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11
12 *Attorneys for Apple Inc.*

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES

15 WALTER PETERS, individually and on behalf
16 of all others similarly situated,

17 Plaintiffs,

18 v.

19 APPLE INC. a California corporation,
20 DOES 1 to 100, inclusive,

21 Defendants.

Case No.19STCV21787

CLASS ACTION

[Assigned for all purposes to Hon. Elihu M.
Berle, Dept. 6]

**STATEMENT IN SUPPORT OF FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND RESPONSE TO
OBJECTIONS**

Date: April 2, 2024

Time: 9:00 am

Department: 6

Complaint filed: June 21, 2019

Trial Date: Not Set

1 **I. INTRODUCTION**

2 After nearly five years of consistent and contested litigation, Plaintiffs and Defendant Apple
3 Inc. (“Apple”) have reached a settlement of Plaintiffs’ challenges to Apple’s statements regarding
4 users’ ability to share subscriptions to certain mobile applications using Apple’s Family Sharing
5 feature. Evaluated against the factors set forth by the Court of Appeal, and in light of the settlement
6 class’s response to the parties’ agreement, the settlement clearly warrants this Court’s final
7 approval. Plaintiffs’ Motion for Final Approval of Class Action Settlement sets forth the
8 justifications for final approval in detail, and Apple addresses and expands upon those points here.
9 In brief, the settlement represents a fair and presumptively reasonable compromise of disputed
10 claims on which class-wide recovery—or even certification of a litigation class—was highly
11 uncertain. It follows significant discovery and briefing that permitted both parties’ counsel to
12 evaluate their claims and defenses and the propriety of settlement. Finally, in response to a robust
13 and widely-distributed notice campaign, the class has responded with approval, confirming that the
14 settlement is appropriate. Over 98% of the class received notice, over 345,000 class members have
15 elected to receive a settlement payment, and there have been only 62 exclusion requests and four
16 objections to the settlement.

17 As to the objections submitted by class members (the “Objections”), none of them
18 undermines the settlement’s reasonableness. The objectors—David Philip Gerard; Matthew Lyon;
19 Thomas Elvin Bass, Jr.; and David Wible—contend that Class Counsel should not receive the high
20 proportion of the \$25 million gross settlement payment that they seek. Mr. Lyon also opposes the
21 settlement because he believes Apple has done nothing wrong. While Apple argues that Class
22 Counsel have not justified a 33% fee award or an approximately \$1.4 million award of costs, *see*
23 Apple’s Opposition to Class Counsel’s Motion for Attorney’s Fees and Costs, the Objections
24 provide no basis to invalidate the settlement.

25 **II. ARGUMENT**

26 **A. The Settlement Is Presumptively Fair**

27 Because a strong policy favors the voluntary conciliation and settlement of complex class
28 action litigation, “a presumption of fairness exists where: (1) the settlement is reached through

1 arm’s-length bargaining; (2) investigation and discovery are sufficient to allow counsel and the
2 court to act intelligently; (3) counsel is experienced in similar litigation; and (4) the percentage of
3 objectors is small.” *Dunk v. Ford Motor Co.*, 48 Cal. App. 4th 1794, 1802 (1996). Each of these
4 elements is more than satisfied here.

5 **First**, as this Court recognized in its Preliminary Approval Order, the settlement was
6 reached after months of arm’s-length negotiations, which included “the assistance of a well-
7 respected mediator” who worked with the parties both during and after two full-day mediation
8 sessions. Order Granting Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement
9 at 3.

10 **Second**, the settlement was reached following a ruling on a demurrer, significant fact and
11 expert discovery, and full briefing on Plaintiffs’ class certification motion. *See* Declaration of Justin
12 Marquez iso Final Approval (“Marquez Decl.”) ¶¶ 3, 6, 7. These proceedings provided counsel for
13 both parties with extensive information that allowed them to assess the strengths and weaknesses
14 of their respective cases and reach a well-informed conclusion as to the propriety of settlement. In
15 situations like these, “[t]he recommendations of counsel are given great weight since they are most
16 familiar with the facts of the underlying litigation.” *Hartless v. Clorox Co.*, 273 F.R.D. 630, 641
17 (S.D. Cal. 2011) (citation omitted).

18 **Third**, the Court is well equipped to judge counsel’s qualifications to make such a
19 recommendation. Plaintiffs addressed their counsel’s qualifications in their moving papers. *See*
20 Marquez Decl. ¶ 18; Declaration of Thiago Coelho iso Final Approval (“Coelho Decl.”) ¶¶ 30-41.
21 Apple’s counsel has been practicing for over 25 years and has defended numerous consumer class
22 actions involving false advertising claims similar to the ones alleged here. *See* Declaration of
23 Michelle C. Doolin iso Final Approval (“Doolin Decl.”) ¶¶ 4-5 & Exs. A-B.

24 **Finally**, despite over 345,000 class members having submitted valid payment election
25 forms, only four class members have objected to the settlement and only 62 have opted out. *See*
26 Suppl. Declaration of Jay Geraci iso Final Approval (“Suppl. Geraci Decl.”) ¶¶ 26, 28, 29. These
27 extremely low numbers raise a strong presumption that the settlement benefits class members and
28 should be approved. *Nat’l Rural Telecomms. Coop. v. DirectTV, Inc.*, 221 F.R.D. 523, 529 (C.D.

1 Cal. 2004) (“It is established that the absence of a large number of objections to a proposed class
2 action settlement raises a strong presumption that the terms of a proposed class settlement action
3 are favorable to the class members.”); *In re Mego Fin. Corp. Sec. Litig.*, 213 F.3d 454, 459 (9th
4 Cir. 2000) (the fact that there were “only a handful of objectors” weighed in favor of approving the
5 settlement as fair, reasonable, and adequate).

6 **B. Additional Considerations Support Final Approval of the Settlement**

7 Additional factors further confirm the settlement’s presumptive reasonableness and that
8 final approval is appropriate.

9 *First*, the settlement provides significant and immediate compensation to class members,
10 who might otherwise not have received any recovery from this lawsuit. As this Court stated in its
11 Preliminary Approval Order, “the settlement amount is fair and reasonable to the Class Members
12 when balanced against the probable outcome of further litigation relating to class certification,
13 liability and damages issues, and potential appeals.” Preliminary Approval Order at 2. While Apple
14 maintains that Plaintiffs could not have successfully certified a litigation class or established
15 liability, the settlement provides class members with an immediate and substantial cash benefit that
16 appears likely to total between \$40 and \$50 per class member. Doolin Decl. ¶ 3; Suppl. Geraci
17 Decl. ¶ 27. Class members need not demonstrate any injury or damages to receive a class payment;
18 simply making a qualifying purchase during the class period entitles class member to compensation.
19 *See* Coelho Decl. Ex. A (“Settlement Agreement”) ¶ 2.2. As Plaintiffs acknowledge, continuing to
20 litigate the action would have resulted in at least “the risk of significant delay,” and potentially no
21 recovery for the class at all in light of “the defenses that could be asserted by Apple both to
22 certification and on the merits, trial risk, and appellate risk.” Mot. for Final Approval at 4; *see also*
23 *In re Anthem, Inc. Data Breach Litig.*, 327 F.R.D. 299, 318 (N.D. Cal. 2018) (final approval
24 appropriate where “[s]ettlement provides the [c]lass with timely, certain, and meaningful
25 recovery”). All of these considerations further favor final approval. *See Dunk*, 48 Cal. App. 4th at
26 1801 (noting that courts weigh “the risk, expense, complexity, and likely duration of further
27 litigation” and “the amount offered in settlement” in considering final approval motions).

1 **Second**, the Court-approved notice program here had far more than a “reasonable chance
2 of reaching a substantial percentage of the class members.” *Wershba v. Apple Comput., Inc.*, 91
3 Cal. App. 4th 224, 251 (2001) (citation omitted). The settlement administrator successfully emailed
4 over 9.5 million class members, or close to 90% of the class. Suppl. Geraci Decl. ¶¶ 7-13. For class
5 members who did not respond to the initial notice, the settlement administrator sent two more
6 reminder emails. *Id.* ¶¶ 14, 15. And over 880,000 additional class members were sent notice by
7 physical mail to their last known address. *Id.* ¶ 20. As such, over 98% of class members were sent
8 actual notice, with many of them receiving multiple follow-up notices, and all class members were
9 able to receive more information about the settlement by visiting a public website or contacting the
10 settlement administrator. Suppl. Geraci Decl. ¶¶ 22, 24.

11 **Third**, “the reaction of the class members to the proposed settlement” has been positive.
12 *Dunk*, 48 Cal. App. 4th at 1801. Over 345,000 class members, or about 3.25% of the class, have
13 elected to receive a class payment. Suppl. Geraci Decl. ¶ 22. This is a typical and reasonable number
14 given that “consumer class actions tend to result in claims rates in the low single digits.” *Rael v.*
15 *Children’s Place, Inc.*, 2020 WL 434482, at *9 (S.D. Cal. Jan. 28, 2020) (collecting cases); *see also* !
16 *In re Anthem*, 327 F.R.D. at 321 (granting final approval where 1.8% of the class made claims);
17 *Bayat v. Bank of the W.*, 2015 WL 1744342, at *1 (N.D. Cal. Apr. 15, 2015) (granting final approval
18 where 1.9% of the class made claims). Moreover, hardly any class members have opted out or
19 objected, as noted above. *See supra* 3-4. Particularly because notice to the class was extensive and
20 repeated, with a high chance of a large proportion of the class receiving actual notice, these figures
21 confirm that class members have responded favorably to the settlement and final approval is
22 warranted.

23 **C. The Objections to the Settlement Do Not Provide Any Basis to Deny Final**
24 **Approval.**

25 Just four class members have lodged Objections to the settlement, and none of them pertains
26 to the structure or fairness of the settlement under any of the relevant factors discussed above.
27 Rather, the Objections focus primarily on the size of the fee and cost award that Class Counsel
28 seeks. These Objections offer no reason to invalidate the settlement.

1 **1. Objections to Class Counsel’s attorneys’ fees and costs do not preclude**
2 **final approval.**

3 Mr. Gerard objects “that the Plaintiffs’ attorneys are being paid too much,” while Mr. Lyon
4 asserts that “[t]he amount of money earmarked for Class Council [sic] in this settlement is
5 ridiculous.” Suppl. Geraci Decl. Ex. H. Likewise, Mr. Bass objects to “[e]xcessive total fees
6 charged by the Plaintiff[s’] [l]awyers,” and Mr. Wible to “excessive attorneys’ fees [and] litigation
7 expenses.” *Id.* While Apple has filed its own papers opposing Class Counsel’s Fee Motion,
8 objections to Class Counsel’s fee award have no bearing on whether the Court should approve the
9 settlement.

10 To the extent the Objections construe the settlement agreement as guaranteeing Class
11 Counsel compensation in a certain amount, they are meritless. The settlement does not mandate
12 that Class Counsel “are being paid” anything, nor does it “ earmark[]” any portion of the settlement
13 fund for them, as the Objectors appear to believe. *Id.* Rather, the agreement provides only that Class
14 Counsel ***may petition the Court*** for an award of fees and costs not to exceed a specified amount.
15 Settlement Agreement ¶ 7.1. The question of whether Class Counsel should receive compensation,
16 and in what amount, remains entirely up to the Court as the law requires. *See Consumer Priv. Cases*,
17 175 Cal. App. 4th 545, 555 (2009) (“The court has a duty, independent of any objection, to assure
18 that the amount and mode of payment of attorneys’ fees are fair and proper[.]”); Preliminary
19 Approval Order at 3 (setting final approval hearing at which the Court would decide whether to
20 issue such an award). Consistent with this principle, Apple expressly reserved the right to oppose
21 Class Counsel’s request for fees and costs. Settlement Agreement ¶ 7.1. Apple went on to exercise
22 that right and filed an opposition to Class Counsel’s Fee Motion. This is common practice. As the
23 Ninth Circuit has put it, when parties negotiate a class action settlement with a settlement fund from
24 which class counsel may petition the court for fees, “the agreement as a whole does not stand or
25 fall on the amount of fees.”¹ *Staton v. Boeing Co.*, 327 F.3d 938, 972 (9th Cir. 2003).

26 ¹ Mr. Wible and Mr. Bass also dispute the incentive award that Class Counsel seek for the class
27 representatives. Suppl. Geraci Decl. Ex. H. These awards, which the Court may grant, deny, or
28 reduce in its discretion, have no effect on the overall reasonableness of the settlement. *Staton*, 327
F.3d at 972. To the extent Mr. Wible objects that the \$15,000 award sought for each class
representative “appear[s] inadequate,” Suppl. Geraci Decl. Ex. H, he is mistaken. As Apple’s

1 Moreover, should the Court agree with Apple that a one-third fee award and \$1.4 million
2 cost award to Class Counsel are unjustified, the Court can and should simply reduce the size of
3 both awards when it grants final approval. Courts routinely do exactly that. *See, e.g., Golba v.*
4 *Dick’s Sporting Goods, Inc.*, 238 Cal. App. 4th 1251, 1259 (2015) (affirming trial orders reducing
5 class counsel’s proposed fee award and granting final approval); *Stewart v. Apple Inc.*, 2022 WL
6 3109565, at *1 (N.D. Cal. Aug. 4, 2022) (reducing class counsel’s proposed fee award and granting
7 final approval); *Munoz v. Giumarra Vineyards Corp.*, 2017 WL 2665075, at *15 (E.D. Cal. June
8 21, 2017) (same); *Hawthorne v. Umpqua Bank*, 2015 WL 1927342, at *6 (N.D. Cal. Apr. 28, 2015)
9 (same); *Monterrubio v. Best Buy Stores, L.P.*, 291 F.R.D. 443, 463 (E.D. Cal. 2013) (same). Were
10 the Court to issue a fee and/or cost award in an amount lower than that which Class Counsel has
11 requested, the difference between Class Counsel’s proposed award and the amount authorized by
12 the Court would simply be distributed to the Class. *See Staton*, 327 F.3d at 972 (“[A]fter the court
13 determines the reasonable amount of attorneys’ fees, all the remaining value of the fund belongs to
14 the class.”). In short, the Objections do not provide a basis for denying final approval of the
15 settlement.

16 **2. Mr. Lyon’s satisfaction with Apple and belief that Plaintiffs’ case lacks**
17 **merit supports final approval.**

18 Mr. Lyon also appears to object to the settlement because he “agree[s] with Apple’s position
19 that they did not make any misleading misrepresentations” and “believe[s] they are one of the better
20 corporate citizens in this regard.” Suppl. Geraci Decl. Ex. H. As a matter of law, Mr. Lyon’s belief
21 is not a basis to deny final approval, since “the merits of the underlying class claims are not a basis
22 for upsetting the settlement of a class action.” *Wershba*, 91 Cal. App. 4th at 246 (citation omitted).
23 If Mr. Lyon did not wish to receive a settlement payment because he believed that Apple had
24 engaged in no wrongdoing that would entitle him to compensation, he could simply have declined

25 _____
26 Opposition to Plaintiffs’ Fee Motion explains, even a \$15,000 incentive award is significantly
27 higher than the typical award authorized in a case like this. *See Apple’s Opp’n to Pls.’ Fee Mot.* at
28 13-14. Finally, Mr. Bass’s Objection appears to confuse incentive payments with settlement
administration expenses, suggesting that he believes “the lawyers are indicating they intend to
charge ‘up to’ \$15,000 per Class Representative” to distribute settlement payments. Suppl. Geraci
Decl. Ex. H. That is not the case, and the Objection on this point is meritless.

1 to submit a payment election form or chosen to opt out of the settlement. He did neither. Suppl.
2 Geraci Decl. ¶ 29.


3 Mr. Lyon’s assertion merely reflects that [as the settlement agreement provides, “Apple has
4 at all times denied and continues to deny any and all alleged wrongdoing or liability” and has
5 consistently maintained that Plaintiffs would have been unable to certify a class or prevail at trial.
6 Settlement Agreement at 4. The settlement, which awards approximately seven percent of
7 Plaintiffs’ asserted maximum potential damages, reflects a fair and reasonable compromise of the
8 parties’ vigorously-disputed claims. *See* Apple’s Opp’n to Pls.’ Fee Mot. at 6-7.

9 **III. CONCLUSION**

10 For the foregoing reasons, the Court should grant final approval of the parties’ settlement
11 notwithstanding the Objections.

12 Dated: March 19, 2024

COOLEY LLP

14 
15 By: _____
Michelle C. Doolin

16 Attorneys for Apple Inc.

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21 299348109

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12 *Attorneys for Apple Inc.*

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
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15 WALTER PETERS, individually and on
16 behalf of all others similarly situated,
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18 v.
19 APPLE INC. a California corporation,
DOES 1 to 100, inclusive,
20 Defendants.

Case No.19STCV21787

CLASS ACTION

[Assigned for all purposes to Hon. Elihu M.
Berle, Dept. 6]

**DECLARATION OF MICHELLE C. DOOLIN
IN SUPPORT OF APPLE INC.'S STATEMENT
IN SUPPORT OF FINAL APPROVAL OF
CLASS ACTION SETTLEMENT AND
RESPONSE TO OBJECTIONS**

Date: April 2, 2024
Time: 9:00 am
Department: 6
Complaint filed: June 21, 2019
Trial Date: Not Set

1 I, Michelle C. Doolin, declare as follows:

2 1. I am an attorney duly licensed to practice before all courts of the State of California.
3 I am a partner of the law firm Cooley LLP and counsel for Apple Inc. (“Apple”). I submit this
4 declaration in support of Apple’s Statement in Support of Final Approval and Response to
5 Objections. I have personal knowledge of the following and, if called as a witness, could and would
6 testify competently thereto.

7 2. The settlement in this action, as memorialized in the settlement agreement, was
8 reached after the parties met for a full-day mediation session with the Honorable Edward A. Infante
9 (Ret.) on January 25, 2023. Although a resolution was not reached on January 25, 2023 the parties
10 continued to have discussions with Judge Infante thereafter and ultimately were able to resolve the
11 matter.

12 3. If the Court determined that Class Counsel should be awarded 25% of the gross \$25
13 million settlement amount as an attorney’s fee award, rather than the 33% award Class Counsel has
14 requested, an additional \$2 million would be distributed to class members rather than to counsel.
15 This additional \$2 million sum would increase the per-class-member payment by approximately
16 \$5.80, based on the settlement administrator’s report that 344,756 class members have filed valid
17 payment election forms to date, for a total per-class-member payment of approximately \$47.37.

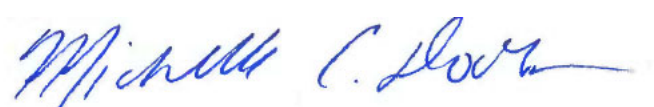
18 4. I have been practicing law since 1995. I am Chair of Cooley’s Commercial Class
19 Action Practice and have handled numerous cases involving claims similar to those asserted in this
20 case. A true and correct copy of my biography is attached hereto as **Exhibit A**.

21 5. Beatriz Mejia, one my partners at Cooley LLP, has also been closely involved in
22 representing Apple in this matter throughout the litigation and settlement process. Ms. Mejia has
23 been practicing law since 1997, and she currently serves as the Northern California head of
24 Cooley’s business litigation practice. Ms. Mejia has handled numerous complex litigation matters,
25 including class actions. A true and correct copy of Ms. Mejia’s biography is attached hereto as
26 **Exhibit B**.

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I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed on this 19th day of March 2024 at San Diego, California.



Michelle C. Doolin

EXHIBIT A

Michelle Doolin

Partner



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San Diego

Class Action Litigation

Commercial Litigation

Cyber/Data/Privacy

Labor & Employment

Retail & Consumer Products

Product Compliance & Product Litigation

Fashion, Apparel & Beauty

Michelle is chair of Cooley's elite class action practice and serves as the go-to attorney for retail and consumer product companies facing consumer class actions involving advertising, consumer, privacy and employment laws. Michelle has defended leading companies in 150+ consumer class actions and has obtained success at all stages of litigation.

Michelle's representative clients include Ann Inc., BevMo, Condé Nast, Charlotte Russe, Cole Haan, Dick's Sporting Goods, Fifth Generation, Gap, Google, Guess, J.Crew Group, Living Social, Living Spaces, Nike, Nintendo, Payless ShoeSource, Provide Commerce, Sony, Stein Mart, Swarovski, Talking Rain, The Children's Place, The TJX Companies, The Yankee Candle Co., Tiffany & Co., Time, and the University of Southern California.

Michelle represents several Kardashian-Jenner brands, and she recently [won a high-profile jury trial in Los Angeles](#), successfully [defending the Kardashian-Jenner family](#) against claims brought by a plaintiff seeking more than \$100 million in damages for allegations of defamation and intentional interference with the plaintiff's E! network talent agreement.

Michelle's class action experience includes:

- California class actions brought under the state's Song-Beverly Credit Card Act regarding collection of personal information.
- Nationwide and California class actions alleging false and deceptive advertising under California's Consumers Legal Remedies Act, Unfair Competition Law and False Advertising Law
- Nationwide and California class actions alleging product defects asserting various claims for breach of express, implied and statutory warranties, as well as false and deceptive advertising and unfair competition
- Class actions alleging violations of the federal Telephone Consumer Protection Act (TCPA)
- Privacy litigation, including suits brought under the federal Video Privacy Protection Act (VPPA) and California's "Shine the Light" law
- Nationwide gift card class actions brought under the federal Credit Card Accountability Responsibility and Disclosure Act, as well as federal and state-specific class actions brought under various state gift card laws
- Wage-and-hour class actions brought under federal and state law involving overtime calculation, exempt classification, meal and rest periods, vacation policy, unlawful deductions from wages, and employment applications, as well as federal Worker Adjustment and Retraining Notification (WARN) Act and California

Private Attorneys General Act actions

- Federal and state class actions brought under the Americans with Disabilities Act (ADA)

Michelle has provided extensive counseling and represented numerous retailers in 50+ class actions brought under the Song-Beverly Credit Card Act. She led the team that obtained a major victory for companies doing business in California with the first published appellate court decision in a class action where the court ruled that the statute did not apply to return transactions and had a one-year limitation period. In another class action under the act, Michelle successfully led the team that obtained a federal court decision holding that plaintiffs are not entitled to a jury trial. She also led the team that defeated class certification in a case brought against Nike that alleged violations relating to the collection of customer information. On behalf of BevMo, Michelle successfully obtained the dismissal of a class action alleging violations of the Song-Beverly Act in relation to items ordered online. On behalf of the Gap, Michelle argued before the California Supreme Court in a class action regarding the types of personal information covered by the statute.

Michelle has extensive experience litigating cases styled as nationwide product defect class actions that assert various claims for breach of express, implied and statutory warranties, as well as false and deceptive advertising, and unfair competition on behalf of consumer product companies. Notably, in several matters for Sony, she led teams that obtained dismissal of all claims with prejudice.

Michelle also has defended privacy class actions. She obtained the dismissal of class actions alleging violations of California's "Shine the Light" law brought against Condé Nast, Hearst and Time. On behalf of StubHub, she led the team that defeated class certification in one of the first Fair and Accurate Credit Transactions Act cases filed against an online business. She also secured the US Court of Appeals for the Ninth Circuit's affirmance of the dismissal of a class action brought against Sony entities related to the VPPA.

Michelle has extensive experience with the TCPA, and regularly counsels clients on the statute and defends them in related class actions. In addition, she has in-depth knowledge of nationwide and state gift card laws and frequently defends her clients in class actions asserting violations of those laws.

Michelle has experience coordinating California class actions and practicing before the federal Judicial Panel on Multidistrict Litigation, and she has successfully moved to transfer and centralize a number of class cases for a variety of clients, including TJX, Payless ShoeSource and LivingSocial.

She also has handled a large number of public access cases under the ADA and counseled clients on a number of ADA-related issues.

The Daily Journal twice listed Michelle as one of the Top 100 Women Litigators in California. She was ranked as a leading business litigator by Southern California Super Lawyers, a leading class action/mass torts lawyer by San Diego Super Lawyers, and a leading litigator by Benchmark Litigation. Best Lawyers recognized Michelle in its Mass Tort Litigation/Class Action – Defendants and Commercial Litigation categories, and named her Lawyer of the Year in Mass Tort Litigation/Class Actions – Defendants.

Prior to attending law school, Michelle worked as a financial analyst with Loral Aeronutronic.

Education

University of San Diego School of Law
JD, 1995

California State University, Long Beach
BS, 1991

Admissions & Credentials

California

Massachusetts

Court Admissions

Supreme Court of the United States

US Court of Appeals for the Ninth Circuit

US Court of Appeals for the District of Columbia Circuit

All California Federal and State Courts

All Massachusetts Federal and State Courts

Rankings & Accolades

Legal 500 US: General Commercial Disputes and Product Liability, Mass Tort And Class Action - Defense:
Consumer Products

Chambers USA: Litigation: General Commercial – California: San Diego (2023)

Southern California Super Lawyers: Business Litigation

Best Lawyers: Commercial Litigation , Mass Tort Litigation/Class Actions

Best Lawyers: Lawyer of the Year for Mass Tort Litigation/Class Actions - Defendants

Benchmark Litigation: Future Star

Daily Journal: Top 100 Women Litigators in California

Benchmark Litigation: Litigation

San Diego Super Lawyers: Class Action

Memberships & Affiliations

San Diego County Bar Association

EXHIBIT B

Beatriz Mejia

Partner



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San Francisco

Antitrust & Competition
Antitrust Litigation & Enforcement
Commercial Litigation
Class Action Litigation
Global Cartel Defense
Venture Capital Litigation & Dispute Counseling

Beatriz Mejia's practice focuses on complex business disputes and general business litigation. In recent years, Beatriz's practice has focused on international cartel investigations and related litigation. Her experience includes representing both corporations and individuals in government investigations brought by antitrust authorities around the world, including the US, Europe, Korea and Japan, and in litigation brought in multi-district and related class actions. Beatriz also has represented clients in antitrust litigation involving a range of federal and state antitrust claims, including monopolization claims. She currently serves as Northern California head of Cooley's business litigation practice.

Representative matters include:

- electronics company in connection with investigations conducted by various competition authorities around the world, including DOJ, and related litigation arising from allegations of pricing fixing and market restriction;
- graphics company in connection with DOJ criminal investigation and related litigation arising from price fixing allegations;
- various high-tech companies in connection with DOJ antitrust investigation of hiring practices;
- Tyco Healthcare Group in antitrust action challenging contracts with group purchasing organizations;
- large venture capital firm and one of its managing members in defending claims arising from the merger of a company in which the venture capital firm invested;
- employment action involving high level executive and the alleged misappropriation of trade secrets, unfair competition and other related claims;
- executive under criminal investigation by federal prosecutors for violating the Economic Espionage Act.

Beatriz is an active member of the Hispanic National Bar Association, the California La Raza Lawyers Association and La Raza Lawyers Association of San Francisco. She is a former President and Executive Board member of the California La Raza Lawyers Association and is currently serving as Treasurer. She is also a former Board of Directors member of La Raza Lawyers Association of San Francisco. Beatriz is currently serving as a Board member for Centro Legal de La Raza, a legal services agency in Oakland. She is also a Board member of the Association of Business Trial Lawyers and Vice Chair of the Cartel & Criminal Practice Committee, America Bar Association's Antitrust Section. Beatriz is currently serving as a member of the Magistrate Judge Merit Selection Panel for the Northern District of California.

Beatriz is fluent in Spanish.

Education

University of California, Berkeley School of Law
JD, 1997

University of California, Los Angeles
BA, 1994

Admissions & Credentials

California

Court Admissions

US District Court for the Central District of California

US District Court for the Northern District of California

US Court of Appeals for the Ninth Circuit

Rankings & Accolades

Legal 500: Dispute Resolution – General Commercial Disputes

Memberships & Affiliations

American Bar Association

California La Raza Association

La Raza Lawyers Association of San Francisco