 28, 1987. Admitted to the bar 2015, New Jersey. Education: St. Joseph's University (B.A. in Political Science 2009) and Seton Hall University School of Law (J.D. 2015). Francis' practice includes: public entity representation, employment litigation, class actions and complex commercial litigation.



EXHIBIT D

LITE DEPALMA GREENBERG, LLC

Biographies of Former Associates Sardina and Preston

ERIK E. SARDIÑA (Newark Office), born Ridgewood, New Jersey, October 16, 1986.

Admitted to bars of: New Jersey (2013) and New York (2017). Education: New York University (B.A. in History & Theology 2009); Seton Hall University School of Law (J.D. 2013). Complex Commercial Litigation; Class Action Litigation; Municipal Practice; Employment/Labor Law.

PHYLICIA A. PRESTON (Newark Office), was born in St. Croix, U.S Virgin Islands on March 20, 1988. Admitted to the bars of: New Jersey (2015), New York (2015), the District of Columbia (2015), and Virginia (2018). Education: Seton Hall University (B.S. in Business Administration 2010) and Seton Hall University School of Law (J.D. 2015). Phylcia's practice includes: Public Entity Litigation; Criminal Litigation; Complex Commercial Litigation; Class Action Litigation; and Employment/Labor Law.