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Introduction

Cohen & Malad, LLP is a litigation firm founded in 1968 in part by former Indiana Attorney General John J. Dillon, former U.S. Attorney for the Southern District of Indiana Virginia Dill McCarty, and Louis F. Cohen. Our staff of over 20 highly skilled attorneys serves clients across multiple practice areas including: class action, mass torts and individual personal injuries, business litigation, family law, appellate law, and commercial, real estate, and business services.

Cohen & Malad, LLP enjoys an excellent reputation as one of Indiana's leading class action law firms. Over the last 25 years, the firm has served as class counsel in numerous local, statewide, nationwide, and international class actions.

The firm has successfully litigated and resolved a wide range of class action matters, serving on the executive committee in the historic litigation brought against Swiss banks on behalf of Holocaust survivors, *In re Holocaust Victim Assets Litigation*, as well as in recent antitrust actions involving the ready mixed concrete industry in Indiana and in Iowa, *In re Ready-Mixed Concrete Antitrust Litigation*, and *In re Iowa Ready-Mix Concrete Antitrust Litigation*. The firm also has extensive experience with class action litigation against Indiana state agencies, *Raab v. R. Scott Waddell, in his official capacity as Commissioner of The Indiana Bureau of Motor Vehicles et al.*, and *Moss v. Mary Beth Bonaventura, in her official capacity as Director of the Department of Child Services et al.*

Cohen & Malad, LLP possesses extensive resources, in part through its established relationships with many of the country's leading class action law firms, to vigorously prosecute class action cases of any scale.

Antitrust Cases

- *In re Bromine Antitrust Litigation*, U.S. District Court, Southern District of Indiana.
Liaison Counsel for the class in price-fixing issue. Settlement valued at \$9.175 million.
- *In re Ready-Mixed Concrete Antitrust Litigation*, U.S. District Court, Southern District of Indiana.
Co-Lead Counsel in a consolidated class action alleging a price-fixing conspiracy among all of the major Ready-Mixed Concrete suppliers in the Indianapolis area. The total settlements provided for a recovery of \$59 million, which allowed for a net distribution to class members of approximately 100% of their actual damages.
- *In re Iowa Ready-Mix Concrete Antitrust Litigation*, U.S. District Court, District of Iowa.
Co-lead counsel in class action alleging a price-fixing conspiracy among major suppliers of Ready-Mixed Concrete in northwest Iowa and the surrounding states. Settlement totaled \$18.5 million, which allowed for a net distribution to class members of approximately 100% of their actual damages.

Securities Fraud Cases

- *Grant et al. v. Arthur Andersen et al.*, Maricopa County Arizona, Superior Court.
Lead counsel in class action arising from the collapse of the Baptist Foundation of Arizona, involving losses of approximately \$560,000,000.00. Settlement achieved for \$237 million.
- *In re: Brightpoint Securities Litigation*, U.S. District Court, Southern District of Indiana.
Class Counsel in securities fraud action that resulted in a \$5.25 million settlement for shareholders.
- *City of Austin Police Retirement System v. ITT Educational Services, Inc., et al.*, U.S. District Court, Southern District of Indiana.
Co-lead counsel in action alleging misrepresentations by defendant and certain principals concerning enrollment and graduate placement, and a failure to disclose multiple federal investigations into defendant's operations and records.

- *Beeson and Gregory v. PBC et al.*, U.S. District Court, Southern District of Indiana.
Class Counsel in a nationwide class action with ancillary proceedings in the District of Connecticut, and the Southern District of Florida. Multi-million dollar settlement that returned 100% of losses to investors.
- *In re: Prudential Energy Income Securities Litigation*, U.S. District Court, Eastern District of Louisiana.
Counsel for objectors opposing a \$37 million class action settlement. Objection successfully led to an improved \$120 million settlement for 130,000 class members.
- *In re: PSI Merger Shareholder Litigation*, U.S. District Court, Southern District of Indiana.
Obtained an injunction to require proper disclosure to shareholders in merger of Public Service Indiana Energy, Inc. and Cincinnati Gas & Electric.
- *Dudley v. Ski World, Inc.*, U.S. District Court, Southern District of Indiana.
Class counsel for over 5,000 investors in Ski World stock. Multi-million dollar settlement.
- *Stein v. Marshall*, U.S. District Court, District of Arizona.
Class Counsel Committee member in action involving the initial public offering of Residential Resources, Inc. Nationwide settlement achieved on behalf of investors.
- *Dominijanni v. Omni Capital Group, Ltd. et al.*, U.S. District Court, Southern District of Florida.
Co-lead counsel in securities fraud class action. Nationwide settlement on behalf of investors.

Consumer Protection Cases

- *Raab v. R. Scott Waddell, in his official capacity as Commissioner of The Indiana Bureau of Motor Vehicles et al.*, and *Raab v. Kent W. Abernathy, in his official capacity as Commissioner of The Indiana Bureau of Motor Vehicles et al.*, Marion County Indiana, Superior Court,
Actions on behalf of Indiana drivers who had been systematically overcharged by the Indiana Bureau of Motor Vehicles for driver's licenses, registrations, and other fees. Achieved a combined total \$90 million

recovery providing either credits or refund checks to over 4 million drivers in amounts that equaled the agreed overcharge amounts.

- ***Moss v. Mary Beth Bonaventura, in her official capacity as Director of The Indiana Department of Child Services, et al.***, LaPorte County Indiana, Superior Court.
Action on behalf of Indiana families that adopted special needs children from out of DCS foster care and who were denied an adoption subsidy payment. Achieved settlement over \$15 million providing checks to benefit over 1,880 special needs children, with the average settlement check near \$5,000 and a substantial number exceeding \$10,000.
- ***Edwards v. Geneva-Roth Capital, Inc.***, Marion County Indiana, Circuit Court.
Action on behalf of victims of an online payday lender that charged interest rates often exceeding 1000% APR. Achieved settlement over \$1 million providing checks for over 6,000 individuals, with the average settlement check near \$200 and a substantial number exceeding \$1,000.
- ***Plummer v. Nicor Energy Services Company***, U.S. District Court, Southern District of Indiana.
Lead counsel in multistate class action on behalf of utility customers for deceptive charges on utility bills. Resolved for \$12 million cash settlement.
- ***Price v. BP Products North America Inc.***, U.S. District Court, Northern District of Illinois.
Action on behalf of motorists that purchased contaminated gasoline recalled by BP. Achieved settlement of \$7 million.
- ***Landes v. Eads***, Marion County Indiana, Circuit Court.
Settlement on behalf of class of over 1,000 elderly individuals who were sold inappropriate estate planning documents by non-lawyers.
- ***Fritzinger v. Angie's List, Inc.***, U.S. District Court, Southern District of Indiana.
Nationwide settlement on behalf of class of Angie's List subscribers whose memberships were auto-renewed at higher prices.
- ***Swift et al. v. DirectBuy et al.***, U.S. District Court, Northern District of Indiana.

Nationwide settlement providing for cash payments to purchasers of membership clubs.

- ***Selburg v. Virtuoso Sourcing Group, LLC***, U.S. District Court, Southern District of Indiana.
Action on behalf of individuals that received a debt collection letter that violated the Fair Debt Collections Practices Act. Achieved settlement that provided settlement checks for class members.
- ***Wilmoth et al. v. Celadon Trucking Services***, Marion County Indiana, Superior Court.
Appointed class counsel and obtained judgment, which was upheld on appeal, for \$3.8 million plus prejudgment interest in favor of nationwide class of long distance drivers who had compensation improperly withheld by Celadon for fuel purchases from Pilot Flying J.
- ***Sam v. Elizabeth L. White, in her capacity as Clerk of the Marion Circuit Court***, Marion County Indiana, Superior Court.
Action involving overcharges for administrative fees on bonds managed by the Clerk's office. Achieved settlement providing refunds of up to \$1,000 for individual class members
- ***Means v. River Valley Financial Bank, et al.***, Marion County Indiana, Superior Court.
Action involving prepaid burial goods and services in Madison, Indiana. Cemetery owners and banks who served as the trustees for the prepaid burial funds violated the Indiana Pre-Need Act and other legal duties, which resulted in insufficient funds to provide class members' burial goods and services at death. Settlements valued at \$4 million were achieved to ensure that thousands of class members' final wishes will be honored.
- ***Meadows v. Sandpoint Capital, LLC, and Edwards v. Apex 1 Processing, Inc.***, Marion County Indiana, Circuit Court.
Class actions brought against internet-based payday lenders. Settlements provided reimbursement for fees and expenses that exceeded amounts permitted by the Indiana payday loan act.
- ***King v. Amacor***, Madison County Indiana, Circuit Court.

Class counsel on behalf of thousands of residents who were forced to evacuate their homes as a result of a magnesium fire that broke out in 2005 at the AMACOR magnesium recycling plant, the world's largest magnesium recycling facility. Settlement achieved to provide environmental remediation clean-up of the debris and direct cash payment to residents who were forced to evacuate their homes on the night of the fire.

- ***Colon v. Trinity Homes, LLC and Beazer Homes Investment Corp,*** Hamilton County Indiana, Superior Court.
Class counsel in statewide settlement providing for remediation of mold and moisture problems in over 2,000 homes. Settlement valued at over \$30 million.
- ***Whiteman v. Time Warner Entertainment Company, L.P.,*** Marion County, Indiana, Superior Court.
Successfully appealed to the Indiana Supreme Court challenging the application of the voluntary payment doctrine for class of cable subscribers. Following this victory, Cohen & Malad, LLP negotiated a multi-million dollar settlement for class members.
- ***Hecht v. Comcast of Indianapolis,*** Marion County Indiana, Circuit Court.
Represented a class of Comcast cable subscribers challenging arbitrarily-determined late fees as unlawful liquidated damages. Obtained a multi-million dollar settlement on the eve of trial.
- ***General Repair Servs. of Central Ind., Inc. v. Soff-Cut Int'l, Inc.,*** Marion County Indiana, Superior Court.
Served as class counsel for a nationwide class under the federal Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227. Following certification, the parties entered into nationwide settlement providing class members with benefits worth over \$1.5 million.
- ***Turner v. Louisiana Pacific Corporation and C.P. Morgan Communities, LP,*** Hamilton County, Indiana Superior Court.
Appointed Lead Counsel in state-wide class action challenging defective exterior siding products. After class certification, parties reached settlement that provided for cash payments to homeowners based on amount of siding and damage to homes.
- ***Littell et al. v. Tele-Communications, Inc. (AT&T) et al.,*** Morgan County,

Indiana, Superior Court.

Lead counsel in nationwide class action challenging late fee charges imposed by cable television companies. The total value of the nationwide settlement exceeded \$106 million.

- ***Bridgestone/Firestone, Inc., ATX, ATX II and Wilderness Tires Products Liability Litigation***, U.S. District Court, Southern District of Indiana. Court-appointed Liaison Counsel and Executive Committee Member in consolidated litigation involving international distribution of defective tires.
- ***Tuck v. Whirlpool et al.***, Marion County, Indiana, Circuit Court. Appointed Class Counsel in nationwide class action regarding defective microwave hoods. Settlement achieved in excess of \$7 million.
- ***Hackbarth et al. v. Carnival Cruise Lines***, Circuit Court of Dade County, Florida. Class Counsel in nationwide action challenging cruise lines' billing practices. Settlement valued at approximately \$20 million.
- ***Sherwood v. Coca-Cola Bottling***, Marion County, Indiana, Superior Court. Class Counsel in contaminated product class action. Settlement achieved on behalf of the class.
- ***David Campbell v. Macey & Chern***, U.S. District Court, Southern District of Indiana. Class Counsel in action challenging improper billing and collection of attorneys' fees from Chapter 7 bankruptcy debtors. Common fund settlement provided for refunds in the hundreds of dollars to individual bankruptcy debtors.
- ***Wittry v. Merrill Lynch Credit Corp.***, Case No. 49D05-0304-PL-000716, Marion County, Indiana, Superior Court. Counsel for class in action challenging documentation fees charged in connection with mortgages closed in Indiana. Settlement achieved through direct payments to class members.
- ***Kamala M. Thomason v. Aman Collection Services, Inc.***, U.S. District Court, Northern District of Indiana. Class Counsel in a case involving the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* Monetary settlement along with an injunction against illegal practice, and *cy pres* award to Legal Services Organization of

Indiana.

- ***Baker v. Hubler Ford Center, Inc. d/b/a Hubler Ford Lincoln Mercury***, Shelby County, Indiana, Circuit Court.
Appointed Class Counsel in case alleging forgery, fraud, constructive fraud and Consumer Protection Act violations by car dealership in connection with the sale and lease of automobiles. Settlement provided each class member with \$5,000 to \$8,000 in benefits.
- ***Kenro, Inc. v. APO Health, Inc.***, Marion County Indiana, Superior Court.
Appointed Class Counsel in case alleging violations of the Federal Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227. Settlement negotiated to create a common fund of \$4.5 million and provide benefits to class members of up to \$500 for each unsolicited fax advertisement received.
- ***James H. Young v. Core Funding Group, LLC***, Marion County Indiana, Superior Court.
Appointed Class Counsel in case alleging violations of the Federal Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227. Successfully defended class certification and \$250,000 judgment on appeal.
- ***Shilesh Chaturvedi v. JTH Tax, Inc. d/b/a Liberty Tax Service***, Court of Common Pleas, Allegheny County, Pennsylvania.
Class Counsel in case involving Federal Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227. Settlement valued at \$45 million.
- ***Kenro, Inc. and Gold Seal Termite and Pest Control Company v. PrimeTV, LLC, and DirecTV, Inc.***, Marion County Indiana, Superior Court.
Class Counsel in case involving the federal Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227. Following certification, the parties entered into nationwide settlement providing class members with benefits worth in excess of \$500 million.
- ***JRA Corporation, d/b/a A & A Tire & Service v. Yellow Page Publishers, Inc. d/b/a Smart Pages***, Marion County Indiana, Superior Court.
Appointed Class Counsel under Ind. Trial Rule 23(B)(1) and (B)(2) in action alleging breach of contract, unjust enrichment and fraud for defendant's failure to fully distribute "yellow page" directories.

Human Rights Cases

- *In re Holocaust Victim Assets Litigation*, U.S. District Court, Eastern District of New York.
Selected as one of ten firms from the U.S. to serve on the Executive Committee in the prosecution of a world-wide class action against three major Swiss banks to recover assets from the Nazi era. This litigation resulted in a \$1.25 billion settlement in favor of Holocaust survivors.
- *Kor v. Bayer AG*, U.S. District Court, Southern District of Indiana.
Action against an international pharmaceutical company for participating in medical experiments on concentration camp inmates during World War II. This action was resolved as part of a \$5 billion settlement negotiated under the auspices of the governments of the U.S. and Germany and led to the creation of the *Foundation for Remembrance, Responsibility and the Future*.
- *Vogel v. Degussa AG*, U.S. District Court, District of New Jersey.
Action against a German industrial enterprise for enslaving concentration camp inmates during World War II for commercial benefit. This action also was resolved in connection with the settlement which created the *Foundation for Remembrance, Responsibility and the Future*.
- Cohen & Malad, LLP also actively participated in other cases litigated in federal and state courts in New Jersey, New York and California involving, *inter alia*, slave and forced labor, and claims against major German corporations and financial institutions based upon their wrongdoing during the Nazi era, which were resolved through the *Foundation*.

Health Care / Insurance Cases

- *In re Indiana Construction Industry Trust*, Marion County, Indiana, Circuit Court.
Lead Counsel in action against an insolvent health benefits provider from Indiana and surrounding states. Recovered approximately \$24 million for enrollees, providing nearly 100% recovery to victims.
- *Coleman v. Sentry Insurance a Mutual Company*, United States District Court, Southern District of Illinois.

Class Counsel on behalf of 6,847 policy holders in 11 states against insurer for breaching refund feature of auto insurance policies, which resulted in recovery of \$5,718,825.

- ***Davis v. National Foundation Life Insurance Co.***, Jay County, Indiana, Circuit Court.
Class Counsel in action involving insureds who were denied health insurance benefits as a result of National Foundations' inclusion and enforcement of pre-existing condition exclusionary riders in violation of Indiana law. Settlement provided over 85% recovery of the wrongfully denied benefits.
- ***Griffin v. Indiana Comprehensive Health Insurance Assn.***, Marion County, Indiana, Superior Court.
Class Counsel in action that obtained a rollback on artificially inflated health insurance premiums for high-risk consumers.
- ***Lawson v. American Community Mutual Insurance Co.***, U.S. District Court, Southern District of Indiana.
Class counsel in action challenging denial of claims for diabetes-related health care service and supplies. Settlement achieved on behalf of the class.
- ***James C. Sell et al. v. CIGNA Corp. et al.***, U.S. District Court, District of Arizona.
Co-lead counsel in action challenging non-disclosure of discounts on healthcare charges which forced insureds to pay excessive co-payments. Settlement achieved on behalf of the class.
- ***Woolbert v. Sandoz Pharmaceuticals, Inc.***
Class Counsel in action alleging defendant unlawfully tied prescription drug issuance to a costly and unnecessary blood test. Settlement in conjunction with action brought by attorneys general.
- ***Follett v. Freedom Life Insurance Company***, Vigo County, Indiana, Superior Court.
Statewide class action challenging denial of health insurance benefits based on pre-existing exclusions. Settlement provided for over 85% recovery of the wrongfully denied benefits.

Other Class Action Cases

- ***Econo-Med Pharmacy, Inc. v. Roche Diagnostics Corp. et al.***, U.S. District Court, Southern District of Indiana.
Class Counsel in Telephone Consumer Protection Act case alleging medical device company sent unsolicited junk faxes to 60,000 U.S. pharmacies. Settlement for \$17,000,000.
- ***Warren v. Town of Speedway et al.***, U.S. District Court, Southern District of Indiana.
Achieved settlement for cash payments to taxi operators who had their licenses improperly seized by Town of Speedway employees on Indianapolis 500 race day.
- ***Roquil, Inc. v. The Indiana State Lottery Commission et al.***, U.S. District Court, Southern District of Indiana.
Class Counsel in a case where the State Lottery Commission was permanently enjoined from arranging secret, one-sided lottery game incentives. Action resulted in amendment of the Commission's administrative rules.
- ***Stephens v. American Cyanamid Company***, Parke County, Indiana, Circuit Court.
Lead Counsel in multi-state class action involving thousands of farmers who suffered losses as a result of a herbicide. Case settled following Indiana Court of Appeals decision upholding class certification.
- ***In re: The Chubb Corporation Drought Litigation***, U.S. District Court, Southern District of Ohio.
Liaison counsel on behalf of thousands of farmers throughout the Midwest. Settlement of over \$40 million.
- ***Beacon Development, Inc. v. City of Indianapolis***, Marion County Superior Court.
Class Counsel in action on behalf of local developers who were wrongly charged for the installation of sewer facilities. Settlement allowed the class to recover 100% of damages.

Attorney Biographies

IRWIN B. LEVIN (Managing Partner), born Indianapolis, Indiana, September 19, 1953; admitted to bar, 1978, Indiana. **Education:** Indiana University—Purdue University at Indianapolis (B.A., 1974); Indiana University (J.D., 1978). Marion County Circuit Court Commissioner, 1978. Judge Pro Tempore, Marion County Circuit Court, 1979. Chairman, Indiana Continuing Legal Education Forum, Class Action Seminar, 1995. Recipient, Hoosier Freedom Award; 2002 Recipient, Distinguished Alumni Award, Indiana University School of Law. **Member:** Indianapolis, Indiana State, Federal and Seventh Circuit Bar Associations; Indiana Trial Lawyers Association (Member, Securities Litigation Committee); The Association of Trial Lawyers of America; Public Investors Arbitration Bar Association. **Reported Cases:** *In re: Ready-Mixed Concrete Antitrust Litigation*, 261 F.R.D. 154 (S.D. Ind. 2009); *In re: Iowa Ready-Mix Concrete Antitrust Litigation*, No. C 10-4038-WMB, 2011 WL 5547159 (N.D. Iowa Nov. 9, 2011); *Time Warner Entertainment Co., LP v. Whiteman*, 802 N.E.2d 886 (Ind. 2004); *Core Funding Group, LLC v. Young*, 792 N.E. 2d, (Ind.App., 2003); *Associated Medical Networks, Ltd. v. Lewis*, 785 N.E. 2d 230, (Ind.App., 2003); *In re: Holocaust Victim Assets Litigation*, 105 F.Supp. 2d 139 (E.D.N.Y. 2000); *In re: Bridgestone/Firestone, Inc.*, 128 F.Supp. 2d 1198; *Shelton v. Wick*, 715 N.E.2d 890 (Ind. App.1999); *American Cyanamid v. Stephen*, 623 N.E.2d 1065 (Ind. App. 1993); *Burger-Fischer v. DeGussa Ag.*, 65 F. Supp. 2d 248 (D.N.J. 1999); *Stransky v. Cummins Engine Co., Inc.* (Fed. Sec. L. Rep., P.98.668), 51 F 1329, 63 USLW 2656 (C.A.7 1995); *Gregory v. Home Insurance Co.*, 876

F.2d 602, *Rico Bus. Disp. Guide* 7 (C.A.7 1989); *In re: Austrian, German Holocaust Litigation*, 2001 WL 521 464 (C.A.2 N.Y., 2001); *In re: Nazi Era Cases Against German Defendants Litigation*, 198 F.R.D. 429 (D.N.J. 2000); *Winter v. Assicurazioni*, 2000 WL 1858482 (S.D.N.Y. 2000). **Practice Areas:** Class Action Litigation; Commercial Litigation; Securities Litigation; Insurance Law; Personal Injury Litigation; International Law.

A graduate of Indiana University School of Law, Irwin has practiced law with Cohen & Malad, LLP (and predecessor firms) in Indianapolis, Indiana for the past 35 years. While his practice is concentrated in the areas of commercial litigation, class actions, and complex litigation, Irwin was one of the lead counsel in the Indianapolis Ramada Inn/U.S. Air Force crash and the Greenwood air crash disaster, among other prominent cases. He has been counsel in class actions involving securities fraud, insurance and consumer protection throughout the United States. In addition, among other cases, Mr. Levin also served on the Executive Committee in the Bridgestone/Firestone Products Liability litigation; Plaintiffs' Steering Committee for *In re Prempro Products Liability Litigation*; Executive Committee for *In re Guidant Corp. Implantable Defibrillators Products Liability Litigation*; Leadership in national coordinated counsel in Pain Pump Litigation; Co-Lead counsel representing nearly 300 injured patients in a mass tort involving medical malpractice against former Indiana physician, Mark Weinberger; Co-lead Counsel *In re Ready-Mixed Concrete Antitrust Litigation*, No. 1:05-cv-979-SEB-JMS (S.D. Ind.); Co-lead Counsel *In re Iowa Ready-Mix Concrete Antitrust*

Litigation, No. C10-4038-WMB (N.D. Iowa); Lead Counsel for a class action against the Indiana Residual Malpractice Insurance Authority: *Ley v. Robertson*, No. 49D07-1203-PL-009386 (Marion County (Ind.) Superior Court); Co-lead Counsel in a class action against BP involving tainted gasoline: *Price v. BP Products North America, Inc.*, No. 1:12-cv-06799 (N.D. Ill.); Lead Counsel in a class action against the Indiana Bureau of Motor Vehicles: *Raab v. Waddell*, No. 49D12-1303-PL-008769 (Marion Superior Court No. 12).

In 1996, Irwin became active in the first class action case to be filed against Swiss Banks in the U.S. He and other lawyers from Cohen & Malad, LLP took a hands-on role in both the factual investigation of archived materials stored in the United States National Archives as well as the legal work before the Court. In 1997, the Swiss Bank litigation was consolidated before a United States District Court Judge, who appointed an Executive Committee composed of 10 lawyers from around the United States to manage the litigation. Irwin was one of those ten lawyers. As a member of the Executive Committee, he continued to play a significant role in the litigation, researching many of the unusual legal issues presented by this unique litigation and preparing briefs submitted to the Court. Irwin also played a significant role in the lengthy negotiations that culminated in \$1.25 billion settlement. Through his expertise in class action litigation, and the settlement of such complex cases, he also has been able to provide valuable insights into the unprecedented task of notifying Holocaust survivors around the world of this historic settlement.

Irwin was active in numerous other Holocaust-related cases against German

banks and corporations that stole the assets and labor of Holocaust victims. Cases against German banks seek to recover the assets of Holocaust victims that were confiscated under the Nazis; cases pending against leading German industrial enterprises -- many of which are household names today -- seek to recover the value of the slave labor which those companies extracted from the bodies of concentration camp inmates.

DAVID J. CUTSHAW, born South Bend, Indiana, August 20, 1956; admitted to bar, 1982, Indiana and U.S. District Court, Southern and Northern Districts of Indiana; U.S. Court of Appeals, Seventh Circuit. **Education:** University of Indianapolis (B.A., 1978); Indiana University (J.D., 1982). Phi Delta Phi. Consultant/Contributing Author: Indiana Civil Trial Guide, Mathew Bender, July 1, 1992. **Member:** Indianapolis and Indiana State Bar Associations; Seventh Circuit Bar Association; Indiana Trial Lawyers Association. **Reported Cases:** *Stransky v. Cummins Engine Co., Inc.*, 51 F3d 1329 (7th Cir. 1995); *Dudley v. Ski World*, Par. 94,383 84 Fed.Sec.L.Rep. (CCH S.D. Ind. 1989); *Gregory v. Home Ins. Co.*, 876 F.2d. 602 (7th Cir. 1989); *Morey v. Bravo Productions, Inc.*, Par. 93,554 Fed.Sec.L.Rep. (cch) (S.D.N.Y. 1987); *Collins v. Covenant Mutual Ins. Co.*, 644 N.E. 2d 116 (Ind. 1994); *American Cyanamid Co. v. Stephen*, 623 N.E. 2d 1065 (Ind. App. 1993); *Boydston v. Chrysler Credit Corp.*, 511 N.E. 2d 318 (Ind. App. 1987); *Kiracofe v. Reid Memorial Hospital*, 461 N.E.2d 1134 (Ind. App. 1984). **Practice Areas:** Medical Malpractice; Personal Injury Law; Class Action Litigation; Securities Litigation; Aircraft Litigation.

Mr. Cutshaw has acted as co-class counsel in several federal and state securities fraud actions including *Beeson v. PBC*, *Dudley v. Ski World*, *Szapakowski v. Sterling Foster*, and *Stransky v. Cummins Engine Co.*, 51 F.3d 1329 (7th Cir. 1995). He has also been involved as class counsel or a executive committee member in class actions in other areas of the law. He has acted as plaintiff's counsel in other complex litigation such as the A-7 Ramada Inn crash, and he served as Plaintiff's Liaison Counsel in *In re: Greenwood Air Crash*, a mid-air aircraft collision. Since 1982, he has also practiced medical malpractice litigation, primarily defense.

RICHARD E. SHEVITZ, Class Action Practice Group Chairman, born Indianapolis, Indiana, April 29, 1960; admitted to bar, 1985, Indiana and U.S. District Court, Northern and Southern Districts of Indiana; 1988, U.S. Supreme Court. **Education:** Indiana University (B.A., with honors, 1982); Ohio State University (J.D., 1985). Managing Editor, Ohio State University Journal of Alternative Dispute Resolution, 1984-1985. Law Clerk to Honorable Frank J. Otte, U.S. Bankruptcy Court, 1986-1987. **Member:** Indianapolis Bar Association. **Practice Areas:** Class Action Litigation; Securities Litigation; Healthcare; Insurance Coverage; Consumer Law. Richard Shevitz graduated with honors from Indiana University in 1982, and earned his law degree from Ohio State University in 1985, where he served as Managing Editor of the Ohio State Journal of Alternative Dispute Resolution. In 2017, Richard obtained a recovery of approximately \$5 million in favor of a class of truck drivers who had been overcharged for fuel purchases, in a class action that he handled at the trial court level and argued on

appeal. *Celadon Trucking Services, Inc. v. Charles Wilmoth and Kent Vassey, on behalf of themselves and all others similarly situated*, 70 N.E.3d 833 (Ind.Ct. App.). That same year, he negotiated a class action settlement which provided for \$60 million in refunds and credits to Indiana motorists who had been overcharged for license and registration fees by the state Bureau of Motor Vehicles, after a judgment was obtained in favor of the class at trial. In 2017, Richard also obtained a nationwide recovery of excessive fees that had been overcharged to beneficiaries of a trust headquartered in Indiana. In 2016, Richard obtained a \$5.7 million recovery in a class action against an insurance company for breaching a refund provision in 6,847 automobile insurance policies, which resulted in cash payments averaging over \$550 to the policyholders.

In 2014, he played an instrumental role in pursuing a class action on behalf of Indiana families who had been denied state-owned subsidies for their adoption of special needs children from the state's foster care system, which was resolved through a cash settlement of more than \$15 million. In 2013, he negotiated a class action settlement that provided for a refund of \$30 million to Indiana motorists who had been overcharged for driver's licenses. During this time period, he also obtained class action recoveries for borrowers who had been victimized by predatory lenders in violation of Indiana's payday loan statutes, as well as for elderly Hoosiers who were sold improper estate plans by a trust-mill. In 2010, Richard negotiated a class action settlement that provided for over \$10 million to be paid into cemetery trust funds for the benefit of thousands of pre-need cemetery customers in Indiana whose prepayments for burial services and merchandise had been looted from cemetery trusts. That year, he was also involved in a \$60 million recovery for

Indiana purchasers of ready-mixed concrete in an antitrust action that was resolved after years of litigation.

In 2006, Richard served as trial counsel in a case against outside professionals for an insolvent health benefits trust that resulted in a jury verdict of \$17.9 million on behalf of 8200 Hoosiers who were left with unpaid claims for health care treatment. In 2008, the Indiana Court of Appeals upheld the verdict in all respects, and the matter was settled with the defendants' insurer later that year for \$16.5 million which, when combined with earlier settlements, produced a recovery for the victims of almost 90 cents on the dollar. In 2005, he obtained a class action settlement that provided for payments to hundreds of residents of Anderson, Indiana who were forced to evacuate their homes in response to an explosion at a local magnesium processing plant. The prior year, Richard negotiated a class action settlement valued at over \$40 million which provided for the remediation of moisture and mold problems in thousands of homes in central Indiana which had been improperly constructed by a national builder. Earlier in his career, he played an active role in the historic class action litigation bringing Holocaust-era claims against Swiss banks, which was resolved for \$1.25 billion, as well as the prosecution of Holocaust-related claims against leading German industrial enterprises, which were resolved through a \$5 billion fund.

Prior to joining Cohen & Malad, LLP, Richard served as Deputy Attorney General in the Office of the Indiana Attorney General, where he represented the Indiana Securities Division, the Indiana Department of Insurance, and other government agencies both at trial and on appeal, and presented oral arguments before the U.S. Court of Appeals for the Seventh Circuit, the Indiana

Supreme Court and the Indiana Court of Appeals.

From 1987 to 1990, Richard served as Assistant Director of the Legal Affairs Department of the Anti-Defamation League, where he litigated First Amendment cases and civil rights actions. In 1988, he represented one of the plaintiffs before the U.S. Supreme Court in *American Civil Liberties Union et al v. County of Allegheny*, 492 U.S. 573 (1989). In 1990, he served as co-counsel with Morris Dees of the Southern Poverty Law Center in bringing a wrongful death action against white supremacists who murdered an Ethiopian immigrant in Portland, Oregon, that resulted in a \$12 million jury verdict.

LYNN A. TOOPS, born Teutopolis, Illinois, December 3, 1980; admitted to bar 2006, Indiana. **Education:** Illinois State University (B.S., *summa cum laude*, Entrepreneurship and Small Business Management, 2003); Indiana University School of Law, Indianapolis (J.D., *summa cum laude*, 2006); Student Note Editor, *Indiana International and Comparative Law Review*; Order of the Barristers, Staton Intramural Moot Court Competition. **Member:** Indiana, Indianapolis and American Bar Associations. **Practice Areas:** Class Action Litigation; Complex Litigation; Consumer Protection; Healthcare.

AREND J. ABEL, born Muncie, Indiana June 17, 1960, admitted to the bar, 1986, Indiana; U.S. District Court for the Northern and Southern Districts of Indiana, 1986; U.S. Court of Appeals for the Seventh Circuit, 1987; U.S. Court of Appeals for the Ninth Circuit, 1990; U.S. Court of Appeals for the Sixth Circuit, 1991; United States Supreme Court, 1993; U.S. District Court for the Central District of Illinois, 1997. **Education:**

Ball State University (B.A., Telecommunications, *magna cum laude* 1982); Indiana University School of Law, Bloomington, IN (J.D., *summa cum laude*, 1986). **Memberships:** Indianapolis Bar Association; Indiana State Bar Association; American Bar Association; Indiana Trial Lawyers Association; American Association for Justice. **Practice Areas:** Class Action Litigation; Governmental and Business Litigation; Appeals; Administrative Law.

Arend has practiced in a variety of law firm and governmental settings since his admission to the bar in 1986. He began his career as a law clerk to U.S. Senior Circuit Judge Jesse Eschbach. Following that experience, he worked for five years conducting complex business litigation for one of the state's largest firms.

In 1993, he joined the senior staff of former Indiana attorney general Pamela Carter as special counsel, with responsibility for the State's Supreme Court practice. In that role, he successfully briefed and argued two cases on the merits before the U.S. Supreme Court and numerous cases before the State Supreme and Appellate Courts.

He returned to the private sector in 1996, and since then, has focused on representing businesses, individuals and governmental entities in complex litigation and appeals. His practice includes working with the firm's class action group on appeals and on briefing complex legal issues at the trial court level.

SCOTT D. GILCHRIST, born Indianapolis, Indiana, October 6, 1966; admitted to bar, 1992, Indiana; 1996, Colorado. **Education:** Indiana University (B.A., Journalism, Political Science, 1989); Indiana University School of Law, Bloomington, IN (J.D., *cum*

laude, 1992). Member, Indiana Law Journal, 1990-92. **Memberships:** Indianapolis Bar Association; Indiana State Bar Association; American Bar Association (Litigation Section, 1995—); Association of Trial Lawyers of America. **Practice Areas:** Class Action Litigation; Consumer Protection Litigation; Complex Litigation; Antitrust; Securities Fraud.

Mr. Gilchrist brings a diverse civil and criminal litigation background to his current practice, comprised largely of class actions and complex litigation. Mr. Gilchrist regularly represents individual, corporate and municipal clients in state and federal trial and appellate courts. He has served as counsel in several class actions involving antitrust, consumer protection issues, banking practices, property tax allocation, landowner rights, debtor's rights, securities fraud, telecommunications charges, and product defects. His practice includes actions pending in Indiana and around the country.

Mr. Gilchrist is one of the principal attorneys responsible for prosecuting a class action antitrust case against multiple suppliers of ready-mixed concrete in the Indianapolis area, in which Cohen & Malad, LLP, is Co-Lead Counsel. In recent years he was one of the firm's attorneys responsible for securing a multi-million dollar nationwide settlement with Tele-Communications, Inc. for unlawful consumer charges, as well as similar settlements with Comcast and Time Warner/Brighthouse cable companies on behalf of consumers in central Indiana. Since 1998, he has performed a central role in the litigation of fiber optic trespass class actions in jurisdictions throughout the country, participated in settlement

negotiations and related proceedings, and continues to perform services related to the administration and final approval of a nationwide, multi-defendant settlement on behalf of landowners. Mr. Gilchrist was also active in the prosecution of a consolidated multi-jurisdiction action against AT&T and Sprint Communications to recover hundreds of millions of dollars in alleged unlawful charges imposed as "universal service fees." That case was certified as a national class action on behalf hundreds of thousands of business customers of AT&T and Sprint, resulting in a multi-million dollar settlement with Sprint and a jury trial against AT&T.

Mr. Gilchrist has represented the City of Indianapolis and the Marion County Sheriff's Department in a proposed class action on behalf of municipalities throughout Indiana against Ford Motor Company to remedy an alleged dangerous defect in the fuel system of Crown Victoria Police Interceptors. He was one of the firm's attorneys responsible for prosecuting an action to recover tens of millions of dollars in investor funds from Union Planters Bank that were alleged to have been wrongfully accepted for deposit. The funds, usually comprising the life savings or retirement accounts of Indiana citizens, were deposited into a slush fund at the center of a massive "Ponzi" scheme. Mr. Gilchrist obtained a class settlement on behalf of customers of a central Indiana car dealership who were the victims of forgery, recovering payments of several thousand dollars for each class member. He was also responsible for prosecuting a proposed class action on behalf of hundreds of businesses against a major commercial real estate developer for the alleged fraudulent collection of property taxes that were never

paid to any taxing authority. In addition, Mr. Gilchrist has been active in the litigation of several class actions under the Telephone Consumer Protection Act, and regularly assists in the firm's representation of plaintiffs and plaintiff classes in consumer fraud, antitrust and securities fraud cases.

VESS A. MILLER, born Garrett, Indiana, July 3, 1981; admitted to bar 2006, Indiana; 2011 California. **Education:** Indiana University (B.S., Computer Science, 2003); Indiana University School of Law, Bloomington (J.D., *cum laude*, 2006), Articles Editor, *Indiana Law Journal*. **Member:** Indiana, Indianapolis and American Bar Associations. **Practice Areas:** Class Action Litigation; Complex Litigation; Consumer Protection; Healthcare; Antitrust; Securities Fraud.

GABRIEL A. HAWKINS, born Litchfield, Illinois, August 25, 1975; admitted to the bar 2002, Indiana; U.S. District Court for the Southern District of Indiana, 2006; U.S. Court of Appeals for the Seventh Circuit, 2006; U.S. District Court for the Northern District of Indiana, 2007; U.S. District Court for the Central District of Illinois, 2011. **Education:** Southern Illinois University (B.A. *cum laude* History, 1998); University of Illinois (M.A. History, 2000); Indiana University Maurer School of Law (J.D. *cum laude*, 2002). **Member:** Indiana Bar Association. **Practice Areas:** Class Action Litigation; Business Litigation; Mass Torts; Securities Fraud; Real Estate Disputes

Gabriel began his legal career as a law clerk for the Honorable Paul Mathias of the Indiana Court of Appeals between 2003 and 2005. During his tenure with the Court, Gabriel assisted in drafting numerous appellate opinions and assisted the Court

with countless oral arguments. After leaving the Court, Gabriel was an associate with Price Waicukauski & Riley, LLC. During this time, Gabriel served as chief brief writer in the well-publicized class action of *In re 2005 U.S. Grand Prix* as well as in the multi-million dollar contract dispute of *ViaStar Energy LLC v. Motorola, Inc*

LISA M. LA FORNARA, admitted to bar 2018, Indiana. **Education:** Canisius College (B.A., *summa cum laude*, Political Science, History, 2015); Indiana University School of Law, Bloomington (J.D., *cum laude*, 2018), Managing Editor, *Indiana Journal of Global Legal Studies*, Associate, *Indiana Journal of Constitutional Design*, Order of the Barristers. **Member:** Indiana and Indianapolis Bar Associations. **Practice Areas:** Class Action Litigation; Complex Litigation; Consumer Protection; Healthcare.