

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARKANSAS FEDERAL CREDIT UNION)	
and THE SUMMIT FEDERAL CREDIT)	
UNION, on Behalf of Themselves and All)	Case No. 19-cv-4492 (PKC)
Others Similarly Situated,)	
)	
)	
Plaintiffs,)	
)	
v.)	
)	
HUDSON’S BAY COMPANY, SAKS)	
FIFTH AVENUE LLC, SAKS &)	
COMPANY LLC, SAKS)	
INCORPORATED, and LORD &)	
TAYLOR, LLC)	
)	
Defendants.)	

DECLARATION OF DARYL F. SCOTT IN SUPPORT OF PLAINTIFFS’ MOTION FOR AN AWARD OF ATTORNEYS’ FEES, REIMBURSEMENT OF LITIGATION EXPENSES, AND CLASS REPRESENTATIVE SERVICE AWARDS

I, Daryl F. Scott, pursuant to 28 U.S.C. §1746, hereby declare as follows:

1. I am a partner with the law firm of Scott+Scott Attorneys at Law LLP (the “Firm”).

I submit this declaration (the “Declaration”) in support of the Plaintiffs’ Motion for Award of Attorneys’ Fees, Reimbursement of Litigation Expenses, and Class Representative Service Awards (the “Fee Application”) in the above-captioned action (the “Action” or the “Litigation”).

2. The Firm served as Class Counsel and participated in all aspects of the Litigation including settlement of the claims. The Firm’s participation is described in Class Counsel’s memorandum of law in support of the Fee Application.

3. The time spent by my Firm in prosecuting the Action was taken from daily time records prepared by timekeepers and maintained by my Firm. The expenses incurred in prosecuting the Action were taken from the accounting records maintained by my Firm in the

ordinary course of business. The expenses were prepared by my staff from receipts, expense vouchers, check records, and other source materials maintained by the Firm. The time and expenses were reviewed by me.

4. The purpose of my review was to confirm the accuracy of, and the necessity for, the time and expenses committed to the Action. During my review, I exercised billing discretion and judgement and reduced, as necessary, certain time entries and expense items.

5. I believe the time and expenses for which payment is sought, as set forth below, were reasonable and necessary for the effective prosecution of the Litigation. I also believe the expenses are of a type normally charged to, and paid by, fee-paying clients in the private legal marketplace.

6. The chart that follows set forth the hours, hourly rate and lodestar for each timekeeper who expended time on the Litigation:

Timekeeper	Title	Hourly Rate	Total Hours	Lodestar
Joseph Guglielmo	Partner	\$900	161.4	\$ 145,260.00
Erin Comite	Partner	\$825	159.5	131,587.50
Carey Alexander	Associate	\$575	360.1	207,057.50
Maggie Ferron	Associate	\$600	9.9	5,940.00
Kaitlin Steinberger	Paralegal	\$325	51.4	16,705.00
Kimberly Jager	Paralegal	\$325	20.3	6,597.50
Charlie Torres	Litigation Staff	\$300	12.0	3,600.00
TOTAL			774.6	\$ 516,747.50

The hours above total 774.60 and the lodestar totals \$ 516,747.50. Lodestar was determined by multiplying hours by the usual and customary historic billing rate for each timekeeper. The Firm's lodestar excludes expense items.

7. Expenses for which reimbursement is sought, total \$15,164.89 and are summarized below:

Expenses		
Courier	\$	55.26
Court reporters and transcripts		11.55
Document production		4,519.74
Service of process		624.10
Mediation		7,700.00
On-Line Research		1,304.33
Photocopies		711.25
Telephone		23.48
Travel		215.18
Total	\$	15,164.89

8. Biographical information of the Firm's attorneys who prosecuted the litigation is set forth in Exhibit 1 to this Declaration.

I declare, under the penalty of perjury, that the foregoing is true and correct.

Executed this 1st day of November 2021 in Richmond, Virginia.



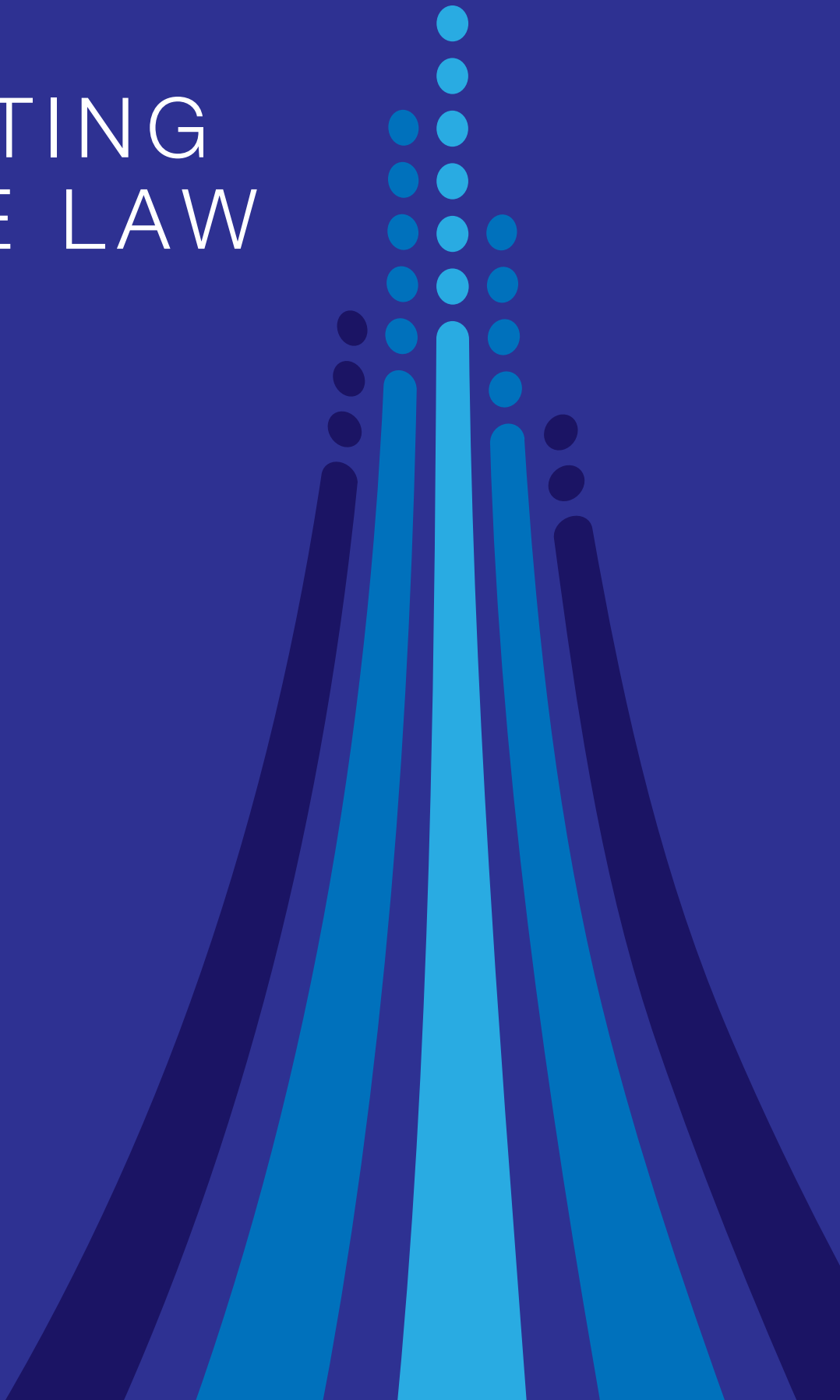
Daryl F. Scott

EXHIBIT 1



INVESTING IN THE LAW

Firm Overview



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“If we desire respect for the law, we must first make the law respectable.”

Louis D. Brandeis - 16 October 1912.

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WE BELIEVE IN
BOTH THE SPIRIT
AND THE LETTER
OF THE LAW.





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, and other complex cases and is a pioneer in structured finance monitoring for client portfolios. We represent individual, institutional and multinational clients in the U.S and EU courts, offering a one-stop shop for international recoupment.





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 law firm specializing in the investigation and prosecution of complex actions across the United States and in Europe. Today, it is comprised of over 125 team members, including over 100 highly experienced attorneys, a 30+ paraprofessional team comprised of paralegals and legal assistants, a finance manager, institutional investor liaisons, and other office support staff, in addition to an IT support and development group, financial analysts, forensic accountants, investment consultants, and an in-house investigations department.

Scott+Scott is headquartered in Connecticut and has additional offices in New York, London, Amsterdam, Berlin, California, Virginia, Ohio, and Arizona.

Scott+Scott has extensive experience litigating securities fraud, antitrust, and other complex cases on behalf of our institutional and individual clients throughout the United States, serving as lead counsel in numerous securities class actions since the enactment of the Private Securities Litigation Reform Act of 1995 (“PSLRA”) and as lead and co-lead



counsel in antitrust, consumer, and other complex litigation. The Firm also represents many multinational corporations in foreign jurisdiction litigation in the EU courts.

Scott+Scott's attorneys are recognized experts and leaders in securities monitoring, complex litigation, and corporate governance law. They regularly speak 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.

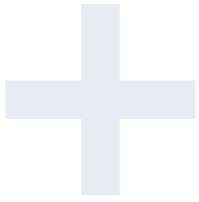
Scott+Scott has been a pioneer in structured finance monitoring of our clients' portfolios and the Firm's vast experience in structured debt financial litigation has enabled us to provide clients with in-depth monitoring of their structured finance products. Structured-finance products, like asset-backed securities and collateralized debt obligations, attract investors with high returns relative to other fixed-income instruments. However, those returns can come with substantial undisclosed risks due to investors' limited ability to assess what they are actually acquiring. Most investors cannot review the assets that underlie



securitizations, nor negotiate around the boiler-plate terms that govern securitizations, and have very little control over the parties that administer securitizations.

Scott+Scott's portfolio monitoring service responds to these unique risks. Importantly, the Firm does not just track the performance of our clients' structured-finance positions. We analyze it in the context of other data that allows us to understand what drives losses, should any occur. Initially, Scott+Scott conducts a review of the overall record of the parties that issue and administer our clients' structured-finance investments, such as sponsors, servicers, and trustees. The conduct of those parties reveals whether a securitization is suffering from hidden flaws, such as defective underlying assets, for which investors should be compensated. In addition, Scott+Scott reviews securitizations' asset-level performance and their governing agreements to identify any specific instances of those parties breaching their obligations and harming investors. This comprehensive approach enables Scott+Scott to identify hard-to-spot wrongdoing and hold the appropriate parties responsible, ultimately winning significant recoveries for clients who purchased structured-finance products. The Firm has also evaluated and monitored debt and debentures originating from private placements and non-public companies, including municipal bonds and derivatives for our clients.

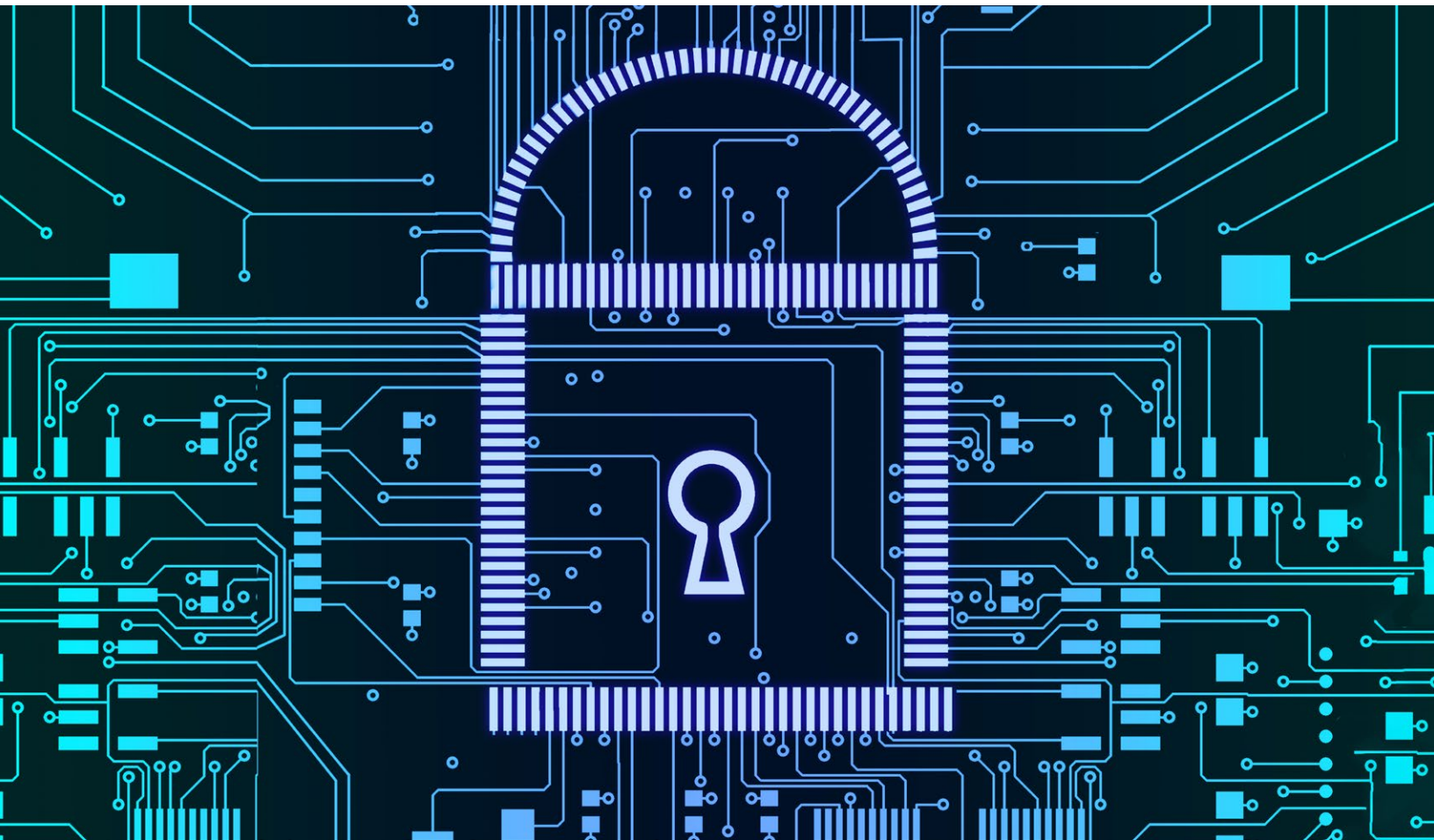




CONSUMER LITIGATION



Scott+Scott's Consumer Practice Group consists of some of the premier advocates in the area of consumer protection and has been at the forefront in litigating and securing some of the most significant consumer protection settlements on behalf of its clients, resulting in hundreds of millions of dollars to class members. The Firm's Consumer Practice Group has attorneys dedicated to three primary areas: Data Breach/Data Privacy Litigation, Healthcare and Pharmaceutical Litigation, and Consumer Protection Litigation.



DATA BREACH/DATA PRIVACY LITIGATION

Scott+Scott has extensive experience litigating data privacy and data breach class actions advancing cutting-edge legal theories. The Firm has achieved some of the largest recoveries in this area and currently serves in a leadership capacity in a number of data privacy and data breach class actions, including:

- *In re Equifax, Inc. Customer Data Security Breach Litigation*, No. 1:17-md-02800 (N.D. Ga.) (claims on behalf of financial institutions injured as a result of the 2017 Equifax data breach that exposed the personal and financial information of approximately 150 million U.S. consumers; preliminary approval of **settlement valued at \$32.5 million**);
- *In re Google Assistant Privacy Litigation*, No. 5:19-cv-04286 (N.D. Cal.) (class action on behalf of consumers alleging privacy violations whereby Google Assistant records and discloses their private confidential communications without consent);
- *Lopez v. Apple Inc.*, No. 4:19-cv-04577 (N.D. Cal.) (class action on behalf of consumers and their minor children alleging privacy violations by Apple through its Siri application); and
- *In re: American Medical Collection Agency, Inc. Customer Data Security Breach Litigation*, No. 2:19-md-02904 (D.N.J.) (claims on behalf of consumers involving data breach of personal information).

Recently, in settling a class action against The Wendy's Co. involving a breach of personal and financial information, the court, in approving the \$50 million dollar settlement, noted that Scott+Scott and its attorneys demonstrated "*very significant experience in these types of class actions and in data breach litigation*" and that the attorneys "*brought to the table an incredible wealth of knowledge, was always prepared, really was thorough and professional in everything that was provided to the Court.*" *First Choice Federal Credit Union v. The Wendy's Co.*, No. 2:16-cv-00506, Transcript at 32 (W.D. Pa. Nov. 6, 2019).

REPRESENTATIVE DATA BREACH/DATA PRIVACY CASES

Additional data privacy and data breach settlements achieved by Scott+Scott for its clients include:

- *The Home Depot, Inc., Customer Data Security Breach Litigation*, MDL No. 2583 (N.D. Ga.) (co-lead counsel; **\$27.25 million settlement** on behalf of financial institutions involving data breach and theft of the personal and financial information of over 40 million credit and debit card holders);
- *In re Target Corporation Customer Data Security Breach Litigation*, MDL No. 2522 (D. Minn.) (**\$59 million settlement** on behalf of financial institutions injured by the theft of sensitive payment card information);
- *Greater Chautauqua Federal Credit Union v. Kmart Corporation*, No. 1:15-cv-02228 (N.D. Ill.) (settlement valued at \$13.4 million on behalf of financial institutions injured by the theft of sensitive payment card information); and

- WinSouth Credit Union v. Mapco Express, Inc., No. 3:14-cv-01573 (M.D. Tenn.) (largest per dollar per card recovery involving payment card data breach brought on behalf of a class of financial institutions).

INSURANCE AND PHARMACEUTICAL LITIGATION

Scott+Scott represents consumers and health and welfare funds throughout the United States who have been overcharged in connection with their insurance and pharmaceutical transactions. The Firm currently serves in a leadership capacity in a number of insurance and pharmaceutical class actions, including:

- *Sohmer v. UnitedHealth Group Inc.*, No. 0:18-cv-03191 (D. Minn.) (co-lead counsel; claims on behalf of plan participants alleging overcharge for prescription drug copayments);
- *Negron v. Cigna Corporation*, No. 3:16-cv-01702 (D. Conn.) (chair of executive committee; claims on behalf of plan participants alleging overcharge for prescription drug copayments);
- *Forth v. Walgreen Co, Inc.*, No. 1:17-cv-02246 (N.D. Ill.) (class action on behalf of consumers and third party union benefit funds alleging unlawful overcharges for medically necessary prescription drugs); and
- *Stafford v. Rite Aid Corporation*, No. 3:17-cv-01340 (S.D. Cal.) (class action on behalf of consumers who were overcharged for prescription drug claims).

REPRESENTATIVE INSURANCE AND PHARMACEUTICAL CASES

Scott+Scott have significant experience litigating against insurance companies and pharmaceutical manufacturers. The Firm's lawyers have obtained some of the largest settlements in consumer healthcare litigation, including:

- *In re Managed Care Litig.*, MDL No. 1334 (S.D. Fla.) (settlements with Aetna, CIGNA, Prudential, Health Net, Humana, and WellPoint providing monetary and injunctive benefits exceeding \$1 billion); and
- *In re Prudential Ins. Co. SGLI/VGLI Contract Litigation*, MDL No. 2208 (D. Mass.) (\$40 million settlement was achieved on behalf of a class of military service members and their families who had purchased insurance contracts).

CONSUMER PROTECTION LITIGATION

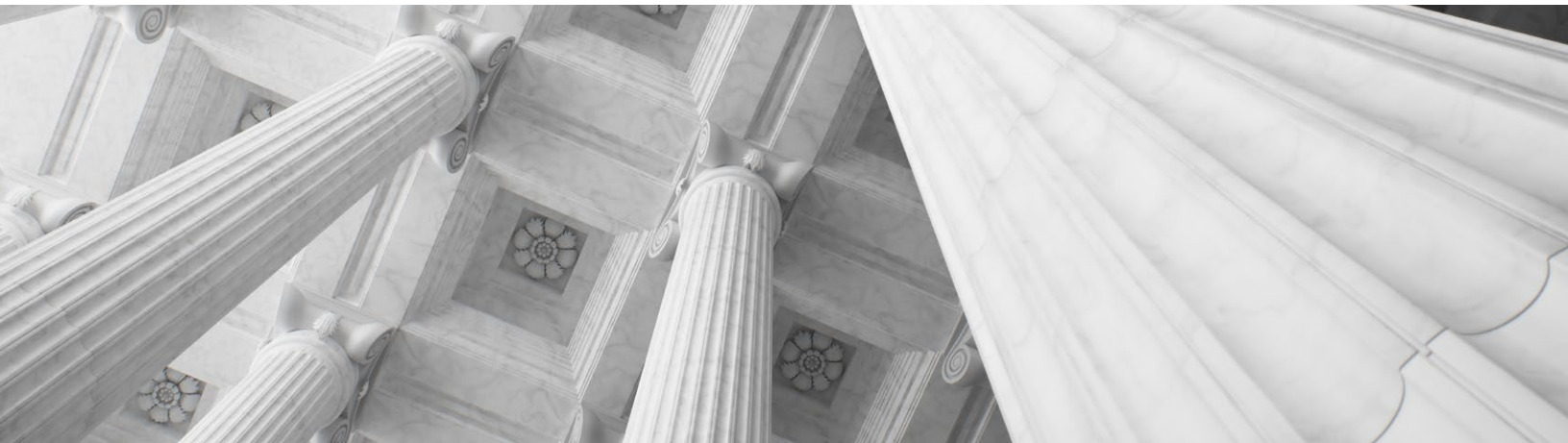
Scott+Scott has been at the forefront in prosecuting consumer protection actions against organizations engaging in unfair practices. The Firm currently serves in a leadership capacity in a number of consumer protection class actions, including:

- *Aquilina v. Certain Underwriters at Lloyd's London*, No. 1:18-cv-00496 (D. Haw.) (representing Hawaii homeowners who were placed into insurance excluding lava coverage and suffered devastating losses as a result of the 2018 eruption of Kilauea); and
- *Morris v. Apple, Inc.*, No. 5:20-cv-04812 (N.D. Cal.) (class action on behalf of consumers who purchased iTunes gift cards under false pretenses and were not refunded the value of the iTunes gift cards).

Representative Consumer Protection Cases:

Over the past decade, Scott+Scott has litigated a number of diverse cases and fought for rights of consumers to be treated fairly and equitably. The Firm has achieved significant settlements that have protected consumers' rights and recovered substantial monetary benefits, including:

- *The Vulcan Society, Inc. v. The City of New York*, No. 1:07-cv-02067 (E.D.N.Y.) (\$100 million settlement and significant injunctive relief was obtained for a class of black applicants who sought to be New York City firefighters, but were denied or delayed employment due to racial discrimination);
- *In re Provident Financial Corp. Credit Card Terms Litigation*, MDL No. 1301 (E.D. Pa.) (\$105 million settlement was achieved on behalf of a class of credit card holders who were charged excessive interest and late charges on their credit cards);
- *In re Pre-Filled Propane Tank Marketing & Sales Practices Litigation*, MDL No. 2086 (W.D. Mo.) (\$37 million settlement obtained on behalf of class of propane purchasers who alleged defendants overcharged the class for under-filled propane tanks);
- *Murr v. Capital One Bank (USA), N.A.*, No. 1:13-cv-01091 (E.D. Va.) (\$7.3 million settlement pending on behalf of class of consumers who were misled into accepting purportedly 0% interest credit card offers); and
- *Gunther v. Capital One, N.A.*, No. 2:09-cv-02966 (E.D.N.Y.) (settlement resulting in class members receiving 100% of their damages in case alleging consumers were improperly charged undeliverable mail fees).





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.

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.

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)

ADMISSIONS

United States Tax Court; United States District Courts: for the Southern District of New York; Eastern District of Pennsylvania; District of Connecticut; Northern and Southern Districts of Texas; and the District of Colorado; States of Court of New York, Connecticut and Pennsylvania

HIGHLIGHTS

Mr. Scott is the Managing Partner of Scott+Scott with offices in New York, London, Amsterdam, 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 Capital 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 Medical 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 2013-2021.

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 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.

JOSEPH P. GUGLIELMO

PRACTICE EMPHASIS

Joseph P. Guglielmo represents institutional and individual clients in antitrust, consumer and securities litigation in federal and state courts throughout the United States.

EDUCATION

Catholic University of America (J.D., 1995; B.A., cum laude, 1992; Certificate of Public Policy)

HIGHLIGHTS

Mr. Guglielmo is a partner in the firm’s New York office and was recognized for his efforts representing New York University in obtaining a monumental temporary restraining order of over \$200 million from a Bernard Madoff feeder fund. Specifically, New York State Supreme Court Justice Richard B. Lowe III stated, “Scott+Scott has demonstrated a remarkable grasp and handling of the extraordinarily complex matters in this case. The extremely professional and thorough means by which NYU’s counsel has litigated this matter has not been overlooked by this Court.”

Mr. Guglielmo serves in a leadership capacity in a number of complex antitrust and consumer actions, including: *In Equifax, Inc. Customer Data Security Breach Litigation*, No. 1:17-md-2800 (N.D. Ga.), co-lead counsel, claims on behalf of financial institutions involving data breach of personal and financial information of approximately 150 million consumers, *Arkansas Federal Credit Union v. Hudson Bay*, No. 1:19-cv-4492-PKC (S.D.N.Y.), lead counsel, claims on behalf of financial institutions arising out of data breaches; *Forth v. Walgreen Co, Inc.*, No. 1:17-cv-02246 (N.D. Ill.), lead counsel, asserting claims on behalf of class of consumers and third-party payers alleging overcharge for medically

necessary, covered prescription drugs; *Sohmer v. UnitedHealth Group Inc.*, No. 18-cv-03191 (JNE/BRT) (D. Minn.); co-lead counsel, claims on behalf of plan participants alleging overcharge for copayments; *Negron v. Cigna Corporation*, No. 3:16-cv-1702 (WWE) (D. Conn.) (chair of executive committee, claims on behalf of plan participants involving overcharge of copayments for prescription drugs); *In re: Disposable Contact Lens Antitrust Litigation*, No. 3:15-md-2626 (M.D. Fla.), co-lead counsel, claims on behalf of a class of contact lens purchasers alleging violations of the antitrust laws; *In re: American Airlines Federal Credit Union v Sonic Corp.*, No., CIV-19-208G (N.D. Ohio.), Plaintiffs' Executive Committee, claims on behalf of financial institutions involving data breach of financial information of approximately five million consumers; and *In re: American Medical Collection Agency, Inc. Customer Data Security Breach Litigation*, No. 19-md-2904 (D.N.J.), Plaintiffs' Steering Committee, claims on behalf of consumers involving data breach of personal information.

Mr. Guglielmo is also actively involved in *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 1:13-cv-07789-LGS (S.D.N.Y), which involves claims on behalf of purchasers of foreign exchange instruments alleging violations of federal antitrust laws.

Mr. Guglielmo has achieved significant victories and obtained numerous settlements for his clients. Mr. Guglielmo was co-lead counsel in *In re The Home Depot, Inc., Customer Data Security Breach Litigation*, MDL No. 2583 (N.D. Ga.), where a \$27.25 million settlement was obtained on behalf of financial institutions involving a data breach and the theft of the personal and financial information of over 40 million credit and debit card holders. Mr. Guglielmo is counsel in *First Choice Federal Credit Union v. The Wendy's Company*, No. 16-cv-00506 (W.D. Pa.), where a \$50 million settlement was obtained. He is also co-lead counsel in *Veridian Credit Union v. Eddie Bauer LLC*, No. 2:17-CV-00356-JLR (W.D. Wa.), where a settlement valued at approximately \$9.8 million was recently obtained. Previously, Mr. Guglielmo was also a member of the Plaintiffs' Steering Committee in *In re Target Corporation Customer Data Security Breach Litigation*, MDL No. 2522 (D. Minn.), where a \$59 million settlement was obtained on behalf of financial institutions involving data breach of personal and financial information of approximately 110 million credit and debit cardholders. Mr. Guglielmo was also lead counsel in *Winsouth Credit Union v. Mapco Express Inc.*, No. 3:14-cv-1573 (M.D. Tenn.), which achieved the largest dollar-per-card recovery on behalf of financial institutions involving data breach of credit and debit card information. Mr. Guglielmo was one of the principals involved in the litigation and settlement of *In re Managed Care Litigation*, MDL No. 1334 (S.D. Fla.), which included settlements with Aetna, CIGNA, Prudential, Health Net, Humana, and WellPoint, providing monetary and injunctive benefits exceeding \$1 billion.

Additional cases in which Mr. Guglielmo played a leading role and obtained substantial recoveries for his clients include: *Love v. Blue Cross and Blue Shield Ass'n*, No. 03-cv-21296 (S.D. Fla.), which resulted in settlements of approximately \$130 million and injunctive benefits valued in excess of \$2 billion; *In re Insurance Brokerage Antitrust Litigation*, MDL No. 1897 (D.N.J.), settlements in excess of \$180 million; *Valle v. Popular Community Bank*, No. 653936/2012 (N.Y. Supreme Ct.), \$5.2 million settlement on behalf of consumers, *In re Pre-Filled Propane Tank Marketing and Sales Practices Litigation*, MDL No. 2086

(W.D. Mo.), consumer settlements in excess of \$40 million; *Bassman v. Union Pacific Corp.*, No. 97-cv-02819 (N.D. Tex.), \$35.5 million securities class action settlement; *Garcia v. Carrion*, No. CV 11-1801 (D.P.R.), substantial corporate governance reforms; *Boilermakers National Annuity Trust Fund v. WaMu Mortgage Pass-Through Certificates*, No. 09-cv-00037 (W.D. Wash.), \$26 million securities class action settlement, *Murr v. Capital One Bank (USA), N.A.*, No. 13-cv-1091 (E.D. Va.), \$7.3 million settlement pending on behalf of class of consumers who were misled into accepting purportedly 0% interest offers, and *Howerton v. Cargill, Inc.*, No. 13-cv-00336 (D. Haw.), **\$6.1 million settlement** obtained on behalf of class of consumers who purchased Truvia, purported to be deceptively marketed as “all-natural.” Mr. Guglielmo was the principle litigator and obtained a significant opinion from the Hawaii Supreme Court in *Hawaii Medical Association v. Hawaii Medical Service Association*, 113 Hawaii 77 (Haw. 2006), reversing the trial court’s dismissal and clarifying rights for consumers under the state’s unfair competition law.

Mr. Guglielmo lectures on electronic discovery and was a member of the Steering Committee of Working Group 1 of the Sedona Conference®, an organization devoted to providing guidance and information concerning issues such as discovery and production issues, as well as areas focusing on antitrust law, complex litigation, and intellectual property, and a member of the drafting team responsible for the Sedona Principles, Third Edition. Presently, Mr. Guglielmo serves on the board of the Advanced eDiscovery Institute at Georgetown University Law Center. He is a frequent speaker on electronic discovery issues. Mr. Guglielmo was also recognized for his achievements in litigation by his selection to The National Law Journal’s “Plaintiffs’ Hot List.” In 2020, Mr. Guglielmo was recognized by Super Lawyers as a top Antitrust lawyer in the New York metro area, was named by Who’s Who in Legal Litigation: Leading Practitioner-E-Discovery (2020), and was named by Lawdragon as one of the 500 Leading Plaintiff Financial Lawyers.

Mr. Guglielmo is also a member of the following associations: District of Columbia Bar Association, New York State Bar Association, and American Bar Association.

ERIN GREEN COMITE

PRACTICE EMPHASIS

Erin Green Comite litigates complex class actions throughout the United States, representing the rights of shareholders, employees, consumers, and other individuals harmed by corporate misrepresentation and malfeasance.

EDUCATION

University of Washington School of Law (J.D., 2002);

Dartmouth College (B.A., magna cum laude, 1994)

HIGHLIGHTS

Ms. Comite is a partner in the firm’s Connecticut office and currently serves in a leadership role in a number of complex class actions including: *First Choice Federal Credit Union v. The Wendy’s Company*, No. 16-cv-00506 (W.D. Pa.), co-lead counsel on behalf of financial institutions arising out of data breach; *In re Arby’s Restaurant Group, Inc. Litigation*,

No. 17-mi-55555 (N.D. Ga.), member of Plaintiffs' Executive Committee on behalf of financial institutions arising out of a data breach, *In re Equifax, Inc. Customer Data Security Breach Litigation*, MDL No. 2800 (N.D. Ga.), chair of law and briefing committee; *Forth v. Walgreen Co, Inc.*, No. 1:17-cv-02246 (N.D. Ill.), co-lead counsel, asserting claims on behalf of class of consumers alleging overcharge for medically necessary, covered prescription drugs; and *Aquilina v. Certain Underwriters at Lloyd's London*, No. 1:18-cv-00496 (D. Haw.), co-lead counsel, alleging that insurers, brokers, and agents improperly steered insureds into surplus lines insurance.

Recently, Ms. Comite has played a significant role in the prosecution of consumer class cases such as: *In re The Home Depot, Inc., Customer Data Security Breach Litigation*, MDL No. 2583 (N.D. Ga.) (\$27.25 million settlement) and *In re Target Corporation Customer Data Security Breach Litigation*, MDL No. 2522 (D. Minn.) (\$59 million settlement), two of the largest data breaches impacting consumer personal data to date; *Greater Chautauqua Federal Credit Union v. Kmart Corp.*, No. 15-cv-02228 (N.D. Ill.), *Chair of the Plaintiffs' Steering Committee* (\$8.1 million settlement); *Morrow v. Ann, Inc.*, No. 1:16-cv-03340 (S.D.N.Y.) (\$8.1 million settlement); *Howerton v. Cargill, Inc.*, No. 13-cv-00336 (D. Haw.) (\$6.1 settlement); *Murr v. Capital One Bank (USA), N.A.*, No. 13-cv-1091 (E.D. Va.) (\$7.3 million settlement); and *In re Nutella Mktg. & Sales Practices Litigation*, No. 11-cv-01086 (D.N.J.) (\$2.5 million settlement).

Ms. Comite's appellate victories in consumer class actions include *Nunes v. Saks Inc.*, 2019 WL 2305039 (9th Cir. May 30, 2019); *Chavez v. Nestle USA, Inc.*, 511 F. App'x 606 (9th Cir. 2013) (achieving a reversal of dismissal); and *In re Nutella Mktg. & Sales Practices Litigation*, 589 F. App'x 53 (3d Cir. 2014) (defending settlement from professional objectors).

Since joining Scott+Scott in 2002, she has litigated such cases as *In re Priceline.com Securities Litigation* (\$80 million settlement); *Schnall v. Annuity and Life Re (Holdings) Ltd.* (\$27 million settlement); and *In re Qwest Communications International, Inc.* (settlement obtaining \$25 million for the company and achieving corporate governance reforms aimed at ensuring board independence).

While Ms. Comite is experienced in all aspects of complex pre-trial litigation, she is particularly accomplished in achieving favorable results in discovery disputes. *In Hohider v. United Parcel Service, Inc.*, Ms. Comite spearheaded a nearly year-long investigation into every facet of UPS's preservation methods, requiring intensive, full-time efforts by a team of attorneys and paralegals well beyond that required in the normal course of pre-trial litigation. Ms. Comite assisted in devising the plan of investigation in weekly conference calls with the Special Master, coordinated the review of over 30,000 documents that uncovered a blatant trail of deception and prepared dozens of briefs to describe the spoliation and its ramifications on the case to the Special Master. In reaction to UPS's flagrant discovery abuses brought to light through the investigation, the Court conditioned the parties' settlement of the three individual ADA cases on UPS adopting and implementing preservation practices that passed the approval of the Special Master.

Prior to entering law school, Ms. Comite served in the White House as **Assistant to the Special Counsel to President Clinton**. In that capacity, she handled matters related to the White House's response to investigations, including four independent counsel investigations, a Justice Department task force investigation, two major oversight investigations by the House of Representatives and the Senate, and several other congressional oversight investigations.

Ms. Comite's volunteer activities have included **assisting immigrant women, as survivors of domestic violence, with temporary residency applications** as well as **counseling sexual assault survivors**. Currently, Ms. Comite supports **Connecticut Children's Medical Center** and **March of Dimes/March for Babies**.

MICHELLE CONSTON

PRACTICE EMPHASIS

Michelle Conston's practice focuses on antitrust litigation.

ADMISSIONS

The Second Circuit Court of Appeals; The Sixth Circuit Court of Appeals; Southern District of New York; Eastern District of Michigan; States of New York, New Jersey and Florida

EDUCATION

Marist College (B.A. Journalism, magna cum laude, 2010); University of Miami School of Law (J.D., magna cum laude, 2013)

ACCOLADES

Selected to Superlawyers® Rising Stars List in Antitrust Litigation in 2018-2020. Law360 "Ones to Watch" 2021.

HIGHLIGHTS

Ms. Conston is an associate in Scott+Scott's New York office and devotes much of her time representing investors in cases involving the manipulation of financial benchmarks by numerous major banks, including *In re Foreign Exchange Benchmark Rates Antitrust Litig.*, No. 13-cv-7789 (S.D.N.Y.), *In re GSE Bonds Antitrust Litig.*, No. 19-cv-01704 (S.D.N.Y.), and *In re European Government Bonds Antitrust Litig.*, No. 19-cv-2601 (S.D.N.Y.). Ms. Conston also works on cases against pizza restaurants Papa John's and Domino's alleging that their no-poach agreements with their franchisees are per se illegal under the antitrust laws. *In re: Papa John's Employee and Franchisee Employee Antitrust Litig.*, No. 18-cv-00828 (E.D. Ky.) and *Blanton v. Domino's Pizza Franchising LLC*, No. 18-cv-13207 (E.D. Mich.).

During law school, Ms. Conston served as a judicial intern for the Honorable Stephen T. Brown, the Chief Magistrate Judge of the United States District Court for the Southern District of Florida. Ms. Conston also served as a certified legal intern for the United States Attorney's Office for the Southern District of Florida.

Prior to joining Scott+Scott, Ms. Conston represented institutional investors, hedge funds, and individual investors in complex class action litigation arising under the Commodity Exchange Act, Sherman Act, RICO Act, and common law. She was heavily involved

in litigating actions alleging the manipulation of the London Interbank Offered Rate (“LIBOR”) for several currencies by large financial institutions (e.g., *Laydon v. Mizuho Bank, Ltd.*, No. 12-cv-3419 (S.D.N.Y.) and *Sullivan v. Barclays plc*, No. 13-cv-00281 (S.D.N.Y.), as well as an action alleging manipulation of the daily London Silver Fixing by the Fixing Banks and several other financial institutions (*In re London Silver Fixing, Ltd.*, Antitrust Litig., No. 14-md-02573 (S.D.N.Y.)).

CAREY ALEXANDER

PRACTICE EMPHASIS

Carey Alexander prosecutes complex consumer class actions with a focus on deceptive pricing and data breach litigation.

ADMISSIONS

United States Courts of Appeal: Ninth Circuit; United States District Courts: Southern, Eastern and Western Districts of New York, Districts of Connecticut, Colorado, Eastern District of Wisconsin and Northern District of Illinois; State of New York

EDUCATION

St. John’s University School of Law (J.D., magna cum laude, 2012);
Skidmore College (B.A., 2004)

HIGHLIGHTS

Mr. Alexander is an associate in the firm’s New York office and has worked closely with the leadership teams steering numerous class actions, including:

- *In re Equifax, Inc., Customer Data Security Breach Litig.*, No. 1:17-md-2800 (N.D. Ga.) (member of the Plaintiffs’ Coordination and Discovery Committee);
- *First Choice Federal Credit Union v. The Wendy’s Co.*, No. 2:16-cv-506 (W.D. Pa.) (settlement valued at \$50 million); and
- *Morrow v. Ann Inc.*, No. 1:16-cv-3340 (S.D.N.Y.) (settlement valued at \$7.1 million).

During law school, Mr. Alexander served as Associate Managing Editor of the *St. John’s Law Review*. Mr. Alexander’s student note, *Abusive: Dodd–Frank Section 1031 and the Continuing Struggle to Protect Consumers*, 85 *St. John’s L. Rev.* 1105 (2012), has been cited in judicial opinions and several legal journals, including the *Harvard Law Review*.

Before joining the bar, Mr. Alexander served as an editor of the widely acclaimed consumer-advocacy blog *The Consumerist*. He also served as a policy advisor to the Bronx Borough President and worked as part of the National Campaign to Restore Civil Rights.

Mr. Alexander has been recognized on the Super Lawyers New York Metro Rising Stars list from 2016 – 2021.

ALEX OUTWATER

PRACTICE EMPHASIS

Alex Outwater's practice focuses on complex antitrust and consumer class actions.

EDUCATION

University of San Diego School of Law (J.D., 2008);

University of California - Santa Barbara (B.A., Italian Cultural Studies, 1999)

HIGHLIGHTS

- *Indiana State District Council of Laborers & HOD Carriers Pension and Welfare Fund v. Omnicare, Inc.*, No. 2:06-cv-00026-WOB-CJS (E.D. Ky.): (\$20 million settlement)
- *In Re Tesla Motors, Inc. Stockholder Litigation*, No. 12711-VCS (Del. Ch.): an action alleging Elon Musk, as Tesla's controlling stockholder, and Tesla's Board of Directors, breached fiduciary duties to Tesla shareholders in connection with Tesla's \$2.6 billion acquisition of SolarCity (a company in which Musk held a substantial interest)

SEAN RUSSELL

PRACTICE EMPHASIS

Mr. Russell is an attorney in Scott+Scott's San Diego office where he focuses on complex antitrust litigation and class actions.

ADMISSIONS

United States District Courts: Southern and Central Districts of California, Eastern District of Michigan; State of California

EDUCATION

University of San Diego School of Law (Masters of Taxation, 2016); Thomas Jefferson School of Law (J.D., cum laude, 2015); University of California, Davis (B.A., Economics, 2008)

HIGHLIGHTS

During law school, Mr. Russell was Chief Articles Editor of the Thomas Jefferson Law Review and a Moot Court Competitor. He also served as an extern to the Honorable William V. Gallo of the U.S. District Court for the Southern District of California.

REPRESENTATIVE CASES

Represented class plaintiffs in *Veridian Credit Union v. Eddie Bauer LLC*, No. 2:17-cv-00356 (W.D. Wash.) which resulted in a **\$9.8 million settlement**.

Represented class plaintiffs in *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 1:13-cv-07789 (S.D.N.Y.), an action challenging collusion regarding foreign exchange rates which resulted in a **\$2.3 billion settlement**.

Represented class plaintiffs in *Alaska Electrical Pension Fund v. Bank of America Corporation*, No. 1:14-cv-07126 (S.D.N.Y.), an action challenging collusion regarding the setting of the ISDAfix benchmark interest rate that resulted in a **\$504.5 million settlement**.

In re: American Airlines Federal Credit Union v Sonic Corp., No., CIV-19-208G (N.D. Ohio.), Plaintiffs' Executive Committee, claims on behalf of financial institutions involving data breach of financial information of approximately five million consumers.

Actively involved in *In re UnitedHealth Group PBM Litigation*, No. 0:16-cv-3352 (D. Minn.) asserting ERISA and deceptive trade practice claims on behalf of nationwide class plan participants involving overcharge of co-payments for prescription drugs;

Actively involved in *Josten v. Rite Aid Corp.*, No. 3:18-cv-00152 (S.D. Cal.), an action challenging Rite Aid's reporting of artificially higher prices for certain generic drugs to private and government insurance programs.

Actively involved in numerous No-Poach cases where the franchisor and franchisee entered into agreements that prohibited the franchisees from soliciting or hiring the employees of other franchisees or the franchisor, including *Deslandes v. McDonald's USA, LLC*, No. 1:17-cv-04857 (N.D. Ill.); *Conrad v. Jimmy John's Franchise, LLC*, No. 3:18-cv-00133 (S.D. Ill.), *In re: Papa John's Employee and Franchisee Employee Antitrust Litigation*, No. 3:18-cv-00825, and *Blanton v. Domino's Pizza Franchising LLC*, No. 2:18-cv-13207 (E.D. Mich.).

SEAN T. MASSON

PRACTICE EMPHASIS

Focusing his litigation efforts on class actions involving cryptocurrency and digital assets, mass torts, and complex commercial cases, Mr. Masson represents retail and institutional investors, government entities and consumers around the globe. Currently, he is one of the lead attorneys in the firm prosecuting pharmaceutical companies and distributors for their role in the marketing and overprescribing of highly addictive opioid painkillers.

ADMISSIONS

State of New York; United States District Courts: Southern, Eastern, and Northern Districts of New York, Eastern District of Wisconsin

EDUCATION

Hofstra University School of Law (J.D., cum laude, 2009);

Queens College (B.A., summa cum laude, 2006)

HIGHLIGHTS

Super Lawyers has named Mr. Masson a Rising Star for five consecutive years (2015-2019) for his work as a class action litigator.

Prior to entering the private sector, Mr. Masson served as an Assistant District Attorney in the Manhattan DA's Office, successfully arguing over 40 appeals in state and federal courts and gaining extensive experience with large-scale government and regulatory investigations. Notable cases include: *People v. McKelvey* (upheld 75-year sentence for serial rapist preying on homeless women); *People v. Chance* (creating precedential law on issue of first impression regarding the disposal of stolen property under N.Y. Penal Law); and *People v. Espinal* (affirming murder-for-hire and conspiracy convictions for high ranking member of a large-scale cocaine trafficking operation).

During law school, Mr. Masson served as the Senior Notes and Comments Editor of the Hofstra Law Review and won the 1L Excellence in Torts award.

Mr. Masson's publications include: The Presidential Right of Publicity, 2010 BOSTON COLLEGE INTELLECTUAL PROPERTY & TECHNOLOGY FORUM 012001 and Note, Cracking Open the Golden Door: Revisiting U.S. Asylum Law's Response To China's One-Child Policy, 37 HOFSTRA LAW REVIEW 1135 (2009).

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 Capital Partners, LLC, No. 07-cv-12388 (D. Mass.); In re Tile Shop Holdings, Inc. Stockholder Deriv. Litigation, C.A. No. 10884-VCG (Del. Ch.); and In re Robinhood Financial Svs. Litigation, No. 20-cv-1026 (N.D. Cal.).

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

ANJA RUSI

PRACTICE EMPHASIS

Ms. Rusi's practice focuses on complex consumer class actions with a focus on deceptive pricing and data breach litigation. She also represents governmental entities who are bringing actions against pharmaceutical manufacturers and distributors in opioid litigation, other than in Connecticut.

Ms. Rusi also represents clients in various Connecticut state court matters including negligence, contractual disputes, and probate administration.

ADMISSIONS

United States District Court for the District of Connecticut; State of Connecticut

EDUCATION

Fairfield University (B.A., 2013); Western New England School of Law (J.D., 2016)

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>.

