

**EX. 22 -- LAW FIRM RESUME OF BAILEY &
GLASSER, LLP**

HOME OFFICE:

WEST VIRGINIA

209 Capitol Street
Charleston, WV 25301

ADDITIONAL OFFICES:

ALABAMA

CALIFORNIA

DELAWARE

FLORIDA

IDAHO

ILLINOIS

IOWA

MASSACHUSETTS

MISSOURI

NEW JERSEY

PENNSYLVANIA

WASHINGTON, D.C.

WEST VIRGINIA

Toll Free: 877-852-0342
Facsimile: 304-342-1110

BAILEY GLASSER 

Introduction

For over twenty years, Bailey Glasser has handled the most challenging and consequential corporate and litigation legal issues for our clients – regionally and nationwide. Founded in West Virginia, we have represented many entities and every governor of West Virginia since our inception.

On the litigation side, we are equally comfortable and adept in the role of plaintiff or defendant. Our trial lawyers bring a trial-focused approach to litigation to vigorously protect the interests of clients. The firm concentrates its practice in the areas of complex commercial and class action litigation, with a particular emphasis in energy and finance. We currently represent individuals and classes of consumers, and a variety of corporate and governmental entities throughout the United States.

Bailey Glasser's corporate practice handles business matters ranging from the negotiation and execution of billions of dollars in commercial transactions, to IPOs, to assisting foreign businesses with investments in US assets. We act as outside general counsel to numerous companies, as set forth below.

Firm History

Bailey Glasser was founded by Benjamin Bailey and Brian Glasser in 1999. Now heading towards our 25th anniversary, our firm has grown to include over 85 lawyers with 18 offices across the country. The firm is recognized by Chambers USA as

Accolades include:

Chambers USA (2019-2022) – Commercial Litigation, Corporate/Commercial

Best Law Firms in America - Commercial Litigation and Bet-the-Company Litigation and Best Law Firm for High Stakes Litigation

Best Lawyers – Commercial Litigation, Corporate Law and M&A Law, Employee Benefits Law, and more

Best Lawyers – Lawyer of the Year – Criminal Defense: White Collar, Brian Glasser

Forbes - Top Corporate Law Firm (2019)



a Band 1 firm in Commercial Litigation, and Forbes recognized us as a Top Corporate Law Firm (2019). In 2021, we had 18 attorneys recognized in Best Lawyers in America for commercial litigation, energy law, criminal (white collar) defense, bet-the company litigation, class action, banking and finance litigation, Employee Benefits litigation, and more.

Ben Bailey is a former federal prosecutor and General Counsel to the Governor of West Virginia. He recently served as one of 23 lawyers on the Plaintiffs' Steering Committee for the Volkswagen Diesel Emissions MDL pending in the Northern District of California. He previously served as one of nine lawyers in the country on the Plaintiffs' Lead Counsel Committee for the Economic Loss Cases in the Toyota Sudden Acceleration MDL in the Middle District of California, which settled for \$1.6 billion. Ben has an AV Preeminent Rating of 5.0 out of 5 on Martindale Hubbell, is recognized by Chambers USA as a Band 1 attorney in Commercial Litigation, is included in the National Trial Lawyers Top 100, and has been selected to Super Lawyers for the past ten years in the areas of General Litigation, Environmental Litigation, and Criminal Law. Ben graduated from Harvard Law School and served as a law clerk to District Judge John T. Copenhaver, Jr.

Brian Glasser is a Rhodes Scholar, a graduate of Harvard Law School, and recognized nationally as an exceptionally talented trial lawyer. Along with Ben Bailey, Brian has spearheaded the rapid growth of the firm into a national litigation powerhouse. Brian's reputation as a fierce litigator and fearless negotiator precedes him.

Brian, like Ben, is recognized in Chambers USA as a Band 1 attorney for commercial litigation, and he holds an additional Chamber recognition for his corporate and commercial prowess. Brian has been listed for ten consecutive years in Best Lawyers in America for commercial litigation and white-collar criminal defense. In 2019, Brian was named Lawyer of the Year for white collar criminal defense. Like Ben, Brian was previously included in The National Trial Lawyers Top 100. Brian began his legal career as a law clerk on the United States Court of Appeals for the Fourth Circuit for the Honorable M. Blaine Michael.

Bailey Glasser Litigation Capabilities

Litigation of every kind has been the cornerstone of Bailey Glasser's success since our inception. We have initiated and defended billion-dollar actions nationwide in state courts, federal courts, and before arbitrators and mediators. Our opposing counsel has included some of the largest law firms in the country and we have emerged victorious. We represent the full spectrum of business interests and industries, from solo entrepreneurs to multinational corporations, from coal miners to fashion designers.

Bailey Glasser's trial lawyers bring vast experience in resolving business disputes including antitrust, class actions of every kind, breach of contract, breach of fiduciary duty, tortious interference, fraud, fraudulent transfer actions, and numerous other federal and state statutes. And although at Bailey Glasser

*In its 2022 USA Guide, **Chambers & Partners** notes that Bailey Glasser has an “has the expertise to handle any situation and it absolutely makes you feel like you are its only client.” **Chambers & Partners** goes on to say that Bailey Glasser’s “lawyers are creative problem-solvers. They are excellent at finding solutions where none appear to exist.”*



Bailey & Glasser, LLP

“we try cases,” we also recognize that a preferred outcome may be obtained by negotiation or at an early stage in a lawsuit. Our demonstrated willingness and skill in taking cases to trial gives our clients an advantage throughout the litigation process.

Electronically-Stored Information Practice Group



Another advantage we bring to our litigation practice is our unique Electronically-Stored Information (“ESI”) Group that not only helps our clients drill down into discovery during cases, but also helps control costs. Bailey Glasser’s Electronically Stored Information (ESI) team employs a firm command of evolving best practices, emergent technologies, and established legal principles and rules to ensure that our corporate and individual clients preserve, collect, and manage ESI, and conduct e-Discovery, with strategic confidence. Katherine Charonko, a member of this proposed team and the ESI Practice Group Leader, is a thought leader and pioneer in the field of ESI and is a Certified e-Discovery Specialist (“CEDS”), a globally recognized credential. She regularly speaks on ESI issues around the country.

Charonko has been appointed to leadership roles in e-Discovery in three multidistrict litigations and provides efficient, cost-effective, and detail-oriented support for all significant BG litigations from beginning to end. Charonko’s practice group evaluates technical and ESI needs; crafts litigation holds; coordinates custodial interviews; conducts document collections; implements aggressive preservation management; negotiates and drafts ESI protocols and protective orders; manages massive discovery libraries; conducts document review; navigates discovery challenges presented by the European Union’s General Data Protection Regulation (GDPR) and other privacy regulations; and provides trial support. No modern litigation can happen well without this function and BG is well situated to handle all e-Discovery issues that can arise.

Representative Telephone Consumer Protection Act (TCPA) Plaintiffs' Class Action Cases Include:

Krakauer v. Dish Network. L.L.C., No. 1:14-CV-00333-CCE-JEP (M.D. NC) - Won five-day jury trial and a treble damages award from the court, resulting in \$61.3 million judgment against DISH Network for thousands of telemarketing calls placed to numbers on the National Do Not Call Registry in violation of the TCPA; co-led the trial team, and argued the appeal resulting in a complete affirmance by the US Court of Appeals for the Fourth Circuit. The class, led by class representative Dr. Thomas Krakauer of Bahama, North Carolina, alleged Dish was liable for more than 51,000 telemarketing calls placed by a defunct DISH dealer to persons whose telephone numbers were on the National Do Not Call Registry.

In re: Monitronics Int'l, Inc. Telephone Consumer Protection Act Litigation, MDL No. 2493 (N.D. W. Va.) – The firm served as co-lead MDL counsel which resulted in winning a \$28 million TCPA settlement for nationwide class of consumers who received alarm-system telemarketing calls.

Hankins v. Alarm.com, No. 4:15-cv-06314 (N.D. CA) - The firm successfully represented a class of consumers in a certified TCPA class action against Alarm.com. Alarm.com agreed to pay \$28 million to settle a TCPA class action, which involved allegations it sent unlawful telemarketing communications to more than 1.2 million consumers. This was one of the largest TCPA class action settlements on record.

Desai v. ADT Security, No. 11 C 1925 (N.D. IL) - Served on a team of lawyers that won one of the largest ever vicarious-liability TCPA settlements – \$15 million for a nationwide class of consumers subjected to nuisance telemarketing calls.

Mey v. Frontier Communications ADT Security, No. 3:13-cv-01191 (CT) - Obtained an \$11 million class action settlement against Frontier Communications for telephone calls that violated the TCPA by placing thousands of illegal telemarketing calls. The class, led by class representative by Diana Mey, alleged that calls commissioned by Frontier and placed to them by Virido on the Five9 predictive dialer pursuant to a contract between Frontier and Virido using a list of telephone numbers that Frontier provided. The complaint alleged that the calling practices violated the TCPA's Do Not Call provisions and the statute's prohibition against autodialed and prerecorded calls to cellphones.



Partner
Lawrence "Larry" Lederer

Philadelphia, PA
1622 Locust Street
Philadelphia, PA 19103
T: 215.274.9420 F: 202.463.2103
llederer@baileyglasser.com

"Also, counsel, I've said it before at the preliminary approval stage, I do want to compliment all counsel for how they litigated this case in a thoroughly professional manner. All parties were zealously represented in the highest ideals of the profession, legitimately and professionally"

Somogyi, et al. v. Freedom Mortgage Corp. (recovery of \$9.5 million cash plus corporate remedial relief).

Larry Lederer has extensive experience litigating securities, commercial, and consumer class actions and other cases in federal and state courts throughout the United States. Cases that Larry has litigated have resulted in substantial recoveries for the clients and classes he has represented. Larry's work has received praise by several courts before whom he has litigated, as well as other honors.

Larry has represented and advised a number of state government clients, often in conjunction with their respective state attorney's general office, in a wide array of matters throughout his over 30-year career. These matters have included pharmaceutical, environmental, consumer protection, and other cases.

Larry has successfully litigated several cases involving complex financial instruments against some of the largest financial institutions in the world and has a deep understanding of the financial services industry. Larry's clients have included government pension plans, hedge funds, bankruptcy estates, and others, and his work has resulted in his selection in each of the past four years as one of the *Lawdragon 500 Leading Plaintiff Financial Lawyers* in the United States.

Awards & Accolades

Best Lawyers, Lawyer of the Year, Mass Tort Litigation / Class Action - Plaintiffs (2023)

Best Lawyers, Mass Tort Litigation / Class Actions – Plaintiffs (2022- 2023)

Lawdragon, 500 Leading Plaintiff Financial Lawyers in the US, 2019-2022

Law 360, 2022 Pennsylvania Editorial Advisory Board

Martindale-Hubbell, Highest rating, AV Preeminent, Legal Abilities and Ethical Standards

Super Lawyers, Pennsylvania, 2006-2022

Practice Areas

Appellate and Supreme Court Practice

Class Actions

Commercial Litigation

Consumer Litigation

Environmental

Product Liability

Telephone Consumer Protection Act (TCPA)

Education

LL.M, Georgetown University Law Center, 1988

J.D., Western New England College School of Law, 1987

B.A., University of Pittsburgh, 1984

Admissions

Pennsylvania

District of Columbia

Eastern District of Pennsylvania

Western District of Pennsylvania

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. Supreme Court

Representative Matters

- A class action under the Telephone Consumer Protection Act resulting in a recovery of \$9.5 million in cash plus corporate remedial relief, *Somogyi, et al. v. Freedom Mortgage Corp.*, No. 17-cv-6546 (RMB/JS) (D.N.J.). In preliminarily approving the settlement on February 19, 2020, the Court stated as follows: “This Court has personal knowledge that the case was vigorously and appropriately and professionally litigated So to your credit, you did a terrific job for your class. I commend you on a very appropriately litigated case.”

- A securities class action involving a private placement of synthetic CDOs against Goldman, Sachs & Co. *See Dodona I, LLC v. Goldman, Sachs & Co.*, 296 F.R.D. 261 (S.D.N.Y. 2014) (granting class certification); *Goldman, Sachs & Co. v. Dodona I, LLC*, No. 14-419 (2d Cir. June 27, 2014) (denying Rule 23(f) appeal). Case settled following summary judgment for \$27.5 million for the investor class.
- A securities class action against Merrill Lynch resulting in a recovery of \$475 million, *In re Merrill Lynch & Co. Inc. Securities, Derivative and ERISA Litigation*, Master File No. 07-cv-9633 (JSR) (DFE) (S.D.N.Y.). This case involved Merrill Lynch's financial exposures to subprime mortgage-related assets, and represents one of the largest recoveries ever under the Private Securities Litigation Reform Act. Larry served as Court-appointed co-lead counsel for lead plaintiff State Teachers Retirement System of Ohio. During a hearing on July 27, 2009, Judge Jed S. Rakoff stated that lead plaintiff had made "very full and well-crafted" and "excellent submissions"; that there was a "very fine job done by plaintiffs' counsel in this case"; and that the attorney fees requested were "eminently reasonable" and "appropriately modest."
- Outside counsel to one state attorney's general office in what became a multi-state civil law enforcement proceeding joined by several other state attorneys general that resulted in landmark mortgage modifications and related relief for hundreds of thousands of borrowers nationwide against Countrywide Financial Corp. (and its parent, Bank of America) valued at approximately \$8.6 billion.
- Outside counsel in a securities "opt-out" action for the State of New Jersey, Dept. of Treasury, Division of Investment in *State of New Jersey, Dept. of Treasury, Division of Investment v. Richard Fuld, et al.*, No. MER-L-677-09 (N.J. Sup. Ct.). The case involved the collapse of Lehman Bros. The claim was that Lehman officers and directors and Lehman's outside accountant, Ernst & Young, misled the State of New Jersey pension funds to invest in an offering of Lehman preferred stock and other Lehman securities months before Lehman's September 2008 bankruptcy. The State of New Jersey Division of Investment is one of the largest public pension fund managers in the United States, managing over \$84.3 billion in assets (as of Dec. 31, 2020) for approximately 800,000 present and former New Jersey state teachers, firemen, policemen, judicial officers, and other active and retired New Jersey state employees and their families. Following removal and coordination of New Jersey's action with the related federal multidistrict class action litigation, *In re Lehman Brothers Securities and ERISA Litigation*, No. 09-MD-2017 (LAK), New Jersey recovered over \$13 million from the defendants, representing – on a *net* basis, after all attorneys' fees and costs were deducted – many multiples above what New Jersey would have recovered from the related class action litigation.

- Obtained recoveries in many other large securities class action and opt-out cases such as *Commonwealth of Pennsylvania Public School Employees' Ret. Sys. v. Citigroup Inc.*, No. 11-2583, 2011 U.S. Dist. LEXIS 55829 (E.D. Pa. May 20, 2011) (granting plaintiffs' motion to remand); *Commonwealth of Pennsylvania Public School Employees' Ret. Sys. v. Time-Warner, Inc.*, No. 002103 (Pa. Common Pleas Ct., Phila. Cty.) (case settled following denial of defendants' preliminary objections); *In re Waste Management, Inc. Securities Litigation*, 194 F. Supp. 2d 590 (S.D. Tex. 2002); *Kelly v. McKesson HBOC, Inc.*, C.A. No. 99C-09-265, 2002 Del. Super. LEXIS 39 (Del. Super. Jan. 17, 2002) (denying defendants' motion to dismiss); *In re Michael R. Milken and Associates Securities Litigation*, MDL No. 924, Master File No. M21-62 (MP) (S.D.N.Y.) (approving \$1.3 billion settlement with Michael R. Milken and some 500 other persons and entities); *In re Drexel Burnham Lambert Group Inc.*, 995 F.2d 1138 (2d Cir. 1993) (affirming \$1.3 billion settlement); *Presidential Life Ins. Co. v. Milken*, 946 F. Supp. 267 (S.D.N.Y. 1996) (approving \$50 million settlement against some 500 defendants); *In re Ivan F. Boesky Securities Litigation*, 948 F.2d 1358 (2d Cir. 1991) (affirming approval of partial \$29 million settlement; subsequent class, derivative, and other settlements approved totaling in excess of \$200 million).

Community and Professional Activities

Philadelphia Bar Association

American Bar Association

Board Member, Legacy Youth Tennis & Education Center, 2016-2020

Captain, University of Pittsburgh Men's Varsity Tennis Team, 1983-1984



Of Counsel
Bart D. Cohen

Philadelphia, PA
1622 Locust Street
Philadelphia, PA 19103
T: 215.274.9420 F: 202.463.2103
bcohen@baileyglasser.com

Bart Cohen has over 25 years of experience in class actions and other complex litigation, with an emphasis on federal antitrust litigation. A member of Bailey Glasser's litigation team, Bart handles complex litigation for clients. An attorney with a degree in computer science and professional software development experience, his background benefits his clients as he is able to efficiently manage information technology issues in the matters he handles.

Bart is a second-generation attorney, first inspired to become a lawyer by his father (who has now been practicing for over 60 years), and now inspired by pursuing truth and justice on behalf of his clients.

Bart is a frequent contributor to legal publications, including *Law360*, *The Legal Intelligencer*, and in several publications of the American and Philadelphia Bar Associations. He has been identified as "a very strong litigator" in the *Legal 500* in 2009 and 2010, and has been designated a "Pennsylvania Super Lawyer," a distinction awarded to only five percent of the attorneys in the state, in each of ten years.

Bart is a graduate of the Georgetown University Law Center. He also graduated from the University of Pennsylvania with two bachelor's degrees, from the Wharton School and the School of Engineering and Applied Science.

Awards & Accolades

Super Lawyers, Pennsylvania, 2011-2021

The Legal 500, 2009, 2010

Practice Areas

Automotive

Banking & Financial Services

Class Actions

Consumer Litigation

Education

J.D., Georgetown University Law Center, 1989

B.S. and B.A.S, University of Pennsylvania, 1984

Admissions

Pennsylvania

U.S. District Court, Eastern District of Pennsylvania

U.S. Court of Appeals for the Third Circuit

Representative Matters

- ***In re Wawa, Inc. Data Security Litigation, 2:19-cv-06019 (E.D. Pa.)***: I played a key role in earning my New York-based firm a lead counsel position, by getting a complaint on file promptly after news of the Wawa data breach became public, and by virtue of my knowledge of the Philadelphia firms with whom we were competing. I was responsible for the firm's day-to-day role in the case, in which a settlement for up to \$9 million has been preliminarily approved.
- ***In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation, No. 05-md-1720 (E.D.N.Y.)***: I played a key role in earning my firm a lead counsel position representing an injunctive relief class of over seven million merchants who accept Visa and Mastercard payment cards, based on my earlier experience in the case, and my drafting the firm's briefs in a hotly-contested battle for lead counsel positions. I have since filled a role immediately below that of the four co-lead counsel, taking responsibility for formulating settlement positions (which involve complex payment network rules) and managing certain dispositive briefs. We recently got the class certified, based in part on my understanding of rarely litigated issues regarding Rule 23(b)(2).



Partner
Michael L. Murphy

Charleston, WV
209 Capitol Street
Charleston, WV 25301
T: 202.548.7789 F: 202.463.2103
mmurphy@baileyglasser.com

Michael Murphy has extensive experience in state and federal class action litigation, complex commercial litigation, *qui tam* and false claims matters, *parens patriae* litigation, antitrust litigation, First Amendment matters, and bankruptcy cases.

Over nearly two decades, Mike has been involved in countless litigation matters ranging from multi-district litigation involving Fortune 100 corporations to commercial disputes between small companies. These proceedings have involved consumer data breach, antitrust, and products liability matters.

He has worked with public companies to develop antitrust compliance programs and codes of conduct to comply with the DOJ Antitrust Division's guidance.

Mike has also participated in a number of bankruptcy proceedings ranging from the *Blixseth v. Yellowstone Club Liquidating Trust* to assisting individuals with bankruptcy proceedings through the DC Bar's pro bono Bankruptcy Clinic.

Awards & Accolades

Chambers USA, District of Columbia; Litigation: Mainly Plaintiffs (2022)

Government Service / Previous Employment

Judicial Extern, Hon. Paul L. Friedman, U.S. District Court for the District of Columbia (2001 - 2002)

Research Analyst; Staff Director, International Brotherhood of Teamsters (1993 - 1999)



Practice Areas

Appellate and Supreme Court Practice
Arbitration & Dispute Resolution
Bankruptcy & Business Reorganization
Commercial Litigation

Consumer Litigation
Electronically Stored Information (ESI)
Environmental
MDL Panels
Product Liability

Education

J.D., The Catholic University of America Columbus School of Law, 2002, *cum laude*, Law Review, Winner – John H. Fanning Labor Law Writing Competition
M.S., University of Wisconsin-Madison, 1993
B.S., California State University-Fresno, 1991

Admissions

District of Columbia
New York
West Virginia
Washington
U.S. Supreme Court
U.S. Court of Appeals for the Ninth Circuit
U.S. District Court, District of Columbia
U.S. District Court, Western District of Michigan
U.S. District Court, Southern District of New York
U.S. District Court, Northern District of Ohio
U.S. District Court, Western District of Washington
U.S. District Court, Northern District of West Virginia
U.S. District Court, Southern District of West Virginia

Representative Matters

- Obtained, as co-trial counsel, a verdict on behalf of Ramaco Resources Inc. of approximately \$32.7 million against Chubb related insurance companies for breach of contract in a denial of insurance coverage case. The trial court subsequently reduced the verdict. The matter will be appealed.
- Serves on the plaintiffs' discovery committee in *In re Blue Cross Blue Shield Antitrust Litigation*, a multi-district litigation matter alleging nationwide market allocation and price-fixing antitrust violations by the Blue Cross Blue Shield Association and its members throughout the United States; currently pending before the US District Court for the Northern District of Alabama

- Serves on the management committee for a consortium of law firms representing a number of Governors, State Attorneys General, and Underground Storage Tank Funds in ongoing investigations, mediations, and litigations against the major oil companies in efforts to recoup improper overpayments obtained by the oil companies; through these efforts return more than \$100 million to the various states
- Served as pro bono counsel for the Two Rivers Public Charter School after it was targeted by protesters upset the school happened to be located next door to a Planned Parenthood facility that was under construction; defeated the multiple defendants' motions to dismiss as well as their Anti-SLAPP motions; currently on appeal and pending before the District of Columbia Court of Appeals
- Represented individual and institutional investors related to auction rate securities and other investment vehicles as a member of PIABA
- Represented the BSA | The Software Alliance, an association of leading software manufacturers including Apple, Adobe Systems, and Microsoft, in investigating and prosecuting software piracy and copyright infringement matters

Community and Professional Activities

American Association for Justice

Public Justice

Public Investors Arbitration Bar Association