

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

ERIE COUNTY EMPLOYEES' RETIREMENT)
SYSTEM, Individually and on Behalf of All)
Others Similarly Situated,)

Plaintiff,)

vs.)

NN, INC., RICHARD D. HOLDER, THOMAS)
C. BURWELL, JR., ROBERT E. BRUNNER,)
WILLIAM DRIES, DAVID K. FLOYD, DAVID)
L. PUGH, STEVEN T. WARSHAW, J.P.)
MORGAN SECURITIES LLC, ROBERT W.)
BAIRD & CO. INCORPORATED, KEYBANC)
CAPITAL MARKETS INC., SUNTRUST)
ROBINSON HUMPHREY, INC., LAKE)
STREET CAPITAL MARKETS, LLC,)
STEPHENS INC., WILLIAM BLAIR &)
COMPANY, L.L.C., CJS SECURITIES, INC.,)
and REGIONS SECURITIES LLC,)

Defendants.)

Index No. 656462/2019

(Borrok, J.)

Part 53

Motion Sequence No. 6

**AFFIRMATION OF DARYL F. SCOTT ON BEHALF OF SCOTT+SCOTT
ATTORNEYS AT LAW LLP IN SUPPORT OF APPLICATION FOR AWARD OF
ATTORNEYS' FEES AND EXPENSES**

I, DARYL F. SCOTT, hereby affirm as follows:

1. I am a partner with the law firm of Scott+Scott Attorneys at Law LLP (“Scott+Scott” or the “Firm”). I submit this affirmation in support of my Firm’s application for an award of attorneys’ fees, expenses, and charges in connection with the above-captioned action (the “Action”).

2. The Firm serves as counsel (“Plaintiff’s Counsel”) on behalf of Plaintiff Erie County Employees’ Retirement System (“Erie County” or “Plaintiff”), in the Action.

3. The information contained in this affirmation is taken from time and expense records prepared and maintained by the Firm in the ordinary course of business. The information was prepared by my staff and reviewed by me. The purpose of the review was to confirm the accuracy of, and the necessity for, the time and expenses committed to the Action. During the course of my review, I exercised billing judgment and reduced time entries and expense items. I believe the time (reflected in the Firm’s lodestar) and the expenses for which payment is sought were reasonable and necessary to prosecute the Action. I also believe the expenses are of a type normally charged to a fee-paying client in the private legal marketplace.

4. After the reductions described above, the hours spent on the Action by the Firm as set forth in Exhibit A, totals 3,352.40, and the lodestar, based on current billing rates, totals \$2,862,147.75. The hourly rates are the usual and customary rates set by the Firm for each timekeeper.

5. The Firm seeks an award of \$170,217.76 in expenses and charges. The expenses and charges are summarized in Exhibit B and described below:

- (a) Consultants/Experts: \$54,194.47.
 - (i) **Global Economics Group: \$21,022.50.** Plaintiff retained Chad Coffman, CFA to offer expert testimony with respect to causation and damages.
 - (ii) **ValueScope, Inc.: \$14,856.97.** Scott D. Hakala, CFA analyzed causation and damages, and prepared the proposed Plan of Allocation.
 - (iii) **Marc I. Steinberg: \$10,000.** Plaintiff retained Professor Steinberg, the Rupert and Lillian Radford Chair in Law and Professor of Law at Southern Methodist University's Dedman School of Law, to offer expert testimony with respect to the due diligence defense asserted by the Individual Defendants.
 - (iv) **JFM Litigation Consulting, LLC: \$8,315.00.** Plaintiff retained James F. Miller to offer expert testimony with respect to the due diligence defense asserted by the Underwriter Defendants.
- (b) **Court Reporters/Transcripts: \$38,623.80.** Court reporting and videographers for the Plaintiff and Defendant depositions.
- (c) **Electronic Discovery: \$28,601.41.** Electronic discovery through the Relativity platform used to store, sort, and assess discovery documentation.
- (d) **Mediation: \$18,406.25.** Gregory P. Lindstrom, Esq. of Phillips ADR Enterprises, a mediator with a strong national reputation and extensive

experience in mediating complex securities actions, served as mediator in the Action and this is Plaintiff's share of the mediation fees.

- (e) **Photocopies: \$12,309.25.** Charges incurred during discovery and at other phases of the Action.
- (f) **Online Research: \$8,463.73.** PACER, Westlaw, and other online services, billed at cost, used to obtain EC filings, analyst reports, legal research, and court filings.
- (g) **Transportation, Hotels, & Meals: \$5,327.04.** Travel expenses for Plaintiff meetings, including locating and collecting documents from Plaintiff's responses to Defendants' discovery requests and defending the deposition of Plaintiff's representative.
- (h) **Filing & Other Fees: \$2,656.17.** Court filing and process server fees.
- (i) **Appellate Printing & Filing: \$1,186.19.** Counsel Press Inc., an appellate services company, filed and printed Plaintiff's brief in the Appellate Division-First Department opposing Defendants' appeal of this Court's Order denying Defendants' motion to dismiss.

6. The expenses set forth in Exhibit B are reflected in the accounting records of the Firm. The accounting records were prepared from expense vouchers, check records, and other source materials and are an accurate record of the expenses incurred.

7. Biographical information about the Firm is set forth in Exhibit C.

I affirm under penalty of perjury under the laws of the United States of America that to the best of my knowledge, the foregoing is true and correct.

Executed this 1st day of November 2022 at Richmond, Virginia.

A handwritten signature in black ink, appearing to read "D. F. Scott", written over a horizontal line.

DARYL F. SCOTT

PRINTING SPECIFICATIONS STATEMENT

1. Pursuant to 22 N.Y.C.R.R. §202.70(g), Rule 17, the undersigned counsel certifies that the foregoing affirmation was prepared on a computer using Microsoft Word. A proportionally spaced typeface was used as follows:

Name of Typeface: Times New Roman
Point Size: 12
Line Spacing: Double

2. The total number of words in the memorandum, inclusive of point headings and footnotes and exclusive of the caption, signature block, and this Certification, is 657 words.

DATED: November 1, 2022

Respectfully submitted,

SCOTT+SCOTT ATTORNEYS AT LAW LLP

s/ Deborah Clark-Weintraub
Deborah Clark-Weintraub
Jeffrey P. Jacobson
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230 Park Avenue, 17th Floor
New York, NY 10169
Telephone: 212/223-6444
Facsimile: 212/223-6334
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jjacobson@scott-scott.com

*Counsel for Plaintiff Erie County Employees'
Retirement System*

EXHIBIT A

EXHIBIT A

PROFESSIONAL	STATUS	HOURLY RATE	TOTAL HOURS	TOTAL LODESTAR AT HOURLY RATES
David Scott	P	\$1,395	24.8	\$ 34,596.00
Deborah Weintraub	P	\$1,395	945.9	\$ 1,319,530.50
Donald Broggi	P	\$1,295	98.6	\$ 127,687.00
Amanda Lawrence	P	\$995	240.3	\$ 239,098.50
Thomas Laughlin	P	\$995	46.0	\$ 45,770.00
Joseph Pettigrew	OC	\$795	23.0	\$ 18,285.00
Jeffrey Jacobson	A	\$595	1,378.7	\$ 820,296.75
Jonathan Zimmerman	A	\$595	18.5	\$ 11,007.50
Michelle Petrick	I	\$395	22.5	\$ 8,887.50
Sinai Megibow	I	\$550	116.9	\$ 64,295.00
Ekene Avery	LS	\$395	40.5	\$ 15,997.50
Allen West	PL	\$395	19.3	\$ 7,623.50
Amy Weas	PL	\$395	24.1	\$ 9,519.50
Kelly Hogan	PL	\$395	92.3	\$ 36,458.50
Kim Jager	PL	\$395	88.7	\$ 35,036.50
Matthew Molloy	PL	\$395	122.1	\$ 48,229.50
Michael Himes	PL	\$395	50.2	\$ 19,829.00
TOTALS:			3,352.4	\$ 2,862,147.75

EXHIBIT B

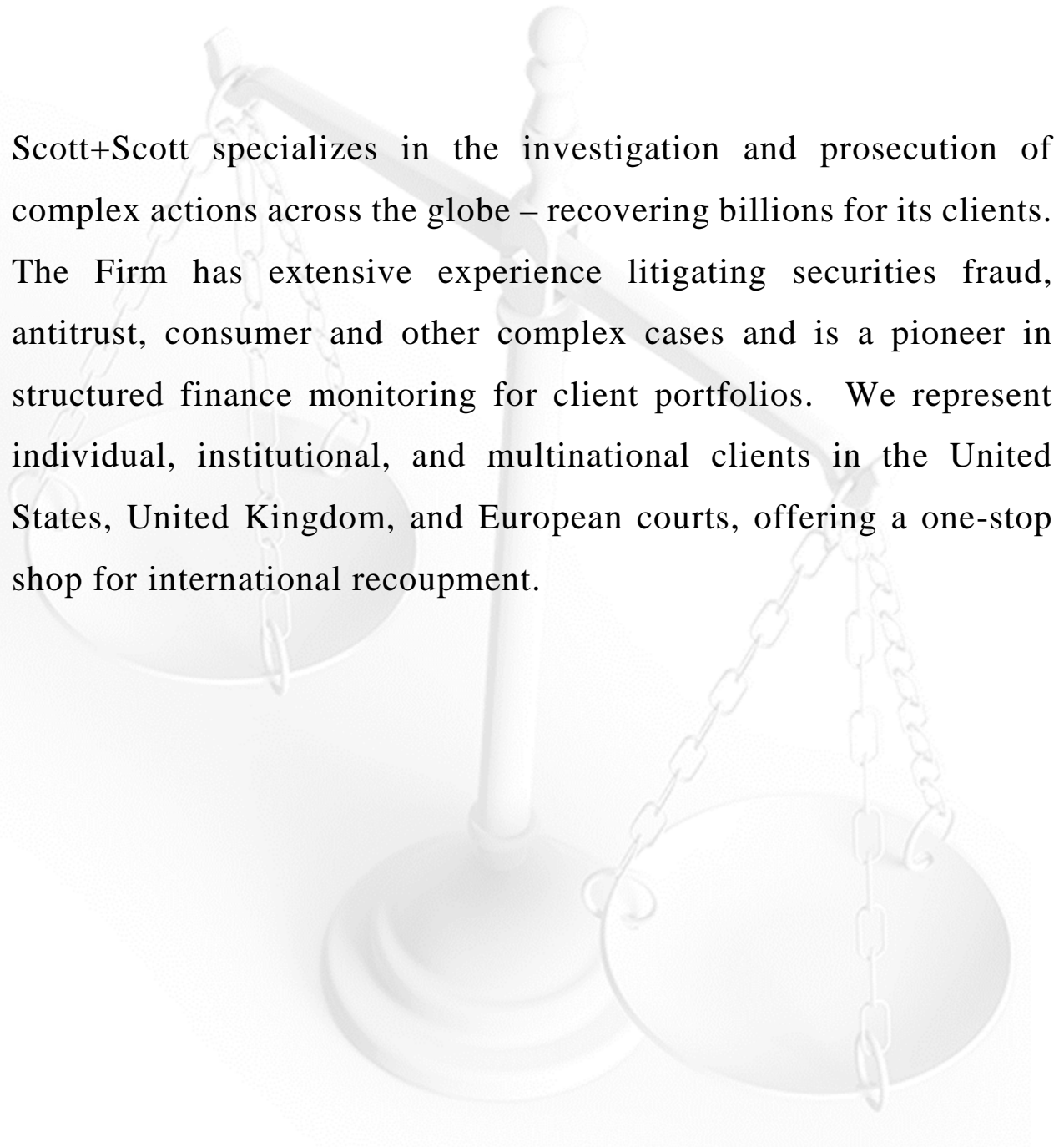
EXHIBIT B

EXPENSE	AMOUNT
Consultants/Experts	\$ 54,194.47
Mediation Fees	\$ 18,406.25
Filing & Other Fees	\$ 2,656.17
Court Reporters/Transcripts	\$ 38,623.80
Online Legal & Factual Research	\$ 8,463.73
Long-Distance Telephone, Facsimile & Conference Calling	\$ 106.59
Messenger, Overnight Delivery, Postage	\$ 342.86
Transportation, Hotels, & Meals	\$ 5,327.04
Duplicating	\$ 12,309.25
Appellate Printing & Filing	\$ 1,186.19
Electronic Discovery & Database	\$ 28,601.41
TOTAL:	\$ 170,217.76

EXHIBIT C



FIRM RESUME

A large, faint, light gray watermark of a pair of scales of justice is centered in the background of the page. The scales have two pans hanging from a central beam, and a vertical post with a decorative finial at the top. The watermark is semi-transparent and serves as a background for the text.

Scott+Scott specializes in the investigation and prosecution of complex actions across the globe – recovering billions for its clients. The Firm has extensive experience litigating securities fraud, antitrust, consumer and other complex cases and is a pioneer in structured finance monitoring for client portfolios. We represent individual, institutional, and multinational clients in the United States, United Kingdom, and European courts, offering a one-stop shop for international recoupment.

THE FIRM

Scott+Scott was founded in 1975 and began its securities litigation practice in 1997. The Firm has since grown into one of the most respected U.S.-based law firms specializing in the investigation and prosecution of complex securities, antitrust and other commercial actions in both the United States and Europe. Today, the Firm is comprised of more than 135 team members, including more than 100 attorneys supported by a seasoned staff of paralegals, IT and document management professionals, financial analysts, and in-house investigators.

Scott+Scott's largest offices are in New York, N.Y. and San Diego, C.A., with additional U.S. offices located in Connecticut, Virginia, Ohio, and Arizona. The Firm's European offices are currently located in London, Amsterdam, and Berlin.

Scott+Scott has extensive experience litigating cases on behalf of our institutional and individual clients throughout the United States, having served as court-appointed lead or co-lead counsel in numerous securities, antitrust, and consumer class actions, as well derivative and other complex proceedings, in both state and federal courts. The Firm also represents large investors and numerous corporations in commercial and other litigation in courts within the European Union (EU) and the United Kingdom.

Scott+Scott's attorneys are recognized experts and leaders in complex litigation and corporate governance. They have been regular speakers on CLE panels as well as at institutional investor educational conferences around the world and before boards of directors and trustees responsible for managing institutional investments. Scott+Scott attorneys educate institutional investors and governmental entities on the importance of fulfilling fiduciary obligations through the adoption of appropriate asset recovery services, as well as through the development and enforcement of corporate governance initiatives. The Firm's vast experience in structured debt financial litigation has also enabled us to provide clients with in-depth monitoring of their structured finance products, which often come with substantial undisclosed risks due to investors' limited ability to assess what they are acquiring. The Firm also has experience evaluating and monitoring for our clients' debt and debentures originating from private placements and non-public companies, including municipal bonds and derivatives.

SECURITIES AND CORPORATE GOVERNANCE

Scott+Scott has extensive experience litigating claims for violations of the federal securities laws on behalf of our municipal, institutional, and individual investor clients, serving as lead counsel in numerous securities class actions brought under the Securities Act of 1933, the Securities Exchange Act of 1934, and other statutes.

Scott+Scott recognizes that, particularly since the passage of the Private Securities Litigation Reform Act of 1995, bringing successful claims for violations of the federal securities laws requires not only significant litigation experience, but also the ability to bear the skills of its in-house investigators and financial analysts (and often outside consultants) to build a case that can survive both early-stage motions to dismiss and later stage motions for summary judgment. Our philosophy is also based on our view that efforts to negotiate a successful settlement are typically built on the quality of pre-filing investigation diligence, and our willingness to litigate deep into discovery and, if necessary, through summary judgment and trial.

Our securities litigators have experience practicing in state and federal courts across the country. The Firm's attorneys have regularly retained and worked with leading accounting experts, damages experts, and relevant industry experts to build their clients' cases against defendants involved in virtually every type of industry, from pharmaceuticals to dot.coms, from retailers to manufacturers, and from investment banks to accounting firms. The Firm has also submitted *amicus curiae* briefs to the United States Supreme Court on behalf of its clients on important securities laws issues, including in support of the plaintiffs in *California Public Emps.' Ret. Sys. ANZ Securities, Inc.*, 137 S. Ct. 2042 (2017) and *Cyan Inc. v. Beaver County Emp. Ret. Fund*, 138 S. Ct. 1061 (2018).

When appropriate, Scott+Scott prosecutes actions on a class or individual basis. Through our commitment to the best interests of those the Firm represents, Scott+Scott has successfully obtained exceptional monetary results and precedent-setting corporate governance reforms on behalf of investors.

SECURITIES CASE EXAMPLES

Securities class actions where Scott+Scott currently serves as lead or co-lead counsel include:

- *In re Lyft, Inc., Secs. Litig.*, No. CGC-19-575293 (Cal. Super. Ct. San Francisco Cnty.)
- *Okla. Firefighters Pens. vs. Newell Brands Inc.*, No. L-003492-18 (N.J. Sup. Ct. Hudson Cnty.)
- *Erie Cnty. Empl. Ret. Sys. v. NN, Inc.*, No. 656462/2019 (N.Y. Supr. Ct. N.Y. Cnty.)
- *In re DouYu Int'l Hold'gs Ltd. Sec. Litig.*, No. 651703/2020 (N.Y. Supr. Ct. N.Y. Cnty.)
- *In re Cloudera, Inc. Secs. Litig.*, No. 19CV348674 (Cal. Super. Ct. Santa Clara Cnty.)
- *Evergreen Cap. Mgmt. LLC v. BONY Mellon Tr. Co.*, No. 20ST-CV-26290 (Cal. Super., LA Cnty.)
- *In re Infinity Q Divers. Alpha Fund Sec. Lit.*, No. 651295/2021 (N.Y. Supr. Ct. N.Y. Cnty.)
- *Okla. Police Pension Fund & Ret. Sys. v. Jagged Peak Energy, Inc.*, No. 2017 CV 31757 (Colo. Dist. Ct., Denver Cnty.)
- *In re Teekay Offshore Partners, L.P. Common Unitholders Litig.*, No. 1:19-cv-6483 (S.D.N.Y.)
- *In re Micro Focus Int'l PLC Secs. Litig.*, No. 18CIV01549 (Cal. Super. San Mateo Cnty.)
- *In re Slack Techs., Inc. S'holder Litig.*, No. 19CIV05370 (Cal. Super. San Mateo Cnty.)
- *Mancour v. SmileDirectClub, Inc.*, No.: 19-1169-IV (Tenn. Chancery Ct, Davidson Cnty.)
- *Huang v. PPDAl Grp, Inc.*, No. 654482/2018 (N.Y. Supr. Ct. N.Y. Cnty.)
- *Boston Ret. Sys. v. Uber Tech., Inc.*, No. 3:20-cv-08610 (N.D. Cal.)
- *Robert Charles Class A, L.P. v. JPMorganChase & Co.*, No. 1:18-cv-11115 (S.D.N.Y.)
- *Garnett v. Wang [In re RLX Tech., Inc.]*, No. 21-cv-5125 (S.D.N.Y.)
- *Marechal v. Acadia Pharm. Inc.*, No. 3:21-cv-762 (S.D. Cal.)
- *Gupta v. Athenex, Inc.*, No. 21-cv-337 (W.D.N.Y.)
- *Abadilla v. Precigen, Inc.*, No. 5:20-cv-06936 (N.D. Cal.)
- *Kanugonda v. Funko, Inc.*, No. 2:18-cv-00812 (W.D. Wash.)
- *Corwin v. ViewRay, Inc.*, No. 1:19-cv-2115 (N.D. Ohio)
- *Mo-Kan Iron Workers Pension Fund v. Teligent, Inc.*, No. 1:19-cv-03354 (S.D.N.Y.)



- *Silverberg v. DryShips Inc.*, No. 2:17-cv-04547 (E.D.N.Y.)
- *Robinson v. Diana Containerships Inc.*, No. 2:17-cv-06160 (E.D.N.Y.).

Securities class actions which have been resolved where Scott+Scott served as lead or co-lead counsel include:

- *Alaska Elec. Pension Fund v. Pharmacia Corp.*, No. 03-cv-01519 (D.N.J.) (\$164 million settlement);
- *In re LendingClub Corp.S'holder Litig.*, No. CIV 537300 (Cal. Super. Ct, San Mateo Cnty.) (part of \$125 global settlement)
- *In re Priceline.com, Inc. Sec. Litig.*, No. 00-cv-01884 (D. Conn.) (\$80 million settlement);
- *Irvine v. ImClone Sys., Inc.*, No. 02-cv-00109 (S.D.N.Y.) (\$75 million settlement);
- *Cornwell v. Credit Suisse Grp.*, No. 08-cv-03758 (S.D.N.Y.) (\$70 million settlement);
- *Policemen's Annuity & Benefit Fund of Chi. v. Bank of Am., N.A.*, No. 12-cv-02865 (S.D.N.Y.) (\$69 million settlement);
- *In re SanDisk LLC Sec. Litig.*, No. 15-cv-01455 (N.D. Cal.) (\$50 million settlement);
- *Weston v. RCS Cap. Corp.*, No. 14-cv-10136 (S.D.N.Y.) (\$31 million settlement);
- *In re Greensky Sec. Litig.*, No. 1:18 Civ. 11071 (S.D.N.Y.) (\$27.5M settlement)
- *In re Wash. Mut. Mortg.-Backed Sec. Lit.*, No. 2:09-cv-00037 (W.D. Wash.) (\$26 million recovery)
- *ATRS v Insulet Corp.*, No. 15-12345 (D. Mass.) (\$19.5 million settlement);
- *In re King Digit. Ent. PLC S'holder Litig.*, No. CGC-15-544770 (Cal. Sup. Ct. San Francisco Cnty.) (\$18.5 million settlement)
- *In re Evoqua Water Corp. Sec. Litig.*, No. 1:18-cv-10320 (S.D.N.Y) (\$16.65 million settlement);
- *In re Conn's, Inc. Secs. Litig.*, No. 4:14-cv-00548 (S.D. Tex.) (\$22.5 million settlement)
- *Collins v. Oilsands Quest Inc.*, No. 11 Civ. 1288 (S.D.N.Y.) (\$10.235 million settlement)
- *Kaplan v. S.A.C. Cap. Advisors, L.P.*, No. 1:12cv-9350 (S.D.N.Y.) (\$10 million settlement)
- *Rosenberg v. Cliffs Natural Res. Inc.*, No. CV 14 828140 (Ct. Common Pleas Cuyahoga Cnty. Ohio) (\$10 million settlement)
- *In re Endochoice Holdings, Inc., Sec. Litig.*, No. 2016 CV 277772 (Ga. Sup. Ct. Fulton Cnty.) (\$8.5 million settlement)



- *In re Netshoes Secs. Litig.*, No. 157435/2018 (N.Y. Sup. Ct. N.Y. Cnty.) (\$8 million settlement)
- *City of Omaha Police & Fire Ret. Sys. v. LHC Grp, Inc.*, No. 6:12-CV-01609 (W.D. La.) (\$7.85 million settlement)
- *In re Pac. Coast Oil Trust Secs. Litig.*, No. BC550418 (Cal. Sup. Ct. Los Angeles Cnty.) (\$7.6 million settlement)
- *In re Pacific Biosci. of C.A., Inc. Sec. Litig.* (Cal. Sup. Ct. San Mateo Cnty.) (\$7.6 million recovery)
- *Plymouth Cnty. Contributory Ret. Sys. v. Adamas Pharms., Inc.*, No. RG19018715 (Cal. Sup. Ct. Alameda Cnty.) (\$7.5M settlement)
- *St. Lucie Cnty. Fire Dist. Firefighters' Pens. Trust v. Southwestern Energy Co.*, No. 2016-70651 (Tex. Dist. Ct. Harris Cnty.) (\$7 million settlement)

SHAREHOLDER DERIVATIVE CASE EXAMPLES

Shareholder derivative actions where Scott+Scott currently serves in a leadership role include:

- *In re Facebook Derivative Litig.*, Consol. No. 2018-0307 (Del. Ch.)

Representative shareholder derivative actions litigated by Scott+Scott which have been successfully resolved include:

- *Irving Firemen's Relief & Ret. Fund v. Page*, C.A. No. 2019-0355-Sg (Del. Ch. 2020) (\$310 million in funding for corporate governance reform programs over 10 years);
- *In re DaVita Healthcare Partners Deriv. Litig.*, No. 13-cv-01308 (D. Colo.) (corporate governance reforms valued at \$100 million);
- *Buffalo Grove Police Pension Fund v. Diefenderfer*, No. 19-cv-00062 (E.D. Pa.) (claims vs. Navient Corp. officers & directors settled for corporate governance reforms valued at \$139 million);
- *Tharp v. Acacia Commc'ns, Inc.*, No 1:17-cv-11504 (D. Mass.) (claims vs. company and corporate officers & directors settled for corporate governance reforms valued at \$57-\$71 million);
- *N. Miami Beach Gen. Emps. Ret. Fund v. Parkinson*, No. 10-cv-06514 (N.D. Ill.) (corporate governance reforms valued between \$50 and \$60 million);
- *In re Marvell Tech. Grp. Ltd. Deriv. Litig.*, No. 06-cv-03894 (N.D. Cal.) (\$54.9 million settlement and corporate governance reforms);
- *Rudi v. Wexner*, No. 2:20-cv-3068 (S.D. Ohio) (\$90 million in funding for corporate governance reform programs over at least 5 years); and
- *In re Universal Health Servs., Inc. Derivative Litig.*, No. 2:17-cv-02187 (E.D. Pa.) (Settled for corporate governance reforms conservatively valued at \$110 million).

ACCOLADES

U.S. News & World Report “Best Law Firms”

The Firm is currently ranked by U.S. News & World Report as a “Best Law Firm” in commercial litigation in the New York region.

American Antitrust Institute

The 2018 Antitrust Annual Report recognized *In re Foreign Currency Benchmark Rates Antitrust Litigation* as the #1 settlement of 2018, as well as ranking the Firm #1 nationally for aggregate settlements: 2013-2018.

Global Competition Review

At the 6th Annual Global Competition Review (“GCR”) Awards, Scott+Scott won for Litigation of the Year – Cartel Prosecution, which recognized the Firm’s efforts in the foreign exchange settlements in the United States, a landmark case in which major banks conspired to manipulate prices paid in the \$5.3 trillion-per-day foreign exchange market and have thus far settled for more than \$2 billion.

Law 360 Glass Ceiling Report

Scott+Scott is recognized as one of the top law firms in the nation for female attorneys by the legal publication Law360. The Glass Ceiling Report honors firms that “are demonstrating that the industry’s gender diversity goals can turn into a measurable result, and boost the number of women at all levels of a law firm.”^{1,2} This selection highlights the importance Scott+Scott places on diversity and inclusion within the Firm.

Center for Constitutional Rights

Scott+Scott was the recipient of the 2010 Center for Constitutional Rights’ Pro Bono Social Change Award for its representation of the Vulcan Society, an association of African-American firefighters, in challenging the racially discriminatory hiring practices of the New York City Fire Department.

¹ <https://www.law360.com/articles/1310926>

² <https://www.law360.com/articles/1162859/the-best-law-firms-for-female-attorneys>.



WORLD-CLASS ATTORNEYS

We pride ourselves on the caliber of legal talent on our team. In addition to some of the best and brightest rising stars, we have attorneys who have served with distinction in the U.S. Department of Justice, been admitted to the U.S. Supreme Court, served in OAGs at the state level, argued before the UK's CAT and High Courts, and received virtually every accolade offered in our profession.





ADMISSIONS

U.S. Admissions: United States Supreme Court; United States Courts of Appeal for the First, Second, Third, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Circuits; United States District Courts for the Districts of California (Northern, Southern, Eastern, and Central), Colorado, Connecticut, Florida (Northern), Illinois (Northern), Massachusetts, Michigan (Eastern), Missouri (Eastern), New Jersey, New York (Southern, Eastern, and Western), Ohio (Northern and Southern), Pennsylvania (Eastern and Western), Texas (Northern, Western, and Southern), Wisconsin (Eastern and Western), and the District of Columbia; and the courts of the States of Arizona, California, Connecticut, Delaware, Florida, Maryland, Pennsylvania, Massachusetts, Nebraska, New Jersey, New York, Ohio, West Virginia, Wisconsin, Texas, and the District of Columbia.

ATTORNEY BIOGRAPHIES

DAVID R. SCOTT

PRACTICE EMPHASIS

Managing Partner David R. Scott represents multinational corporations, hedge funds, and institutional investors in high-stakes, complex litigation, including antitrust, commercial, and securities actions.

ADMISSIONS

States of New York, Pennsylvania, and Connecticut; United States Tax Court; United States Courts of Appeal: Second, Third, and Fifth Circuits; United States District Courts: Southern District of New York, Connecticut, Eastern District of Pennsylvania, Northern and Southern Districts of Texas, and Colorado

EDUCATION

New York University School of Law (LL.M. in taxation); Temple University School of Law (J.D., Moot Court Board, 1989); St. Lawrence University (B.A., cum laude, 1986)

HIGHLIGHTS

Mr. Scott is the Managing Partner of Scott+Scott with offices in New York, Amsterdam, London, Berlin, California, Connecticut, Virginia, Arizona, and Ohio.

In addition to managing the firm's lawyers worldwide, Mr. Scott advises some of the world's largest multinational corporations in cartel damages and other complex matters. He has been retained to design corporate policies for the global recoupment of losses, and transatlantic private enforcement programs.

He currently represents multinational companies and hedge funds in cases involving, among other things, price-fixing in the trucks, foreign exchange, high voltage power cables, cardboard, and payment card sectors.

Mr. Scott's antitrust cases in the United States have resulted in significant recoveries for victims of price-fixing cartels. Among other cases, Mr. Scott served as co-lead counsel in *Dahl v Bain Cap. Partners*, No. 1:07-cv-12388 (D. Mass.), an action alleging that the largest private equity firms in the United States colluded to suppress prices that shareholders received in leveraged buyouts and that the defendants recently agreed to settle for \$590.5 million. He was lead counsel in *Red Lion Med. Safety v. Ohmeda*, No. 06-cv-1010 (E.D. Cal.), a lawsuit alleging that Ohmeda, one of the leading manufacturers of medical anesthesia equipment in the United States, excluded independent service organizations from the market for servicing its equipment. The case was successfully resolved in settlement negotiations before trial.

Mr. Scott has received widespread recognition for his antitrust and competition law work. He has been elected to Who's Who Legal: Competition 2015- 2020, which lists the world's top antitrust and competition law lawyers, selected based on comprehensive, independent survey work with both general counsel and lawyers in private practice around the world. He has also received a highly recommended ranking by Benchmark Litigation for each of the years 2013-2015. In addition, Mr. Scott is continually recognized in the U.S. by Best Lawyers and Super Lawyers.

In addition to his extensive competition law work, Mr. Scott has also taken the lead in bringing claims on behalf of institutional investors, such as sovereign wealth funds, corporate pension schemes, and public employee retirement funds. For example, he has been retained to pursue losses against mortgaged-backed securities trustees for failing to protect investors. He also represented a consortium of regional banks in litigation relating to toxic auction rate securities ("ARS") and obtained a sizable recovery for the banks in a confidential settlement. This case represents one of the few ARS cases in the country to be successfully resolved in favor of the plaintiffs.

Mr. Scott is frequently quoted in the press, including in publications such as The Financial Times, The Economist, The Guardian, The Daily Telegraph, The Wall Street Journal, and Law360. He is regularly invited to speak at conferences around the world and before Boards of Directors and trustees responsible for managing institutional investments.

DEBORAH CLARK-WEINTRAUB

PRACTICE EMPHASIS

Deborah Clark-Weintraub has extensive experience in all types of class action litigation.

ADMISSIONS

United States Courts of Appeal: First, Second, Sixth, Seventh and Eighth Circuits; United States District Courts: Southern and Eastern Districts of New York, Eastern District of Michigan, and Eastern District of Wisconsin; State of New York

EDUCATION

Hofstra Law School, Hempstead, NY (J.D., with distinction, 1986); St. John's University, Queens, NY (B.A., summa cum laude, 1981)

HIGHLIGHTS

Ms. Weintraub is a partner in the firm's New York office and focuses her practice on securities litigation.

Ms. Weintraub has represented investors in numerous cases that have resulted in substantial recoveries, including *In re Oxford Health Plans, Inc. Secs. Litig.*, 182 F.R.D. 42 (S.D.N.Y.) (\$300 million settlement); *In re CVS Corp. Secs. Litig.*, No. 01-11464 (D. Mass.) (\$110 million settlement); *Policemen's Annuity & Benefit Fund of the City of Chi. v. Bank of Am., NA*, 907 F. Supp. 2d 536 (KBF) (S.D.N.Y.) (\$69 million settlement); *In re: SanDisk LLC Secs. Litig.*, No. 3:15-cv-01455-VC (N.D. Cal.) (\$50 million settlement); *Weston v. RCS Cap. Corp.*, No. 1:14-cv-10136 (S.D.N.Y.) (\$31 million settlement); and *In re Conn's, Inc. Secs. Litig.*, No. 4:14-cv-00548 (S.D. Tex.) (\$22.5 million settlement), among others.

Ms. Weintraub has also obtained substantial recoveries in consumer litigation, including *Young v. Wells Fargo & Co.*, 671 F. Supp 2d 1006 (S.D. Iowa) (\$25.7 million settlement). Ms. Weintraub is currently representing investors in several ongoing securities class action cases, including *Oklahoma Firefighters Pension & Ret. Sys. v. Newell Brands, Inc.*, No. HUD-L-3492-18 (N.J. Super. Ct.); *In re Lyft, Inc. Secs. Litig.*, No. CGC-19-575293 (Cal. Super. Ct.); *Erie Cnty. Emps. Ret. Sys. v. NN, Inc.*, No. 656462/2019 (N.Y. Sup. Ct.); *In re JPMorgan Precious Metals Spoofing Litig.*, No. 1:18-cv-10356 (S.D.N.Y.); *In re Merrill, BofA, & Morgan Stanley Spoofing Litig.*, No. 19-cv-6002 (LJL) (S.D.N.Y.); and *City of Warren Police & Fire Ret. Sys. v. CVS Health Corp.*, No. PC-2019-5658 (R.I. Super. Ct.).

Ms. Weintraub is the co-author of *Gender Bias and the Treatment of Women as Advocates, Women in Law* (1998), and the Dissenting Introduction defending the merits of securities class action litigation contained in the 1994 monograph *Securities Class Actions: Abuses and Remedies*, published by the National Legal Center for the Public Interest.



While in law school, Ms. Weintraub was a member and research editor of the Hofstra Law Review. Following her graduation from Hofstra Law School, Ms. Weintraub served as a law clerk to the Honorable Jacob Mishler, United States District Judge for the Eastern District of New York (1986-1987).

DONALD A. BROGGI

PRACTICE EMPHASIS

Mr. Broggi is engaged in the Firm's securities, antitrust, mass tort, and consumer litigation practices.

ADMISSIONS

States of New York and Pennsylvania

EDUCATION

Duquesne University School of Law (J.D., 2000); University of Pittsburgh (B.A., 1990)

HIGHLIGHTS

Mr. Broggi is a partner in the Firm's New York office and has represented institutional investors, including public pension funds and Taft-union funds in a variety of complex cases, including: *In re Foreign Exch. Benchmark Rates Antitrust Litig.*, No. 1:13-cv-07789 (LGS) (S.D.N.Y.): an antitrust class action alleging the world's largest banks conspired to fix the price of foreign currencies (\$2.3 billion in settlements to date); *Alaska Elec. Pension Fund v. Bank of Am. Corp.*, 175 F. Supp. 3d 44 (S.D.N.Y.), an antitrust class action alleging the world's largest banks conspired to manipulate the ISDAfix rate (\$504 million settlement); *Dahl v. Bain Cap. Partners*, 937 F. Supp. 2d 119 (D. Mass.): an antitrust class action alleging that the nation's largest private equity firms, including KKR, Blackstone, TPG, Carlyle, Bain Capital, and Goldman Sachs, colluded to restrain competition and suppress prices paid to shareholders of public companies in connection with multi-billion dollar leveraged buyouts (\$590.5 million settlement); *In re GSE Bonds Antitrust Litig.*, 414 F. Supp. 3d 686 (S.D.N.Y.): an antitrust class action alleging manipulation in the market for bonds issued by Government-Sponsored Entities, e.g., Freddie Mac and Fannie Mae (\$386.5 million settlement pending final approval); *Irvine v. ImClone Sys., Inc.*, No. 02-cv-00109 RO (S.D.N.Y.): a securities fraud class action alleging that defendants violated Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 by issuing materially false and misleading statements to the market regarding the cancer drug Erbitux (\$75 million settlement); *In re Wash. Mut. Mortg.-Backed Secs. Litig.*, No. C09-0037 (MJP) (W.D. Wash.): a securities fraud class action against Washington Mutual Bank alleging violations of §11 of the Securities Act for misleading investors about the quality of their mortgage-backed securities (\$69 million settlement); *In re: SanDisk LLC Sec. Litig.*, No. 3:15-cv-01455-VC (N.D. Cal.): a securities fraud class action alleging that defendants intentionally inflated the price of the Company's stock by making false and misleading statements and concealing information relating to SanDisk's business, operations, and prospects (\$50 million settlement); and *Arkansas Tchr. Ret. Sys. v. Insulet Corp.*, 177 F. Supp. 3d 618 (D. Mass.), a securities fraud class action alleging Insulet Corporation intentionally inflated the price of the Company's stock by issuing false and misleading statements concerning Insulet's launch of its new insulin infusion system, branded the OmniPod Eros (\$19.5 million settlement), among others.

Currently, Mr. Broggi is also representing cities, counties, and other municipalities from Massachusetts, Pennsylvania, New Jersey, and Florida in both state and federal litigation against the manufacturers and distributors of opioid medications.

Mr. Broggi also works with the Firm's institutional investor clients, including hundreds of public pension systems and Taft-Hartley funds throughout the United States, to confirm their funds have proper safeguards in place to ensure against corporate malfeasance, and regularly consults with institutional investors in the United States on issues relating to corporate fraud in the U.S. securities markets, as well as corporate governance issues and shareholder litigation.

Mr. Broggi has lectured at institutional investor conferences throughout the United States on the value of shareholder activism as a necessary component of preventing corporate fraud abuses, including the Texas Association of Public Employee Retirement Systems, Georgia Association of Public Pension Trustees, Michigan Association of Public Retirement Systems, Illinois Public Pension Fund Association, and the Pennsylvania Association of County Controllers, among others.

AMANDA LAWRENCE

PRACTICE EMPHASIS

Amanda F. Lawrence is actively engaged in the Firm's complex securities, corporate governance, consumer, and antitrust litigation.

ADMISSIONS

United States Courts of Appeal: First and Ninth Circuits; United States District Courts: Southern District of New York, Connecticut, and Massachusetts; States of Connecticut and Massachusetts

EDUCATION

Yale Law School (J.D.2002); Dartmouth College (B.A., cum laude, 1998)

HIGHLIGHTS

Ms. Lawrence is a partner in our Connecticut office. In the antitrust realm, Ms. Lawrence currently served as co-lead counsel in the matter, *In re: GSE Bonds Antitrust Litig.*, 414 F. Supp. 3d 686 (S.D.N.Y.) which alleges manipulation of the prices in the \$550 billion government sponsored entities bond market by some of the largest banks in the world. The case has a pending settlement of \$386.5 million. Ms. Lawrence was also intricately involved in the "ISDAFix case" – *Alaska Elec. Pension Fund v. Bank of Am.*, 175 F. Supp. 3d 44 (S.D.N.Y.). That case has to date achieved over \$504.5 million in recovery from large financial institutions for investors.

In her securities practice, Ms. Lawrence has worked on numerous Exchange Act and 1933 Act cases that have resulted in substantial settlements, including: *Police & Fire Ret. Sys. of the City of Detroit v. Crane*, 87 F. Supp. 3d 1075 (N.D. Cal.) (\$5.1 million securities class action settlement); *Rubenstein v. Oilsands Quest Inc.*, No. 11-cv-01288 (S.D.N.Y.) (securities settlement of \$10.235 million); *Boilermakers Nat'l Annuity Trust Fund v. WaMu Mortg. Pass-Through Certificates*, No. C09-00037MJP (W.D. Wash.) (\$26 million securities class action settlement); and *In re TETRA Techs., Inc. Secs. Litig.*, No. 4: 08-cv-0965 (S.D. Tex.) (\$8.25 million securities class action settlement).

In addition to antitrust and securities matters, Ms. Lawrence has also worked on consumer cases that have resulted in significant settlements for the affected classes. For example, Ms. Lawrence helped achieve a settlement in *U.S. v. City of New York*, No. 07-CV-2067 (NGG) (RLM) (E.D.N.Y.) that awarded back pay and lost fringe benefits to a class of African American and Hispanic firefighters in New York City, as well as a settlement in *In re: Prudential Life Ins. Co. of Am. SGLI/VGLI Cont. Litig.*, 286 F.R.D. 155 (D. Mass.) that brought a \$39 million settlement on behalf of families of deceased servicemen and women against Prudential.

During law school, Ms. Lawrence worked for large firms in Washington, D.C., New York, and Cleveland. After graduating from Yale, she worked in-house at a tax lien securitization company and for several years at a large law firm based in Hartford.



Ms. Lawrence has taught Trial Practice at the University of Connecticut School of Law and is very actively involved in her community, particularly in recreational organizations and events.

A five-time NCAA National Champion cyclist who raced throughout the United States, Europe, Bermuda, and Pakistan, Ms. Lawrence is now an avid endurance athlete. Ms. Lawrence has competed in dozens of marathons, including the New York Marathon and the Boston Marathon, and in 18 full-distance ironman competitions – five of which were at the Ironman World Championships in Kona, Hawaii.

THOMAS LAUGHLIN

PRACTICE EMPHASIS

Thomas Laughlin's practice focuses on securities class action, shareholder derivative, ERISA and other complex commercial litigation.

ADMISSIONS

State of New York; United States Courts of Appeal: Second, Third, Ninth, and Eleventh Circuits; United States District Courts: Southern and Eastern Districts of New York, Northern District of Florida, District of Columbia and Eastern District of Michigan

EDUCATION

New York University School of Law (J.D., cum laude, 2005); Yale University (B.A. History, cum laude, 2001)

HIGHLIGHTS

Mr. Laughlin is a partner in the New York office and focuses on securities class action, shareholder derivative, ERISA and other complex commercial litigation. After graduating from law school, Mr. Laughlin clerked for the Honorable Irma E. Gonzalez, United States District Court Judge for the Southern District of California.

While at Scott+Scott, Mr. Laughlin has worked on several cases that have achieved notable victories, including *Cornwell v. Credit Suisse Grp.*, 729 F. Supp. 2d 620 (S.D.N.Y.) (securities settlement of \$70 million), *In re: SanDisk LLC Sec. Litig.*, No. 3:15-CV-01455-VC (N.D. Cal.) (securities settlement of \$50 million); *Weston v. RCS Cap. Corp.*, No. 1:14-cv-10136 (S.D.N.Y.) (securities settlement of \$31 million); *In re King Digit. Ent. plc S'holder Litig.*, No. CGC-15-544770 (Cal. Super. Ct.) (securities settlement of \$18.5 million); and *Rubenstein v. Oilsands Quest Inc.*, No. 11-cv-01288 (S.D.N.Y.) (securities settlement of \$10.235 million).

Mr. Laughlin also has significant appellate experience, having represented clients in connection with several appellate victories, including *Cottrell v. Duke*, 737 F. 3d 1238 (8th Cir.); *Westmoreland Cnty. Emp. Retir. Sys. v. Parkinson*, 727 F. 3d 719 (7th Cir.); *Pfeil v. State Street Bank & Trust Co.*, 671 F. 3d 585 (6th Cir.); and *King v. VeriFone Holdings, Inc.*, 12 A.3d 1140 (Del.).

In 2014, Mr. Laughlin was co-chair of a 13-day bench trial in *Bankers' Bank Northeast v. Berry, Dunn, McNeil & Parker, LLC*, No. 1:12-cv-127-GZS (D. Me.). He represented a consortium of 10 community banks asserting negligence and professional malpractice claims against the former officers and directors of a bank and its auditor in connection with an \$18 million loan made to that bank in September 2008. Among other things, Mr. Laughlin conducted the cross-examination of all three witnesses from the



defendant's auditing firm and the direct examination of plaintiff's auditing expert. The parties to the action succeeded in resolving the action after trial.

Mr. Laughlin has also been named a Super Lawyer for 2021.

JOSEPH A. PETTIGREW

PRACTICE EMPHASIS

Joseph A. Pettigrew's practice areas include securities, antitrust, shareholder derivative litigation, and other complex litigation.

ADMISSIONS

States of California and Maryland; United States Supreme Court; United States District Courts: Central, Northern, and Southern Districts of California, District of Maryland

EDUCATION

University of San Diego School of Law (J.D., 2004); Carleton College (B.A., Art History, cum laude, 1998)

HIGHLIGHTS

Mr. Pettigrew is an attorney who works across multiple S+S offices. His work includes the following cases: *Dahl v. Bain Cap. Partners, LLC*, 937 F. Supp. 2d 119 (D. Mass.); *In re Tile Shop Holdings, Inc. S'holder Derivative Litig.*, C.A. No. 10884-VCG (Del. Ch.); and *In re Robinhood Fin. Servs. Litig.*, No. 20-cv-1026 (N.D. Cal.).

Mr. Pettigrew has served on the board and as legal counsel to several nonprofit arts organizations.

JEFFREY JACOBSON

PRACTICE EMPHASIS

Jeffrey P. Jacobson is a litigation associate specializing in securities litigation in both federal and state court. Currently, he is one of the attorneys in the firm representing pension funds and individuals in their civil suits prosecuting publicly traded companies for securities fraud and malfeasance.

ADMISSIONS

State of New York; United States Courts of Appeal: Second Circuit; United States District Courts: Southern and Eastern Districts of New York

EDUCATION

George Washington University Law School (J.D., High Honors, Order of the Coif, 2017); The George Washington University (B.A., Journalism & Political Science, summa cum laude, Distinguished Scholar, 2013)

HIGHLIGHTS

Jeff is an associate in our New York office where he focuses on federal securities litigation.

Prior to joining Scott+Scott, Jeff was a litigation associate at a major international law firm where he represented clients in securities cases, bankruptcy proceedings, and antitrust matters, and advised clients on employment matters.

JONATHAN ZIMMERMAN

PRACTICE EMPHASIS

Jonathan Zimmerman's practice primarily focuses on identifying, investigating, and initiating complex federal securities class actions on behalf of individual and institutional shareholders. He is also involved in multiple shareholder derivative actions and other complex commercial matters.

ADMISSIONS

States of New Jersey and Pennsylvania; United States District Courts: District of New Jersey and Eastern District of Pennsylvania

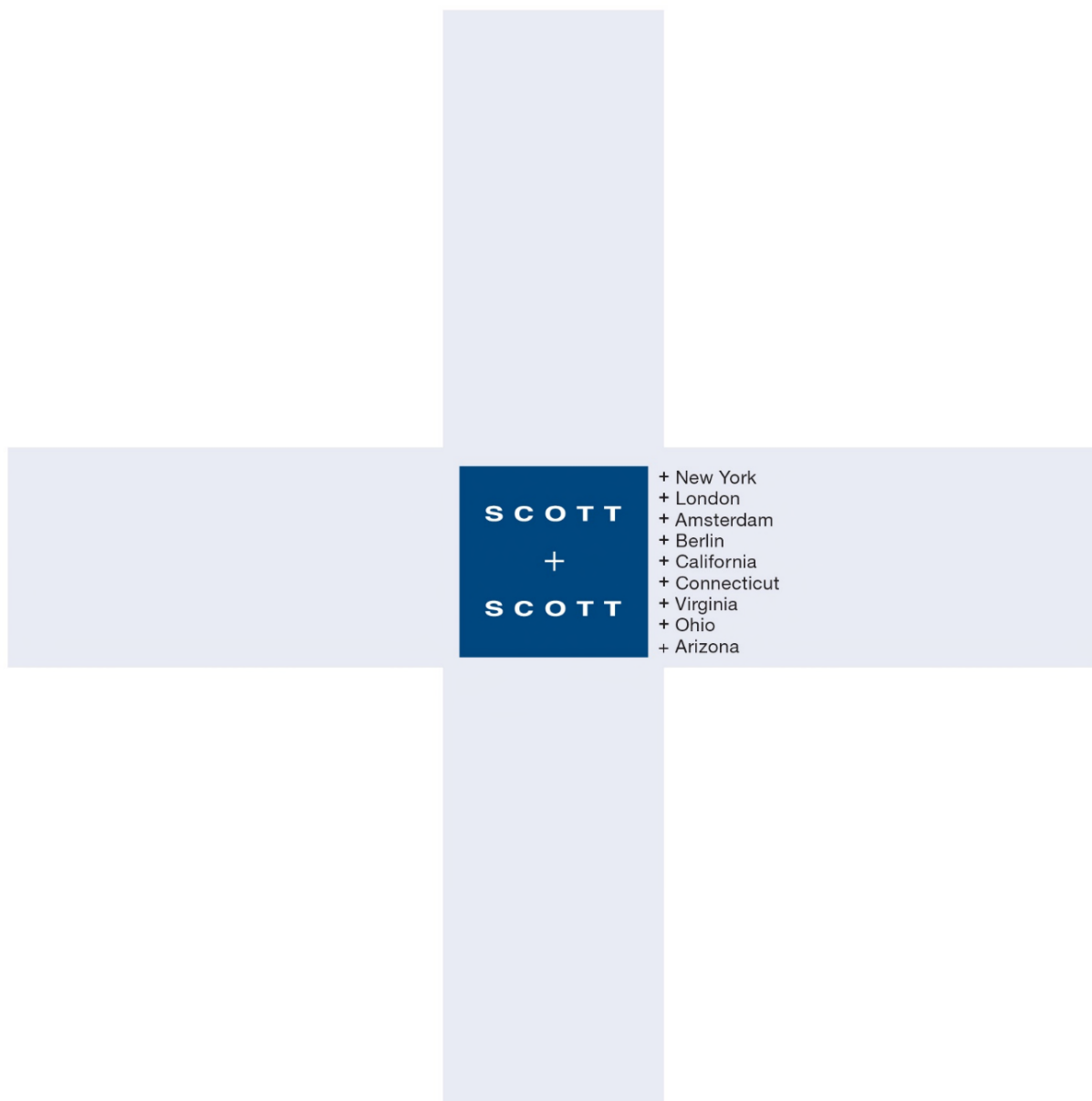
EDUCATION

Temple University, Beasley School of Law (J.D., 2016); McGill University, Desautels School of Management (Bachelor of Commerce, 2009)

HIGHLIGHTS

Mr. Zimmerman is an associate in the New York office where he focuses on federal securities and shareholder derivative litigation. He is also the former Staff Editor of Temple's *International and Comparative Law Journal* and recipient of Best Paper Award in Advanced Financial Regulations for his work entitled *Corporate Diversions: Short-Term Tax Savings at the Expense of Shareholder Rights* (Spring 2015). In addition, he is the former two-time All-Canadian collegiate lacrosse player and co-captain of McGill University's men's varsity team.

He has been involved in In re: SanDisk LLC Secs. Litig., No. 3:15-CV-01455-VC (N.D. Cal.) (part of the team that recovered \$50 million in class action alleging violations of the Securities Exchange Act of 1934); *City of Birmingham Relief & Ret. Sys. v. Hastings*, No. 5:18-cv-02107-BLF (N.D. Cal.); and *In re Universal Health Servs., Inc. Derivative Litig.*, No. 17-2187 (E.D. Pa.).



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