

- b. In the event that Contractor sub-contracts or delegates work to other attorneys, legal professionals, or firms, as approved by the AGO, including Kanner & Whiteley, LLC, the compensation of such firms shall be a matter beyond the scope of this Contract to be negotiated in writing between Contractor and those firms prior to the commencement of any work by such firms, and shall be paid entirely by Contractor. A copy of such compensation agreement shall be provided electronically to the AGO. The State of Vermont shall not be liable for any fees, compensation or expenses to be paid to other firms retained by Contractor, including Kanner & Whiteley, LLC, to serve as co-counsel or provide other services to Contractor. Contractor agrees to indemnify, defend, and hold harmless the State of Vermont against any claim for reimbursement of fees, costs, or expenses asserted by any firm retained by Contractor. Contractor moreover shall include a provision in any agreement with a sub-contractor under which the sub-contractor agrees to release and hold harmless the State of Vermont against any claim for reimbursement of fees, costs or expenses.

6. Attorney-Client Relationship and Relationship of the Parties

Contractor shall be responsible for all of Contractor's business expenses, including, but not limited to, employees' wages and salaries, insurance of every type and description, and all business and personal taxes, including income and Social Security taxes and contributions for Workers' Compensation and Unemployment Compensation coverage, if any.

7. Case Management

- a. The AGO will serve as local counsel and play an active role in managing any Litigation, including but not limited to participating in regular strategy discussions, serving as liaison with ANR, reviewing discovery and filings, and other matters.
- b. Contractor shall be required to provide status, expense reports, as well as significant case updates regarding any aspect of the investigation and litigation. Contractor shall submit monthly status reports and updates to the Designated Assistant, or such more frequent reports and updates as litigation developments may suggest. Contractor shall submit quarterly expense reports to the Designated Assistant. Failure to timely provide such reports and updates may result in forfeiture of Contractor's compensation.

At a minimum, significant case updates must include a description of the current status of Litigation, any significant events that have occurred since the previous update, and a prospective analysis of any significant future events.

Reports shall be sent electronically to the Designated Assistant at Robert.mcdougall@vermont.gov or such other addresses as the AGO may hereafter designate.

- c. Contractor shall consult, by telephone or email, with the Designated Assistant as soon as possible on all matters that may be of substantial legal significance, controversial, high profile, or otherwise noteworthy. Without limitation to the above, Contractor shall give timely written notice to the Designated Assistant of the scheduled date for any of the

following, if applicable:

- i. Pleadings;
 - ii. Discovery deadlines or cutoffs;
 - iii. Dispositive motions;
 - iv. Non-dispositive motions;
 - v. Court decisions and rulings;
 - vi. Schedule for hearings, conferences, or other court appearances;
 - vii. Trials;
 - viii. Appeal or notice of an appeal;
 - ix. Settlement negotiation or other alternative dispute resolution efforts; and
 - x. Upon the filing of any pleading or the receipt of any communication from a court, Contractor shall timely provide electronic notification and a time- stamped copy of such filing to the Designated Assistant.
- d. The AGO shall have full, immediate, and unrestricted access to the work product of Contractor (or any other individual or entity that has been delegated duties under this Contract) during the term of this Contract. Upon termination of this Contract, Contractor shall without further request and at no cost to the State turn over to the State all files related to the work performed under this Contract.
- e. Contractor represents and warrants none of its attorneys or those other professionals that have been assigned legal work in this case are debarred, suspended, or otherwise ineligible to enter into this Agreement with the State of Vermont. Contractor shall immediately notify the AGO any disciplinary actions are brought against it, any sub-contractor, or any of the attorneys assigned work in this matter in any jurisdiction.
8. Without limitation to the authority of the AGO concerning the management and supervision of Litigation set forth above, the AGO in his full discretion shall approve both the initiation of Litigation on behalf of the State of Vermont and any settlement. Contractor understands and agrees that the initiation of Litigation on behalf of the State of Vermont and all settlements must receive the prior approval of the AGO. To the extent that the AGO has directed to the Contractor responsibility for settlement negotiations, Contractor shall confer with the Designated Assistant early and regularly with regards to the prospects of settlement. Decisions regarding settlement of the case shall be reserved exclusively to the discretion of the Attorney General and his Designated Assistant.
- Contractor shall timely notify the Designated Assistant of any settlement conferences to allow the Designated Assistant to participate as warranted. Without limitation, Contractor agrees to confer with the AGO about the following matters when applicable:
- a. Confidentiality provisions in settlement agreements
 - b. Indemnification provisions

- c. Release language
 - d. Naming of the State of Vermont, including any of any of its agencies, instrumentalities, officers or employees, as a party.
9. It is important that the AGO receives early notice of potential or actual appeals, for or against, the State of Vermont. Therefore, Contractor shall give notice via email, as soon as possible, to the Designated Assistant upon the receipt of a dispositive decision in any court, receipt of a Notice of Appeal, or the existence of any intent of Contractor to appeal a decision arising out of litigation.
10. Contractor agrees to adhere to Vermont's Public Records Act, 1 V.S.A. § 315 et seq., and maintain all public records in accordance with Vermont law, including documentation of all expenses, disbursements, charges, credits, underlying receipts and invoices, and other financial transactions that concern the provision of such attorney services. Contractor shall consult with and obtain the approval of the AGO before responding to any public records request. Moreover, Contractor shall not disclose any information obtained in performing its services hereunder in violation of any state or federal law including, but not limited to, the Family Education Rights and Privacy Act ("FERPA") and/or the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") as the same may be amended or modified from time to time.
11. **Publicity**
- Neither Contractor nor any partner, associate, employee, or any other person assisting with the work contemplated by this Contract shall publish any material, including online publications, or speak to or otherwise communicate with any representative of a television station, radio station, newspaper, magazine, website, or any other media outlet concerning the work outlined or contemplated by this Contract without first obtaining approval of the Designated Assistant and/or the Deputy Attorney General. This Contract specifically prohibits any right or ability on the part of Contractor to speak on behalf of the State of Vermont to any member of the news media. Provided, however, the restrictions in this paragraph 11 shall not apply to any professional or other publication of (i) the fact that Contractor or sub-contractor is representing or has represented the State of Vermont as to a specific matter (the "Representation"), once any litigation has been filed, and (ii) the nature of the Representation.

McDougall, Robert

From: Bereket Tesfu <btesfu@naag.org>
Sent: Tuesday, September 10, 2019 5:11 PM
Subject: *OCTOBER 3* NAAG national environmental conference call
Attachments: NAAG national environmental conference call

*Let me lead with MUCH RESPECT to **Guam** for making the conference call last week at 3:00 a.m. local time. Now that is dedication!*

This is a reminder that our next call will be on **Thursday, October 3, 2019, at 1:00 p.m. (ET)**.

If you have not yet added the call to your calendar, *you can click on the calendar item attached to this e-mail to add it to your calendar.*

Please see the message below for details on how to access the October 3 call and a brief summary of the substance of **September's** call.

September's regularly-scheduled conference call (September 5) again focused primarily on the **PFAS/PFOA** issue, with a discussions about the possible formation of a multi-state PFAS investigation and a multi-state PFAS common interest agreement for the group going forward. (There is more about this in a separate e-mail.)

An update was also provided regarding NAAG-facilitated information sharing platforms/document repositories, to include now the possibility of Everlaw as the platform.

Finally, the *Atlantic Richfield Co. v Christian* case going before the U.S. Supreme Court was discussed, and it was announced that **Virginia** would be leading multi-state amicus activity in the case. (Instructions on how to contact the Virginia solicitor general for more information were provided in a separate e-mail last week.)

To access the conference call on October 3, call in to [REDACTED] and use the **pass code** [REDACTED]. *The conference call will open with a roll call of states.* Once the substantive discussions begin, we ask that participants identify themselves by name and state so we can know who's speaking.

****We kindly ask that this invitation or any information about this call not be forwarded to or shared with anyone beyond the attorney general community. This request is to ensure that**

those who participate on this call are only those who work on environmental matters for their respective attorney general offices. This conference call is not for industry, the press, or the general public.**

We look forward to you joining us on October 3.

Bereket Tesfu
Program Counsel

National Attorneys General Training & Research Institute

National Association of Attorneys General

1850 M Street NW, 12th Floor

Washington, DC 20036

(202) 326-6269 | btesfu@naag.org



McDougall, Robert

From: Bereket Tesfu <btesfu@naag.org>
Sent: Tuesday, September 10, 2019 5:13 PM
Subject: PFAS: What's next?

Hello, everyone. Per the PFAS discussions that took place during the call last week, I am reaching out to you to talk about the future of this group as it relates to work on PFAS going forward.

The last few months have allowed for substantial discussions by this group on the issue with some action attending it (e.g., the letter to Congress). The discussions have been important, particularly for those wanting to observe and learn more about the issue and how it could affect their states. Now, a sizeable contingent of this group is prepared to translate these discussions into further action, namely the possibility of forming a multi-state PFAS investigation and a multi-state PFAS common interest agreement to govern the work. They now want to know who is ready to move on from the preliminary observing/learning stage to more concrete action.

If your state is one of those interested in taking the next steps and moving forward with a PFAS working subgroup, please email Brad Motl from the Wisconsin Attorney General's Office at motlbj@doj.state.wi.us by next **Tuesday, September 17**.

Because I'm making this announcement after the last call, we will allow for at least one more call (October 3) where we will follow the format that allows for merely observing/learning more about PFAS work without committing to and being involved in active work on PFAS.

Please let me know if you have any questions or concerns.

Bereket Tesfu
Program Counsel

National Attorneys General Training & Research Institute
National Association of Attorneys General
1850 M Street NW, 12th Floor
Washington, DC 20036
(202) 326-6269 | btesfu@naag.org



McDougall, Robert

From: McDougall, Robert
Sent: Wednesday, September 11, 2019 5:11 PM
To: debra@debrahilstromlaw.com
Subject: RE: Vermont public records request
Attachments: PRA - Hagens Berman Baron Budd VT PFAS RFP Joint Response w Exhs A through D Final_Redacted.pdf; PRA - Kanner Whiteley's Response to Vermont AGO RFP re PFAS_Redacted.pdf

Dear Ms. Hilstrom:

I again write in response to your public records request dated September 4, 2019 and received by this office on that date. In that request you seek:

1. "The submissions made by the law firms listed above [Hagens Berman and Kanner & Whiteley LLC] whether submitted individually by a firm or jointly as a consortium of law firms, in response to the Request for Proposal for law firms to represent Vermont in PFAS litigation;" and
2. "All fee or retainer agreements between Vermont and the law firms listed above [Hagens Berman and Kanner & Whiteley LLC], whether individually by a firm or jointly as a consortium of law firms, relating to the engagement of the firms to represent Vermont in filed or potential PFAS litigation."

On Monday, 9/9, via the e-mail below, the Attorney General's Office provided the document responsive to your *second* request. With respect to your *first* request, this Office invoked its right to additional time to respond.

Today, attached to this e-mail are documents responsive to your *first* request. Please be advised that personal information contained in the attached documents has been withheld from disclosure pursuant to 1 V.S.A. § 317(c)(7). The withheld personal information includes the phone numbers and e-mail addresses of listed references.

To the extent that you feel this response is a denial of your request, you may appeal to the Deputy Attorney General, Joshua Diamond. Any appeal should be made in writing and sent to him at this address:

Deputy Attorney General Joshua R. Diamond
Office of the Attorney General
109 State Street
Montpelier, VT 05609

Sincerely,

Rob McDougall

Robert F. McDougall
Assistant Attorney General

Chief, Environmental Protection Division
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-3186
robert.mcdougall@vermont.gov

 Please consider the environment before printing this e-mail

From: McDougall, Robert
Sent: Monday, September 9, 2019 4:19 PM
To: debra@debrahilstromlaw.com
Subject: Vermont public records request

Dear Ms. Hilstrom:

I write in response to your public records request dated September 4, 2019 and received by this office on that date. In that request you seek:

1. "The submissions made by the law firms listed above [Hagens Berman and Kanner & Whiteley LLC] whether submitted individually by a firm or jointly as a consortium of law firms, in response to the Request for Proposal for law firms to represent Vermont in PFAS litigation;" and
2. "All fee or retainer agreements between Vermont and the law firms listed above [Hagens Berman and Kanner & Whiteley LLC], whether individually by a firm or jointly as a consortium of law firms, relating to the engagement of the firms to represent Vermont in filed or potential PFAS litigation."

With respect to your *second* request, please see the attached document.

With respect to your *first* request, pursuant to 1 V.S.A. § 318(a)(5)(B) and (C), the Attorney General's Office will need to invoke its right to additional time to respond. I am hopeful that we will complete the necessary review and that I will be able to have responsive documents to you by mid-week.

To the extent that you feel this response is a denial of your request, you may appeal to the Deputy Attorney General, Joshua Diamond. Any appeal should be made in writing and sent to him at this address:

Deputy Attorney General Joshua R. Diamond
Office of the Attorney General
109 State Street
Montpelier, VT 05609

Sincerely,

Rob McDougall

Robert F. McDougall
Assistant Attorney General
Chief, Environmental Protection Division
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-3186
robert.mcdougall@vermont.gov

 Please consider the environment before printing this e-mail

**Joint Response of Hagens Berman Sobol Shapiro LLP and Baron & Budd, P.C. to
State of Vermont Office of the Attorney General Request for Proposal of Legal Services**

Submitted By

HAGENS BERMAN SOBOL SHAPIRO LLP

1301 Second Avenue, Suite 2000
Seattle, WA 98101

BARON & BUDD, P.C.

3102 Oak Lawn Ave. #1100
Dallas, TX 75219

May 8, 2019

Via email

Joshua R. Diamond
Deputy Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609
joshua.diamond@vermont.gov

Re: Joint Response of Hagens Berman Sobol Shapiro LLP and Baron & Budd, P.C. to State of Vermont Office of the Attorney General Request for Proposal of Legal Services

Dear Deputy Attorney General Diamond:

Thank you for the opportunity to submit this joint response to the State of Vermont Office of the Attorney General's Request for Proposal of Legal Services in compliance with your fair and open process. The following information provided by Hagens Berman Sobol Shapiro LLP and Baron & Budd, P.C. responds to the specific questions posed in the RFP, and explains the collective background, experience and services our firms can provide to the State. Collectively our firms have over thirty years of experience practicing in environmental law, natural resource damages and complex litigation and are uniquely qualified to represent the State in this matter. We will be happy to provide you with any additional information you might need and to discuss further the needs of the State and our ability to meet those needs.

Our specific responses to the questions posed in the RFP are as follows:

- 1. A description of the firm's areas of expertise and experience, including experience with the matters identified above in this RFP.**

Hagens Berman Sobol Shapiro LLP – Hagens Berman Sobol Shapiro LLP has a track record of winning complex cases against some of the largest companies in the world. The firm has always represented plaintiffs and victims, and initially became known for bringing major fraud and negligence cases, particularly large class actions. As the firm grew, it expanded its scope while staying true to its mission of taking on important cases that implicate the public interest. The firm represents plaintiffs seeking to remedy environmental contamination, as well as investors, consumers, inventors, workers, governments, whistleblowers and others. More recently the firm expanded its environmental practice by adding several established litigators, including Matt Pawa, Ben Krass, and Wes Kelman. Pawa and Krass represented the State of New Hampshire in *State v. Exxon Mobil Corp.*, 126 A.3d 266 (N.H. 2015), in which the State of New Hampshire won a verdict of \$236 million for MTBE contamination of the state's drinking water—which as far as we know is the only favorable jury verdict on a *parens patriae* product

liability claim for natural resource damages that has ever been obtained. This verdict was in addition to more than \$100 million in pre-trial settlements. As you know, Pawa, Krass and Kelman represented the State of Vermont for four years in its MTBE litigation against gasoline manufacturers prior to joining the Hagens Berman firm. Hagens Berman currently represents the State of Rhode Island in its statewide MTBE litigation. The court hearing the Rhode Island case recently denied in substantial part defendants' motion to dismiss that case, and the case is now into discovery. *Rhode Island v. Atl. Richfield Co.*, 357 F. Supp. 3d 129 (D.R.I. 2018). Hagens Berman recently has been retained by the New Jersey Departments of Law and Environmental Protection to pursue natural resource damages cases on behalf of NJDEP.

Hagens Berman believes that protecting and repairing our environment from damage caused by irresponsible and illegal use is some of the most rewarding work a law firm can do. Our firm has established an internationally recognized environmental litigation practice, including through representing homeowners exposed to arsenic and lead pollutants from ASARCO smelters, representing clients against Exxon Mobil affected by the Exxon *Valdez* oil spill, stopping Dole from degrading drinking water in Guatemala and fighting against a surge of dirty diesel cars illegally put on highways by the nation's largest automakers. In addition to the MTBE representation described above, the firm within the past few years filed climate change cases on behalf of New York City and King County (WA) against large producers of fossil fuels seeking abatement of sea level rise and other injuries. The scope of our practice is nationwide, and we have offices in nine cities across the United States, including Seattle, Berkeley, Boston, Chicago, Los Angeles, New York, Phoenix, and San Diego.

Hagens Berman has assisted governments in recovering billions of dollars in damages from corporate wrongdoers. Hagens Berman has a long history of successfully representing state attorneys general, including representing Vermont and 12 other states against the tobacco industry to obtain the largest recovery in litigation history—\$206 billion, *State of Washington, et al. v. Philip Morris, et al.* The firm understands the needs of elected officials and their obligation to impartially and zealously represent the interests of the public without taking excessive risks in litigation. Hagens Berman has represented the following exemplar public entity clients in addition to those described above:

GM IGNITION SWITCH LITIGATION

Arizona
Orange County District Attorney

STATE OPIOID LITIGATION

Arkansas
City of Seattle
Mississippi
Ohio

AVERAGE WHOLESALE PRICE LITIGATION

Arizona
Connecticut
Montana

Nevada

MCKESSON DRUG LITIGATION

Arizona

Connecticut

Montana

Oregon

Virginia

City of San Francisco

Arizona Health Authority

ZYPREXA

Connecticut

Minnesota

A list of Hagens Berman's public entity clients is attached as Exhibit A.

The majority of Hagens Berman's cases involve complex litigation with multiple defendants and multiple claims, and the firm litigates cases in both state and federal courts, and as part of multi-district litigations. Our experience in complex litigation is exemplified by our results in such cases, including the tobacco litigation described above in which we represented 13 states, including Vermont, and the following:

- Hagens Berman served as co-lead counsel in what was then the largest antitrust settlement in history – valued at \$27 billion, *Visa-Mastercard Antitrust Litigation*;
- Hagens Berman obtained the then-largest automotive settlement in history in a class action that recovered \$1.6 billion for vehicle owners, *Toyota Unintended Acceleration Litigation*;
- Hagens Berman was lead counsel in racketeering cases against McKesson for drug pricing fraud that settled for more than \$444 million on the eve of trials, *McKesson Drug Litigation*.

Baron & Budd, P.C. – Baron & Budd, P.C. has long believed in “Protecting What’s Right” for individuals and public entities. Four decades ago, the firm was one of the first to fight the manufacturers of asbestos products and became one of the country’s leading asbestos litigation firms. It quickly grew to be one of the largest plaintiffs’ firms in the United States. Baron & Budd was also a leader in environmental toxic tort cases. Beginning in the early 1980s and spanning 21 years, the firm represented hundreds of people in Arizona who suffered personal injuries as a result of contaminated drinking water. That case is widely considered among the most important pieces of litigation involving personal injuries caused by water pollution.

The firm’s work today grows from those deeply established roots in environmental and toxic tort cases. Our Environmental Litigation Group, led by Scott Summy, has represented hundreds of public entities across the United States whose water, soil, air, and precious natural resources are contaminated with chemicals including perfluorinated chemicals like PFOA and

PFOS, industrial compounds such as PCBs, PCE, and TCE, pesticides like atrazine and 1,2,3-TCP, and gasoline additives such as MTBE. Through litigation, the firm has recovered funds to remove these contaminants from natural resources, drinking water supplies, and property --- restoring those communities.

Over the last four decades, Baron & Budd expanded its practice to include pharmaceutical and medical device litigation, consumer protection and financial industry fraud litigation, securities litigation, antitrust cases, employment rights litigation, nursing home abuse cases, automobile recall litigation, and wildfire litigation. The firm has represented Attorneys General and states, governmental subdivisions (including municipalities, and school districts), public utilities, communities, as well as businesses and individuals. Baron & Budd, P.C. has represented over 400 governmental entities in various types of litigation. The attached spreadsheet (Exhibit B) identifies each entity, the type of litigation, and the years of representation.

The firm currently represents public entities whose drinking water supplies and other natural resources are contaminated with PFAS chemicals. Cases alleging harm caused by certain PFAS chemicals contained in aqueous film-forming foam ("AFFF") used in firefighting have been consolidated in MDL 2873 in the District Court of South Carolina. Baron & Budd attorneys have been named as Co-Lead Counsel and to the Executive Committee for the MDL, and several serve on committees established for the litigation.

- 2. Please include the specific identity and experience of the individual attorney or attorneys who would be providing services under the contract. Applicants should present a team of attorneys that have significant experience in complex civil and environmental litigation. Full disclosure of all attorneys and staff who are not directly employed with the firm shall be disclosed. Attach copies of resumes of each member of the proposed team in your response to this RFP.**

The firms identify below the attorneys who would be providing services under the contract. In addition to the below biographies of our team, we have attached resumes for each team member as Exhibit C to our response.

Hagens Berman Sobol Shapiro LLP – Steve Berman, the managing partner of Hagens Berman and co-chair of the environmental practice group (Seattle, WA), and Matthew Pawa, a partner and co-chair of the Hagens Berman environmental practice group (Newton, MA), will be the lead attorneys for Hagens Berman on the potential engagement. The following Hagens Berman attorneys would work on the potential engagement as necessary: Barbara Mahoney, Partner (Seattle, WA), Benjamin Krass, Of Counsel (Newton, MA), Wesley Kelman, Of Counsel (Newton, MA), and Ted Wojcik, Associate (Seattle, WA).

Steve Berman – Steve Berman co-founded Hagens Berman in 1993 and is the firm's managing partner. He represents consumers, investors and employees in large, complex litigation held in state and federal courts and has made environmental litigation a cornerstone of the firm's mission statement. Steve represented clients against Exxon Mobil affected by the 10 million gallons of oil spilled off the coast of Alaska by the Exxon *Valdez*, securing a multi-million dollar

award. Under his leadership, the firm has represented an impoverished Alaskan village against some of the world's largest greenhouse gas offenders, filing suit against nine oil companies and 14 electric power companies. Steve has also prompted the firm to file environmental cases related to grass burning, commercial development at Grand Canyon National Park, and has also represented property owners in class-action litigation for property damage and environmental harm to the sensitive Puget Sound region, caused by a high-speed ferry operated by Washington State Ferries. Steve has pioneered pursuing car manufacturers who have been violating emissions standards, including: Mercedes BlueTEC vehicles, GM Chevy Cruze, Dodge Ram 2500, Dodge Ram 1500 and Jeep Cherokee. Steve and the firm's work in emissions-cheating investigations is often ahead of the EPA and government regulators. Berman's trial experience has earned him significant recognition and led The National Law Journal to name him one of the 100 most powerful lawyers in the nation, and to repeatedly name Hagens Berman one of the top 10 plaintiffs' firms in the country. He is considered one of the nation's most successful class-action attorneys.

Matthew Pawa – As partner and co-chair of Hagens Berman's environmental practice group, Matt Pawa helps lead the firm's pioneering efforts against companies that have polluted the environment and harmed public health. Matt represented the state of New Hampshire for 13 years in a groundwater contamination case against the nation's largest oil companies, which resulted in more than \$100 million in pre-trial settlements and a \$236 million verdict against Exxon Mobil Corporation in 2013 – the largest verdict in New Hampshire history. He also represented the state of Vermont in its MTBE litigation. His groundbreaking approach to environmental law formed first-of-their-kind global warming cases. He has handled jury trials, bench trials and argued appeals in state and federal courts across the nation, and collaborated with state attorneys general and non-profit clients on a major global warming case that went to the U.S. Supreme Court.

Barbara Mahoney – Barbara Mahoney is a partner at Hagens Berman's Seattle office where she litigates complex class-action cases within multiple practice areas, including environmental litigation. Barbara is currently working on the firm's Cane Run Power Plant case representing Kentucky homeowners in a class-action lawsuit against Louisville Gas and Electric Company. The suit alleges that it illegally dumped waste from a coal-fired power plant onto neighboring property and homes, and seeks damages and injunctive relief ceasing activities that allow coal combustion byproducts to escape from the Cane Run site. She also has been involved heavily in the firm's governmental representation cases, including several lawsuits against McKesson Corporation relating to allegations that the company engaged in a scheme that raised the prices of more than 400 brand-name prescription drugs, resulting in two separate national class-action settlements for \$350 million and \$82 million. Ms. Mahoney is currently part of the firm's legal team appointed interim class counsel representing 2014-16 BMW i3 REx owners in a multi-state product defect case and as interim direct purchaser steering committee member in the *In Re: Generic Pharmaceuticals Pricing Antitrust*, multi-district litigation No. 2724 (E.D. Pa.).

Benjamin Krass – Benjamin Krass is Of Counsel at Hagens Berman's Newton, Massachusetts office and brings more than a decade of environmental law experience to the firm. He represented the state of New Hampshire from 2003-2016 in litigation against major oil companies for statewide contamination of the state's waters with the chemical and gasoline

additive MTBE. He participated in the three-month trial against ExxonMobil, including handling the direct examination of expert and state witnesses, which resulted in a \$236 million jury verdict against ExxonMobil. Benjamin also represented the state of Vermont in its MTBE litigation for over four years, and currently represents the State of Rhode Island in its statewide MTBE case.

Wesley Kelman – Wes Kelman is Of Counsel at Hagens Berman's Newton, Massachusetts office, and has worked for many years to protect the environment, beginning at the Environmental Protection Agency as an attorney working on CERCLA matters and continuing in private practice. He worked on New Hampshire's \$236 million recovery against ExxonMobil in the MTBE litigation, and on key early global warming cases on behalf of land trusts and an Alaskan village. Wes represented the state of Vermont in its MTBE litigation for over four years. He also has represented citizen groups in administrative litigation over air pollution permits for a major new power plant.

Ted Wojcik – Ted is a first-year associate at Hagens Berman. In his time at the firm, he has worked on cases involving mass environmental torts and a variety of class actions, including: several ongoing cases involving defective automobiles, including one against Bosch related to its role in the Volkswagen emissions cheating scandal, and another against General Motors based on its sale of vehicles with defective ignition switches; a case alleging the systematic overcharging of tenants for electricity against a real estate investment trust that recently settled for \$90 million; and an ongoing case against several online travel companies alleging systematic overcharges in conjunction with online booking. Before starting at Hagens Berman, Ted worked as a law clerk to Judge Mark Cohen of the Northern District of Georgia and Judge Marjorie Allard of the Alaska Court of Appeals.

Baron & Budd, P.C. – The following Baron & Budd attorneys would work on the potential engagement as necessary: Scott Summy, Celeste Evangelisti, Cary McDougal, Carla Burke Pickrel, Stephen Johnston, Cristina Sanchez, Irma MacLean, John Fiske, Jason Julius, Brett Land, and Staci Olsen. The lawyers identified above work in Baron & Budd's Environmental Litigation Group. Led by Scott Summy, the Environmental Litigation Group represents public entities in litigation to recover costs of removing chemical contamination from public water supplies, governmental facilities, natural resources, and public property, and the costs of restoring valuable resources for public use. Over two decades, the Group has represented hundreds of governmental subdivisions, businesses, and individuals in claims arising from various types of contamination.

The Group currently represents the Town of Barnstable, Massachusetts and Emerald County Utilities Authority in PFAS litigation. Both of these public water suppliers allege that the use of AFFF firefighting foam contaminated their drinking water wells with PFOA and PFOS. These cases seek the costs of removing the PFAS chemicals from the drinking water supply.

The Group also represents the State of Washington, the District of Columbia, the City of Baltimore, the City of Chula Vista, the City of San Diego, the City of Long Beach, the City of San Jose, the City of Oakland, the City of Berkeley, the City of Portland, the Port of Portland,

the City of Spokane, and the City of Seattle in environmental and public nuisance actions against Monsanto Company for polluting America's waterways with polychlorinated biphenyls (PCBs). The litigation seeks damages for pollution of infrastructure as well as the restoration of natural resources compromised by the presence of PCBs.

The Group regularly represents public water providers (e.g., states, municipalities, water districts, utilities, and school districts) whose water is contaminated by intrusive chemicals. Through litigation, the Group seeks to recover the costs of restoring affected groundwater supplies and removal of chemicals from other natural resources as well as the costs to install and operate treatment facilities for drinking water wells. The firm also represents private well owners around the country whose wells are contaminated. That litigation has involved a variety of chemicals including PFOA, PFOS, GenX, MTBE, TCP, TCE, PCE, and PCBs.

For example, the Environmental Litigation Group has represented hundreds of public water providers in litigation arising from contamination of water supplies with MTBE, a gasoline additive. One set of cases consolidated the claims of approximately 150 water providers against major oil companies who decided to blend MTBE into gasoline knowing that it would likely contaminate water supplies. The Group represented the State of Vermont and currently represents the State of Rhode Island in MTBE litigation.

In similar litigation, the Group also represented all public water providers in the United States whose water was contaminated with atrazine, a common agricultural chemical used on corn and other crops. On behalf of these water providers, the Group brought claims against Syngenta, the company that makes atrazine and is aware that its normal use pollutes surface water supplies and causes drinking water contamination.

The Group has also played a major role in representing governmental entities in litigation arising from the Deepwater Horizon explosion and oil spill in the Gulf of Mexico.

In addition, the Group represents the County of Sonoma, the County of Napa, the County of Mendocino, the County of Santa Barbara, the City of Santa Barbara, Montecito Water District and other public entities in both Northern and Southern California in litigation against PG&E and SoCal Edison for damages resulting from the devastating wildfires of 2015 and 2017.

Each lawyer's qualifications and experience is discussed below.

Scott Summy – Mr. Summy has devoted his professional practice to environmental litigation for almost twenty years. In that time, he has represented many clients seeking to restore contaminated natural resources, remediate polluted release sites, and remove toxic substances from both public and private property. He is well-versed in both federal and state statutory and common-law causes of action and has litigated these types of cases under a variety of theories and laws. As the leader of the firm's Environmental Litigation Group, he brings his experience to bear in every case the Group litigates. An innovative thinker, Mr. Summy stays abreast of the emerging concerns over particular environmental issues and develops approaches to solve those issues for clients.

Although many MTBE cases have now been litigated, Mr. Summy was the first lawyer to try an MTBE case before a jury. In doing so, he began to think about environmental litigation in unorthodox ways, looking for theories that would focus liability on the parties that knowingly decided to prioritize profits over environmental health. In 2004, Baron & Budd filed suit in state courts in seventeen states on behalf of public water providers, including states, municipal subdivisions, and public utilities, to recover damages for contamination of their water supplies and other natural resources with the gasoline additive MTBE. Although most of the plaintiffs alleged common-law products liability, nuisance, trespass, and negligence claims, some also alleged state-specific statutory causes of action allowing recovery for releases of oil and oil-related chemicals. Those suits named as defendants all the oil refiners in the United States, more than two dozen corporate entities, who had decided to add MTBE to all gasoline sold in the country despite their knowledge that the addition of MTBE to gas would inevitably contaminate drinking water supplies. The refiners removed the cases to federal court, arguing that EPA regulations preempted the state court suits. After the defendants removed the cases to federal court, they were consolidated in MDL 1358 before the Honorable Shira Scheindlin in the Southern District of New York.

The court named Scott Summy as Co-Liaison Counsel for all plaintiffs and appointed him to the Plaintiffs' Steering Committee. In his leadership role, Mr. Summy also proved an effective negotiator: in 2008, the plaintiffs' group, which numbered close to 200, reached a settlement valued at approximately \$500 million. Baron & Budd has continued to file additional MTBE cases, which have settled following the same methodology. The firm currently represents the States of Rhode Island and represented Vermont in MTBE cases seeking restoration of water supplies and other contaminated resources.

Since 2008, Mr. Summy has settled MTBE cases for hundreds of public entity clients, amassing well over \$1 billion in recovery for affected communities. His innovative approach to environmental litigation has proved successful with respect to litigation arising from other types of chemical contamination, too --- from agricultural chemicals such as atrazine and TCP to industrial formulations like PCBs, PCE, TCE, PFOA, PFOS, and MTBE. Mr. Summy often takes leadership roles in complex cases. He served as Liaison Counsel and was appointed to the Plaintiff's Steering Committee for the national MTBE Multi-District Litigation; he was appointed to the Plaintiffs' Steering Committee and Executive Committee in the Gulf Oil Spill Multi-District Litigation in the Eastern District of Louisiana arising from the Deepwater Horizon Oil Spill in the Gulf of Mexico. Mr. Summy was recently appointed by the court as Co-Lead Counsel in the AFFF MDL pending in in the District of South Carolina.

Scott Summy and the Environmental Litigation Group he leads at Baron & Budd originated the idea of pursuing Monsanto to recover the costs of remediating waterways impaired by PCBs. In 2015, Baron & Budd filed the first suit of its kind against the chemical giant for harm caused by PCBs. While the company has been a frequent target in litigation seeking damages for releases from its manufacturing facilities, Baron & Budd sued Monsanto for creating a public nuisance by selling PCBs when it knew that they could not be used without causing widespread environmental contamination. That first lawsuit, on behalf of the City of San Diego, was just the first of many others along the west coast. Baron & Budd restated its nuisance claims and added products liability counts against Monsanto in lawsuits filed for the

Cities of Berkeley, Long Beach, Oakland, San Jose, Portland, Seattle, Spokane, the Port of Portland, and the State of Washington. The unprecedented litigation seeks to shift the burden of PCB remediation away from governmental subdivisions and affected residents and onto Monsanto --- the company that maximized production of PCBs after it learned that environmental contamination was inevitable.

In addition, he is recognized as a formidable force on the national stage by both his peers and his adversaries, who respect Mr. Summy's reasonable and rational approach to litigation and the respect with which he treats all colleagues. His groundbreaking work for California communities affected by MTBE won Mr. Summy and his legal team the "Attorneys of the Year" award from California Lawyer in 2001. And Public Justice twice named Mr. Summy and his team as Finalists for the organization's Trial Lawyer of the Year Award — in 2009, for cases arising from MTBE contamination, and again in 2013, for cases arising from atrazine contamination. Mr. Summy was also included in The Best Lawyers in America (Woodward White, Inc., 2006-2015).

Celeste Evangelisti – Ms. Evangelisti has worked alongside Scott Summy since 1999 and played an instrumental role in developing the evidence of the oil refiners' liability in the MTBE litigation. Since then, she has similarly developed litigation against the manufacturers of other chemicals including Syngenta and Monsanto. She draws on her long experience with public entities seeking to remediate chemical contamination from public drinking water systems, water supplies, and other natural resources. For almost 20 years, she has litigated these cases under various state and federal laws and has appeared in numerous state and federal courts. She is instrumental in developing the liability evidence against each corporate defendant in all major litigation. In doing so, Ms. Evangelisti fights for discovery, creates elaborate timelines, assembles trial-ready exhibits, and shapes the stories that move juries and judges.

Cary McDougal – A well-respected trial lawyer, Cary McDougal has spent thirteen years representing individuals, businesses, and public entities in suits to remove contaminants from private property, public property, release sites, public water systems, water supplies, and other natural resources. In addition to managing the Group's staffing and employment needs, he immerses himself in all phases of litigation, from staffing document review to arguing motions and developing settlement strategies.

Carla Burke Pickrel – Ms. Pickrel has devoted her entire nineteen-year career to environmental and toxic tort cases. Since 2004, she has represented public entities and businesses seeking to restore contaminated natural resources, remediate polluted release sites, and remove toxic substances from both public and private property. One of the Group's thought leaders, she develops legal theories and concepts, and draws from her experience as an appellate lawyer. She is primarily responsible for briefing and arguing motions and appeals and has demonstrated her talents in all of the Environmental Litigation Group's cases.

Stephen Johnston – Stephen Johnston has dedicated his 21 year career to environmental litigation. He manages the firm's cases arising from the use of an agricultural chemical 1,2,3-trichloropropane, which has caused extensive contamination in farmlands and resulted in enormous cost to public entities in those areas. For the entities involved, Mr. Johnston has

recovered over \$200 million. He is also heavily involved in litigation arising from the Chemours chemical discharges to the Cape Fear River in North Carolina.

Cristina Sanchez – In her 13 years at the firm, Cristina Sanchez has represented public entities and businesses harmed by environmental contamination. She developed her skills by participating in discovery and depositions in the MTBE litigation, and she has since used those skills in litigation arising from TCP and PFOA/PFOS contamination. Since 2010, she has worked tirelessly on behalf of businesses and governmental entities impacted by the Deepwater Horizon Oil Spill in the Gulf of Mexico.

Jason Julius – Jason Julius' practice focuses solely on environmental litigation, and he has spent his entire career litigating complex matters from both a plaintiff and defense perspective. He serves as a liaison between Baron & Budd and the firm's PCB clients, and is responsible for assisting with all aspects of litigation, including pleadings, discovery, and motion practice.

Irma MacLean – Irma MacLean has extensive experience working with public entities who have natural resource damages and other claims. For many years, she has litigated oil spill cases, involving offshore spills that impacted the Pacific Coast and the Gulf of Mexico. In her work for the Deepwater Horizon spill cases, she worked alongside Scott Summy in developing scientific models useful for settlement negotiations. She is currently involved in the daily management of the State of Washington's PCB lawsuit and serves as a liaison between the firm, the Attorney General, and the various state agencies and departments involved in discovery and document production.

John Fiske – John Fiske cared about "protecting what is right" long before joining Baron & Budd. His twelve-year career includes impressive legal victories in personal injury cases and demonstrates concern for local communities. For the last six years, he has litigated complex environmental contamination and toxic tort cases and currently represents populations suffering TCE contamination, public entities impacted by PCB contamination, governmental subdivisions overwhelmed by the opioid epidemic, and businesses and individuals devastated by wildfires.

Brett Land – Brett Land has proven himself to be a valuable member of the Baron & Budd team. His particular expertise is working with experts to develop the scientific evidence necessary to support the liability and damages aspects of cases.

Staci Olsen – Ms. Olsen is a twenty year attorney handling the management of electronic information, e-discovery, and document management. She oversees and is skilled in all phases of document management using state of the art programs for document procurement, analysis and production. Ms. Olsen oversees the management of a staff of attorneys who review and analyze voluminous documents in matters of complex litigation. She not only efficiently manages massive amounts of documents in multi-party complex litigation cases but works with and relieves the burden placed on public entity clients who have sizeable databases.

3. **Identify whether your firm has been through significant developments in the past three years, such as a change in ownership or restructuring. Also, please identify whether you anticipate any significant changes within the next five (5) years.**

Hagens Berman Sobol Shapiro LLP – Hagens Berman has not been through significant developments, such as changes in ownership or restructuring, within the past three years. The firm notes, that as discussed above, in September, 2017, Hagens Berman expanded its environmental practice by adding several established litigators, including Matt Pawa, Ben Krass, and Wes Kelman. The firm does not anticipate any significant firm changes within the next five years.

Baron & Budd, P.C. – Baron & Budd has not been through significant developments, such as changes in ownership or restructuring, within the past three years, and does not anticipate any significant firm changes within the next five years.

4. **An expression of willingness to work under the direction of and with the AGO on this matter.**

Hagens Berman and Baron & Budd have demonstrated their willingness to work with the AGO through their previous representation of the Vermont AGO in litigation arising from MTBE contamination of State resources. We are committed to minimizing the burden on AGO staff while soliciting substantive input from the AGO. Because the firms have worked with public entities for more than twenty years, our attorneys understand the demands of states, governmental subdivisions and agencies. The firms understand that the Attorney General's Office, at all times, will direct the litigation in all respects.

5. **A description of the existence of any possible conflicts of interest, including any lawsuits and disputes where the firm represents interests adverse to the State of Vermont; a representation that the firm would have no significant conflicts of interest, for example, conflicts that would be difficult to waive or would raise questions about loyalty to the State of Vermont's interests; and a representation as to other clients the firm represents in the subject area of this RFP. In addition, applicants, including any equity owners of the firm, will identify whether they have previously made campaign contributions to the current Attorney General or otherwise registered lobbyists or lobbyist employers with the State of Vermont.**

Hagens Berman Sobol Shapiro LLP – Hagens Berman is not aware of any possible conflicts of interest. Hagens Berman does not currently represent any other clients involving PFAS contamination. Neither Hagens Berman nor its attorneys have made campaign contributions to the current Attorney General or otherwise registered lobbyists or lobbyist employers with the State of Vermont.

Baron & Budd, P.C. – Baron & Budd is aware of no potential conflicts of interest that would prevent the firm from representing the AGO in PFAS litigation.

Baron & Budd performs a formal conflict check before undertaking representation of any client. That review considers actual and potential conflicts that may exist between the prospective client and both the firm's present and past clients as well as the firm's attorneys. Baron & Budd performs these checks using a proprietary case management system called eCase. When a new matter is created in eCase for a potential client, a conflict check is required and prevents matters from reaching a "post contract" stage until the conflict check has been performed. The eCase check evaluates all relevant information known to the firm concerning individuals, entities, relationships, and Baron & Budd attorneys. eCase tracks the original requesting user, any person performing the search, and any person who updates conflict results. eCase generates a weekly and monthly report of conflict checks performed and the results of those checks. If any conflict, whether actual or potential, is found, the software prohibits further change to the potential client's electronic file until the conflict is resolved.

Should the conflict check process reveal an actual or potential conflict with the firm's representation of a particular client, the firm fully researches the facts and ethical rules to determine the scope of conflict and whether potential resolution is possible. The firm often consults with independent ethics counsel to review the conflict and the firm's proposed solution. Once Baron & Budd is satisfied that the representation may proceed, the firm's lawyers remain vigilant for potential conflicts that may arise during the course of representing a particular client.

Baron & Budd has performed no work and reached no conclusion for any former or current client that would cause Baron & Budd to be conflicted or disqualified as counsel in this matter. Although the firm does represent other public entities in PFAS litigation, their interests are aligned with those of Vermont. The firm has not taken, and does not anticipate taking, a position in those cases that would adversely impact Vermont.

Neither Baron & Budd nor its attorneys have made campaign contributions to the current Attorney General or otherwise registered lobbyists or lobbyist employers with the State of Vermont.

- 6. Please report any professional sanctions or other pending or threatened governmental or regulatory proceedings which would have an adverse impact on the firm or any member of the firm. Please also include an explanation and indicate the current status or disposition.**

Hagens Berman Sobol Shapiro LLP – The Eastern District of Pennsylvania awarded sanctions against Hagens Berman in three thalidomide cases because the court thought the cases should have been dismissed as untenable by at least April of 2014. *See* <https://www.hbsslaw.com/cases/thalidomide>. A former partner was referred by the firm to state bars for potential disciplinary proceedings in connection with two of the thalidomide cases. One state bar dismissed the complaint against the former partner; other complaints remain pending. There are additional hearings scheduled in May, 2019 before the Eastern District of Pennsylvania concerning the conduct of the former partner, and the due diligence in filing the cases.

Baron & Budd, P.C. – None.

7. **Within the last five (5) years, has your firm, or a partner or attorney in your firm, been involved in litigation or other legal proceedings about legal services provided by your firm, partner, or attorney? If so, please provide an explanation and indicate the current status or disposition.**

Hagens Berman Sobol Shapiro LLP – Please see Hagens Berman’s response to question #6 above. In addition, Hagens Berman partner Matt Pawa has pending motions to quash or dismiss two legal proceedings by Exxon Mobil Corp. seeking discovery related to our climate change legal work. In one, a federal court has dismissed Exxon’s underlying federal case and Pawa’s motion to quash his third party subpoena is stayed pending Exxon’s appeal. *Exxon Mobil Corp. v. Schneiderman*, 316 F. Supp. 3d 679 (S.D.N.Y. 2018), *appeal pending*, No. 18-1170 (2d Cir.); *Exxon Mobil Corp. v. Schneiderman*, No. 1:16-cv-12504-WGY (D. Mass.). The state court matter is pending on appeal on the issue of personal jurisdiction. *City of San Francisco v. Exxon Mobil Corp.*, No. 02-18-00106-cv (Tex. Ct. App.). These are discovery matters; Exxon has not filed any claims against Pawa or Hagens Berman.

Baron & Budd, P.C. – Please see the attached Exhibit D.

8. **Please provide your proposed contingency fee arrangement including, but not limited to, allocation of expenses and costs. This proposal should also include information about your firm’s financial capacity to sustain complex and protracted litigation on a contingency fee basis.**

The firms propose the following contingency fee arrangement:

- 25% on any amount recovered up to \$100 million;
- 20% on any amount recovered over \$100 million up to \$300 million;
- 12% on any amount recovered over \$300 million.

Contingency fee percentages shall be computed on the basis of the State’s gross recovery, before deduction of costs and expenses. The contingent fee is calculated by multiplying the gross recovery by the fee percentage. There shall be no payments to the firms from a general fund of the State.

“Gross recovery” means the total recovery whether by settlement, arbitration award, court judgment following trial or appeal, or otherwise. “Gross recovery” shall include, without limitation, the following: (1) the then-present value of any monetary payments to be made to the State; and (2) the fair market value of any non-monetary property and services to be transferred and/or rendered for the benefit of the State; and (3) any attorneys’ fees recovered by the State as part of any cause of action that provides a basis for such an award. “Gross recovery” may come from any source, including, but not limited to, the adverse parties to the action and/or their insurance carriers and/or any third party, whether or not a party to the action.

No General Fund Payments. In no event will the State be required to pay legal fees out of any fund other than the monies recovered from defendants (or their insurers, agents, or other representatives) in this litigation.

Hagens Berman and Baron & Budd both have the financial capacity to sustain complex and protected litigation on a contingency fee basis and will self-fund any potential case.

9. Please provide the names and contact information of three (3) references, including at least one (1) governmental client.

Hagens Berman Sobol Shapiro LLP provides the following references:

State of New Hampshire MTBE Litigation:
K. Allen Brooks, Sr. Asst. Attorney General
Chief, Environmental Protection Bureau
N.H. Dept. of Justice
33 Capitol Street, Concord NH 03301
[REDACTED]

New York City Climate Change Litigation:
Susan E. Amron, General Counsel,
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271
[REDACTED]

State of Rhode Island MTBE Litigation:
Neil F.X. Kelly, Deputy Chief, Civil Division
Assistant Attorney General
The State of Rhode Island
Office of the Attorney General
150 South Main Street, Providence RI 02903
[REDACTED]

Baron & Budd, P.C. provides the following references:

State of Rhode Island – Attorney General
Neil F.X. Kelly, Deputy Chief of the Civil Division
[REDACTED]

State of Mississippi – Attorney General
Jim Hood
[REDACTED]

California Water Service Company
Lynn P. McGhee, Vice President and General Counsel
[REDACTED]



EXHIBIT A

Hagens Berman Sobol Shapiro LLP Public Entity Clients

Client	Case	Dates	Nature of Work Performed
local businesses, fisherman	Exxon Valdez	1989	Hagens Berman represented various classes of claimants, including fisherman and businesses located in Prince William Sound and other impacted areas, who were damaged by one of the worst oil spills in United States history. A \$5 billion judgment was awarded by a federal jury, and a \$98 million settlement was achieved with Alyeska, the oil company consortium that owned the output of the pipeline.
King County, WA	<u>Climate Change</u>	2018-present	Hagens Berman represents King County, Wash. in a lawsuit filed against BP p.l.c., Chevron Corp., ConocoPhillips, Exxon Mobil Corp. and Royal Dutch Shell plc alleging that the Big Oil giants are responsible for the county's costs of protecting its more than 2 million residents from global warming-induced harm to the local economy, infrastructure and the safety and welfare of its residents.
City of New York	<u>Climate Change</u>	2018-present	Hagens Berman represents the City of New York in a lawsuit filed against BP p.l.c., Chevron Corp., ConocoPhillips, Exxon Mobil Corp. and Royal Dutch Shell plc alleging that the Big Oil giants are responsible for the city's costs of protecting its more than 8.5 million residents from global warming-induced sea level rise, including expenses to construct seawalls and other coastal barriers, and heat-related hazards that threaten the health, safety and welfare of its residents.

Hagens Berman Sobol Shapiro LLP Public Entity Clients

Client	Case	Dates	Nature of Work Performed
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Kivalina	Kivalina Global Warming Litigation	2008-2013	A tiny impoverished Alaskan village of Inupiat Eskimos took action against some of the world's largest greenhouse gas offenders, claiming that contributions to global warming were leading to the destruction of their village and causing erosion to the land that would eventually put the entire community under water. Hagens Berman, along with five law firms and two non-profit legal organizations, filed a suit against nine oil companies and 14 electric power companies that emit large quantities of greenhouse gases into the atmosphere. The lawsuit alleged their actions resulted in the destruction of protective ice, exposing the village to severe storms that destroy the ground the village stands on. Relocating the village of Kivalina could cost between \$95 and \$400 million, an expense the community cannot afford.
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California	<u>Opioids</u>	2014-present	
City of Seattle	<u>Opioids</u>	2017-present	
Ohio	Opioids	2017-present	
Mississippi	Opioids	2015-present	Hagens Berman was hired to assist governmental entities in a case against pharmaceutical manufacturers charging that the companies deceived physicians and consumers about the dangers of prescription painkillers.
Arkansas	Opioids	2018-present	
Louisiana	Opioids	2017-present	
Orange County	Opioids	2014-present	
Salt Lake County	Opioids	2018-present	
Hillsborough County, FL	Opioids	2018-present	

Arizona Attorney General	<u>General Motors</u>	2014-2015	Hagens Berman assisted the Arizona Attorney General in its law enforcement action versus General Motors, claiming that the automaker had defrauded the state's consumers of an estimated \$3 billion.
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California	<u>General Motors</u>	2014-2015	Hagens Berman joined the district attorney of Orange County, California in a consumer protection lawsuit against General Motors, claiming that the automaker has deliberately endangered motorists and the public by intentionally concealing serious safety defects to avoid the cost of recall and replacement.
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Hagens Berman Sobol Shapiro LLP Public Entity Clients

Client	Case	Dates	Nature of Work Performed
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Oregon, City of San Francisco, San Francisco County (that sued on behalf of the state of California), Utah, class action of counties and local governments, Virginia, Connecticut	<u>McKesson AWP</u>	2008-2012	Hagens Berman represented cities, counties and municipalities that alleged they overpaid for medications because McKesson Corporation engaged in a scheme to fraudulently inflate the price of more than 400 brand-name prescription drugs.
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Oregon Virginia Utah Montana Mississippi Connecticut	<u>Pharma AWP</u>	2006-2012	Hagens Berman attorneys Steve Berman and Tom Sobol were lead counsel against 11 pharmaceutical companies, including Abbott Laboratories and Watson Pharmaceuticals, resulting in multiple settlements between 2006 and 2012. Defendants agreed to pay \$125 million in a nationwide settlement for intentionally inflating reports of the average wholesale prices (AWP) on certain prescription medications.
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Washington Arizona Illinois Indiana New York Alaska Idaho Ohio Oregon Nevada Montana Vermont Rhode Island	<u>Tobacco</u>	1998	Steve Berman served as special assistant attorney general in prosecuting major actions against the tobacco industry. In November 1998, the initial proposed settlement led to a multi-state settlement requiring the tobacco companies to pay the states \$206 billion – the largest civil settlement in history – and to submit to broad advertising and marketing restrictions.
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California Florida Georgia Hawaii Kentucky Maine	<u>E-books</u>	2014	Hagens Berman represented purchasers of e-books in 19 states and four U.S. territories, with the balance of the states represented by their respective attorneys general, in a class-action lawsuit against the nation's largest five publishing companies: Penguin Group (USA) Inc.; Hachette Book Group Inc.; HarperCollins Publishers LLC; Simon & Schuster Inc.; and Holtzbrinck Publishers, LLC, d/b/a Macmillan and Apple Inc. The suit alleged that the
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Hagens Berman Sobol Shapiro LLP Public Entity Clients

Client	Case	Dates	Nature of Work Performed
Mississippi			<p>companies colluded to artificially raise the price of e-books. Purchasers of e-books represented by the firm received \$62 million of a \$166 million partial settlement in the price-fixing litigation, and the firm's continued fight against Apple, which was decided by the Supreme Court, secured an additional \$400 million in settlements, repaying consumers twice their losses.</p>
Montana			
Nevada			
New Hampshire			
New Jersey			
North Carolina			
Oklahoma			
Oregon			
Rhode Island			
South Carolina			
Washington			
Wyoming			
Guam			
US Virgin Islands			
America Samoa			
Northern Mariana Islands			
City of Newark, New Jersey	In re Liquid Aluminum Sulfate Antitrust Litigation	2015-Present	Hagens Berman represents the City of Newark, New Jersey in connection with a price-fixing litigation pending in New Jersey federal court. The case remains ongoing.
County of Hudson, New Jersey	In FieldTurf Marketing and Sales Practices Litigation	2017-present	Hagens Berman represents the County in connection with its purchase of defective artificial turf fields. The case remains ongoing.

EXHIBIT B

State	Public Sector Client	Chemical Related Litigation	Non-Chemical Related Litigation	Year Representation Commenced	Year Representation Concluded
AL	Baldwin County		Pharmaceutical Fraud and RICO - Opioids	2018	Present
AL	Bibb County		Pharmaceutical Fraud and RICO - Opioids	2018	Present
AL	Bullock County		Pharmaceutical Fraud and RICO - Opioids	2018	Present
AL	Cherokee County		Pharmaceutical Fraud and RICO - Opioids	2018	Present
AL	Chilton County		Pharmaceutical Fraud and RICO - Opioids	2018	Present
AL	City of Clanton		Pharmaceutical Fraud and RICO - Opioids	2018	Present
AL	City of Cullman		Pharmaceutical Fraud and RICO - Opioids	2018	Present
AL	City of Decatur		Pharmaceutical Fraud and RICO - Opioids	2018	Present
AL	City of Demopolis		Pharmaceutical Fraud and RICO - Opioids	2018	Present

AL	City of Enterprise			Pharmaceutical Fraud and RJCO - Opioids	2018	Present
AL	City of Eufaula			Pharmaceutical Fraud and RJCO - Opioids	2018	Present
AL	City of Fort Payne			Pharmaceutical Fraud and RJCO - Opioids	2017	Present
AL	City of Guin			Pharmaceutical Fraud and RJCO - Opioids	2018	Present
AL	City of Hamilton			Pharmaceutical Fraud and RJCO - Opioids	2018	Present
AL	City of Hartselle			Pharmaceutical Fraud and RJCO - Opioids	2018	Present
AL	City of Marion			Pharmaceutical Fraud and RJCO - Opioids	2018	Present
AL	City of Mobile			Pharmaceutical Fraud and RJCO - Opioids	2017	Present
AL	City of Moulton			Pharmaceutical Fraud and RJCO - Opioids	2018	Present
AL	City of Opp			Pharmaceutical Fraud and RJCO - Opioids	2017	Present

AL	City of Ozark			Pharmaceutical Fraud and RICO - Opioids	2017	Present
AL	City of Phenix City			Pharmaceutical Fraud and RICO - Opioids	2017	Present
AL	City of Selma			Pharmaceutical Fraud and RICO - Opioids	2017	Present
AL	City of Troy			Pharmaceutical Fraud and RICO - Opioids	2018	Present
AL	City of Union Springs			Pharmaceutical Fraud and RICO - Opioids	2017	Present
AL	Coffee County			Pharmaceutical Fraud and RICO - Opioids	2017	Present
AL	Conecuh County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
AL	Cullman County			Pharmaceutical Fraud and RICO - Opioids	2017	Present
AL	Dallas County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
AL	Etowah/Gadsden			Pharmaceutical Fraud and RICO - Opioids	2017	Present

AL	Greene County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
AL	Lawrence County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
AL	Lowndes County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
AL	Madison County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
AL	Marengo County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
AL	Mobile County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
AL	Morgan County			Pharmaceutical Fraud and RICO - Opioids	2017	Present
AL	Pike County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
AL	Sumter County			Pharmaceutical Fraud and RICO - Opioids	2017	Present
AL	Tallapoosa County			Pharmaceutical Fraud and RICO - Opioids	2017	Present

AL	Town of Double Springs				2018	Present
AL	Tuscaloosa County				2018	Present
AL	Washington County				2018	Present
AL	Wilcox County				2018	Present
CA	California Water Service Company		MTBE		2005	2012
CA	California-American Water Company		MTBE		2004	2010
CA	Citrus Heights Water District		MTBE		2004	2009
CA	City of Pomona		MTBE		2008	2013
CA	City of Riverside		MTBE		2004	2011
CA	City of Santa Barbara		MTBE		2010	2011
CA	City of Santa Monica		MTBE		2000	2004
CA	Del Paso Manor Water District		MTBE		2004	2009
CA	Fair Oaks Water District		MTBE		2004	2009
CA	Florin Resource Conservation District		MTBE		2005	2009
CA	Fruitridge Vista Water Company		MTBE		2005	2011
CA	M & P Silver Family Partners II, et al.		MTBE		2003	2010
CA	Quincy Community Services District		MTBE		2004	2011
CA	Rio Linda Elverta Community Water District		MTBE		2004	2009
CA	Riverview Water District		MTBE		2005	2011
CA	Yosemite Spring Park Utility Co, Inc.		MTBE		2008	2012
CA	City of Santa Barbara		Oil Spill		2015	2017
CA	City of Berkeley		PCB		2015	Present
CA	City of Chula Vista		PCB		2017	Present
CA	City of Long Beach		PCB		2015	Present

CA	City of Oakland	PCB			2015	Present
CA	City of San Diego	PCB			2015	Present
CA	City of San Jose	PCB			2014	Present
CA	California Water Service Company	PCE			2008	2015
CA	City of Sunnyvale	PCE			2008	2012
CA	California Water Service Company	TCP			2008	Present
CA	City of Bakersfield	TCP			2005	Present
CA	City of Delano	TCP			2006	2015
CA	City of Livingston	TCP			2005	2011
CA	City of Oceanside	TCP			2005	2010
CA	City of Shafter	TCP			2006	2012
CA	City of Wasco	TCP			2006	2013
CA	Lamont PUD	TCP			2007	2014
CA	Montara Water & Sanitary District	TCP			2005	Present
CA	Sunny Slope	TCP			2010	Present
CA	City of Anaheim			Deceptive Trade Practices - online hotel booking companies	2007	2016
CA	City of Buena Park			Deceptive Trade Practices - online hotel booking companies	2009	2016
CA	City of Carson			Deceptive Trade Practices - online hotel booking companies	2008	2016

CA	City of Cypress			Deceptive Trade Practices - online hotel booking companies	2008	2016
CA	City of Dana Point			Deceptive Trade Practices - online hotel booking companies	2007	2016
CA	City of Eureka			Deceptive Trade Practices - online hotel booking companies	2007	2016
CA	City of Fresno			Deceptive Trade Practices - online hotel booking companies	2008	2016
CA	City of Garden Grove			Deceptive Trade Practices - online hotel booking companies	2009	2016
CA	City of Huntington Beach			Deceptive Trade Practices - online hotel booking companies	2009	2016

CA	City of Irvine			Deceptive Trade Practices - online hotel booking companies	2008	2016
CA	City of La Palma			Deceptive Trade Practices - online hotel booking companies	2007	2016
CA	City of Laguna Beach			Deceptive Trade Practices - online hotel booking companies	2008	2016
CA	City of Laguna Hills			Deceptive Trade Practices - online hotel booking companies	2009	2016
CA	City of LaQuinta			Deceptive Trade Practices - online hotel booking companies	2007	2016
CA	City of Long Beach			Deceptive Trade Practices - online hotel booking companies	2008	2016

CA	City of Los Angeles			Deceptive Trade Practices - online hotel booking companies	2004	Present
CA	City of Manhattan Beach			Deceptive Trade Practices - online hotel booking companies	2007	2016
CA	City of Martinez			Deceptive Trade Practices - online hotel booking companies	2009	2016
CA	City of Napa			Deceptive Trade Practices - online hotel booking companies	2008	2016
CA	City of Newport Beach			Deceptive Trade Practices - online hotel booking companies	2008	2016
CA	City of Ojai			Deceptive Trade Practices - online hotel booking companies	2007	2016

CA	City of Orange		Deceptive Trade Practices - online hotel booking companies	2008	2016
CA	City of Palm Springs		Deceptive Trade Practices - online hotel booking companies	2007	2016
CA	City of Palmdale		Deceptive Trade Practices - online hotel booking companies	2007	2016
CA	City of Riverside		Deceptive Trade Practices - online hotel booking companies	2007	2016
CA	City of Sacramento		Deceptive Trade Practices - online hotel booking companies	2007	2016
CA	City of San Bruno		Deceptive Trade Practices - online hotel booking companies	2009	2016

CA	City of San Marcos			Deceptive Trade Practices - online hotel booking companies	2007	2016
CA	City of Santa Monica			Deceptive Trade Practices - online hotel booking companies	2009	2016
CA	City of Santa Rosa			Deceptive Trade Practices - online hotel booking companies	2008	2016
CA	City of South Lake Tahoe			Deceptive Trade Practices - online hotel booking companies	2007	2016
CA	City of Sunnyvale			Deceptive Trade Practices - online hotel booking companies	2008	2016
CA	City of Twentynine Palms			Deceptive Trade Practices - online hotel booking companies	2008	2016

CA	City of Walnut Creek			Deceptive Trade Practices - online hotel booking companies	2008	2016
CA	City of West Hollywood			Deceptive Trade Practices - online hotel booking companies	2007	2016
CA	County of Monterey			Deceptive Trade Practices - online hotel booking companies	2007	2016
CA	Town of Corte Madera			Deceptive Trade Practices - online hotel booking companies	2007	2016
CA	Town of Truckee			Deceptive Trade Practices - online hotel booking companies	2008	2016
CA	Amador County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Butte County			Pharmaceutical Fraud and RICO - Opioids	2018	Present

CA	Calaveras County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Contra Costa County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Del Norte County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	El Dorado County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Fresno County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Glenn County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Imperial County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Inyo County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Lake County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Lassen County			Pharmaceutical Fraud and RICO - Opioids	2018	Present

CA	Madera County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Mariposa County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Mendocino County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Merced County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Modoc County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Mono County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Monterey County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Nevada County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Placer County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Plumas County			Pharmaceutical Fraud and RICO - Opioids	2018	Present

CA	Sacramento County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	San Benito County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	San Diego County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Shasta County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Siskiyou County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Sutter County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Tehama County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Trinity County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Tuolumne County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Yuba County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
CA	Calaveras County			Wildfire	2018	Present
CA	Calaveras County Water District			Wildfire	2018	Present

CA	Carpinteria-Summerland Fire Protection District			Wildfire	2018	Present
CA	City of San Bruno			Wildfire	2018	Present
CA	City of San Buenaventura			Wildfire	2018	Present
CA	City of San Rosa			Wildfire	2018	Present
CA	City of Santa Barbara			Wildfire	2018	Present
CA	Ebbetts Pass Fire District			Wildfire	2018	Present
CA	Mendocino County			Wildfire	2018	Present
CA	Montecito Fire Protection District			Wildfire	2018	Present
CA	Montecito Water District			Wildfire	2018	Present
CA	Napa County			Wildfire	2018	Present
CA	San Andreas Fire District			Wildfire	2018	Present
CA	Santa Barbara County			Wildfire	2018	Present
CA	Sonoma County			Wildfire	2018	Present
CA	Ventura County			Wildfire	2018	Present
CA	West Point Fire District			Wildfire	2018	Present
CA	Yuba County			Wildfire	2018	Present
CT	Town of East Hampton	MTBE			2003	2010
CT	United Water Connecticut, Inc.	MTBE			2004	2010
CT	City of Hartford	PCB			2014	Present
FL	Escambia County Utility Authority aka Emerald Coast Utility Authority	MTBE			2003	2009
FL	City of Anna Maria	Oil Spill			2012	2015
FL	City of Bristol	Oil Spill			2012	2015
FL	City of Cedar Key	Oil Spill			2011	2015
FL	City of Holmes Beach	Oil Spill			2013	2015
FL	City of Marathon	Oil Spill			2011	2015
FL	City of Monticello	Oil Spill			2011	2015
FL	City of Niceville	Oil Spill			2014	2015
FL	City of Palmetto	Oil Spill			2012	2015
FL	City of Pensacola	Oil Spill			2011	2015
FL	City of St. Marks	Oil Spill			2013	2015
FL	City of Tallahassee	Oil Spill			2011	2015

FL	Collier County	Oil Spill		2012	2015
FL	Escambia County	Oil Spill		2012	2015
FL	Jackson County	Oil Spill		2011	2015
FL	Jefferson County	Oil Spill		2011	2015
FL	Lee County	Oil Spill		2012	2015
FL	Leon County	Oil Spill		2012	2015
FL	Manatee County	Oil Spill		2012	2015
FL	Monroe County	Oil Spill		2013	2015
FL	Okaloosa Gas District	Oil Spill		2012	Present
FL	Pensacola Downtown Improvement Board	Oil Spill		2014	2015
FL	Santa Rosa County	Oil Spill		2012	2015
FL	School Board of Calhoun County	Oil Spill		2011	2015
FL	School Board of Escambia County	Oil Spill		2012	2015
FL	School Board of Jefferson County	Oil Spill		2011	2015
FL	School Board of Leon County	Oil Spill		2011	2015
FL	School Board of Martin County	Oil Spill		2011	2015
FL	School Board of Miami-Dade County	Oil Spill		2011	2015
FL	School Board of Monroe County	Oil Spill		2011	2015
FL	School Board of Palm Beach County	Oil Spill		2011	2015
FL	School Board of Polk County	Oil Spill		2011	2015
FL	School Board of Santa Rosa County	Oil Spill		2012	2015
FL	School Board of Volusia County	Oil Spill		2011	2015
FL	School Board of Wakulla County	Oil Spill		2011	2015
FL	Town of White Springs	Oil Spill		2012	2015
FL	Village of Islamorada	Oil Spill		2013	2015
FL	Wakulla County	Oil Spill		2012	2015
FL	Emerald Coast Utilities Authority f/k/a Escambia County Utilities Authority	PFOA		2009	2011
FL	Emerald Coast Utilities Authority	PFOA/PFOS		2018	Present
FL	Bay County		Pharmaceutical Fraud and RICO - Opioids	2018	Present

FL	Calhoun County			Pharmaceutical Fraud and RICO - Opioids	2017	Present
FL	City of Bradenton			Pharmaceutical Fraud and RICO - Opioids	2018	Present
FL	City of Miami Gardens			Pharmaceutical Fraud and RICO - Opioids	2018	Present
FL	City of New Port Richey			Pharmaceutical Fraud and RICO - Opioids	2018	Present
FL	City of North Miami			Pharmaceutical Fraud and RICO - Opioids	2018	Present
FL	City of Palm Bay			Pharmaceutical Fraud and RICO - Opioids	2018	Present
FL	City of Panama City			Pharmaceutical Fraud and RICO - Opioids	2017	Present
FL	City of Pensacola			Pharmaceutical Fraud and RICO - Opioids	2018	Present
FL	City of Pinellas Park			Pharmaceutical Fraud and RICO - Opioids	2018	Present
FL	City of St. Petersburg			Pharmaceutical Fraud and RICO - Opioids	2018	Present

FL	City of Tallahassee			Pharmaceutical Fraud and RICO - Opioids	2018	Present
FL	Escambia County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
FL	Gulf County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
FL	Holmes County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
FL	Jackson County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
FL	Leon County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
FL	Miami-Dade County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
FL	Pasco County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
FL	Pinellas County			Pharmaceutical Fraud and RICO - Opioids	2018	Present
FL	Santa Rosa County			Pharmaceutical Fraud and RICO - Opioids	2018	Present