EXHIBIT 2

KOREIN TILLERY
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Korein Tillery — based in Chicago and St. Louis — is one of the country's leading plaintiffs' complex-litigation firms, representing a broad array of clients in high-stakes lawsuits. We bridge the historical divide between the resources, quality-of-representation, and national coverage offered by large, full-service law firms and the creativity, agility, and financial flexibility offered by boutique litigation practices. By providing world-class legal representation within a business environment more reminiscent of a Silicon Valley startup than a traditional law firm, Korein Tillery offers clients a superior, cost-effective way to manage substantial litigation risk.

Although Korein Tillery is a boutique firm, our 30 attorneys offer clients an unmatched breadth of experience. Most of our attorneys have represented both plaintiffs and defendants at some point in their careers, and, combined, we've handled cases covering virtually every conceivable substantive area of the law. We've litigated cases for clients ranging from individuals and certified classes, to governmental entities and billion-dollar, multi-national corporations. Collectively, we've tried hundreds of cases to verdict, with several verdicts exceeding 10 figures. Our attorneys have been nominated for numerous regional and national trial lawyer awards, and we've won many landmark decisions in state and federal appellate courts, including in the Supreme Court of the United States. Korein Tillery strives to be the nation's leading complex litigation boutique law firm by offering our clients world-class representation while drastically reducing their litigation-related risk.

For decades, Korein Tillery has successfully guided its clients through protracted, multi-faceted litigation against some of the most powerful and well-funded adversaries in the world. Our firm consistently prevails in legal wars of attrition, not only because we have the resources to prosecute claims as vigorously as they are defended, but also because we have the experience, mettle, and motivation to go the distance. We're no strangers to decade-long cases, multi-million-document productions, endless discovery battles, and repeated trips to the appellate courts. And our results speak for themselves: we've obtained billions of dollars in settlements and verdicts for our clients over the past decade, all without submitting an "hourly" bill.

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Though Korein Tillery's national litigation practice has continued to evolve and adapt over the past decade, one thing has remained constant – we have achieved extraordinary results for our clients. The cases we handle are some of the most complex and challenging in the country. Yet despite often-daunting odds, Korein Tillery has amassed one landmark victory after another, generating over $13 billion in verdicts and settlements in litigation spanning practice areas such as Securities, ERISA, Antitrust, Tax, Environmental Law, and Unfair Competition. Some of Korein Tillery's recent accomplishments are noted below.

The National Law Journal has consistently deemed Korein Tillery to be one of the country's top plaintiffs' firms by naming it to its "Plaintiffs' Hot List" seven times in the past eleven years: in 2003, 2004, 2007, 2008, 2011, 2012, and 2013. In 2014 and 2015, Korein Tillery was named by the NLJ as a member of its top 50 Elite Trial Lawyers. The American Bar Association's Securities Litigation Journal deemed two of Korein Tillery's cases, *Kircher v. Putnam Funds Trust,* 547 U.S. 633 (2006) and *Merrill Lynch Pierce Fenner & Smth, Inc. v. Dabit,* 547 U.S. 71 (2006), the two most important securities law decisions in 2006. Securities Litigation Journal, *Top 10 Securities Law Decisions of 2006* (Winter 2006). In *Kircher,* Korein Tillery served as lead counsel for the plaintiffs' class from the initial trial court filing to the Supreme Court of the United States, where the Court reversed the Seventh Circuit in a 9-0 decision.

Korein Tillery has been appointed as class counsel in more than fifty class actions and has successfully negotiated some of the country's largest class action settlements. *See, e.g., Parker v. Sears Roebuck & Co.,* Case No. 04-L-716 (Ill. Cir. Ct., Jan. 16, 2008) (settlement valued at $544.5 million); *Cooper v. The IBM Pers. Pension Plan*, 2005 WL 1981501, 35 Employee Benefits Cas. 2488 (S.D. Ill. Aug. 8, 2005) ($325 million settlement); *Sparks v. AT&T Corp.*, 96-LM-983 (Ill. Cir. Ct. Nov. 4, 2002) ($350 million settlement); *Sullivan v. DB Investments, Inc*, 04-2819 (D.N.J. May 22, 2008) ($323 million settlement); *Folkerts v. Illinois Bell Tel. Co.*, 95-L-912 (Ill. Cir. Ct. July 7, 1998) ($252 million settlement); *Berger v. Xerox Corp. Ret. Income Guar. Plan*, 2004 WL 287902, 32 Employee Benefits Cas. 1362 (S.D. Ill. Jan. 22, 2004) ($240 million settlement); *Malloy v. Ameritech*, 98-488-GPM (S.D. Ill. July 21, 2000) ($180 million settlement); *City of Greenville v. Syngenta Crop Prot., Inc.*, 3:10-CV-188-JPG-PMF, 2012 WL 1948153 (S.D. Ill. May 30, 2012) ($105 million settlement); *In Re: MCI Non-Subscriber Tel. Rates Litig.*, MDL 1275 (S.D. Ill. Apr. 19, 2001) ($99 million settlement); and *Dunn v. BOC Group Pension Plan*, 01-CV-382-DRH (S.D. Ill. Mar. 12, 2004) ($70 million settlement).

The Firm's Members

Stephen M. Tillery

Steve Tillery is the senior and founding member of the firm. With more than 35 years of trial experience, Stephen Tillery has acted as lead counsel in hundreds of complex cases at both the trial and appellate levels that have resulted in some of the largest trial verdicts and settlements in the United States.

Mr. Tillery completed his undergraduate studies at Illinois College (B.A. *magna cum laude*, Phi Beta Kappa) in 1972. Thereafter he attended Saint Louis University School of Law (J.D. *cum laude*, Order of the Woolsack, 1976). While obtaining his law degree, Mr. Tillery was a law clerk for the Honorable James L. Foreman, United States District Court for the Southern District of Illinois. Following graduation from law school, he was a law clerk to the Honorable George J. Moran, Fifth District Court of Appeals of Illinois.

Stephen Tillery is a member of the Illinois Trial Lawyers Association, where he has been one of the elected Board of Managers since 1987, and for which he has chaired and served on numerous committees. Mr. Tillery is also a member of the Illinois Bar Association, the Missouri Association of Trial Attorneys, the St. Louis Metropolitan Bar Association, the St. Clair County Bar Association and the American Association for Justice. He serves as a board member of Public Justice. He was named Litigation Daily's Litigator of the Week on May 1, 2014 for successfully reinstating the trial court's $10.1 billion verdict in *Price v. Philip Morris, Inc.*, 2014 IL App (5th) 130017, 2014 WL 1696280 (Ill. App. Ct. Apr. 29, 2014).

Mr. Tillery has written numerous legal articles and has served as lecturer, moderator, and panel member at dozens of legal seminars relating to litigation and trial practice. He was an adjunct professor at Saint Louis University School of Law for eleven years, and was Co-Director of the Advanced Trial Advocacy Program there from 1983 to 1988.

George A. Zelcs

George Zelcs focuses his practice in the areas of complex commercial litigation including securities, antitrust, consumer fraud, qui tam/whistleblower, and pharmaceutical litigation in state and federal courts. Mr. Zelcs completed his undergraduate degree at Indiana University (B.A. Political Science, Urban Planning, and Sociology) in 1976. He received his law degree at Chicago-Kent College of Law in 1979, and was admitted to practice law in Illinois in 1979. He is admitted to practice before the United States Courts of Appeals for the Second Circuit (2013), Fifth Circuit

(1999), Seventh Circuit (1980), Eighth Circuit (1996), Tenth Circuit (1982), and Eleventh Circuit (1993), the United States Tax Court (1984), the United States Court of Federal Claims (2013), the Supreme Court of the United States (2005), and the United States District Courts for the Northern and Southern District of Illinois.

Mr. Zelcs has conducted bench and jury trials in state and federal courts throughout the United States and has participated in arbitration proceedings in foreign venues. He has obtained settlements and judgments ranging from fifteen million to in excess of ten billion dollars for his clients in various state and federal jurisdictions throughout the United States.

Mr. Zelcs was first selected as a Leading Illinois Attorney in 1993 and as an Illinois Super Lawyer. He was selected as a Finalist in 2003 for the Trial Lawyers For Public Justice Trial Lawyer of the Year Award for his work on the *Price, et al. vs. Philip Morris USA* verdict. He serves on the Chicago-Kent Board of Overseers and as a Trustee for the Chicago-Kent Institute on the Supreme Court of the United States. He has testified, at the invitation of the New York State Assembly, regarding financial guaranty insurance and representations and warranties made by mortgage originators in mortgage-backed securities.

Robert E. Litan

Robert Litan is a partner at Korein Tillery. Mr. Litan is a nationally renowned attorney and economist with nearly four decades of experience litigating cases, conducting economic research, crafting economic policy, and heading up both public and private organizations. He is a prolific writer and speaker on the subjects of economics, antitrust law, and financial regulation, having authored or co-authored over 27 books and 200 journal and newspaper articles, as well as having testified as an expert witness in a number of high-profile lawsuits. Mr. Litan serves as Korein Tillery's senior adviser in economic and antitrust matters.

After graduating from Yale Law school, Robert Litan litigated antitrust, administrative, and international-trade cases in Washington D.C., first with Arnold & Porter and then with Powell, Goldstein, Frazer & Murphy. In 1993, he was appointed Principal Deputy Assistant Attorney General in the Antitrust Division of the Justice Department, where he oversaw civil, non-merger antitrust litigation. In that role, Mr. Litan settled the Department's lawsuit against the Ivy League and MIT for conspiring to fix financial aid awards; oversaw the Department's first investigation into Microsoft's anti-competitive practices; oversaw the early stages of the Department's investigation of NASDAQ for

fixing dealer spreads; and was the Department's liaison to the Clinton administration's working group on telecommunications policy, which was directed by the Vice President.

In 1995, Mr. Litan was appointed Associate Director of the Office of Management and Budget, where oversaw the budgets of five cabinet-level agencies. He was later a consultant to the Department of Treasury on financial modernization and the effectiveness of the Community Reinvestment Act, co-authoring several reports on those subjects. In the early 1990s, Bob served as a Member of the Presidential-Congressional Commission on the Causes of the Savings and Loan Crisis. He has chaired two panels of two studies for the National Academy of Sciences, and has served on one other NAS Committee.

Mr. Litan has testified as an expert witness in numerous complex cases, not only in antitrust matters, but also in matters involving the regulation of financial institutions. He has held major executive positions at three organizations overseeing economic and public-policy research: Vice President and Director of Research in the Economic Studies Program at the Brookings Institution; the same position at the Kauffman Foundation; and Director of Research at Bloomberg Government, the subsidiary of Bloomberg LLP that provides analysis and data on the impact of government policies on business. He is currently on the research advisory boards of the Smith Richardson Foundation and the Committee for Economic Development, as well as the advisory board of the American Antitrust Institute. He previously served on the international advisory board of the Principal Financial Group.

Robert Litan is the author or co-author of 27 books and the editor of 14 others. He also has written over 200 articles in journals and national newspapers. His latest books include Better Capitalism, co-authored with Carl Schramm (2012); and Good Capitalism, Bad Capitalism, co-authored with William Baumol and Carl Schramm (2007), which is used widely in college courses and has been translated into 10 languages. His latest book, published by Wiley Press in the fall of 2014, is The Trillion Dollar Economists.

Christine J. Moody

Christine Moody serves as managing partner of Korein Tillery and chairs the firm's environmental practice group. Ms. Moody completed her undergraduate degree at the University of Illinois (B.S. Business Administration), and received her law degree at St.

Louis University School of Law, where she was associate editor of the Law Journal. She started her career with Korein Tillery in 1992.

Throughout her legal career, Ms. Moody has been involved in all aspects of complex lawsuits. From extensive research of legal issues prior to filing to trial and appellate practice, her experience includes literally every component of a complex case. She has worked extensively with expert witnesses in various fields, including economics, environmental hazards, ethics, telecommunications, behavioral science, industrial and electrical engineering, neurology, psychology and orthopedic surgery. She has deposed hundreds of witnesses, including fact witnesses and experts. She has tried dozens of cases encompassing myriad legal issues. In 1996 alone, she was part of a trial team which tried sixteen major civil jury cases in one year.

Ms. Moody is a strong supporter of the rights of orphaned children and has served as a board member of a private adoption foundation which has coordinated the adoption of hundreds of orphaned Russian children. She has keen political interests and served as one of the volunteer team members for the trial of the Martin County dispute in the *Gore v. Bush* Florida election trials in December 2000.

Aaron M. Zigler

Aaron Zigler is a partner at Korein Tillery where he frequently represents consumers, whistle-blowers and investors as plaintiffs in high-stakes litigation and appeals. Mr. Zigler is an accomplished writer and an active member of the American Society of Legal Writers. Prior to his legal career, Mr. Zigler worked in computer security for a Fortune 500 company and continued his interest in computer technology in law school by concentrating his studies in that area.

Mr. Zigler routinely bears the principal responsibility for the briefing and argument of dispositive and jurisdictional motions in a wide variety of complex cases. He also has extensive appellate experience, having been responsible for briefing and arguing such appeals as: *United States ex rel. Garbe v. Kmart Corp.*, No. 15-1502 (7th Cir. 2016); *C.M.D. ex rel. De Young v. Facebook, Inc.*, 621 F. App'x 488 (9th Cir. 2015) (argued); *Price v. Philip Morris, Inc.*, 2015 IL 117687 (Ill. 2015); *Holiday Shores Sanitary Dist. v. Syngenta Crop Prot., Inc.*, No. 111881 (Ill. Sept. 28, 2011); *Carr v. Gateway, Inc.*, 944 N.E.2d 327 (Ill. Feb. 3, 2011) (argued); *Holiday Shores Sanitary Dist. v. Syngenta Crop Prot., Inc.*, No. 05-10-0549 (Ill. App. Jan 13, 2011).

Mr. Zigler successes in the courtroom have been featured by the St. Louis Post-Dispatch ("Lawyer a Victor in Class Actions, Says He Fights For Little Guy," St. Louis Post-Dispatch, June 29, 2008), by The American Lawyer (King & Spalding Lawyer Stirs State Judge's Ire, 1 Am. Law., Jan. 2007, at 50) and the National Law Journal (e.g., The Plaintiffs' Hot List, 30 Nat'l L.J., Nov. 22, 2007, at S7).

Robert L. King

Mr. King is a 1989 graduate of the Washington University School of Law. Upon graduation from law school, he clerked for a federal judge in Kansas City, Missouri for two years before entering private practice in 1991. In addition to the state bars of Missouri and Illinois, Mr. King is a member of the bars of the Fifth, Seventh, Eighth and Federal Circuit U.S. Courts of Appeal; the U.S. District Courts for the Eastern and Western Districts of Missouri and the Central and Southern Districts of Illinois; the U.S. Court of International Trade; and the United States Supreme Court. Mr. King has devoted his career exclusively to litigation over the past fifteen years, practicing in a variety of substantive areas of law while at Korein Tillery, including class actions, products liability, contracts and general business litigation. Mr. King has litigated on behalf of clients in state and federal courts at both the trial and appellate levels, including the Supreme Courts of Illinois and Florida and the U.S. Supreme Court. Mr. King participated in of the presidential election cases in Florida, *Taylor v. Martin County*, in December 2000.

Michael E. Klenov

Michael Klenov is a partner at Korein Tillery's St. Louis office. He is licensed to practice law in Illinois, Missouri, New York, California, and the District of Columbia, as well as numerous federal district and appellate courts. Mr. Klenov concentrates his practice on complex civil litigation in the areas of Securities, Antitrust, Qui Tam/Whistleblower claims, and Commercial Disputes. He represents individuals, governmental entities, and major companies in high-stakes lawsuits.

Since joining Korein Tillery, Mr. Klenov has achieved impressive results for both his individual and his business clients. He has been appointed as lead counsel in several nationwide class actions and has negotiated a number of multi-million dollar class settlements. In 2012, Mr. Klenov was part of the legal team that attained a $105 million dollar settlement in historic environmental litigation on behalf of a large number of municipalities and the country's largest private water provider. Following the settlement, Public Justice named Mr. Klenov and the rest of the trial team as finalists for their national Trial Lawyer of the Year Award.

Mr. Klenov currently represents a governmental agency and a major insurance company in securities litigation arising from the collapse of the mortgage-backed securities ("RMBS") market. That litigation spans over a dozen cases pending in four district courts in the Second, Seventh, Ninth, and Tenth Circuits. Korein Tillery and its co-counsel have already recovered well over a billion dollars for their clients in RMBS litigation. Mr. Klenov is also the lead attorney in a major ERISA/deferred-compensation lawsuit pending in a district court in the Fourth Circuit.

Mr. Klenov routinely and successfully briefs novel, complex legal issues in state and federal courts across the country. His written advocacy has yielded a number of significant victories.

Mr. Klenov received his B.A. in Economics, International Studies, and Business Institutions from Northwestern University. While completing his undergraduate degree, Mr. Klenov spent a year studying economics and philosophy at the London School of Economics and Political Science. Subsequently, Mr. Klenov attended the Washington University School of Law where he received a Scholar-in-Law scholarship. He graduated Magna Cum Laude, Order of the Coif, and received a number of academic awards, including the Charles Wendell Carnahan Prize. While in law school, he served as a Senior Editor of the Washington University Law Review, where he also published his Note. *See Preemption and Removal: Watson Shuts the Federal Officer Backdoor to the Federal Courthouse, Conceals Familiar Motive*, 86 Wash. U. L. Rev. 1455 (2009) (cited by Wright & Miller, 14C Fed. Prac. & Proc. § 3726 (4th ed.)). During his third year of law school, Mr. Klenov clerked for the Honorable David R. Herndon, Chief Judge of the United States District Court for the Southern District of Illinois.

The Firm's Recent Work:

SECURITIES

National Credit Union Administration Mortgage-Backed Securities Litigation.
The National Credit Union Administration is the independent federal agency created by the U.S. Congress to regulate, charter, and supervise federal credit unions. On behalf of the NCUA, Korein Tillery and Kellogg Huber filed a series of federal lawsuits in 2011 alleging banks misled credit unions about the quality of the bonds and the level of risk causing billions of dollars of losses that were insured by the NCUA. The Wall Street Journal has reported that 47 credit unions have failed since the start of 2009.

As a result of these matters, NCUA has obtained more than $2.9 billion in legal settlements. NCUA was the first federal regulatory agency for depository institutions to recover losses from investments in these securities on behalf of failed financial institutions. NCUA uses the net proceeds to reduce Temporary Corporate Credit Union Stabilization Fund (Stabilization Fund) assessments charged to federally insured credit unions to pay for the losses caused by the failure of five corporate credit unions.

Korein Tillery and Kellogg Huber continue to prosecute a number of lawsuits on behalf of the NCUA against several other financial institutions alleging violations of federal and state securities laws in the sale of mortgage-backed securities to the four corporate credit unions as well as suits alleging their failure to perform their duties as trustees of residential mortgage-backed securities trusts.

EMPLOYMENT

***Williams v. Rohm & Haas Pension Plan*, 658 F.3d 629 (7th Cir. Sept. 2, 2011).**

Korein Tillery filed this matter in 2002 alleging that the Rohm & Haas Pension Plan violated ERISA by failing to include the value of future cost-of-living adjustments in calculating lump-sum distributions from the Plan. After eight years of litigation, Korein Tillery obtained one of the largest settlements in the history of ERISA – $180 million. In 2006, the case was certified and Plaintiffs won summary judgment convincing the district court that the terms of the Plan violated ERISA because a COLA is an "accrued benefit" requiring that it be included in lump-sum distributions. The district court's decision was affirmed on interlocutory appeal. *Williams v. Rohm & Haas Pension Plan*, 497 F.3d 710, 714 (7th Cir. 2007) ("If a defined benefit pension plan entitles an annuitant to a COLA, it must also provide the COLA's actuarial equivalent to a participant who chooses instead to receive his pension in the form of a one-time lump sum distribution."), *cert. den.*, 128 S.Ct. 1657 (2008).

***Senne v. The Office of the Commissioner of Baseball*, 105 F. Supp. 3d 981 (N.D. Cal. 2015).**

Plaintiffs in this action are former Minor League baseball players who allege that MLB and MLB's member franchises failed to pay the players minimum wage or required overtime pay and sometimes failed to pay wages at all. Plaintiffs assert two claims under the federal Fair Labor Standards Act ("FLSA") and an additional thirty-one under the wage-and-hour laws of eight states: California, Florida, Arizona, North Carolina, New York, Pennsylvania, Maryland and Oregon.

Defendants filed motions to dismiss for lack of personal jurisdiction and to transfer the action to Florida. On May 20, 2015, the Court denied Defendants' request to transfer the action to Florida and granted in part and denied in part the motions to dismiss for lack of personal jurisdiction, dismissing eight of the thirty franchises from the action without prejudice. *Senne v. The Office of the Commissioner of Baseball*, No. 14-CV-00608-JCS, 2015 WL 2412245 (N.D. Cal. May 20, 2015).

On May 18, 2015, just before the Court issued its order addressing personal jurisdiction and venue, the franchises filed a motion to dismiss challenging Plaintiffs' standing to assert claims under certain state laws. The Court denied the motion in its entirety. *Senne v. The Office of the Commissioner of Baseball*, No. 14-CV-00608-JCS, 2015 WL 4240716 (N.D. Cal. July 13, 2015).

On October 20, 2015, the Court granted Plaintiffs conditional certification pursuant to the Fair Labor Standards Act. *Senne v. The Office of the Commissioner of Baseball*, No. 14-CV-00608-JCS, 2015 WL 6152476 (N.D. Cal. Oct. 20, 2015).

***Lightfoot v. Arkema, Inc. Ret. Benefits Plan*, CIV. 12-773 JBS/JS, 2013 WL 3283951 (D.N.J. June 27, 2013).**
After the court certified a class of present and former plan participants, plaintiffs filed a motion for partial summary judgment on the issue whether the cost-of-living adjustments (COLAs) the Plan promised to participants who elected annuities were part of participants' "accrued benefit" under ERISA. The Plan countered with a motion for summary judgment arguing the statute of limitations had run on all class members' claims owing to statements in a 1994 Summary Plan Description (SPD) and other plan documents. Although the same judge had previously ruled that the statements in the SPD and Plan were "clear repudiations" in a companion case, currently before the Third Circuit, Plaintiffs were able to convince the judge to the court denied the Plan's motion for summary judgment and granted plaintiffs' motion for partial summary judgment, finding that the COLAs promised annuitants are accrued benefits. The case settled in 2014 with the average class member receiving $11,000 in cash that could be rolled into a retirement account.

***Mansfield v. ALPA*, 06-c-6869 (N.D. Ill. Dec. 14, 2009).**
Beginning in 2001, United Airlines encountered financial difficulties that ultimately culminated in its filing for bankruptcy protection. During the course of United's reorganization in bankruptcy, United sought to terminate its pilots' defined benefit pension plan. In exchange for ALPA's agreement not to oppose the termination of the

pension plan, United agreed to provide ALPA with $550 million in convertible notes. ALPA, through its United Airlines Master Executive Council ("MEC"), was tasked with allocating the proceeds from the sale of the convertible notes among the pilots. The MEC selected an allocation method that divided the note proceeds based upon each pilot's lost accrued benefits and lost projected benefits.

Plaintiffs filed this case in 2006 contending that ALPA breached its duty of fair representation in discriminating between its members in allocating the proceeds from the sale of $550 million in convertible notes. Plaintiffs prevailed on a number of complex and novel issues in the trial court. For example, ALPA moved to exclude retirees from the class, arguing that a union owes no duties to retired pilots under the Railway Labor Act. The court denied ALPA's motion, agreeing with Plaintiffs that because ALPA represented the retirees when it negotiated the convertible notes, it owed them a duty even though the retirees were no longer a part of the bargaining unit. *Mansfield v. ALPA*, 2007 WL 2903074 (N.D.Ill. Oct. 1, 2007). Plaintiffs also successfully opposed ALPA's and United's motions for summary judgment. *Mansfield v. ALPA*, 2009 WL 2386281 (N.D.Ill. Jul. 29, 2009). Plaintiffs' successful opposition to summary judgment represents a significant victory for a plaintiff in a duty of fair representation case under the Railway Labor Act, as a court's review of a union's actions is very deferential. E.g. *Air Line Pilots Ass'n, Int'l v. O'Neill*, 499 U.S. 65 (1991).

After additional litigation, ALPA moved to decertify the class, arguing that Plaintiffs' alternative damage theories created a conflict of interest such that class certification was no longer proper. The court again sided with Plaintiffs, holding that certification was proper, and that any potential conflict of interest could be addressed by supplemental notice. *Mansfield v. ALPA*, 2009 WL 2601296 (N.D. Ill. Aug. 20, 2009).

Finally, just two-weeks before trial was set to begin, and following nearly four years of hard-fought litigation, the production and review of over 1.5 million pages of documents, and nearly 40 depositions, the parties reached a settlement that resolved this action. Under the terms of the settlement, ALPA funded an aggregate settlement fund of $44 million to be directly paid to class members. *Mansfield v. ALPA*, No. 06C6869 (N.D. Ill. Dec. 14, 2009). The settlement is believed to be one of the largest ever in a duty of fair representation case, in which unions are sued over their responsibility to fairly represent their members.

OTHER PRACTICE AREAS

***U. S. ex rel. Garbe v. Kmart Corp.*, 73 F. Supp. 3d 1002 (S.D. Ill. 2014).**

Since 2004, Kmart pharmacies have charged low, flat-rate prices for certain generic drug prescriptions when those drugs are purchased by customers who paid entirely out of their own pockets with no insurance coverage. Since the beginning of the Medicare Part D drug program on January 1, 2006, however, Kmart has charged higher prices – often significantly higher prices – to customers with Medicare Part D coverage for the purchase than it charges self-paying customers for the same prescription. For example, Kmart charged cash customers $10 for a 60-day supply of 500 mg Naproxen (available in non-prescription strength as Aleve®), but charged the Government $58.79 for the same prescription.

In the litigation, Kmart never disputed that it charges cash-paying customers lower prices than it charges to the Government. Instead, Kmart contends it was never required to charge the Government the lower prices because those are not the prices Kmart charges to "the general public." Rather, Kmart claims its cash-customers are not the "general public" but rather members of an exclusive "club" through which they are offered the discount prices, even though as a practical matter the discount prices are the prices Kmart charges to all its cash customers. Kmart also has no record of denying any cash-paying customer "membership" in Kmart's "club." The district court rejected Kmart's arguments and denied its motions for summary judgment. Kmart appealed the district court's ruling.

In the Seventh Circuit, Senator Charles Grassley filed an amicus brief supporting the Plaintiff. Brief of U. S. Senator Charles E. Grassley as Amicus Curiae in Support of Appellee for Affirmance, *United States ex rel. Garbe v. Kmart Corp.*, 2015 WL 4910890 (7th Cir. Aug. 10, 2015). Kmart's appeal remains pending.

***City of Greenville v. Syngenta Crop Prot., Inc.*, 904 F. Supp. 2d 902 (S.D. Ill. 2012).**

On October 23, 2012, the United States District Court for the Southern District of Illinois entered an order approving a $105 million class-action settlement designed to compensate Community Water Systems throughout the United States for the cost of removing the pesticide atrazine from public drinking water. The litigation between Class Members and Syngenta dated back to July 2, 2004, when Holiday Shores Sanitary District filed six separate lawsuits against manufacturers and distributors of atrazine and atrazine-containing products in the Illinois Circuit Court in Madison County.

Atrazine is used to control broadleaf and grassy weeds in a variety of crops, but is applied primarily to corn fields. Atrazine has been one of the most heavily used pesticides in the U.S. Two of atrazine's key chemical characteristics--that it does not readily bind to soil, and that it persists in the environment-- dramatically increase atrazine's effectiveness as an herbicide. However, because atrazine does not bind to soil, it easily runs off of fields with rainfall and contaminates surface waters such as the rivers, lakes, and reservoirs that act as drinking-water supplies for public water providers.

Plaintiffs alleged that atrazine had continuously entered their water supplies and as a result of this contamination, they had to filter atrazine from their water sources. After eight years of litigation, Plaintiffs were able to secure a $105 million settlement fund to be distributed to several hundred community water systems for costs of filtration of atrazine from their drinking-water supplies. *City of Greenville v. Syngenta Crop Prot., Inc.*, No. 3:10-CV-188-JPG-PMF, 2012 WL 1948153 (S.D. Ill. May 30, 2012). The settlement amounted to approximately 76 % of the $139 million estimated to be the Class's maximum potential recovery.

To facilitate the settlement claims process, Korein Tillery lawyers collected 20 years of atrazine testing data into a database that was made available to each Class Member through a settlement website. From there, Claimants were able to view the test data already collected for their system and provide additional evidence of atrazine contamination to claim their share of the settlement fund. Although many class actions experience claims rates of less than 15%, in this case virtually all settlement funds were distributed to class members.

Public Justice honored the Korein Tillery lawyers representing the plaintiffs in this case as finalists for its Trial Lawyer of the Year award.

Missouri Utility Tax Litigation

Since 2007, Korein Tillery has represented Missouri municipalities in class action litigation that sought to recover unpaid license taxes. In suits against wireless and wireline carriers, Korein Tillery attorneys recovered hundreds of millions of dollars of license tax revenues – both retrospectively and prospectively – for more than 350 cities throughout Missouri. Considering the full amount of future tax payments, Korein Tillery will have recovered more than $1 billion for Missouri municipalities by 2017. As a result of their work in these cases, the Missouri Lawyers Weekly recognized Korein

Tillery partners John W. Hoffman and Douglas R. Sprong with awards in the "largest plaintiff wins" category in 2007, 2009, 2010 and 2015.

In 2012, Korein Tillery was successful in persuading the Missouri Supreme Court to issue an extraordinary writ (mandamus) declaring unconstitutional a state statute that sought to sweep away this litigation by barring cities and towns from serving as class representatives. The Missouri Supreme Court found that the statute violates art. V, § 5, of the Missouri Constitution that allocates rulemaking of court procedure to the Missouri Supreme Court. *State ex rel. Collector of Winchester v. Jamison*, 357 S.W.3d 589 (Mo. 2012).

***Parker v. Sears, Roebuck & Co.*, Case No.: 04-L-716 (Ill. Cir. Ct. Sept. 18, 2007).** Korein Tillery brought this action against Sears in 2004 to remedy Sears's failure to install anti-tip safety devices, which prevent ranges from tipping over and severely burning or injuring unsuspecting consumers, on ranges that it sold, delivered and set-up in customers' homes. In the 1960's and 1970's, kitchen range manufacturers started reducing the weight of metal in an effort to competitively lower the price of kitchen ranges. Over the course of several years, advances in materials allowed manufacturers to produce ranges which were durable and which were extremely light weight. However, because the oven doors on the front of the ranges serve as a lever and fulcrum, the light weight of the new ranges created an extremely dangerous tipping hazard. For example, if a person were to place a turkey roaster on an open and horizontal oven door, the added weight would cause these newly designed ranges to tip forward spilling the hot contents onto anyone standing in the vicinity. Children who opened and used the range door as a step could unwillingly tip boiling liquids onto themselves. Over the last several years dozens of people have been killed and hundreds have been maimed as a result of this problem.

Recognizing the need for a solution to this dangerous hazard, manufacturers and regulators began requiring installing of an anti-tip bracket that could be attached to the wall or floor at the back end of the range preventing any forward tipping and maintaining complete stability. The installation is simple and the lightweight bracket costs pennies. The rule making bodies of most codes (BOCA Code, National Electrical Code; numerous other industry codes) thereafter required the installation of anti-tip brackets in all range installations in the United States. Even Sears acknowledged that a properly installed anti-tip bracket completely eliminates the hazards of tipping stoves.

Sears, Roebuck & Company has been the largest retail seller of kitchen ranges in the United States - averaging more than 800,000 ranges sold every year. When selling a gas or electric range Sears generally includes delivery, installation and hookup in customers' homes, thus, Sears became the largest installer of kitchen ranges in the United States. To increase its profits, Sears adopted a policy of refusing to install anti-tip brackets during normal installation unless the customer agreed to incur a substantial cost. At the same time, Sears failed to disclose the hazards associated with forgoing anti-tip bracket installation.

In January 2008, the Court granted final approval of a settlement which provided complete relief to the class by requiring Sears to install anti-tip brackets for the affected members of the class as well as requiring the installation of such brackets in the future. The settlement is valued at more than $544,500,000.

This settlement was touted by the public interest organization Public Citizen as an example as to how consumer class actions benefit society. Public Citizen nominated Stephen Tillery as Trial Lawyers for Public Justice's Trial Lawyer of the Year based upon his role in this case.

***Hoormann v. SmithKline Beecham Corp.*, 04-L-715 (Ill. Cir. Ct. May 17, 2007).**
In July 2004, Korein Tillery filed suit on behalf of a nationwide class of purchasers alleging that SmithKline Beecham promoted Paxil® and Paxil CR™ for prescription to children and adolescents despite having actual knowledge that these drugs exposed children and adolescents to dangerous side effects while failing to treat their symptoms. Following three years of litigation, Korein Tillery obtained a settlement that established a $63.8 million dollar fund to reimburse class members 100% of their out-of-pocket expenses. This case was featured in The American Lawyer, Aruna Viswanatha, *King & Spalding Lawyer Stirs State Judge's Ire*, [29] 1 Am.Law., Jan. 2007, at 50, and mentioned in the National Law Journal. *The Plaintiffs' Hot List*, 30 Nat'l L.J. S8 (Nov. 22, 2007).