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15 *Attorneys for Plaintiffs*

16  
17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

18 **FOR THE COUNTY OF RIVERSIDE**

19 IN RE: RENOVATE AMERICA FINANCE ) Case No. RICJCCP4940  
20 CASES )

21 ) **DECLARATION OF JANINE L.**  
22 ) **POLLACK IN SUPPORT OF**  
23 ) **PLAINTIFFS' MOTION FOR AWARD**  
24 ) **OF ATTORNEYS' FEES,**  
25 ) **REIMBURSEMENT OF EXPENSES,**  
26 ) **AND CLASS REPRESENTATIVE**  
27 ) **AWARDS**  
28 )

THIS DOCUMENT RELATES TO:

ALL ACTIONS

DATE: July 8, 2020  
TIME: 8:30 a.m.  
JUDGE: Hon. Sunshine S. Sykes  
DEPT.: 6

1  
2 I, Janine L. Pollack, hereby declare as follows:

3 1. I am a partner at Calcaterra Pollack LLP, one of the counsel for Plaintiffs and the  
4 Class in the above-captioned action. Pursuant to the requirements of sections H.4. and H.5. of the  
5 Class Action Case Management Order #1 (“CMO #1”) entered in this matter on November 8, 2016  
6 by the Honorable Craig G. Riemer, I respectfully submit this Declaration in support of my firm’s  
7 application for an award of attorneys’ fees in connection with services rendered in this case, as  
8 well as the reimbursement of expenses incurred by my firm in connection with this litigation.  
9 Except as otherwise noted, the facts set forth in this declaration are based in part upon my personal  
10 knowledge, and I would competently testify to them if called upon to do so.

11 2. I have significant and extensive litigation experience, having been involved in  
12 litigation since my admission to the New Jersey and New York bars in 1989 and 1990.

13 3. The work done by my firm in this case includes: client communications for the  
14 purposes of, among other things, status of the matter and settlement issues and documentation;  
15 corresponding with counsel for Defendant; corresponding with the Settlement Administrator; and  
16 preparing the settlement-related documents and briefs.

17 4. My firm kept detailed records regarding the amount of time spent by my firm, and  
18 the lodestar calculation based on my firm’s current billing rates. The information was prepared  
19 from contemporaneous, daily time records regularly prepared and maintained by my firm, true and  
20 correct copies of which are attached hereto as **Exhibit A**.

21 5. In summary, the total number of hours spent by my firm rendering services through  
22 the date of this declaration, 56.8, multiplied by the current hourly rates of the attorneys and other  
23 professionals equals \$44,747.50. These hours are broken down as follows:

| <b>Attorneys (P=partner)</b> | <b>Hours</b> | <b>Rate</b> | <b>Lodestar</b>    |
|------------------------------|--------------|-------------|--------------------|
| Janine L. Pollack (P)        | 52.50        | \$795       | \$41,737.50        |
| Michael Liskow (P)           | 4.3          | \$700       | \$3,010.00         |
|                              |              |             |                    |
|                              |              |             |                    |
|                              |              |             |                    |
| <b>Total Attorneys</b>       | <b>56.8</b>  |             | <b>\$44,747.50</b> |

| <b>Paraprofessionals/Others</b> | <b>Hours</b> | <b>Rate</b> | <b>Lodestar</b>    |
|---------------------------------|--------------|-------------|--------------------|
| N/A                             |              |             |                    |
|                                 |              |             |                    |
| <b>Total Paraprofessionals</b>  |              |             |                    |
| <b>GRAND TOTAL TIME</b>         | <b>56.8</b>  |             | <b>\$44,747.50</b> |

6. In my judgment, and based on my years of experience in class action litigation and other litigation, the number of hours expended, and the services performed by my firm, were reasonable and necessary for my firm’s representation of Plaintiffs.

7. I have general familiarity with the range of hourly rates typically charged by plaintiffs’ class action counsel in the geographical area where my firm practices and throughout the United States, both on a current basis and historically. From that basis, I am able to conclude that the rates charged by my firm are within the range of market rates charged by attorneys and professional staff of equivalent experience, skill and expertise for legal services furnished in complex contingency class action litigation, such as this.

8. Attached hereto as **Exhibit B** is my firm’s resume including biographies of the attorneys in the firm who were principally involved in this litigation. I believe that the skill and experience described therein justify the rates charged. The rates reflect the risk undertaken due to contingency representation of the Plaintiffs given that the firm bore the risk of no payment at all

1 for its services during this litigation. These rates have been approved by other courts as reasonable  
2 for contingency representations similar to that here. *See, e.g., Schmitt v. Younique, LLC*, Case  
3 No. 8:17-cv-01397-JVS-JDE (C.D. Cal.) (ECF No. 271, at 21)(Apr. 8, 2020)(approving hourly  
4 rate of \$795 in 2020); *Rosales v. FitFlop USA, LLC*, No. 3:2011cv00973 (S.D.  
5 Cal.)(2014)(approving hourly rate of \$770 in 2014).

6 9. The time described above does not include charges for expense items. Expense  
7 items are billed separately, and such charges are not duplicated in my firm's billing rates.  
8 However, my firm has not incurred any expenses in this action to date.

9 10. It is anticipated that costs will continue to accrue, including but not limited to costs  
10 associated with traveling to the July 8, 2020 Final Approval Hearing in this matter as appropriate.

11 11. My firm takes seriously its duty to supervise the claims administration process, and  
12 therefore I anticipate my firm might continue to incur additional lodestar and/or expenses in  
13 connection with this litigation through the end of the claims administration process as necessary.

14  
15  
16 I declare under penalty of perjury under the laws of the State of California that the  
17 foregoing is true and correct. Executed this 22nd day of May, 2020 at New York, New York.

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19 \_\_\_\_\_  
20 JANINE L. POLLACK  
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# EXHIBIT A

# Activities Export

05/22/2020

3:18 PM

| Date ▲     | Type  | Description   | Matter  | User           | Qty           | Rate (\$) | Non-billable (\$) | Billable (\$)      |
|------------|---|---|---|----------------|---------------|-----------|-------------------|--------------------|
| 05/07/2020 |    | Worked on draft of settlement papers; reviewed information from claims administrator regarding objections and opt-out; emails re same.<br><br> Unbilled  | 00014-Hero<br>In re: Renovate America Finance Cases | Janine Pollack | 2.00h         | 795.00    | -                 | 1,590.00           |
| 05/08/2020 |    | Continued work on draft of settlement papers and documents; emails re same; contacted clients re settlement documents and left messages re same.<br><br> Unbilled  | 00014-Hero<br>In re: Renovate America Finance Cases | Janine Pollack | 4.00h         | 795.00    | -                 | 3,180.00           |
| 05/11/2020 |    | Continued work drafting settlement- related documents for final approval; emails to co-counsel and settlement administrator re same; reviewed CMO #1; telephone conference co-counsel to discuss settlement papers.<br><br> Unbilled | 00014-Hero<br>In re: Renovate America Finance Cases | Janine Pollack | 7.00h         | 795.00    | -                 | 5,565.00           |
| 05/12/2020 |   | Continued work drafting settlement- related documents for final approval, including fee brief; emails with co-counsel re same; emails to clients re their declarations to submit with settlement papers.<br><br> Unbilled          | 00014-Hero<br>In re: Renovate America Finance Cases | Janine Pollack | 5.00h         | 795.00    | -                 | 3,975.00           |
| 05/13/2020 |  | Continued work on settlement drafts; emails to co-counsel re same.<br><br> Unbilled  | 00014-Hero<br>In re: Renovate America Finance Cases | Janine Pollack | 2.00h         | 795.00    | -                 | 1,590.00           |
|            |   |   |   |                | <b>52.50h</b> |           | <b>\$0.00</b>     | <b>\$41,737.50</b> |
|            |   |   |   |                |               |           | 0.0h              | 52.5h              |

# Activities Export

05/22/2020

3:18 PM

| Date ▲     | Type  | Description  | Matter  | User           | Qty           | Rate (\$) | Non-billable (\$) | Billable (\$)      |
|------------|---|--|---|----------------|---------------|-----------|-------------------|--------------------|
| 05/14/2020 |    | Continued work on settlement papers, including Final Judgment draft.<br>  | 00014-Hero<br>In re: Renovate America Finance Cases | Janine Pollack | 1.00h         | 795.00    | -                 | 795.00             |
| 05/15/2020 |    | Continued work on settlement papers, including fee brief; telephone calls and emails with co-counsel re same.<br>   | 00014-Hero<br>In re: Renovate America Finance Cases | Janine Pollack | 2.00h         | 795.00    | -                 | 1,590.00           |
| 05/18/2020 |    | Continued work on fee brief and telephone call and emails co-counsel re same.<br>   | 00014-Hero<br>In re: Renovate America Finance Cases | Janine Pollack | 6.00h         | 795.00    | -                 | 4,770.00           |
| 05/19/2020 |    | Continued work on various settlement papers, including joint declaration and settlement brief; emails with co-counsel re same; emails from claims administrator.<br>                                      | 00014-Hero<br>In re: Renovate America Finance Cases | Janine Pollack | 6.00h         | 795.00    | -                 | 4,770.00           |
| 05/20/2020 |  | Emails with claims administrator and Deft. re opt outs and objections; continued work on settlement papers including joint declaration and settlement and fee briefs; communications with Mr. Loya.<br> | 00014-Hero<br>In re: Renovate America Finance Cases | Janine Pollack | 6.00h         | 795.00    | -                 | 4,770.00           |
| 05/21/2020 |  | Continued work on settlement papers, including review of settlement and fee briefs, Joint Declaration, and Epiq declaration.   | 00014-Hero<br>In re: Renovate America Finance Cases | Janine Pollack | 6.50h         | 795.00    | -                 | 5,167.50           |
|            |   |  |   |                | <b>52.50h</b> |           | <b>\$0.00</b>     | <b>\$41,737.50</b> |
|            |   |  |   |                |               |           | 0.0h              | 52.5h              |

# Activities Export

05/22/2020

3:18 PM

| Date       | Type | Description  | Matter   | User              | Qty           | Rate (\$) | Non-billable (\$)     | Billable (\$)               |
|------------|------|--|--|-------------------|---------------|-----------|-----------------------|-----------------------------|
|            |      | ● Unbilled   |  |                   |               |           |                       |                             |
| 05/22/2020 | ⌵    | Continued work on draft settlement papers, including fee brief, settlement brief and joint declaration; emails re same, including to deft. | 00014-Hero<br>In re: Renovate America<br>Finance Cases | Janine<br>Pollack | 5.00h         | 795.00    | -                     | 3,975.00                    |
|            |      | ● Unbilled   |  |                   |               |           |                       |                             |
|            |      |  |  |                   | <b>52.50h</b> |           | <b>\$0.00</b><br>0.0h | <b>\$41,737.50</b><br>52.5h |

# Activities Export

05/22/2020

3:16 PM

| Date       | Type   | Description   | Matter   | User              | Qty          | Rate (\$) | Non-billable (\$)     | Billable (\$)             |
|------------|--|---|--|-------------------|--------------|-----------|-----------------------|---------------------------|
| 05/07/2020 |  Unbilled | Research and draft fee briefs and associated docs.  | 00014-Hero<br>In re: Renovate America<br>Finance Cases | Michael<br>Liskow | 0.40h        | 700.00    | -                     | 280.00                    |
| 05/18/2020 |  Unbilled | Research on fee motion issues.  | 00014-Hero<br>In re: Renovate America<br>Finance Cases | Michael<br>Liskow | 1.80h        | 700.00    | -                     | 1,260.00                  |
| 05/21/2020 |  Unbilled | Draft final approval and fee motions and associated documents; discuss fee motion issues with Janine Pollack. | 00014-Hero<br>In re: Renovate America<br>Finance Cases | Michael<br>Liskow | 1.90h        | 700.00    | -                     | 1,330.00                  |
| 05/22/2020 |  Unbilled | Draft final approval and fee motions and associated documents; discuss issues with brief with Janine Pollack. | 00014-Hero<br>In re: Renovate America<br>Finance Cases | Michael<br>Liskow | 0.20h        | 700.00    | -                     | 140.00                    |
|            |  |   |  |                   | <b>4.30h</b> |           | <b>\$0.00</b><br>0.0h | <b>\$3,010.00</b><br>4.3h |

# EXHIBIT B

# CALCATERRA POLLACK LLP

Experience, Integrity, & Leadership



# CALCATERRA POLLACK LLP

Calcaterra Pollack LLP (“Calcaterra Pollack” or the “Firm”) is pleased to present our qualifications. As set forth below, our partners have litigated dozens of class actions, including federal and state complex litigation, securing several hundred million dollars in recoveries for our clients. The Firm’s partners have over five decades of experience prosecuting consumer protection, antitrust, securities, social justice, and commercial federal and state complex litigation. They have been recognized for their litigation experience and leadership, as reflected in numerous lead counsel appointments in national class action litigations and the election of a named partner as Co-President of the National Association of Shareholder and Consumer Attorneys (an organization representing class action plaintiffs’ attorneys protecting consumer and shareholder rights). Calcaterra Pollack prides itself on its broad experience and strong diversity within the firm. The Firm is applying for certification as a New York State Women Owned Business and membership with the Women’s Business Enterprise National Council.

## Practice Areas

### Consumer Protection

The Firm’s attorneys have secured significant recoveries for plaintiffs in matters related to consumer protection violations. Calcaterra Pollack pursues class action and individual claims on behalf of consumers who have purchased goods or services that are defective, falsely advertised, or sold through deception. Many times, such products cause death or injury, thereby requiring litigation to curtail such practices and secure compensation for our clients.

Notable Current Consumer Protection Litigation:

- **Seeking Compensation from Opiate Manufacturers and Distributors who Caused the Opioid Crisis on behalf of Labor Health & Welfare Benefit Funds:** Calcaterra Pollack is representing labor health and welfare benefit funds, including the Teamsters Local 237, the New York City District Council of Carpenters, and the Hollow Metal Trust Fund, in *In re National Opiate Litigation MDL* against opiate manufacturers and distributors. The allegations against the defendants include misrepresenting the risks of addiction from prescription opioids; advising that signs of opioid addiction should be treated with more opioids; making false representations as to how opioid addiction could be avoided and managed; denying risks of higher opioid dosages; and falsely touting the benefits of long-term opioid use. As a result, our clients incurred burdensome costs, in relation to their members, for (largely ineffective) opioid prescriptions, treatments, and other related health expenses.
- **Co-Counsel Representing Seven Families across the US who Lost Their Infants against Mattel, Inc. And Fisher-Price, Inc. for Falsely Advertising the Safety of the Rock ‘n Play Infant Sleeper:** Calcaterra Pollack represents seven families whose infants tragically passed away in the Fisher- Price Rock ‘n Play Sleeper. Our

## CALCATERRA POLLACK LLP

clients now seek to hold Fisher-Price, Inc., and its corporate parent Mattel, Inc., accountable for their children's untimely and avoidable deaths. The complaints filed on their behalf allege that the defendants had actual knowledge that the Rock 'n Play Sleeper could cause infant deaths if used as a sleeper, yet nevertheless callously persisted in marketing and selling the Rock 'n Play Sleeper to unsuspecting families for years, until it was finally recalled in April 2019. The recall came too late to save the Plaintiff Families' children, and over 80 other infants, who died while sleeping in the Rock 'n Play Inclined Sleeper between 2009 and 2019.

- **Counsel Representing Consumers against Ulta, Inc. For Reselling Used Cosmetics to Unknowing Customers:** Calcaterra Pollack LLP is co-leading the federal class action *Smith-Brown v. Ulta Beauty, Inc.*, No. 1:2018-cv-00610 (N.D. Ill.) against Ulta Beauty, Inc. ("Ulta") stemming from the company's undisclosed policy resulting in the sale of used beauty products. The suit alleges that, for years, Ulta secretly restocked and resold used cosmetics, including mascaras, foundations, and other products such as lotions and shampoos. Customers had no way of knowing whether the makeup or cosmetic supplies they bought were new or had been previously used by other customers. The plaintiffs seek monetary damages and injunctive relief on behalf of themselves and all shoppers at Ulta who purchased a used beauty product.
- **Counsel Seeking Compensation for Failure to Provide Homeowners with Interest Payments for their Mortgage Escrow Accounts:** Calcaterra Pollack is leading this litigation representing the named plaintiffs in the consumer class action *Tepper v. Santander Bank, N.A.*, Case No. 72020-cv-00501 (S.D.N.Y.). The plaintiffs allege that Santander Bank breached its mortgage agreement with the plaintiffs and other members of the class by refusing to pay interest on mortgage escrow funds held by Santander, in violation of various state laws. The plaintiffs seek monetary damages and injunctive relief for all mortgage holders who are being denied interest due under the law.
- **Counsel Representing Purchasers of Misrepresented Sporting Goods:** Calcaterra Pollack LLP is one of the lead firms representing the named plaintiff in the consumer class action *Soletto v. Rawlings Sporting Goods Company, Inc.*, No. 2:18-cv-09166-GW-MAA (C.D. Cal.). The plaintiff alleges that Rawlings violated consumer fraud statutes, among other things, by misrepresenting the weight and weight drop labeled on baseball bats. The plaintiff seeks monetary damages and injunctive relief for all purchasers of the misrepresented products.
- **Co-Interim Class Counsel Representing Customers in a Data Breach Case Against a Large Clothing Retailer:** Calcaterra Pollack LLP is Co-Interim Class Counsel in *In re Hudson's Bay Company Data Security Incident Consumer Litigation*, No. 18-cv-8472 (PKC) (S.D.N.Y.), in which the plaintiffs allege that Hudson's Bay, the parent company of the Saks and Lord & Taylor stores, failed to exercise reasonable care to safeguard the personal information of its customers, which allowed a breach of its information systems. Plaintiffs seek damages and injunctive relief from the

Defendants.

## Antitrust

Antitrust laws protect the public by preserving and nurturing the economic advantages inherent in free-market competition. Calcaterra Pollack's antitrust practice works to ensure that these protections are being enforced at both the state and federal level, increasing recoveries for consumers and businesses that have been harmed by anti-competitive practices while encouraging the adoption of remedies intended to discourage future violations. Antitrust violations can include monopolization, price-fixing and manipulation, and other anti-competitive practices.

Notable Current Antitrust Litigation:

- **Executive Committee Counsel Representing the MTA's Public Pension Funds against Nine Banks for Unfair Investment Costs Incurred Resulting from Bid-Rigging and Market Manipulation on the Mexican Bond Market:** Calcaterra Pollack represents New York's Metropolitan Transportation Authority's pension funds, the Manhattan and Bronx Surface Transit Operating Authority Pension Plan and the Metropolitan Transportation Authority Defined Benefit Pension Plan Master Trust, in an antitrust class action against ten global banks and their affiliates. The allegations against the banks result from a scheme to manipulate prices on the Mexican government bond market. The defendant financial institutions were part of an exclusive group of Mexican government-approved market makers for the bonds who allegedly abused this dominant position to unlawfully increase the profitability of their trading and sales businesses by overcharging and underpaying their customers for over eleven years. The collusion and market manipulation resulted in investors paying more and recovering less. In October 2019, Mexico's antitrust regulator, the Comisión Federal de Competencia Económica (COFECE), announced formal charges against seven of the defendants.
- **Seeking Recovery against Visa and MasterCard for Interchange Fee Cost Collusion over Fourteen Years on behalf of the MTA:** Calcaterra Pollack represents the Metropolitan Transit Authority ("MTA") and several of its affiliates and subsidiaries alleging restraint of trade in violation of the Sherman Antitrust Act against Visa and MasterCard. The lawsuit is an "opt-out" action from a class action in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, MDL No. 1720 (MKB) (JO), and principally concerns defendants' allegedly unlawful actions to impose and enforce rules that limited merchants from steering their customers to other payment methods, thereby causing merchants to pay excessive interchange fees. Merchants throughout the U.S., including the MTA, were forced to pay non-competitive fees to the credit card companies for over fourteen years. This opt-out litigation is seeking an increased recovery beyond what could have been recovered otherwise.

## Securities Litigation & Shareholder Protection

Calcaterra Pollack LLP is dedicated to ensuring our clients are treated fairly by maximizing recoveries of lost funds and addressing corporate governance issues to enhance shareholder value. Our attorneys have been part of litigation teams that recovered several hundred million dollars on behalf of institutional investors, including the New York State Common Retirement Fund and the Ohio Teachers Retirement Plan. Such experience also includes advising institutional investors on issues related to corporate governance, shareholder rights, portfolio monitoring and claims filing, and private and class action securities litigation. Our Firm works to hold companies accountable for misconduct and misrepresentations to their shareholders and investors.

Notable Current Securities Class Action Litigation:

- **Co-Counsel on Lead Counsel Team Representing Lead Plaintiffs the MTA's Public Pension Funds Against Molson Coors, et al., Seeking to Recoup Investment Losses Suffered Due to False Financial Statements:** Our Firm represents the MTA's pensions funds, the Manhattan and Bronx Surface Transit Operating Authority and the Metropolitan Transportation Authority Defined Benefit Pension Plan Master Trust, in *In re Molson Coors Brewing Company Securities Litigation*, Case No. 1:19-cv-00455-DME-MEH (D. Colo.), a securities class action brought against Molson Coors Brewing, Co., and certain of its executives and officers, seeking recovery for the lead plaintiffs and the entire class of investors. The defendants allegedly misled investors by misstating the company's tax liability by almost \$248 million in financial filings.

## Municipal Representation

Calcaterra Pollack has decades of experience representing state and local governments, authorities, affiliated entities, and public pension funds in complex federal and state litigation, both as in-house counsel and outside counsel. Providing such counsel requires a keen understanding of the budgetary constraints of the public sector balanced with the mandate to provide efficient and accessible services to the public while adhering to related state and local ordinances. Our attorneys also have experience in directing statewide commissions that uncovered wrongdoing and led to massive overhauls of related statutory and regulatory regimes.

In addition to the public pension fund representation experience described above, another notable matter representing municipalities or governmental entities is provided below:

- **Defended Government Entity Against Complex Federal Class Action Discrimination Litigation:** Our attorneys represented a large New York metropolitan County in a complex federal class action alleging discrimination based upon the county's tax assessment system and plaintiffs seeking \$1.7 billion in recovery.

## Social Justice

Our Firm has a deep commitment to social justice issues, and our attorneys have experience litigating a wide range of matters with social justice dimensions. Our experience includes representing survivors of childhood sexual abuse under New York's Child Victims Act, representing minority-owned businesses against discriminatory treatment, and directing government investigations that improved the provision of public and private sector services.

Notable Current Social Justice Litigation:

- **Seeking Justice for Childhood Sexual Assault Victims under New York's Child Victims Act against the Timothy Hill Children's Ranch:** The Child Victims Act addresses the reality that survivors of childhood sexual abuse are often unable to report the abuse or seek justice until many years later. The CVA now allows individuals to bring legal claims concerning childhood sexual abuse that were previously time-barred under New York law. Calcaterra Pollack represents plaintiffs who were subjected to physical and sexual abuse as child residents at the Timothy Hill Children's Ranch ("the "Ranch"), a Long Island group home for youth. The lawsuits allege that the Ranch failed to protect the children in their custody through its systemically inadequate supervision and safety practices, and detailed specific instances where staff members ignored the plaintiffs' pleadings for help and failed to protect them.

## Commercial Litigation

Calcaterra Pollack represents corporations, partnerships, and sole proprietors in complex state and federal litigation, in addition to matters related to business relationships, contracts, business formation and dissolution, affairs related to corporate officers, directors and shareholders, and financial transactions.

Notable Current Commercial Litigation

- **Representing a New York Medicinal Marijuana Licensee in Complex State Commercial Litigation:** Calcaterra Pollack represents a New York medicinal marijuana licensee in a matter alleging twenty-nine causes of actions against multiple individual and corporate defendants addressing issues related to contracts, shareholder rights, corporate by-laws and voting rights, capacity to sue, financial transactions, and acquisitions by US and non-US entities.

## REGINA CALCATERRA

### About Regina



Regina Calcaterra is a co-founding partner of Calcaterra Pollack LLP. Regina specializes in complex federal and state litigation representing public entities, labor health and welfare funds, businesses, and individuals. Prior to founding the Firm, Regina was a partner at securities and consumer class action litigation firms for twelve years. She is also a *New York Times* best-selling author.

Regina also brings a wealth of experience to the Firm from a series of senior executive positions she held in public service, including:

- Executive Director to two of New York State Governor Andrew Cuomo's statewide investigatory commissions
- Chief Deputy to Suffolk County Executive Steven Bellone
- Deputy General Counsel to the New York State Insurance Fund
- Deputy General Counsel to the New York City Employees' Retirement System

Regina is admitted to practice in the State of New York, the Commonwealth of Pennsylvania, and the United States District Courts of the Southern, Eastern, and Northern Districts of New York.

### Representative Matters

- Represents municipal entities and businesses in a variety of complex federal and state litigation claims and defenses.
- Co-Counsel representing public sector pension funds in a federal securities class action brought against a company and certain of its executives and officers, seeking recovery for the lead plaintiffs and the entire class of investors. The defendants allegedly misled investors by misstating the company's tax liability by almost \$248 million in financial filings.
- Represents a large metropolitan area public authority and its affiliates in a national antitrust opt-out suit brought against global credit card companies that allegedly colluded and rigged the interchange fee for all merchants.
- Represents several of the largest New York City labor health and welfare benefit funds in the federal class action multi-district litigation against opioid manufacturers and distributors seeking recoveries arising from the opiate crises.
- Executive Committee Member representing institutional investors in a federal antitrust class action seeking recovery from over nine banks who allegedly participated in bid-rigging and market manipulation on the Mexican Government Bond market.
- Co-Lead Counsel representing seven families who lost their infants in the Rock 'n Play Sleeper against Mattel, Inc. and Fisher-Price, Inc.

# CALCATERRA POLLACK LLP

- Represents a privately held company on complex state litigation related to contracts, affairs related to corporate officers, directors and shareholders and financial transactions.
- Represents survivors of childhood sexual assault pursuing justice via New York's Child Victims Act.
- Served on the federal securities class action co-lead counsel teams representing: the New York State Common Retirement Fund, recovering over \$6.2 billion in *In re WorldCom Securities Litigation* and over \$2.1 billion in *In re McKesson Securities Litigation*; and the Ohio Teachers Pension Fund, recovering over \$250 million against Merrill Lynch regarding its role related to mortgage-backed securities contributing to the 2008 recession.

## Previous Executive Public Sector Experience

- Appointed by New York State's Governor Andrew Cuomo as Executive Director to two statewide commissions, one of which investigated public corruption and another which investigated publicly and privately owned utilities to determine their storm preparedness. Findings resulted in statewide adoption of new legislation strengthening New York State's penal law and campaign finance rules and enhancement of regulatory oversight of the New York State Board of Elections, in addition to the creation of a new statutory and regulatory regime designed to ensure a reinforced and storm-prepared power grid and greater accountability.
- Served as Chief Deputy County Executive to the Suffolk County Executive Steven Bellone. Assisted in reducing a financially challenged county's deficit by several hundred million dollars through vendor outlay reductions, streamlining and restructuring of government services, and obtaining state authority to implement revenue-generating initiatives. Managed the emergency response to and immediate recovery from ramifications of Superstorm Sandy in a county of over 1.5 million residents.
- Provided general counsel benefit administration to the New York City Employees' Retirement System, a \$38 billion fund.

## Education

Seton Hall University School of Law (J.D., 1996)

State University of New York at New Paltz (B.A., 1988)

## Professional Affiliations

Regina is a member of various institutional investor associations such as the National Association of Public Pension Attorneys and the American Bar Association's Committee on Institutional Investors.

## Publications

Regina is a *New York Times* bestselling author. Her memoir, *Etched in Sand, A True Story of Five Siblings Who Survived an Unspeakable Childhood on Long Island* (HarperCollins, 2013)

## CALCATERRA POLLACK LLP

has been incorporated into college and high school curricula throughout the United States. Regina is also co-author of a sequel, *Girl Unbroken, A Sister's Harrowing Journey from the Streets of Long Island to the Farms of Idaho* (HarperCollins, 2016).

### **Community Affiliations**

Regina serves as the first vice chair to the SUNY New Paltz Foundation Board and a member of the Audit Committee; on the Board of Believers to You Gotta Believe, an organization that works to get older foster youth adopted; on the Advisory Board of The Felix Organization, which provides impactful opportunities and experiences to youth growing up in foster care; and on the Advisory Committee of the New York Society for the Prevention of Cruelty to Children.

### **Speaking Engagements**

Regina has lectured on matters related to the state of U.S. public pension funds, complex federal litigation, SEC regulations, and corporate governance. Regina also speaks nationally on issues related to foster care, specifically the plight of older foster youth and childhood poverty, abuse and homelessness.

### **Honors**

Regina has received numerous awards for her advocacy work, including the Champion of Civil Rights & Social Justice Award, City & State New York; Woman of Substance Award, Seton Hall Law School; Lifetime Achievement Award, Primi-Dieci Society and the Italy-America Chamber of Commerce Award; Speak Out for a Child Award, CASA-NYC; and the Geraldine Ferraro Award of Courage & Grace.

## JANINE POLLACK

### About Janine



Janine Pollack, co-founder of Calcaterra Pollack LLP, has been a class action litigator for almost 30 years and has prosecuted cases that have secured hundreds of millions of dollars for defrauded investors and consumers over the course of those nearly three decades. Her focus is on representing clients who seek redress from companies that employ deception in selling their products or services, including through false advertising. Janine is routinely appointed by courts as lead counsel and to other leadership positions, including in data breach litigation. As lead trial counsel, she has prosecuted jury and bench trials, and won a jury verdict against R.J. Reynolds for wrongful death in a tobacco case.

Janine is currently admitted to practice in the States of New York and New Jersey and in the Southern and Eastern Districts of New York and the District of New Jersey, in addition to the U.S. Courts of Appeal for the Fifth and Ninth Circuits. She is fluent in French.

### Representative Matters

- One of the lead litigators in a consumer class action against a large chain of beauty product stores for failure to disclose policy resulting in the re-shelving of used goods.
- Lead litigator in a consumer class action against a major bank for failure to pay interest on mortgage escrow monies.
- One of the lead litigators in a consumer class action against a lender for misrepresentations in financing documents to pay for energy-saving home improvements.
- Interim Co-Lead Counsel in a data breach class action against a large clothing retailer for failing to exercise reasonable care in safeguarding the personal information of its customers.
- One of the lead litigators in a consumer class action against a maker of baseball bats for false advertising and misrepresentations.
- Represented consumers across the country in class action litigation against Skechers, Reebok, and others for false claims regarding the efficacy of “toning shoes” which were advertised as being more effective than regular sneakers in providing body-toning benefits to wearers. Working with the Federal Trade Commission, Janine and her co-counsel were able to secure consumer settlements of approximately \$45 million against Skechers and \$25 million against Reebok.

## Education

University of Pennsylvania School of Law (J.D., 1989, elected to Journal of International Business Law)

Rutgers University (B.A., High Honors, English and French, 1986)

New York University in France Semester Abroad, Paris (1985)

## Professional Affiliations

Janine currently serves as Co-President of the National Association of Shareholder & Consumer Attorneys (NASCAT), an organization of firms and attorneys which represents consumer and investor rights and supports the opportunity for consumers and investors to bring class action suits. As Co-President, she develops and advocates for national and state policies impacting the class action bar, securities litigation plaintiffs' bar and consumer protection plaintiffs' bar. Janine is also the Chair of the Women's Initiative at NASCAT, which assists in advancing women as lead litigators. She has served as a team leader to develop Standards and Best Practices for Increasing Diversity in Mass Tort and Class Action Leadership for the Duke Law Center for Judicial Studies. Janine is also a member of the Women in the Legal Profession Committee of the Bar Association of the City of New York, where she recently was a co-editor of the publication, Street Smarts for Women Lawyers. She is also working on wellness projects as part of Committee activities.

## Honors

Janine has been designated as a Super Lawyer every year since 2012 and was recently named in Lawdragon's list of 500 Leading Plaintiff Financial Lawyers for 2019. She has also been appointed numerous times to Law360 editorial boards. In 2012, Janine was one of the attorneys featured on the front page of *The National Law Journal's* Plaintiffs' Hot List for her work on the toning shoe cases, several of which resulted in record settlements jointly with the Federal Trade Commission against Reebok and Skechers.

## MICHAEL LISKOW

### About Michael



Michael Liskow is a partner at Calcaterra Pollack LLP. Michael has extensive experience litigating complex class actions on behalf of plaintiffs in consumer fraud, data breach, antitrust, securities, housing, and wage and hour matters, among others. Prior to joining the Firm, Michael was a clerk for the Honorable Steven H. Levinson of the Supreme Court of Hawai'i, an associate at Quinn Emanuel Urquhart & Sullivan LLP, a Fulbright Teaching Assistant to the Slovak Republic, and a partner at two law firms practicing plaintiff-side class action litigation.

Michael is currently admitted to practice in the States of New York and California and in the U.S. District Courts for the Southern and Eastern Districts of New York and the Northern, Central, and Southern Districts of California.

### Representative Matters

- Represents plaintiffs in a class action against the California State Compensation Insurance Fund on behalf of businesses charged improper workers' compensation insurance rates.
- Represents a plaintiff in an antitrust class action against Apple stemming from its monopolization of the iPhone application market that was heard before the U.S. Supreme Court. The Court ruled 5-4 in favor of the named plaintiffs against Apple.
- Represented plaintiffs in a class action against Bethpage Federal Credit Union and others for violations of the Real Estate Settlement Procedures Act, resulting in a full recovery for each class member.
- Represented plaintiffs in a class action on behalf of overbilled Verizon consumers which resulted in a full recovery, plus interest and fees, for every class member.
- Acted as lead counsel for the data breach class actions *Mizrahi v. NBEO* (D. Md.) and *Bokelman v. FCH Enterprises* (D. Haw.).
- Represented consumers in numerous class actions challenging unfair and deceptive business practices, including against L.L. Bean, Nestlé Waters, Mondelēz, GNC, Banner Life Insurance, GNC, and Vibram.
- Represented a class of institutional and individual investors who suffered losses resulting from their investment in Goldman Sachs mortgage-backed securities, resulting in a recovery of over \$272 million.
- Represented a class of overcharged tenants of Stuyvesant Town and Peter Cooper Village, resulting in a \$173 million recovery, the largest recovery for tenants in United States history.

## **Education**

University of Pennsylvania Law School (J.D., 2005)

University of Kansas (B.A., Psychology, 2001)

## **Speaking Engagements**

*Cy Pres After Frank v. Gaos*, presentation at 2019 NASCAT Annual meeting

## **Publications**

"Is Equitable Estoppel in Arbitration a Sinking Ship?" *New York Law Journal* (Dec. 12, 2011)

## **Honors**

Michael has been selected as a New York Super Lawyers "Rising Star" each year between 2013-2018, and as a New York "Super Lawyer" in 2019.

## JUSTIN TERES

### About Justin



Justin Teres is a senior associate at Calcaterra Pollack LLP. Justin has over a decade of experience in legal practice, having worked on a series of antitrust and securities fraud matters, as well as government investigations. Prior to joining the Firm, Justin practiced in the litigation group of a leading national law firm.

In addition to his work in litigation, Justin brings a wealth of federal and state public sector experience to the Firm. Justin served as counsel to two statewide investigatory commissions established by New York State Governor Andrew Cuomo and as counsel and legislative director to the late New York State Senator Jose Peralta. Prior to law school, Justin also worked on a variety of federal legislative and regulatory issues at the Washington, D.C. office of the world's largest independent public relations firm.

Justin is currently admitted to practice in the State of New York.

### Representative Matters

- Member of team that successfully prosecuted a multi-million dollar antitrust and false advertising (Lanham Act) litigation related to electronic surveillance technologies.
- Routinely represents clients in responses to investigatory subpoenas issued by federal agencies, including the Federal Trade Commission and Securities and Exchange Commission.
- Managed legislative portfolio of New York State Senator and Ranking Member of Committee on Labor, drafting and introducing dozens of bills for consideration and successfully ushering several through passage and chaptering into New York State Law.
- Managed government investigation into compliance of New York State candidate campaign committees with the Election Law and associated campaign finance regulations.
- Worked alongside colleagues to investigate the response of New York State electrical utilities to Superstorm Sandy, resulting in a series of proposed corrective actions to improve future service and policy recommendations adopted by the Public Services Commission and State Legislature.
- Led all aspects of pre-trial discovery work on several high-profile matters, including a class action against a chain of entertainment venues brought under the Telephone Consumer Protection Act (TCPA).

## **Education**

New York University School of Law (LL.M., 2010)

American University, Washington College of Law (J.D., *cum laude*, 2009)

The George Washington University (B.A., Political Science, *cum laude*, 2004)

## **Professional Affiliations**

Justin is Chair of the Committee on Solutions for Legislative Advocacy and Policy at the LGBT Bar Association of New York.

## **Community Affiliations**

While a student, Justin held internships with former U.S. Senate Democratic Leader Tom Daschle, the federal government relations office of Cisco Systems, Inc., *The American Prospect*, the General Counsel of the U.S. Merit Systems Protection Board, and the International Bureau of the Federal Communications Commission. Justin was also an active member of American University's mock trial team, winning the 2009 San Diego Defense Lawyers' National Mock Trial Tournament. Justin also served as Executive Director of American University's Lambda Law Society – the law school's LGBTQ affinity organization – where he coordinated institutional responses with similar groups in the region and organized external activities, such as congressional lobbying efforts by law students aimed at overturning 'Don't Ask, Don't Tell.'

## JAMES ALIAGA

### About Jimmy



Jimmy Aliaga is an associate at Calcaterra Pollack LLP. Jimmy has experience litigating complex federal and state litigation including securities fraud class actions, consumer protection matters, and individual actions under New York's recently enacted Child Victims Act. Prior to joining the Firm, he was an associate at a plaintiffs' class action firm and served as an Assistant District Attorney in the Brooklyn District Attorney's Office. During his tenure, Jimmy conducted numerous bench and jury trials to verdict as lead counsel and coordinated grand jury investigations on a multitude of criminal actions.

He is currently admitted to practice in the State of New York and the U.S District Courts for the Southern and Eastern Districts of New York.

### Representative Matters

- Represents institutional investors in a federal antitrust class action seeking recovery from over nine banks who allegedly participated in bid-rigging and market manipulation on the Mexican Government Bond market.
- Represents survivors of childhood sexual assault pursuing justice via New York's Child Victims Act.
- Represents families who lost their infants in the Rock 'n Play Sleeper against Mattel, Inc. and Fisher-Price, Inc.
- Represented institutional investors seeking class-wide relief through federal securities class actions.
- Represented a plaintiff class of workers alleging federal and state labor law violations against a publicly traded utility company.

### Education

New York University School of Law (J.D., 2015)

James Madison University (B.A., magna cum laude, 2012)

### Professional Affiliations

Hispanic National Bar Association, Region II, Young Lawyers Division Co-Chair

New York City Bar Diversity Fellowship, Alumni

ASAFE/New York City Bar Securities and Finance Law Seminar Series, Alumni

## **Community Affiliations**

While attending New York University School of Law, Jimmy served as an intern with Morgan Stanley, PricewaterhouseCoopers LLP, the U.S. Commodity Futures Trading Commission, and the Office of the U.S. Attorney for the Eastern District of New York. He also served as a Senior Articles Editor for the Journal of Law & Liberty and an executive board member for the Suspension Representation Project and the Know Your Rights Project and participated in the NYU Legal Ethics Bureau's examination of prosecutorial misconduct.

## **Speaking Engagements**

The Many Facets of Criminal Practice, NYU Law Alumni of Color Association, Panelist  
Government & Prosecution Forum, An Introduction to Public Interest Lawyering, NYU  
Public Interest Law Center, Panelist  
Preparing for Prosecution Interviews, NYU Law Public Interest Law Center, Panelist

## ANJORI MITRA

### About Anjori



Anjori Mitra is a law clerk at Calcaterra Pollack LLP with broad civil and commercial litigation experience. Prior to joining the Firm, she worked at a plaintiffs' class action firm on securities, consumer, and Child Victims Act litigation, as well as FINRA arbitrations. Before that, Anjori practiced in New Zealand as a barrister at one of New Zealand's preeminent barristers' chambers, where her work included securities and derivative litigation, labor disputes and investigations, consumer litigation, cross border matters, discrimination claims, and childhood sexual abuse litigation. She has appeared as counsel in a number of New Zealand courts and tribunals, including at the appellate level.

Anjori was admitted to practice in New Zealand in 2015. Anjori passed the July 2019 New York bar exam and her admission is pending before New York's Appellate Division, First Department.

### Representative Matters

- Represents institutional investors in a federal antitrust class action seeking recovery from over nine banks who allegedly participated in bid-rigging and market manipulation on the Mexican Government Bond market.
- Represents families who lost their infants in the Rock 'n Play Sleeper in lawsuits against Mattel, Inc. and Fisher-Price, Inc.
- Represents survivors of childhood sexual assault pursuing justice under New York's Child Victims Act.
- Represented consumers in a class action against a large insurer and pharmacy benefit manager, alleging a mail-order program for prescriptions was a deceptive practice in violation of New York law.
- Represented investors who suffered losses in a federal securities class action against a large medical and wellness cannabis operator which allegedly misled investors as to its products.
- Represented claimants in a FINRA arbitration alleging mismanagement of their accounts by a financial advisor.

### Education

Columbia Law School (LL.M., Harlan Fiske Stone honors, 2019)

University of Auckland, New Zealand (LL.B. with honors, 2014)

University of Auckland, New Zealand (B.A., English, History, 2014)

## **Community Affiliations**

While at Columbia Law School, Anjori served on the board of Columbia Law Women's Association, volunteered for the Sexual Respect Initiative, and interned at the Knight First Amendment Institute, which focuses on protecting the freedoms of speech and the press. While at the University of Auckland Law School in New Zealand, Anjori was the editor-in-chief of the Public Interest Law Journal of New Zealand and volunteered for the Equal Justice Project, a pro bono organization which aims to increase access to justice in the community.

## **Honors**

Anjori received a Parker School Certificate in international and comparative law during her LL.M. at Columbia Law School. She was also awarded a Spencer Mason Travelling Scholarship in Law from the Spencer Mason Trust in New Zealand for her LL.M. studies. She was a recipient of the 2017 Auckland District Law Society Prize (New Zealand) for best contribution to the New Zealand Women's Law Journal and received an honorable mention for the 2018 Hon Rex Mason Prize for Legal Writing (New Zealand).

## **ISIDORA ECHEVERRIA**

### **About Isidora**

Isidora Echeverria is the litigation paralegal at Calcaterra Pollack LLP, where she provides litigation support to the Firm's attorneys. Prior to joining the Firm, Isidora served as a paralegal and diversity pipeline intern at a plaintiffs' side firm specializing in class actions, civil rights, antitrust, and childhood sexual abuse litigation. Prior to her private sector paralegal experience, Isidora served as the 2019 Jennifer J. Raab Presidential Public Service Fellow, a prestigious opportunity whereby only one graduating student per year is selected to serve in the College's External Affairs Division. In this capacity, Isidora worked on critical public policy issues addressing the metropolitan area. Isidora is also a vocal advocate of immigrant rights and works closely with Deferred Action for Childhood Arrival (DACA) recipients in New York City to advance their legal interests through non-profit volunteering.

### **Education**

Isidora received her B.A. in Political Science and Public Policy from the City University of New York Hunter College in 2018. She graduated as an Eva Kastan Grove Scholar & Fellow.

## **DANIELA MAESTRO**

### **About Daniela**

Daniela Maestro serves as the Director of Operations and Marketing at Calcaterra Pollack LLP. Prior to joining the Firm, Daniela was a client development and marketing coordinator and litigation secretary at a plaintiffs' class action firm. Before entering the legal field, Daniela managed the technical research library at an international environmental conservation NGO in Washington DC, where she supported ongoing research and publication programs and contributed to initiatives to broaden the impact and dissemination of conservation science. While in Washington DC, she was an active member of the Society for Scholarly Publishing, the Council of Biology Editors, the Council of Science Editors, and the Special Libraries Association, and was a regular participant in conferences and programs intended to improve and support open access to scientific research and data.

### **Education**

Daniela received her education at Smith College and the George Washington University Elliott School of International Affairs.