

**EXHIBIT C**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**IN RE: TAKATA AIRBAG PRODUCTS  
LIABILITY LITIGATION**

**Case No. 1:15-md-02599-FAM**

This Document Relates to:

**ECONOMIC LOSS ACTIONS AGAINST  
THE NISSAN AND HONDA DEFENDANTS**

**DECLARATION OF PROFESSOR GEOFFREY P. MILLER**

I, Geoffrey P. Miller, declare as follows:

1. I am the Stuyvesant P. Comfort Professor of Law at New York University located in New York, New York. I have been retained by Plaintiffs to provide an expert opinion on plaintiffs' counsel's request for an award of attorneys' fees. I make this declaration on the basis of the information described in Appendix 1. If called as a witness, I could and would competently testify to the matters stated herein.

Background and qualifications

2. For more than twenty years, I have been involved in the area of complex litigation as a teacher, scholar, attorney, consultant, and expert witness.

3. I am presently teaching or have taught classes covering the issue of attorneys' fees, including Civil Procedure, Complex Litigation, Corporations, Professional Responsibility, and Securities Regulation. I have lectured on attorneys' fee issues in continuing legal education seminars and participated in academic conferences and meetings devoted to these issues. I was a member of the advisory committee for the American Law Institute's Principles of the Law project on Aggregate Litigation, which addressed questions of attorneys' fees in class actions and related types of cases.

4. I have frequently consulted with attorneys to assist with issues pertaining to awards of counsel fees. I have been qualified as an expert and testified in cases in state and federal courts across the United States, including testimony on the topic of attorneys' fees.

5. I am a 2011 inductee in the American Society of Arts and Sciences and am a founder and past co-president of the Society for Empirical Legal Studies, a multidisciplinary scholarly organization devoted to promoting the use of statistical methods in the analysis of legal questions.

6. I have published widely cited studies of attorneys' fees in class action cases.

These include the following:

- Theodore Eisenberg, Geoffrey Miller, and Roy Germano, Attorneys' Fees in Class Actions: 2009-2013, 92 N.Y.U. Law Review 937 (2017).

- Theodore Eisenberg and Geoffrey Miller, Attorneys' Fees and Expenses in Class Action Settlements: 1993-2008, 7 Journal of Empirical Legal Studies 248 (2010).

- Theodore Eisenberg, Geoffrey Miller, and Michael Perino, A New Look at Judicial Impact: Attorneys' Fees in Securities Class Actions after *Goldberger v. Integrated Resources, Inc.*, 29 Washington University Journal of Law & Policy 5-35 (2009).

- Theodore Eisenberg & Geoffrey P. Miller, Attorney Fees in Class Action Settlements: An Empirical Study, 1 Journal of Empirical Legal Studies 51 (2004).

7. To the best of my knowledge, the Eisenberg-Miller-Germano article is the most recent publication on the topic in the literature.

8. My research articles on class action cases, especially in the area of counsel fees, have been cited by many state and federal courts across the United States. A list of cases citing to my research is provided as Appendix 2. Further information on my background and qualifications is set forth in my resume, attached hereto as Appendix 3.

9. I am have billed for my work on this declaration at my normal and usual billing rate of \$750 per hour, with a minimum retainer of \$20,000.

#### Summary of opinion

10. For the reasons stated below, it is my opinion that the requested attorneys' fee is reasonable and consistent with awards in similar cases.

#### Materials Relied On

11. In preparing this opinion, I have reviewed pleadings and other documents in this case, including, but not limited to the materials listed in Appendix 3. I have discussed this matter with counsel and investigated appropriate case law and secondary authorities.

The Litigation

12. On October 27, 2014, putative class representatives filed a lawsuit in this Court alleging that certain automotive companies (“Automotive Defendants”) manufactured, distributed, or sold vehicles containing defective airbag inflators manufactured by Takata Corporation (“Takata”). The complaint demanded compensation for alleged economic losses experienced by plaintiffs as a result of this product defect. That case was captioned *Craig Dunn, et al. v. Takata Corp., et al.*, No. 1:14-cv-24009 (S.D. Fla.).

13. The Judicial Panel on Multidistrict Litigation consolidated the *Dunn* action for pretrial proceedings in this Court along with other lawsuits making similar claims. *In re Takata Airbag Products Liability Litigation*, No. 1:15-md-02599-FAM (S.D. Fla.) (MDL 2599).

14. On March 17, 2015, this Court entered an order appointing Peter Prieto of Podhurst Orseck, P.A. as Chair Lead Counsel and assigning leadership responsibilities to other attorneys and firms.

15. Plaintiffs in these cases thereafter filed consolidated class action complaints.

16. The Automotive Defendants vigorously contested this litigation from the outset. In July 2015 Toyota, Ford, Subaru and Nissan jointly moved to stay the proceedings based on asserted primary jurisdiction of the National Highway Traffic Safety Administration. This Court denied that motion in September 2015.

17. In July 2015, Mazda, Ford, Toyota, Subaru, Honda, Nissan, and BMW filed separate motions to dismiss the second consolidated class action complaint. In rulings issued

between December 2015 and February 2017, this Court granted these motions in part and denied them in part.

18. The parties engaged in extensive discovery practice including review of millions of pages of documents and taking or defending over 140 depositions.

19. In March, 2017, certain Automotive Defendants cross-claimed against Takata and Takata filed motions seeking to strike or dismiss these cross-claims.

20. Meanwhile, as the economic loss track of the MDL was proceeding, other events influenced the course of this litigation. In January 2017, Takata signed a plea agreement in the Eastern District of Michigan admitting, among other things, that it had submitted false reports designed to conceal the product defect. On June 26, 2017, Takata's United States subsidiary, TK Holdings, filed a Chapter 11 bankruptcy petition. Takata filed for insolvency protection in Japan and petitioned that the Japanese bankruptcy proceeding receive recognition in the United States. In consequence, litigation against Takata and its U.S. subsidiary have been stayed.

21. On a parallel track with the hotly contested litigation, the parties commenced preliminary settlement discussions with Toyota in early 2016. Eventually these discussions expanded to include other Automotive Defendants. However, despite the parties' efforts, these settlement discussions broke down early in 2017. Thereafter, Plaintiffs' counsel resumed negotiations with the Automotive Defendants.

22. Meanwhile settling parties engaged in bilateral and multilateral negotiations to reduce the agreements in principle to definitive language.

23. The agreements now before the Court were executed on August 4, 2017 (Nissan) and September 1, 2017 (Honda) )(Nissan and Honda are referred to hereafter collectively as “Defendants”).

24. Settlement Class Counsel agreed to file, and Defendants agreed not to oppose, an application for an award of attorneys’ fees and expenses of not more than 30% of the Settlement Amount. This award would be paid from the Settlement Fund.

#### The Settlement Agreements

25. The settlement agreements now before the Court require Defendants to pay \$702,679,141 in cash (less applicable credits for providing Rental Car and Loaner Programs), into non-reversionary Settlement Funds (the “Settlement Amounts”). Considering the value of estimated value of the customer support programs also provided for in the agreements, Plaintiffs’ valuation expert estimates these settlements to have a total combined value of approximately \$984,229,141.

26. Consistent with the settlement agreements and notices, Counsel seeks a fee equal to 30% of the \$702,679,141 Settlement Amounts. Counsel is not seeking separate compensation for their litigation expenses. Counsel’s fee request is thus less than 22% of the total value achieved for the benefit of the Honda and Nissan class members.

#### Opinion

##### Risks and Challenges of this Litigation

27. Before I begin my analysis of counsel’s fee request, a word is in order about the risks and challenges associated with this litigation. While the existence of the product defect is not in dispute, the liability of the Automotive Defendants was much in doubt. Takata, the

manufacturer, pled guilty to wire fraud for concealing and misrepresenting reports concerning inflator ruptures from the Automotive Defendants. It subsequently entered into bankruptcy. Using Takata's guilty plea, the Automotive Defendants placed the blame on Takata and claimed that, just like the Plaintiffs in this action, they too were innocent victims of Takata's misconduct. Plaintiffs would have faced significant challenges in establishing that the Automotive Defendants had an understanding of the risks sufficient to support a finding of liability under any of the theories put forward in the consolidated complaint. Takata's bankruptcy complicated matters further, because if the Automotive Defendants were successful in shifting the blame entirely to Takata, Plaintiffs would have faced the uncertain prospects of pursuing their claims as unsecured creditors in a complex international bankruptcy proceeding. Further, proving damages in these economic loss cases would have been challenging because there were millions of class members, multiple models of automobiles, and many factors that could potentially affect the market value of these products, coupled with the fact that many class members have received or will receive replacement products free of charge as a result of various product recalls. Plaintiffs would have had to develop a well-supported damages model and to support that model against the challenges that were sure to come from Defendant's highly capable defense attorneys. Class certification was also in doubt in light of the plethora of laws involved, the multiple models of vehicles, and the millions of class members. In light of these multiple challenges, I would rank the risks of this litigation as significantly higher than average.

28. This litigation was extremely challenging to conduct. Counsel needed to familiarize themselves with the claims of the individual plaintiffs and also with the claims of the class as a whole. Because the litigation included state law claims by class members in every



state, counsel had to perform an analysis of the law of at least fifty different jurisdictions. This included not only the availability of common law causes of action, but also the potential for recovery under consumer protection laws or other statutory provisions. Counsel needed to become familiar with the technical aspects of the product defect, with the details of the various recalls, with the government response to the revelations of problems in Takata's airbag inflators, and with other aspects of this complex matter.

29. Discovery was a major burden. Counsel established a team of attorneys charged with reviewing, analyzing, sorting, and coding the produced documents. Many of these documents were in Japanese, creating further problems of translation and analysis. Counsel also had to prepare responses to Defendants' interrogatories and requests for production, to defend depositions of named plaintiffs, and to prepare for, take, and analyze Defendants' witnesses.

30. This complex enterprise could not have generated a successful and cost-efficient outcome without careful organization. Members of the leadership group carried out the difficult task of supervising and coordinating a team consisting of multiple law firms and dozens of attorneys.

#### Analysis of the Fee Request

31. Attorneys' fees in this Circuit are determined under the standards set forth in *Camden I Condominium Ass'n v. Dunkle*, 946 F.2d 768 (11th Cir. 1991). *Camden I* established that class counsel fees must be based on a percentage of the common fund generated in the settlement. That percentage can include both the cash portion of a settlement as well as non-cash elements that can be reasonably valued. *Camden I* and subsequent cases established a benchmark point estimate of 25% of the common fund and a benchmark range of between 20% and 30%.

These benchmarks can be adjusted to account for features of a given case. In *Allapattah Services, Inc. v. Exxon Corp.*, 454 F.Supp.2d 1185, 1203 (S.D. Fl. 2006), the Court observed that a fee of 25% should be considered a floor to be adjusted upward in light of the facts and circumstances.

32. *Camden I* indicated that in determining the amount of any adjustment to the benchmark, a court should consider the application of a non-exclusive list of factors articulated by the Fifth Circuit in *Johnson v. Georgia Highway Expr., Inc.*, 488 F.2d 714 (5th Cir.1974). The *Johnson* factors are: (1) the time and labor required; (2) the novelty and difficulty of the questions; (3) the skill requisite to perform the legal service properly; (4) the preclusion of other employment by the attorney due to the acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and ability of the attorneys; (10) the “undesirability” of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases.

33. Among the most important of the *Johnson* factors are the evaluations of the “customary fee” and of “awards in similar cases.” These factors set a competitive benchmark for similar types of litigation. Perspective on this fee request can be obtained by comparing this fee request to awards in other class action cases.

34. During the 2000s, researchers conducted extensive investigations into awards of attorneys’ fees in class action settlements. One large-scale study covering a ten-year period in courts around the country is reported in the March-April 2003 edition of *Class Action Reports* (CAR). This study found that the mean fee across the range of cases was 27.0% and the median fee was 30.0%. Theodore Eisenberg & Geoffrey P. Miller, *Attorney Fees in Class Action*

Settlements: An Empirical Study, 1 Journal of Empirical Legal Studies 51 (2004), analyzing data from Stuart J. Logan, Jack Moshman & Beverly C. Moore, Jr., Attorney Fee Awards in Common Fund Class Actions, 24 Class Action Rep. 169 (2003). The fee requested in the present action is consistent with the results of this study.

35. Eisenberg and Miller's study of all reported class action settlements between 1993 and 2008 found that the mean percentage fee in federal courts was 24% and the median fee was 25%. Theodore Eisenberg and Geoffrey Miller, Attorneys' Fees and Expenses in Class Action Settlements: 1993-2008, 7 Journal of Empirical Legal Studies 248 (2010). Fitzpatrick's study of 444 class action settlements between 2006 and 2007 found, similarly, that the average award was 25.4 percent and the median was 25 percent, with most fee awards falling between 25 percent and 35 percent. Brian T. Fitzpatrick, An Empirical Study of Class Action Settlements and Their Fee Awards, 7 J. Empirical Legal Stud. 811, 833 (2010). The fee requested in the present case, equal to 30% of the Settlement Amount and less than 22% of total settlement value, is in line with the results of these studies.

36. Similar conclusions follow from Eisenberg, Miller and Germano's recent study of 458 class action settlements reported in the five years from 2009-2013. These authors find that on average, mean fees were 27% and median fees were 29% of the class recovery. Importantly, the Eisenberg-Miller-Germano study found that the mean percentage fee in the Eleventh Circuit was 30% and the median percentage fee in the Eleventh Circuit was 33%. In other words, even if counsel's fee request is valued at 30% of the Settlement Amount rather than a lower percentage of total settlement value, the request is *no higher* than the mean fee and *below* the median fee for Eleventh Circuit cases.

37. The Eisenberg-Miller, Eisenberg-Miller-Germano and Fitzpatrick studies found a scaling effect, in that fees tended to decline as recoveries grew larger. However, the studies by Eisenberg and others also found a significant risk effect, in the sense that fee awards increase in riskier cases. As noted above, this case posed significant risks, raising the distinct possibility that the case would wash out with little or no fee award to Class Counsel.

38. Fees of 30% or higher are observed even in “mega” cases that generate excellent results under conditions of elevated risk. An example is the decision of the Southern District of Florida in *In re Checking Account Overdraft Litigation*, 830 F.Supp.2d 1330 (S.D. Fl. 2011), awarding a 30% fee on a \$410 million recovery in light of the risks of the case and the outstanding results achieved. The settlement now before this Court presents features remarkably similar to the *In re Checking Account Overdraft Litigation* case: an excellent recovery for the class, a complex case involving millions of class members, and elevated litigation risks. Other fee awards of 30% or more in mega cases from the Southern District of Florida display similar features. See, e.g., *Allapattah Services, Inc. v. Exxon Corp.*, 454 F.Supp.2d 1185, 1210 (S.D. Fl. 2006); *In re Managed Care Litigation*, No. 00-md-1224, 2003 WL 22850070 (S.D. Fl., October 23, 2003); *Gutter v. E.I. Dupont De Nemours & Co.*, No. 95-2152-CIV-Gold (S.D. Fla., May 30, 2003).

39. Based on my review of Class Counsel’s Fee Request Supplement, filed on January 23, 2018, I believe that counsel has employed a reasonable methodology for allocating professional time across settlements with different Automotive Defendants. Based on my empirical investigations, it is my opinion that the resulting lodestar multiplier calculations for the first six settlements (3.52) and for the *Honda* and *Nissan* Settlements now before the Court

(3.63) are both reasonable. Lodestar multipliers grow steadily with the size of class recovery. For example, Eisenberg Miller and Germano's 2017 study finds that mean multipliers of 2.72 for cases with recoveries greater than \$67.5 million. Eisenberg and Miller's 2010 study found mean multipliers of 3.18 for recoveries greater than \$175.5 million with a standard deviation of 1.99. A multiplier of up to 5.17 would fall within one standard deviation of the mean reported in this 2010 study. Based on these studies, as well as my review of the facts and circumstances of these settlements, it is my opinion that a 3.63 multiplier is well within the range of reason for cases of similar dimensions.

40. I now turn to a consideration of the remaining *Johnson* factors. These include the "time and labor required;" "preclusion of other employment;" and "time limitations imposed by the client or the circumstances." Given its size and complexity, this case was enormously taxing on counsel's time. These demands precluded counsel's ability to take on other matters.

41. The requested fee is consistent with the *Johnson* factor of the "novelty and difficulty of the questions." The litigation raised the difficult issue of establishing that manufacturers of automobiles were on notice of the defect in a component part they had incorporated into their product, in a case where the defendants claimed they were duped and the manufacturer of the component part had pled guilty to criminal fraud.

42. Another *Johnson* factor is "whether the fee is fixed or contingent." Class counsel litigated this matter on an entirely contingent basis, standing to lose the full value of their investment of time and resources if the case washed out.

43. Two of the *Johnson* factors address the qualifications and ability of counsel: "the experience, reputation, and ability of the attorneys" and the "the skill requisite to perform the

legal service properly.” The challenges posed in conducting this litigation are described above and hardly need to be emphasized here: this is one of the most complex and demanding consumer class actions in American history. Class Counsel clearly displayed the skill requisite to perform the legal service properly.

44. The *Johnson* factor of the “undesirability” of the case looks, in part, to the risk presented for plaintiffs’ counsel. Cases that pose a high litigation risk are, for that reason, less desirable for counsel working, as here, on a contingent fee basis, because riskier cases present a lower probability of any payoff at the end of the day. Also pertinent to the “undesirability” factor is the expense and time involved for counsel.

45. The eleventh *Johnson* factor is “the nature and length of the professional relationship with the client.” Counsel worked effectively with their clients in this litigation, defending depositions of named plaintiffs and coordinating responses to interrogatories and demands for the production of documents.

46. The final *Johnson* factor, “the amount involved and the results obtained,” is among the most important. It is my opinion that the settlement amount here represents a remarkable recovery for class members and a benefit to the public at large. The Settlement Amounts of \$702,679,141 are extraordinary, and the total value of the settlement – approximately \$984,229,141 – is even more impressive still. Beyond this, the settlement will protect the public safety and welfare by facilitating the removal of dangerous and defective products from millions of automobiles.

**Conclusion**

47. For the reasons stated above, it is my opinion that the requested attorneys' fee is (a) in line with the benchmark fees identified in this Circuit, (b) supported by the *Johnson* factors, and (c) consistent with awards in similar cases.

/s/ Geoffrey Parsons Miller

Geoffrey Parsons Miller

January 24, 2018

### **Appendix 1: Materials Reviewed**

- [Proposed Final Order Approving Class Settlement and Certifying Settlement Class (Honda)
- [Proposed] Final Judgment (Honda)
- [Proposed Final Order Approving Class Settlement and Certifying Settlement Class (Nissan)
- [Proposed] Final Judgment (Nissan)
- Class Counsel's Fee Request Supplement
- Declaration of Peter Prieto in Support Of Plaintiffs' Omnibus Motion For Final Approval of Class Settlements and Certification of Settlement Classes, and Application for Class Representative Service Awards and Class Counsel's Attorneys' Fees
- Declaration of Cameron R. Azari, Esq. on Implementation and Adequacy of Class Notice Program
- Declaration of Kirk D. Kleckner Regarding the Customer Support Program and enhanced Rental Car/Loaner Program (Honda)
- Declaration of Kirk D. Kleckner Regarding the Customer Support Program and enhanced Rental Car/Loaner Program (Nissan)
- Objection of Esbeide Flores (Honda)
- Objection of Manoj Shrestha (Honda)
- Objection of Harold Peterson (Nissan)
- Objection of Sherry Levitan Adler (Honda)
- Objection of Steve Gardner and Molly Ringkamp (Honda and Nissan)
- Objection of Tetyana Bodnar (Honda)
- Objection of Thomas Sarris (Honda)
- Objection of Troy Scheffler (Nissan)
- Objection of Rayna J. Sarmiento (Honda)
- Objection of Polly Spaeth et al. (Honda and Nissan)
- Objection of Patricia Miklowski, et al. (Honda and Nissan)
- Objection of Nola Touche (Honda)
- Objection of Steve Mattmuller (Honda)
- Objection of Linda Flores (Honda)



- Objection of Lilian Morales (Honda)
- Objection of Kervin Walsh (Honda)
- Objection of Katherine Westcott (Honda)
- Objection of Joshua M. Levy (Honda)
- Objection of Jerome Jacobi (Honda)
- Objection of Javier Labra (Honda)
- Objection of James Esche (Nissan)
- Objection of Heidi Guc (Honda)
- Objection of Gary Maggard, et al. (Honda and Nissan)
- Objection of Frederic Fletcher, esq. (Honda)
- Objection of Wilkie D. Ferguson (Honda)
- Objection of Ernest Pastor (Honda)
- Objection of Katheryn Dornon and Billy W. Clements (Honda)
- Objection of Catherine Bellaconis (Nissan)

## Appendix 2: Cases citing to Geoffrey Miller's Research on Class Action Litigation

*In re: National Collegiate Athletic Association Athletic Grant-In-Aid Cap Antitrust Litigation*, No. 4:14-cv-02758-CW, 2017 WL 6040065 (N.D. California. 2017); *In re Sears, Roebuck and Co. Front-Loading Washer Products Liability Litig.*, --- F.3d ---, 2017 WL 3470400 (7<sup>th</sup> Cir. 2017); *Good v. West Virginia-American Water Co.*, 2017 WL 2884535 (S.D. W.Va. 2017); *Chieftain Royalty Company v. Enervest Energy Institutional Fund XIII-A*, 861 F.3d 1182 (10<sup>th</sup> Cir. 2017); *Nitsch v. DreamWorks Animation SKG Inc.*, 2017 WL 2423161 (N.D. Ca. 2017); *McGreevy v. Life Alert Emergency Response, Inc.*, --- F.Supp.3d ---, 2017 WL 1534452 (S.D.N.Y. 2017); *Seijas v. Republic of Argentina*, 2017 WL 1511352 (S.D.N.Y. 2017); *Brown v. Rita's Water Ice Franchise Company LLC*, --- F.Supp.3d ---2017 WL 1021025 (E.D. Pa. 2017); *Thomas v. FTS USA, LLC*, 2017 WL 1148283 (E.D. Va. 2017); *Briggs v. PNC Financial Services Group, Inc.*, 2016 WL 7018566 (N.D. Ill. 2016); *Gehrich v. Chase Bank USA, N.A.*, 316 F.R.D. 215 (N.D. Ill. 2016); *In re TRS Recovery Services, Inc. and Telecheck Services, Inc., Fair Debt Collection Practices Act (FDCPA) Litigation*, 2016 WL 543137 (D. Me. 2016); *In re Urethane Antitrust Litigation*, 2016 WL 406-156 (D. Kan., July 29, 2016); *In re Polyurethane Foam Antitrust Litigation*, -- F.Supp.3d ---- 2015 WL 7348208 (N.D. Oh. 2015); *In re: Cathode Ray Tube (CRT) Antitrust Litigation*, 2016 WL 721680 (N.D. Ca. 2016); *In re High-Tech Employee Antitrust Litigation*, 2015 WL 5158730 (N.D. Ca. 2015); *Palmer v. Dynamic Recovery Solutions, LLC*, 2016 WL 2348704 (M.D. Fla. 2016); *In re: Sears, Roebuck and Co. Front-Loading Washer Products Liability Litigation*, 2016 WL 4765679 (N.D. Ill. 2016); *In re Pool Products Distribution Market Antitrust Litigation*, 2015 WL 4528880 (E.D. La. 2015); *Abbott v. Lockheed Martin Corp.*, 2015 WL 4398475 (S.D. Ill. 2015); *Craftwood Lumber Company v. Interline Brands, Inc.*, 2015 WL 2147679 (N.D. Ill. 2015); *In re IndyMac Mortgage-Backed Securities Litigation*, 94 F.Supp.3d 517 (S.D.N.Y. 2015); *Wilkins v. HSBC Bank Nevada, N.A.*, 2015 WL 890566 (N.D. Ill. 2015); *In re Capital One Telephone Consumer Protection Act Litigation*, 80 F.Supp.3d 781 (N.D. Ill. 2015); *In re Dairy Farmers of America, Inc.*, 80 F.Supp.3d 838 (N.D. Ill. 2015); *In re Colgate-Palmolive Co. ERISA Litigation*, 36 F.Supp.3d 344 (S.D.N.Y. 2014); *Haggart v. United States*, 116 Fed. Cl. 131 (Ct. Fed. Claims 2014); *Richardson v. L'Oreal USA, Inc.*, --- F.Supp.2d ----, 2013 WL 5941486 (D.D.C.,2013); *Swift v. Direct Buy, Inc.*, 2013 WL 5770633 (N.D. Ind. 2013); *Singleton v. Domino's Pizza, LLC*, --- F.Supp.2d ----, 2013 WL 5506027 (D.Md. 2013); *In re Schering-Plough Corp. Enhance Securities Litigation*, 2013 WL 5505744 (D.N.J. 2013); *In re Vioxx Products Liability Litigation*, 2013 WL 5295707 (E.D. La. 2013); *Evans v. TIN, Inc.*, 2013 WL 4501061 (E.D.La. 2013); *Silverman v. Motorola Solutions, Inc.*, --- Fed.Appx. ----, 2013 WL 4082893 (7th Cir. 2013); *City of Pontiac General Employees' Retirement System v. Lockheed Martin Corp.* --- F.Supp.2d ---, 2013 WL 3796658 (S.D.N.Y. 2013); *Gortat v. Capala Bros.*, --- F.Supp.2d ----, 2013 WL 2566622 (E.D.N.Y. 2013); *In re Southeastern Milk Antitrust Litigation*, 2013 WL 2155387 (E.D. Tenn. 2013); *Strawn v. Farmers Ins. Co. of Oregon*, 353 Or. 210, 297 P.3d 439 (Or. 2013); *Heekin v. Anthem, Inc.*, 2012 WL 5878032 (S.D. Ind. 2012); *Espenscheid v. DirectSat USA, LLC*, 688 F.3d 872, 877 (7<sup>th</sup> Cir. 2012); *In re Trans Union Corp. Privacy Litig.*, 629 F.3d 741, 744 (7th Cir. 2011);

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2007); *Wang v. Chinese Daily News, Inc.*, 236 F.R.D. 485 (C.D.Ca. 2006); *In re Cabletron Sys. Inc. Securities Litigation*, 239 F.R.D. 30 (D.N.H. 2006); *In re Educational Testing Service Praxis Principles of Learning and Teaching: Grades 7-12 Litigation*, 447 F.Supp.2d 612 (E.D. La. 2006); *In re Chiron Corp. Securities Litigation*, 2007 WL 4249902 (N.D.Cal. 2007); *In re Lupron Marketing and Sales Practices Litigation*, 2005 WL 2006833 (D. Mass. 2005); *In re Relafen Antitrust Litigation*, 221 F.R.D. 260 (D. Mass. 2004); *In re Microstrategy Inc.*, 172 F. Supp. 2d 778 (E.D. Va. 2001); *In re Auction Houses Antitrust Litigation*, 197 F.R.D. 71 (S.D.N.Y. 2000); *Burke v. Ruttenberg*, 102 F. Supp. 2d 1280 (N.D. Al. 2000); *In re Texlon Corp. Securities Litigation*, 67 F. Supp. 2d 803 (N.D. Oh. 1999); *In re Baan Co. Securities Litigation*, 186 F.R.D. 214 (D.D.C. 1999); *In re Quantum Health Resources Inc.*, 962 F. Supp. 1254 (C.D. Ca. 1997); *Strong v. BellSouth Telecommunications Inc.*, 173 F.R.D. 167 (W.D. La. 1997).

### **Appendix 3: Resume**

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#### Work Experience

New York University Law School (1995-present)  
Stuyvesant P. Comfort Professor of Law  
Co-Director, Program in Corporate Compliance and Enforcement (2014-present)  
Faculty Co-Director, Center on Civil Justice at NYU Law School (2015-present)  
Director, NYU Center for Financial Institutions (1994-present)  
Co-Director, NYU Center for Law, Economics and Organization (2006-2012)  
Chair, Academic Personnel Committee (1999-2000; 2004-2006)  
Chair, Promotions and Tenure Committee (2007-2009)

University of Chicago Law School (1983-1995)  
Kirkland & Ellis Professor (1989-1995)  
Editor, Journal of Legal Studies (1989-1995)  
Director, Program in Law and Economics (1994-1995)  
Director, Legal Theory Workshop (1989-1993)  
Associate Dean (1987-1989)  
Professor of Law (1987-1989)  
Assistant Professor of Law (1983-1987)

Distinguished Visiting Professor, Vanderbilt Law School 2014  
Visiting Professor, University of Frankfurt, Summer 2013  
Faculty Member, Study Center Gerzensee, Switzerland, Spring 2012, Summer 2016  
Visiting Lecturer, University of Genoa Department of Law, 2011  
Visiting Lecturer, Collegio Carlo Alberto (Moncalieri, Italy), 2011, 2013

Visiting Scholar, European University Institute, Florence, Italy, Fall/Winter 2010  
Visiting Chair on Private Actors and Globalisation, Hague Institute for the Internationalisation of Law, Fall/Winter 2010  
Robert B. and Candace J. Haas Visiting Professor of Law, Harvard Law School, Fall 2009  
Max Schmidheiny Guest Professor, University of St. Gallen, Switzerland Summer 2009  
Faculty Member, NYU-NUS in Singapore, 2009, 2011, 2013  
Fresco Endowed Professor of Law, University of Genoa, Italy, Summer 2008, Spring 2009, Summer 2010  
Visiting Scholar, University of Minnesota Law School, Spring 2008  
Visiting Lecturer, University of Bolzano, Italy, Summer 2007  
Commerzbank Visiting Professor, Institute for Law & Finance, University of Frankfurt, Germany, Summer 2004, Summer 2005, Summer 2010  
Visiting Professor, Columbia Law School, Fall 2001  
Visiting Professor, University of Sydney, Australia, Summer 2002; Summer 2006; Spring 2009  
Zaeslin Visiting Professor, University of Basel, Switzerland, Summer 2001, 2002, 2003, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016  
Visiting Scholar, CentER for Economic Research, Tilburg, Holland, Summer 1996  
John M. Olin Visiting Scholar, Cornell University Law School, Summer 1992, Spring 1996; Winter 1997, Summer 2005, Spring 2008, Spring 2009, Spring 2010  
Visiting Scholar, Bank of Japan, Spring 1995  
Visiting Professor, New York University Law School, Fall 1994  
Consultant, Federal Reserve Bank of Chicago, 1992-1994  
Visiting Scholar, New York University Law School, Fall 1993  
Simpson Grierson Butler White Visiting Professor, University of Auckland, New Zealand, Summer 1993

Associate, Ennis, Friedman, Bersoff & Ewing  
Washington, D.C. (1982-83)

Attorney Adviser, Office of Legal Counsel  
U.S. Department of Justice (1980-82)

Clerk, Hon. Byron R. White  
Supreme Court of the United States (1979-80)

Clerk, Hon. Carl McGowan  
U.S. Court of Appeals, District of Columbia (1978-79)

Scholarly and Law Reform Activities

Member, American Law Institute (elected 2015)

American Law Institute, Reporter, Principles of the Law, Compliance, Enforcement, and Risk Management for Corporations, Nonprofits, and Other Organizations (2014-present)

Fellow, American Academy of Arts and Sciences (elected 2011)

Society for Empirical Legal Studies  
Co-Founder and Co-President (2006-2007)  
Board Member (2006-2014)

Corporate Service

Member of the Board of Directors, State Farm Bank (2010-present) – board and committee service for nontraditional thrift institution with \$17 billion in assets. Audit Committee Chair (2015-present)

Education

Columbia Law School, J.D. (1978)  
Editor-in-Chief, Columbia Law Review (1977-78)  
Princeton University, A.B. *magna cum laude* (1973)

Publications

Books

The Economics of Securities Law I (editor) (Edward Elgar 2016)

The Economics of Securities Law II (editor) (Edward Elgar 2016)

The Economics of Financial Law I (editor) (Edward Elgar 2016)

The Economics of Financial Law II (editor) (Edward Elgar 2016)

Banking Law and Regulation, Little, Brown & Co. 1992 (with Jonathan R. Macey); Second Edition, Aspen Law & Business 1997 (with Jonathan R. Macey), Third Edition, Aspen Law & Business 2001 (with Jonathan R. Macey and Richard Scott Carnell); Fourth Edition, Aspen Law & Business 2008 (with Richard Scott Carnell and Jonathan R. Macey), under title “The Law of Banking and Financial Institutions); Fifth Edition (with Richard Scott Carnell and Jonathan R. Macey), under title “The Law of Financial Institutions) Wolters Kluwer Law & Business (2013)

Banking Law and Regulation: Statutory and Case Supplement (Little, Brown & Co. 1992; Second Edition, Aspen Law & Business, 1997) (with Jonathan R. Macey), Third Edition, Aspen Law & Business, 2000) (with Jonathan R. Macey and Richard Scott Carnell); Fourth Edition, Aspen Law & Business 2008 (with Richard Scott Carnell and Jonathan Macey)

Banking Law and Regulation: Teacher’s Manual (1992; Second Edition 1997; Third Edition 2001, Fourth Edition 2008) (with Jonathan R. Macey and Richard Scott Carnell)

The Law of Governance, Risk Management and Compliance (Wolters Kluwer Law and Business 2014)

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### Constitutional Law

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Rediscovering Economic Liberties, 41 Rutgers Law Review 773 (1989) (panel)

War Powers and the Constitution: A Middle Ground, 43 University of Miami Law Review 35 (1988) (panel)



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### Compliance and Risk Management

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Compliance in Corporate Law, in Jeffrey N Gordon and Georg Ringe, eds., Oxford Handbook of Corporate Law and Governance (Oxford University Press, forthcoming 2015)

The Rise of Risk Management: An Essay in Honor of Peter Nobel, in Peter Sester, ed., Liber Amicorum Peter Nobel (forthcoming 2015)

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### Financial Institutions

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Helping Law Catch Up to Markets: Applying Broker-Dealer Law to Subprime Mortgages, 34 Journal of Corporation Law 789 (2009) (with Jonathan Macey, Maureen O'Hara and Gabriel D. Rosenberg)

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### Jurisprudence

Empirical Analysis of Legal Theory: In Honor of Theodore Eisenberg, 171 *Journal of Institutional and Theoretical Economics* 6-18 (2015)

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#### Ancient Law

The Kingdom of God in Samuel, forthcoming in Diana Edelman and Ehud Ben Zvi, Leadership, Social Memory, and Judean Discourse in the 5th–2nd Centuries BCE (Worlds of the Ancient Near East and Mediterranean Series: Equinox Press (forthcoming))

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Monarchy in the Hebrew Bible, NYU School of Law, Public Law Research Paper No. 10-76 (2010)

Nationhood and Law in the Hebrew Bible, NYU School of Law, Public Law Research Paper No. 10-57 (2010)

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Consent of the Governed in the Hebrew Bible, NYU School of Law, Public Law Research Paper No. 10-56 (2010)

Nomadism, Dependency, Slavery and Nationhood: Comparative Politics in the Book of Exodus, NYU School of Law, Public Law Research Paper No. 10-49 (2010)

Economics of Ancient Law, in Geoffrey P. Miller, ed., The Economics of Ancient Law (Edward Elgar, forthcoming 2010)

Patriarchy: The Political Theory of Family Authority in the Book of Genesis (manuscript 2010)

The Dark Age: How the Biblical Narratives Demonstrate the Necessity for Law and Government (NYU School of Law, Public Law Research Paper No. 10-18)

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Foreword: The Development of Ancient Near Eastern Law, 70 Chicago-Kent Law Review 1623 (1996)



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Foreword: Land Law in Ancient Times, 71 Chicago-Kent Law Review 233 (1996)

The Song of Deborah: A Legal-Economic Analysis, 144 University of Pennsylvania Law Review 2293 (1996)

The Legal-Economic Approach to Biblical Interpretation, 150 Journal of Institutional and Theoretical Economics [Zeitschrift fur die gesamte Staatswissenschaft] 755 (1994)

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#### Law and Society

Parental Bonding and the Design of Child Support Obligations, in William S. Comanor, ed., The Law and Economics of Child Support Payments 210-240 (Edward Elgar 2004)

The Legal Function of Ritual, 80 Chicago-Kent Law Review 1181 (2005)

Handicapped Parking, 29 Hofstra Law Review 81 (2000) (with Lori S. Singer)

Custody and Couvade: The Importance of Paternal Bonding in the Law of Family Relations, 33 Indiana Law Review 691 (2000)

Norm Enforcement in the Public Sphere: The Case of Handicapped Parking, 71 George Washington Law Review 895-933 (2004)

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Female Genital Mutilation: A Cultural-Legal Analysis (manuscript)

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Other:

Richard Posner, 61 N.Y.U. Annual Survey of American Law 13 (2004)

Introduction: The Law and Economics of Risk, 19 Journal of Legal Studies 531 (1990) (with Richard A. Epstein)

Law School Curriculum: A Reply to Kennedy, 14 Seton Hall Law Review 1077 (1984) (under pen name of Chris Langdell)

Book Reviews

Defusing the Banks' Financial Time Bomb, BusinessWeek (Mar. 11, 2010) (review of Robert Pozen, Too Big to Save? How to Fix the U.S. Financial System)

Love & Joy: Law, Language and Religion in Ancient Israel, by Yochanan Muffs, 58 Journal of Near Eastern Studies 144-45 (1999)

Jesus and the Jews: The Pharisaic Tradition in John; The Trial Of Jesus; Jesus And The Law, by Alan Watson, 1 Edinburgh Law Review 273 (1997)

No Contest: Corporate Lawyers and the Perversion of Justice in America, by Ralph Nader and Wesley J. Smith, Washington Post (October 13, 1996)

The Rise and Fall of the Classical Corporation: Hovenkamp's Enterprise and American Law: 1836-1937, 59 University of Chicago Law Review 1677 (1993)

Property Rights and the Constitution: A Review of James W. Ely, Jr.'s The Guardian of Every Other Right, 37 American Journal of Legal History 378 (1993)

Anatomy of A Disaster: Why Bank Regulation Failed, 86 Northwestern University Law Review 742 (1992)

The Glittering Eye of Law, 84 Michigan Law Review 1901 (1986)

A Rhetoric of Law, 52 University of Chicago Law Review 247 (1985)

#### Major Lectures

Revelation as a Source of Legal Authority (Keynote Address, Conference on Religious Liberty, Touro Law School 2013)

Trust, Risk, and Moral Hazard in Financial Markets (University of Genoa, Fresco Chair Lectures in Law and Finance, June 2010)

A Simple Theory of Takeover Regulation in the United States and Europe; Intellectual Hazard (Commerzbank Lectures, University of Frankfurt, May 2010)

The European Union's Takeover Directive and Its Implementation in Italy (University of Rome III, 2008)

Catastrophic Financial Failures: Enron, HIH and More (Ross Parsons Lecture, Sydney, Australia, 2002)

Das Kapital: Solvency Regulation of the American Business Enterprise (Coase Lecture, University of Chicago Law School, 1993)

Banking in the Theory of Finance; The Simple Economics of Litigation and Settlement; The Economic Structure of Corporation Law (University of Auckland, New Zealand, 1993)

#### Journal Referee Reports

American Law and Economics Review

Journal of Legal Studies

Journal of Law, Economics and Organization

Review of Law and Economics

Conferences Organized

ETH-NYU Law and Banking Conference 2015 (Zurich, Switzerland)

Achieving and Responsible Enterprise: Principles of Effective Compliance and Enforcement (May 8, 2015)

ETH-NYU Law and Banking Conference 2014 (New York, New York)

Global Economic Policy Forum (New York 2013) (keynote speakers included Federal Reserve Bank of New York President William Dudley and former Governor of the Bank of England Baron King of Lothbury).

The Good Bank Debate (New York 2013) (co-sponsored with Mazars)

ETH-NYU Law and Banking Conference 2013 (Zurich, Switzerland)

ETH-NYU Law and Banking Conference 2012 (New York, New York)

ETH-NYU Law and Banking Conference 2011 (Florence, Italy)

NYU Global Economic Policy Forum 2012

NYU Global Economic Policy Forum 2010

Judicial Dialogue on Mass Litigation, Florence Italy, October 15-16, 2010 (co-organizer of conference co-sponsored by NYU Law School, the American Law Institute, and the European University Institute)

Finlawmetrics 2010: Central Banking, Regulation & Supervision after the Financial Crisis (co-sponsor and member of steering committee)

Finlawmetrics 2009: After The Big Bang: Reshaping Central Banking, Regulation and Supervision (Milan, Italy, Spring 2009) (co-sponsor and member of steering committee)

NYU Global Economic Policy Forum 2009: The Future of Regulation and Capital Markets (November 5, 2009) (co-organized with Professor Alan Rechtschaffen and with the NYU Law School Alumni Association)

Third Annual Conference on Empirical Legal Studies (Cornell University, Ithaca, New York, Fall 2008) (co-organizer)

NYU Global Economic Policy Forum (April 14, 2009). Major conference on economic policy. Keynote address by Jean Claude Trichet, President of the European Central Bank; presentations by Tevi Troy, Deputy Secretary of the Department of Health and Human Services; Kevin Warsh, Member of the Board of Governors of the Federal Reserve System; and Donald B. Marron, Jr., Senior Economic Advisor, President's Council of Economic Advisors. Co-organized with Professor Alan Rechtschaffen.

Second Annual Conference on Empirical Legal Studies (New York, New York, November 10-11, 2007). Major conference (425 participants) exploring all aspects of the empirical study of law. Co-organized with Jennifer Arlen, Bernard Black, Theodore Eisenberg and Michael Heise.

NYU Global Economic Policy Forum (April 11, 2007). Major conference on economic policy. Keynote address by Ben S. Bernanke, Chairman of the Board of Governors of the Federal Reserve System; presentations by Stanley Druckenmiller, Founder of Dusquesne Capital, Tevi Troy, Domestic Policy Advisor for President George W. Bush, and Jeffrey Rosen, Vice Chair of Lazard. Co-organized with Professor Alan Rechtschaffen.

First Annual Conference on Empirical Legal Studies (Austin, Texas, October 2006). Major conference exploring all aspects of the empirical study of law. Co-organized with Jennifer Arlen, Bernard Black, Theodore Eisenberg and Michael Heise.

Conference on Legal Aspects of the International Activities of Central Banks, Lima Peru, October 1997. This conference, co-sponsored by the central bank of Peru, brought together leaders in the legal and economic issues facing central banks in the management of their external reserves.

Conference on the Governance of Institutional Investors (New York, New York, February 14, 1997). This conference, sponsored by the NYU Stern School of Business Salomon Center in association with the New York University Law School Center for the Study of Central Banks, brought together top executives, attorneys, scholars and others interested in the management and

organization, both economic and legal, of the nation's large institutional investors, including its mutual fund industry.

Conference on Bank Mergers and Acquisitions (New York, New York, October 11, 1996). This conference, sponsored by the NYU Stern School of Business Salomon Center in association with the New York University Law School's Center for the Study of Central Banks, brought together leading academics, lawyers, and investment bankers to discuss some of the broader implications of bank mergers and acquisitions. Co-organizer of this conference was Professor Yakov Amihud of the Stern School's Finance Department.

Conference in Central Banks in Latin America (Bogota, Colombia, February, 1996). This conference, co-sponsored by the central bank of Colombia with technical assistance from the Legal Affairs Department of the International Monetary Fund, brought together leaders of Latin American central banks, the international financial community, and scholars from a variety of disciplines, to discuss issues related to the independence of central banks and economic development.

Conference on Central Banks in Asia (Shanghai, China, October, 1995). This conference, co-sponsored with KPMG-Peat Marwick, brought together leaders from commercial banks, investment banks, and industrial firms, as well as central bankers, to discuss Asian central banks to address issues such as the proposed law granting a degree of independence to the central bank of China.

Conference on Ancient Law (Berkeley, California, March 1995). This conference, organized with Professors James Lindgren of Chicago-Kent Law School and Laurent Mayali of the University of California at Berkeley Law School, brought together important figures from a variety of disciplines interested in Ancient Law.

Conference on Central Banks in Eastern Europe and the Newly Independent States (Chicago, Illinois, April 1994). This conference brought together the Prime Minister of Estonia, three present or former Ministers of Finance of Eastern European states (including Boris Fyoderov, former Finance Minister of the Russian Republic), the heads of the central banks of eleven nations in Eastern Europe and the Newly Independent States, together with a wide variety of highly-placed officials from these countries and from the west, to discuss issues related to the independence of central banks and economic development.

#### Professional Memberships and Positions

New York State Bar  
District of Columbia Bar  
American Bar Association  
American Law Institute (1988-1996)  
Member, Paolo Baffi Centre Scientific Advisory Board, Milan, Italy (2008- present)  
Member, International Academic Council, University of St. Gallen,  
Switzerland (2004-present)  
Chairman, Section on Business Associations, American Association of Law  
Schools (1995)  
Member of the Board of Directors, American Law and Economics Association  
(1995-1998)  
Member of the Foreign Advisory Committee, Latin American Law and  
Economics Association (1995-2000)  
Member of the Foreign Advisory Board, Universidad Tocurato Di Tella School of Law,  
Buenos Aires, Argentina (1992-1999)  
Member of the Editorial Board, Supreme Court Economic Review  
Member of the Editorial Board, The Independent Review  
Member of the Advisory Board, Yearbook of International Financial and  
Economic Law  
Member of the Advisory Board, University of Hong Kong Faculty of Law Asian Institute  
of International Financial Law (2001-present)  
Member of the Advisory Board, LSN Comparative Law Abstracts

#### Courses

Governance, Risk and Compliance (Study Center Gerzensee, Switzerland 2016)  
Law and Business of Bitcoin (2015) (with David Yermack)  
Compliance and Risk Management for Attorneys (2014, 2015, 2017 (scheduled))  
Legal Profession (1985-93; 1996-98; 2003-2007; 2013)  
The Crisis of 2008 (2009, 2010)  
Reading Class: Restructuring Finance (2009); Cutting Issues in Finance (2014-2015); Law and  
Politics in Shakespeare (2015-2016)  
Property (1986-87)  
Corporations (1985-88; 1991-93; 1997-2000; 2005; 2008; 2012; 2014; 2016)  
Seminar on Separation of Powers (1985, 1987)  
Civil Procedure (1983-84; 2004-2005; 2011; 2013; 2016)  
Federal Regulation of Banking (1983, 1989-93; 1995-97; 2003, 2006-2010; 2012; 2015)  
Law and Business of Banking (2012; with Gerald Rosenfeld)

Land Development (1984-85)  
Securities Law (1990-91)  
Workshop in Legal Theory (1989-91)  
Seminar on Financial Institutions (1992-93 (with Merton Miller); 1996-97)  
Ethics in Class Action Practice (Continuing Legal Education Seminar 2002-2005)  
Law and Economics (University of Basel, Switzerland 2005, 2007-2014)  
Advanced Seminar on Law and Economics (University of Genoa, Italy 2008)  
Banking and the Financial Crisis (University of Genoa, Italy 2009)  
Trust, Risk, and Moral Hazard in Financial Markets (University of Genoa, Italy, 2010)  
International Banking (University of Sydney, Australia, 2002, 2006)  
Introduction to Banking Law (University of Basel, Switzerland 2001, 2002, 2003, 2004, 2009, 2010; 2011; 2012; 2013; 2014)  
Banking in the Theory of Finance (University of Frankfurt, Germany 2004, 2005)  
Banking Regulation in Crisis (University of Frankfurt, Germany, 2010)  
Banking: Law and Economics Issues after the Financial Crisis (Study Center Gerzensee, 2012)

Expert Witness Testimony (past five years)

The Board of Trustees of the Southern California IBEW-NECA Defined Contribution Plan v. Bank of New York Mellon, Civil Action No. 09-Cv-06273, Southern District of New York (2011) (declaration on certification)

Iorio v. Asset Marketing Systems, Inc., Case No.: 05-CV-0633-JLS (CAB), Southern District of California (2011) (declaration in fees)

Villaflor v. Equifax Information Services, LLC, Case No.: 3:09-cv-00329-MMC, Northern District of California (2011) (declaration on fees)

Feely v. Allstate Insurance Company, Case No. CV-2004-294-3A, Circuit Court of Miller County, Arkansas (2011) (affidavit on settlement and fees)

Keegan v. American Honda Motor Co., Inc., Case Number: 2:10-cv-09508-MMM-AJW, United States District Court for the Central District of California (2011) (declaration on certification)

Compusource Oklahoma v. BNY Mellon, N.A., Case No: CIV 08-469-KEW, United States District Court for the Eastern District of Oklahoma (2011) (declaration on certification)



ABN Amro Bank v. Dinallo, Index No.: 601846/09 (New York State Supreme Court) (declaration and deposition on corporate restructuring/administrative law issue)

In re Checking Account Overdraft Litigation, Case No.: 1:09-MD-02036-JLK, United States District Court for the Southern District of Florida (2012) (Bank of America case; declaration and supplemental declaration on fees)

In re Checking Account Overdraft Litigation, Case No.: 1:09-MD-02036-JLK, United States District Court for the Southern District of Florida (2012) (Bank of Oklahoma case; declaration on fairness of settlement and fees)

In re Cell Therapeutics Inc. Securities Litigation, Master Docket No. C10-414 MJP, United States District Court for the Western District of Washington (2012) (declaration on fees)

In Re: Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico, on April 20, 2010, MDL NO. 2179, Eastern District of Louisiana (2012) (declarations on economic and medical benefits class settlements)

Freudenberg v. eTrade Financial Corporation, Case No.: 07-CV-8538, United States District Court for the Southern District of New York (2012) (declaration on fees)

LaCour v. Whitney Bank, Case No. 8:11-cv-1896-VMC-MAP (United States District Court for the Middle District of Florida (2012) (declaration on settlement and fees)

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White v. Experian Information Solutions, Inc., Case No. 05-cv-1070 DOC, Central District of California (2013) (declaration on fees)

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In re General Motors LLC Ignition Switch Litigation, No. 14-MD-2543 (Southern District of New York 2016) (declaration on motion to dismiss lead counsel)

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In Re: Cnova N.V. Securities Litigation, No. 16 CV 444-LTS (Southern District of New York, 2017) (declaration on fees)

Other Activities

Fellow, Society for Empirical Legal Studies (2015-present)

Member, Board of Directors, American Law and Economics Association (1996-1999)

Member, Board of Advisors, The Independent Review (1996-present)

Member, Board of Advisors, Asian Institute of International Financial Law (2001-present)

Member, Editorial Advisory Board, Supreme Court Economic Review (1995-2001)

Member, Editorial Advisory Board, The Brookings-Wharton Papers on Financial Policy (1997-present)

President, Section on Financial Institutions and Consumer Financial Services, American Association of Law Schools (1999)

President, Section on Business Associations, American Association of Law Schools (1995)

Member, Board of Contributors, American Bar Association Preview of Supreme Court Cases (1985-1993)

Consultant, Administrative Conference of the United States (1988-89; 1991-1992)

Board of Directors and Volunteer Listener, D.C. Hotline (1980-83)

Awards

1992 Paul M. Bator Award for Excellence in Teaching, Scholarship and Public Service, from the Federalist Society for Law and Public Policy Studies

Podell Distinguished Teaching Award (NYU Law School 2016)

Languages

Reading knowledge of Spanish, French, and Italian.

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