

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

RUBY LAMBERT, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

NAVY FEDERAL CREDIT UNION,

Defendant.

Case No. 1:19-cv-00103-LO-MSN

Hon. Liam O'Grady

**JOINT DECLARATION OF CLASS COUNSEL**

Jeff Ostrow, Andrea Gold, and Jeff Kaliel hereby declare as follows:

1. We are Class Counsel under the Settlement with Navy Federal being presented to the court for Preliminary Approval. We submit this declaration in support of Plaintiff's Unopposed Motion for Preliminary Approval of Class Settlement.<sup>1</sup> We have personal knowledge of the facts set forth in this declaration and could testify competently as to them if called upon to do so.

**Background and Procedural History**

2. This Action seeking classwide relief for the assessment of Representment NSF Fees has been litigated for nearly two years. Plaintiff filed her Complaint on January 28, 2019. Navy

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<sup>1</sup> The definitions and capitalized terms in the Settlement Agreement and Memorandum in Support of Plaintiff's Unopposed Motion for Preliminary Approval of Class Settlement are hereby incorporated as though fully set forth in this Joint Declaration and shall have the same meanings attributed to them in those documents.

Federal moved to dismiss on April 1, 2019, which Plaintiff opposed. The Court held a hearing on May 24, 2019 and, on August 14, 2019, issued an order granting the motion to dismiss with prejudice.

3. Plaintiff timely noticed her appeal and the Parties fully briefed the appeal before the Fourth Circuit. The Parties reached a Settlement while the appeal was pending.

4. Class Counsel is not aware of other pending individual litigation against Navy Federal involving Representment NSF Fees.

5. In this contested litigation, the Parties have engaged in motion practice, mediation, and informal discovery.

6. Class Counsel have been involved in other litigation involving various financial institution fees—primarily overdraft Fees and non-sufficient funds fees—against major U.S. banks and credit unions for almost a decade.

7. Class Counsel is particularly experienced in the litigation, certification, trial, and settlement of nationwide class action cases. In negotiating this Settlement, Class Counsel had the benefit of years of experience litigating against banks and credit unions and, including many cases involving NSF Fees.

8. Before filing suit in this case, Class Counsel spent many hours investigating the claims of several potential plaintiffs against Navy Federal. Class Counsel interviewed a number of customers and potential plaintiffs to gather information about Navy Federal's conduct and its impact upon consumers. This information was essential to Class Counsel's ability to understand the nature of Navy Federal's conduct, the language of the Account agreements at issue, and potential remedies.

9. Class Counsel also expended significant resources researching and developing the legal claims at issue. Class Counsel is familiar with the claims as they have litigated and resolved several similar cases with the same factual and legal issues. Class Counsel has experience in understanding the damages at issue, what information is critical in determining class membership, and what data is necessary to calculate each Settlement Class Member's respective damages.

10. Class Counsel conducted a thorough investigation and analysis of Plaintiff's claims and engaged in briefing on the fundamental legal issue of whether the Representation NSF Fees were improper and unlawful, data analysis with the assistance of Plaintiffs' expert, and informal discovery with Navy Federal. Specifically, Class Counsel spent a significant amount of time analyzing data regarding Navy Federal's fee revenue related to the assessment of Representation NSF Fees, with a well-qualified expert's assistance. Navy Federal provided proposed Class Counsel with sample account-level transactional data for the proposed Settlement Class, from which Plaintiff's expert extrapolated estimated class-wide damages for the proposed Class Period.

11. Prior to mediation, Class Counsel and Plaintiff's expert used this data to analyze the damages at issue. Class Counsel's review enabled them to gain an understanding of the law and evidence related to central questions in the case and prepared them for well-informed settlement negotiations. Class Counsel was also well-positioned to evaluate the strengths and weaknesses of Plaintiff's claims, and the appropriate basis upon which to settle them, as a result of their litigating similar claims in courts across the country.

12. Pursuant to Fourth Circuit Local Rule 33, a mediation was scheduled for October 16, 2019. The Parties conferred with the Fourth Circuit mediator, but that mediation did not result in settlement.

13. After completing briefing in the appeal, the Parties' counsel again met and conferred about settlement. The Parties agreed to a mediation on July 1, 2020, before Judge Anderson, a United States Magistrate Judge of this Court.

14. Before mediation, the Parties exchanged mediation briefs and provided confidential mediation statements to Judge Anderson.

15. On July 1, 2020, the Parties met for a full-day settlement conference before Judge Anderson. Class Counsel entered the mediation fully informed of the merits of Settlement Class members' claims and negotiated the proposed Settlement while zealously advancing the position of Plaintiff and Settlement Class members and being fully prepared to continue to litigate rather than accept a settlement that was not in Plaintiff's and the Settlement Class's best interests.

16. U.S. Magistrate Judge Anderson actively supervised and participated in the settlement discussions. The Parties made some progress but were unable to reach a settlement that day.

17. However, the Parties continued to negotiate with the assistance of Judge Anderson.

18. On July 10, 2020, the Parties agreed on the material terms of the Settlement, which were memorialized in a term sheet executed July 24, 2020.

19. The Parties did not discuss attorneys' fees or any Service Award until after agreeing on the material terms of the Settlement.

### **The Settlement**

20. Plaintiff settled the Action with the benefit of important informal discovery resulting in an expert analysis of key documentation and data regarding Navy Federal's assessment and collection of Representment NSF Fees.

21. To prepare for mediation, the Parties agreed to an informal exchange of documents and data regarding Plaintiff and the putative class, including multiple versions of the relevant Account agreements and extensive data on the transactions resulting in Representment NSF Fees. Class Counsel retained and consulted with an expert witness and commissioned the expert to analyze and verify representations made by Navy Federal. The review of this information and data positioned Class Counsel to evaluate with confidence the strengths and weaknesses of Plaintiff's claims and prospects for success if Plaintiff was able to succeed in her appeal to the Fourth Circuit and then litigate class certification, summary judgment, and trial before this Court.

22. The Parties engaged in a full day formal mediation before an experienced and respected mediator, Judge Anderson. Judge Anderson actively supervised and participated in the settlement discussions to help the Parties reach an acceptable compromise.

23. The Settlement in this case is the result of these intensive, arm's-length negotiations between experienced attorneys who are familiar with class action litigation and with the legal and factual issues of this Action.

24. The parties negotiated and executed a term sheet confirming the material terms of

settlement on July 24, 2020.

25. The Parties then turned to drafting the Agreement, which they negotiated and executed.

26. The record provides sufficient information for this Court to determine that the Settlement is fair. Further, there is no reason to doubt the Settlement's fairness. Plaintiff has litigated this Action for nearly two years and Class Counsel have been involved in similar litigation for over a decade. The litigation has been hard-fought as the Parties have engaged in motion practice, appellate work, and informal discovery, including having reviewed pertinent Account data to understand the scope of the damages at issue and sustained by Settlement Class members.

#### **Terms of the Settlement**

27. The Settlement provides for Navy Federal's commitment to establish a Settlement Fund of \$16,000,000.00 for the benefit of Settlement Class Members. Agreement ¶¶ 51, 66. The Settlement Fund will be used to: (a) pay Settlement Class Members their respective Settlement Class Member Payments; (b) Class Counsel for any Court awarded attorneys' fees and litigation expenses and costs; (c) any Court-awarded Service Award for the Class Representative. Navy Federal will separately pay all Settlement Administration Costs—a substantial expense.

28. The Settlement provides for automatic delivery to Settlement Class Members of the Settlement Class Member Payments. Settlement Class Members do not have to submit claims or take any other affirmative step to receive relief under the Settlement or to receive a Settlement Class Member Payment.

29. In addition to direct cash payments, Settlement Class Members and other Account Holders will receive significant benefits in the form of injunctive relief. Specifically, Navy Federal has agreed to revise its account agreement and related documents to further explain when Representment NSF Fees may be assessed. Navy Federal agrees to adopt the following, or substantially similar, language:

Navy Federal may return debits (e.g., ACH payments) submitted for payment against the checking account if the amount of the debit exceeds the funds available

in the checking account. Each time we return a debit for insufficient funds, we will assess an NSF fee in the amount shown on Navy Federal's current Schedule of Fees and Charges for each returned debit item. The entity that submitted the debit may submit another debit to Navy Federal even if we have already returned the prior debit for insufficient funds in the checking account. If the resubmitted debit again exceeds the funds available in the checking account, Navy Federal again will return the debit, resulting in an additional NSF fee. Thus, you may be charged multiple NSF fees in connection with a single debit that has been returned for insufficient funds multiple times.

Agreement ¶ 52.

30. Plaintiff and Class Counsel expect that this revised disclosure will result in significant potential prospective financial savings and will inure to the benefit of the Settlement Class, other Navy Federal members, and future Navy Federal members who will be better able to understand when fees will be assessed to their accounts.

31. Class Counsel have not been paid for their extensive efforts or reimbursed for litigation costs and expenses incurred. Class Counsel are entitled to request, and Navy Federal will not oppose, attorneys' fees of up to 33.33% of the \$16 million in benefits, as well as reimbursement of litigation costs and expenses incurred in connection with the Action. Agreement ¶ 89. The Parties negotiated and reached agreement regarding fees and costs only after agreeing on all material terms of the Settlement. Such award is subject to this Court's approval and will serve to compensate for the time, risk and expense Plaintiff's counsel incurred pursuing claims on Settlement Class Members' behalf.

32. Class Counsel will seek a Service Award of \$5,000.00 for Plaintiff. Agreement ¶ 93. The Service Award will be paid from the Settlement Fund and will be in addition to the Settlement Class Member Payment the Plaintiff will be entitled to receive under the terms of the Settlement. The award will compensate the Class Representative for her time and effort and for the risks she assumed in prosecuting the Action against Navy Federal.

33. Plaintiff provided assistance that enabled Class Counsel to successfully prosecute the Action and reach the Settlement, including: (1) submitting to interviews with Class Counsel; (2) locating and forwarding documents and information to Class Counsel; and (3) participating in

conferences with Class Counsel. Ms. Lambert understands and has accepted the obligations of being a class representative, and has adequately represented the Settlement Class by reviewing the Complaint, providing documents to Class Counsel, making herself available to discuss the facts of the litigation with Class Counsel, pursuing the appeal, and reviewing the Agreement. In so doing, Plaintiff was integral to the case. Navy Federal does not object to Class Counsel's request for this Service Award.

34. The Parties concluded that the benefits of settlement in this case outweigh the risks and uncertainties of continued litigation, as well as the attendant time and expenses associated with the remainder of the appeal and, if Plaintiff were successful on appeal, contested class certification proceedings, completing merits discovery, pretrial motion practice, trial, and finally appellate review.

#### **Risks of Continued Litigation**

35. Plaintiff and Class Counsel are confident in the strength of this case, but they are also pragmatic in their awareness of the various defenses available to Navy Federal, and the risks inherent to litigation. Plaintiff faced the risk of losing the pending appeal of the Order granting the Motion to Dismiss, at class certification, summary judgment, at trial, or on a subsequent appeal based on various theories and defenses advanced by Navy Federal.

36. Each of these risks, by itself, could have impeded the successful prosecution of these claims at trial and in an eventual additional appeal—resulting in zero benefit to the Settlement Class. Under the circumstances, Plaintiff and Class Counsel appropriately determined that the Settlement reached with Navy Federal outweighs the gamble of continued litigation.

37. Plaintiff's \$16,000,000.00 plus recovery is outstanding given the complexity of the litigation and the significant barriers that would loom in the absence of settlement, including the appeal of the order granting the Motion to Dismiss, motion for class certification, summary judgment, trial and appeals after a Plaintiff's verdict. Based on Navy Federal's data analysis prior to mediation, the Parties estimate that the Settlement Class' most likely recoverable damages at trial would have been approximately \$147 million. The Settlement will afford Plaintiff and the

Settlement Class a recovery of approximately 10.8% of their most probable damages, without further risks attendant to litigation. That is a significant achievement considering that Plaintiff's Complaint was dismissed in its entirety by this Court.

38. The claims and defenses in this Action are complex, as is clear by the record and Class Counsel's efforts in other financial institution fee cases that have been hard fought for years. There is no doubt that continued litigation here would be difficult, expensive, and time consuming. The risks and obstacles in this case are just significant or more significant as those in other financial institution fee cases and this case would likely have taken years as well to successfully prosecute. Recovery by any means other than settlement would require additional years of litigation in the Fourth Circuit Court of Appeals and in this Court. Under the circumstances, Plaintiff and Class Counsel appropriately determined that the Settlement reached with Navy Federal outweighs the gamble of continued litigation.

39. The Settlement provides immediate and substantial benefits to hundreds of thousands of Navy Federal customers. The proposed Settlement is the best vehicle for the Settlement Class to receive the relief to which they are entitled in a prompt and efficient manner.

40. Whether the Action would have been tried as a class action is also relevant in assessing the fairness of the Settlement. As the Court had not yet certified a class at the time the Agreement was executed, it is unclear whether certification would have been granted. This litigation activity would have required the Parties to expend significant resources. One of the most expensive aspects of ongoing litigation in this case involves the retention of experts to perform data analyses and to present those analyses in expert reports, at depositions, and at trial.

41. In sum, the \$16,000,000.00 in cash, plus Navy Federal's agreement to revise its Account agreement and related documents, is fair and reasonable in light of Navy Federal's defenses, and the challenging and unpredictable path of litigation Plaintiff would have faced absent a settlement.

**Class Treatment is Appropriate**

42. As stated previously, Class Counsel has significant experience in the litigation,

certification, trial, and settlement of national class actions, including numerous claims against banks and credit unions, through their active roles similar class actions throughout the country, many of which have settled and finally approved. *See also* Firm Resumes of Class Counsel, attached hereto as *Exhibits 1-3*. In litigating these cases, Class Counsel has been at the forefront of litigating financial institution fees like Representment NSF Fees.

43. Class Counsel is qualified and competent, possesses extensive knowledge of the applicable laws, and experience in prosecuting complex class actions in courts throughout the United States, including ones similar to this case, and have recovered hundreds of millions of dollars for the classes they represented. In addition, Class Counsel includes firms with appellate expertise, which was used to extensively analyze the chances of success in both in the Fourth Circuit and the U.S. Supreme Court. The experience, resources, and knowledge Class Counsel brings to this Action is extensive and formidable. Class Counsel has devoted substantial time and resources to this Action, is qualified to represent the Settlement Class, and will, along with the Class Representative, vigorously protect the interests of the Settlement Class.

44. The Settlement Administrator is JND Legal Administration, which will oversee the Notice Program. JND Legal Administration is one of the leading notice administration firms in the United States. The Notice Program is designed to provide the best notice practicable and is tailored to take advantage of the information Navy Federal has available about the Settlement Class.

45. The Notice Program constitutes sufficient notice to all persons entitled to notice. The Notice Program satisfies all applicable requirements of law, including, but not limited to, Federal Rule of Civil Procedure 23 and constitutional due process.

46. The Notice will properly inform members of the Settlement Class of the substantive terms of the Settlement. It will advise members of the Settlement Class of their options for opting-out of or objecting to the Settlement, and how to obtain additional information about the Settlement. The Notice Program is designed to reach a high percentage of the Settlement Class by sending direct mail and email notices, where necessary, to Settlement Class members and exceeds

the requirements of constitutional due process.

47. The numerosity requirement of Rule 23(a) is satisfied because the Settlement Class consists of hundreds of thousands of Navy Federal customers, and joinder of all such persons is impracticable. The exact number of Settlement Class members will be identified during the Notice Program, but the current estimate is 700,000 Settlement Class members.

48. The Rule 23(b)(3) predominance requirement is readily satisfied because liability questions common to all members of the Settlement Class substantially outweigh any possible issues that are individual to each member of the Settlement Class. For example, each Settlement Class member's relationship with the Navy Federal arises from an account agreement that is the same or substantially similar in all relevant respects to other Settlement Class members' Account agreements and each was subjected to the same NSF Fee policy.

49. Plaintiff assumed risk in filing the Action and provided assistance that enabled Class Counsel to successfully prosecute the Action and reach the Settlement, including: (1) submitting to interviews with Class Counsel; (2) locating and forwarding responsive documents and information; and (3) participating in conferences with Class Counsel. In so doing, Plaintiff was integral to the case.

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

Executed on October 21, 2020

*/s/ Jeff Ostrow*

Jeff Ostrow

**KOPELOWITZ OSTROW P.A.**

*/s/ Andrea R. Gold*

Andrea R. Gold

**TYCKO & ZAVAREEI LLP**

*/s/ Jeffrey Kaliel*

Jeffrey Kaliel

**KALIEL PLLC**

# **EXHIBIT 1**



## Firm Resume

Jonathan Tycko and Hassan Zavareei founded Tycko & Zavareei LLP in 2002 when they left a large national firm to form a private public interest law firm. Since then, a wide range of clients have trusted the firm with their most difficult problems. Those clients include individuals fighting for their rights, tenants' associations battling to preserve decent and affordable housing, consumers seeking redress for unfair business practices, whistleblowers exposing fraud and corruption, and non-profit entities and businesses facing difficult litigation.

The firm's practice focuses on complex litigation, with a particular emphasis on consumer and other types of class actions, and *qui tam* and False Claims Act litigation. In its class action practice, the firm represent consumers who have been victims of corporate wrongdoing. The firm's attorneys bring a unique perspective to such litigation because many of them trained at major national defense firms where they obtained experience representing corporate defendants in such cases. This unique perspective enables the firm to anticipate and successfully counter the strategies commonly employed by corporate counsel defending class action litigation. Tycko & Zavareei's attorneys have successfully obtained class certification, been appointed class counsel, and obtained approval of class action settlements with common funds totaling over \$500 million.

Tycko & Zavareei's sixteen attorneys graduated from some of the nation's finest law schools, including Yale Law School, Harvard Law School, Columbia Law School, and the University of Michigan Law School. They have served in prestigious clerkships for federal and state trial and appellate judges and have worked for low-income clients through competitive public interest fellowships. The firm's diversity makes it a leader amongst its peers, and the firm actively and successfully recruits attorneys who are women, people of color, and LGBTQ. To support its mission of litigating in the public interest, Tycko & Zavareei offers a unique public interest fellowship for recent law graduates. Tycko & Zavareei's attorneys practice in state and federal courts across the nation.

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## Hassan A. Zavareei

### Partner

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Mr. Zavareei has devoted the last eighteen years to recovering hundreds of millions of dollars on behalf of consumers and workers. He has served in leadership roles in dozens of class action cases and has been appointed Class Counsel on behalf of numerous litigation and settlement classes. An accomplished and experienced attorney, Mr. Zavareei has litigated in state and federal courts across the nation in a wide range of practice areas; tried several cases to verdict; and successfully argued numerous appeals, including in the D.C. Circuit, the Fourth Circuit, and the Fifth Circuit.

After graduating from UC Berkeley School of Law, Mr. Zavareei joined the Washington, D.C. office of Gibson, Dunn & Crutcher LLP. There, he managed the defense of a nationwide class action brought against a major insurance carrier, along with other complex civil matters. In 2002, Mr. Zavareei founded Tycko & Zavareei LLP with his partner Jonathan Tycko.

Mr. Zavareei has served as lead counsel or co-counsel in dozens of class actions involving deceptive business practices, defective products, and/or privacy. He has been appointed to leadership roles in multiple cases. As Lead Counsel in an MDL against a financial services company that provided predatory debit cards to college students, Mr. Zavareei spearheaded a fifteen-million-dollar recovery for class members. He is currently serving as Co-Lead Counsel in consolidated proceedings against Fifth Third Bank, and on the Plaintiffs' Executive Committee in MDL litigation against TD Bank. As Co-Lead Counsel in *Farrell v. Bank of America*, a case challenging Bank of America's punitive overdraft fees, Mr. Zavareei secured a class settlement valued at \$66.6 million in cash and debt relief, together with injunctive relief forcing the bank to change a practice that will save millions of low-income consumers approximately \$1.2 billion in overdraft fees. In his Order granting final approval, Judge Lorenz of the U.S. District Court for the Southern District of California described the outcome as a "remarkable" accomplishment achieved through "tenacity and great skill."



### Education

UC Berkeley School of Law, 1995  
*Order of the Coif*

Duke University, 1990  
*cum laude*

### Bar Admissions

California  
District of Columbia  
Maryland  
Supreme Court of the United States

### Memberships

Public Justice, Board Member  
American Association for Justice

### Awards

Washington Lawyers Committee,  
*Outstanding Achievement Award*

Super Lawyer

Lawdragon 500

### Presentations & Publications

Witness Before the Subcommittee on  
the Constitution and Civil Justice,  
115<sup>th</sup> Congress

Witness Before the Civil Rules  
Advisory Committee, 2018, 2019

Editor, Duke Law School Center for  
Judicial Studies, Guidance on New  
Rule 23 Class Action Settlement  
Provisions

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## Andrea R. Gold

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### Partner

202.973.0900  
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Andrea Gold has spent her legal career advocating for consumers, employees, and whistleblowers. Ms. Gold has litigated numerous complex cases, including through trial. Her extensive litigation experience benefits the firm's clients in both national class action cases as well as in qui tam whistleblower litigation.

She has served as trial counsel in two lengthy jury trials.

In her class action practice, Ms. Gold has successfully defended dispositive motions, navigated complex discovery, worked closely with leading experts, and obtained contested class certification. Her class action cases have involved, amongst other things, unlawful bank fees, product defects, violations of the Telephone Consumer Protection Act, and deceptive advertising and sales practices.

Ms. Gold also has significant civil rights experience. She has represented individuals and groups of employees in employment litigation, obtaining substantial recoveries for employees who have faced discrimination, harassment, and other wrongful conduct. In addition, Ms. Gold has appellate experience in both state and federal court.

Prior to joining Tycko & Zavareei, Ms. Gold was a Skadden fellow. The Skadden Fellowship Foundation was created by Skadden, Arps, Slate, Meagher & Flom LLP, one of the nation's top law firms, to support the work of new attorneys at public interest organizations around the country.

Ms. Gold earned her law degree from the University of Michigan Law School, where she was an associate editor of the Journal of Law Reform, co-President of the Law Students for Reproductive Choice, and a student attorney at the Family Law Project clinical program. Ms. Gold graduated with high distinction from the University of Michigan Ross School of Business in 2001, concentrating her studies in Finance and Marketing.



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### Education

University of Michigan Law School,  
2004

University of Michigan, Ross School  
of Business, 2001

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### Bar Admissions

District of Columbia  
Illinois  
Maryland

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### Memberships

American Association for Justice  
National Associate of Consumer  
Advocates  
National Employment Lawyers  
Association  
Taxpayers Against Fraud

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### Awards

National Trial Lawyers, Top 100 Civil  
Plaintiff Lawyers, 2020  
Super Lawyers, Rising Star  
Skadden Fellow, Skadden Arps Slate  
Meagher & Flom LLP, 2004-2006



## David W. Lawler

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### Of Counsel

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Mr. Lawler joined Tycko & Zavareei LLP in January 2012. He has over twenty years of commercial litigation experience, including an expertise in eDiscovery and complex case management. At the firm Mr. Lawler has represented consumers in a numerous practice areas, including product liability, false labeling, deceptive and unfair trade practices, and antitrust class actions litigation.

Before joining Tycko & Zavareei LLP, Mr. Lawler was an associate in the litigation departments at McKenna & Cuneo LLP and Swidler Berlin Shereff Friedman LLP.

Among Mr. Lawler's career achievements include the co-drafting of appellate briefs which resulted in rare reversal and entry of judgment in favor of client, US Court of Appeals for the Fourth Circuit.

Mr. Lawler is a member of the District of Columbia Bar, as well as numerous federal courts.

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### Education

Creighton University School of Law, 1997

University of California, Berkeley School of Law, 1989

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### Bar Admissions

District of Columbia

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### Memberships

American Association for Justice  
Public Justice

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## Representative Cases

*In re Generic Pharmaceuticals Pricing Antitrust Litigation*, MDL No. 2724 (E.D. Penn.) (complex price-fixing action)

*Morgan v. Apple, Inc.*, Case No. 4:17-cv-5277(N.D. Cal.) (multimillion-dollar case alleging defects in high-end Powerbeats headphone)

*In re Automotive Parts Antitrust Litigation*, Master File No. 12-md-02311 (E.D. Mich.) (described by the Department of Justice as the largest antitrust case in history, recovering over \$1.2 billion for classes)

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## Katherine M. Aizpuru

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### Associate

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Katherine M. Aizpuru is a fearless advocate for consumers and whistleblowers, pursuing high-stakes litigation in state and federal courts across the country. Ms. Aizpuru has represented classes of consumers against mortgage loan servicers that take advantage of elderly borrowers and homeowners in financial distress; financial institutions that assess improper and illegal fees against their customers; tech companies that violate user privacy; companies that sell defective products; and other corporations that use unfair and deceptive conduct to take advantage of the public. Ms. Aizpuru has also represented whistleblowers exposing fraudulent practices in the healthcare industry. She is committed to fierce advocacy on behalf of her clients and the public.

Prior to joining Tycko & Zavareei in 2017, Ms. Aizpuru clerked for the Honorable Theodore D. Chuang on the United States District Court for the District of Maryland and the Honorable Catharine F. Easterly on the District of Columbia Court of Appeals. She practiced law in the litigation group of a large international law firm, where she was recognized for her pro bono work.

Ms. Aizpuru graduated cum laude from Harvard Law School in 2014. While in law school, Ms. Aizpuru held positions on the Executive Board of the Harvard Journal of Law & Gender and the Board of Law Students for Reproductive Justice. Ms. Aizpuru earned her Bachelor of Arts with High Honors from Swarthmore College in 2010, with a major in Political Science and minor in Chinese Language & Literature. She is a member of Phi Beta Kappa.



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### Education

Harvard Law School, 2014,  
*cum laude*

Swarthmore College, 2010,  
*high honors*

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### Bar Admissions

District of Columbia  
Massachusetts  
New York

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### Memberships

American Association for Justice  
Public Justice  
Taxpayers Against Fraud

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### Awards

Super Lawyer, Rising Star 2020

# **EXHIBIT 2**



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**KALIEL PLLC**

Kaliel PLLC was founded in 2017 and is a 100% contingency Plaintiffs'-side law firm. Our attorneys have decades of combined experience and have secured hundreds of millions of dollars for their clients. Our firm's practice focuses on representing consumers in class action litigation and specifically on cases in the consumer financial services sector. In the three years since our firm was founded, our firm has been appointed lead counsel or co-lead counsel in numerous class action and putative class action lawsuits in state and federal courts nationwide including most recently in *Roberts v. Capital One*, No. 1:16-cv-04841 (S.D.N.Y.); *Walters v. Target Corp.*, No. 3:16-cv-00492 (S.D. Cal.); *Robinson v. First Hawaiian Bank*, Civil No.17-1-0167-01 GWBC (1<sup>st</sup> Cir. Haw.); *Liggio v. Apple Federal Credit Union*, No. 18-cv-01059 (E.D. Va.); *Morris et al. v. Bank of America, N.A.*, No. 3:18-cv-00157-RJC-DSC (W.D.N.C.); *Brooks et al. v. Canvas Credit Union*, 2019CV30516 (Dist. Ct. for Denver Cty., Colo.); *Figueroa v. Capital One, N.A.*, Case No. 3:18-cv-00692-JM-BGS (S.D. Cal.); *White v. Members 1<sup>st</sup> Credit Union*, Case No. 1:19-cv-00556-JEJ (M.D. Pa.); *Plummer v. Centra Credit Union*, Case No. 03D01-1804-PL-001903 (Cty. Of Bartholomew, Ind.); *Holt v. Community America Credit Union*, Case No. 4:19-cv-00629-FJG (W.D. Mo.); *Trinity Management v. Charles Puckett*, Case No. GCG-17-558960 (Super. Ct. Cty. Of San Francisco, Cal.); *Martin v. L&N Federal Credit Union*. No. 19-CI-022873 (Jefferson Circuit Court, Division One); and *Clark v. Hills Bank and Trust Company*, No. LACV080753 (Iowa Dist. Ct. Johnson Cty.)

As shown in the biographies of our attorneys and the list of class counsel appointments, Kaliel PLLC is well versed in class action litigation and zealously advocates for its clients. To learn more about Kaliel PLLC, or any of the firm's attorneys, please visit [www.kalielpllc.com](http://www.kalielpllc.com).



**JEFFREY KALIEL**

Jeffrey Kaliel earned his law degree from Yale Law School in 2005. He graduated from Amherst College summa cum laude in 2000 with a degree in Political Science, and spent one year studying Philosophy at Cambridge University, England.

Over the last 10 years, Jeff has built substantial class action experience. He has received "Washington D.C. Rising Stars Super Lawyers 2015" recognition.

Jeff has been appointed lead Class Counsel in numerous nationwide and state-specific class actions. In those cases, Jeff has won contested class certification motions, defended dispositive motions, engaged in data-intensive discovery and worked extensively with economics and information technology experts to build damages models. Jeff has also successfully resolved numerous class actions by settlement, resulting in hundreds of millions of dollars in relief for millions of class members.

Currently Jeff is actively litigating several national class action cases, including actions against financial services entities and other entities involved in predatory lending and financial services targeting America's most vulnerable populations.

Jeff's class action successes extend beyond financial services litigation. He seeks to lead cases that serve the public interest. Jeff has worked with nonprofits such as the Humane Society, Compassion Over Killing, and the National Consumers League to fight for truth in the marketplace on food and animal products.

Jeff has over a decade of experience in high-stakes litigation. He was in the Honors Program at the Department of Homeland Security, where he worked on the Department's appellate litigation. Jeff also helped investigate the DHS response to Hurricane Katrina in preparation for a Congressional inquiry. Jeff also served as a Special Assistant US Attorney in the Southern District of California, prosecuting border-related crimes.

Jeff is a former Staff Sergeant in the Army, with Airborne and Mountain Warfare qualifications. He is a veteran of the second Iraq war, having served in Iraq in 2003.

Jeff is admitted to practice in California and Washington, DC, and in appellate and district courts across the country.

Jeff lives in Washington, D.C. with his wife, Debbie, and their three children.



### **SOPHIA GOREN GOLD**

Sophia Goren Gold is a third-generation Plaintiffs' lawyer. A *summa cum laude* graduate of Wake Forest University and the University of California, Berkeley, School of Law, Sophia has spent her entire career fighting for justice.

A fierce advocate for those in need, Sophia's practice centers around taking on financial institutions, insurance companies, and other large corporate interests. Sophia has participated in hundreds of individual and class cases in both state and federal courts across the country. Collectively, she has helped secure tens of millions of dollars in relief on behalf of the classes she represents.

In addition to providing monetary relief, Sophia's extensive litigation experience has resulted in real-world positive change. For example, she brought litigation which resulted in the elimination of the Tampon Tax in the State of Florida, and she was influential in changing the state of Delaware's Medicaid policy, resulting in greater access to life-saving medication.

Sophia is currently representing consumers in numerous cases involving the assessment of improper fees by banks and credit unions, such as overdraft fees, insufficient funds fees, and out of network ATM fees. She is also currently representing consumers who have been the victims of unfair and deceptive business practices.

Sophia is admitted to practice in California and Washington, D.C. When not working, Sophia enjoys spending time with her husband and their goldendoodle.



**BRITTANY CASOLA**

Brittany Casola attended the University of Central Florida in Orlando and graduated in 2012 with a bachelor's degree in Political Science and a minor in Spanish. Brittany earned her Juris Doctorate from California Western School of Law in 2015 and graduated magna cum laude in the top 10% of her class.

Throughout the course of her law school career, she served as a judicial extern to the Honorable Anthony J. Battaglia for the United States District Court, Southern District of California and worked multiple semesters as a certified legal intern for the San Diego County District Attorney's Office. Brittany was awarded Academic Excellence Awards in law school for receiving the highest grade in Trial Practice, Health Law & Policy, and Community Property.

Before joining Kaliel PLLC, Brittany worked as a judicial law clerk for the Honorable Anthony J. Battaglia and as an associate attorney for Carlson Lynch LLP, specializing in consumer complex litigation.



### CLASS COUNSEL APPOINTMENTS

- *Roberts v. Capital One*, No. 1:16-cv-04841 (S.D.N.Y.);
- *Walters v. Target Corp.*, No. 3:16-cv-00492 (S.D. Cal.);
- *Figueroa v. Capital One, N.A.*, Case No. 3:18-cv-00692-JM-BGS (S.D. Cal.);
- *Robinson v. First Hawaiian Bank*, Civil No.17-1-0167-01 GWBC (1<sup>st</sup> Cir. Haw.);
- *Brooks et al. v. Canvas Credit Union*, 2019CV30516 (Dist. Ct. for Denver Cty., Colo.);
- *Liggio v. Apple Federal Credit Union*, Civil No. 18-cv-01059 (E.D. Va.);
- *Morris et al. v. Bank of America, N.A.*, Civil No. 3:18-cv-00157-RJC-DSC (W.D.N.C.);
- *White v. Members 1<sup>st</sup> Credit Union*, Case No. 1:19-cv-00556-JEJ (M.D. Pa.);
- *Plummer v. Centra Credit Union*, Case No. 03D01-1804-PL-001903 (Cty. Of Bartholomew, Ind.);
- *Holt v. Community America Credit Union*, Case No. 4:19-cv-00629-FJG (W.D. Mo.);
- *Trinity Management v. Charles Puckett*, Case No. GCG-17-558960 (Super. Ct. Cty. Of San Francisco, Cal.);
- *Martin v. L&N Federal Credit Union*. No. 19-CI-022873 (Jefferson Circuit Court, Division One);
- *Clark v. Hills Bank and Trust Company*, No. LACV080753 (Iowa Dist. Ct. Johnson Cty.)
- *Bodnar v. Bank of America, N.A.*, 5:14-cv-03224 (E.D. Pa.);
- *In re Higher One One Account Marketing and Sales Practice Litigation.*, No. 12-md-02407-VLB (D. Conn.).
- *Shannon Schulte, et al. v. Fifth Third Bank.*, No. 1:09-cv-06655 (N.D. Ill.);
- *Kelly Mathena v. Webster Bank*, No. 3:10-cv-01448 (D. Conn.);
- *Nick Allen, et al. v. UMB Bank, N.A., et al.*, No. 1016 Civ. 34791 (Cir. Ct. Jackson County, Mo.);
- *Thomas Casto, et al. v. City National Bank, N.A.*, 10 Civ. 01089 (Cir. Ct. Kanawha County, W. Va.);
- *Eaton v. Bank of Oklahoma, N.A., and BOK Financial Corporation, d/b/a Bank of Oklahoma, N.A.*, No. CJ-2010-5209 (Dist. Ct. for Tulsa Cty., Okla.);
- *Lodley and Tebani Taulva, et al., v. Bank of Hawaii and Doe Defendants 1-50*, No. 11-1-0337-02 (Cir. Ct. of 1st Cir., Haw.);
- *Jessica Duval, et al. v. Citizens Financial Group, Inc., et al.*, No. 1:10-cv-21080 (S.D. Fla.);
- *Mascaro, et al. v. TD Bank, Inc.*, No. 10-cv-21117 (S.D. Fla.);
- *Theresa Molina, et al., v. Intrust Bank, N.A.*, No. 10-cv-3686 (18th Judicial Dist., Dist. Ct. Sedgwick County, Kan.);
- *Trombley v. National City Bank*, 1:10-cv-00232-JDB (D.D.C.); *Galdamez v. I.Q. Data International, Inc.*, No. 1:15-cv-1605 (E.D. Va.);
- *Brown et al. v. Transurban USA, Inc. et al.*, No. 1:15-CV-00494 (E.D. Va.);
- *Grayson v. General Electric Co.*, No. 3:13-cv-01799 (D. Conn.);
- *Galdamez v. I.Q. Data International, Inc.*, No. 1:15-cv-1605 (E.D. Va.).

# EXHIBIT 3



## FIRM RESUME

One West Las Olas Boulevard, Suite 500  
Fort Lauderdale, Florida 33301

**Telephone:** 954.525.4100

**Facsimile:** 954.525.4300

**Website:** [www.kolawyers.com](http://www.kolawyers.com)

**Miami – Fort Lauderdale – Boca Raton**

## OUR FIRM

For over two decades, Kopelowitz Ostrow Ferguson Weiselberg Gilbert (KO) has provided comprehensive, results-oriented legal representation to individual, business, and government clients throughout Florida and the rest of the country. KO has the experience and capacity to represent its clients effectively and has the legal resources to address almost any legal need. The firm's 26-plus attorneys have practiced at several of the nation's largest and most prestigious firms and are skilled in almost all phases of law, including consumer class actions, multidistrict litigation involving mass tort actions, complex commercial litigation, and corporate transactions. In the class action arena, the firm has experience not only representing individual aggrieved consumers, but also defending large institutional clients, including multiple Fortune 100 companies.

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## WHO WE ARE

The firm has a roster of accomplished attorneys. Clients have an opportunity to work with some of the finest lawyers in Florida and the United States, each one committed to upholding KO's principles of professionalism, integrity, and personal service. Among our roster, you'll find attorneys whose accomplishments include: being listed among the "Legal Elite Attorneys" and as "Florida Super Lawyers"; achieving an AV® Preeminent™ rating by the Martindale-Hubbell peer review process; being Board Certified in their specialty; serving as in-house counsel for major corporations, as a city attorney handling government affairs, as a public defender, and as a prosecutor; achieving multi-millions of dollars through verdicts and settlements in trials, arbitrations, and alternative dispute resolution procedures; successfully winning appeals at every level in Florida state and federal courts; and serving government in various elected and appointed positions.

KO has the experience and resources necessary to represent large putative classes. The firm's attorneys are not simply litigators, but rather, experienced trial attorneys with the support staff and resources needed to coordinate complex cases.

CLASS  
ACTION  
PLAINTIFF

Since its founding, KO has initiated and served as co-lead counsel and liaison counsel in many high-profile class actions. Currently, the firm serves as liaison counsel in a multidistrict class action antitrust case against four of the largest contact lens manufacturers pending before Judge Schlesinger in the Middle District of Florida. *See* In Re: Disposable Contact Lens Antitrust Litigation, MDL 2626 as well as co-lead counsel in *In re Zantac (Ranitidine) Prods. Liab. Litig.*, 9:20-md-02924-RLR (S.D. Fla.).

Further, the firm has served or is currently serving as lead or co-lead counsel in dozens of certified and/or proposed class actions against national and regional banks involving the unlawful re-sequencing of debit and ATM transactions resulting in manufactured overdraft fees, and other legal theories pertaining to overdraft fees. The cases are pending, or were pending, in various federal and state jurisdictions throughout the country, including some in multidistrict litigation pending in the Southern District of Florida and others in federal and state courts dispersed throughout the country. KO's substantial knowledge and experience litigating overdraft class actions and analyzing overdraft damage data has enabled the firm to obtain about a dozen multi-million dollar settlements (in excess of \$400 million) for the classes KO represents.

Additionally, the firm has in the past litigated certified and proposed class actions against Blue Cross Blue Shield and United Healthcare related to their improper reimbursements of health insurance benefits. Other class action cases include cases against Microsoft Corporation related to its Xbox 360 gaming platform, ten of the largest oil companies in the world in connection with the destructive propensities of ethanol and its impact on boats, Nationwide Insurance for improper mortgage fee assessments, and several of the nation's largest retailers for deceptive advertising and marketing at their retail outlets and factory stores.

## CLASS ACTION DEFENSE

The firm also brings experience in successfully defended many class actions on behalf of banking institutions, mortgage providers and servicers, an aircraft maker and U.S. Dept. of Defense contractor, a manufacturer of breast implants, and a national fitness chain.

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## MASS TORT LITIGATION

The firm also has extensive experience in mass tort litigation, including the handling of cases against Bausch & Lomb in connection with its Renu with MoistureLoc product, Wyeth Pharmaceuticals related to Prempro, Bayer Corporation related to its birth control pill YAZ, and Howmedica Osteonics Corporation related to the Stryker Rejuvenate and AGB II hip implants. In connection with the foregoing, some of which has been litigated within the multidistrict arena, the firm has obtained millions in recoveries for its clients.

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## OTHER AREAS OF PRACTICE

In addition to class action and mass tort litigation, the firm has extensive experience in the following practice areas: commercial and general civil litigation, corporate transactions, health law, insurance law, labor and employment law, marital and family law, real estate litigation and transaction, government affairs, receivership, construction law, appellate practice, estate planning, wealth preservation, healthcare provider reimbursement and contractual disputes, white collar and criminal defense, employment contracts, environmental, and alternative dispute resolution.

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## FIND US ONLINE

To learn more about KO, or any of the firm's other attorneys, please visit [www.kolawyers.com](http://www.kolawyers.com).

**CLASS ACTION AND MASS TORT SETTLEMENTS****FINANCIAL  
INSTITUTIONS**

*Lloyd v. Navy Federal Credit Union*, 17-cv-01280-BAS-RBB (S.D. Ca. 2019) - \$24.5 million

*Farrell v. Bank of America, N.A.*, 3:16-cv-00492-L-WVG (S.D. Ca. 2018) - \$66.6 million

*Stathakos v. Columbia Sportswear*, 4:15-cv-04543-YGR (N.D. Ca. 2018) - Injunctive relief prohibiting deceptive pricing practices

*Bodnar v. Bank of America, N.A.*, 5:14-cv-03224-EGS (E.D. Pa. 2015) - \$27.5 million

*Morton v. Green Bank*, 11-135-IV (20<sup>th</sup> Judicial District Tenn. 2018) - \$1.5 million

*Hawkins v. First Tennessee Bank*, CT-004085-11 (13<sup>th</sup> Judicial District Tenn. 2017) - \$16.75 million

*Payne v. Old National Bank*, 82C01-1012 (Cir. Ct. Vanderburgh 2016) - \$4.75 million

*Swift v. Bancorpsouth*, 1:10-CV-00090 (N.D. Fla. 2016) - \$24.0 million

*Mello v. Susquehanna Bank*, 1:09-MD-02046 (S.D. Fla. 2014) - \$3.68 million

*Johnson v. Community Bank*, 3:11-CV-01405 (M.D. Pa. 2013) - \$1.5 million

*McKinley v. Great Western Bank*, 1:09-MD-02036 (S.D. Fla. 2013) - \$2.2 million

*Blabut v. Harris Bank*, 1:09-MD-02036 (S.D. Fla. 2013) - \$9.4 million

*Wolfgeber Commerce Bank*, 1:09-MD-02036 (S.D. Fla. 2013) - \$18.3 million

*Case v. Bank of Oklahoma*, 09-MD-02036 (S.D. Fla. 2012) - \$19.0 million Settlement

*Hawthorne v. Umpqua Bank*, 3:11-CV-06700 (N.D. Ca. 2012) - \$2.9 million Settlement

*Simpson v. Citizens Bank*, 2:12-CV-10267 (E.D. Mi. 2012) - \$2.0 million

*Nelson v. Rabobank*, RIC 1101391 (Riverside County, Ca. 2012) - \$2.4 million

*Harris v. Associated Bank*, 1:09-MD-02036 (S.D. Fla. 2012) - \$13.0 million

*LaCour v. Whitney Bank*, 8:11-CV-1896 (M.D. Fla. 2012) - \$6.8 million

*Orallo v. Bank of the West*, 1:09-MD-202036 (S.D. Fla. 2012) - \$18.0 million

*Taulava v. Bank of Hawaii*, 11-1-0337-02 (1st Cir. Hawaii 2011) - \$9.0 million

*Trevino v. Westamerica*, CIV 1003690 (Marin County, CA 2010) - \$2.0 million

FALSE  
PRICING

*Gattinella v. Michael Kors (USA)*, 14-Civ-5731 (WHP) (S.D. NY 2015) - \$4.875 million

CONSUMER  
PROTECTION

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*Papa v. Grieco Ford Fort Lauderdale, LLC*, 18-cv-21897-JEM (S.D. Fla. 2019) - \$4.9 million

*Bloom v. Jenny Craig, Inc.*, 18-cv-21820-KMM (S.D. Fla. 2019) - \$3 million

*DiPuglia v. US Coachways, Inc.*, 1:17-cv-23006-MGC (S.D. Fla. 2018) - \$2.6 million

*Masson v. Tallahassee Dodge Chrysler Jeep, LLC*, 1:17-cv-22967-FAM (S.D. Fla. 2018) - \$850,000

MASS  
TORT

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*In re Zantac (Ranitidine) Prods. Liab. Litig.*, 9:20-md-02924-RLR (S.D. Fla.) - MDL No. 2924 – Co-Lead Counsel

*In re: Stryker Rejuvenate and ABG II PRODUCTS LIABILITY LITIGATION*, 13-MD-2411 (17th Jud. Cir. Fla. Complex Litigation Division)

*In re: National Prescription Opiate Litigation*, 1:17-md-02804-DAP (N.D. Ohio) - MDL 2804

*In re: Smith and Nephew BHR Hip Implant Products Liability Litigation*, MDL-17-md-2775

*Yasmin and YAZ Marketing, Sales Practices and Products Liability Litigation*, 3:09-md-02100-DRH-PMF (S.D. Ill.) – MDL 2100

*In re: Prempro Products Liability Litigation*, MDL Docket No. 1507, No. 03-cv-1507 (E.D. Ark.)

# JEFF OSTROW

Managing Partner

## *Bar Admissions*

The Florida Bar

## *Court Admissions*

Supreme Court of the United States

U.S. Court of Appeals for the Eleventh Circuit

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

U.S. District Court, Northern District of Illinois

U.S. District Court, Eastern District of Michigan

U.S. District Court, Western District of Tennessee

U.S. District Court, Western District of Wisconsin

## **Education**

Nova Southeastern University, J.D. - 1997

University of Florida, B.S. – 1994

*Email: [Ostrow@kolawyers.com](mailto:Ostrow@kolawyers.com)*



Jeff Ostrow is the Managing Partner of Kopelowitz Ostrow P.A. He established his own law practice immediately upon graduation from law school in 1997, co-founded the current firm in 2001, and has since grown it to nearly 50 attorneys in 3 offices throughout South Florida. In addition to overseeing the firm's day-to-day operations and strategic direction, Mr. Ostrow practices full time in the areas of consumer class actions, sports and business law. He is a Martindale-Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics.

Mr. Ostrow is an accomplished trial attorney who represents both Plaintiffs and Defendants, successfully trying many cases to verdict involving multi-million dollar damage claims in state and federal courts. Currently, he serves as lead counsel in nationwide and statewide class action lawsuits against many of the world's largest financial institutions in connection with the unlawful assessment of fees. To date, his efforts have successfully resulted in the recovery of over \$400,000,000 for tens of millions of bank customers, as well as monumental changes in the way banks assess fees. In addition, Mr. Ostrow has litigated consumer class actions against some of the world's largest clothing retailers, health insurance carriers, technology companies, and oil conglomerates, along with serving as class action defense counsel for some of the largest advertising and marketing agencies in the world, banking institutions, real estate developers, and mortgage companies.

Mr. Ostrow often serves as outside General Counsel to companies, advising them in connection with their legal and regulatory needs. He has represented many Fortune 500® Companies in connection with their Florida litigation. He has handled cases covered by media outlets throughout the country and has been quoted many times on various legal topics in almost every major news publication, including the Wall Street Journal, New York Times, Washington Post, Miami Herald, and Sun-Sentinel. He has also appeared on CNN, ABC, NBC, CBS, FoxNews, ESPN, and almost every other major national and international television network in connection with his cases, which often involve industry changing litigation or athletes in Olympic Swimming, the NFL, NBA and MLB.

In addition to the law practice, he is the President of ProPlayer Sports LLC, a full-service sports agency and marketing firm. He represents both Olympic swimmers and select NFL athletes and is licensed by both the NFL Players Association and the NBA Players Association as a certified Contract Advisor. Mr. Ostrow handles all player-team negotiations of contracts, represents his clients in legal proceedings, negotiates all marketing engagements, and oversees public relations and crisis management. He has extensive experience in negotiating, mediating and arbitrating a wide-range of issues on behalf of clients with the NFL Players Association, the International Olympic Committee, the United States Olympic Committee, USA Swimming and the United States Anti-Doping Agency.

He is the founder and President of Class Action Lawyers of American, a member of the Public Justice Foundation, and a lifetime member of the Million Dollar Advocates Forum. The Million Dollar Advocates Forum is the most prestigious group of trial lawyers in the United States. Membership is limited to attorneys who have won multi-million dollar verdicts. Additionally, he has been named as one of the top lawyers in Florida by Super Lawyers® for several years running, honored as one of Florida's Legal Elite Attorneys, recognized as a Leader in Law by the Lifestyle Media Group®, and nominated by the South Florida Business Journal® as a finalist for its Key Partners Award. Mr. Ostrow is a recipient of the Gator 100 award for the fastest growing University of Florida alumni-owned law firm in the world.

When not practicing law, Mr. Ostrow serves on the Board of Governors of Nova Southeastern University's Wayne Huizenga School of Business and is a Member of the Broward County Courthouse Advisory Task Force. He is also the Managing Member of One West LOA LLC, a commercial real estate development company. Mr. Ostrow is a founding board member for the Jorge Nation Foundation, a 501(c)(3) non-profit organization that partners with the Joe DiMaggio Children's Hospital to send children diagnosed with cancer on all-inclusive Dream Trips to destinations of their choice. He has previously sat on the boards of a national banking institution and a national healthcare marketing company.



# ROBERT C. GILBERT

Partner

## **Bar Admissions**

The Florida Bar  
District of Columbia Bar

## ***Court Admissions***

Supreme Court of the United States  
U.S. Court of Appeals for the 11th Circuit  
U.S. District Court, Southern District of Florida  
U.S. District Court, Middle District of Florida

## ***Education***

University of Miami School of Law, J.D. - 1985  
Florida International University, B.S. - 1982

***Email: [Gilbert@kolawyers.com](mailto:Gilbert@kolawyers.com)***

Robert C. “Bobby” Gilbert has over three decades of experience handling class actions, multidistrict litigation and complex business litigation throughout the United States. He has been appointed lead counsel, co-lead counsel, coordinating counsel or liaison counsel in many federal and state court class actions. Bobby has served as trial counsel in class actions and complex business litigation tried before judges, juries and arbitrators. He has also briefed and argued numerous appeals, including two precedent-setting cases before the Florida Supreme Court.

Bobby was appointed as Plaintiffs’ Coordinating Counsel in *In re Checking Account Overdraft Litig.*, MDL 2036, class action litigation brought against many of the nation’s largest banks that challenged the banks’ internal practice of reordering debit card transactions in a manner designed to maximize the frequency of customer overdrafts. In that role, Bobby managed the large team of lawyers who prosecuted the class actions and served as the plaintiffs’ liaison with the Court regarding management and administration of the multidistrict litigation. He also led or participated in settlement negotiations with the banks that resulted in settlements exceeding \$1.1 billion, including Bank of America (\$410 million), Citizens Financial (\$137.5 million), JPMorgan Chase Bank (\$110 million), PNC Bank (\$90 million), TD Bank (\$62 million), U.S. Bank (\$55 million), Union Bank (\$35 million) and Capital One (\$31.7 million).

Bobby has been appointed to leadership positions in numerous other class actions and multidistrict litigation proceedings. He is currently serving as co-lead counsel in *In re Zantac (Ranitidine) Prods. Liab. Litig.*, 9:20-md-02924-RLR (S.D. Fla.), as well as liaison counsel in *In re Disposable Contact Lens Antitrust Litig.*, MDL 2626 (M.D. Fla.); liaison counsel in *In re 21st Century Oncology Customer Data Security Beach Litig.*, MDL 2737 (M.D. Fla.); and *In re Farm-Raised Salmon and Salmon Products Antitrust Litig.*, No. 19-21551 (S.D. Fla.). He previously served as liaison counsel for indirect purchasers in *In re Terazosin Hydrochloride Antitrust Litig.*, MDL 1317 (S.D. Fla.), an antitrust class action that settled for over \$74 million.

For the past 18 years, Bobby has represented thousands of Florida homeowners in class actions to recover full compensation under the Florida Constitution based on the Florida Department of Agriculture's taking and destruction of the homeowners' private property. As lead counsel, Bobby argued before the Florida Supreme Court to establish the homeowners' right to pursue their claims; served as trial counsel in non-jury liability trials followed by jury trials that established the amount of full compensation owed to the homeowners for their private property; and handled all appellate proceedings. Bobby's tireless efforts on behalf of the homeowners resulted in judgments exceeding \$93 million.

Bobby previously served as an Adjunct Professor at Vanderbilt University Law School, where he co-taught a course on complex litigation in federal courts that focused on multidistrict litigation and class actions. He continues to frequently lecture and make presentations on a variety of topics.

Bobby has served for many years as a trustee of the Greater Miami Jewish Federation and previously served as chairman of the board of the Alexander Muss High School in Israel, and as a trustee of The Miami Foundation.



# JONATHAN STREISFELD

Partner

## *Bar Admissions*

The Florida Bar

## *Court Admissions*

Supreme Court of the United States

U.S. Court of Appeals for the First, Fourth, Fifth Ninth, and Eleventh Circuits

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

U.S. District Court, Northern District of Illinois

U.S. District Court, Western District of Tennessee

## *Education*

Nova Southeastern University, J.D. - 1997

Syracuse University, B.S. - 1994

*Email: [streisfeld@kolawyers.com](mailto:streisfeld@kolawyers.com)*

Jonathan M. Streisfeld joined KO as a partner in 2008. Mr. Streisfeld concentrates his practice in the areas of consumer class actions, business litigation, and appeals nationwide. He is a Martindale-Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics.

Mr. Streisfeld has vast experience in class action litigation, serving as class counsel in nationwide and statewide consumer class action lawsuits against the nation's largest financial institutions in connection with the unlawful assessment of fees. To date, his efforts have successfully resulted in the recovery of over \$300,000,000 for millions of bank customers, as well as profound changes in the way banks assess fees. In addition, Mr. Streisfeld has litigated class actions against some of the world's largest health insurance carriers and oil conglomerates, and defended class and collective actions in other contexts.

Mr. Streisfeld has represented a variety of businesses and individuals in a broad range of business litigation matters, including contract, fraud, breach of fiduciary duty, intellectual property, real estate, shareholder disputes, wage and hour, and deceptive trade practices claims. He also assists business owners and individuals with documenting contractual relationships. Mr. Streisfeld also provides legal representation in bid protest proceedings.

Mr. Streisfeld oversees the firm's appellate and litigation support practice, representing clients in the appeal of final and non-final orders, as well as writs of certiorari, mandamus, and prohibition. His appellate practice includes civil and marital and family law matters.

Previously, Mr. Streisfeld served as outside assistant city attorney for the City of Plantation and Village of Wellington in a broad range of litigation matters.

As a member of The Florida Bar, Mr. Streisfeld serves on the Executive Council of the Appellate Practice Section and is Co-Chair of the Section's Communications Committee. Mr. Streisfeld currently serves as a member of the Board of Temple Kol Ami Emanu-El.



# JOSH LEVINE

Partner

***Bar Admissions***

The Florida Bar

***Court Admissions***

U.S. Court of Appeals for the Fifth Circuit  
U.S. Court of Appeals for the Sixth Circuit  
U.S. Court of Appeals for the Eleventh Circuit  
U.S. District Court, Southern District of Florida  
U.S. District Court, Middle District of Florida  
U.S. District Court, Northern District of Illinois

***Education***

University of Miami School of Law, J.D. - 2011  
University of Central Florida, B.A. - 2006

***Email: [levine@kolawyers.com](mailto:levine@kolawyers.com)***

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Josh Levine is a litigation attorney, and his practice takes him all over the State of Florida and the United States. Mr. Levine focuses on civil litigation and appellate practice, primarily in the areas of class actions and commercial litigation.

Mr. Levine has handled over 175 appeals in all five of Florida's District Courts of Appeal and the Florida Supreme Court, as well as multiple federal appellate courts. Mr. Levine has represented both businesses and individuals in litigation matters, including contractual claims, fraud, breach of fiduciary duty, negligence, professional liability, enforcement of non-compete agreements, trade secret infringement, real estate and title claims, other business torts, insurance coverage disputes, as well as consumer protection statutes.

Mr. Levine is a member of the Florida Bar Appellate Court Rules Committee, currently serving as the vice-chair of the Civil Practice Subcommittee and is an active member of the Appellate Practice Section of the Florida Bar and the Broward County Bar Association. Mr. Levine recently completed a four-year term as a member of the Board of Directors of the Broward County Bar Association Young Lawyers Section.

Mr. Levine received a Juris Doctor degree, Magna Cum Laude, from the University of Miami School of Law. While attending law school, he served as an Articles and Comments Editor on the University of Miami Inter-American Law Review and was on the Dean's List, and a Merit Scholarship recipient. Mr. Levine also was awarded the Dean's Certificate of Achievement in Legal Research and Writing, Trusts & Estates, & Professional Responsibility classes.

Before joining KO, Mr. Levine worked at an Am Law 100 firm where he also focused on civil litigation and appellate practice, primarily representing banks, lenders, and loan servicers in consumer finance related litigation matters.



# DANIEL TROPIN

Partner

## *Bar Admissions*

The Florida Bar

## *Court Admissions*

U.S. District Court, Southern District of Florida

## *Education*

University of Virginia, J.D. - 2012

Emory University, B.A. - 2008

*Email: [tropin@kolawyers.com](mailto:tropin@kolawyers.com)*

Daniel Tropin is a litigator who specializes in complex commercial cases and class action litigation. Mr. Tropin joined the law firm as a partner in 2018, and has a wealth of experience across the spectrum of litigation, including class actions, derivative actions, trade secrets, arbitrations, and product liability cases.

Mr. Tropin graduated from the University of Virginia law school in 2012, and prior to joining this firm, was an associate at a major Miami law firm and helped launch a new law firm in Wynwood. He was given the Daily Business Review's Most Effective Lawyers, Corporate Securities award in 2014. His previous representative matters include:

- Represented a major homebuilder in an action against a former business partner, who had engaged in a fraud and defamation scheme to extort money from the client. Following a jury trial, the homebuilder was awarded \$1.02 billion in damages. The award was affirmed on appeal.
- Represented the former president and CEO of a cruise line in a lawsuit against a major international venture capital conglomerate, travel and entertainment company, based on allegations of misappropriation of trade secrets, breach of a non-disclosure agreement, and breach of a partnership agreement.
- Represented the CEO of a rapid finance company in an action seeking injunctive relief to protect his interest in the company.
- Represented a medical supply distribution company an action that involved allegations of misappropriation and breach of a non-circumvention agreement.
- Represented a mobile phone manufacturer and distributor in a multi-million-dollar dispute regarding membership interests in a Limited Liability Company, with claims alleging misappropriation of trade secrets and breach of fiduciary duty.
- Represented a major liquor manufacturer in a products liability lawsuit arising out of an incident involving flaming alcohol.