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August 14, 2020

Via ECF

Hon. William H. Orrick
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *Reece v. Altria Group, Inc.*, No. 20-02345-WHO (and related cases)
Walsh v. Altria Group, Inc., No. 20-cv-3183-WHO (and related case)
B&C Retail, Inc. v. Altria Group, Inc., No. 3:20-cv-03868-WHO (and related cases)

Dear Judge Orrick:

Pursuant to the Minute Order dated July 17, 2020, ECF No. 86, counsel for the Direct Purchaser Plaintiffs, the Indirect Consumer Purchaser Plaintiffs and the Indirect Business Reseller Plaintiffs propose the following leadership team in connection with the above-captioned litigation. The proposed lead counsel and all members of the proposed Steering Committee are committed to working cooperatively together and with the MDL Plaintiffs. The leadership team includes two Interim Lead Counsel:

1. Joseph R. Saveri of the Joseph Saveri Law Firm, Inc.
as Interim Lead Counsel for the Direct Purchaser Plaintiffs and
2. Robin F. Zwerling of Zwerling, Schachter and Zwerling, LLP
as Interim Lead Counsel for the Indirect Purchaser Plaintiffs.

The leadership team also includes a Steering Committee comprised of four counsel, two for the Direct Purchaser Plaintiffs, and two for both the Indirect Consumer Purchaser Plaintiffs and the Indirect Business Reseller Plaintiffs:

For the Direct Purchaser Plaintiffs:

1. Natasha Fernandez-Silber of Radice Law Firm PLLC;
2. Michelle C. Clerkin of Motley Rice LLC;

For the Indirect Consumer Purchaser Plaintiffs and the Indirect Business Reseller Plaintiffs:

1. Elana Katcher of Kaplan Fox & Kilsheimer, LLP;
2. Pamela Markert of Cera LLP.

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We are confident that the cumulative expertise and diverse perspectives of these attorneys, working with the litigation team described below, will enable us to efficiently serve the classes' interests and advance the goals of Rule 1 of the Federal Rules of Civil Procedure in this complex case. The lawyers and law firms submitting this application are committed to training and developing the next generation of practitioners, particularly members of the antitrust bar. Each lawyer listed below has reviewed the Guidelines for Professional Conduct for the Northern District of California.

Leadership Team Members:

Lead Counsel for the Direct Purchasers



Joseph R. Saveri: With 30 years of civil litigation experience, founding partner Joseph R. Saveri is widely-recognized as one of the country's top litigators in the antitrust field and has investigated, prosecuted, and successfully resolved numerous antitrust class actions and other complex cases. As lead or co-lead counsel, he has taken a personal leadership role in organizing litigation, setting strategy, establishing and directing teams of lawyers to ensure the efficient use of resources and to maximize the talents of the litigation team. The cases which he has led have produced billions of dollars in recovery for clients. He was Managing Partner of Loeff Cabraser Heimann & Bernstein, LLP before founding Joseph Saveri Law Firm, Inc. in 2012.

Lead Counsel for the Indirect Purchasers:



Robin F. Zwerling: Ms. Zwerling, a co-founding partner of Zwerling Schachter, has been a litigator for her entire career. Prior to 1985, Ms. Zwerling was a partner of Martin Clearwater & Bell, LLP where she tried dozens of cases to verdict in both state and federal court. Ms. Zwerling has extensive experience in all phases of complex litigation, including trials and appellate arguments. She has been lead counsel or a member of an executive committee and has undertaken a variety of responsibilities, including case strategy, efficient supervision, heading trial teams, successfully negotiating settlements, and working directly with experts. Ms. Zwerling has been selected as a Top Rated lawyer by Super Lawyers. As a member of the Program Committee of the Second Circuit Federal Bar Council, she has planned and coordinated multiple Continuing Legal Education programs.

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Steering Committee

For the Direct Plaintiffs:



Natasha Fernandez-Silber: Ms. Fernandez-Silber joined the Radice Law Firm in 2018. Previously, she was a litigator in the Restructuring and Finance Group at the law firm Wachtell, Lipton, Rosen & Katz in New York City. She clerked for the Honorable Ann Claire Williams of the Seventh Circuit Court of Appeals (retired). Ms. Fernandez-Silber earned her J.D. from the New York University School of Law (2013), where she was a member of the N.Y.U. Law Review. She holds a B.A. and M.A in history from Yale University. She is admitted to practice in New York.



Michelle C. Clerkin: Ms. Clerkin is a tenth-year associate at Motley Rice LLP who has dedicated her career to the practice of antitrust class action litigation. Ms. Clerkin is actively involved in Motley Rice LLC's antitrust class action practice representing both direct and indirect purchaser plaintiffs. She was appointed to the Plaintiffs' Steering Committee in *In re Chicago Board Options Exchange Volatility Index Manipulation Antitrust Litigation*, 1:18-cv-04171 (N.D. Ill.). She was also a trial team member in a recent antitrust generic drug class action, which settled for \$62.5 million on the eve of trial earlier this year. Ms. Clerkin is recognized as a New York Metro Rising Star by Super Lawyers (2015-2020) and serves as a member of the Executive Committee of the New York State Bar Association's Antitrust Law Section.

For the Indirect Purchaser Plaintiffs and the Indirect Reseller Plaintiffs:

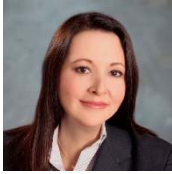


Elana Katcher: Ms. Katcher is a partner at Kaplan, Fox & Kilsheimer LLP ("KFK") with 17 years of experience on both the plaintiffs and defense side of the antitrust practice. Ms. Katcher began her career in antitrust litigation as a member of the trial team defending Microsoft Corporation against a series of private class actions brought in courts around the country, as well as representing other major defendants in bet-the-company litigation. Since 2007, Ms. Katcher has been instrumental in some of Kaplan Fox's largest cases, including *In re Air Cargo Shipping Servs. Antitrust Litig.*, MDL No. 1775 (E.D.N.Y.), and a successful bellwether trial in *Neurontin Marketing, Sales Practices & Products Liability Litig.*, MDL No. 1629 (D. Mass.). In addition, Ms. Katcher co-drafted a successful opposition to the first Rule 12(b)(6) motion to dismiss in the sprawling Generic Pharmaceutical antitrust actions, *In re Propranolol Antitrust Litig.*, 249 F. Supp. 3d 712 (S.D.N.Y. 2017) (Rakoff, J.), and continues to work on behalf of the Direct Purchaser Plaintiffs in *In re Generic Pharmaceuticals Pricing Antitrust Litig.*, No. 16-CB-27243, 2018 WL 5003450 (E.D. Pa. Oct. 16, 2018). She currently serves as part of the co-lead teams in *In re Caustic Soda Antitrust Litigation* (W.D.N.Y. 2019), in which the court recently upheld plaintiffs' price-fixing claims against five major manufacturers of caustic soda.

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Pamela Markert: Ms. Markert is a partner at Cera LLP (“Cera”), a San Francisco based law firm. Ms. Markert has more than 20 years of experience, having represented both plaintiffs and defendants in commercial litigation. For the past 14 years, Ms. Markert’s practice has predominately been litigating complex antitrust and securities fraud class actions where Cera LLP’s clients serve as the named plaintiff and class representative. Recently, Ms. Markert was a key member of the team in an antitrust class action that was successfully resolved against Barclays Bank PLC, and involved alleged manipulation and monopolization of electricity index prices. *Merced Irrigation District v. Barclays Bank PLC*, No. 1:15-cv-04878 (S.D.N.Y). She currently serves as part of the co-lead teams in *In re Zinc Antitrust Litigation*, No. 14 Civ. 3728 (PAE) (S.D.N.Y.), *In re Bearings Antitrust Litigation*, No. 12-cv-00501-SFC-RSW (E.D. Mich.), and *In re Shock Absorbers Antitrust Litigation*, 16-cv-13616-SFC-RSW (E.D. Mich.).

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Litigation Team Members

In addition to the six members in the leadership team, the litigation team includes additional valuable members.

Direct Purchaser Plaintiffs:

Joseph Saveri Law Firm, Inc. (JSLF)¹



Steven N. Williams: In over twenty-five years of practice, partner Steven N. Williams has successfully handled with distinction all aspects of litigation and trial in state and federal courts and in private arbitration, and has served in leadership positions in more than a dozen antitrust class cases throughout the United States. Over the last decade he has been named lead or co-lead counsel in more antitrust cases than perhaps any other attorney in the United States, recovering more than \$2 billion for his clients and receiving groundbreaking rulings in federal and state courts that have expanded the right of claimants to bring antitrust claims. He has become one of the premier thought leaders in private antitrust enforcement. Mr. Williams is a second generation American.



Anupama Reddy: Anupama Reddy's practice focuses on antitrust class actions alleging anticompetitive conduct such as price-fixing and monopolization. She has extensive trial and pretrial experience including trial strategy, preparing and examining witnesses, and presenting evidence to the jury. Ms. Reddy is a participating attorney in the Federal *Pro Bono* project. See *James v. Tempur Sealy Int'l, Inc.*, No. 18-CV-07130-SI (N.D. Cal.). She is actively involved in the California Lawyers Association and the *pro bono* committee of the Barristers Association of San Francisco. She immigrated to the United States in 2016, prior to which she practiced law in India. She is fluent in Hindi and Telugu.



Christopher Young: Mr. Young specializes in antitrust and class action litigation. He has experience in pre-trial and trial matters, including drafting pre-trial filings, conducting pre-trial depositions, and providing essential support for the examination of key witnesses before the jury. Before joining JSLF, he clerked for Justice Lamar W. Baker of the Second Appellate District of the California Court of Appeals. Mr. Young is a participating attorney in the Federal *Pro Bono* project. See *Paul v. Millhench et al.*, No. 17-CV-07197-SI (N.D. Cal.). In addition, Christopher is a second generation American and was the first person in his immediate family to earn a college degree.



Katharine Malone: Ms. Malone joined JSLF in 2020. Her practice focuses on commercial and class action litigation, and she represented plaintiffs and defendants in matters related to information privacy, contract, fraud, breach of fiduciary duties, and employee mobility issues. She has experience litigating in state and federal courts at the trial, appellate, and state supreme court levels. Before joining JSLF, Ms. Malone was an associate at Greenberg Traurig, LLP, and Troutman Sanders. She volunteers her time

¹ <https://saverilawfirm.com/attorneys/>

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as a participating attorney in the Federal Pro Bono project. *See Currie v. Moraga et al.*, 19-CV-07540-SK (N. D. Cal.).



Kyle Quackenbush: Kyle Quackenbush was selected as a Rising Star in 2020 by Super Lawyers. He specializes in class actions and other complex civil litigation, with a focus on antitrust. Mr. Quackenbush is a member of the American Bar Association and the Bar Association of San Francisco and the *pro bono* committee of the Barristers Association of San Francisco. He volunteers with the *Pro Bono* Committee and served on the Judges Reception Committee of the Barristers Club of the Bar Association of San Francisco. He also volunteers for the Federal *Pro Bono* Project. *See Pratt v. Gamboa et al.*, 5:17-cv-04375-LHK (N.D. Cal.).

Motley Rice LLP²



Joseph F. Rice: Mr. Rice is Motley Rice LLP's Co-Founder and Managing Member, who litigated and was one of the lead negotiators in the largest civil action settlement in the history of this country – the 1998 \$246 billion Master Tobacco Settlement Agreement. Mr. Rice's tobacco success is unprecedented and he brings a unique body of knowledge to this case. Mr. Rice was also a lead negotiator in the \$7.8 billion BP Oil Spill and the \$15 billion VW Clean Diesel litigation.



Michael M. Buchman: Mr. Buchman, leads the antitrust practice at Motley Rice LLP. He is a former Assistant Attorney General in the Antitrust Bureau of the New York State Attorney General's Office. He received an LL.M. in International Antitrust and Trade Law from Fordham University School of Law in 1993. Since joining the private bar 27 years ago, he has been involved in some of the largest antitrust class actions in the history of the Sherman Act. Mr. Buchman is a recognized antitrust leader.



Jacob Onile-Ere: Mr. Onile-Ere originally came to the United States in 2009 from Lagos, Nigeria. He graduated from the University of Lagos with an undergraduate degree in law, and then attended and graduated from the Benjamin N. Cardozo School of Law in 2017. Upon graduation from Cardozo, Mr. Onile-Ere joined the New York office of Motley Rice in 2017 where he is now a third-year associate. He has been exclusively working on all aspects of Motley Rice's antitrust cases representing both direct and indirect purchaser plaintiffs. Over the past three years, he has become directly responsible for facilitating discovery in a number of extremely large antitrust class actions.

² <https://www.motleyrice.com/attorneys?litigation-area=all>

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Bernstein Liebhard LLP³



Stephanie M. Beige has devoted her entire career to representing institutional and individual investors in shareholder class actions, derivative litigation, antitrust litigation, and individual litigation. She has been named a Super Lawyer by Super Lawyers for her work in securities litigation and has been selected to the New York Metro “Super Lawyers Top Women List” in 2016-2019. Ms. Beige has also been recommended by The Legal 500 (2013, 2015-2016, and 2019).

Westerman Law Corp.



Guido Toscano is a first-generation attorney born in Quito, Ecuador. He studied piano performance at Texas Christian University where he received a National Hispanic Scholarship. He received his juris doctor degree from USC Gould School of Law in 2009. Guido began his career in the Los Angeles office of Arnold & Porter LLP and then Venable LLP where he worked on cases from inception through trial in matters involving consumer class actions, regulatory investigations, complex business, entertainment and trust and estate litigation. Guido was selected as a Southern California Super Lawyers Rising Star for 2019. In 2020 Guido joined Westerman Law Corp. where he is Senior Counsel.

Radice Law Firm PLLC⁴



Rishi Raithatha joined the Radice Law Firm in 2016, where he has gained experience in all phases from antitrust litigation from developing complaints to trial preparation. He has worked several antitrust matters including, *Cung Le et al. v. Zuffa*, 2:15-cv-01045, (D. Nev.), *In re Domestic Airline Travel Antitrust Litigation*, Misc. No. 15-1404 (CKK) (D.D.C.) and *In re: Papa John’s Employee and Franchisee Employee Antitrust Litigation*, 18-CV-825 (W.D. Ky.) Mr. Raithatha earned his B.A. in Art History and American Studies from The George Washington University and his J.D. from New York University School of Law.

³ <https://www.bernlieb.com/the-firm/attorneys/>

⁴ <https://radicelawfirm.com/>

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Gustafson Gluek PLLC⁵



Catherine Sung-Yun K. Smith is a member of Gustafson Gluek PLLC. She is a graduate of Korea University with a major in English education and a graduate of the University of Minnesota Law School. She has been practicing in the area of complex litigation since 2005 and joined Gustafson Gluek in 2007. Since then, Ms. Smith has been working on various cases including complex antitrust and consumer protection class actions, particularly cases which involve foreign entities. She is an active member of Minnesota Women Lawyers and the Federal Bar Association focusing on issues of diversity. Ms. Smith was selected as a Minnesota “Rising Star” from 2013-2016 by Super Lawyers.

Lockridge Grindal and Nauen P.L.L.P⁶



Arielle S. Wagner is an associate at Lockridge Grindal and Nauen P.L.L.P who brings a diverse perspective an attorney under 30, Native American (enrolled tribal member), queer, and a first-generation college and law school graduate. Ms. Wagner practices in the Lockridge Grindal and Nauen’s class action group. Since joining the firm, she has been involved in all facets of complex civil litigation, including managing e-discovery and document review, subpoena practice, drafting of pleadings, motions, correspondence, and discovery requests and responses. Ms. Wagner represents plaintiffs in a number of matters including *In re Generic Pharmaceuticals Pricing Antitrust Litig.*, No. 16-md-2724 (E.D. Pa.); *In re Pork Antitrust Litig.*, Case. No. 0:18-cv-01776-JRT-HB (D. Minn.); *In re Beef Antitrust Litig.*, Case No. 0:19-cv01129-JRT-HB (D. Minn.), and *In re EpiPen ERISA Litig.*, No. 0:17-1884-PAM-SER (D. Minn.).

⁵ <https://gustafsongluek.com/all-attorneys>

⁶ <https://www.locklaw.com/people-attorneys/>

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Indirect Purchaser Plaintiffs and Indirect Reseller Plaintiffs

For the two Indirect Classes, the teams will be fully supported by the experienced antitrust practitioners within the firms that previously submitted uncontested applications to separately lead each of the two indirect classes. These firms include Zwerling, Schachter & Zwerling, Kaplan Fox & Kilsheimer LLP, Cera LLP, and Wolf Haldenstein Adler Freeman & Herz, LLP. *See* ECF Nos. 19, 73. These firms have specialized in antitrust class actions and other complex litigation for decades and are well-situated to offer the resources and expertise needed to aggressively and successfully litigate this action on behalf of their respective classes. The qualifications of these firms are set forth in the biographies included with their prior submissions, and provide the following supplemental biographies:

Zwerling, Schachter & Zwerling, LLP⁷



Ana Maria Cabassa has been involved in major complex class actions involving antitrust and securities. She has extensive experience in all phases of complex litigation, including trial experience, as well as depositions, the investigation and analysis of potential matters, drafting pleadings and motions, drafting document requests and interrogatories, and the development of electronic discovery parameters. Ms. Cabassa is also a Certified Public Accountant and has had an instrumental role involved in a number of cases involving accountants' liability. She is fluent in Spanish.



Fred T. Isquith, Jr. has handled all phases of class action litigation with a concentration in antitrust, commodities, market manipulation, and consumer class actions. He has been named one of Super Lawyers' Rising Stars in the antitrust field and serves on New York City Bar Association's Antitrust and Trade Regulation Committee.



Justin M. Tarshis has extensive experience representing clients in complex litigation, including securities, antitrust and other commercial class actions. His experience spans nearly all phases of litigation beginning with the investigation of potential matters, drafting complaints in both state and federal courts, overseeing large-scale document productions, conducting and defending depositions, briefing dispositive motions and discovery-related motions, trial preparation and appellate briefing. Mr. Tarshis has successfully represented public pension fund clients in numerous cases involving residential mortgage backed securities, among others. He was the recipient of the Samuel L. Sporn Academic Achievement Scholarship and the CALI Excellence for the Future Award in Civil Practice while in law school.

⁷ <https://zsz.com/antitrust-securities-class-action-and-complex-business-litigation-attorneys-nyc/>

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Donatella Keohane has worked on numerous complex class action litigations, including antitrust and securities litigation, as well as cases brought pursuant to Section 36(b) of the Investment Company Act of 1940. Ms. Keohane has prepared for depositions, assisted in depositions, drafted amended and consolidated complaints and document requests, reviewed and analyzed expert witness reports, and developed electronic discovery parameters. She has also participated in the investigation and analysis of potential matters.

Wolf Haldenstein Adler Freeman & Herz LLP⁸



Betsy C. Manifold: Ms. Manifold is a managing partner of Wolf Haldenstein's San Diego office. Ms. Manifold has extensive expertise with regard to antitrust class action litigation, and currently serves as lead counsel for the class of indirect purchaser plaintiffs in *In re Packaged Seafood Antitrust Litig.*, Case No. 3:15-md-02670-JLS-MDD (S.D. Cal.). Ms. Manifold has participated on panels involving diverse legal issues, including a 2019 ABA Litigation Section panel at the ABA National Conference on women and the law, as well as at the March 2020 Berkeley Journal of Employment & Labor Law Symposium, where she spoke regarding the impact of antitrust law on the fair treatment of female athletes.



Thomas H. Burt: Mr. Burt is a partner at Wolf Haldenstein and has extensive antitrust law experience. Mr. Burt has held important roles in several notable federal class action antitrust actions and currently serves as lead counsel in *In re Packaged Seafood Antitrust Litig.*, Case No. 3:15-md-02670-JLS-MDD (S.D. Cal.) and as co-lead counsel in *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litig.*, Case No. 1:14-md-02542 (S.D.N.Y.), both on behalf of indirect purchaser plaintiffs. Mr. Burt volunteers to support and raise funds for a trans-focused legal services non-profit, serves as an officer and board member of the St. Andrew's Society of New York, and worked for three years as a member of a panel of neutrals overseeing a civil rights settlement concerning day laborers in his local community.



Marisa C. Livesay: Ms. Livesay has been an associate of Wolf Haldenstein since 2006, and is currently a member of the lead counsel team representing a class of indirect purchaser plaintiffs in *In re Packaged Seafood Antitrust Litig.*, Case No. 3:15-md-02670-JLS-MDD (S.D. Cal.), and part of the team representing consumers in a complex antitrust class action against Apple, Inc., whom the U.S. Supreme Court found to have standing on May 13, 2019. *Apple v. Pepper*, No. 17-204.

In arriving at the above structure, we considered several factors—gender, gender identity, sexual orientation, racial and ethnic diversity, geographic diversity, and experiential diversity—to assemble a litigation team that is capable, inclusive, and a representative sample of the cross-section of the society it

⁸ www.whafh.com

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represents. In consolidating this team, we emphasized fostering and mentoring the next generation of lawyers. We believe strongly in providing foundational support to the advancement of the interest in diversity. In doing so, we asked firms to identify attorneys that are at early stages in their career to work on the case, and who, if appointed, would have meaningful roles in key aspects of the litigation. We note that this team of lawyers has functioned efficiently to date, working cooperatively with each other, defense counsel as well as counsel in the pending MDL. *See, e.g.*, ECF Nos. 48, 78, 97, 98; *see also* June 19, 2020 Hearing Tr. at 13:3-14:6, 14:21-24; July 17, 2020 Hearing Tr. at 9:18-11:6.

We have invested time and engaged in numerous discussions to arrive at a consensus on a leadership structure that is agreeable to all undersigned counsel. The above structure has the support of all counsel except counsel in the *Stiles*, *Blomquist* and *Carlson* actions.⁹ The Indirect Classes previously submitted uncontested applications to separately lead each of the two indirect classes and have reached a consensus as to the leadership of the indirect claims, and with the Direct Purchaser Plaintiffs, pursuant to this Court's order.

All of the firms have specialized in antitrust class actions and other complex litigation for decades and are well-situated to offer the resources and expertise needed to efficiently, aggressively and successfully litigate this action on behalf of their respective classes. The leadership structure also has the support of a number of firms who agreed that they did not require a formal leadership position in order to support the structure. We are confident that we can constitute a collaborative, effective, and capable team.

We appreciate the Court's consideration of our leadership application.

⁹ This application has the support of: Bernstein Liebhard LLP; Cates Mahoney, LLC; CERA LLP; Edelson Lechtzin LLP; Grabar Law Offices; Gross & Belsky P.C.; Gustafson Gluek PLLC; Joseph Saveri Law Firm, Inc.; Kaplan Fox & Kilsheimer LLP; Lockridge Grindal Nauen P.L.L.P.; Meade Young LLC; Motley Rice LLC; Radice Law Firm, P.C.; Reinhardt Wendorf & Blanchfield; Westerman Law Corp; , Wolf Haldenstein Adler Freeman & Herz LLP; Yadegar, Minoofar & Soleymani LLP; and Zwerling, Schachter & Zwerling, LLP.

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Sincerely,

/s/ Joseph R. Saveri
Joseph R. Saveri
JOSEPH SAVERI LAW FIRM, INC.
*Counsel for Individual and Representative Plaintiffs
Anthony Martinez, Benjamin Deadwyler, Mallory
Flannery, Denise Redfield, Albert Riccelli, and Noor
Baig, Inc.*

/s/ Robin F. Zwerling
Robin F. Zwerling (*pro hac vice* to be filed)
ZWERLING, SCHACHTER & ZWERLING, LLP
*Counsel for Individual and Representative Plaintiffs
Kerry Walsh and Allison Harrod*

/s/ Elana Katcher
Elana Katcher (*pro hac vice* pending)
KAPLAN FOX & KILSHEIMER, LLP
*Counsel for Individual and Representative
Plaintiffs Sofijon, Inc., Rose and Fifth, Inc.,
and Napht, Inc.*

/s/ Pamela Markert
Pamela Markert
CERA LLP
*Counsel for Individual and Representative
Plaintiff B&C Retail, Inc. and Somerset Party Store Inc.*

/s/ Natasha Fernandez-Silber
Natasha Fernandez-Silber
RADICE LAW FIRM, P.C.
*Counsel for Individual and Representative
Plaintiff Benjamin Deadwyler*

/s/ Michelle C. Clerkin
Michelle C. Clerkin
MOTLEY RICE LLC
*Counsel for Individual and Representative
Plaintiff Douglas J. Reece*

E-Filing Attestation

I, Joseph R. Saveri, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above have concurred in this filing.

By: /s/ Joseph R. Saveri
Joseph R. Saveri