

# EXHIBIT 9

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5 *Attorneys for Plaintiffs JEREMY WILTON, et*  
6 *al.*

7 [Additional counsel on signature page]

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **SOUTHERN DIVISION**

11 IN RE: HYUNDAI AND KIA FUEL  
12 ECONOMY LITIGATION

CASE NO.: 2:13-ml-02424-GW (FFM)

CLASS ACTION

**DECLARATION OF ALAN M.  
MANSFIELD IN FURTHER SUPPORT  
OF PLAINTIFFS' APPLICATION  
FOR ATTORNEYS' FEES AND  
REIMBURSEMENT OF EXPENSES**

Date: February 26, 2015  
Time: 8:30 a.m.  
Place: Courtroom 10  
Judge: Hon. George H. Wu

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19 I, Alan M. Mansfield, declare and state as follows:

20 1. I am an attorney at law licensed to practice before all federal and state  
21 courts of the State of California, the United States Supreme Court and various  
22 federal district courts and courts of appeal throughout the country. I am Of Counsel  
23 to the law firm of Whatley Kallas, LLP ("Whatley Kallas"), one of the counsel of  
24 record for the Plaintiffs Jeremy Wilton, Sean Godsberry, Cynthia Navarro, Shelly  
25 Henderson, Owen Chapman, Robert Trader and Michael Brein in the above-  
26 captioned litigation. I am personally familiar with the facts set forth herein, and if  
27 called upon to do so, I could and would testify competently thereto.

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1           2.     My firm, along with the firms in the following actions, coordinated  
2 their efforts to reduce duplication of effort among these firms:

- 3           •     *Jeremy Wilton, et al. v. Kia Motors America, Inc., and Hyundai Motor*  
4           *America, Inc.*, Case No. 12-cv-1917 JVS (ANx), originally filed in the  
5           Central District of California (Whatley Kallas LLP and Doyle Lowther  
6           LLP)  
7           •     *Washburn v. Kia Motors Corporation, et al.*, Case No. 4:12-cv-00770,  
8           originally filed in the Eastern District of Texas (Crowley Norman LLP  
9           and Payne Mitchell Law Group, LLP)  
10          •     *Andre Carullo and Donald Kendig v. Kia Motors Corporation*, Case  
11          No. 12-02174 AG (MLGx), originally filed in the Central District of  
12          California (Mauriello Law Firm, APC)

13           3.     My firm took a lead role in conducting witness interviews of  
14 executives from Kia Motors America (“Kia”) in connection with the Plaintiffs’  
15 investigation into the background of this litigation, and in coordinating with counsel  
16 in conducting those interviews. My firm also assisted in the review of materials  
17 produced by both Kia and Hyundai Motors America Inc., and in attempting to  
18 informally resolve discovery disputes with counsel for Kia (which we were able to  
19 successfully accomplish). When assignments were provided to me by Eric Gibbs  
20 of the Girard Gibbs firm, the liaison counsel for the non-settling Plaintiffs  
21 appointed by the Court, I would ask the above firms for assistance in completing  
22 the assigned tasks, whether it was preparing for witness interviews and coordinating  
23 the participation of co-counsel in those interviews, reviewing documents, or  
24 obtaining input from the above Plaintiffs and Class members on their views of the  
25 initially proposed and updated settlement. In addition, when this litigation was first  
26 initiated (the *Wilton* action was the first served Complaint filed against Kia), I  
27 worked with the Doyle Lowther firm in responding to numerous Class member  
28 inquiries about this action, as detailed more fully in the declaration of William  
Doyle. As the matter progressed, one or two members from this group of attorneys  
would participate in a status conference or hearing and report to other counsel as to

1 what the Court had suggested. Thus, for purposes of this Fee Application the above  
2 firms worked as a collective group.

3 4. The lodestar calculations for my firm set forth below are based on the  
4 standard, current, usual and customary hourly rates of our firm, which has offices in  
5 Los Angeles, San Diego, New York and Birmingham. The persons who billed time  
6 to this matter listed below are located in these various offices, and are the rates used  
7 in those venues. Not only have these rates been approved and paid by my firm's  
8 hourly rate-paying business clients located in these locations and around the United  
9 States, but they have also been approved by federal courts in those venues and  
10 Circuits considering the standard hourly rates for those locations. Most recently,  
11 my firm's hourly rates were approved as reasonable in a litigated fee submission  
12 before the Hon. David O. Carter of the Central District of California in *DOE v.*  
13 *UnitedHealthcare, et al.*, U.S. District Court, Central District of California, Case  
14 No. SACV-13-00864-DOC (JPR), Order dated October 15, 2015, and by U.S.  
15 District Court Judge Alvin Thompson in *In re: US Foodservice Inc. Pricing*  
16 *Litigation*, Case No. 3:07-md-01894 (D. Conn., Order dated Dec. 9, 2014). These  
17 rates are also consistent with the rates used by other counsel in this action of which  
18 I am aware, both located in this District and elsewhere. My firm's *curriculum vitae*  
19 describing our collective experience and accomplishments is attached hereto as Ex.  
20 1.

21 5. As detailed below, Whatley Kallas expended a total of 343.1 hours  
22 between November 2, 2012 and December 3, 2014 in litigating and assisting in the  
23 review of relevant materials in this action. In terms of the time I estimate we will  
24 be required to expend on this matter between December 3, 2014 and the time this  
25 case is finally resolved, as set forth below I estimate the above lodestar amount  
26 would increase by at least another \$20,000.00 in terms of preparing and litigating  
27 this Application and answering questions from Class members about the underlying  
28 settlement. Thus, the total lodestar amount for the attorney/professional time in this

1 case that I believe will be expended by Whatley Kallas on this matter is  
2 \$210,102.50 and \$773.55 in direct litigation expenses.

3 6. I divide this lodestar into four general time frames: (a) work done prior  
4 to February 6, 2013 – the date *Wilton v. Kia Motors America Inc., et al.*, Civ. Case  
5 No. 8:12-cv-01917-JVS (AN) (C.D. Cal.) was assigned to this Court; (b) work done  
6 by my firm relating to discovery at the direction of liaison counsel and briefing;  
7 (c) work done by my firm relating to hearings and status conferences; and (d) direct  
8 settlement-related work. Below, I provide the amount of hours Whatley Kallas  
9 expended within these general categories. Because describing precisely what tasks  
10 were performed and when would constitute our attorney work product or reveal  
11 communications with clients, I provide the Court with general descriptions of the  
12 tasks we performed during the course of this litigation and am not attaching the  
13 underlying time records maintained by Whatley Kallas. Such records are  
14 maintained in the regular course of the firm’s business, and are created based on  
15 records contemporaneously maintained by the firm’s attorneys and staff that are  
16 submitted on a regular basis to the Whatley Kallas accounting department for input  
17 into an attorney record keeping and time management database maintained by the  
18 firm. My office reviewed those records in summarizing the description of entries  
19 and the time expended in each category as set forth below to ensure their accuracy.

20 7. *Work done prior to the MDL assignment:* Prior to the cases being  
21 transferred to the MDL on February 6, 2013, my firm spent time interviewing,  
22 corresponding, and conferring with plaintiffs; researching relevant issues regarding  
23 drafting and filing a complaint in federal court; drafting pre-litigation demand  
24 letters for our clients; combining our research and the research prepared by our co-  
25 counsel into the original Complaint; researching and preparing preliminary drafts  
26 of motions for preliminary injunction, discovery and appointment of class counsel.  
27 Whatley Kallas attorneys and staff expended 54.7 hours of time devoted to the  
28 above tasks.

1 8. *Work related to discovery and briefing:* Once the cases were  
 2 transferred to the MDL, my firm spent time drafting information discovery  
 3 requests; responding to liaison counsel and defendants' requests for information;  
 4 working with plaintiffs in responding to requests for information (including getting  
 5 documents from clients); conferring with opposing counsel for Kia in resolving  
 6 discovery issues; reviewing and producing documents; and preparing for and  
 7 attending interviews of Kia executives. Whatley Kallas attorneys and staff  
 8 expended 160.1 hours of time devoted to the above tasks.

9 9. *Work related to hearing and status conferences:* During the course of  
 10 the litigation, my firm spent time preparing for and attending over ten (10) in  
 11 person and telephonic status conferences, which included reviewing drafts and final  
 12 revisions of numerous status conference reports. Whatley Kallas attorneys and staff  
 13 expended 63.7 hours of time devoted to the above tasks.

14 10. *Settlement review related work:* During the course of the litigation, my  
 15 firm spent time working with co-counsel and opposing counsel in reviewing the  
 16 settlement terms from these cases. Such work included reviewing the damages  
 17 models in these cases, corresponding with plaintiffs, and participating in various  
 18 settlement discussions and conferences with co-counsel and opposing counsel.  
 19 Whatley Kallas attorneys and staff expended 64.5 hours of time devoted to the  
 20 above tasks.

21 11. Below is a chart showing the timekeepers that performed the work at  
 22 Whatley Kallas summarized above, their respective hourly rates, the category of  
 23 work performed, and their total lodestar.

<b>Time Keeper (Position)</b>	<b>Hourly Rate</b>	<b>Type of Work</b>	<b>Hours</b>	<b>Total</b>
Joe R. Whatley, Jr., Esq. (Partner)	950.00	Work prior to MDL assignment (Feb. 6, 2013)	0.80	\$760.00
		Work related to hearings and status conferences	0.30	\$285.00

<b>Time Keeper (Position)</b>	<b>Hourly Rate</b>	<b>Type of Work</b>	<b>Hours</b>	<b>Total</b>
Alan M. Mansfield, Esq. (Of Counsel)	700.00	Work prior to MDL assignment (Feb. 6, 2013)	37.60	\$26,320.00
		Work related to discovery and briefing	88.70	\$62,090.00
		Work related to hearing and status conferences	50.30	\$35,210.00
		Settlement related work	37.20	\$26,040.00
Shujah A. Awan, Esq. (Associate)	450.00	Work related to discovery and briefing	25.70	\$11,565.00
		Settlement related work	12.10	\$5,490.00
Kristin Libby, Esq. (Associate)	375.00	Work related to discovery and briefing	0.40	\$150.00
		Work related to hearing and status conferences	13.10	\$4,912.50
Mary Ann Bagwell (Paralegal)	225.00	Work prior to MDL assignment (Feb 6, 2013)	1.00	\$225.00
Katherine Gault (Paralegal)	225.00	Work prior to MDL Assignment (Feb. 6, 2013)	3.40	\$765.00
Sally Cormier (Paralegal)	225.00	Work prior to MDL Assignment (Feb. 6, 2013)	11.90	\$2,677.50
		Work related to discovery and briefing	45.30	\$10,192.50
		Settlement related work	15.20	\$3,420.00
<b>GRAND TOTAL</b>			<b>343.10</b>	<b>\$190,102.50</b>

12. I estimate that Whatley Kallas will incur at least an additional \$20,000.00 in lodestar to: (a) finalize this fee application (the time recorded in my declaration is through December 3, 2014, and may be updated on reply for the hearing on this Application); (b) respond to client and Class member inquires about the settlement; and (c) review or prepare supplemental materials in support of the motion for final approval of settlement and fee application, as well as appear at the final approval and fee application hearing. I base this estimate on the expectation that, after December 3, 2014, I will bill an additional 25 hours of time to this matter

1 and that Shujah A. Awan, an associate at Whatley Kallas, will incur an additional  
2 10 hours of time.

3 13. Additionally, Whatley Kallas has expended a total of \$773.55 in  
4 unreimbursed expenses that were necessarily incurred in connection with this  
5 litigation. These expenses were incurred solely in pursuit of this litigation and are  
6 broken down as follows:

7 (a) filing fees: \$679.00

8 (b) online PACER research: \$15.80

9 (c) conference calls: \$17.96

10 (d) travel expenses for interviews and to attend court hearings:  
11 \$38.25

12 (e) copying and mailing documents: \$22.54

13 14. On December 22, 2014, I reached agreement with counsel for  
14 Defendants that Defendants would agree to not oppose and pay \$346,000.00 in  
15 attorneys' fees and \$3,773.57 in reimbursement of expenses collectively to my firm  
16 and counsel for Plaintiffs in the three actions listed in paragraph 2 of this  
17 Declaration. This amount will be less than 60% of these firms' collective lodestar,  
18 which I understand is consistent with percentages applied to other similarly situated  
19 counsel.

20 I declare under penalty of perjury under the laws of the United States that the  
21 foregoing is true and correct.

22 Executed on the 22<sup>nd</sup> day of December, 2014 at San Diego, California.

23  
24 /s/Alan M. Mansfield  
25 Alan M. Mansfield  
26 Declarant  
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# EXHIBIT 1



## Introduction

Whatley Kallas, LLP, is comprised of a nationally recognized group of attorneys with a long history of representation of plaintiffs and plaintiff classes in complex litigation, especially in the consumer and healthcare area.

Whatley Kallas operates offices in San Diego, Los Angeles, and San Francisco, California, as well as in Atlanta, Birmingham, New York, Boston, and Aspen, Colorado.

The attorneys of Whatley Kallas have gained a national reputation for their aggressive litigation style and quality legal work, particularly in their handling of complex cases. Collectively, the attorney group has tried numerous cases to verdict and has recovered billions of dollars in cash and significant corporate reforms for their clients

The lawyers of Whatley Kallas have been repeatedly recognized in legal publications, such as *The National Law Journal* and *American Lawyer*, by their peers.

The lawyers of Whatley Kallas, many of whom were formerly with Whatley Drake & Kallas, will continue to seek leadership roles in significant complex class action and derivative litigation, including consumer fraud and abuse litigation as well as other areas of litigation. These lawyers participate in class actions and complex cases across the United States, effecting meaningful change through settlements and verdicts for classes of people, businesses and pension funds.

Whatley Kallas's partners have served as co-lead counsel in numerous high profile class actions that have recovered billions of dollars for class members, and have achieved significant corporate reforms. Examples of recent cases in which the partners served in a leadership role and were extensively involved in the litigation and negotiation of settlements include: In re: Managed Care Litigation (resulting in billions of dollars in cash and value to a class of 900,000 physicians throughout the United States); In re Insurance Brokerage Antitrust Litigation (settlements with defendants Zurich Insurance Company and Arthur J. Gallagher on behalf of commercial policyholders for in excess of \$130 million); In re: Qwest Savings and Retirement Plan ERISA Litigation (approximately \$37.5 million); In re: HealthSouth Corporation Securities Litigation (\$445 million); In re Denney v. Jenkins & Gilchrist (\$81.6 million settlement on behalf of former clients of Jenkins & Gilchrist in connection with illegal tax shelters); In re MedPartners Securities Litigation (\$65 million); In re Mattel Lead Paint Contaminated Toy Litigation (tens of million dollars in value to the class).

The firm's lawyers have gained a national reputation for their aggressive litigation style and their quality legal work. A significant aspect of the Firm's resources is its ability to try a complex case. One of the Firm's founding partners, Joe R. Whatley, Jr., is an experienced trial lawyer and is one of the few lawyers representing plaintiffs in complex class action litigation who has tried a class action case to verdict. He won a \$1.28 billion jury verdict on behalf of a class of cattle ranchers against Tyson Fresh Meats, Inc. in *Pickett v. Tyson Fresh Meats, Inc.*, No. 96-A-1103-N (M.D. Ala.). Mr. Whatley also won what was at the time the largest wrongful death verdict in Louisiana history in *Dunn v. Consolidated Rail Corp.*, 890 F. Supp. 1262 (M.D. La. 1995). Mr. Whatley's experience in this regard has made him a highly sought after member of plaintiffs' leadership groups in numerous complex and multidistrict litigations.

The firm's partners have also gained a national reputation for their consistent dedication to the interests of their clients by achieving results which include both compensation to victims of wrongdoing and significant industry reforms.

## **Firm Litigation**

### **Consumer Class Litigation**

Whatley Kallas lawyers will continue with representation of consumers in class action cases. Cases in which lawyers of the firm have participated include:

**Spencer v. Shell Oil.** Homeowner suit in connection with polybutylene plumbing throughout the United States in this action in the Circuit Court of Greene County, Alabama. A settlement of approximately \$1 billion to repair and replace leaking pipes and fittings for homeowners was obtained.

**In re Mattel, Inc. Toy Lead Paint Products Liability Litigation, MDL No. 1897.** Class of consumers of toys recalled due to their lead content or that were defectively designed with magnets which could come loose and potentially injure children manufactured and sold by Mattel and Fisher Price. A settlement providing for refunds of the purchase price of the toys and reimbursement for prior lead testing was obtained for class members and approved by the United States District Court for the Central District of California.

**Pineda v. Vitamin Shoppe.** Class of purchasers of Vitamin Shoppe's "Especially for Women" vitamins. The complaint alleged that testing revealed some of these vitamins were contaminated by lead and/or contained less calcium than the label indicated. Vitamin Shoppe denied all wrongdoing. A settlement was obtained on behalf of the class, who received refunds of 100% of the value of the purchase price of the products or 125% of the purchase price if they choose store credit, which was approved by the Superior Court for Bergen County, New Jersey.

**White v. Bed Bath and Beyond.** A class of purchasers of bedding and linen products from Bed Bath and Beyond. Bed Bath and Beyond inflated the thread count of certain two-ply and multiply linens and other bedding products by counting threads in a manner which the Federal Trade

Commission has ruled is deceptive to consumers. A settlement was reached with Bed Bath and Beyond, which provided refunds or gift cards to purchasers of these bedding products, which was approved by the United States District Court for the District of New Jersey.

### **Securities, Derivative and 401(k) Litigation**

The Partners of Whatley Kallas have been appointed to leadership positions in numerous securities and 401(k) class actions and derivative litigation. Examples of cases in which the firm's lawyers currently hold or have held a leadership position include, among others, the following:

**In re HealthSouth Corporation Securities Litigation.** Liaison Counsel in this securities class action pending in the United States District Court for the Northern District of Alabama. Settlement of more than \$670 million has been obtained for class members.

**Hildebrand v. W Holding Company.** Co-Lead Counsel in this securities class action against W Holding Company, WesternBank Puerto Rico and certain individuals pending in the United States District Court for the District of Puerto Rico.

**In re MedPartners Securities Litigation.** Liaison Counsel in this action filed in Circuit Court of Jefferson County, Alabama on behalf of a class of shareholders against MedPartners. A settlement of \$65 million was obtained and approved by the court.

**In re Qwest Savings and Retirement Plan ERISA Litigation.** Joe R. Whatley, Jr. was appointed Co-Lead Counsel in this class action filed on behalf of all participants and beneficiaries of Qwest's 401(k) retirement plan. The suit alleged that various fiduciaries of the plan failed to properly exercise their duties as required under ERISA. A settlement of approximately \$37.5 million was obtained and approved by the court.

**In re Rankin v. Conaway (Kmart).** Lead Counsel in this class action on behalf of participants and beneficiaries of Kmart's Retirement Savings Plans who lost money when Kmart filed for bankruptcy. The suit alleged that various fiduciaries of the Plan failed to properly exercise their duties as required under ERISA. WD&K obtained a settlement of \$11.75 million that was approved by the court.

**In re Xcel Energy.** Co-Lead Counsel on behalf of participants and beneficiaries of Xcel's 401(k) Retirement Plan. A settlement of \$8 million was obtained and approved by the court.

**In re Broadwing, Inc. ERISA Litigation.** Co-Lead Counsel in this class action brought on behalf of the participants and beneficiaries of Cincinnati Bell, Inc. Savings and Securities Plan, the Broadwing Retirement Savings Plan, and the Plans themselves, to remedy defendant's breaches of fiduciary duty under ERISA. A settlement of \$11 million was obtained and approved by the court.

**McPhail, et al. v. First Command, et al.** Co-Lead Counsel representing a class of military and former military families that was defrauded by First Command. First Command and its officers

are being sued because they sold to military families unsuitable financial products that contained, among other things, a 50% sales load in the first year of the product. Class certification was won and that decision was upheld by the Ninth Circuit Court of Appeals. First Command appealed the decision to the Supreme Court of the United States and cert was denied. A settlement of \$12 million obtained for class members.

## **Insurance and Healthcare Litigation**

Whatley Kallas is a leader in complex litigation against the largest insurance, brokerage and managed care companies in the world. The lawyers at Whatley Kallas have been appointed to leadership positions in the following cases, among others:

**Love v. Blue Cross Blue Shield Association**, Co-Lead Counsel in this action pending in the United States District Court for the Southern District of Florida. Settlements have been reached with approximately ninety percent (90%) of the defendants. The settlements provide for in excess of \$130 million of monetary benefits and practice change relief valued in excess of two billion dollars.

**In re Managed Care Litigation, MDL No. 1334**. Member of the Plaintiffs' Steering Committee and represents a class of physicians against nine of the largest managed care providers in the United States including AETNA, CIGNA, United, Healthnet, Humana, PacifiCare, Prudential and WellPoint. The suit alleged that these defendants engaged in a civil conspiracy in violation of the Racketeering Influenced and Corrupt Organizations Act ("RICO") to wrongfully and fraudulently pay doctors less than the amounts to which they were entitled. Settlements were reached with AETNA, CIGNA, Healthnet, Humana, Prudential and Wellpoint consisting of monetary relief, and significant business practice changes valued in the billions of dollars have been obtained and approved by the court.

**In re Monumental Life Insurance Company, Industrial Life Insurance Litigation**. Member of the Plaintiffs' Steering Committee in this action pending in the United States District Court for the Eastern District of Louisiana seeking redress for discriminatory practices of many major insurance companies with respect to the sale of life insurance products to minorities. Settlements of approximately \$500 million dollars have been obtained in these cases and approved by the court.

**Feller v. Blue Cross of California**. Class Action successfully brought to remedy the practice of trapping members in a closed plan subject to dramatically increasing premiums. Under the settlement, among other relief, class members are allowed to switch plans without underwriting until 2014, at which time preexisting conditions will no longer serve as a basis for denying health insurance.

## Environmental Litigation

Representation of thousands of individuals against the manufacturers of toxic substances released into the environment and a significant role in several nationally prominent environmental litigations including the following:

**In re Allen v. ALDOT.** Represented residential property owners in three neighborhoods in Montgomery, Alabama harmed by the Alabama Department of Transportation's release of the chemical TCE into the groundwater of a 600-acre area affecting the property of 1200 homeowners. A settlement of \$5.5 million was obtained.

## Antitrust Litigation

Lawyers of Whatley Kallas have significant experience in antitrust litigation, including, but not limited to, the following:

**In re Insurance Brokerage Antitrust Litigation, MDL No. 1663.** Co-Lead Counsel and represent a putative class of purchasers of commercial and employer benefit insurance against many of the largest insurance companies and brokers in the country relating to these companies' alleged participation in a conspiracy to manipulate the markets for insurance. To date, settlements with two of the defendants, Zurich Insurance Company and Arthur J. Gallagher, have been reached for approximately \$130 million.

**In re Lorazepam and Clorazepate Antitrust Litigation.** Third Party Payor Lead Class Counsel in this antitrust action which was transferred by order of the Judicial Panel for Multi-District Litigation to the United States District Court for the District of Columbia. Settlements of over \$100 million were obtained.

**Pickett, et al. v. Tyson Fresh Meats, Inc.** Co-Lead Counsel in representing a class of cattle ranchers against the major beef packers and producers in the country for conspiring to depress the price of beef on the cash market. In addition to serving in a leadership position in this action, Joe. R. Whatley served as trial counsel in the Middle District of Alabama for the plaintiff class and the jury returned a verdict of \$1.28 billion for the class of ranchers and cattle producers.

**In re Pharmacy Benefit Managers Antitrust Litigation.** Co-Lead Counsel in a nationwide class action that seeks to ensure patients' access to their selected pharmacists and that independent pharmacists will be able to provide quality care to the people who seek over 1.3 billion prescriptions from them each year. The suit alleges that Pharmacy Benefit Managers conspired to and engaged in horizontal price fixing of the reimbursement rates paid to independent pharmacies.

**Waterbury Hospital v. U.S. Foodservice.** Co-Lead Counsel and represents customers in a case involving a scheme whereby USF, the second largest food distributor in the U.S., fraudulently inflated the prices it charged to its cost-plus customers. USF's customers were charged, pursuant to

cost-plus agreements, inflated prices that represented the cost of products plus a kickback to their suppliers.

**In Re Puerto Rican Cabotage Antitrust Litigation:** Co-lead Counsel and represents purchasers in a class action alleging that Defendants conspired to fix the prices of shipping services to and from Puerto Rico. The settlement in cash and non-cash relief exceeded \$100 million in value.

## **Oil and Gas Royalty**

Representation of oil and gas owners in litigation against oil companies. Settlements have been reached with Exxon, Torch Energy and LL&E, Inc. Relief of more than \$7.5 million for royalty owners was obtained.

## **Other Complex Class Action Litigation**

Other complex class action cases with which lawyers of the firm have been involved include:

**Tax Shelter Litigation.** Representation of hundreds individuals who were sold defective tax avoidance strategies by some of the nation's largest law firms, accounting groups and investment banks. The litigation resulted in a class settlement of \$81 million with Jenkins & Gilchrist and numerous individual and aggregate settlements valued at several hundred million dollars.

## **Labor & Employment Litigation**

Representation of participants in employer-sponsored benefit plans including defined benefit pension plans and 401(k) plans fighting to recover individual benefits and damages to the plans themselves.

**Jackson v. City of Birmingham Schools (Title IX).** Representation of Alabama high school basketball coach fired after he complained that the girls on his team were not treated as well as boys. The coach won a landmark Supreme Court ruling under Title IX, the law that guarantees equal access and equal facilities for men in women in sports. The case was litigated on remand and obtained a settlement that includes a city school board promise of equal facilities and the hiring of a Title IX coordinator to assure compliance.

**Tyson Foods.** Multi-million dollar settlement arising out of sexual harassment claims at a Tyson Foods plant in Alabama. In addition to the money, the Court ordered detailed injunctive relieve and appointed a court monitor to cure the wide-spread sexual harassment problem.

**Ward v. Albertson's, Save-on, and Lucky Stores.** Class of defendants' former employees who alleged that defendants failed to pay them their wages in accordance with California's waiting time statutes. Under California's Labor Code, employers must pay involuntarily terminated employees immediately upon termination, and voluntarily severed employees within 72 hours of their giving

notice of termination. Although defendants vigorously disputed these allegations, a settlement of \$18.5 million was obtained.

## Biographies

### Joe R. Whatley, Jr.

Joe Whatley grew up in Monroeville, Alabama, the setting for *To Kill A Mockingbird*. Mr. Whatley is one of the few lawyers in the country to have argued before the United States Supreme Court as well as tried class actions to jury verdict for plaintiffs as well as defendants. He has a wide-ranging, national practice. He has argued cases before a majority of the Circuit Courts of Appeals in the country and tried cases in a number of different State and District Courts, before Judges and juries.

He is a graduate of Harvard College (A.B., cum laude, 1975), and the University of Alabama School of Law (J.D., 1978). Mr. Whatley is a member of the Bar in the States of Alabama, Texas, Colorado and New York, and is admitted to practice before the United States Supreme Court, the United States District Court for the Middle, Southern and Northern Districts of Alabama, the Southern and Eastern Districts of New York, the Southern District of Texas, the District of Colorado, as well as the United States Court of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Ninth, and Eleventh Circuits. After graduating from the University of Alabama Law School, Mr. Whatley served as a law clerk to the Honorable Frank H. McFadden, who was then Chief United States District Judge for the Northern District of Alabama (1978-1979). Mr. Whatley is a member of the American Bar Association (Member, Sections on: Labor and Employment Law; Litigation), a member and past President (1990-1991) of the Birmingham Federal Bar Association, and a member and past President (1990-1991) of the Labor and Employment Law Section of the Alabama State Bar.

For more than a decade Mr. Whatley has focused his practice on healthcare and antitrust cases. His healthcare cases have primarily been against health insurance companies. He was one of the most active lawyers in Court proceedings in *In re Managed Care Litigation* and in *Thomas/Love v. Blue Cross*, and he was one of the principal negotiators of the path-breaking settlements in both of those proceedings that resulted in billions of dollars in monetary relief and business practice changes in the managed care industry. He represents providers of healthcare of all types in disputes with health insurance companies. He has represented and currently represents doctors and ancillary providers in a whole range of issues related to their reimbursement. He also currently represents ambulatory surgery centers in antitrust claims against health insurance companies in multiple markets. He has represented hospitals in arbitration against health insurance companies.

He is also an experienced trial lawyer, having tried numerous cases, including class actions, to verdict. For example, Mr. Whatley won a \$1.28 billion jury verdict on behalf of a class of cattle ranchers against Tyson Fresh Meats, Inc. in *Pickett v. Tyson Fresh Meats, Inc.*, No. 96-A-1103-N (M.D. Ala.), and won what was at the time the largest wrongful death verdict in Louisiana history in *Dunn v. Consolidated Rail Corp.*, 890 F. Supp. 1262 (M.D. La. 1995). Mr. Whatley has recovered

billions of dollars in monetary relief and business practice changes in litigations against the managed care industry.

Mr. Whatley has been recognized by his peers as one of the top lawyers in the country. He has been admitted as a Fellow to the American College of Trial Lawyers. In 2011, he was selected as one of the top 100 lawyers in the New York Metropolitan Area. He has been selected each year for decades as one of the Best Lawyers in Alabama.

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### **Edith M. Kallas**

Ms. Kallas was born in New York, New York. Ms. Kallas graduated from the Juilliard School in 1984 with a B.M. in Music Performance and from the Fashion Institute of Technology with an A.A.S., summa cum laude. She is a 1987 graduate of the Benjamin N. Cardozo School of Law, where she was a member of the Moot Court Board. Ms. Kallas is admitted to the New York State Bar, the United States Supreme Court, the United States District Court for the Southern and Eastern Districts of New York and the United States Courts of Appeal for the Second, Third, Sixth, Ninth and Eleventh Circuits. She is also a member of the American Bar Association (Health Law Section), Association of the Bar of the City of New York, the New York State Bar Association, the New York County Lawyers' Association and the American Society of Medical Association Counsel.

In April of 2004, Ms. Kallas was honored by thirteen State and County Medical Societies, who presented her with an award "For the Success Attained in her Relentless Pursuit of Justice for the Physicians of America and their Patients." Also in 2004, Ms. Kallas was named by the New York County Lawyers' Association as one of the "Outstanding Women of the Bar." In 2005, the National Law Journal featured Ms. Kallas in their UP CLOSE section in an article entitled, "HMO Settlement: A Fairer Deal for Doctors." The National Law Journal also featured Ms. Kallas and her partner Joe Whatley in an article entitled "Case Puts Doctors Back in the Driver's Seat" in 2007. In 2011, the National Law Journal recognized Ms. Kallas in a feature article entitled, "In Insurance Fights, a Healthy Return for Firm - With Wellpoint Case." Most recently, in February 2013, Ms. Kallas was highlighted in the *Big Suits* section of the American Lawyer Magazine in connection with the In re Aetna UCR Litigation settlement.

Ms. Kallas concentrates her practice in the areas of healthcare and insurance litigation. She represents healthcare providers and members of the organized medicine community including physicians, ancillary providers, ambulatory surgical centers, durable medical equipment providers, as well as numerous national, state and county medical societies throughout the country. Her medical association clients include the American Medical Association, Medical Society of the State of New York, Connecticut State Medical Society, Medical Society of New Jersey, California Medical Association, Florida Medical Association, Texas Medical Association, South Carolina Medical Association, Tennessee Medical Association, Northern Virginia Medical Societies, North Carolina Medical Society, Nebraska Medical Association, Washington State Medical Association, Hawaii Medical Association, Alaska State Medical Association, Rhode Island Medical Society, Vermont Medical Society, New Hampshire Medical Society, El Paso County Medical Society, and the California Chiropractic Association.

Ms. Kallas represents healthcare providers in litigation, arbitration, negotiations, and contracting, and provides day-to-day consultation and advocacy services in connection with a broad range of issues facing providers today. She has also represented healthcare providers and medical associations in numerous class actions pending in federal and state courts (including representation of a certified class of approximately 900,000 physicians throughout the United States). Ms. Kallas served as Co-Lead Counsel in the *Love et al. v. Blue Cross Blue Shield Association et al.* pending in the United States District Court for the Southern District of Florida; on the Steering Committee in the *In re Managed Care* action; as Co-Lead Counsel and a member of the Executive Committee in the UCR Class Actions against Wellpoint (pending in the C.D. Cal.), CIGNA and Aetna (both pending in the D.N.J.); as Lead Counsel in the *Scher v. Oxford* physician class arbitration; and has served as lead counsel in numerous state court healthcare actions. Ms. Kallas is also Co-Lead Counsel in the *In re Insurance Brokerage Antitrust Litigation* pending in the District of New Jersey against major brokerage and insurance companies on behalf of classes of businesses and employees who purchased insurance, including healthcare insurance. She was one of the principal negotiators of settlements with Aetna, Cigna, Healthnet, Prudential, Humana, Wellpoint and 90% of all the Blue Cross entities in the country on behalf of nationwide classes of physicians and medical societies that have resulted in billions of dollars of practice reforms and monetary relief to physicians throughout the country. The settlements have resulted in significant business practice changes that are viewed as setting a new standard in the healthcare industry in the best interests of physicians and their patients. Ms. Kallas has also given legislative testimony regarding issues affecting physicians and successfully handled, on a pro bono basis, an appeal for a patient requiring lifesaving treatment.

Ms. Kallas is the co-author of "Gender Bias and the Treatment of Women As Advocates," *Women in Law* 1998. Ms. Kallas has also participated as a Faculty Member and/or Speaker in connection with the following presentations: "Class Action Healthcare Litigation," ALI-ABA Healthcare Law and Litigation Conference, 1999; "Class Actions: HMOs and Healthcare Providers Under Attack," ALI-ABA Life and Health Insurance Litigation Conference, 2000; "Providers (Suits by Doctors and Hospital Class Actions)," ALI-ABA Healthcare Law and Litigation Conference, 2000; "The Application of ERISA and RICO Theories in the Age of Managed Care," *The Judges and Lawyers Breast Cancer Alert*, 2000; "Healthcare Litigation: What You Need to Know After Pegram," *Practicing Law Institute*, 2000; "Provider Suits by Doctors and Hospitals v. HMOs," ALI-ABA Healthcare Law and Litigation Conference, 2001; The Joint Seminar Session of the School of Allied Health and Health Law Section at Quinnipiac University School of Law, 2001; The CLE Conference presented by the American Society of Medical Association Counsel, 2002; "The Unique Role of The Medical Society Effectively Litigating for Change in the Healthcare Arena," *American Academy of Otolaryngology Presidential Board of Governors Special Seminar* 2002; "The Future of Class Action Litigation in America," The CLE Conference presented by the American Bar Association, 2005; "Gender Bias in Litigation and the Trend Toward Diversity in Multi-District Litigation Proceedings," *Mass Torts and Class Actions CLE Summit (Whatley Drake LLC Continuing Legal Education Conference)* 2006 and 2007; "Arbitration Issues in Class Action Suits: How *Bazzle* Changed the Landscape of Class Arbitration," *Whatley Drake & Kallas LLC Continuing Legal Education Conference* 2007, *ASMAC* 2008; "Forum Shopping: Defendants Do It Too," *Symposium on the Class Action Fairness Act* and published in the Newsletter of the ABA

Tort Trial and Insurance Practice Section Business Litigation Committee, Winter 2007; "Ingenix Litigation Update," ASMAC 2010; "Negotiating Skills for Career Advancement," Connecticut State Medical Society Professional Development Conference for Women in Medicine CME, May 2010; and "National Trends in Provider Contracting," Connecticut State Medical Society, "Managed Care Contracting: Anatomy of a Contract" Seminar, April 2012; "Avoiding Traps in Alternative Dispute Resolution," American Medical Association Webinar, February 2013; "Contract Negotiation Skills," Connecticut State Medical Society Professional Development Conference for Women in Medicine CME.

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### **Alan Mansfield**

Alan M. Mansfield has practiced primarily in the area of national consumer class action and public interest litigation since 1991, focusing on healthcare, telecommunications, and consumer privacy issues. His clients have included such public interest organizations as the California Medical Association, Consumer Watchdog, and the Privacy Rights Clearinghouse.

Mr. Mansfield has been involved in numerous significant healthcare matters, including a class action against Anthem Blue Cross for improperly closing certain health plans which resulted in a settlement requiring defendant to limit plan rate increases and requiring any plan changes to be without medical underwriting for several years (*Feller v. Anthem Blue Cross*, Ventura County Superior Court Case No. 56-2010-00368587-CU-BT-VTA); and a class action representing a number of California pharmacists seeking to require Pharmacy Benefits Managers to provide data required under state law, obtaining a significant decision from the Ninth Circuit interpreting the scope of the First Amendment as applied to California pharmacists' claims under California law (*Beeman v. Anthem Prescription*, 2011 U.S. App. LEXIS 14687 (9th Cir., July 19, 2011, *en banc* review granted). He was also involved in the "Joe Camel" teen smoking case, *Mangini v. R.J. Reynolds Tobacco Co.* (1994) 7 Cal.4th 1057.

As part of his commitment to public interest litigation, Mr. Mansfield was one of the lead counsel in *Garrett v. City of Escondido*, 465 F.Supp. 2d 1043 (S.D. Cal. 2006), in the U.S. District Court for the Southern District of California, which successfully challenged the legality of the City of Escondido's immigration landlord-tenant enforcement ordinance, resulting in one of the first decisions addressing the constitutionality of local ordinances or state laws addressing immigration issues. Based on that and other work in the community performed by both him and the previous firm for which he was the managing partner (Rosner & Mansfield LLP), he and his firm was awarded the 2007 Public Service by a Law Firm Award by the San Diego County Bar Association. He also recently assisted the ACLU in obtaining a significant First Amendment victory regarding the improper seizure by the U.S. Government of property belonging to members of the Mongols Motorcycle Club (*Rivera v. Melson*, No. 2:09-cv-02435 DOC (JCx)(C.D. Cal.)).

Highlights from other recent successful actions where he was appointed as one of the lead class counsel include a class action against American Honda for misrepresenting gas mileage on Honda Civic Hybrids, resulting in a settlement valued at over \$400 million (*Lockabey v. American Honda*, S.D. Sup. Ct. Case No. Case No. 37-2010-00087755-CU-BT-CTL); and an action involving the

unauthorized billing of consumers for overdraft fees on checking and debit account, resulting in the creation of a \$35 million common fund and significant *cy pres* contributions to several non-profit organizations (*Closson v. Bank of America*, San Francisco Superior Court Case No. CGC 04436877). He also prevailed, after a two-week long class action arbitration in January 2009, on behalf of a class of senior citizens residing at a senior living community who were charged entrance fees in violation of California's landlord-tenant laws, obtaining significant relief for the benefit of the class members and contributions for Alzheimer's Disease research (*VanPelt v. SRG*).

Mr. Mansfield was also one of the lead counsel in a class action against Sprint Communications for charging customers improper telephone fees for data plan communication, resulting in a settlement that fully refunded the vast majority of such charges (*Taylor v. Sprint Communications*, Case No. C07-CV-2231-W (RJB)); a class action involving billing customers for previously promised airtime, resulting in a class action settlement that gave over 1 million customers the ability to claim full reimbursement for the uncredited airtime (*Nelson v. Virgin Mobile*, Case No. 05-CV-1594-AJB); a case challenging Sprint's failure to provide a cancellation window when it imposed certain additional fees against customers in July 2003, resulting in a class-wide settlement returning Early Termination Fees that had been charged to consumers, as well as improving certain disclosure practices (*UCAN v. Sprint Spectrum LP*, San Diego Superior Court Case No. GIC 814461); and *Maycumber v. PowerNet Global Telecommunications*, Case No. 06-cv-1773-H (RBB) (S.D. Cal.), which challenged the practice of charging a "Network Access Charge" as a tax when it was not, resulting in a significant refund of such charges. Mr. Mansfield also represented the public interest group UCAN in an action before the California Public Utilities Commission involving improper billing for Early Termination Fees, resulting in a refund of over \$18 million in fees to over 100,000 former Cingular Wireless customers (*In Re Cingular Wireless*, CPUC Case No. I.02-06-003), as well as an action challenging AT&T California's practice of terminating 911-only service to California residents in violation of the Public Utilities Code, resulting in a multi-million dollar fine and an order requiring significant practice changes (*UCAN v. SBC California*, CPUC Case No. C.05-11-011).

Mr. Mansfield received his B.S. degree, *cum laude*, in Business Administration - Finance from California Polytechnic State University, San Luis Obispo in 1983 and his *Juris Doctorate* degree from the University of Denver School of Law in 1986. He is admitted to the Bar of the State of California, to the United States District Courts for all Districts of California and to the Third, Fifth, Ninth and Tenth Circuit Courts of Appeal.

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### **Patrick J. Sheehan**

Mr. Sheehan heads the firm's Boston, Massachusetts office. Mr. Sheehan's practice focuses on consumer protection, health care law, insurance law, issues relating to information security and identity theft and other complex litigation. As part of his practice, Mr. Sheehan represents businesses, professional associations, professionals, consumers and other individuals in class actions and other litigation pending throughout the country.

Mr. Sheehan has represented physicians and medical associations in class actions brought in numerous federal and state courts. Mr. Sheehan currently represents plaintiff physicians and medical societies in the *In Re Managed Care Litigation* and *Love v. Blue Cross Blue Shield et al.*, pending in the United States District Court for the Southern District of Florida, which have already led to landmark settlements resulting in billions of dollars worth of managed care reforms and monetary relief for physicians across the country. Mr. Sheehan has also represented physicians and state medical societies in state court actions and arbitrations in jurisdictions across the nation.

Mr. Sheehan's current consumer class actions include *In re Aurora Dairy Corp. Organic Milk Marketing and Sales Practices Litigation*, pending in the Eastern District of Missouri, which alleges that Aurora Dairy and various retailers marketed and sold Aurora Dairy milk as "organic" even though it failed to comply with federal organic standards in numerous respects. Mr. Sheehan also represents consumers in the *In re Bisphenol-A Polycarbonate Plastic Products Liability Litigation*, brought against a number of the leading manufacturers of plastic bottles for misrepresenting and failing to disclose the safety risks linked to the chemical compound Bisphenol-A used to make their products.

Mr. Sheehan is also involved in *In re Insurance Brokerage Antitrust Litigation*, filed in the District of New Jersey against certain of the largest insurance companies and insurance brokers in the country in connection with their use of undisclosed contingent commissions. To date, this litigation has led to settlements totaling tens of millions of dollars.

Mr. Sheehan regularly contributes to legal publications and continuing legal education programs. He also frequently volunteers his time on a pro bono basis. Mr. Sheehan is an active participant in the Health Law Advocates Pro Bono Legal Network, through which he provides legal assistance to individuals seeking access to health care. Mr. Sheehan also served as a volunteer attorney for Trial Lawyers Care, the largest pro bono legal program in history, through which he provided legal services to individuals and families who sought compensation under the September 11<sup>th</sup> Compensation Fund.

Mr. Sheehan is a graduate of the College of the Holy Cross (B.A., 1993) and Northeastern University School of Law (J.D., 1997), where he was an editor of the NU Forum. He is a member of the American Bar Association, the American Association for Justice, the Massachusetts Bar Association, the Massachusetts Academy of Trial Attorneys and the Boston Bar Association and serves on the Board of Directors of the Holy Cross Lawyers Association. He is a member of the Massachusetts and New York Bars and is admitted to practice before the United States District Courts for the District of Massachusetts, the Southern and Eastern Districts of New York, the District of Colorado, the Eastern District of Michigan and the First Circuit Court of Appeals.

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#### **Ilze C. Thielmann**

Ms. Thielmann practices health care litigation, complex and multi-district litigation. She is a member of the New York State Bar (1995) and is also admitted to practice before the U.S. District

Courts for the Eastern and Southern Districts of New York. Ms. Thielmann attended Princeton University (A.B., 1988) and obtained her J.D. in 1994 from Columbia University Law School where she was a member of Law Review and Harlan Fiske Stone Scholar.

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#### **W. Tucker Brown**

Mr. Brown practices in the area of class action and antitrust litigation. He is a member of Alabama Bar since 2004 and is admitted to practice before the United States Court of Appeals for the Eleventh Circuit, as well as the U.S. District Courts for the Northern, Middle and Southern Districts of Alabama, and the U.S. District Court for the District of Colorado. He obtained a B.A., *cum laude*, in 2001 from Vanderbilt University and received his J.D., *magna cum laude*, in 2004 from the Georgetown University Law Center where he was Order of the Coif. Following law school he served as law clerk to Hon. William M. Acker, Jr., U.S. District Court for the Northern District of Alabama from 2004 to 2005. He is a member of the Alabama State Bar, the American Bar Association (Antitrust Division), Birmingham Bar Association and American Association for Justice. He was born in Birmingham, Alabama.

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#### **Charlene P. Ford**

Ms. Ford concentrates her practice in the areas of class actions, complex litigation, small business law and business litigation as well as appellate practice. She is a member of the Alabama Bar and is admitted to practice before the U.S. Supreme Court and the U.S. Court of Appeals for the 11th Circuit. She is a member of the Birmingham and American Bar Associations, Alabama State Bar, Alabama Association for Justice, and American Association for Justice.

Ms. Ford is a graduate of the University of Montevallo (B.S., *summa cum laude*, 1982) and Cumberland School of Law of Samford University (J.D., *summa cum laude*, 1993) where she was a Member (1991-1993) and Comment Editor (1992-1993) of the Cumberland Law Review. Following law school, she served as law clerk to the Honorable Judge William M. Acker, Jr., U.S. District Court, Northern District of Alabama. Ms. Ford is the author of "Rule 11: Due Process Reconsidered," 22 Cumberland Law Review 729, 1991-1992. She was born in Limestone County, Alabama.

Reported Cases: PacifiCare Health Systems, Inc. v. Book, 538 U.S. 401, 123 S.Ct. 1531 (2003); Klay v. Humana, Inc., 382 F.3d 1241 (11th Cir. 2004); McFarlin v. Conesco Services, L.L.C., 381 F.3d 1251 (11th Cir. 2004); In re Humana Inc. Managed Care Litigation, 333 F.3d 1247 (11th Cir. 2003); In re Humana Inc. Managed Care Litigation, 285 F.3d 971 (11th Cir. 2002); In re Managed Care Litigation, 246 F.Supp.2d 1363 (Jud. Pan. Mult. Lit. 2003); In re Managed Care Litigation, 236 F.Supp.2d 1336 (S.D. Fla. 2002); In re Managed Care Litigation, 209 F.R.D. 678 (S.D. Fla. 2002); In re Managed Care Litigation, 135 F. Supp.2d 1235 (S.D. Fla. 2001); Moore v. Liberty Nat. Ins.Co., 108 F.Supp.2d 1266 (N.D. Ala. 2000); Avis Rent A Car Systems, Inc. v. Heilman, 876 So.2d 1111 (Ala. 2003); Yeager v. General Motors Acceptance Corp., 719 So.2d 210 (Ala. 1998); Johnson v. Garlock, 682 So.2d 25 (Ala. 1996).

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**Deborah Winegard**

Ms. Winegard represents physicians, medicals staffs, and medical societies, and focuses her practice on third-party payer issues, including the representation of physicians in overpayment recovery audits, contracting issues, and litigation.

Ms. Winegard's prior experience includes serving as the General Counsel and Director of Third Party Payer Advocacy for the Medical Association of Georgia, as Law & Government Affairs Vice President for four states for AT&T, and as an Associate on King & Spalding's Healthcare Team.

Ms. Winegard served as the Facilitator for the MDL settlements with Aetna, Blue Cross Blue Shield Association, Capital Blue Cross, CIGNA, Health Net, and Humana, handling compliance disputes brought by physicians who complained that these health insurers had violated the settlement agreements reached in the MDL healthcare litigation.

Ms. Winegard speaks widely on healthcare and reimbursement issues affecting physicians and has given presentations for the Ambulatory Surgery Center Association, the American Association of Medical Society Counsel, the American Medical Association, the California Medical Association Leadership Academy, the Florida Radiology Business Managers Association, the Georgia Free Clinic Network, the Institute for Continuing Legal Education of Georgia, the Medical Group Managers Associations and several of its chapters, and the Texas Medical Association.

Ms. Winegard graduated *magna cum laude* with a B.A. in Politics from Wake Forest University in 1979, where she was elected to the Phi Beta Kappa honor society. She earned her J.D. with honors from George Washington University in 1982. She is admitted to practice in Georgia, as well as in the United States District Court for the Northern District of Georgia.

Ms. Winegard is based in Atlanta, where she serves as a member of the Board of Governors of LifeLink Foundation. She has previously held leadership positions for the Health Law Section of the State Bar of Georgia, the Georgia Association for Women Lawyers, and the National Kidney Foundation of Georgia, and has also served on the Boards of Directors for the Alliance Française d'Atlanta and the Boys & Girls Clubs of Metro Atlanta.

Ms. Winegard speaks French and Spanish and is currently studying Chinese.

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**Shujan A. Awan**

Mr. Awan is an associate with the firm. He concentrates his practice in the areas of complex and multi-district litigation. Mr. Awan graduated from New Jersey Institute of Technology, *magna cum laude* (B.S. Computer Science, 2002) and from Brooklyn Law School (J.D., 2008). During law school, Mr. Awan served as a student prosecutor for the United States Attorney's Office for the Eastern District of New York where he represented the federal government in the investigation and prosecution of misdemeanors and petty offenses. Mr. Awan was a summer associate and law clerk at the firm prior to joining on a full-time basis.

Mr. Awan is admitted to practice law in the State of New York and the Southern and Eastern Districts of New York.

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**D. Jamie Carruth**, born 1979; admitted to bar, Alabama, 2004. *Education:* University of Alabama, Tuscaloosa, Alabama, (B.A. May 2001); University of Alabama School of Law, Tuscaloosa, Alabama (J.D. 2004); *Member:* American Bar Association.

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**William J. N. Coxwell**, born Monroeville, Alabama, 1980; He was admitted to Alabama bar in 2005 and is admitted to practice in the United States District Courts for the Northern, Middle and Southern Districts of Alabama, as well as the Eleventh Circuit Court of Appeals. *Education:* University of Alabama School of Law, J.D. (2005), Rhodes College, B.A. (2002); *Member:* Alabama State Bar; American Bar Association

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**S. Scott Garrett**

Scott Garrett is a graduate of the Birmingham School of Law, May, 2012. He also graduated with a B.A. in English from Oglethorpe University in 1994. Mr. Garrett joined the Firm after passing the July 2012 Alabama Bar Examination. He is admitted to practice law in the state of Alabama as well as the United States District Court for the Northern District of Alabama.

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**Michael S. Lyons**

Mr. Lyons graduated from the University of California at Santa Barbara with honors (B.A. Philosophy, 2008) and from Duke Law School (J.D., 2012). While in law school, Mr. Lyons was a Submissions Editor for the Duke Environmental Law and Policy Forum. Mr. Lyons joined the Firm after passing the July 2012 New York Bar Examination. He is admitted to practice law in the state of New York.

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**Lawrence M. Bond**

Mr. Bond is a graduate of Villanova University School of Law (J.D., 2009). He also graduated with a B.A. in History from Lafayette College in 2002. He clerked for the Honorable Patrick DeAlmeida in the Tax Court for New Jersey in 2009-2010. He is admitted to the New Jersey, Pennsylvania, and Colorado State Bars.

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**Henry C. Quillen**

Before joining WhatleyKallas, Mr. Quillen was an associate in the litigation department of Sullivan & Cromwell LLP, where he focused on complex commercial litigation. He also served as a law clerk to the Honorable A. Raymond Randolph of the United States Court of Appeals for the District of Columbia Circuit, as well as the Honorable Jeffrey Howard of the United States Court of Appeals for the First Circuit.

Mr. Quillen graduated from Harvard College magna cum laude (A.B., Biochemical Sciences, 2000) and Yale Law School (J.D., 2007). He also received a Master in Public Administration from Kennedy School of Government (2007). He is a member of the American Bar Association and admitted to practice in New York, New Hampshire, the District of Columbia, the United States District Court for the District of Colorado, District of Columbia, and District of New Hampshire, and the United States Court of Appeals for the First, Tenth, Eleventh, and District of Columbia Circuits.

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## **OTHER**

### **Howard M. Miles**

As Executive Director and an active attorney, Mr. Miles is responsible for the business operations of the firm, including supervision of the human resources, accounting and communications departments, and he is an actively practicing lawyer. Prior to joining the firm, Mr. Miles was in private law practice for over 20 years, a portion of which he served as General Counsel for a broadcasting company based in Birmingham. Mr. Miles has counseled his business clients, including healthcare providers on a broad range of topics, including litigation, arbitration, and significant transaction work. Mr. Miles is FINRA-registered, by passing the Series 7, and is a registered mediator with the Alabama Center for Dispute Resolution. He has used his litigation and accounting background in hospital representation before arbitrators.

He has been a member of the Alabama and Mississippi State Bars since 1983. Prior to law school, Mr. Miles was a Certified Public Accountant in Mississippi. He obtained a B.B.A. in 1979 and J.D. in 1983 from the University of Mississippi. He was born in Ketchikan, Alaska.

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