Class Action Litigation

Major companies regularly turn to us to defend and prosecute class actions throughout the United States. Our partners have defended more than 1000 of them.

No hold-ups: According to *The Lawyer* 2017, Quinn Emanuel is the country's top business trial firm which significantly contributes to our outstanding results in class actions. Our lawyers have the respect of courts and opposing counsel, and our willingness to try even the most difficult case tells opposing counsel litigating against us will not be business as usual. Among other benefits, this means the plaintiffs' bar knows it cannot rely on the inevitable strike-suit settlement.

Experienced lawyers: Our class action bench is deep. More than half our partners regularly represent clients in class actions. We have extensive knowledge of the procedural and litigation dynamics unique to class actions, as well as expertise in the underlying substantive areas of the law. We also have established productive working relationships with the plaintiffs' class action bar, which pay dividends in terms of limiting discovery and other litigation disputes, as well as at the settlement table.

We have represented clients in class actions in virtually every discipline and dozens of jurisdictions. Our expertise includes:

- Antitrust
- Consumer Fraud
- Data Privacy & Security
- False Advertising
- Financial Markets
- Product Liability
- RICO Claims
- Securities Fraud
- Toxic Tort
- Unfair Competition
- Wage-and-Hour Claims

Our class action experience spans almost every major industry, including high-tech electronics, banking and financial services, oil and gas, entertainment, telecommunications, medical services, defense contracting, insurance, toy and game manufacturing, and sharing economy companies. Our lawyers have litigated class actions involving everything from computer hardware to Formula One racing, home-equity loans to bullet-proof vests, and credit cards to fuel economy.

Exit strategies: We know a class action can quickly become a tool for litigation extortion. Effective defense requires early identification of our client's optimal exit strategy. We are particularly proud of our track record resolving class actions at modest expense to our clients—whether through an outright

win or a sensible business-savvy settlement. In several instances, we have persuaded plaintiffs' counsel to drop cases altogether after providing informal discovery. We have resolved other cases on very favorable terms through mediation before any discovery or certification proceedings. And we have a strong track record getting cases dismissed on early motions.

We also represent plaintiffs: We are equally effective prosecuting class actions. We have achieved excellent results—including ten-figure recoveries—on behalf of plaintiffs alleging a variety of state and federal class claims including antitrust violations, RICO, and unfair business practices. Because we work both sides of the class action aisle, we thoroughly understand the strategic decisions that inform winning strategies.

The significance, size, complexity, diversity, and number of our class action representations led *Law360* to select Quinn Emanuel as a "Class Action Practice Group of the Year" in 2015, one of only five selected from among nearly 550 nominations, and again in 2021. We describe below class actions we defended or prosecuted.

RECENT REPRESENTATIONS:

Antitrust

- We are co-lead class counsel in this **consumer class action** seeking remuneration for artificially-inflated, supra-competitive surcharges at bank-owned ATMs throughout the country. In late 2021, we and our co-counsel obtained certification for a class of consumers that used major bank ATMs during the class period, which then went up on interlocutory appeal. After extensive briefing that we led, we obtained a full affirmance from the D.C. Circuit and a subsequent denial of a writ of certiorari from the Supreme Court. Then, in late March of 2024, we secured a $197.5 million settlement from Visa and Mastercard, which is on top of $66 million in previous settlements with three bank defendants, for a combined $264 million in settlements for the certified class. That result is approximately 25% of the best case single damages for the class period from October 2007 through the present.

- We represent a plaintiff class of FX platform customers against an FX trading platform company (Currenex) and certain market makers (State Street, Goldman Sachs, and HC Technologies). Plaintiffs allege that Currenex conspired to give superpriority privileges to the market makers, ensuring that their orders were unfairly prioritized over normal customers, resulting damages to other users of the Currenex platform. On May 19, 2023, the Court largely denied Defendants' motion to dismiss the case—leaving intact Plaintiffs' core claims including based on theories of fraud, antitrust, and RICO violations.

- We represent **a proposed class of 46 million consumers** seeking damages in the amount of at least £14 billion from Mastercard, arising from its unlawful anticompetitive interchange fees.

- Quinn Emanuel is co-lead counsel in an antitrust class action against major banks that act as re-marketing agents of "VRDOs"—variable rate, tax-exempt bonds. The complaint alleges that, rather than re-market the bonds at the lowest possible rate, the banks acted jointly to keep rates artificially high. The complaint was based on an independent investigation led by Quinn Emanuel, which resulted in confidential facts learned from industry insiders and economic

analyses showing that VRDO rates were inflated. In June 2022, Judge Jesse Furman of the Southern District of New York upheld the antitrust claims in their entirety, and the parties are now briefing class certification issues.

- Quinn Emanuel represents several public and private pension and investment funds as co-lead counsel on behalf of the class who entered into stock loan transactions with six major banks that serve as prime brokers of stock loans. Plaintiffs allege that the six defendants conspired to overcharge investors and wrongfully control the $1.7 trillion **stock loan market**, obstructing competition that would benefit both stock lenders and borrowers. In August 2018, Judge Katherine Polk Failla denied the defendants' motions to dismiss in their entirety. On June 30, 2022, Magistrate Judge Sarah Cave recommended certification of the proposed class.

- We recovered settlements of over $150 million as co-lead counsel for a class of investors, including numerous hedge funds, related to alleged manipulation of the benchmark price for gold known as the "**London Gold Fix**." This massive class action in the Southern District of New York was brought against a group of banks for their involvement in manipulating the gold market. The Defendants were Deutsche Bank, HSBC, The Bank of Nova Scotia, Barclays Bank plc, HSBC Bank plc, Société Générale SA, and UBS.

- We obtained settlements of over $500 million against the defendants in our ISDAfix case, which concerned the rigging of a financial benchmark used to determine the settlement value of certain financial derivatives. The case was brought on behalf of investors such as insurance companies, pension funds, hedge funds, and other sophisticated actors. Quinn Emanuel built the case from the ground-up after noticing anomalies in the data, before the government even acted. The successful settlement and then certification of the class was the result of years of dogged, groundbreaking work. We had to find traders explicitly admitting they were interested in manipulating the benchmark. We then had to match that admission to can actual trade by the right person, at the right time, in the right direction. We then had to demonstrate we could show that those acts damaged class members, some of whom may have only traded hours or even days later. The Court said that this was the "the most complicated case" he ever faced, and that he could "not really imagine" how much more complicated "it would have been if I didn't have counsel who had done as admirable a job in briefing it and arguing it as" we did.

- Quinn Emanuel filed an antitrust class action in the Southern District of New York, alleging a wide-ranging anticompetitive and fraudulent scheme on one of the largest foreign exchange platforms, **Currenex**. Our firm built the claims from scratch after an extensive pre-complaint investigation, and our case eventually attracted XTX Markets Limited, one of the world's largest FX traders, to join us as a named Plaintiff. Our operative complaint alleges that in operating its FX trading platform, Currenex conspired to give superpriority privileges to certain market makers, including State Street (Currenex's parent company), Goldman Sachs, HC Technologies, and John Doe Defendants. These privileges ensured that the market makers' orders were matched ahead of others regardless of when the orders were submitted, resulting in increased spreads, reduced competition, and potentially billions of dollars of damages to other users of the Currenex exchange.

- We represented **Samsung** in two price-fixing class actions, brought by direct and indirect purchasers of NAND flash memory. Although classes had been certified in similar cases in the

same district, we successfully defeated class certification in both actions, causing the direct purchaser representative to agree to voluntary dismissal.

- We represented **FIFA** in an antitrust class action in which plaintiffs alleged that FIFA and its co-defendants engaged in a conspiracy to force individuals who wished to attend the 2014 World Cup, the world's most elite soccer event, to purchase costlier hospitality packages instead of face-value tickets in order to drive up profits. Hundreds of millions of dollars was at stake. In less than a year, we got this action dismissed for lack of subject matter jurisdiction.

- As court-appointed co-lead counsel for direct purchaser plaintiffs in *In re Flexible Polyurethane Foam Antitrust Litigation* (N.D. Ohio), we won certification of a **national class of direct purchasers of polyurethane foam**, defeated the defendants' effort to have the certification decision reversed on appeal, and defeated those same defendants' motions for summary judgment. As a result of this representation, we achieved $430 million in settlements for the class from nine different defendants.

- We represented **DIRECTV** in two separate consumer class actions in which the plaintiffs sued DIRECTV, the NBA, and the NHL, alleging various antitrust violations, including vertical and horizontal price fixing, monopolization, and illegal restraint of trade, arising from the sale and distribution of DIRECTV's NBA League Pass and DIRECTV's NHL Center Ice Programming Packages. The Southern District of California dismissed all claims with prejudice.

- We defended **IBM** in a series of federal class action antitrust claims related to the market for Static Random Access Memory.

- We represent **JBS USA**, one of the largest meat producers in the U.S., in two significant antitrust MDLs proceeding in the District of Minnesota. Specifically, we are defending JBS USA in multiple cases alleging that pork packers conspired to limit the supply of hogs and pork and thereby raise pork prices in the United States. In 2019, the Court dismissed the complaints with leave to amend, but then largely denied the second round of motions to dismiss in 2020. Quinn Emanuel then negotiated favorable "ice-breaker" settlements with all three proposed classes, which were significantly more favorable than the other settlements that the class plaintiffs later reached with a different defendant. We are continuing to defend JBS in the lawsuits filed by direct action plaintiffs, including major retail chains that purchased pork from the Defendants.

- We are also defending various JBS companies in a separate MDL alleging that beef packers conspired to limit the slaughter of beef, thereby raising prices in the United States. In 2020, the Court dismissed the complaints with leave to amend. In 2021, the Court denied the second round of motions to dismiss the federal antitrust claims but granted the motions to dismiss certain state law claims. Quinn Emanuel then negotiated a favorable "ice-breaker" settlement with the direct purchaser class. We are continuing to defend JBS in the remaining class actions and against lawsuits filed by direct action plaintiffs.

- We represented **JBL Professional**, a subsidiary of Harman Professional, in a putative class action alleging conspiracy and antitrust violations of the Sherman Act based on allegations that

JBL conspired with numerous other defendants to unlawfully exclude the plaintiff, a small music equipment manufacturer, from the market to help a larger supplier. Following motions to dismiss, plaintiff agreed to settle the case on terms favorable to our client.

- We represent plaintiff **Somerset Industries, Inc.** in an antitrust class action brought by direct purchasers of eggs and egg products, alleging a nationwide price-fixing scheme by major egg producers and processors. Plaintiffs have asserted federal antitrust claims under the Sherman Act.

- We acted as co-lead counsel for plaintiffs in a class action antitrust case against Comdata Corporation, the largest provider of payment cards for truck fleets to purchase fuel and other services in connection with the long-haul transportation of freight. We obtained a $130 million settlement and prospective relief on behalf of a plaintiff class of **independent truck stops** that compete with national chains in selling fuel to trucking companies. The lawsuit was brought under Sections 1 and 2 of the Sherman Act and challenged exclusionary conduct by Comdata that enhanced and perpetuated its monopoly position.

- We achieved a $1.8 billion settlement in an antitrust lawsuit against over ten major financial institutions regarding their monopolization of the **credit default swaps market**.

- We have been appointed lead counsel, progressed past motion to dismiss, and secured settlements worth $60 million in ***In re: Commodity Exchange, Inc., Gold Futures and Options Trading Litigation***, an antitrust class action alleging manipulation of the "London PM Gold Fix" and thereby, the price of gold derivatives worldwide.

RICO Violations

- We represented **DIRECTV** in a notable victory when the Ninth Circuit Court of Appeals affirmed the dismissal of all claims asserted against DIRECTV in a RICO class action lawsuit. The unanimous opinion established that the *Noerr-Pennington* doctrine protects pre-litigation demand letters, even those that allegedly constitute extortion, mail fraud or other RICO predicate acts.

- We represented **a leading mutual fund client** and two of its executives in the defense of federal class action claims seeking treble and punitive damages under RICO. The claims maintained that investments by mutual funds in the publicly-traded stock of allegedly illegal gambling businesses amounted to RICO violations. We persuaded the federal district court to dismiss the action with prejudice on an initial motion to dismiss and obtained affirmance of the dismissal by the Second Circuit.

- We represent insurer, **National General Insurance Co.**, in thirteen putative class actions which have been consolidated into a MDL in the Central District of California. The consolidated class action complaint seeks treble damages under RICO and asserts various fraud, unjust enrichment, and state statutory claims contending that hundreds of thousands of Wells Fargo auto loan borrowers were improperly charged for collateral protection insurance they did not need.

Consumer Fraud/Unfair Practices

- We represented **Suffolk University** in a putative class action brought by students demanding refunds of tuition and fees as a result of the university's transition to remote instruction in response to the global COVID-19 pandemic and related government directives. After obtaining a denial of plaintiffs' motion to certify a class, we then successfully obtained a denial of plaintiffs' petition before the First Circuit to appeal the denial of certification. In a decisive victory for our client, the case has been administratively closed and the matter, even if reopened, cannot proceed as a class action. Significantly, the district Court reasoned that, in light of the Rule 23(b)(3) superiority requirement, "this Court simply cannot conclude that class action treatment is either 'superior' or more just than the available alternatives." This provides a crucial precedent for other universities facing similar tuition and refund putative class actions, hundreds of which have been filed nationwide.

- We represented the **University of Rhode Island** in a putative class action brought by students demanding refunds of tuition and fees as a result of URI's transition to remote instruction in response to the global COVID-19 pandemic and related government directives. After obtaining the dismissal of plaintiffs' claims with respect to tuition, we then successfully dispatched with their remaining claims for student fee refunds on summary judgment. In a complete victory for our client, the Court has entered judgment for URI.

- We obtained a decisive victory on behalf of Johnson & Wales University, **the University of Rhode Island**, and **Roger Williams University** in COVID-19 refund class actions, defeating all of plaintiffs' claims for tuition refunds. The District Court of Rhode Island granted our motion to dismiss in substantial part, dismissing breach of contract claims for tuition refunds, as well as all claims for unjust enrichment, conversion, and money had and received asserted against our clients, substantially narrowing the claims which may otherwise have posed an existential threat to many universities. The court permitted only a modest sliver of plaintiffs' claims to proceed—"breach of contract claims for fee payments" to universities, which constitute a fraction of the dollar amount at stake.

- We achieved a total victory for our client, **Express Scripts**, in defeating a putative ERISA class action. The plaintiffs alleged that Express Scripts and other pharmacy benefit managers (PBMs) had caused hundreds of thousands of individuals to pay too much for the prescription drug EpiPen because of the rebates Express Scripts and other PBMs negotiated with the drug manufacturer, Mylan. We won a complete denial of class certification from the federal district court in Minnesota in August 2020. When the plaintiffs petitioned for an appeal, we persuaded the U.S. Court of Appeals for the Eighth Circuit to deny the petition in near-record time. Afterwards, we reached a favorable settlement with plaintiffs, who voluntarily dismissed their claims with prejudice.

- We represented the **Official Committee of Consumer Creditors in the chapter 11 bankruptcy of Ditech Holding Corporation**. As part of the representation, we objected to the Debtors' chapter 11 plan, which sought to sell their mortgage businesses for over $1.8 billion, because it did not sufficiently protect the rights of consumer borrowers. After a two-day contested confirmation hearing and several weeks of deliberations, the Court issued a 132-page opinion denying the Debtors' plan, holding that it did not satisfy the bankruptcy law's

requirements when it came to our constituency. See *In re Ditech Holding Corporation*, Case No. 19-10412 (JLG), 2019 WL 4073378, (Bankr. S.D.N.Y. 2019). After the ruling, Quinn Emanuel negotiated a favorable settlement, incorporated in an amended chapter 11 plan ultimately approved by the Court, ensuring significant recoveries and providing for historically unprecedented protections for consumer borrowers in connection with the sale, including the appointment of a Consumer Representative to reconcile consumer claims, the preservation of borrowers' recoupment rights and defenses, and an affirmative obligation for the Debtors and purchasers of the businesses to correct any borrower accounts that were misstated or otherwise incorrect.

- Quinn Emanuel achieved a significant victory for its client **Hyundai** by successfully petitioning the Ninth Circuit en banc to overturn an unfavorable ruling by the initial panel. Quinn Emanuel represented Hyundai in multi-district class action litigation that was resolved at the district court through a class settlement. After a Ninth Circuit panel issued a decision overturning the district court's approval of the class settlement, we successfully petitioned the Ninth Circuit for rehearing en banc. The en banc court affirmed the district court's approval of the settlement allowing the nationwide resolution to move forward.

- QE successfully defended **Mattel, Inc.** in Section 17200 and consumer fraud class action suit filed in Madison County, Illinois -- an unprecedented result in what has been described by the U.S. Chamber of Commerce as the nation's class action "hell hole." Plaintiffs had sought upwards of $200 million in profits disgorgement, along with injunctive relief prohibiting certain BARBIE marketing practices and forcing public disclosure of Mattel's proprietary information. As a result of class decertification, and with a summary judgment motion pending, plaintiffs settled for nominal amount.

- We also successfully defended **Mattel, Inc.** in another, separate putative class action filed in Madison County, Illinois. In this suit, plaintiffs challenged as unfair and unlawful certain marketing practices concerning TYCO products. QE defeated class certification, and the case was dismissed.

- QE represented **Hyundai Motor America, Inc.** and a number of Virginia-based Hyundai dealerships in an appeal in three consumer class and mass actions arising from facts relating to the Environmental Protection Agency's imposition of civil fines on Hyundai for asserted Clean Air Act violations involving the method used to calculate vehicle mileage estimates for Elantra model years for 2011-2013. The district court had dismissed all but one claim based on pleading deficiencies, preemption principles, and failure to exhaust procedural prerequisites to suit. On appeal, QE obtained a written decision affirming that order in full. The appeal panel dismissed one of the three cases on jurisdictional grounds. As to the remaining two, it held that plaintiffs had waived their objection to the ruling that the complaints failed to meet the pleading-sufficiency requirements of Twombly and Iqbal by failing to challenge that basis for dismissal in their brief. Further, the panel held that the district court permissibly declined to grant leave to amend the pleadings, given plaintiffs' repeated failures to amend the complaint or to state how they would cure their pleading deficiencies if granted leave again.

- We defended **Colgate Palmolive** in a series of class actions in New Hampshire federal court that contended Softsoap Antibacterial Hand Soap efficacy claims are false and misleading. The

suits also contended Colgate implicitly represents that Softsoap Antibacterial Hand Soap provides benefits over soap without antibacterial qualities. With the cases approaching the class certification stage, Quinn Emanuel negotiated an injunctive relief settlement that involved no compensation to the massive purported class that was seeking potentially a billion dollars in damages.

- Despite billions of dollars of exposure and seven years of litigation, we ended multi-district class actions attacking the health benefits claims of a key **Coca-Cola** brand, vitaminwater®, without any compensation to class members. The stakes were particularly high because plaintiffs sought an injunction that would force a change of the well-established vitaminwater® brand name. These actions were initially consolidated in the Eastern District of New York but were then remanded to their original jurisdictions for purposes of ruling on class certification. Quinn Emanuel defeated class certification in the lead case as to all claims for monetary relief. Following this significant certification denial win, the other previously-consolidated actions were settled for injunctive relief only.

- We represented **Uber Technologies, Inc.** in a case involving allegedly unauthorized transportation service under New Mexico State law. We defeated plaintiffs' request for a preliminary injunction and secured a dismissal of plaintiffs' claim on a pleading motion.

- We represented **Pfizer Inc.** in a class action challenging the efficacy of its highly successful antidepressant, Zoloft. Plaintiff claimed she had taken the medication for three years but it had not worked. She sought the return of all monies paid by everyone in California who had taken Zoloft since it was approved in 1991. On August 29, 2014, Judge Lucy Koh of the Northern District of California granted Pfizer's motion to dismiss with prejudice.

- We took over representation of **Barnes & Noble** in a class action alleging that the bookseller had breached contracts and engaged in consumer deception when it took orders for 250,000 Hewlett Packard TouchPads during a few hours on August 12, 2011 and then was unable to deliver them. The prior firm that handled the case for more than three years had obtained a series of bad rulings against Barnes & Noble. Within six months, we reversed the direction of the case, developed significant new facts, and obtained a dismissal with prejudice from plaintiff.

- We represented **HotChalk**, a provider of administrative services for online educational institutions in a consumer class action brought by two former students of an online university, both of whom received Masters Degrees in Education. Despite the fact that they had matriculated and obtained degrees, which they were using to advance their professional careers, plaintiffs claimed that they, and every member of their putative class, should be refunded their full tuition because HotChalk allegedly had cold-called them, and had failed to reveal its role in the online university. They alleged claims under the Arizona Consumer Protection Act and the Arizona Consumer Fraud Act. The Northern District of California granted our motion to dismiss, giving plaintiffs leave to amend. After plaintiffs filed their amended complaint, we filed a renewed motion to dismiss. Just days before the hearing, plaintiffs offered to settle the case and ultimately gave HotChalk a dismissal with prejudice in return for $35,000.

- We represented **ADT Security Services** in a national class action challenging a variety of the provisions in ADT's customer contracts. ADT faced hundreds of millions of dollars in total

exposure. After winning substantial victories at summary judgment and a ruling that plaintiffs forfeited the right to move for class certification, we settled plaintiffs' individual claims for a nominal sum.

- We obtained a complete victory for **IBM**, which had been named as a defendant in a series of state and federal class actions arising out of the loss of nine data tapes belonging to IBM's client, Health Net, Inc. Based on a California statute, known as the Confidentiality of Medical Information Act, which was alleged to allow certain damages without proof of injury, plaintiffs sought approximately $2 billion in damages. After the cases were consolidated in the Eastern District of California, Quinn Emanuel filed a motion to dismiss the consolidated cases on standing grounds. During the months that the motion was pending, Quinn Emanuel also staved off discovery by convincing the court that requiring IBM to engage in discovery before its motion to dismiss was decided would be a miscarriage of justice.

- We represented **Sprint Nextel** in numerous consumer class and representative actions. Allegations ran the gamut of consumer claims, including inadequate disclosures, unlawful fees, and unlawful business practices under various federal and/or state laws around the country. We repeatedly defeated class certification, obtained summary adjudication, and obtained numerous dismissals for nominal consideration after litigation revealed the defects in plaintiffs' class claims. Most recently, we defended our client against a series of litigations around the country pertaining to early termination fees in term contracts. In one of the very few class actions to actually proceed to a jury trial, we obtained a jury verdict in favor of Sprint against consumers seeking more than $220 million.

- We represented **Toyota Motor Sales USA, Inc.** in two separate putative class actions alleging that Scion xBs and Toyota FJ Cruisers suffered from defects that caused their windshields to have a dangerous propensity to crack under circumstances that would not cause non-defective windshields to crack. Plaintiff alleged causes of action for, *inter alia*, violation of California's Unfair Competition Law and the California Consumer Legal Remedies Act, and breach of express warranty. We obtained favorable settlements in both cases, with the FJ settlement following an outright dismissal of the class allegations through early dispositive motions. We also previously represented Toyota Motor Corporation in a national class action in federal court alleging various false advertising, product liability and unfair competition claims involving allegedly defective Lexus vehicles, and obtained, by early dispositive motions, an outright dismissal.

- We secured two significant wins for **Epson America** and **Seiko Epson Corporation** in a class action alleging a variety of unfair consumer practices under California's Unfair Competition Law and Consumer Legal Remedies Act. Quinn Emanuel whittled plaintiffs' case down to claims based on only two theories. First, plaintiffs contended Epson wrongfully failed to inform consumers that its products were somehow "less efficient" than other manufacturers' printers. Quinn Emanuel successfully obtained a summary judgment ruling rejecting this novel theory. Plaintiffs' second theory, based on a purportedly misleading affirmative description of a product feature, was defeated at class certification. The firm won unanimous affirmances by the Ninth Circuit of both decisions.

- We represented **Electronic Arts** in two consumer class action cases in the Northern District of California, involving claims under California's Consumer Legal Remedies Act, California's Unfair Competition Law, and the Copyright Act relating to DRM (digital rights management) technology in the video game maker's products. The cases were resolved at a very early stage with no monetary relief to the class.

- We represented **Harley-Davidson** in a putative class action arising from the loss of a laptop computer containing customers' personal information, alleging negligence, breach of warranty, breach of contract, unjust enrichment, fraud and negligent misrepresentation, prima facie tort and violations of New York false-advertising and deceptive-practices statutes. The Southern District of New York granted our motion to dismiss all claims.

- We represented **Intuit** in three separate class actions alleging various contract and tort theories, as well as claims of unfair competition under various California consumer protection statutes (including the Consumer Legal Remedies Act and Unfair Competition Law) relating to Intuit's decision to impose a discontinuation ("sunsetting") policy on older versions of its best-selling Quicken and QuickBooks product lines. Before class certification, we filed motions to dismiss based largely on defenses arising under California common law defenses and Intuit's end-user license agreements. The court dismissed all claims with prejudice.

- We represented **DIRECTV**, obtaining a grant of certiorari from the United States Supreme Court on the propriety of class-wide arbitration under the Federal Arbitration Act, reversing the California Court of Appeal. On remand from the United States Supreme Court, the California Court of Appeal held for the first time in a published decision that whether an arbitration agreement governed by the FAA permits class-wide arbitration must be determined by the arbitrator, not the courts, reversing long-standing decisions under California law.

- On behalf of our client **Washington Mutual Insurance Services**, we defeated class certification in a purported 23-state consumer class action.

- On behalf of our client **Time, Inc.**, we obtained summary judgment in a nationwide class action challenging an allegedly fraudulent magazine promotion.

- We represented **Mitsubishi Corporation** in nationwide class action involving allegations of unfair competition and fraud arising from the sale and marketing of high-definition television sets. We successfully moved for summary judgment, resulting in dismissal of all claims.

- We represented **Associated Materials, Inc.** and **Gentek Building Products** in a series of nine class actions claiming their steel siding products had failed and asserting claims for breach of warranty and associated claims. The cases were consolidated in the Northern District of Ohio. We successfully staved off formal discovery in the early stages of the case and eventually invited the many plaintiffs' firms to participate in a relatively early mediation. We conducted the mediation after limited informal discovery and without any depositions being taken. The mediation resulted in a modest settlement which principally consisted of our clients making some adjustments to their warranty program. Our clients did not put money into a common fund or otherwise make monetary payments to the class members.

- We represented a **national wireless service provider** in a nationwide class action alleging violations of consumer credit statutes. Plaintiffs sought more than $1.5 billion in damages. After we defeated plaintiffs' motion for class certification, the case quickly settled for a nominal sum.

- We represented a **waste disposal and recycling company** in a California class action brought by all customers in a Southern California city, seeking more than $30 million in damages. Our demurrer was sustained without leave to amend.

- We represented **a class of nearly 3,000 restaurants and restaurateurs** that charged Reward Network with usury and unfair business practices. After two and a half years of hard-fought litigation, we obtained a settlement of $64 million for the class members.

Product Liability/Personal Injury

- We obtained a complete appellate victory for **Southern California Gas Co. ("SoCalGas")** in one of the year's most-watched business cases in the California Supreme Court. In a unanimous decision, the court reaffirmed that California follows the economic loss rule, which holds that plaintiffs may not recover in negligence for purely economic losses caused by harm to third parties. The decision required dismissal of actions against SoCalGas for indirect economic harms to local businesses allegedly suffered when local residents relocated temporarily after a gas leak. The decision clarifies California tort law and eliminates the potential threat of billions of dollars in liability against California businesses for purely economic harm in mass disaster cases.

- Quinn Emanuel represents the **University of Southern California** in more than 50 individual and class action lawsuits in state and federal courts arising from allegations that Dr. George Tyndall, a former gynecologist in the student health center, engaged in misconduct while examining student patients. The litigation involves more than 500 plaintiffs and approximately 16,000 putative class members. In October 2018, we negotiated a settlement in principle of the federal class actions for $215 million, subject to court approval. The remaining litigation is ongoing.

- We represented **Vintage Pharmaceuticals LLC** and related entities in products liability litigation over propoxyphene, a prescription pain medication that the FDA requested be withdrawn from the market in 2010. We were instrumental in obtaining an en banc ruling by the Ninth Circuit holding that a petition to coordinate some 1,700 claims in California state court gave rise to removal under the "mass action" provisions of the Class Action Fairness Act, in a decision that will shape the future course of all pharmaceutical products liability litigation in California and elsewhere.

- We served as lead counsel to **Chartis** in the multi-district litigation and several related class actions involving thousands of claims related to defective Chinese manufactured drywall, as well as in litigation seeking compensation from the Chinese and German manufacturers of the defective products.

- We represented **The Home Depot** in a consumer class action and defeated a request for a preliminary injunction and class certification in a federal court action seeking to enjoin The Home Depot from nationwide sales of an allegedly dangerous consumer product.

- We represented major real estate developers, including **KB Home, Dell Webb** and others, in numerous construction defect class actions and actions seeking recovery for personal injuries allegedly caused by defects or mold and related injuries.

- We represented **San Diego Gas & Electric Company** and its ultimate parent, **Sempra Energy**, in litigation arising from the October 2007 San Diego wildfires, including two putative class actions each potentially including as many as 500,000 San Diego County residents and seeking billions of dollars in damages. After convincing the trial court to deny class certification in both cases, we obtained two unanimous decisions affirming the trial court from the California Court of Appeal.

Securities/Financial Litigation

- The firm obtained a complete appellate victory in the U.S. Court of Appeals for the Second Circuit for our clients **Mickey Gooch** and **Colin Heffron**, former Chairman and CEO of interdealer broker GFI Group. In a unanimous decision, the Second Circuit affirmed the district court's summary judgment ruling dismissing a Rule 10b-5 securities fraud case against our clients. The court held that no reasonable investor would have relied, in making an investment decision, on the general statement in a press release that a proposed deal represented "a singular and unique opportunity to return value." The decision brought a decisive end to a long-running case against our clients, and reaffirmed that "vague and indefinite expressions of corporate enthusiasm" are no basis for securities fraud class actions.

- We successfully represented **E*TRADE Financial Corporation and E*TRADE Securities LLC**, along with the former and current CEOs of E*TRADE Financial, in obtaining the dismissal of a putative class action bringing claims under Sections 10(b) and 20(a) of the Securities and Exchange Act and having that dismissal affirmed by the Court of Appeals for the Second Circuit. The action challenged E*TRADE's order routing practices, and alleged that E*TRADE earned tens of millions of dollars in "Payment for Order Flow" by prioritizing its receipt of rebates over the quality of execution provided to its customers, thereby violating E*TRADE's duty of best execution. The Court granted our motion to dismiss all claims against all defendants on January 22, 2018. On October 26, 2018, the Second Circuit affirmed dismissal in a summary order. The dismissal and affirmance were significant because two of E*TRADE's competitors (Charles Schwab and Ameritrade) failed to secure dismissal of nearly identical suits brought by the same plaintiffs' counsel, and one of those two cases (Ameritrade) has since been certified as a class action.

- We have been appointed lead counsel in ***In Re: Chicago Board Options Exchange Volatility Index Manipulation Antitrust Ligitation***, a class action involving claims against CBOE and unknown trader defendants under Section 19(b) of the Securities Exchange Act, and alleging manipulation of the multi-billion dollar market for volatility derivatives.

- We represented **Charles Schwab & Co.** and its related entities in two class actions related to two popular mutual funds that suffered substantial losses during the credit crisis of 2007-2008. Plaintiffs claimed Schwab violated a broad variety of state and federal securities and unfair competition statutes, and also alleged common law claims. We filed motions to dismiss the class actions and achieved dismissals with prejudice in both actions.

- We represented several **Charles Schwab-related entities and individuals** in a shareholder derivative suit and securities class action related to the Schwab YieldPlus Fund. Pursuant to the recommendation of a special litigation committee, we moved for, and obtained, dismissal of the derivative and class action claims on summary judgment. The judgment was affirmed on appeal.

- We successfully defeated class certification in an action claiming **East West Bank** aided and abetted fraud and breach of fiduciary duty by a bank customer.

- We represented the lead defendant and former director of **Peregrine Systems, Inc.** in defending against claims by putative classes of federal plaintiffs, two state-court lawsuits by groups of investors, and claims by the Peregrine Litigation Trust, which sought more than $2 billion from Peregrine's directors, officers, and others, arising from the company's $500 million financial restatement. We obtained summary judgment in one state-court action and dismissals with prejudice in two other cases, leading to a favorable settlement of all federal class claims.

- We represented **Terayon Communications Systems** and its various officers and directors in the defense of several shareholder class and derivative actions. Retained only shortly before trial, we successfully resolved the matters after summary judgment argument and expert discovery.

- We obtained the dismissal with prejudice of a nationwide class action against **Chartis Insurance Group** brought by investors in Bernard Madoff's Ponzi scheme who demanded their insurers compensate them for their loss of fictitious profits.

- We represented **AOL Time Warner** in the Homestore.com securities class action alleging financial statement fraud. All claims were dismissed and the dismissal was affirmed on appeal.

- We have represented numerous corporations, directors, and officers in securities class actions and shareholder derivative litigation alleging improper revenue recognition, stock option backdating, or other forms of accounting fraud, obtaining complete dismissals for several clients, including **GE Capital**; the chairman and founder of **E-Universe**; the chairman and founder of **Ariba, Inc.**, and **PricewaterhouseCoopers**.

- We represented **Hughes Electronics** in securities litigation arising from the failed Hughes-Echostar merger; all claims were dismissed and the dismissal was affirmed on appeal.

- We represented **VeriSign, Inc.** in a suit brought by a leading securities class-action plaintiffs' firm alleging violations of Section 10(b) and 20(a) of the Exchange Act. Specifically, plaintiff alleged that VeriSign misrepresented the likelihood that the Department of Commerce would approve the renewal of VeriSign's key contract with the Internet Corporation for Assigned Names and Numbers (ICANN), and that VeriSign made certain false financial projections. We

went on the offensive by filing an immediate motion to dismiss prior to appointment of lead plaintiff and by challenging plaintiff's use of investigators to interview VeriSign's former employees. Within a matter of months, we persuaded plaintiff to abandon the case and voluntarily dismiss its claims with prejudice.

- We represented **Pitney Bowes Inc. and two of its officers** in the District of Connecticut in a securities fraud class action alleging misstatements and omissions relating to the company's third-quarter and full-year 2012 revenue and earnings projections. We obtained dismissal of all claims, with prejudice, after taking over the case from previous counsel.

- We represented **a major investment bank** in the *In re AIG Securities Litigation*, and forced the plaintiffs to withdraw a multi-billion dollar securities class action upon threat of our motion to dismiss.

- We represented **a global specialty rice company** in a case brought by a putative class of investors alleging violations of the Securities and Exchange Acts. The investors' claims were based on unfounded allegations in short-seller reports that the company had filed fraudulent financial statements with the U.S. Securities and Exchange Commission and committed other corporate malfeasance. We obtained dismissal without prejudice of the investors' second amended complaint with leave to amend and, when the investors failed to meet the deadline to amend, complete dismissal of the case for failure to prosecute and failure to comply with a court order.

- We represented two affiliates of **Elliott Management** in a $300 million-plus shareholder class action in New Jersey state court arising from the 2006 take-private merger of Metrologic Instruments. Elliott was a minority shareholder in Metrologic at the time of the merger and rolled over its stake in the company to the post-merger entity. Plaintiffs alleged that Elliott (among other defendants) breached fiduciary duties that it purportedly owed to plaintiffs. Quinn Emanuel took over the case from prior counsel after New Jersey's Appellate Division reversed the trial court's dismissal of Elliott from the case on summary judgment. Within a few months we (i) successfully moved to strike plaintiffs' jury demand; (ii) identified an alternative path to summary judgment and quickly filed a renewed motion for summary judgment; and (iii) moved to reopen expert discovery to enable us to supplement the expert record before trial. Shortly thereafter, we reached a settlement on very favorable terms.

Wage and Hour

- We have been appointed co-lead interim class counsel on behalf of a class of engineers and other skilled workers in a class action alleging a "no poach" conspiracy among several aerospace firms designed to depress the wages of their workers. The action is pending in the District of Connecticut. The defendants are Raytheon Technologies subsidiary Pratt & Whitney, QuEST Global Services-NA Inc., Belcan Engineering Group, Agilis Engineering Inc., Cyient Inc. Parametric Solutions Inc., and several individual defendants.

- We assumed representation of **Wedbush** in a wage class action in Orange County Superior Court in which a class was certified against the company. Shortly after being retained, we

persuaded the court to allow the company to assert a new primary defense. Summary judgment motions involving the new defense are pending.

- We represent **Day & Zimmerman** and its subsidiary **SOC LLC** in an employment class action brought by former employees who worked as armed guards in Iraq under SOC's contract with the Department of Defense. Quinn Emanuel has defended against class counsel's claims that the guards' schedule working in a war zone exceeded the expectations they had when they signed up.

- We currently represent **iQor** in FLSA and state law overtime and other wage and hour claims in federal court in Minnesota. We were retained after the company had a nationwide FLSA class conditionally certified against it. We obtained decertification of a substantial portion of that FLSA case, and defeated entirely plaintiffs' motion to certify under FRCP 23 various state law claims for straight time and overtime under the laws of nine separate states. Combined, these wins reduced our clients' potential exposure by about 90 percent.

- We successfully defended **Barnes & Noble** in two separate wage and overtime class actions involving different groups of employees, one in federal court and one in California state court, alleging failures to provide meal breaks and rest breaks and failures to pay overtime. We defeated class certification in its entirety in both cases.

- We represented **Computer Sciences Corporation** in a 27,000-employee nationwide Fair Labor Standards Act and state law overtime class action. The case settled on terms that resulted in an average payout of less than $1,000 per class member—a number several times lower than the typical per-class member settlement in such cases.

- We represented **Home Savings** in an overtime class action concerning nearly 2,000 account representatives. The firm negotiated a $1.5 million settlement, one of the lowest settlements in California history for comparable claims and class size.

- We represented **Computer Sciences Corporation** in a purported nationwide overtime class action on behalf of computer consultants. After providing informal discovery to plaintiff's counsel, we persuaded the plaintiff to drop the class-action allegations and resolve the remaining individual claim.

- We represented **Washington Mutual Bank** in a wage and hour class action alleging improper deductions from employee wages. Before answering the Complaint, we developed a novel federal preemption defense to the claims based on laws governing the financial stability of federally regulated lending institutions. Upon being served with a draft demurrer raising this preemption defense, the plaintiff dismissed his case.

- We obtained a favorable settlement for **Coca-Cola Enterprises Inc.** in a coverage dispute regarding coverage for a wage and hour class action in which the insurer had denied coverage under its employment practices liability insurance policy.

Other

- We represented **Barrick Gold of North America, Inc., the Board of Directors of Barrick Gold of North America, Inc., and Barrick U.S. Subsidiaries Benefits Committee** in a class action filed by two former Barrick Gold employees in which they alleged that Defendants breached the fiduciary duties of loyalty and prudence in violation of ERISA by purportedly failing to, among other things, investigate and select lower cost alternative investment options for the plan and monitor or control the plan's recordkeeping expenses. In the Summer of 2020, Quinn Emanuel filed a motion to dismiss Plaintiffs' complaint, arguing that Plaintiffs' claim that the plan's investment options were more expensive than allegedly similar investments was inaccurate. Plaintiffs were not only making comparisons between dissimilar investment options, but they were also citing incorrect plan expense ratios that, when corrected, showed that the plan's investment options were actual cheaper than the ones Plaintiffs cited as examples of "prudent" investment choices. The plan documents also proved that the plan administrator had acted prudently, renegotiating recordkeeping fees 17 times with the recordkeeper and consistently lowering the fees. The Court agreed and dismissed Plaintiffs' Amended Complaint with prejudice.

- We represented **Stripe** and **PayPal** in a case involving claims under California's Unruh Civil Rights Act and obtained dismissal on the pleadings. Plaintiff Blair Gladwin is a federally licensed firearms dealer. He sued Stripe and PayPal (along with Square in a companion case) alleging that these payment processing companies were violating his civil rights because they have restrictions against using their services to process payments for weapons and ammunition. Gladwin alleged that under the Unruh Act, his occupation as a firearms dealer was a protected personal characteristic and that the defendant companies were discriminating against him and other firearms dealers on the basis of that occupation by preventing them from using the defendants' services to process payments for firearms. On demurrer, Quinn Emanuel scored a major victory for Stripe and PayPal by convincing the court that facially neutral restrictions like those of the defendant companies -- which apply equally to all people -- are encouraged by the Unruh Act, not prohibited by it, and that the companies' policies were supported by reasonable business decisions and were therefore not arbitrary. After allowing the plaintiff multiple opportunities to amend his pleading to attempt to cure it, the superior court dismissed the case with prejudice.

- We represent a class of residents in the **New York City Housing Authority** ("NYCHA") in a class-action lawsuit over NYCHA's failure to adequately remediate mold in public housing, which has deleterious health effects on all residents, but particularly on those with asthma or other respiratory disorders. On November 29, 2018, Judge William H. Pauley III of the U.S. District Court for the Southern District of New York approved a revised and significantly more stringent consent decree with NYCHA, after NYCHA had repeatedly breached the prior consent decree in place since 2013. The new consent decree represents a meaningful step forward for ameliorating conditions for tens (if not hundreds) of thousands of NYCHA residents. Quinn Emanuel attorneys and other class counsel will continue to represent NYCHA residents in enforcing the revised consent decree and helping to ensure NYCHA complies with its obligation to provide fair and adequate housing to each of its residents.

- Quinn Emanuel and its co-counsel achieved a landmark civil rights settlement with **The City of New York and the New York Police Department**. The City and the NYPD agreed to pay up to $75 million to resolve claims that as a result of NYPD quotas, New York City police

officers issued nearly 900,000 criminal summonses without probable cause in violation of the Constitution. The settlement agreement also sets forth a series of significant steps that the City has taken since the start of the litigation, or will be taking going forward, to address quota policy and other matters raised in the lawsuit.