

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

IN RE: SYNGENTA AG MIR162)	MDL No. 2591
CORN LITIGATION)	
)	Case No. 2:14-MD-02591-JWL-JPO
This Document Relates to:)	
)	
<i>Catherine Alderman, et al. v. Syngenta</i>)	
<i>Corporation, et al.</i>)	
<i>2:16-cv-02329-JWL-JPO</i>)	
)	
<i>D & C Thornton Farms, et al.</i>)	
<i>v. Syngenta Corporation, et al.</i>)	
<i>2:16-cv-2330-JWL-JPO</i>)	
)	
<i>McLendon Farms, et al. v.</i>)	
<i>Syngenta Corporation, et al.</i>)	
<i>2:16-cv-02331-JWL -PO</i>)	
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**BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P.C.’S
FEE AND EXPENSE APPLICATION**

Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (hereinafter “the Firm”) files this motion for an award of attorneys’ fees and reimbursement of costs incurred in the prosecution of this litigation pursuant to Section 7.2.1 of the Class Settlement Agreement (the “Settlement Agreement”) in *In Re: Syngenta AG MIR 162 Corn Litigation*, the multi-district litigation consolidated in the United States District Court for the District of Kansas before Hon. John W. Lungstrum (MDL-2591) and the Court’s Order Preliminarily Approving the Settlement (Doc. 3532). The Firm and Associating Firms represent 36 Plaintiffs (“the Clients”).¹ independently from Plaintiffs’ Steering Committee and Lead Counsel (together, “Class Counsel”).

¹ Attached as Exhibit 1 is a list of the 36 Plaintiffs and the Associating Firm for each Plaintiff.

Argument

A. The Firm Devoted Resources to this Litigation Despite the Risk Involved

The Firm devoted a significant amount of time and effort to this litigation. The Firm drafted pleadings, attended MDL hearings and meetings², read voluminous filings and held the hands of the Clients. The Firm devoted a large amount of resources to this litigation despite the substantial risks involved.³ The Firm worked this case wholly on a contingent fee basis with no guarantee of compensation. The Firm advanced a substantial amount of litigation expenses with no promise of reimbursement.

The Clients are obligated to pay 40% of their settlement to the Firm.⁴ The Firm's efforts conferred direct and tangible benefits to the Clients. These benefits include keeping the Clients apprised of the progress of the litigation, advising them on the benefits and drawbacks of the proposed settlement. Public policy supports an award of attorney fees as an incentive to assist individuals in deceptive marketing cases such as this case. The failure to award attorneys' fees to the Firm and other independent counsel will deter future attorneys from taking on similar cases.

B. The Firm's Background and Relevant Experience

In 1978, Jere Locke Beasley founded the firm now known as Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., ("the Firm") which is located in Montgomery, Alabama and Atlanta, Georgia. The Firm is now made up of seventy-seven attorneys and approximately two hundred support staff representing clients all over the country. The Firm is one of the country's leading firms involved in complex civil litigation on behalf of claimants, having represented hundreds of thousands of people and having worked with Attorney Generals in the representation

² The Firm attended hearings in Charleston, SC; Kansas City, KS; and Hennepin County, MN. The Firm also attended meetings with various plaintiffs' counsel in Chicago, IL; Charleston, SC; Kansas City, KS and Hennepin County, MN.

³ See Exhibit 2. Declaration of C. Lance Gould paragraphs 7 and 8.

⁴ See Exhibit 2. Declaration of C. Lance Gould paragraphs 4 and 5

of at least nine states. The Firm has a proven track record of leadership in complex business, consumer, and pharmaceutical cases throughout the country. Attorneys from the Firm have been selected by Federal Courts as lead counsel or co-lead counsel in complex multidistrict litigations. Additionally, the Firm has been appointed to the Plaintiff's Executive Committee and/or Steering Committee in many complex litigations. (The Firm résumé is attached hereto as Exhibit 3).

The Firm's highly qualified attorneys and staff work tirelessly for clients throughout the country, representing plaintiffs and claimants in the following areas: Personal Injury, Products Liability, Consumer Fraud, Class Action Litigation, Toxic Torts, Environmental Litigation, Business Litigation, Mass Torts Drug Litigation, and Nursing Home Litigation. The Firm has handled cases involving verdicts and settlements amounting to nearly \$30 billion.

C. The Law and Equity Allow for Reasonable Attorney's Fees

F. R. Civ. P. 23(h) allows the Court to award reasonable attorney's fees and non-taxable costs that are authorized by law. This is true even if the applicant seeking fees was not designated class counsel. *See* Committee Note to subsection (h); *Gottlieb v. Barry*, 43 F.3d 474, 488 (10th Cir. 1994) ("we fail to see why the work of counsel later designated as class counsel should be fully compensated, while the work of counsel who were not later designated class counsel ... should be wholly uncompensated.") As set forth, the Firm spent significant time and effort litigating on behalf of the Clients. This application only seeks reasonable attorney's fees and costs pursuant to the private fee contract with the Clients.⁵

For all of the foregoing reasons, the undersigned respectfully moves the Court for an award of fair and reasonable fees and expenses for their time and efforts in this matter.

⁵ To avoid the Clients being charged a greater fee than those paid by passive class members who did not retain counsel, the Firm agrees that, should the Courts order a 1/3 fee in this case, the fees under the contract between the Clients should be limited to 1/3.

RESPECTFULLY SUBMITTED, this 10th day of July, 2018

/s/ Leslie L. Pescia

LESLIE L. PESCIA [ASB-0224-U14E]

W. DANIEL MILES, III [ASB-7656-M75W]

BEASLEY, ALLEN, CROW,

METHVIN, PORTIS & MILES, P.C.

Post Office Box 4160

Montgomery, Alabama 36103-4160

T: (334) 269-2343 Fax: (334) 954-7555

Dee.Miles@BeasleyAllen.com

Leslie.Pecia@Beasleyallen.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 10, 2018, the foregoing document was filed utilizing the Court's CM/ECF system which sent notification to all registered parties.

/s/ Leslie L. Pescia

Of Counsel

EXHIBIT 1

	A	B	C	D	E	F
	No.	Plaintiff Name or Business	State	County	Kansas Action No.	Associating Firm
1	1	Catherine Alderman	MS	LeFlore	2:16-cv-02329-JWL-JPO	Mills and Rodgers, LLC
2	2	Riverbend Plantation & 4 G Farms	MS	LeFlore	2:16-cv-02329-JWL-JPO	Mills and Rodgers, LLC
3	3	Gene mitchell Farms	MS	Grenada	2:16-cv-02329-JWL-JPO	Mills and Rodgers, LLC
4	4	Heathman Plantation, Alexander B. Robertson, Sr.	MS	Sunflower	2:16-cv-02329-JWL-JPO	Lake Tindall, LLP
5	5	Holly Ridge Planting Co., Alexander B. Robertson, Sr.	MS	Sunflower	2:16-cv-02329-JWL-JPO	Lake Tindall, LLP
6	6	Oak Grove, Inc., Alexander B. Robertson, Sr.	MS	Sunflower	2:16-cv-02329-JWL-JPO	Lake Tindall, LLP
7	7	Jimmy Brad Tackett	MS	LeFlore	2:16-cv-02329-JWL-JPO	Mills and Rodgers, LLC
8	8	Jonathan L. Lindsay	MS	LeFlore	2:16-cv-02329-JWL-JPO	Mills and Rodgers, LLC
9	9	Kaidland Inc.	MS	Washington	2:16-cv-02329-JWL-JPO	Lake Tindall, LLP
10	10	Live Oaks Planting Company	MS	LeFlore	2:16-cv-02329-JWL-JPO	Mills and Rodgers, LLC
11	11	O'Hare Farms, Bland Peyton	MS	Washington	2:16-cv-02329-JWL-JPO	Lake Tindall, LLP
12	12	Paul Nixon	MS	George	2:16-cv-02329-JWL-JPO	Greene & Phillips, LLC
13	13	Triple A Farms	MS	Quitman	2:16-cv-02329-JWL-JPO	Musgrove & Smith, PLLC
14	14	Pruden Farms & Partnership	MS	Humphreys	2:16-cv-02329-JWL-JPO	Mills and Rodgers, LLC
15	15	DR III Farm, Inc	MS	Humphreys	2:16-cv-02329-JWL-JPO	Mills and Rodgers, LLC
16	16	Rodgers Farms	MS	Humphreys	2:16-cv-02329-JWL-JPO	Mills and Rodgers, LLC
17	17	D & C Thornton Farms, Denny Cullen Thornton, Jr.	AL	Lauderdale	2:16-cv-2330-JWL-JPO	Johnson, Paseur, Medley, LLC
18	18	Rodney Duncan	AL	Dallas	2:16-cv-2330-JWL-JPO	Gibbs and Sellers, P.C.
19	19	Brown & Brown, LLC	AL	Lauderdale	2:16-cv-2330-JWL-JPO	Chad Smith Law Firm
20	20	Keith Brown	AL	Lauderdale	2:16-cv-2330-JWL-JPO	Chad Smith Law Firm
21	21	Brunson Bend Farms, Huett Brunson	AL	Dallas	2:16-cv-2330-JWL-JPO	Gibbs and Sellers, P.C.
22	22	Joseph Carpenter	AL	Crenshaw	2:16-cv-2330-JWL-JPO	Thomas F. Kelly, Jr., P.C.
23	23	GEG Farms, LLC	AL	Lauderdale	2:16-cv-2330-JWL-JPO	Chad Smith Law Firm
24	24	J and J Farms	AL	Barbour	2:16-cv-2330-JWL-JPO	Penn and Seaborn LLC
25	25	David Rice d/b/a David Rice Farms	AL	Lauderdale	2:16-cv-2330-JWL-JPO	R. Jason Thomas Law

	A	B	C	D	E	F
27	26	Justin Rice d/b/a Justin Rice Farms	AL	Lauderdale	2:16-cv-2330-JWL-JPO	R. Jason Thomas Law
28	27	Robbins Properties, Inc.	AL	Colbert	2:16-cv-2330-JWL-JPO	Chad Smith Law Firm
29	28	William J. Underwood	AL	Colbert	2:16-cv-2330-JWL-JPO	Johnson Paseur & Medley
30	29	Whiddon Farms	AL	Crenshaw	2:16-cv-2330-JWL-JPO	Thomas F. Kelly, Jr., P.C.
31	30	McLendon Farms, Inc.	GA	Terrell	2:16-cv-02331-JWL -PO	The Finley Firm, P.C.
32	31	James Paul Jr	GA	Terrell	2:16-cv-02331-JWL -PO	The Finley Firm, P.C.
33	32	Vance McCorkle Farms, Vance McCorkle	GA	Marion	2:16-cv-02331-JWL -PO	The Finley Firm, P.C.
34	33	Carl Krielow	LA	Jefferson Davis	2:16-cv-02331-JWL -PO	Block Law Firm
35	34	John D. Houser III, Beth houser, d/b/a Houser Farms	SC	Lee	2:16-cv-02331-JWL -PO	Hopkins Law Firm, LLC
36	35	Ness Enterprises, Inc	WI	Columbia	2:16-cv-02331-JWL -PO	Atterbury, Kammer & Haag
37	36	Randy Wiersma	KY	McCracken	2:16-cv-02331-JWL -PO	Edwards & Kautz, PLLC

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

IN RE: SYNGENTA AG MIR162)	MDL No. 2591
CORN LITIGATION)	
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<i>2:16-cv-02331-JWL -PO</i>)	
)	
)	
)	

**DECLARATION OF C. LANCE GOULD FOR
BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P.C.
IN SUPPORT OF FEE AND EXPENSE APPLICATION**

I, C. Lance Gould, declare as follows:

1. I am over the age of twenty-one years old and make this declaration based on my personal knowledge. If called as a witness, I could and would testify competently to the facts contained herein, which are true and correct.

2. I am a shareholder of Beasley, Allen Crow, Methvin, Portis & Miles, P.C. (hereinafter “the Firm”). I am authorized to submit this declaration on the Firm’s behalf.

3. I submit this declaration in support of the Firm’s Fee and Expense Application (“the Application”), filed pursuant to Section 7.2.1 of the Class Settlement Agreement (the “Settlement Agreement”) in *In Re: Syngenta AG MIR 162 Corn Litigation*, a multi-district litigation

consolidated in the United States District Court for the District of Kansas before Hon. John W. Lungstrum (MDL-2591).

4. The Firm represents thirty-six (36) clients (“the Clients”) in the litigation against Syngenta on a contingency basis. In written fee agreements, each of the Clients agreed to pay at least 40% of any recovery in this matter as a contingent fee, covering both legal fees and expenses.¹ Each of the Clients further agreed to a division of those fees between the Firm and their Associating Firm.

5. The Firm has acted as lead counsel for the Clients in this matter and files this Fee and Expense Application based on the Clients’ gross recoveries under the Settlement Agreement and the private fee contracts with each Client. The Associating Firms support the Application for contract fees.²

6. The Firm’s experience with complex litigation is set forth in the Firm’s resume attached as Exhibit 3 to the Firm’s Fee and Expense Application.

7. The Firm spent a total of 489.3 hours on this litigation, which is \$192,744.00 at our usual and customary hourly rates.³

8. The Firm also incurred \$20,762.81 in expenses.

Court Costs: \$2,533.00

Travel: \$14,356.52

Copy/Printing: \$957.39

¹ Clients Huett Brunson and Rodney Duncan signed 45% Contingency Fee Agreements.

² To avoid the Clients being charged a greater fee than those paid by passive class members who did not retain counsel, the Firm agrees that, should the Courts order a 1/3 fee in this case, the fees under the contract between the Clients should be limited to 1/3.

³ W. Daniel “Dee” Miles, III: \$675 usual and customary hourly rate, 82.4 hours, total \$55,620; C. Lance Gould: \$600 usual and customary hourly rate, 20.9 hours, total \$12,540; Roman A. Shaul: \$600 usual and customary hourly rate, 71.6 hours, total \$42,960; Leslie L. Pescia: \$350 usual and customary hourly rate, 160.8 hours, total \$56,280; and Brenda Russell: \$165 usual and customary hourly rate, 153.6 hours, total \$25,344.

Research: \$647.25

Phone: \$854.00

Postage/Shipping: \$792.99

Misc: \$621.66 for Process Servers

9. The individuals in the Firm who worked on this matter are:

A. W. Daniel “Dee” Miles, III:

Dee Miles was licensed to practice law in 1990 and joined the Firm in 1991. Dee has not only been a pioneer of consumer fraud and commercial litigation nationwide, he has demonstrated great leadership resulting in the Firm's numerous record-setting verdicts for clients in many areas of law. In addition to representing clients in litigation, Dee manages the entire Consumer Fraud / Commercial Litigation Section of the Firm and is based in the Montgomery, Alabama office. Dee is involved in every case being litigated in this section.

Dee is a proven leader in complex litigation on a national level in such cases as American General race-based premium multi-district litigation pending in Columbia, South Carolina, Co-lead counsel, GenRe Market Conduct MDL in the United States District Court for the Western Division of Tennessee, and as co-lead counsel, lead counsel in the Average Wholesale Price Litigation in the following litigations:

- State of Alabama v. Abbott (73 pharmaceutical companies);
- State of Mississippi v. Abbott (86 pharmaceutical companies);
- State of Louisiana v. Abbott (108 pharmaceutical companies);
- State of South Carolina v. Abbott (18 pharmaceutical companies);
- State of Kansas v. Abbott (33 pharmaceutical companies);

- State of Utah v. Abbott (43 pharmaceutical companies);
- State of Hawaii (44 pharmaceutical companies); and
- State of Alaska v. Abbott (34 pharmaceutical companies).

Dee has been appointed by Federal District Judges to serve in a leadership role for the plaintiffs in numerous multidistrict litigations throughout the country, charged with the responsibility of coordinating the litigation for the entire country on certain cases such as the Toyota sudden unintended acceleration MDL, Target Data Breach MDL, the Home Depot Data Breach MDL, the Blue Cross Blue Shield Antitrust MDL, the Takata airbag MDL, and the Chrysler-Dodge-Jeep EcoDiesel MDL. He was selected to serve on the Plaintiffs Steering Committee for both the Volkswagen emissions cheat consumer fraud litigation and the Chrysler-Dodge-Jeep EcoDiesel marketing, sales practices and products liability litigation. Dee has also served as lead class counsel in several class actions such as *Robertson v. Liberty National Life Insurance Company*, *Gadson v. American Medical Security Insurance Company* and *Gouche v. Transamerica Life Insurance Company*; just to name a few.

Dee has served as lead and co-lead counsel in numerous cases resulting in multi-million dollar verdicts, including:

- State of Alabama v. AstraZeneca, \$215 million for the State;
- State of Alabama v. GlaxoSmithKline, \$81 million verdict for the State;
- State of Alabama v. Sandoz, \$78 million verdict for the State;
- State of Mississippi v. Sandoz, \$38.2 million verdict for the State;
- State of Mississippi v. Watson, \$30.2 million verdict for the State;
- State of Alabama v. Novartis, \$33 million verdict for the State;

- Barron v. Alfa, \$15 million jury verdict;
- Wooten v. Horace Mann Ins. Company, \$12.4 million verdict;
- Spann v. Life of Georgia, \$2.1 million jury verdict;
- Knox v. Alfa, \$1.9 million verdict;
- Sewell v. Alfa, \$850,000 verdict; and
- Hudson v. Alfa, \$500,000 verdict.

Dee is a regular guest speaker at national, regional and state seminars, and he has authored numerous publications on consumer fraud and commercial litigation. He serves as counsel to state Attorneys General all over this country on civil litigation matters. Dee has a proven track record of leadership in complex litigation in cases throughout this country.

B. C. Lance Gould:

I am a shareholder of the Firm and have been licensed to practice law since 1997. Currently, my practice is focused on whistleblower litigation, wage & hour litigation, and class actions and I am based in the Montgomery, Alabama office.

I served as lead counsel in the following class actions:

- *Larry Clairday, et al. v. Tire Kingdom, Inc., et al.*, No. 2007-CV-020 (S.D. Ga.), Judge Anthony A. Alaimo;
- *Wimbreth Chism, et al. v. The Pantry, Inc. d/b/a Kangaroo Express*, No. 7:09-CV-02194-LSC (N.D. Ala.), Judge James H. Roberts, Jr.;
- *Cynthia Richter, et al. v. Dolgencorp, Inc., et al.*, No. 7:06-CV-01537-LSC (N.D. Ala.), Judge L. Scott Coogler;
- *Danny Thomas, et al. v. Southern Pioneer Life Insurance Company*, No. CIV-2009-257JF, in the Circuit Court of Greene County, *State of Arkansas*;

- *Dolores Dillon v. MS Life Insurance Company n/k/a American Bankers Life Assurance Company of Florida*, No. 03-CV-2008-900291, in the Circuit Court of Montgomery County, Alabama

I was appointed to Plaintiffs' Steering Committee in the following MDL:

- *In Re: Google Inc. Gmail Litigation*, United States District Court for the Northern District of California, San Jose Division, Judge Lucy H. Koh, MDL No. 2430.

I have represented thousands of clients at the Firm resulting in multi-million dollar settlements. I am a co-chair of the Wage and Hour section of the Workers Injury Law and Advocacy Group. I have authored publications on the Fair Labor Standards Act, False Claims Act and have been a guest speaker at both the state and national levels. In 2016, I wrote a book on the topic of whistleblower law entitled "Whistleblowers: A Brief History & A Guide to Getting Started."

C. Roman A. Shaul:

Roman A. Shaul was licensed to practice law in 1999 and joined the Firm in 2001. Roman's areas of practice with the Firm were wage & hour litigation and class action litigation. He also served as counsel to state Attorneys General on civil litigation matters. Roman is licensed to practice law in Alabama, Arkansas, Mississippi, Tennessee, Louisiana, South Carolina and West Virginia. He has successfully argued before several appellate courts including the Alabama Supreme Court, the Eleventh Circuit Court of Appeals and the Fifth Circuit Court of Appeals.

In January 2017, Roman was appointed by the Governor of Alabama to become a Circuit Court Judge in Montgomery County, Alabama. Despite winning his election to a full term, in June 2018, Mr. Shaul resigned his judgeship and accepted an appointment as General Counsel of the Alabama State Bar.

D. Leslie L. Pescia:

Leslie L. Pescia was admitted to practice law in 2013. Her practice focuses on consumer protection issues and complex litigation, including anticompetitive conduct in antitrust claims and national class actions. Leslie has done extensive work in multiple multidistrict litigations (MDLs). Previously, Leslie represented banks and credit unions that suffered damages resulting from the Target data breach, which settled for \$39.3 million, and the Home Depot data breach, which settled for \$25 million. Leslie is also currently working in the Blue Cross Blue Shield antitrust MDL, which seeks to hold the BCBS entities accountable for their anticompetitive agreements throughout the country.

Leslie is a member of The National Advocates – Top 40 Under 40 and received the American Association for Justice’s New Lawyer’s Division Excellence Awards for 2015-2016 and 2016-2017. Leslie is a member of the Alabama State Bar; Alabama State Bar Young Lawyers Section, where she is on the Executive Committee; and Hugh Maddox Chapter of American Inns of Court. Most recently, Leslie became a fellow of the Pound Institute, a national legal “think tank” dedicated to ensuring access to justice for ordinary citizens.

E. Brenda Russell:

Brenda is a Legal Assistant at Beasley Allen. Brenda has 16 years experience working as a legal assistant in many different areas of litigation. For the past 3 years, she has been working in the Consumer Fraud Section of the Firm in the Montgomery office and primarily works on complex class action litigations.

10. The Firm kept informed about this case by communicating with other counsel and reading court pleadings and public reports so that we could advise the Clients as to the progress of the case—and we did keep them so informed, including by phone calls, emails, and letters. In addition, the Firm prepared and provided Plaintiff Fact Sheets for seven-teen (17) Plaintiffs.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on this 10th day of July 2018, in Montgomery, Alabama.



C. LANCE GOULD
ATTORNEY FOR PLAINTIFFS

BACKGROUND AND RELEVANT EXPERIENCE

I. Background of Beasley Allen

In 1978, Jere Locke Beasley founded the firm now known as Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., which is located in Montgomery, Alabama and Atlanta, Georgia. From 1970 through 1978, Jere served as Lieutenant Governor of the State of Alabama, and for a short period as Governor. In 1978, he re-entered the private practice of law representing plaintiffs and claimants in civil litigation. This was the genesis of the present law firm, which is now made up of seventy-seven attorneys and approximately two hundred support staff representing clients all over the country. Beasley Allen has thirty-nine principals, one managing partner, four supervising attorneys, five Board of Directors, and six non-attorney supervisors. Our support staff includes full time legal secretaries, paralegals, nurses, investigators, computer specialists, technologists, a public relations department, and a comprehensive trial graphics department. Beasley Allen is adequately qualified, prepared, and equipped to handle complex litigation on a national scale.

II. Experience of Beasley Allen

Beasley Allen's highly qualified attorneys and staff work tirelessly for clients throughout the country, representing plaintiffs and claimants in the following areas: Personal Injury, Products Liability, Consumer Fraud, Class Action Litigation, Toxic Torts, Environmental Litigation, Business Litigation, Mass Torts Drug Litigation, and Nursing Home Litigation. We have handled cases involving verdicts and settlements amounting to nearly \$30 billion. For instance, Beasley Allen has played an integral role in this nation's most important consumer litigation such as Vioxx MDL, BP MDL, Toyota SUA MDL, VW MDL, Chrysler Fiat MDL and many others. Beasley

Allen has recovered multi-million dollar verdicts for our clients against many corporate wrongdoers including Exxon, \$11.9 billion, AstraZeneca, \$216 million, G.M., \$155 million, GSK, \$83 million and most recently against Johnson & Johnson, Johnson & Johnson Consumer Companies, Inc., and Imerys Talc America, Inc \$72 million in February of 2016, \$55 million in May of 2016, \$70 million in October of 2016, and \$110 million in May of 2017, just to name a few.

Beasley Allen has extensive experience handling complex litigation, pharmaceutical and antitrust litigation, multidistrict litigation throughout the U.S., including district and federal courts, *qui tam* litigation, and class-action lawsuits. Our attorneys have also represented clients testifying before U.S. Congressional committees on Capitol Hill in Washington, D.C. Beasley Allen has also been appointed to the Plaintiff's Steering Committee in many complex litigations.

i. Beasley Allen's Experience as Lead or Co-Lead Counsel in Nationwide Complex Litigation

Beasley Allen is one of the country's leading firms involved in complex civil litigation on behalf of claimants, having represented hundreds of thousands of people and having worked with Attorney Generals in the representation of at least nine states. Our firm has a proven track record of leadership in complex business, consumer, and pharmaceutical cases throughout the country. Attorneys from Beasley Allen have been selected by Federal Courts as lead counsel or co-lead counsel in the following complex multidistrict litigations:

- a. *In Re Vioxx Products Liability Litigation*, United States District Court for the Eastern District of Louisiana, Judge Eldon E. Fallon, MDL No. 1657; (Andy Birchfield, Shareholder of Beasley Allen);
- b. *In Re Reciprocal of America (ROA) Sales Practices Litigation*, United States District Court for the Western District of Tennessee, Judge J. Daniel Breen, MDL No. 1551; (Dee Miles and Jere Beasley, both Shareholders in Beasley Allen);

- c. *In Re American General Life and Accident Insurance Company Industrial Life Insurance Litigation*, United States District Court for the District of South Carolina, Judge Cameron McGowan Currie, MDL No. 11429; (Dee Miles, Shareholder of Beasley Allen);
 - d. *In Re Dollar General Corp. Fair Labor Standards Acts Litigation*, United States District Court for the Northern District of Alabama, Western Division, Judge U.W. Clemon, MDL No. 1635; (Dee Miles, Shareholder of Beasley Allen);
 - e. *In re: Xarelto (Rivaroxaban) Products Liability Litigation*, District of Louisiana, Judge Eldon E. Fallon, Eastern MDL No. 2592;
- ii. *Beasley Allen's Leadership Appointments on Executive and/or Plaintiff Steering Committees in Complex Multidistrict Litigation***

Beasley Allen has been appointed to the Plaintiff's Executive Committee and/or Steering Committee in many complex litigations. All of these multidistrict litigations involved multiple claims against multiple defendants, which required excellent organization and leadership from our attorneys. Beasley Allen has been appointed to the following MDL complex litigation cases:

- a. *In Re: Motor Fuel Temperature Sales Practices Litigation*, United States District Court for the Middle District of Kansas, Judge Kathryn Vratil, MDL No. 1840;
- b. *Bextra/Celebrex, Bextra and Celebrex Marketing Sales Practices and Product Liability Litigation*, United States District Court for the Northern District of California, Judge Charles R. Breyer, MDL No. 1699;
- c. *In Re: Vioxx Products Liability Litigation*, United States District Court for the Eastern District of Louisiana, Judge Eldon E. Fallon, MDL No. 1657;
- d. *In Re: Actos (Pioglitazone) Products Liability Litigation*, United States District Court for the Western District of Louisiana, Judge Rebecca F. Doherty, MDL No. 2299;
- e. *In Re: Zoloft (Sertraline Hydrochloride) Products Liability Litigation*, United States District Court for the Eastern District of Pennsylvania, Judge Cynthia M. Rufe, MDL No. 2342;

- f. *In Re: Fosamax (Alendronate Sodium) Products Liability Litigation (No. II)*, United States District Court District of New Jersey, Judge Garrett E. Brown, Jr., MDL No. 2243;
- g. *In Re: Fosamax Products Liability Litigation*, United States District Court, Southern District of New York, Judge John F. Keenan, MDL No. 1789;
- h. *In Re: Depuy Orthopaedics, Inc. ASR Hip Implant Products Liability Litigation*, United States District Court for the Northern District of Ohio, Judge David A. Katz, MDL No. 2197;
- i. *In Re: DePuy Orthopaedics, Inc. Pinnacle Hip Implant Products Liability Litigation*, US District Court for the Northern District of Texas, Judge Ed Kinkeade, MDL No. 2244;
- j. *In Re: Biomet M2a Magnum Hip Implant Products Liability Litigation*, US District Court for the Northern District of Indiana, Judge Robert L. Miller, Jr., MDL No. 2391;
- k. *In Re: Prempro Products Liability Litigation*, United States District Court, Eastern District of Arkansas, Western Division, Judge Billy Roy Wilson, MDL No. 1507;
- l. *In Re: Mirena IUD Products Liability Litigation*, United States District Court, Southern District of New York, Judge Cathy Seibel, MDL No. 2434;
- m. *In Re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*, United States District Court, District of Massachusetts, Judge Douglas P. Woodlock, MDL No. 2428;
- n. *In Re: American Medical Systems, Inc. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Southern District of Ohio, Judge Joseph R. Goodwin, MDL No. 2325;
- o. *In Re: C.R. Bard, Inc. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Charleston Division, Judge Joseph R. Goodwin, MDL No. 2187;
- p. *In Re: Boston Scientific Corp. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Southern District of West Virginia, Judge Joseph R. Goodwin, MDL No. 2326;
- q. *In Re: Ethicon, Inc. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Charleston Division, Judge Joseph R. Goodwin, MDL No. 2327;

- r. *In Re: Coloplast Corp. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Charleston Division, Judge Joseph R. Goodwin, MDL No. 2387;
- s. *In Re: Google Inc. Gmail Litigation*; United States District Court for the Northern District of California, San Jose Division, Judge Lucy H. Koh, MDL No. 2430;
- t. *In Re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, United States District Court for the Central District of California, Judge James V. Selna, MDL No. 2151;
- u. *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*; California Northern District (San Francisco), Hon. Charles R. Breyer, Case No. 3:15-md-02672-CRB;
- v. *In re: Xarelto (Rivaroxaban) Products Liability Litigation*, District of Louisiana, Judge Eldon E. Fallon, Eastern MDL No. 2592;
- w. *In re: Target Corporation Customer Data Security Breach Litigation*, United States District Court for the District of Minnesota, Judge Paul A. Magnuson, MDL No. 2522;
- x. *In re: Lipitor (Atorvastatin Calcium) Marketing, Sales Practices and Products Liability Litigation*, United States District Court for the District of South Carolina, Judge Richard M. Gergel, MDL No. 2502;
- y. *In re: Blue Cross Blue Shield Antitrust Litigation*, United States District Court for the Northern District of Alabama, Judge R. David Proctor, MDL No. 2406;
- z. *In re: Androgel Products Liability Litigation*, United States District Court for the Northern District of Illinois, Judge Matthew F. Kennelly, MDL No. 2545;
- aa. *In re: The Home Depot, Inc., Customer Data Security Breach Litigation*, United States District Court for the Northern District of Georgia, Judge, Thomas W. Thrash, Jr., MDL No. 2583;

- bb. *In re: Takata Airbag Products Liability Litigation*, United States District Court for the Southern District of Florida, Judge Federico A. Moreno, MDL No. 2599, serving on a discovery committee responsible for two Auto Manufacturer's discovery¹; and
 - cc. *In re: Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability Litigation*, United States District Court for the Northern District of California, Judge Edward Chin, MDL No. 2777.
- iii. *Beasley Allen's Involvement as Lead or Co-Lead Counsel Representing States in Complex Litigation and Class Action Litigation Experience***

Beasley Allen is also a proven leader in complex litigation involving the manufacture, marketing, pricing, and sale of pharmaceuticals, pharmaceutical devices, and cosmetics on a national level. Beasley Allen has successfully represented the States of Alabama, Louisiana, Mississippi, Alaska, Hawaii, South Carolina, Kansas, Utah, and Kentucky involving various issues within the healthcare arena. Beasley Allen's experience representing states with complex legal theories involving Medicaid, pharmaceuticals and healthcare, antitrust, and consumer protection issues includes the Average Wholesale Price litigations concerning the fraudulent pricing of prescription drugs, the Usual and Customary litigations regarding the false reporting of pharmacy price lists, the Unapproved Drugs litigations concerning the states' reimbursement of drugs with a fraudulently obtained Medicaid reimbursement approval status, and many others. Beasley Allen serves or served as lead counsel in the following cases:

- a. *State of Louisiana, ex rel. v. Fresenius Medical Care Holdings, Inc., et al.*, Suit No. 631,586, Div. "D"; 19th JDC; Parish of East Baton Rouge, Judge Janice Clark;
- b. *In Re Alabama Medicaid Pharmaceutical Average Wholesale Price Litigation* filed in the Circuit Court of Montgomery, Alabama, Master Docket No. CV-2005-219, Judge Charles Price;

¹ Discovery Committee appointment only.

- c. *In Re Kansas Medicaid Pharmaceutical Average Wholesale Price Litigation* filed in the District Court of Wyandotte County, Kansas, Master Docket No. MV-2008-0668, Division 7, Judge George A. Groneman;
- d. *In Re Mississippi Medicaid Pharmaceutical Average Wholesale Price Litigation* filed in the Chancery Court of Rankin County, Mississippi, Master Docket No. 09-444, Judge W. Hollis McGehee;
- e. *The State of Utah v. Apotex Corporation, et al.*, filed in the Third Judicial District Court of Salt Lake City, Utah, Case No. 08-0907678, Judge Tyrone E. Medley;
- f. *The State of Utah v. Abbott Laboratories, et al.*, filed in the Third Judicial District Court of Salt Lake City, Utah, Case No. 07-0915690, Judge Robert Hilder;
- g. *The State of Utah v. Actavis US, et al.*, filed in Third Judicial District Court of Salt Lake City, Utah, Case No. 07-0913717, Judge Kate A. Toomey;
- h. *The State of Louisiana, et al. v. Molina Healthcare, Inc., et al.*, filed in 19th Judicial District Court, Parish of East Baton Rouge, Suit No. 631612, Judge Janice Clark;
- i. *The State of Louisiana, et al. v. Takeda Pharmaceuticals America, Inc., et al.*, filed in 19th Judicial District Court, Parish of East Baton Rouge, Suit No. 637447, Judge R. Michael Caldwell;
- j. *The State of Mississippi v. CVS Health Corporation, et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01392, Judge Mitchell M. Lundy, Jr.;
- k. *The State of Mississippi v. Fred's, Inc., et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01389, Judge Mitchell M. Lundy, Jr.;
- l. *The State of Mississippi v. Rite Aid Corporation, et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01390, Judge Percy L. Lynchard, Jr.;
- m. *The State of Mississippi v. Walgreen Co., et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01391, Judge Mitchell M. Lundy, Jr.;

- n. *In the Matter of the Attorney General's Investigation*, AGO Case No. AN2014103885, Alaska Pay-for-Delay Antitrust Investigation;
- o. *State of Louisiana v. Pfizer, Inc., et al.*, Docket No. 625543, Sec. 24, 19th Judicial District Court, Parish of East Baton Rouge, Judge R. Michael Caldwell;
- p. *State of Louisiana v. Abbott Laboratories, Inc., et al.*, Docket No. 596164, Sec. 25, 19th Judicial District Court, Parish of East Baton Rouge, Judge Wilson Fields;
- q. *State of Louisiana v. McKesson Corporation*, Docket No. 597634, Sec. 25, 19th Judicial District Court, Parish of East Baton Rouge, Judge Wilson Fields;
- r. *State of South Carolina v. Abbott Laboratories, Inc., et al., In re: South Carolina Pharmaceutical Pricing Litigation*, Master Caption Number: 2006-CP-40-4394, State of South Carolina, County of Richland, Fifth Judicial Circuit, Judge J. Cordell Maddox, Jr.;
- s. *State of Alaska v. Alpharma Branded Products Division, Inc., et al.*, Case No.: 3AN-06-12026, Superior Court for the State of Alaska, Third Judicial District at Anchorage, Judge William F. Morse;
- t. *State of Alaska v. McKesson Corporation and First DataBank, Inc.*, Case No. 3AN-10-11348-CI, Superior Court for the State of Alaska, Third Judicial Circuit of Anchorage, Judge Peter A. Michalski;
- u. *State of Kansas, ex rel. v. McKesson Corporation, et al.*, Case No. 10-CV-1491, Division 2, District Court of Wyandotte County, Kansas, Judge Constance Alvey;
- v. *State of Hawaii, ex rel. v. McKesson Corporation, et al.*, Civil Action No. 10-1-2411-11, State of Hawaii, First Circuit, Judge Gary W. B. Chang;
- w. *Commonwealth of Kentucky. v. Fresenius Medical Care Holdings, Inc., et al.*, Civil Action No. 16-CI-00946, Franklin Circuit Court, Div. 2, Judge Thomas D. Wingate;
- x. *State of Mississippi v. Actavis Pharma, Inc., et al.*, Civil Action No. 17-cv-000306, Hinds County Chancery Court, District 1, Judge Patricia D. Wise;
- y. *State of Mississippi v. Barr Laboratories, Inc., et al.*, Civil Action No. 17-cv-000304, Hinds County Chancery Court, District 1, Judge J. Dewayne Thomas;

- z. *State of Mississippi v. Camline, L.L.C. (f/k/a PamLab, L.L.C.)*, Civil Action No. 17-cv-000307, Hinds County Chancery Court, District 1, Judge J. Dewayne Thomas;
- aa. *State of Mississippi v. E. Claiborne Robins Company, Inc., et al.*, Civil Action No. 17-cv-000305, Hinds County Chancery Court, District 1, Judge Denise Owens;
- bb. *State of Mississippi v. Endo Pharmaceuticals, Inc.*, Civil Action No. 17-cv-000309, Hinds County Chancery Court, District 1, Judge J. Dewayne Thomas; and
- cc. *State of Mississippi v. United Research Laboratories, Inc., et al.*, Civil Action No. 17-cv-000308, Hinds County Chancery Court, District 1, Judge Denise Owens.

Through the various representations of the nine states listed in the previous paragraph, our firm has recovered over \$1.5 billion for the states. Beasley Allen continues to represent states with complex litigation involving the manufacture and marketing of pharmaceuticals and pharmaceutical devices, including, but not limited to, allegations of unfair and deceptive trade practices, false and fraudulent claims made to the state, false advertising, antitrust, conspiracy, unjust enrichment, and various consumer protection claims.