

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LAWRENCE E. JAFFE PENSION PLAN, On) Lead Case No. 02-C-5893
Behalf of Itself and All Others Similarly) (Consolidated)
Situating,)
) Judge Jorge L. Alonso
)
Plaintiff,)
)
)
vs.)
)
HOUSEHOLD INTERNATIONAL, INC., et)
al.,)
)
Defendants.)
)
)
_____)

**DECLARATION OF MARVIN A. MILLER FILED ON BEHALF OF
MILLER LAW LLC IN SUPPORT OF APPLICATION FOR AWARD OF
OF ATTORNEYS' FEES AND EXPENSES**

I, Marvin A. Miller, declare as follows:

1. I am the Principal of the firm of Miller Law LLC. I am submitting this declaration in support of my firm's application for an award of attorneys' fees and expenses in connection with services rendered in the above-entitled action.

2. This firm is counsel of record for plaintiff, Lawrence E. Jaffe Pension Plan.

3. The identification and background of my firm and its partners is attached hereto as Exhibit A.

4. The information in this declaration regarding the firm's time and expenses is taken from time and expense records prepared and maintained by the firm in the ordinary course of business. I oversaw and/or conducted the firm's day-to-day activities in the litigation and reviewed the printouts which reflect the contemporaneous time and expenses records (and backup documentation where necessary or appropriate). The purpose of these reviews was to confirm both the accuracy of the entries on the printouts as well as the necessity for and reasonableness of the time and expenses committed to the litigation. I believe that the time reflected in the firm's lodestar calculation and the expenses for which payment is sought are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. In addition, the expenses are all of a type that would normally be charged to a fee-paying client in the private legal marketplace. Beginning January 1, 2007 through July 18, 2016, the total number of hours spent on this litigation by my firm is 2,130.60. The total lodestar amount for attorney/paraprofessional time based on the firm's current rates is \$1,284,785.00. The hourly rates shown below are the usual and customary rates set by the firm for each individual. A breakdown of the lodestar is as follows:

NAME	HOURS	RATE	LODESTAR
Marvin A. Miller	462.2	\$875	\$404,425.00
Matthew E. Van Tine	1.9	\$725	\$1,377.50
Lori A. Fanning	1061.10	\$675	716,242.50
Kathleen Boychuck	45.8	\$425	19,465.00
Anne Skallerup	63.5	\$350	22,225.00

Grant Manny	4.0	\$190	760.00
Kira Thomas	8.0	\$190	1,520.00
Anne Jewell	23.30	\$275	6,407.50
Jorge Ramirez	389.70	\$250	97,425.00
Dena Robinson	.10	\$275	27.50
Kay Pulido	71.0	\$210	14,910.00
TOTAL:	2,130.60		\$1,284,785.00

5. My firm seeks an award of \$25,478.68 in expenses/charges in connection with the prosecution of the litigation. They are broken down as follows:

EXPENSES/CHARGES

From Inception through July 18, 2016

<i>CATEGORY</i>	<i>TOTAL</i>
Meals, Hotels & Transportation	\$1,866.56
Photocopies	12,070.75
Outside Copying	970.35
Postage	65.22
Telephone, Facsimile	230.75
Messenger, Overnight Delivery	364.71
Court Hearing and Deposition Reporting, and Transcripts	4,357.29
Online Legal and Financial Research	5,553.05
<i>TOTAL</i>	\$25,478.68

6. The following is additional information regarding certain of these expenses:

(a) Meals, Hotels and Transportation: \$1,866.56. This expense was reasonably incurred for cabfares to and from the courthouse to deliver boxes of pleadings and materials necessary for motions and trial; cabfares for employees working late and lunch and dinner for personnel working late during the trial preparation and trial.

(b) Photocopying:
In-house (48,283 copies @ \$0.25 per copy): \$12,070.75
Outside Copying: \$970.35

<i>DATE</i>	<i>VENDOR</i>	<i>DESCRIPTION</i>
1/10/2007	Document Technologies	Copying exhibits, binding and exhibit tabs
2/17/2009	Landmark	951 copies, binding and exhibit tabs
3/5/2009	Landmark	1266 copies, binding and exhibit tabs
11/25/2015	HaystackID	1,703 copies, Printing, Tabs & Binding
5/17/2016	HaystackID	3,507 copies Printing, Tabs & Binding

(c) Court Hearing and Deposition Reporting, and Transcripts: \$4,357.29

<i>DATE</i>	<i>VENDOR</i>	<i>DESCRIPTION</i>
1/17/2007	Geraldine D. Monahan CSR	1/10/2007 hearing transcript
1/23/2007	Pamela Warren	4/12/2007 hearing transcript
2/21/2007	Riki Schatell	2/12/07 hearing transcript
1/27/2007	April Metzler	1/24/2007 status conference transcript
2/27/2007	Geraldine Monahan	2/15/2007 hearing transcript
3/9/2007	Riki Schatell	2/27/2007 hearing transcript
3/27/2007	Pamela Warren	3/12/2007 hearing transcript
5/7/2007	Riki Schatell	4/22/2008 hearing transcript
9/6/2007	Nancy LaBella	9/4/2007 hearing transcript
11/26/2007	Riki Schatell	11/20/2007 hearing transcript
3/28/2008	Riki Schatell	3/13/2008 hearing transcript
4/7/2008	Nancy LaBella	3/27/2008 hearing transcript
4/30/2008	Riki Schatell	4/29/2008 hearing transcript
5/19/2008	Riki Schatell	4/22/2008 hearing transcript
5/19/2008	Riki Schatell	4/29/2008 hearing transcript
12/8/2008	Nancy LaBella	12/2/2008 hearing transcript
12/17/2008	Nancy LaBella	12/16/2008 hearing transcript
1/6/2011	Nancy LaBella	1/5/2011 hearing transcript
1/7/2011	Nancy LaBella	8/20/2009 hearing transcript
1/28/2011	Nancy LaBella	1/27/2011 hearing transcript
4/11/2011	Nancy LaBella	4/7/2011 hearing transcript

(d) Online Legal and Financial Research: \$5,553.05. This expense was reasonably incurred for the West Publishing research database and PACER Service Center charges. These databases were used to obtain access to SEC filings, legal research and cite-checking of briefs.

7. The expenses pertaining to this case are reflected in the books and records of this firm. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 20th day of July, 2016 at Chicago, Illinois.

s/Marvin A. Miller

MARVIN A. MILLER

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2016, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses for counsel of record denoted on the attached Service List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 29, 2016.

s/ Spencer A. Burkholz

SPENCER A. BURKHOLZ

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Jaffe v. Household Int'l, Inc., No. 02-5893 (N.D. Ill.)
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<p>Liaison Counsel for Plaintiffs</p>	

EXHIBIT A



Miller Law is a litigation boutique law firm which unites the talents of attorneys with combined experience in a wide array of complex civil litigation. The foundation of the firm is the ability to handle large complex litigation and sophisticated class actions in a variety of practice areas in federal and state courts across the country.

Our litigation experience covers a varied and broad range of industries including pharmaceuticals, telecommunications, commodities and securities.

Miller Law's fees are contingent on our success in achieving a favorable result for our clients and are reviewed and awarded by the court. Because we advance the costs of the litigation and our fees are earned on a predominately contingent basis, we continuously monitor and carefully evaluate each case throughout the litigation and understand the need to be efficient. This gives us the confidence and flexibility to employ creative thought in the decision-making process at every stage of the litigation. The skill and experience of the Miller Law attorneys has been recognized repeatedly by their peers, at whose request we have served as co-lead counsel and *liaison*, and by courts, which have appointed our attorneys to leadership positions in complex multi-district or consolidated litigation in securities, commodities, consumer and antitrust class actions where we have been responsible for many outstanding recoveries and precedent-making decisions.

Representative Pending Matters

Antitrust:

In re Actos Antitrust Litig., (S.D.N.Y.). Miller Law represents a Third Party Payor Union Health and Welfare Fund in this indirect purchaser antitrust action.

In re Aggrenox Antitrust Litig., (D. Ct.). This action is filed on behalf of Third Party Payor Union Health and Welfare Fund in this antitrust action seeking treble damages arising out of the defendants' unlawful exclusion of generic substitutes from the market. Miller Law serves as Co-Lead Counsel in this matter.

In re Automotive Parts Antitrust Litig., (*In re Instrument Panel Clusters Case*), 12-MD-02311 (E.D. Mich.). Miller Law represents direct purchaser plaintiffs.

In re Cathode Ray Tube (CRT) Antitrust Litig., MDL 1917, 07-5944-SC (N.D. Cal.). The antitrust class action complaint contains allegations of price fixing of Cathode Ray Tubes and Cathode Ray Tube Products including those used in televisions, computer monitors and other devices. The Court recently granted preliminary approval of settlements valued in excess of \$500 million.

In re Effexor XR Antitrust Litig., 11-5590 (D.N.J.). Miller Law, along with co-counsel, represents indirect purchaser opt-out plaintiffs in this antitrust action against Wyeth, Inc., Wyeth Pharmaceuticals, Inc., Wyeth-Whitehall Pharmaceuticals and Wyeth Pharmaceuticals Company.

In Re: Evanston Northwestern Healthcare Corp. Antitrust Litig., 07-4446 (N.D. Ill.). Defendant, NorthShore University Health System (formerly known as Evanston Northwestern Healthcare), is being sued for inflated prices for healthcare services in violation of antitrust laws in connection with the merger of three hospitals. After the Seventh Circuit Court of Appeal reversed denial of class certification, the case was certified to proceed as a class action, notice has been disseminated and the case proceeds. In connection of the certification of the class, the Court appointed Marvin Miller as co-lead counsel.

In re Lidoderm Antitrust Litig., 14-md-2521 (N.D. Cal.). Miller Law serves on the Executive Committee in this indirect purchaser antitrust pharmaceutical class action.

In re Loestrin Antitrust Litig., (D. R.I.). Miller Law is co-lead counsel for Indirect Purchaser Plaintiffs in this antitrust action seeking treble damages arising out of the defendants' unlawful exclusion of generic substitutes from the market.

In re Niaspan Antitrust Litig., (E.D. Pa.). Mr. Miller is co-lead counsel for Indirect Purchaser Plaintiffs in this antitrust action seeking treble damages arising out of the defendants' unlawful exclusion of generic substitutes from the market for this cholesterol drug.

In re: Polyurethane Foam Antitrust Litigation, 10 MDL 2196 (N.D. Ohio). This antitrust class action seeks to recover damages sustained by indirect purchasers of polyurethane foam as a result of defendants' agreements to fix the prices and allocate customers for flexible polyurethane foam which is a major component of bedding, furniture and other products. Marvin Miller was appointed Lead Counsel for the Indirect Purchasers. Settlements valued at \$151,250,000 have been achieved. A fairness hearing is scheduled for December 15, 2015.

In re Solodyn Antitrust Litig., No. 14-2503 (D. Mass). Mr. Miller is on the Executive Committee in this Indirect Purchaser antitrust action seeking treble damages arising out of the defendants' unlawful exclusion of generic substitutes from the market for oral antibiotics for the treatment of acne.

In re Suboxone (Buprenorphine Hydrochloride and Nalaxone) Antitrust Litig., MDL No. 2445 (E.D. Pa.). In this Indirect Purchaser antitrust action seeking treble damages arising out of the defendants' unlawful exclusion of generic substitutes from the market, Mr. Miller serves as co-lead counsel for the putative Indirect Purchaser Class.

BCBC TN, et al. v. Mutual Pharmaceutical Co., Civ. Act 32941-II (Skelaxin) (remanded to Tenn. State Court from E.D. Tenn.). The firm represents opt-out indirect purchasers in this antitrust action seeking treble damages arising out of the defendants' unlawful exclusion of generic substitutes from the market for metaxalone, a prescription muscle relaxant.

Sergeants Benevolent Association Health & Welfare Fund v. Actavis, PLC, et al., 15-6549 (S.D.N.Y.). Miller Law, along with co-counsel, represent end-payor plaintiffs in this antitrust action against Actavis, PLC and Forest Laboratories, LLC, Merz Pharmaceuticals GMBH & CO. KGAA,

Amneal Pharmaceuticals, LLC, Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries, Ltd., Barr Pharmaceuticals, Inc., Cobalt Laboratories, Inc., Upsher-Smith Laboratories, Inc., Wockhardt Ltd., Wockhardt USA LLC, Sun India Pharmaceuticals Industries, Ltd., Dr. Reddy's Laboratories Ltd., and Dr. Reddy's Laboratories, Inc.

Supreme Auto Transport LLC v. Arcelor Mittal, 08- 5468 (N.D. Ill.). This case was commenced as an indirect purchaser class action against ArcelorMittal USA and others for their conspiracy to illegally price fixing of steel products sold to consumers and to artificially restrict the supply of steel products in the United States. Mr. Miller was appointed Interim Lead Counsel.

Kleen Products LLC, et al. v. International Paper Co., et al., 10 C 5711 (N.D. Ill.). Nationwide Sherman Act class action for direct purchasers involving price- fixing and supply restriction claims against the major integrated producers of containerboard and corrugated products.

Commodities:

In re Commodity Exchange, Inc., Silver Futures and Options Trading Litig., MDL No. 2213 (S.D.N.Y.) This class alleges that the defendants intentionally manipulated the price of silver futures options contracts in violation of the Commodities Exchange Act.

In re: Dairy Farmers Of America, Inc. Cheese Antitrust Litig., MDL No. 2031, Master File No. 09-03690 (N.D. Ill.). This action alleges that Defendants conspired and agreed to fix or manipulate the prices of Chicago Mercantile Exchange Class III milk futures contracts, CME Cheese Spot Call contract.

Consumer Protection:

First NBC Bank v. Kmart, et al., 14-10088 (N.D. Ill.). This class action complaint contains allegations in connection with a customer data security breach related to Defendants' payment data systems during 2014.

Greene v. Sears Protection Co., 15-2546 (N.D. Ill.). Miller Law, along with co-counsel represents consumers in this class action against Sears for violations of the Illinois Consumer Fraud and Deceptive Practices Act involving allegations of illusory service protection agreements sold by the Sears companies.

Reid v. Unilever, Inc., 12-6058 (N.D. Ill.). Miller Law serves as Liaison Counsel in this representative action of consumers who used Unilever's Suave Professionals Keratin Infusion 30-Day Smoothing Kit and experienced significant hair loss, damage, or burns to the scalp. The Court granted Final approval of a \$10,250,00 settlement on July 29, 2014. A sole objector's appeal was heard before the Seventh Circuit on September 29, 2015.

Securities:

City of Lakeland Employees Pension Plan v. Baxter International Inc., 10-06016 (N.D. Ill.) Miller Law serves as liaison counsel in this securities fraud litigation that alleges defendants issued

materially false and misleading statements regarding the Baxter's plasma-derivative products business. The court granted preliminary approval to a settlement on September 18, 2015.

Lawrence E. Jaffe Pension Plan v. Household Int'l, 02-5893 (N.D. Ill.). The firm serves as *liaison* counsel and served on the trial team in this securities fraud litigation alleging that Household engaged in a variety of illegal sales practices and improper lending techniques to manipulate publicly reported financial statistics. The case was tried and the jury awarded a verdict in favor of plaintiffs.

Representative Resolved Matters

Antitrust:

In re Flonase Antitrust Litigation, No. 08-3301 (E.D. Pa). Judge Anita B. Brody of the Eastern District of Pennsylvania appointed attorneys at Miller Law as co-lead class counsel to represent a class of indirect purchasers of the drug Flonase in an antitrust action against the maker of that drug. In 2012, Miller Law, together with its co-counsel, obtained a court-approved settlement for the indirect purchaser plaintiff class in the amount of \$46,000,000.

In Re Potash Antitrust Litigation, MDL Dkt. No. 1996 / No. 08-cv-6910 (N.D. Ill.). Now Chief Judge of the Northern District of Illinois, Ruben Castillo, appointed Miller Law co-lead class counsel to represent a class of indirect purchasers of potash (a fertilizer) in an antitrust class action that achieved a \$17,500,000 settlement for the indirect purchaser class in 2013.

In re Aftermarket Filters Antitrust Litig., MDL No. 1957, 08-4883 (N.D. Ill.). The complaint alleged a conspiracy among the Defendants and their co-conspirators to fix prices and to engage in other unlawful practices intended to raise, maintain, and/or stabilize prices for replacement motor vehicle oil, fuel and engine air filters ("Filters"). The firm serves as *liaison* counsel for the Indirect Purchasers. The Court has granted final approval of a settlement of Indirect Purchasers.

In re Airline Ticket Commission Antitrust Litig., MDL No. 1058 (D. Minn.). Antitrust class action on behalf of travel agents against the major airlines for allegedly fixing the amount of commissions payable on ticket sales. The action settled for \$87 million. *See* 953 F. Supp. 280 (D. Minn. 1997).

In re Cardizem CD Antitrust Litig., MDL No. 1278 (E.D. Mich.). Multi-district class action on behalf of purchasers of Cardizem CD, a brand-name heart medication manufactured and marketed by Hoechst Marion Roussel, Inc. (now merged into Aventis Pharmaceuticals, Inc.) Plaintiffs alleged that an agreement between HMR and generic manufacturer Andrx Corp. unlawfully stalled generic competition. The \$80 million settlement for the benefit of third-party payors and consumers was granted final approval. *In re Cardizem CD Antitrust Litig.*, 218 F.R.D. 508 (E.D. Mich. 2003), *appeal dismissed*, 391 F.3d 812 (6th Cir. 2004).

In re Cellular Phone Cases, Coordination Proceeding No. 4000 (Superior Court, San Francisco County, Cal.). Class action under California's Cartwright Act, which alleged price-fixing of cellular

telephone service in the San Francisco area market. The \$35 million in-kind benefits to the Class was granted final approval.

In re Lithotripsy Antitrust Litig., No. 98 C 8394 (N.D. Ill.). Antitrust class action arising out of alleged stabilization of urologist fees in the Chicago metropolitan area.

In re Lorazepam & Clorazepate Antitrust Litig., MDL 1290 (D.D.C.). This multi-district class action arose out of an alleged scheme to corner the market on the active pharmaceutical ingredients necessary to manufacture generic clorazepate and lorazepam tablets. After cornering the market on the supply, defendants raised prices for generic clorazepate and lorazepam tablets by staggering amounts (*i.e.*, 1,900% to over 6,500%) despite no significant increase in costs. On February 1, 2002, Judge Thomas F. Hogan approved a class action settlement on behalf of consumers, state attorneys general and third party payors in the aggregate amount of \$135 million. *See* 205 F.R.D. 369 (D.D.C. 2002).

In re Relafen Antitrust Litig., 01-12239 (D. Mass.). The United States District Court for the District of Massachusetts granted final approval to a \$75 million class action settlement for the benefit of consumers and third-party payors who paid for branded and generic versions of the arthritis medication Relafen.

In re Synthroid Marketing Litig., MDL No. 1182 (N.D. Ill.). This multi-district action arises out of alleged unlawful activities with respect to the marketing of Synthroid, a levothyroxine product used to treat thyroid disorders. Final approval of a settlement in the amount of \$87.4 million plus interest. *See* 188 F.R.D. 295 (N.D. Ill. 1999) was upheld on appeal. *See* 264 F.3d 712 (7th Cir. 2001).

In re: TFT-LCD (Flat Panel) Antitrust Litig., MDL No. 1827, 07-MD-1827 (N.D. Cal.). Antitrust class action that recovered damages sustained by indirect purchasers of thin-film transistor liquid crystal display panels (“LCD panels”) as a result of defendants’ agreements to fix the prices for LCD panels which are a major component of TVs, notebook computers, and monitors. The court granted final approval of settlements totaling over \$1 billion.

In re Warfarin Sodium Antitrust Litig., MDL 98-1232 (D. Del.). A multi-district class action on behalf of purchasers of Coumadin, the brand-name warfarin sodium manufactured and marketed by DuPont Pharmaceutical Company. Plaintiffs alleged that the defendant engaged in anticompetitive conduct that wrongfully suppressed competition from generic warfarin sodium. The case settled for \$44.5 million which was affirmed on appeal. *See In re Warfarin Sodium Antitrust Litig.*, 212 F.R.D. 231 (D. Del. 2002).

Bayside Rubber & Prods., Inv. v. Bridgestone Indus. Prod. Am. Inc., 07-21784 (S.D. Fla.). This class action alleges that defendant-manufacturers of flexible rubber hose used to transport oil between ships, terminals, buoys and tanks, among other things, conspired to fix the prices of the marine hoses.

Brand-Name Prescription Drug Indirect Purchaser Actions. Coordinated antitrust actions against the major pharmaceutical manufacturers in ten states and the District of Columbia. The actions were

brought under state law on behalf of indirect purchaser consumers who obtained brand name prescription drugs from retail pharmacies. In 1998, the parties agreed to a multi-state settlement in the amount of \$64.3 million, which was allocated among the actions.

Garabedian v. LASMSA Limited Partnership, No. 721144 (Superior Court, Orange County, Cal.). Class action under California's Cartwright Act which alleged price-fixing of cellular telephone service in the Los Angeles area market. The court granted final approval to two settlements that provided \$165 million of in-kind benefits.

Lobatz v. AirTouch Cellular, 94-1311 BTM (AJB) (S.D. Cal.). Class action alleging price-fixing of cellular telephone service in San Diego County, California. The court approved settlements of \$8 million in cash and other benefits.

Ryan-House v. GlaxoSmithKline PLC, No. 02-442 (E.D. Va.). Plaintiffs allege that GSK, which makes Augmentin, misled the United States Patent Office into issuing patents to protect Augmentin from competition from generic substitutes. The case was resolved and the court approved a \$29 million settlement for the benefit of consumers and third-party payors. *Ryan-House, et al v. GlaxoSmithKline, PLC, et al.*, No. 02-442, (January 10, 2005, E.D. Va.)

Commodities:

Dennison v. BP Corp., No. 06-3334 (N.D. Ill.). This class action was commenced to recover damages as a result of defendant's alleged improper conduct in manipulating the price of propane. On February 10, 2010, the Court granted final approval of the \$15,250,000 cash settlement. Mr. Miller serves as Co-Lead Counsel in this consolidated Plaintiffs' class action.

In re First Commodity Corp. of Boston Customer Account Litig., MDL-713 (D. Mass). Class actions alleging violation of the anti-fraud provisions of the Commodity Exchange Act. The action settled for \$5.3 million. *See* 119 F.R.D. 301 (D. Mass. 1987).

In re Int'l Trading Group, Ltd. Customer Account Litig., No. 89-5545 RSWL (GHKx) (C.D. Cal.). Class action alleging violation of the anti-fraud provisions of the Commodity Exchange Act. The case settled with individual defendants and proceeded to a judgment against the corporate entity. In that phase, the Court awarded the Class a constructive trust and equitable lien over the corporation's assets and entered a \$492 million judgment in favor of the Class.

In re Soybean Futures Litig., No. 89-7009 (N.D. Ill.). A commodities manipulation class action against Ferruzzi Finanziaria, S.p.A. and related companies for unlawfully manipulating the soybean futures market in 1989. In December, 1996, the court approved a settlement in the amount of \$21,500,000. *See* 892 F. Supp. 1025 (N.D. Ill. 1995). Mr. Miller served as Co-Lead Counsel for Plaintiffs.

In re Sumitomo Copper Litig., 96- 4584(MP) (S.D.N.Y.). Class action arising out of manipulation of the world copper market. On October 7, 1999, the court approved settlements aggregating \$134,600,000. *See* 189 F.R.D. 274 (S.D.N.Y. 1999). In awarding attorneys' fees, Judge Milton

Pollack noted that it was the largest class action recovery in the 75 plus year history of the Commodity Exchange Act. 74 F. Supp. 2d 393 (S.D.N.Y. Nov. 15, 1999). Additional reported opinions: 995 F. Supp. 451 (S.D.N.Y. 1998); 182 F.R.D. 85 (S.D.N.Y. 1998). Mr. Miller was appointed by Judge Pollack as Plaintiffs' Co-Lead Counsel.

Kohen, et al. v. Pacific Investment Management Co., No. 05-4681 (N.D. Ill.). This class action recovered for alleged violations of the Commodity Exchange Act when the Defendants improperly manipulated the Ten-Year Treasury bonds. On July 31, 2009, the Seventh Circuit Court of Appeals affirmed the decision that this case can proceed as a class action. On May 2, 2011, the Court entered a \$118.75 million judgment in favor of the class. Mr. Miller, at the request of Lead Counsel, served as *liaison* counsel for the Plaintiffs.

Smith v. Groover, 77-2297 (N.D.Ill.). A commodities fraud and antitrust class action against the Chicago Board of Trade and several floor traders involving the manipulation of the soybean market through bucketing. The case established that, in the Northern District of Illinois, a plaintiff has an implied private right of action under the Commodity Exchange Act and that an Exchange can be sued for negligence in failing to supervise its members. Mr. Miller was one of Plaintiff's counsel in this precedent making decision.

Securities:

Abrams v. Van Kampen Funds, Case No. 01-7538 (N.D. Ill.), involving a mutual fund that was charged with improperly valuating its net asset value. After extensive discovery, the case settled for in excess of \$31 million and was granted final approval.

Central Laborers' Pension Fund v. Sirva, Inc., 04-7644 (N.D. Ill.). A \$53 million settlement was approved in this national securities class action which sought recovery from the defendant for violations of the securities laws because of the alleged failure to disclose to the investing public the true financial condition of the company. Mr. Miller served as Plaintiff's *liaison* counsel at the request of Lead counsel.

Danis v. USN Communications, Inc., No. 98-7482 (N.D. Ill.). Securities fraud class action arising out of the collapse and subsequent bankruptcy of USN Communications, Inc. The court approved a \$44.7 million settlement with certain control persons and underwriters. Reported decisions: 73 F. Supp. 2d 923 (N.D. Ill. 1999); 189 F.R.D. 391 (N.D. Ill. 1999); 121 F. Supp. 2d 1183 (N.D. Ill. 2000). At the request of Co-Lead Counsel, Mr. Miller served as *liaison* counsel for Plaintiffs.

In re Archer-Daniels-Midland, Inc. Sec. Litig., No. 95-2287 (C.D. Ill.). A class action arising out of the Archer-Daniels-Midland price-fixing scandal. Plaintiffs brought claims for securities law violations which settled for \$30 million.

In re Baldwin-United Corp. Sec. Litig., MDL-581, (S.D.N.Y.). In this early multi-district securities class action, Plaintiffs' counsel advanced the novel issue of whether Single Premium Deferred Annuities sold by the stock brokerage industry were securities and the sale of approximately \$4.2 billion of were in violation of the federal and state securities laws. A \$180 million settlement was

obtained was the largest securities class action settlements at the time and remains one of the larger securities class action settlements on record. In awarding interim counsel fees, Judge Charles Brieant commented "...that plaintiffs' attorneys [including Marvin A. Miller as co-lead counsel] had rendered extremely valuable services with diligence, energy and imagination, and are entitled to just compensation."

In re Bank One Shareholders Class Actions, No. 00-880 (N.D. Ill.). In this securities fraud class action against Bank One and certain officers, Judge Milton I. Shadur appointed Mr. Miller to draft the Consolidated Class Action Complaint. At the request of court-appointed lead counsel, Mr. Miller served as Plaintiffs= *liaison* counsel. Judge Shadur subsequently approved a \$45 million settlement.

In re Caremark Int'l Inc. Sec. Litig., No. 94-4751 (N.D. Ill.). This action arose out of Caremark's allegedly improper financial arrangements with physicians. A \$25 million settlement concluded the litigation.

In re Nuveen Fund Litig., No. 94-360 (N.D. Ill.). Class action and derivative suit under the Investment Company Act arising out of coercive tender offerings in two closed-end mutual funds.

In re Prudential Sec. Inc. Ltd. Partnerships Litig., MDL 1005 (S.D.N.Y.). A nationwide multi-district class action arising out of Prudential Securities Incorporated's marketing and sale of speculative limited partnership interests. The final settlements produced an aggregate of more than \$132 million for injured investors.

In re Salton/Maxim Sec. Litig., No. 91-7693 (N.D. Ill.). Class action arising out of public offering of Salton/Maxim Housewares, Inc. stock. On September 23, 1994, Judge James S. Holderman (now Chief Judge of the United States District Court for the Northern District of Illinois) approved a multi-million dollar settlement achieved for the class, commenting that "it was a pleasure to preside over [the case] because of the skill and the quality of the lawyering on everyone's part in connection with the case."

In re Sears, Roebuck and Co. Sec. Litig., No. 02-07527 (N.D. Ill.). Sears settled a class action lawsuit for \$215 million in a case brought by shareholders. The case alleged breach of fiduciary duty for failing to prevent improper bankruptcy collection practices under the company's debt reaffirmation agreements. Mr. Miller served as plaintiff's *liaison* counsel in this nationwide securities case.

In re Telesphere Sec. Litig., 89-1875 (N.D. Ill.). In his opinion approving a class action settlement, Judge Milton I. Shadur referred to Marvin A. Miller as "...an experienced securities law class action litigator and who also has 20 years [now 44 years] practice under his belt. This Court has seen the quality of that lawyer's work in other litigation, and it is first-rate." 753 F.Supp. 716, 719 (N.D. Ill. 1990).

In re VMS Sec. Litig., 89-9448 (N.D. Ill.). A securities fraud class action and derivative suit relating to publicly traded real estate investments. The court certified a plaintiff class and subclasses of approximately 100,000 members, 136 F.R.D. 466 (N.D. Ill. 1991) and approved a class and derivative settlement worth \$98 million.

Horton v. Merrill Lynch, Pierce Fenner & Smith, Inc., No. 91-276-CIV-5-D (E.D.N.C.). A multi-million dollar settlement was approved in this securities fraud class action arising out of a broker's marketing of a speculative Australian security. The Court stated that "the experience of class counsel warrants affording their judgment appropriate deference in determining whether to approve the proposed settlement." 855 F. Supp. 825, 831 (E.D.N.C. 1994).

Hoxworth v. Blinder Robinson & Co., 88-0285 (E.D. Pa.). A securities fraud and RICO class action resulting from alleged manipulative practices and boiler-room operations in the sale of "penny stocks." Judgment in excess of \$70 million was entered and that judgment was affirmed by the Third Circuit Court of Appeals, 980 F.2d 912 (3rd Cir. 1992). *See also Hoxworth v. Blinder*, 74 F.3d 205 (10th Cir. 1996).

Jones v. Corus Bancshares, Inc., 09-1538 (N.D. Ill.). Miller Law served as Liaison Counsel in this securities fraud action against Corus.

Makor Issues & Rights & Ltd. v. Tellabs, 02-4356 (N.D. Ill.). This securities fraud action alleges that Tellabs, a global supplier of optical networking, broadband access and voice-quality enhancement solutions to telecommunications carriers and internet service providers engaged in wrongdoing concerning certain of its core products. Mr. Miller serves as Liaison Counsel. The case was argued before the United States Supreme Court and created precedent for the pleading standard in securities cases. *Tellabs v. Makor Issues & Rights, Ltd.*, 127 S.Ct. 2499 (2007). The court granted class certification on February 24, 2009. The court granted final approval of a settlement on July 26, 2011.

Mirsky v. Ulta Salon, Cosmetics and Fragrance Inc., 07-7083 (N.D. Ill.). As alleged in the complaint, defendants issued materially false and misleading statements in connection with the IPO concerning ULTA's financial condition and the levels of its selling, general and administrative expenses inventories. The court approved settlement on November 16, 2009.

Silverman v. Motorola, 07-4507 (N.D. Ill.). Miller Law serves as Liaison Counsel in this securities fraud action against Motorola –one of the world's largest producers of wireless handsets. The court granted class certification on August 25, 2009. The court approved a \$200 million settlement.

Plumbers and Pipefitters Local Union No. 630 Pension-Annuity Trust Fund v. Allscripts-Misys Healthcare Solutions, Inc., 09-4726 (N.D. Ill.). This is a securities class action on behalf of purchasers of Allscripts-Misys Healthcare Solutions, Inc. common stock during the class period seeking to pursue remedies under the Securities Exchange Act of 1934 (the "Exchange Act").

Garden City Employees' Retirement System v. Anixter Int'l Inc., 09-5641 (N.D. Ill.). This is a securities class action on behalf of purchasers of Anixter common stock during the class period seeking to pursue remedies under the Securities Exchange Act of 1934 (the "Exchange Act").

Intellectual Property:

Acco Brands USA v. PC Guardian Anti-Theft Products, Inc., No. 06-7102 (N.D. Ill.). The firm represented one of the named defendants in this alleged patent infringement case.

Baxter Int'l v. McGaw, Inc., (N.D. Ill.). Mr. Miller, together with co-counsel, successfully represented the Defendant in this patent infringement case and served as a member of the trial team which won a jury verdict of non-infringement of three needleless injection sites and also obtained a finding that the Plaintiff had engaged in inequitable conduct on two of the patents. The decision was affirmed by the Court of Appeals Federal Circuit. (96-1329,-1342, 97-1331,-1350 decided June 30, 1998).

Golden Bridge Technology v. AT&T Corp., et al., 10-428, 11-165 (consolidated) (D. Del.) represented plaintiff in this multi-defendant patent infringement litigation.

Shareholder and Derivative actions:

Murphy v. CDW Corp., 07-3033 (N.D. Ill.). The firm represents a class of the public shareholders of CDW Corporation who sued the company and its directors for breach of fiduciary duties in connection their acceptance of the \$7.3 billion buyout. The complaint alleges, among other matters, that the price does not reflect the true value of the company to its shareholders. The firm has been appointed *liaison* counsel for the class. The Court entered an order approving the settlement on May 7, 2008.

Additional Representative Cases

In re: Ameriquest Mortgage Co. Mortgage Lending Practices Litigation, MDL No. 1715, (N.D. Ill.). This large multidistrict national class action against this “subprime” lender, challenges Ameriquest’s alleged predatory lending practices, “bait and switch”, faulty appraisals, improper late fees and hidden costs, among other practices, and seeks damages and remedial relief on behalf of borrowers. At Plaintiffs’ Co-lead counsel’s request, Mr. Miller serves as *liaison* counsel.

In re Mercedes Benz Tele-Aid Contract Litig., MDL No. 1914, No. 07-2720 (D.N.J.). Plaintiffs sought compensatory and other damages for allegations relating to Mercedes Benz’ failure to inform Mercedes vehicle purchasers of Model Years 2002 through 2006 that their analog-only Tele Aid systems would become obsolete and would stop functioning after December 31, 2007. The court granted class certification on April 27, 2009, and approved a settlement on September 9, 2011.

In re Sears, Roebuck and Co., ERISA Litig., 02-8324 (N.D. Ill.). Mr. Miller served as plaintiff’s liaison counsel in this nationwide action. Sears settled this ERISA action for \$14.5 million in cash. The case alleged breaches of fiduciary duties in contravention of the Employee Retirement Income Security Act of 1974. The plan participants will directly benefit from the resulting settlement.

PrimeCo Personal Communications, L.P. v. Ill. Commerce Comm'n., No. 98 CH 5500 (Circuit Court of Cook County, Ill.). This class action sought recovery of an unconstitutional infra-structure maintenance fee imposed by municipalities on wireless telephone and pager customers in the State of Illinois. The court granted final approval to a settlement of more than \$31 million paid by the City of Chicago. Subsequently, the court certified a settlement class of all wireless users in the State of Illinois and a Defendant Class of municipalities throughout the state which collected Infrastructure Maintenance Fees from wireless users and approved a settlement for the Class of in excess of \$11 million. Mr. Miller served as a Co-lead counsel for Plaintiffs in this novel class action.

Rodriguez v. CenturyTel, Inc., 09-50006 (N.D. Ill.). In this FLSA action, Miller Law recovered overtime and other wages for employees. The Court approved a settlement in September, 2009.

Defendant Representations

In addition to our representation of plaintiffs, Miller Law attorneys have also represented defendants in complex class actions and derivative suits, including *In re Del-Val Financial Corp. Sec. Litig.*, MDL-872 (S.D.N.Y.); *In re Kenbee Limited Partnership Litig.*, No. 91-2174 (D.N.J.); *Weiss v. Winner's Circle of Chicago, Inc.*, No. 91-2780 (N.D. Ill.); *Levy v. Stern*, No. 11955 (New Castle County, Delaware). The court's decision in *In re Del-Val Financial Corp. Sec. Litig.*, 868 F. Supp. 547 (S.D.N.Y. 1994) resulted in a significant extension of the law concerning partial settlements of securities fraud class actions.

In the area of Intellectual Property, Miller Law attorneys represented McGaw, Inc. in an alleged patent infringement jury trial. The jury found in favor of our client and the decision was affirmed by the Federal Circuit. (96-1329,-1342, 97-1331,-1350 decided June 30, 1998); and represented Elizabeth Arden, Inc. for alleged violation of improperly extending patents, No. 10 C 3491) (N.D. Ill.). Mr. Miller also represented defendant PSMJ Resources, Inc. in the *Modern Trade Communications, Inc. v. PSMJ Resources, Inc.*, 10-5380 (N.D.Ill.)

Individual Biographies

Marvin A. Miller

Mr. Miller has more than 44 years of commercial and class action litigation experience. Mr. Miller has been lead or co-lead counsel across the full spectrum of industries (airline, cell and telephone, financial services, Internet and technology, manufacturing, pharmaceuticals, retailing, stock broker and exchange, and utilities) and practices (antitrust, consumer and investor fraud and protection, employment and employee benefits, insurance, shareholder derivative actions) that encompasses Miller Law's practice. Mr. Miller holds an AV Preeminent (highest) rating from Martindale-Hubbell. Each year from January 2007 through 2013, and 2015, Law & Politics and the publishers of Chicago Magazine named Mr. Miller an Illinois Super Lawyer. Super Lawyers are the top 5 percent of attorneys in Illinois, as chosen by their peers and through the independent research of Law & Politics. Mr. Miller has also served as a panelist for Practising Law Institute.

Prior to founding Miller Law, Mr. Miller was a co-founder of another national class action law firm. Throughout his career in class action jurisprudence, Mr. Miller has represented shareholders and investors in high profile and precedent-setting class action litigation involving such companies as Continental Illinois National Bank and Trust and Baldwin United Corporation. He was lead attorney in *Smith v. Groover*, in which he represented clients against the Chicago Board of Trade and several of its traders; the decision in the case, later affirmed, *sub. nom.*, in *Curran v. Merrill Lynch Pierce Fenner & Smith*, by the U.S. Supreme Court, established the precedent that an individual has an implied private right of action to sue an Exchange for negligence in failing to supervise its members.

Mr. Miller is a 1970 graduate of Illinois Institute of Technology-Chicago-Kent College of Law, where he was a member of the Editorial Board of the *Chicago-Kent Law Review*. He received his undergraduate degree from Hofstra University in Hempstead, New York in 1967. He is admitted to the state bars of Illinois and New York, the United States Court of Appeals for the Third, Fourth, Seventh, Eleventh Circuit, and Federal Circuit, the United States District Courts for the Northern District of Illinois (including the Trial Bar), Southern District of New York, District of New York, Eastern District of Michigan and Northern District of California. Mr. Miller is a member of the Chicago Bar Association and the Illinois State Bar Association and served two terms as Chairman of the *Cy Pres* Committee of the Illinois Bar Foundation.

Lori A. Fanning

Ms. Fanning concentrates her practice on complex class litigation in a wide range of matters in federal and state court, primarily in the areas of antitrust, consumer protection, and securities. She has prosecuted a variety of lawsuits involving the airline, banking, credit card, internet, pharmaceutical, and insurance industries.

Ms. Fanning currently litigates antitrust claims against a variety of pharmaceutical companies and is actively litigating the following cases, among others:

- *In re Aggrenox Antitrust Litig.*, (D. Ct.)
- *In re Effexor Antitrust Litig.*, (D. NJ.)
- *In re Loestrin Antitrust Litig.*, (D. R.I.)
- *In re Niaspan Antitrust Litig.*, (E.D. Pa.)
- *In re Suboxone Antitrust Litig.*, (E.D. Pa.)
- *Sergeants Benevolent Association Health & Welfare Fund v. Actavis, PLC, et al.*, (S.D.N.Y.)

Ms. Fanning served as Co-Lead Counsel for the End-Payor Class in *In re Flonase Antitrust Litigation* in the Eastern District of Pennsylvania and vigorously litigated the *In re Polyurethane Antitrust* action from its inception. Ms. Fanning also was on the trial preparation team for *In re Visa Check/MasterMoney Antitrust Litigation*, a civil antitrust case that settled for in excess of \$3 billion on the eve of trial. Additionally, she participated in *Jaffe v. Household* securities litigation. Ms. Fanning has also defended patent litigation on behalf of Datamation Systems, Inc.

Ms. Fanning is also currently litigating the following consumer actions:

- *Greene v. Sears Protection Co.*, (N.D. Ill.)
- *First NBC Bank v. Kmart, et al.*, (N.D. Ill.)
- *Reid v. Unilever*, (N.D. Ill.)

Ms. Fanning received her law degree with honors and a Certificate in Litigation and Alternative Dispute Resolution from the Illinois Institute of Technology/Chicago-Kent College of Law. She also earned a Master of Science in Administration from Central Michigan University, and a Bachelor's degree from the University of Nebraska at Omaha. She is admitted to practice in the state of Illinois and the federal district courts for the Northern District of Illinois, the Eastern District of Wisconsin, and the United States Courts of Appeals for the Seventh and Ninth Circuits. Ms. Fanning is a member of the American and Chicago Bar Associations.

Prior to attending law school, she enjoyed a successful career as a logistician with the United States government at the Naval Sea Systems Command in the Washington, D.C. area in support of Foreign Military Sales, new ship construction, and naval equipment. For her dedication, the Department of the Navy honored her with the Meritorious Civilian Service medal.

Matthew E. Van Tine

Mr. Van Tine focuses his practice on antitrust, consumer protection, and securities fraud matters. He has participated in the prosecution and defense of many class actions in these areas over the past three decades, as well as non-class cases raising business contract, products liability, civil rights, employment discrimination, ERISA, and shareholder claims. Mr. Van Tine's antitrust experience includes class actions alleging price fixing and monopolization, such as the indirect purchaser class plaintiffs' successes in *In re Polyurethane Foam Antitrust Litigation*, *In re Flonase Antitrust Litigation*, *In re Potash Antitrust Litigation*, and *In re Warfarin Sodium Antitrust Litigation*, and the direct purchaser class' success in *In re Brand Name Prescription Drug Antitrust Litigation*. Among his current class action antitrust cases are *In re Evanston Northwestern Healthcare Antitrust Litigation* and *Kleen Products LLC, et al. v. International Paper Co., et al.* Before joining Miller Law in 2007, Mr. Van Tine was affiliated with two other class action boutique law firms for fourteen years. Mr. Van Tine has also practiced with large law firms in Chicago and Boston, and served as an Assistant Corporation Counsel for the City of Chicago Law Department.

Mr. Van Tine received his A.B. degree *cum laude* from Harvard College in 1980, and his J.D. degree *magna cum laude* from Boston University School of Law in 1983, where he served as an Executive Editor of the Law Review and was the author of Note, Application of the Federal Parole Guidelines to Certain Prisoners: An Ex Post Facto Violation, 62 B.U.L. Rev. 515 (1982). Following law school, Mr. Van Tine served as a law clerk to the Honorable Raymond J. Pettine of the United States District Court for the District of Rhode Island. Mr. Van Tine's practice admissions include the state bars of Illinois (1983) and Massachusetts (1983), the Supreme Court of the United States (2005), the United States Court of Appeals for the Seventh Circuit (2001), and the United States District Courts for the District of Massachusetts (1984), the Northern

District of Illinois (General Bar – 1986, Trial Bar – 1993), and the Central District of Illinois (2010). He is a member of the Chicago and American Bar Associations, and served as a past President of the Abraham Lincoln Marovitz American Inn of Court.

Andrew Szot

Mr. Szot handles complex commercial litigation matters throughout the United States on behalf of individuals, organizations and companies, including the prosecution of class actions involving antitrust violations, commercial fraud, violations of the federal Motor Carrier Safety Administration Truth-in-Leasing statute and corresponding federal regulations, as well as actions brought pursuant to the federal False Claims Act (*qui tam* actions). Mr. Szot helps formulate and implement strategies to maximize recovery, and has experience litigating cases in state and federal courts, before governmental agencies, and in multiple arbitration forums. His legal work has been recognized by his peers, who selected him as an Illinois Rising Star for four consecutive years starting in 2010.

Mr. Szot received his Bachelor of Arts in History, with distinction, in 1997 from the University of Michigan in Ann Arbor, and earned his law degree from the University of Michigan Law School in 2000. He is a member of the Illinois State Bar (2001), the U.S. Court of Appeals for the Seventh Circuit (2001), the U.S. District Court for the Northern District of Illinois (2001), the U.S. District Court for the Eastern District of Wisconsin (2007), the U.S. District Court of Colorado (2011) and the Federal Trial Bar for the Northern District of Illinois (2007).

Before entering law school, Mr. Szot spent a year teaching and mentoring disadvantaged elementary school students as an AmeriCorps service volunteer, earning him a nomination for the Michigan Governor's Service Award. From June 2012 to June 2014, he served as co-chairperson of the Human Rights Committee of the Chicago Bar Association. Presently, Mr. Szot serves on the Advisory Board of Art Works Projects for Human Rights, and is a member of the legal advisory team for the creation of *The Prosecutors-A Documentary Film*, which concerns sexual violence in conflict

Representative cases involving Mr. Szot include:

- *Antitrust*: Presently representing indirect purchaser plaintiff class in *In re: Polyurethane Foam Antitrust Litigation* (N.D. OH).
- *Antitrust*: Helped managed strategic and day-to-day litigation efforts on behalf of a certified indirect purchaser plaintiff settlement class in *In Re: Potash Antitrust Litigation (II)* (N.D. Ill.)
- *Antitrust*: Extensively involved in the prosecution and settlement of class claims in *In re: Flonase Antitrust Litigation* (E.D. PA).
- *Antitrust*: Currently litigating antitrust claims on behalf of a certified plaintiff class in *In re: Evanston Northwestern Healthcare Corporation Antitrust Litigation* (N.D. Ill.)
- *Motor Vehicle Act*: Leading efforts for the firm in putative class actions in *Mervyn v. Nelson Westerberg, et al.* (N.D. Ill.) and *Mervyn v. Ace World Wide Moving & Storage Co., Inc., et al.* (N.D. Ill.).

- *Motor Vehicle Act*: Managing the prosecution of a certified class action in *Stampley v. Altom Transport, Inc.*
- *Qui Tam*: Currently representing whistleblower/relator in *Standish v. The Brilliance Academy of Math And English, et al.* (N.D. Ill.)

Kathleen E. Boychuck

Ms. Boychuck focuses her practice on antitrust and consumer protection complex class litigation. She has been actively involved in the prosecution of lawsuits involving a diversity of industries, including the healthcare, pharmaceutical and polyurethane foam industries. Ms. Boychuck also manages the electronic discovery review for document-intensive, multi-defendant antitrust class actions.

Ms. Boychuck graduated from The John Marshall Law School in 2006. While in law school, she appeared on the Dean's List. Ms. Boychuck also participated in a study abroad program with a concentration in international human rights in Salzburg, Austria, taught by the Honorable Anthony M. Kennedy, Associate Justice of the United States Supreme Court. Ms. Boychuck received her Bachelor of Arts in Political Science from the University of Wisconsin-Madison in 2002. In 2001, she interned for the American Bar Association's Standing Committee on Law and National Security in Washington, D.C., in support of the legal response to terrorism, weapons of mass destruction and information warfare.

She is admitted to practice in the state of Illinois (2006) and the United States District Court for the Northern District of Illinois (2006). Ms. Boychuck is a member of the Chicago Bar Association.