

# COHENMILSTEIN

## COHEN MILSTEIN SELLERS & TOLL PLLC

For decades, Cohen Milstein Sellers & Toll PLLC has represented individuals, small businesses, institutional investors, and employees in many of the major class action cases litigated in the United States for violations of the antitrust, securities, consumer protection, civil rights/discrimination, ERISA, employment, and human rights laws. Cohen Milstein is also at the forefront of numerous innovative legal actions that are expanding the quality and availability of legal recourse for aggrieved individuals and businesses both domestic and international. Over its history, Cohen Milstein has obtained many landmark judgments and settlements for individuals and businesses in the United States and abroad. The firm's most significant successes include:

- In re Broiler Chicken Antitrust Litigation No. 1:16-cv-08637 TMD (N.D. Ill.): On December 20, 2021, the Court granted final approval to settlements worth \$181 million with six chicken processors, Tyson Foods, Fieldale Farms, Peco Foods, George's Inc., Pilgrim's Price Corp. and Mar-Jac, to resolve consumer claims that they conspired to inflate broiler chicken prices since 2009 and that Agri Stats, Inc., a third-party vendor, facilitated their unlawful scheme. Litigation against the dozen remaining defendants continues. Cohen Milstein was Co-Lead Settlement Class Counsel.
- In re Flint Water Cases No. 16-cv-10444 (E.D. Mich.): On November 10, 2021, the Court granted final approval of a landmark \$626.25 million settlement between Flint residents and businesses and multiple governmental defendants, including the State of Michigan, Michigan Department of Environmental Quality (DEQ), and individual defendants, including former Governor Rick Snyder, in this environmental toxic tort class action, affecting over 90,000 Flint residents and businesses. Litigation continues against other defendants, including two private engineering firms, Veolia North America and Lockwood, Andrews & Newnam (LAN), both charged with professional negligence, and separate litigation against the U.S. Environmental Protection Agency will also continue. Cohen Milstein's is Interim Co-Lead Class Counsel in this litigation.
- Sutter Health Antitrust Litigation No. CSG 14-538451 (Sup. Ct., San Fran. Cnty., Cal.): On August 27, 2021, the Court granted final approval of a \$575 million eve-of-trial settlement, which includes significant injunctive relief, in this closely-watched antitrust class action against Sutter Health, one of the largest healthcare providers in California, for restraining hospital competition through anticompetitive contracting practices with insurance companies. Cohen Milstein was one of five firms that litigated this case since 2014 on behalf of a certified class of self-insured employers and union trust funds against Sutter Health. California's Attorney General joined the suit in March 2018.
- L Brands, Inc. Derivative Litigation: Cohen Milstein, in partnership with the State of Oregon, the Oregon Public Employees Retirement Fund, and other shareholders, helped resolve allegations that officers and directors of L Brands, Inc., previous owners of Victoria's Secret, breached their fiduciary duties by maintaining ties with alleged sex offender and pedophile Jeffrey Epstein and fostering a culture of discrimination and misogyny at the company. Following a Delaware General Corporate Law Section 220 books and records demand and an extensive, proprietary investigation, L Brands and the now-standalone company, Victoria's Secret, agreed to stop enforcing non-disclosure agreements that prohibit the discussion of a sexual harassment claim's underlying facts; stop using forced arbitration agreements; implement sweeping reforms to their codes of conduct, policies and procedures related to sexual misconduct and retaliation; and to invest \$45 million each, for a total of \$90 million, in diversity, equity and inclusion initiatives and DEI Advisory Councils. In August 2021, the Court granted preliminary approval of this watershed settlement.
- Breen v. U.S. Department of Transportation and Federal Aviation Administration No. 1:05-cv-00654 (D.D.C.): In April 2021, the U.S. Department of Transportation and Federal Aviation Administration agreed to a record-breaking \$43.8 million settlement – the largest age discrimination settlement ever involving the federal government, ending a 16-year-old age discrimination lawsuit involving 670 former Flight Service Specialists, who

were laid off in 2005 when the FAA conducted a reduction in force. More than 90% of these workers were over 40 years old and many lost their federal pension benefits.

- In re Alphabet Shareholder Derivative Litigation No. 19CV341522 (Sup. Ct. Cal., Santa Clara Cnty.): Cohen Milstein, as Co-Lead Counsel, represented Northern California Pipe Trades Pension Plan and Teamsters Local 272 Labor Management Pension Fund in this shareholder derivative action seeking to hold Alphabet’s leadership accountable for a “culture of concealment,” which involved covering up pervasive gender discrimination and sexual harassment and approving secretive, multi-million dollar payouts to high-level executives credibly accused of serious sexual misconduct against junior employees. In November 2020, the Court granted final approval of a historic settlement, which includes a \$310 million funding commitment and sweeping reforms to eliminate practices that silence victims and implement new measures to improve workplace equity and board oversight.
- Department of Homeland Security, et al. v. Regents of the University of California, et al. No. 18-587 (U.S. Supreme Court): In June 2020, the Supreme Court blocked the Trump Administration’s plan to rescind the Deferred Action for Childhood Arrivals (DACA) program, preserving immigration protections for approximately 650,000 current DACA recipients aka “Dreamers.” The Court’s 5-4 ruling upheld the partial summary judgment in Cohen Milstein’s NAACP case (D.D.C.) – one of three cases consolidated before the Supreme Court. The Opinion stated that the Court’s affirmance of the NAACP order vacating the rescission made it unnecessary to examine the propriety of the nationwide preliminary injunctions that were issued in the consolidated cases. Cohen Milstein’s case: NAACP, et al. v. Donald J. Trump, as President of the United States, et al., No. 1:17-cv-01907 (D.D.C.) was consolidated with and re-named: Trustees of Princeton University, et al. v. U.S. et al., No. 1:17-cv-02325 (D.D.C.).
- Wynn Resorts, Ltd. Derivative Litigation No. A-18-770013-B (Eighth Jud. Dist. Ct., Clark Cnty., Nev.): Cohen Milstein represented New York State Common Retirement Fund and the New York City Pension Funds as Lead Counsel in a derivative shareholder lawsuit against certain officers and directors of Wynn Resorts, Ltd., arising out of their failure to hold Steve Wynn, the former CEO and Chairman of the Board, accountable for his longstanding pattern of sexual abuse and harassment of female employees. In March 2020, the Court granted final approval of a \$90 million settlement in the form of cash payments and landmark corporate governance reforms, placing it among the largest, most comprehensive derivative settlements in history.
- National Association of the Deaf v. Harvard & MIT (D. Mass.): In February 2020 and June 2020, Cohen Milstein and co-counsel successfully settled the second of two groundbreaking class actions on behalf and deaf and hearing-impaired individuals. The landmark settlements are historic because they require two of the most lauded academic research institutions in the world to include closed captioning on all content, including videos and podcasts, available to the public online, establishing a precedent for academia and business worldwide.
- In Re Equifax, Inc., Customer Data Security Breach Litigation No. 1:17-md-2800-TWT (N.D. Ga.): On December 19, 2019 the court granted final approval a landmark \$1.5 billion settlement concluding this data breach class action affecting more than 147 million people in the U.S. The settlement consists of a record-breaking \$425 million in monetary and injunctive benefits and requires Equifax to spend \$1 billion to upgrade its security and technology. Cohen Milstein was on the Plaintiffs’ Steering Committee.
- New Jersey Carpenters Health Fund v. Royal Bank of Scotland Group PLC et al. No. 1:08-cv-05310-DAB-HBP (S.D.N.Y.): On March 8, 2019, the Honorable Deborah A. Batts granted final approval to a \$165 million all-cash settlement, bringing this lawsuit, the last of 11 MBS class actions Cohen Milstein successfully handled, to conclusion. Cohen Milstein was lead counsel in this certified MBS class action.
- In re Lidoderm Antitrust Litigation No. 3:14-md-02521 (N.D. Cal.): Plaintiffs allege that Endo and Teikoku, manufacturers of the Lidoderm patch, paid Watson Pharmaceuticals to delay its generic launch. The case settled on the eve of trial and on September 20, 2018, plaintiffs obtained final approval of a \$104.75 million settlement –

more than 40% of plaintiffs' best-case damages estimate. This case was ranked by Law360 as "The Biggest Competition Cases Of 2017 So Far" (July 7, 2017).

- In re Domestic Drywall Antitrust Litigation No. 2:13-md-02437 (E.D. Pa.): Cohen Milstein served as co-lead counsel for a class of direct purchasers of drywall against drywall manufacturers for price-fixing. The court approved settlements that total more than \$190 million. The court commented that it had sided with plaintiffs because of counsel's "outstanding work," and that plaintiffs' counsel had a "sophisticated and highly professional approach." It complemented the attorneys as "highly skilled" and noted that their performance on class action issues was "imaginative." It also stated, "Few cases with no government action, or investigation, result in class settlements as large as this one."
- In re Anthem Data Breach Litigation No. 15-MD-02617-LHK (N.D. Cal.): On August 16, 2018, the Honorable Lucy H. Koh in the U.S. District Court for the Northern District of California granted final approval to a \$115 million settlement – the largest data breach settlement in U.S. history – ending claims that Anthem Inc., one of the nation's largest for-profit managed health care companies, put 78.8 million customers' personal information, including social security numbers and health date, at risk in a 2015 data breach. Cohen Milstein was co-lead counsel.
- Relvas v. The Islamic Republic of Iran, et al. No. 1:14-cv-01752-RCL (D.D.C.): On February 28, 2018 U.S. District Court Judge Royce C. Lamberth, for the District of Columbia, ordered the Republic of Iran to pay \$920 million to 80 families of soldiers and other military service members who were killed or injured in the 1983 bombing of the U.S. Marine barracks in Beirut, Lebanon. The Beirut Marine Barracks bombing, which killed 241 American servicemembers and injured numerous others, was the deadliest state-sponsored terrorist attack against United States citizens before September 11, 2001.
- Moody's Litigation: Represented the co-lead state Mississippi and represented New Jersey in the \$864 million consumer fraud settlement achieved in January 2017 by 22 states and the U.S. Department of Justice with Moody's Corporation, Moody's Investors Service, Inc., and Moody's Analytics, Inc. Together with the S&P settlement, these cases against the nation's two largest credit rating agencies produced key industry reforms that provide greater transparency for consumers and that divested the credit rating agencies of more than \$2.2 billion for their conduct contributing to the national housing crisis and the Great Recession.
- S&P Litigation: Represented co-lead state Mississippi in the \$1.375 billion-dollar consumer fraud settlement achieved in 2015 by 20 states and the U.S. Department of Justice with Standard & Poor's. Together with the Moody's settlement, these cases against the nation's two largest credit rating agencies produced key industry reforms that provide greater transparency for consumers and that divested the credit rating agencies of more than \$2.2 billion for their conduct contributing to the national housing crisis and the Great Recession.
- In re BP Securities Litigation No. 4:10-MD-02185 (S.D. Tex.): Cohen Milstein represented the New York State Common Retirement Fund as co-lead plaintiff in a securities class action filed in 2010, alleging that BP injured investors by intentionally downplaying the severity of the Deepwater Horizon oil spill and preventing investors from learning the magnitude of the disaster. After successfully arguing for class certification to the district court, Cohen Milstein presented plaintiffs' defense of that court's decision to the U.S. Court of Appeals for the Fifth Circuit, which affirmed the class. The case settled for \$175 million a few weeks before trial was set to begin.
- Providence Health Services Church Plan Litigation No. 2:14-cv-01720-JCC (W.D. Wash.): Cohen Milstein served as co-lead counsel to a class of defined benefit participants of Providence's health & Service Case Balance Retirement Plan who alleged that fiduciaries underfunded the pension plan because they improperly operated it under the ERISA "church plan" exemption. In March 2017, the court granted final approval of a \$315.9 million settlement, one of the largest settlements of its kind, and requires Providence to continue making minimum plan contributions that aim to fully fund the plan by 2029.

- Bon Secours Health System Church Litigation No. 1:16-cv-01079-RDB (D. Md.): Cohen Milstein served as lead counsel to a class of defined benefit participants of seven Bon Secours Health System Inc. pension plans which improperly operated under the “church plan” exemption of ERISA. In May 2017, the court granted final approval of a settlement of over \$102 million, one of the largest settlements of its kind.
- In re Animation Workers Litigation No. 5:14-cv-04062 (N.D. Cal.): Cohen Milstein served as co-lead counsel representing a class of animation and visual effects workers who alleged that Pixar, Lucasfilm, DreamWorks, Disney and other studios conspired to suppress their pay primarily through no poach agreements. The court granted final approval of \$168.95 million in settlements. To our knowledge, this is the most successful no-poach class action, achieving an average recovery per class member of nearly \$17,000.
- Mincey v. Honda Motor Company, et al. No. 22787197 (Circ. Ct. Duval Cty, Fla.): On July 15, 2016, Cohen Milstein resolved a closely watched lawsuit against the Japanese company and airbag maker, Takata, involving the injury and eventual death of a woman whose car was involved in a minor accident in 2014. The confidential resolution was announced moments before a critical hearing in which a judge in Jacksonville, Fla., could have considered allowing punitive damages and for the company’s chief executive, Shigehisa Takada, to submit a civil deposition.
- HEMT MBS Litigation No. 1:08-cv-05653 (S.D.N.Y.): On May 10, 2016, U.S. District Judge Paul A. Crotty finally approved a \$110 million settlement in the mortgage-backed securities class action brought by investors against Credit Suisse AG and its affiliates. This settlement ends claims brought by the New Jersey Carpenters Health Fund and other investors who claimed that the offering documents for the mortgage-backed securities at issue violated the Securities Act as they contained false and misleading misstatements concerning compliance with underwriting standards.
- In re Urethane Antitrust Litigation (Polyether Polyol Cases) MDL No: 1616 (D. Kan.): Cohen Milstein served as co-lead counsel on behalf of a class of direct purchasers of chemicals used to make many everyday products, from mattress foam to carpet cushion, who were overcharged as a result of a nationwide price-fixing conspiracy. On February 25, 2016, Cohen Milstein reached an agreement with The Dow Chemical Company to settle the case against Dow for \$835 million. Combined with earlier settlements obtained from Bayer, Huntsman, and BASF, the Dow settlement pushed the total settlements in the case to \$974 million. The settlement was approved on July 29, 2016.
- United States of America et al., ex rel. Lauren Kieff, v. Wyeth No. 03-12366 (D. Mass.): Cohen Milstein was co-lead counsel in this False Claims Act whistleblower case against pharmaceutical giant Wyeth (subsequently acquired by Pfizer), in which the whistleblowers alleged that Wyeth defrauded Medicaid, the joint federal/state healthcare program for the poor, when it reported falsely inflated prices for its acid suppression drug Protonix from 2001 through 2006 for Medicaid rebate purposes. Weeks before trial, in February 2016, in one of the largest qui tam settlements in U.S. history, Wyeth agreed to pay \$784.6 million to the U.S. government and the over 35 intervening states.
- RALI MBS Litigation No. 08-8781 (S.D.N.Y.): On July 31, 2015, Judge Katherine Failla gave final approval to a \$235 million settlement with underwriters Citigroup Global Markets Inc., Goldman Sachs & Co., and UBS Securities LLC. She also approved a plan for distribution to investors of those funds as well as the previously approved \$100 million settlement with RALI, its affiliates, and the individual Defendants that was reached in in 2013. This global settlement marks an end to a long and complicated class action over MBS offerings that RALI and certain of its affiliates issued and sold to the New Jersey Carpenters Health Fund and other investors from 2006 through 2007. The case took seven years of intense litigation to resolve.
- In re: Bear Stearns Mortgage Pass-Through Certificates Litigation No. 08-08093 (S.D.N.Y.): On May 27, 2015, U.S. District Judge Laura Taylor Swain finally approved a class action settlement with JPMorgan Chase & Co., which

agreed to pay \$500 million and up to an additional \$5 million in litigation-related expenses to resolve claims arising from the sale of \$27.2 billion of mortgage-backed securities issued by Bear Stearns & Co. during 2006 and 2007 in 22 separate public offerings.

- Harborview MBS Litigation No. 08-5093 (S.D.N.Y.): In February 2014, Cohen Milstein reached a settlement with the Royal Bank of Scotland (RBS) in the Harborview MBS Litigation, resolving claims that RBS duped investors into buying securities backed by shoddy home loans. The \$275 million settlement is the fifth largest class action settlement in a federal MBS case. This case is one of eight significant MBS actions that Cohen Milstein has been named lead or co-lead counsel by courts and one of three that were nearly thrown out by the court, only to be revived in 2012.
- In Re Electronic Books Antitrust Litigation No. 11-md-02293 (S.D.N.Y.): In August 2014, a New York federal judge approved a \$400 million antitrust settlement in the hotly contested ebooks price-fixing suit against Apple Inc. Combined with \$166 million in previous settlements with five defendant publishing companies, the final settlement totaled more than \$560 million. The settlement resolves damages claims brought by a class of ebook purchasers and attorneys general from 33 U.S. states and territories.
- Countrywide MBS Litigation No. 2:10-cv-00302 (C.D. Cal.): In April 2013, plaintiffs in the landmark mortgage-backed securities (MBS) class action litigation against Countrywide Financial Corporation and others, led by Lead Plaintiff, the Iowa Public Employees' Retirement System (IPERS), agreed to a \$500 million settlement. It is the nation's largest MBS-federal securities class action settlement. The settlement was approved in December 2013 and brings to a close the consolidated class action lawsuit brought in 2010 by multiple retirement funds against Countrywide and other defendants for securities violations involving the packaging and sale of MBS. The settlement is also one of the largest (top 20) class action securities settlements of all time.
- In re Beacon Associates Litigation No. 09-cv-0777 (S.D.N.Y): Class action settlement of \$219 million for trustees and participants in ERISA-covered employee benefit plans whose assets were lost through investments made on their behalf by Beacon Associates LLC I & II in the investment schemes of Bernard Madoff.
- In re Plasma-Derivative Protein Therapies Antitrust Litigation No. 09 C 7666 (N.D Ill.): After four years of litigation, in October of 2013, CSL Limited, CSL Behring LLC, CSL Plasma, Inc. (collectively, "CSL"), and the Plasma Protein Therapeutics Association ("PPTA") agreed to pay \$64 million dollars to settle a lawsuit brought by the University of Utah Hospital and other health care providers alleging that CSL, the PPTA, and Baxter agreed between 2003-2009 to restrict the supply of immunoglobulin and albumin and thereby increase the prices of those therapies. Two months later, Baxter International Inc. and Baxter Healthcare Corp. (collectively "Baxter") agreed to pay an additional \$64 million to settle these claims – bringing the total recovery to the class to \$128 million.
- Keepseagle v. Vilsack Civil Action No. 1:99CV03119 (D.D.C.): A class of Native American farmers and ranchers allege that they have been systematically denied the same opportunities to obtain farm loans and loan servicing that have been routinely afforded white farmers by the USDA. A class was certified in 2001 by Judge Emmet Sullivan, District Judge for the U.S. District Court for the District of Columbia, and the D.C. Circuit declined USDA's request to review that decision. On October 19, 2010, the case reached a historic settlement, with the USDA agreeing to pay \$680 million in damages to thousands of Native American farmers and ranchers and forgive up to \$80 million worth of outstanding farm loan debt.
- In re Parmalat Securities Litigation No. 1:04-md-1653 (S.D.N.Y.): Cohen Milstein, as co-lead counsel, successfully negotiated several settlements totaling approximately \$90 million, including two settlements with Parmalat's outside auditors. Judge Lewis A. Kaplan remarked that plaintiffs' counsel "did a wonderful job here for the class and were in all respects totally professional and totally prepared. I wish I had counsel this good in front of me in every case." Parmalat's bankruptcy filing was the biggest corporate bankruptcy in Europe, and in December 2003, the U.S. Securities and Exchange Commission filed a suit charging Parmalat with "one of the largest and most

brazen corporate financial frauds in history.” During the litigation, the company subsequently emerged from bankruptcy, as a result we added “New Parmalat” as a defendant because of the egregious fraud committed by the now-bankrupt old Parmalat. New Parmalat strenuously objected and Judge Kaplan of the Southern District of New York ruled in the class plaintiffs’ favor, a ruling which was affirmed on appeal. This innovative approach of adding New Parmalat enabled the class to obtain an important additional source of compensation, as we subsequently settled with New Parmalat for shares worth approximately \$26 million.

- Dukes v. Wal-Mart Stores, Inc. No. C-01-2252 (N.D. Cal.): Cohen Milstein is co-lead counsel in this sex discrimination case. In 2004, the U.S. District Court certified a nationwide class action lawsuit for all female employees of Wal-Mart who worked in U.S. stores anytime after December 26, 1998. This was the largest civil rights class action ever certified against a private employer, including approximately 1.5 million current and former female employees. That ruling was appealed, and while affirmed by the Ninth Circuit, was reversed by the Supreme Court in June 2011. Cohen Milstein argued the case for the plaintiffs-respondents in the Supreme Court. Since then, the *Dukes* action has been amended to address only the Wal-Mart regions that include stores in California, and other regional class cases have been or are soon to be filed. This litigation to resolve the merits of the claims – whether Wal-Mart discriminates against its female retail employees in pay and promotions – continues.
- Rubin v. MF Global, Ltd. No. 08-CV-02233 (S.D.N.Y.): Acting as co-lead counsel in this class action, the Firm represented the Central States, Southeast and Southwest Areas Pension Fund which was one of the co-lead plaintiffs in the case. In September 2010, as a result of Plaintiffs’ decision to appeal, the U.S. Second Circuit Court of Appeals vacated in part the lower court’s dismissal of the case and remanded the case for further proceedings. In overturning the District Court decision, the Second Circuit issued a decision which differentiated between a forecast or a forward-looking statement accompanied by cautionary language -- which the Appellate Court said would be insulated from liability under the bespeaks caution doctrine -- from a factual statement, or non-forward-looking statement, for which liability may exist. Importantly, the Second Circuit accepted Plaintiffs’ position that where a statement is mixed, the court can sever the forward-looking aspect of the statement from the non-forward-looking aspect. The Court further stated that statements or omissions as to existing operations (and present intentions as to future operations) are not protected by the bespeaks caution doctrine. Mediation followed this decision and resulted in a settlement comprised of \$90 million in cash.
- Hughes v. Huron Consulting Group No. 09-CV-04734 (N.D. Ill.): Cohen Milstein represented lead plaintiffs the Public School Teachers’ Pension & Retirement Fund of Chicago and the Arkansas Public Employees Retirement System (“APERS”) in this case against Huron Consulting Group, founded by former Arthur Anderson personnel following its collapse in the wake of the Enron scandal. In August 2010, the District Court for the Northern District of Illinois denied defendants’ motions to dismiss in their entirety and upheld plaintiffs’ allegations that defendants intentionally improperly accounted for acquisition-related payments, which allowed plaintiffs to move forward with discovery. The case was settled for \$40 million, comprised of \$27 million in cash and 474,547 shares in Huron common stock, with an aggregate value at the time of final approval in 2011 of approximately \$13 million.
- In re Lucent Technologies Securities Litigation No. 00-621 (D.N.J.): A settlement in this massive securities fraud class action was reached in late March 2003. The class portion of the settlement amounts to over \$500 million in cash, stock and warrants and ranks as the second largest securities class action settlement ever completed. Cohen Milstein represented one of the co-lead plaintiffs in this action, a private mutual fund.
- Nate Pease, et al. v. Jasper Wyman & Son, Inc., et al. No. 00-015 (Knox County Superior Court, Me.): In 2004, a state court jury from Maine found three blueberry processing companies liable for participating in a four-year price-fixing and non-solicitation conspiracy that artificially lowered the prices defendants paid to approximately 800 growers for wild blueberries. The jury ordered defendants Cherryfield Foods, Inc., Jasper Wyman & Son, Inc., and Allen’s Blueberry Freezer, Inc. to pay \$18.68 million in damages, the amount which the growers would have been paid absent the defendants’ conspiracy. After a mandatory trebling of this damage figure under Maine

antitrust law, the total amount of the verdict for the plaintiffs is just over \$56 million. The firm served as co-lead counsel.

- In re StarLink Corn Products, Liability Litigation MDL No. 1403 (N.D. Ill.): Cohen Milstein successfully represented U.S. corn farmers in a national class action against Aventis CropScience USA Holding and Garst Seed Company, the manufacturer and primary distributor of StarLink corn seeds. StarLink is a genetically modified corn variety that the United States government permitted for sale as animal feed and for industrial purposes, but never approved for human consumption. However, StarLink was found in corn products sold in grocery stores across the country and was traced to widespread contamination of the U.S. commodity corn supply. The Firm, as co-lead counsel, achieved a final settlement providing more than \$110 million for U.S. corn farmers, which was approved by a federal district court in April 2003. This settlement was the first successful resolution of tort claims brought by farmers against the manufacturers of genetically modified seeds.
- Snyder v. Nationwide Mutual Insurance Company No. 97/0633 (Sup. Ct. N.Y. Onondaga Cty.): Cohen Milstein served as one of plaintiffs' principal counsel in this case on behalf of persons who held life insurance policies issued by Nationwide through its captive agency force. The action alleged consumer fraud and misrepresentations. Plaintiffs obtained a settlement valued at more than \$85 million. The judge praised the efforts of Cohen Milstein and its co-counsel for having done "a very, very good job for all the people." He complimented "not only the manner" in which the result was arrived at, but also the "time ... in which it was done."
- Oncology & Radiation Associates, P.A. v. Bristol Myers Squibb Co., et al. No. 1:01CV02313 (D.D.C.): Cohen Milstein has been co-lead counsel in this case since its inception in 2001. Plaintiffs alleged that Bristol-Myers Squibb unlawfully monopolized the United States market for paclitaxel, a cancer drug discovered and developed by the United States government, which Bristol sells under the brand name Taxol. Bristol's scheme included a conspiracy with American BioScience, Inc., a generic manufacturer, to block generic competition. Cohen Milstein's investigation and prosecution of this litigation on behalf of direct purchasers of Taxol led to a settlement of \$65,815,000 that was finally approved by U.S. District Judge Emmet G. Sullivan on August 14, 2003 and preceded numerous Taxol-related litigations brought by the Federal Trade Commission and State Attorneys General offices.
- Kruman v. Christie's International PLC, et al. No. 01-7309 (S.D.N.Y.): A \$40 million settlement on behalf of all persons who bought or sold items through Christie's or Sotheby's auction houses in non-internet actions was approved in this action. Cohen Milstein served as one of three leading counsel on behalf of foreign plaintiffs. The Court noted that approval of the settlement was particularly appropriate, given the significant obstacles that faced plaintiffs and plaintiffs' counsel in the litigation. The settlement marked the first time that claims on behalf of foreign plaintiffs under U.S. antitrust laws have been resolved in a U.S. court, a milestone in U.S. antitrust jurisprudence.
- Roberts v. Texaco, Inc. 94-Civ. 2015 (S.D.N.Y.): Cohen Milstein represented a class of African-American employees in this landmark litigation that resulted in the then-largest race discrimination settlement in history (\$176 million in cash, salary increases and equitable relief). The Court hailed the work of class counsel for, *inter alia*, "framing an imaginative settlement, that may well have important ameliorative impact not only at Texaco but in the corporate context as a whole ...".



## Awards & Recognition

### 2022

- In 2022, Lawdragon recognized 12 Cohen Milstein lawyers in its “**Lawdragon 500 Leading Lawyers in America**” list.
- In 2022, *Law360* recognized Cohen Milstein’s Employee Benefits/ERISA practice along with four other law firms with its “**Law360 2021 Practice Group of the Year – Benefits**” award for the firm’s ERISA-related litigation accomplishments in 2021.
- In 2022, *Law360* recognized Cohen Milstein as one of five law firms in the nation for its “**Law360 2021 Practice Group of the Year – Class Actions**” for the firm’s class action accomplishments in 2021.
- In 2022, *Law360* recognized Cohen Milstein’s Civil Rights & Employment practice for its “**Law360 2021 Practice Group of the Year – Employment**” for the firm’s employment litigation accomplishments in 2021.

### 2021

- In 2021, the 2022 Edition of U.S. News – Best Lawyers “Best Law Firms” recognized Cohen Milstein among the “**Top Firms Nationally.**”
- In 2021, *The American Lawyer* named Cohen Milstein a “**National Boutique / Specialty Litigation Department of the Year**” finalist.
- In 2021, Cohen Milstein’s Leslie M. Kroeger received the 2021 “**B.J. and Tom Masterson Award for Professionalism**” from the Florida Justice Association.
- In 2021, *Lawdragon* selected eight Cohen Milstein attorneys for its “**Leading Plaintiff Employment and Civil Rights Lawyers**” guide.
- In 2021, *Palm Beach Illustrated* named seven Cohen Milstein attorneys to its “**Top Lawyers**” list.
- In 2021, *Law360* named Cohen Milstein’s Michelle Yau “**Benefits – MVP**” for her representation of participants and beneficiaries of the Triad Manufacturing Inc. Employee Stock Ownership Plan in an ERISA suit claiming the company overcharged workers for company stock.
- In 2021, *Law360* named Cohen Milstein’s Joseph M. Sellers “**Employment – MVP**” for his role in obtaining a settlement on behalf of some 700 fight service specialists alleging age discrimination by the Federal Aviation Administration.
- In 2021, *Law360* named Cohen Milstein’s Theodore J. Leopold “**Environmental – MVP**” for his work in securing a settlement for victims of the Flint, MI water crisis.
- In 2021, *Law360* named Cohen Milstein’s Sharon K. Robertson “**Life Sciences – MVP**” for her “pay for delay” antitrust class actions in the Life Sciences industry.
- In 2021, *The Best Lawyers in America* named three Cohen Milstein attorneys to its 2021 “**Ones to Watch**” list.
- In 2021, *The Best Lawyers in America* named 13 Cohen Milstein attorneys to its 2021 “**Best Lawyers in America**” list.
- In 2021, *The Best Lawyers in America* named Christine E. Webber “**Lawyer of the Year**” in the Employment Law – Washington, DC category.
- In 2021, Lawdragon named 24 Cohen Milstein attorneys to its “**500 Leading Plaintiff Employment Lawyers**” list.
- In 2021, Cohen Milstein’s Betsy A. Miller named *The National Law Journal/Law.com*’s 2021 Elite Trial Lawyers “**Keith Givens Visionary Award.**”
- In 2021, Cohen Milstein’s named *The National Law Journal/Law.com*’s 2021 Elite Trial Lawyers “**Environmental Protection Practice of the Year Award.**”
- In 2021, Cohen Milstein’s Laura H. Posner and Emmy L. Levens named *The National Law Journal/Law.com*’s 2021 Elite Trial Lawyers “**Elite Women of the Plaintiffs Bar Award.**”
- In 2021, Cohen Milstein’s Sharon K. Robertson named to Benchmark Litigation’s 2021 “**40 & Under Hot List.**”
- In 2021, three Cohen Milstein Attorneys named to Florida Trend’s 2021 “**Florida Legal Elite.**”

- In 2021, Cohen Milstein’s Emmy L. Levens named to Bloomberg Law’s inaugural **“They’ve Got Next: The 40 Under 40.”**
- In 2021, Cohen Milstein’s Richard A. Koffman recognized as GCR’s **“Who’s Who Legal: Thought Leaders – Competition 2022.”**
- In 2021, seven Cohen Milstein Antitrust attorneys named to GCR’s **“Who’s Who Legal: Competition 2021.”**
- In 2021, seven Cohen Milstein attorneys recognized in **“Florida Super Lawyers.”**
- In 2021, twelve Cohen Milstein Attorneys Recognized as 2021 **“Washington, DC Super Lawyers”**; six recognized as 2021 **“Washington, DC Rising Stars.”**
- In 2021, *Legal 500* named Cohen Milstein a **“Leading Firm”** in Antitrust Litigation: Plaintiff; Labor and Employment Disputes: Plaintiff; Products Liability, Mass Torts & Class Action: Plaintiff; and Securities Litigation: Plaintiff.
- In 2021, *Legal 500* named four Cohen Milstein attorneys **“Next Generation Partners.”**
- In 2021, *Legal 500* named eight Cohen Milstein partners **“Leading Lawyers.”**
- In 2021, Cohen Milstein’s Kit A. Pierson **“Ranked”** by Chambers USA for Antitrust: Plaintiff.
- In 2021, Cohen Milstein’s Sharon K. Robertson **“Top Ranked”** by Chambers USA for Antitrust: Plaintiff.
- In 2021, eight Cohen Milstein lawyers named among the **“Lawdragon 500 Leading Plaintiff Consumer Lawyers.”**
- In 2021, Cohen Milstein’s Kalpana Kotagal receives Reel Works **“Change Maker Award.”**
- In 2021, Cohen Milstein was recognized as a **“Leading Firm”** by Chambers USA in Three Categories – Antitrust: Plaintiff; Product Liability: Plaintiff; and Securities Litigation: Plaintiff.
- In 2021, Cohen Milstein named an **“Elite Trial Lawyer”** finalist in eight practice areas by *The National Law Journal*.
- In 2021, *Daily Business Review* recognized Theodore J. Leopold Recognized as a **“2021 Distinguished Leader.”**
- In 2021, *Law360* recognized Julie Goldsmith Reiser as a **“Titan of the Plaintiffs Bar.”**
- In 2021, *The National Law Journal* and *The Trial Lawyer* named Betsy A. Miller and Steven J. Toll among **“America’s 50 Most Influential Trial Lawyers.”**
- In 2021, Lawdragon named Agnieszka Fryszman Named to the **“Lawdragon Global Litigation 500.”**
- In 2021, Lawdragon recognized 12 Cohen Milstein lawyers among the **“500 Leading Lawyers in America.”**
- In 2021, Lawdragon inducted Steven J. Toll into the **“Lawdragon 500 Hall of Fame.”**

## 2020

- In 2020, *Crain’s New York Business* recognized Laura H. Posner among New York’s **“Notable Women in Law.”**
- In 2020, *Law360* recognized Cohen Milstein as a **“Class Action Group of the Year.”**
- In 2020, *Law360* recognized Cohen Milstein as a **“Environmental Group of the Year.”**
- In 2020, *Law360* recognized Cohen Milstein as a **“Life Sciences Group of the Year.”**
- In 2020, *Law360* recognized Cohen Milstein as a **“Securities Group of the Year.”**
- In 2020, Cumberland School of Law named Theodore J. Leopold its **“2020 Distinguished Alumnus of the Year.”**
- In 2020, *U.S. News & World Report* and *Best Lawyers* named Cohen Milstein among their 2021 **“Best Law Firms”** nationally in ERISA Litigation, Employee Benefits Law, and Labor & Employment Litigation; for Washington, DC in Civil Rights Law, Employee Benefits (ERISA) Law, Employment Law – Individuals, Labor Law – Union, Litigation – ERISA, and Litigation – Labor & Employment; and for West Palm Beach, FL in Mass Tort Litigation / Class Actions – Plaintiffs Medical Malpractice Law – Plaintiffs, Personal Injury Litigation – Plaintiffs, and Product Liability Litigation – Plaintiffs for West Palm Beach, FL.
- In 2020, *Super Lawyers* recognized five Cohen Milstein attorneys as **“2020 New York – Metro Super Lawyers.”**
- In 2020, Benchmark Litigation recognized Cohen Milstein as a 2021 **“Top Plaintiffs Firm.”**
- In 2020, *Law360*’s Glass Ceiling Report named Cohen Milstein among **“The Best Law Firms for Female Attorneys.”**
- In 2020, Lawdragon named seven Cohen Milstein attorneys to its **“500 Leading Plaintiff Employment Lawyers”** list.

- In 2020, the Human Trafficking Legal Center named Agnieszka M. Fryszman **“Human Trafficking Advocate of the Year.”**
- In 2020, *Crain’s Chicago Business* named Carol V. Gilden one of its **“Notable Women in Law.”**
- In 2020, *Palm Beach Illustrated* named six Cohen Milstein attorneys to its **“Top Lawyers”** list.
- In 2020, *The National Law Journal* named Shaylyn Cochran a **“Washington D.C. Trailblazer.”**
- In 2020, Lawdragon named 15 Cohen Milstein attorneys to its **“500 Leading Plaintiff Financial Lawyers”** list.
- In 2020, *The Best Lawyers in America* named 15 Cohen Milstein attorneys to its 2021 **“Best Lawyers in America”** list.
- In 2020, American Lawyer Media and The National Trial Lawyers named Cohen Milstein **“Antitrust Law Firm of the Year.”**
- In 2020, *Florida Trend* named Poorad Razavi a **“Legal Elite”** in the Civil Trial section.
- In 2020, *Law360* named Emmy L. Levens a **“Rising Star – Class Actions.”**
- In 2020, *Law360* named Shaylyn Cochran a **“Rising Star – Employment.”**
- In 2020, *The Legal 500* named Cohen Milstein a **“Top-Tier”** firm in Labor and Employment: Labor and Employment Disputes (including Collective Actions): Plaintiff.
- In 2020, *The Legal 500* named Cohen Milstein a **“Leading Practice”** in Antitrust, Products Liability, and Securities Litigation.
- In 2020, *Florida Super Lawyers* recognized Nicholas C. Johnson, Leslie M. Kroeger, Theodore J. Leopold as **“Super Lawyers”** in the area of Personal Injury Law (Plaintiff).
- In 2020, *Law360* named Cohen Milstein’s Daniel A. Small a **“Law360 Titan of the Plaintiffs Bar”** for his decades of successful work in antitrust litigation.
- In 2020, *The National Law Journal* named Cohen Milstein’s John Sheehan a **“2020 Plaintiffs’ Trailblazer”** in Environmental Law.
- In 2020, *Daily Business Review* named Cohen Milstein’s Leslie M. Kroeger a **“2020 DBR Distinguished Leader.”**
- In 2020, *Super Lawyers* recognized 17 Cohen Milstein attorneys as **“2020 Washington, DC Super Lawyers”** and seven Cohen Milstein attorneys as **“2020 Washington, DC Rising Stars.”**
- In 2020, *Chambers USA* recognized Cohen Milstein as a leading firm in the **“Antitrust: Plaintiffs – Nationwide”** category.
- In 2020, Lawdragon recognized eight Cohen Milstein lawyers in the **“2020 Lawdragon 500 Leading Plaintiff Consumer Lawyers”** list.
- In 2020, Lawdragon recognized 12 Cohen Milstein lawyers in the **“2020 Lawdragon 500 Leading Lawyers in America”** list.
- In 2020, American Lawyer Media and The National Trial Lawyers named Cohen Milstein **“Antitrust Law Firm of the Year.”**
- In 2020, *Law360* named Cohen Milstein **“Practice Group of the Year – Benefits”** for the firm’s work in 2019.
- In 2020, *Law360* named Cohen Milstein **“Practice Group of the Year – Consumer Protection”** for the firm’s work in 2019.

## 2019

- In 2019, *Law360* named Cohen Milstein’s Sharon K. Robertson **“Life Sciences – MVP”** for her cutting-edge “pay for delay” antitrust class actions in the Life Sciences industry.
- In 2019, Lawdragon named Cohen Milstein’s Agnieszka Fryszman and Steve Toll to **“Lawdragon Legends,”** a list recognizing 30 of the “nation’s elite lawyers” who have been named to the Lawdragon 500 for at least ten years.
- In 2019, ALM and *The National Trial Lawyers* named seven of Cohen Milstein’s practice areas to its **“Elite Trial Lawyer – Finalist”** list.
- In 2019, the Seven Hills School awarded Cohen Milstein’s Kalpana Kotagal with the **“Norma Martin Goodall Distinguished Alumni Award.”**
- In 2019, the *Chicago Business Journal* named Cohen Milstein’s Carol V. Gilden a 2019 **“Woman of Influence.”**
- In 2019, Lawdragon named 15 Cohen Milstein lawyers to its 2019 **“500 Leading Plaintiff Financial Lawyers”** list.

- In 2019, *Law360* named Cohen Milstein’s Mary Bortscheller a **“Rising Star.”**
- In 2019, *The Best Lawyers in America* named 12 Cohen Milstein attorneys to its 2020 **“Best Lawyers in America”** list.
- In 2019, Public Justice Foundation named Cohen Milstein one of five finalists for the **“Trial Lawyer of the Year Award.”**
- In 2019, Cohen Milstein’s Environmental Toxic Tort practice was named a winner of *The National Law Journal’s* **“Elite Trial Lawyers” Award**, and Cohen Milstein’s Agnieszka Fryszman and Sharon Robertson were named winners of *The National Law Journal’s* **“Elite Women of the Plaintiffs Bar” Award**.
- In 2019, six of Cohen Milstein lawyers were named among the **“Lawdragon 500 Leading Plaintiff Consumer Lawyers.”**
- In 2019, Cohen Milstein’s Carol V. Gilden received Lawyer Monthly Magazine’s **“Women in Law Award.”**
- In 2019, four of Cohen Milstein partners were named to Benchmark Litigation’s **“40 & Under Hot List.”**
- In 2019, Cohen Milstein’s Christine E. Webber received the Washington Lawyers’ Committee for Civil Rights and Urban Affairs’ **“Roderic V.O. Boggs Award.”**
- In 2019, Cohen Milstein’s Nicholas C. Johnson and Poorad Razavi were named to Florida Trend’s **“Legal Elite.”**
- In 2019, Cohen Milstein’s Nicholas C. Johnson was appointed to serve on the **AAJ Board of Governors**.
- In 2019, *The National Law Journal* named Cohen Milstein an **“Elite Trial Lawyer”** finalist in five practice areas and named Agnieszka Fryszman and Sharon Robertson **“Elite Women of the Plaintiffs Bar.”**
- In 2019, *Law360’s* 2019 Glass Ceiling Report named Cohen Milstein among **“The Best Law Firms for Female Attorneys.”**
- In 2019, *The Legal 500* recognized Cohen Milstein’s Antitrust, Civil Rights & Employment, Products Liability, and Securities Litigation practices as **“Leading Practices,”** and named seven Cohen Milstein attorneys among their **“Leading Lawyers,” “Next Generation Lawyers,”** and **“Rising Stars.”**
- In 2019, Cohen Milstein was named to *The National Law Journal’s* **“Pro Bono Hot List.”**
- In 2019, 21 Cohen Milstein attorneys were recognized as **“Super Lawyers,”** and nine Cohen Milstein attorneys were recognized as **“Rising Stars.”**
- In 2019, Cohen Milstein’s Takisha D. Richardson was named a **Florida Bar Association’s Wm. Reece Smith, Jr. Leadership Academy Fellow**.
- In 2019, six of Cohen Milstein’s Civil Rights & Employment Litigation lawyers were named among the **“Lawdragon 500 Leading Plaintiff Employment Lawyers 2019.”**
- In 2019, the *Daily Business Review* honored Cohen Milstein with three Professional Excellence Awards, including Theodore J. Leopold, **DBR’s 2019 “Distinguished Leaders” award**, Nicolas C. Johnson, **DBR’s 2019 “On the Rise” award**, and the firm’s Sexual Abuse, Sex Trafficking, and Domestic Violence Litigation team, **DBR’s 2019 “Innovative Practice Areas” award**.
- In 2019, four Cohen Milstein lawyers received **“The Burton Awards’ Law360 Distinguished Legal Writing Award - Law Firm.”**
- In 2019, nine Cohen Milstein lawyers were named among the **“Lawdragon 500 Leading Lawyers in America.”**

## 2018

- In 2018, *The National Law Journal* and *Trial Lawyer Magazine*, named Steven J. Toll and Betsy A. Miller among **“America’s 50 Most Influential Trial Lawyers.”**
- In 2018, *Law360* named Cohen Milstein **“Practice Group of the Year”** in two categories: Consumer Protection and Environmental.

- In 2018, *Law360* named three partners MVP in the respective practices, including: Theodore J. Leopold as **Law360's Environmental MVP**, Andrew N. Friedman as **Law360's Cybersecurity and Privacy MVP**, and Kalpana Kotagal as **Law360's Employment MVP**.
- In 2018, *The National Law Journal* named Cohen Milstein winner of “**Elite Trial Lawyer of the Year**” in four categories, including Consumer Protection, Counterterrorism, Immigration, and Financial Products, and finalist in five other categories, including Antitrust, Civil Rights, Disability Rights, Employment Rights, and Racial Discrimination.
- In 2018, *The National Law Journal* named Kalpana Kotagal, Betsy A. Miller, and G. Julie Reiser – “**Elite Women of the Plaintiffs Bar.**”
- In 2018, A Better Balance presented Kalpana Kotagal with “**A Better Balance: The Work & Family Legal Center's Distinguished Public Service Award.**”
- In 2018, the American Antitrust Institute honored Sharon K. Robertson with its “**Outstanding Antitrust Litigation Achievement Award.**”
- In 2018, the NAACP honored Cohen Milstein with its “**Foot Soldier in the Sand Award,**” in recognition of the firm's outstanding commitment to providing pro bono legal services.
- In 2018, *The Best Lawyers in America* recognized eleven Cohen Milstein attorneys as among the **Best Lawyers in America (2019)**, in their respective areas of law.
- In 2018, *The Best Lawyers in America* singled out and named Joseph M. Sellers “**The Best Lawyers in America 2019, Labor Law Lawyer of the Year – Washington, D.C.**”
- In 2018, *The Best Lawyers in America* singled out and named Milstein's Leslie M. Kroeger “**The Best Lawyers in America 2019, Mass Tort Litigation / Class Actions “Lawyer of the Year – West Palm Beach, FL.”**”
- In 2018, *Palm Beach Illustrated* named seven Cohen Milstein attorneys to its “**“Top Lawyers” List.**”
- In 2018, *Benchmark Litigation* named four Cohen Milstein attorneys to its “**40 & Under Hot List.**”
- In 2018, *Florida Trend* named five Cohen Milstein attorneys to its list of “**Florida's Legal Elite.**”
- In 2018, Lawdragon 500 named five Cohen Milstein attorneys to “**Leading Plaintiff Employment Lawyers.**”
- In 2018, *Crain's* named Carol V. Gilden one of Chicago's “**Notable Women Lawyers.**”
- In 2018, Harvard Law School named Kalpana Kotagal a “**Wasserstein Fellow.**”
- In 2018, *Chambers USA Women in Law* honored Kalpana Kotagal with its “**Outstanding Contribution to the Community in Advancing Diversity Award.**”
- In 2018, the *New York Law Journal* named Sharon K. Robertson to its list of “**New York Rising Stars.**”
- In 2018, *The Legal 500: Guide to the US Legal Profession* listed Cohen Milstein's **Antitrust, Employment Disputes, and Securities Litigation** practices among its “**Leading Practices.**”
- In 2018, the *Daily Business Review* named Leslie M. Kroeger a “**Distinguished Leader.**”
- In 2018, *Law360* named Steven J. Toll a 2018 “**Titan of the Plaintiffs Bar.**”
- In 2018, Leslie M. Kroeger was sworn-in as President-Elect to the Florida Justice Association.
- In 2018, Lawdragon named seven Cohen Milstein attorneys to the 2018 “**Lawdragon 500,**” an annual list of the **500 Leading Lawyers in America.**
- In 2018, Theodore J. Leopold was recognized as an “**Energy and Environmental Trailblazer**” by *The National Law Journal*.
- In 2018, *Super Lawyers* recognized 20 Cohen Milstein attorneys as “**2018 Super Lawyers**” and 12 Cohen Milstein attorneys as “**Super Lawyer Rising Stars.**”

## 2017

- In 2017, *Law360* named Cohen Milstein a “**Practice Group of the Year: Privacy.**”

- In 2017, Steven J. Toll was named a **Law360 “MVP – Class Action.”**
- In 2017, the *Daily Business Review* named Theodore J. Leopold a **“Most Effective Lawyer of 2017: Class Action.”**
- In 2017, Christopher Lometti, Betsy Miller, and Victoria Nugent were named ***The National Law Journal’s* “Plaintiffs’ Lawyers Trailblazers.”**
- In 2017, *The Best Lawyers in America* recognized seven Cohen Milstein partners as among the **“Best Lawyers in America”** for their respective practices of law.
- In 2017, *Law360* named Cohen Milstein partners, S. Douglas Bunch and Kalpana Kotagal as **“Rising Stars.”**
- In 2017, *The Legal 500* named Cohen Milstein a **Leading Firm** in “Antitrust: Civil Litigation / Class Actions” and “Dispute Resolution: Securities Litigation – Plaintiff.”
- In 2017, *The Legal 500* named Richard A. Koffman to its **“Legal 500 Hall of Fame.”**
- In 2017, *Legal 500* named Sharon K. Robertson and Brent W. Johnson as **“Legal 500 Next Generation Lawyer”** in the area of Antitrust: Civil Litigation/Class Actions.
- In 2017, *Super Lawyers* named Brent W. Johnson as a **"Rising Star"** and a **"Top Rated Antitrust Litigation Attorney in Washington, DC."**
- In 2017, *Super Lawyers* named Leslie M. Kroeger and Theodore J. Leopold **“Florida Super Lawyers”** and Nicholas C. Johnson **“Florida Rising Stars.”**
- In 2017, the Coalition for Independent Living Options Inc. presented Michael Dolce a Special Acknowledgment Award for his **“Commitment to Ending Sex Crimes against People with Disabilities.”**
- In 2017, *Florida Trend* named Manuel J. Dominguez a **“Legal Elite.”**
- In 2017, Nicholas C. Johnson was elected President of the F. Malcolm Cunningham, Sr. Bar Association.
- In 2017, Leslie M. Kroeger was elected Treasurer to the Florida Justice Association.
- In 2017, *South Florida Legal Guide* named Theodore J. Leopold as a **“Top Lawyer”** and Diana L. Martin a **“Top Up and Comer.”**

## 2016

- In 2016, *Law360* selected Cohen Milstein as a **“Competition Practice Group of the Year”** and a **“Class Action Practice Group of the Year.”**
- In 2016, Women in Wealth Awards selects Carol V. Gilden Selected as **"Best in Securities Litigation Law - Illinois & Excellence Award for Investor Protection Law."**
- In 2016, Richard A. Koffman was named a **Law360 “MVP – Competition Law.”**
- In 2016, Martha Geer was selected as a **“North Carolina Leaders in the Law Honoree.”**
- In 2016, the Washington Lawyers’ Committee for Civil Rights and Urban Affairs named Cohen Milstein a recipient of its **“Outstanding Achievement Award.”**
- In 2016, for the eighth consecutive year, Cohen Milstein was recognized by *The Legal 500* as one of the leading plaintiff class action antitrust firms in the United States.
- In 2016, Agnieszka Fryszman, Chris Lometti, Kit Pierson, Joe Sellers and Steve Toll were named to the **2016 Lawdragon 500 Leading Lawyers in America.**
- In 2016, *Law360* named Julie Goldsmith Reiser one of the **“25 Most Influential Women in Securities Law.”**
- In 2016, Cohen Milstein is named to ***The National Law Journal’s* “Plaintiffs Hot List”** for the fifth time in six years.
- In 2016, *Law360* named Cohen Milstein as one of the top firms for female attorneys.

## 2015

- In 2015, *Law360* named Cohen Milstein as the sole plaintiffs firm to be selected in two "**Practice Groups of the Year**" categories and one of only five class action firms recognized.
- In 2015, Cohen Milstein was named an "**Elite Trial Lawyer Firm**" by *The National Law Journal* for the second year in a row.
- In 2015, Steven J. Toll named a *Law360* "**MVP – Securities Law.**"
- In 2015, Cohen Milstein was selected as a "**Most Feared Plaintiffs Firm**" by *Law360* for the third year in a row.
- In 2015, Richard Koffman was named, for the fifth consecutive year, in *The Legal 500* "**Leading Lawyers**" in "**Litigation - Mass Tort and Class Action: Plaintiff Representation – Antitrust.**"
- In 2015, Theodore J. Leopold and Leslie M. Kroeger were selected as "**Florida Super Lawyers.**"
- In 2015, Andrew Friedman, Agnieszka Fryszman, Kit A. Pierson, Julie Reiser, Joseph M. Sellers, Daniel A. Small, Daniel S. Sommers, Steven J. Toll and Christine E. Webber were selected as "**Washington DC Super Lawyers.**"
- In 2015, Monya Bunch, S. Douglas Bunch, Johanna Hickman, Kalpana Kotagal, and Emmy Levens were selected as "**Washington DC Rising Stars**" by *Super Lawyers*.
- In 2015, for the fourth time in five years, Cohen Milstein was selected to *The National Law Journal* "**Plaintiffs' Hot List.**"
- In 2015, Carol V. Gilden was selected as "**Pension Funds Litigation Attorney of the Year in Illinois**" for the second year in a row by the Corporate INTL Legal Awards.

## 2014

- In 2014, Cohen Milstein's Antitrust Practice was selected as a "**Practice Group of the Year**" by *Law360*.
- In 2014, Cohen Milstein Partner Kit Pierson was selected as an "**Antitrust MVP**" by *Law360*.
- In 2014, Cohen Milstein was named a "**Most Feared Plaintiffs Firm**" by *Law360* for the second year in a row. In 2014, Cohen Milstein was selected as an **Elite Trial Lawyer** firm by *The National Law Journal*.
- Cohen Milstein Partners Steven J. Toll, Joseph M. Sellers, Kit A. Pierson, and Agnieszka M. Fryszman Selected to the **2014 Lawdragon 500**.
- Released in 2015, Joseph M. Sellers, Theodore J. Leopold, and Leslie M. Kroeger listed in "**Best Lawyers in America.**"
- Released in 2014, the 2013 SCAS 50 Report on Total Securities Class Action Settlements ranked Cohen Milstein as a top firm.
- In 2014, Cohen Milstein's Theodore J. Leopold was named among the "**Top 100**" **Florida Super Lawyers**, Leslie M. Kroeger was named to the "**Florida Super Lawyers,**" and Diana L. Martin was named a "**Florida Rising Star.**"
- In 2014, Cohen Milstein's Leslie M. Kroeger was recognized in **Florida Trend's** "**Florida Legal Elite.**"
- In 2014, Cohen Milstein was selected to the selected to the **National Law Journal's Midsize Hot List**.
- In 2014, Cohen Milstein was recognized as a "**Highly Recommended Washington, DC Litigation Firm**" by Benchmark Plaintiff: The Definitive Guide to America's Leading Plaintiff Firms and Attorneys.
- In 2014, Cohen Milstein was ranked as a **Leading Plaintiff Class Action Antitrust Firm in the United States by the Legal 500** for the sixth year in a row.
- In 2014, Partner Richard Koffman was named, for the fourth consecutive year, in the Legal 500 United States "**Leading Lawyers**" list under the category of "Litigation - Mass Tort and Class Action: Plaintiff Representation - Antitrust".
- In 2014, Cohen Milstein attorneys Agnieszka Fryszman, Julie Goldsmith Reiser, Joseph Sellers, Daniel Sommers, and Steven Toll were recognized as **Local Litigation Stars** by Benchmark Plaintiff: The Definitive Guide to America's Leading Plaintiff Firms and Attorneys.
- In 2014, Cohen Milstein attorneys R. Joseph Barton, Andrew Friedman, Agnieszka Fryszman, Kit A. Pierson, Julie Reiser, Joseph M. Sellers, Daniel A. Small, Daniel S. Sommers, Steven J. Toll and Christine E. Webber were selected as **Washington DC Super Lawyers**.

- In 2014, Cohen Milstein attorneys Monya Bunch, S. Douglas Bunch, Jeffrey Dubner, Johanna Hickman, Joshua Kolsky, Kalpana Kotagal, Emmy Levens, and Michelle Yau were selected as **Washington DC Rising Stars** by Super Lawyers.
- In 2014, Cohen Milstein Partner Carol V. Gilden was selected as the Illinois Pension Fund Attorney of the Year.
- In 2014, Best Lawyers named Cohen Milstein Partner Joseph Sellers D.C. Litigation - Labor & Employment Lawyer of the Year.

## 2013

- In 2013, for the third-year in a row, Cohen Milstein was selected to the *National Law Journal* **Plaintiffs' Hot List**.
- In 2013, Cohen Milstein was named a "**Most Feared Plaintiffs Firm**" by Law360.
- In 2013, Cohen Milstein was ranked as a Leading Plaintiff Class Action Antitrust Firm in the United States by the Legal 500 for the fifth year in a row.
- In 2013, Cohen Milstein attorneys Joseph Barton, Andrew Friedman, Agnieszka Fryszman, Kit A. Pierson, Julie G. Reiser, Joseph M. Sellers, Daniel A. Small, Daniel S. Sommers, Steven J. Toll, and Christine E. Webber were selected as **Washington DC Super Lawyers**.
- In 2013, Cohen Milstein attorney Michelle Yau was selected as **Washington DC Rising Stars** by Super Lawyers. In 2013, Cohen Milstein Partner Carol V. Gilden was selected as a **2013 Illinois Super Lawyer**. She has been selected every year since 2005.

## 2012

- In 2012, for the second-year in a row, Cohen Milstein was selected to the *National Law Journal* **Plaintiffs' Hot List**.
- In 2012, Cohen Milstein was the recipient of the Judith M. Conti Pro Bono Law Firm of the Year Award from the Employment Justice Center.
- In 2012, Cohen Milstein was recognized as a "Highly Recommended Washington, DC Litigation Firm" by Benchmark Plaintiff: The Definitive Guide to America's Leading Plaintiff Firms and Attorneys.
- In 2012, Cohen Milstein was ranked as a top firm by the 2011 SCAS Report on Total Securities Class Action Settlements.
- In 2012, Cohen Milstein was ranked as a Leading Plaintiff Class Action Antitrust Firm in the United States by the Legal 500 for the fourth year in a row.
- In 2012, Partner Joseph M. Sellers was selected as a **Washington DC Super Lawyer**. Mr. Sellers was also selected for this prestigious award in 2007, 2008, 2009, 2010, and 2011.
- In 2012, Partner Steven J. Toll was selected as a **Washington DC Super Lawyer**. Mr. Toll was also selected for this prestigious award in 2007, 2009, 2010, and 2011.
- In 2012, Partner Daniel S. Sommers was selected as a **Washington DC Super Lawyer**. Mr. Sommers was also selected for this prestigious award in 2011.
- In 2012, Partner Christine E. Webber was selected as a **Washington DC Super Lawyer**. Ms. Webber was also selected for this prestigious award in 2007.
- In 2012, Partner Agnieszka M. Fryszman was selected as a **Washington DC Super Lawyer**. In 2012, Partner Kit A. Pierson was selected as a **Washington DC Super Lawyer**.
- In 2012, Partner Carol V. Gilden was selected as an **Illinois Super Lawyer**. Ms. Gilden was also selected for this prestigious award in 2005, 2006, 2007, 2008, 2009, 2010, and 2011.

## 2011

- In 2011, Cohen Milstein was selected to the *National Law Journal* **Plaintiffs' Hot List**.
- In 2011, Partner Joseph M. Sellers was selected as a "**Visionary**" by The *National Law Journal*.
- In 2011, Partner J. Douglas Richards and Of Counsel Christopher Lometti were selected as **New York - Metro Super Lawyers**.
- In 2011, Partner Joseph M. Sellers and the *Keepseagle v. Vilsack* team were selected as a finalist for the **2011 Trial Lawyer of the Year Award** from the Public Justice Foundation.



- In 2011, **Cohen Milstein was ranked as a Leading Plaintiff Class Action Antitrust Firm in the United States** by the Legal 500 for the third year in a row.
- In 2011, Partners Steven Toll, Joseph Sellers, and Daniel Sommers were selected as **Washington DC Super Lawyers**. Partner J. Douglas Richards and Christopher Lometti were selected as **New York - Metro Super Lawyers**. Partner Carol Gildea was selected as an **Illinois Super Lawyer**.
- In 2011, Cohen Milstein was a recipient of The *National Law Journal's* **Pro Bono Award**. The Firm was named one of the "six firms that best reflect the pro bono tradition."

#### 2010

- In 2010, Partner Joseph M. Sellers was selected as one of "**The Decade's Most Influential Lawyers**" by *The National Law Journal*.
- In 2010, Partner Steven J. Toll was named one of Law360's "**Most Admired Attorneys**". In 2010, Partner Andrew N. Friedman was selected as a **Washington DC Super Lawyer**.
- In 2010, Partner Agnieszka M. Fryszman was selected as a finalist for the **Trial Lawyer of the Year Award** from the Public Justice Foundation.
- In 2010, Partners Joseph M. Sellers and Agnieszka M. Fryszman were both selected as one of the **Lawdragon 500 Leading Lawyers in America**.
- In 2010, Cohen Milstein was once again ranked as a **Leading Plaintiff Class Action Antitrust Firm in the United States** by the Legal 500.

## ERISA Litigation Group

### Michelle C. Yau

Chair of Cohen Milstein's Employee Benefits/ERISA practice, named Law360's Practice Group of the Year (2019, 2021), has spearheaded some of the most significant ERISA-related class actions in the last two decades. A 2021 Law360 MVP, Ms. Yau combines ardent dedication to protecting retirement plan participants and beneficiaries with rare insight into complex financial transactions and actuarial issues, given her Wall Street and government background.

Ms. Yau is leading several pathbreaking cases involving ERISA's church plan exemption, including *Rollins v. Dignity Health* (N.D. Cal.), brought by employees alleging the health system had underfunded its pension plan by \$1.8 billion and erroneously claiming ERISA's church plan exemption to do so. In October 2021, the Court granted preliminary approval of a \$100 million settlement.

Ms. Yau has also played a key role in ERISA litigation stemming from the Madoff Ponzi scheme, including *In re Beacon Association Litigation* (S.D.N.Y.), resulting in a \$219 million settlement, representing 70% of class members' out-of-pocket losses, and *In re Austin Capital Management Litigation* (S.D.N.Y.), which was settled by the U.S. Department of Labor on very favorable terms after Ms. Yau argued that Madoff's advertised investment strategy rendered his claimed returns mathematically impossible.

- *In re Beacon Association Litigation* (S.D.N.Y.): Ms. Yau represented a multi-plan class of participants, beneficiaries and fiduciaries, which settled along with other consolidated cases for \$219 million in 2013, representing 70% of the Class members' out-of-pocket losses. The judge praised the settlement, describing the outcome as "extraordinary" and the praising the "hard work" done by plaintiffs' counsel, including Cohen Milstein.
- *In re Austin Capital Management Litigation* (S.D.N.Y.): A case which was settled by the Department of Labor on the ERISA class on very favorable terms, Ms. Yau alleged that Madoff's returns, based on his advertised investment strategy, were mathematically impossible, a fact Austin Capital ought to have recognized well before the fraud was revealed.

In addition, Ms. Yau also represents employee stock ownership plan (ESOP) participants and beneficiaries in several high-profile cases alleging that employees' ESOPs were compelled to purchase company stock at vastly inflated prices. Most notably, in *Smith v. GreatBanc Trust Company* (N.D. Ill.), the value of company stock declined by nearly 97% two weeks after its purchase for \$106 million by the Triad Manufacturing, Inc. ESOP. The Seventh Circuit upheld the district court's dismissal of Defendants' motion to compel arbitration in September 2021, citing an exception to the Federal Arbitration Act. This appellate decision also cleared the way for *Hensiek v. Casino Queen Holding Company* (S.D. Ill.), which Ms. Yau also leads, and which was also pending before the Seventh Circuit. Cohen Milstein and co-counsel were recognized as "Litigators of the Week" by *American Lawyer* for the Seventh Circuit decision. Both cases continue to be litigated. In January 2022, the lower court in *Casino Queen* denied Defendant's motion to dismiss.

Ms. Yau brings to her practice a unique combination of government experience related to enforcing labor statutes and experience in finance, addressing complex financial instruments. Prior to joining Cohen Milstein in 2007, Ms. Yau was an Honors Program Attorney at the Department of Labor where she enforced and administered a variety of labor statutes, and before pursuing a career in law she worked as a financial analyst at Goldman Sachs in the Financial Institutions Group of the Investment Banking Division. Ms. Yau's unique array of aptitudes has been honed by both career and educational experiences. Ms. Yau graduated Phi Beta Kappa with a B.A. in Mathematics from the University of Virginia. Ms. Yau was also selected as an Echols Scholar and awarded the Student Council Scholarship for leadership, academic achievement and community service. She earned her J.D. from Harvard Law School, where she was awarded a Heyman Fellowship.

Ms. Yau played an instrumental leadership role in the following high-profile cases:

- *Dignity Health Church Plan Litigation* (N.D. Cal.): Cohen Milstein is co-counsel to a class of defined benefit participants, which alleges that Dignity Health is improperly claiming that its pension plans are exempt from

ERISA's protections because they are "church plans," and as a result has underfunded its plans by over \$1.2 billion. In 2016, the Supreme Court agreed to hear arguments on consolidated church plan cases, and in June 2017, it reversed previous rulings and ordered plaintiffs, in this case, to file an amended complaint. Pending final approval by the court, Dignity has agreed to settle class claims for \$100 million.

- BlackRock 401(k) Retirement Plan Litigation (N.D. Cal.): Cohen Milstein is representing BlackRock 401(k) Plan participants and beneficiaries, who allege that the Plan fiduciaries violated their duties under ERISA by investing employees' 401(k) savings almost exclusively in BlackRock proprietary funds and by using Blackrock subsidiaries to broker securities lending deals using the Plan's assets.
- Western Milling ESOP Litigation (E.D. Cal.): Cohen Milstein is representing participants and beneficiaries of the Western Milling Employee Stock Ownership Plan, who allege that the ESOP's trustees breached their fiduciary duties by engaging in risky investments in violation of ERISA, including purchasing 100% of Kruse-Western, Inc. company stock, which subsequently dropped by 90% shortly after the purchase.
- Presence Health Plan Litigation (N.D. Ill.): Cohen Milstein represented Presence Health Network-sponsored pension plan participants and beneficiaries, who allege that defendants wrongly claimed that the plans under dispute qualified as ERISA-exempt "church plans" and subsequently denied participants the protections of ERISA, including underfunding the plans by over \$175 million. In July 2018, the court granted final approval to a \$50 million settlement.
- Trinity Church Plan Litigation: Cohen Milstein is counsel to a class of defined benefit participants in which allege that the hospital's plan is not a church plan and thus the class is entitled to ERISA's protections and thereby underfunded the plan by over \$600 million. In May 2017, the granted final approval of a \$75 million settlement.
- Advocate Health Care Church Plan Litigation (N.D. Ill.): Cohen Milstein served as co-lead counsel to a class of defined benefit participants, which alleged that the hospital's plan was not a church plan and thus the class was entitled to ERISA's protections. In 2016, the Supreme Court agreed to hear arguments on consolidated church plan cases, and in June 2017, it reversed previous rulings in favor of the plaintiffs. The Supreme Court, however, did not decide plaintiffs' other theories of liability and this case was returned to the district court for further litigation and subsequent mediation. In June 2018, the court granted final approval of a settlement.
- St. Anthony Medical Center Church Plan Litigation (N.D. Ill.): Cohen Milstein is counsel to a class of defined benefit participants, which alleges that the Medical Center violated numerous provisions of ERISA by improperly operating the plan as exempt from ERISA's protections. As a result, the class of participants suffered cutbacks as much as 40% of their promised benefits. In April 2019, the court granted final approval to a \$4 million settlement.
- Merrill Lynch ERISA Litigation (S.D.N.Y.): Cohen Milstein served as interim co-lead counsel in a class action alleging that fiduciaries of the Merrill Lynch retirement plans imprudently purchased and held inflated Merrill employer stock for the retirement accounts of the companies' employees. The litigation was resolved for \$75 million. Ms. Yau was engaged in all aspects of the litigation.
- Madoff Ponzi Scheme Litigation (S.D.N.Y.): Cohen Milstein represented a multi-plan class of participants, beneficiaries and fiduciaries in re Beacon Assoc. Litig. The \$219 million settlement in 2013 represented 70% of the Class members' out-of-pocket losses. Ms. Yau was engaged in all aspects of the litigation.
- Weyerhaeuser Pension Plan Litigation: Cohen Milstein was lead counsel in a lawsuit alleging that the Weyerhaeuser Company caused its Defined Benefit Retirement Plans to engage in a risky investment strategy involving alternative investments and derivatives, causing the Plans' master trust to become underfunded. A settlement was reached for injunctive relief on behalf of Plans' participants and beneficiaries. Ms. Yau was engaged in all aspects of the litigation.

For her work in cutting-edge ERISA litigation, Law360 named Ms. Yau a Rising Star Under 40 in 2014. Ms. Yau is a prolific public speaker and is frequently invited to speak at ABA functions and CLE programs on ERISA litigation updates and trends.

**Julie G. Reiser**

Julie Goldsmith Reiser is a Partner at Cohen Milstein and Co-Chair of the firm's Securities Litigation & Investor Protection group. Ms. Reiser's practice focuses on public pension plans, institutional investors, retirees and plan participants, representing them in high-stakes, complex litigation, including securities, ERISA, and antitrust litigation.

In 2021, Law360 recognized Ms. Reiser as a "Titan of the Plaintiffs Bar," not long after citing her as one of the "25 Most Influential Women in Securities Law." The National Law Journal placed her among the "Elite Women of the Plaintiffs Bar" and, since 2018, Lawdragon has named her one of the leading 500 lawyers in America.

On October 2, 2020, Ms. Reiser was recognized by The American Lawyer as "Litigator of the Week," for the historic \$310 million settlement In re Alphabet Shareholder Derivative Litigation (Sup. Ct. Cal., Santa Clara Cnty.), a shareholder derivative action, which establishes a framework for stockholders to hold boards of directors accountable for long-standing patterns of corporate mismanagement of sexual harassment, discrimination, and retaliation claims at their companies.

Ms. Reiser is highly regarded by clients, co-counsel, and opposing counsel for her tenacious advocacy, shrewd understanding of complex financial and economic issues, meticulous preparation, and dynamic leadership. Indeed, co-counsel and opposing counsel were quoted in Law360's "Titans of the Plaintiffs Bar: Cohen Milstein's Julie Goldsmith Reiser" profile:

"I think [Ms. Reiser] is an excellent attorney. Very good in advocating in the courtroom and in settlement negotiations, a very good strategic thinker and a nice person." Louise Renne, former City Attorney of San Francisco, founding partner of Renne Public Law Group, and co-counsel in Alphabet.

Ms. Reiser is "a very candid, trustworthy person" and working with her and her co-counsel was a "highlight of the case." Boris Feldman, partner at Freshfields Bruckhaus Deringer LLP and opposing counsel in Alphabet.

In addition to Alphabet and the precedent-setting Wynn Resorts Shareholder Derivative Action (Eighth Jud. Dist. Ct., Clark Cnty., Nev.), which she led to a total \$90 million settlement, Ms. Reiser has led litigation teams in several of the country's most complex class actions and landmark settlements, including a \$500 million settlement related to Countrywide's issuance of mortgage-backed securities ("MBS") and the Fifth Circuit affirmation of an investor class in the BP securities fraud litigation, stemming from the 2010 Deepwater Horizon oil spill, which settled for \$175 million.

Currently, Ms. Reiser is litigating the following notable matters:

- In re Pinterest Derivative Litigation (N.D. Cal.): Cohen Milstein, as Interim Lead Counsel, represents the Employees Retirement System of Rhode Island and other Pinterest shareholders in a consolidated shareholder derivative complaint against certain current officers and directors of Pinterest, including its Board Chairman and CEO, for breaches of fiduciary duty and other violations of Section 14(a) of the Exchange Act, relating to their alleged personal engagement in and facilitation of a systematic practice of illegal discrimination of employees on the basis of race and sex, from at least February 2018 through the present. As a result of this illegal misconduct, the Company's financial position, goodwill, and reputation among users has been harmed. Ms. Reiser is lead counsel in this litigation.
- Bank of America Corp. Stock Lending Markets Antitrust Lawsuit (S.D.N.Y.): Ms. Reiser represents Iowa PERS, Los Angeles County Employees Retirement Association, Orange County Employees Retirement System and Sonoma County Employees' Retirement Association in this ground-breaking lawsuit, in which plaintiffs allege collusion among six of the world's largest investment banks to prevent modernization of the securities lending market, a critical component of a strong economy.
- Public School Teacher' Pension and Retirement Fund of Chicago v. Bank of America Corporation, et al. (S.D.N.Y.): Cohen Milstein is Co-Lead Counsel in this lawsuit charging a number of the world's largest investment banks with

conspiring to engineer and maintain a collusive and anti-competitive stranglehold over the interest rate swaps (IRS) market –one of the world’s biggest financial markets. Ms. Reiser represents the Los Angeles County Employees Retirement Association.

Ms. Reiser’s successes include:

- L Brands, Inc. Derivative Litigation: Cohen Milstein, in partnership with the State of Oregon, the Oregon Public Employees Retirement Fund, and other shareholders, helped resolve allegations that officers and directors of L Brands, Inc., previous owners of Victoria’s Secret, breached their fiduciary duties by maintaining ties with alleged sex offender and pedophile Jeffrey Epstein and fostering a culture of discrimination and misogyny at the company. Following a Delaware General Corporate Law Section 220 books and records demand and an extensive, proprietary investigation, L Brands and the now-standalone company, Victoria’s Secret, agreed to stop enforcing non-disclosure agreements that prohibit the discussion of a sexual harassment claim’s underlying facts; stop using forced arbitration agreements; implement sweeping reforms to their codes of conduct, policies and procedures related to sexual misconduct and retaliation; and to invest \$45 million each, for a total of \$90 million, in diversity, equity and inclusion initiatives and DEI Advisory Councils. Ms. Reiser led the Cohen Milstein team in this matter.
- In re Alphabet Shareholder Derivative Litigation (Sup. Ct. Cal., Santa Clara Cnty.): Cohen Milstein, as Co-Lead Counsel, represented Northern California Pipe Trades Pension Plan and Teamsters Local 272 Labor Management Pension Fund in a shareholder derivative lawsuit against the Board of Directors of Alphabet, Inc. Shareholders alleged that the tech giant’s Board violated its fiduciary duty by enabling a double standard at Alphabet that allowed powerful executives to sexually harass and discriminate against women without consequence. On November 30, 2020, the court granted final approval of a historic settlement, including a \$310 million commitment to fund diversity, equity, and inclusion initiatives at Alphabet-owned companies, and workplace and corporate governance reforms including limiting non-disclosure agreements and ending mandatory arbitration in sexual harassment, gender discrimination, and retaliation-related disputes. Ms. Reiser led this litigation.
- New York State Common Retirement Fund, et al. v. Stephen A. Wynn, et al. (Eighth Jud. Dist. Ct., Clark Cnty., Nev.): Cohen Milstein represented New York State Common Retirement Fund and the New York City Pension Funds as Lead Counsel in a derivative shareholder lawsuit against certain officers and directors of Wynn Resorts, Ltd., arising out of their failure to hold Mr. Wynn, the former CEO and Chairman of the Board, accountable for his longstanding pattern of sexual abuse and harassment of company employees. In March 2020, the Court granted final approval of a \$90 million settlement in the form of cash payments and landmark corporate governance reforms, placing it among the largest, most comprehensive derivative settlements in history. Ms. Reiser led this litigation.
- ERIC v. Read (D. Or.): Oregon became the first state in the nation to implement a defined contribution savings program for private sector employees who either work for companies that don’t offer a retirement plan or aren’t eligible to participate in their employer’s retirement plan, called OregonSaves. In October 2017, the ERISA Industry Committee, a national group representing large businesses filed a lawsuit, arguing that the program is preempted by ERISA. Ms. Reiser, retained as outside counsel, successfully defended OregonSaves from ERISA challenges, resulting in a settlement in March 2018.

Ms. Reiser also maintains an active pro bono practice. Recent notable successes include:

- Vivian Englund v. World Pawn Exchange, LLC (Cir. Ct., Coos Cnty., Or.): Cohen Milstein successfully represented the estate of a Kirsten Englund in a wrongful death case of first impression in Oregon state court and nationally, addressing the legal liability for federally licensed firearms dealers involved in online straw sales. The landmark settlement (October 2018) establishes important legal precedent at the state and federal levels regarding gun dealer responsibility for online sales of firearms. Given the precedential significance of this lawsuit, Cohen Milstein was named to The National Law Journal’s “2019 Pro Bono Hot List” and won Public Justice Foundation’s “2019 Trial Lawyer of the Year – Finalist” award.

Ms. Reiser is a noted speaker, often called on to discuss important issues such as pension system participation in class action litigation, the ABCs of antitrust litigation for investors, and trends in ERISA litigation.

Ms. Reiser attended Vassar College, graduating with honors, and earned her J.D. at the University of Virginia School of Law. She has served as a board member at Seattle Works and the Pacific Northwest Ballet.

### **Mary J. Bortscheller**

Mary J. Bortscheller is a Partner at Cohen Milstein and a member of the firm's Employee Benefits Practice Group. In this role, Ms. Bortscheller represents the interests of employees, retirees, and plan participants and beneficiaries in ERISA cases in the district court and on appeal.

Ms. Bortscheller is a hands-on, strategic litigator, thoroughly versed in the complexities of ERISA law. In 2019, she was named a Law360 "Rising Star," recognizing lawyers under the age of 40 whose professional accomplishments transcend their age.

Ms. Bortscheller is involved in a series of groundbreaking cases involving employer-sponsored defined benefit plans known as "church plans," where non-profit health care systems in the United States claim their benefit plans are exempt from ERISA regulation under the church plan exemption. Ms. Bortscheller also represents employees in litigation involving 401(k) plans and Employee Stock Ownership Plans (ESOPs) in complex breach of fiduciary duty litigation under ERISA.

Ms. Bortscheller is currently litigating the following matters:

- AT&T Pension Benefit Plan Litigation (N.D. Cal.): Cohen Milstein represents plaintiffs and a putative class of participants and beneficiaries in the AT&T Pension Benefit Plan in a case alleging AT&T improperly calculated the pension benefits of certain retirees who retired early and/or took a joint and survivor annuity. As a result of the improper calculation, plaintiffs received a lower pension benefit than they were entitled to under ERISA.
- Triad Manufacturing, Inc. ESOP Litigation (N.D. Ill.): Cohen Milstein is representing participants and beneficiaries in the Triad Manufacturing, Inc. Employee Stock Ownership Plan in this case alleging the defendant selling shareholders and ESOP trustee breached their fiduciary duties and engaged in prohibited transactions in connection with the sale of Triad Manufacturing, Inc. to the ESOP. On August 21, 2020, U.S. District Judge Ronald A. Guzmán denied defendants' Motion to Compel Arbitration. On September 10, 2021, the Seventh Circuit upheld Judge Guzmán's decision, citing an exception to the Federal Arbitration Act that permits a court to overrule an arbitration agreement if it blocks a party from being able to bring claims under federal law.
- Western Milling ESOP Litigation (E.D. Cal.): Cohen Milstein is representing plaintiff in a suit brought on behalf of participants and beneficiaries of the Western Milling Employee Stock Ownership Plan. Plaintiff, a participant in the ESOP, alleges that the ESOP's fiduciaries breached their fiduciary duties and engaged in prohibited transactions under ERISA by causing the ESOP to purchase 100% of Kruse-Western, Inc. company stock at an inflated stock price which did not take into account significant liabilities of the company. The value of the company stock subsequently dropped by 90% shortly after the purchase and has not significantly recovered.

Ms. Bortscheller was also significantly involved in the following high-profile successes:

- BlackRock 401(k) Plan Litigation (N.D. Cal.): Cohen Milstein represented participants in the BlackRock 401(k) Plan, who allege that the Plan fiduciaries violated their duties under ERISA by investing employees' 401(k) savings almost exclusively in BlackRock proprietary funds and by using BlackRock subsidiaries to broker securities lending deals using the Plan's assets. In November 2021, the court granted final approval of a \$9.65 million settlement.
- Bon Secours Health System Church Litigation (D. Md.): Cohen Milstein served as lead counsel to a class of defined benefit participants of seven Bon Secours Health System Inc. pension plans which plaintiffs alleged improperly

operated under the “church plan” exemption of ERISA. In May 2017, the court granted final approval of a settlement of over \$102 million, one of the largest settlements of its kind.

- Bon Secours Health System Church Litigation (D. Md.): Cohen Milstein served as lead counsel to a class of defined benefit participants of seven Bon Secours Health System Inc. pension plans which plaintiffs alleged improperly operated under the “church plan” exemption of ERISA. In May 2017, the court granted final approval of a settlement of over \$102 million, one of the largest settlements of its kind.
- Trinity Health Corporation Church Plan Litigation (D. Md.): Cohen Milstein served as co-lead counsel to a class of defined benefit participants of Trinity Health Corp. pensions plans which plaintiffs alleged improperly operated under the “church plan” exemption of ERISA. In May 2017, the court granted final approval of a \$75 million settlement.
- Advocate Health Care Church Plan Litigation (N.D. Ill.): Cohen Milstein served as co-lead counsel to a class of defined benefit participants, who alleged that the hospital’s plan was not a church plan and thus the class was entitled to ERISA’s protections. After the Supreme Court redirected this case back to the district court, in June 2018, the court granted final approval of a settlement, which provides a guarantee of accrued benefits for ten years and significant non-monetary equitable consideration.
- SSM Health Care Church Plan Litigation (E.D. Mo.): Cohen Milstein served as lead counsel to a class of defined benefit participants who alleged that SSM Health improperly operated its defined benefit pension plans under the ERISA church plan exemption, thereby underfunding the plans as required by ERISA to the detriment of plan benefits. In June 2019, the court granted final approval of a \$60 million settlement.

In addition to her ERISA case work, Ms. Bortscheller has represented, pro bono, unaccompanied minor clients in immigration proceedings. Prior to joining Cohen Milstein in 2013, Ms. Bortscheller practiced at a boutique commercial litigation firm based in Chicago, where she represented plaintiffs in antitrust and qui tam matters, as well as defendants in general commercial litigation.

Ms. Bortscheller graduated from Gustavus Adolphus College with a B.A., cum laude, in Political Science, and received her J.D., cum laude, from American University, Washington College of Law. During law school, she served as Features Editor and Senior Editor of Sustainable Development Law & Policy and was a staff member of the American University International Law Review. Ms. Bortscheller served as a judicial intern with the United States District Court for the District of Minnesota.

Before attending law school, Ms. Bortscheller served in the United States Peace Corps teaching English as a foreign language in Sichuan Province, China. Following law school, she was a volunteer for the Chicago Legal Clinic, Inc.’s Foreclosure Defense Project.

#### **Daniel R. Sutter**

Daniel R. Sutter is an Associate at Cohen Milstein and a member of the firm’s Employee Benefits practice group. Mr. Sutter represents the interests of employees, retirees, plan participants and beneficiaries in ERISA cases across the country.

Prior to becoming an Associate at the firm, Mr. Sutter served as a Legal Fellow in Cohen Milstein’s Employee Benefits practice. In this role he investigated, developed, and drafted complaints against major financial institutions for ERISA violations involving complex investment vehicles. Mr. Sutter’s previous experience at Cohen Milstein also includes serving as a Law Clerk (2013-2016) and as an Analyst (2010-2016); in both roles he researched potential cases for various practice groups. In 2015, Mr. Sutter also served as a law clerk at the Consumer Financial Protection Bureau, Legal Division.

Mr. Sutter attended George Washington University, graduating with a B.A. in Finance in 2010. He earned his J.D. from the George Washington University Law School in 2016. During law school, Mr. Sutter was a member of the Federal Circuit Bar Journal. He also studied at the London School of Economics.

#### **Ryan Wheeler**

Ryan Wheeler is an Associate at Cohen Milstein and a member of the firm's Employee Benefits Practice Group. In this role, Mr. Wheeler represents the interests of employees, retirees, plan participants and beneficiaries in ERISA cases across the country.

Prior to joining Cohen Milstein as an Associate, Mr. Wheeler was a Fellow in Cohen Milstein's Fellowship program, where he worked on litigation matters spanning the firm's antitrust, consumer protection, civil rights and employment litigation, human rights, and securities litigation practices.

Before that, Mr. Wheeler was a law clerk to the Honorable Michael H. Simon of the United States District Court for the District of Oregon.

Mr. Wheeler received his B.A. from Pomona College and his J.D. from Harvard Law School, where he was the Solicited Content Editor for Harvard Civil Rights-Civil Liberties Law Review, a founding member of the Pipeline Parity Project (now known as the People's Parity Project), and the Co-President of Project No One Leaves.

### **Laura Older**

Laura E. Older is an Associate at Cohen Milstein and a member of the firm's Employee Benefits Practice Group. In this role, Ms. Older represents the interests of employees, retirees, plan participants and beneficiaries in ERISA cases across the country.

Prior to joining Cohen Milstein, Ms. Older was a law clerk for the Honorable John D. Couriel of the Supreme Court of Florida.

Ms. Older earned her B.A., summa cum laude, from The Florida State University. She received her J.D. from Harvard Law School, where she served as the President of Lambda, Harvard Law School's LGBTQ student organization, and the Executive Technical Editor of the Journal of Law & Gender. During law school, Ms. Older interned with the ACLU of Florida and Planned Parenthood.

Before pursuing a career in law, Ms. Older worked as a theatre marketing consultant in New York City.

Ms. Older is admitted only in Massachusetts. She is seeking admission to the District of Columbia Bar, and is currently working under the close supervision of the Partners of the firm who are admitted to practice in the District of Columbia.