

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 21-2989-MDL-ALTONAGA/Torres

IN RE:

JANUARY 2021 SHORT SQUEEZE  
TRADING LITIGATION

---

*THIS DOCUMENT RELATES TO: ALL ACTIONS*

DECLARATION OF AUSTIN B. COHEN IN SUPPORT OF *CHENG* PLAINTIFFS'  
MOTION TO APPOINT JOSEPH R. SAVERI AS INTERIM LEAD COUNSEL

I, Austin B. Cohen, declare as follows:

1. I am a member of the firm of Levin Sedran & Berman (“LSB”) and I am an attorney licensed to practice law in Pennsylvania and New Jersey. I am attorney of record in *D’Agostino et al. v. Ally Financial Inc. et al.*, No. 1:21-cv-21458-DPG (“*D’Agostino*”), one of the cases that has since been centralized before this Court in the above-captioned litigation. I have handled the *D’Agostino* action along with my partner Daniel Levin and other attorneys at my firm since its inception and unless otherwise indicated, I have personal knowledge of the facts set forth herein.

2. I make this Declaration in support of the *Cheng* Plaintiffs’ Motion to Appoint Joseph R. Saveri Interim Lead Counsel (MDL ECF No. 243-8). I make this Declaration pursuant to 28 U.S.C. § 1746 and if called to testify as a witness in this case, I could and would testify competently to the following.

3. I have extensive experience prosecuting antitrust class actions and other complex litigation. I have served as court-appointed lead counsel, served in leadership roles, and have

participated in all phases of the prosecution of these cases from initial case investigation through trial. Having served in leadership roles, and having served at the direction of others, I understand the importance of efficiency, transparency and collaboration in achieving redress for our clients.

4. I have worked with Joseph Saveri and the Joseph Saveri Law Firm, LLP (“JSLF”) in many cases, including working closely together since 2014 in *In re Capacitors Antitrust Litigation*, No. 3:14-cv-03264 JD (N.D. Cal.) (“*Capacitors*”) where I represent one of the named plaintiffs and where I participated as a member of the JSLF trial team during the March, 2020 jury trial.

5. I know from personal experience that JSLF’s attorneys are expert antitrust lawyers. I also know that the law firm is adept at organizing and managing complex cases, including antitrust class actions. JSLF has demonstrated its ability to provide the highest level of advocacy, while ensuring that work is performed efficiently and without duplication of effort. In particular, JSLF has shown that it can assign work efficiently, in alignment with the skills and experience level of attorneys, and the needs of the case. JSLF has demonstrated particularly strong project management skills and unique agility in case management and prosecution. I believe that, if appointed Interim Lead Counsel here, JSLF will bring that experience to bear.

6. JSLF also encourages mentorship, inclusion, and the advancement of early-career attorneys. In the March 2020 *Capacitors* jury trial, JSLF offered substantive courtroom opportunities for junior attorneys, including the examination of witnesses, presentation of evidence to the jury, and oral arguments for evidentiary motions. I am confident that, if appointed, JSLF will continue to offer similar opportunities to young and diverse attorneys.

7. Based on my experience and my firm's investigation to date, it is apparent this is a complex case. Class certification will require careful analysis and the testimony of expert economists. The antitrust claims require expert counsel like Joseph R. Saveri and JSLF.

8. I am committed to working with JSLF for the benefit of our clients and the class they represent. JSLF has made no promises to my firm of work or made any accommodation to my firm in exchange for my support for their appointment. I trust that if the Court appoints JSLF Interim Lead Counsel, any work assignments made by JSLF to my firm or any other firm will be done with the goal of efficiently and expeditiously prosecuting this matter.

9. Importantly, JSLF also has a demonstrated history of working cooperatively with counsel for defendants, even in the most complex or adversarial of cases. This skill is important because it not only ensures that the litigation will proceed efficiently but also in the interests of justice.

10. I have personally observed JSLF's performance in this matter from its inception to date. JSLF has performed substantial investigation and demonstrated their leadership abilities in this case.

11. The class action complaint filed by JSLF on behalf of Shane Cheng and Terrell Sterling against 35 named defendants in *Cheng, et al. v. Ally Financial Inc., et al.*, No. 21-cv-00781 (N.D. Cal) ("*Cheng*") was one of the first complaints filed that alleges antitrust claims—and it remains the most detailed complaint filed to date. The *Cheng* complaint also served as a model for the complaint my firm filed in *D'Agostino*. JSLF filed the motion to centralize the *Short Squeeze* actions before the JPML. JSLF has been integral in organizing counsel for both plaintiffs and defendants. JSLF organized the 50-plus actions with numerous state and federal claims, into

three groups organized by claims and common issues—a proposal that was adopted by all plaintiffs and defendants and presented on behalf of all plaintiffs at the initial status conference held on April 19, 2021.

I declare under the penalty of perjury that the foregoing is true and correct, executed on April 26, 2021 at Cherry Hill, NJ.

/s/ Austin B. Cohen  
Austin B. Cohen