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## **WEINSTEIN KITCHENOFF & ASHER LLC**

Weinstein Kitchenoff & Asher LLC (“WKA”) is a pre-eminent Philadelphia-based national law firm whose attorneys have served as counsel in many of the most significant and successful class action cases in the past 25 years. Its litigators are experienced in five major practice areas: antitrust; consumer protection; securities and derivatives fraud; complex business and commercial litigation; and Whistleblower/False Claims Act litigation.

### **ATTORNEYS**

#### **DAVID H. WEINSTEIN**

Mr. Weinstein is Senior Counsel to the Firm. He concentrates his practice in litigating complex commercial matters.

Since 1972, Mr. Weinstein has represented clients charging some of the nation’s largest companies with violating the antitrust, commodities, consumer protection, retirement, R.I.C.O., and securities laws. He has pursued litigation in such varied fields and industries as accounting, cattle and cattle futures, computers, copper, electronic components, healthcare, insurance, law firms, milk, motion pictures, oil and gas, propane, retirement plans, and refuse hauling and recycling.

Among other current matters, Mr. Weinstein is court-appointed interim co-lead counsel for a class of Jewish survivors and the estates and heirs of the Jewish victims of the Holocaust in Hungary. They have sued the Republic of Hungary and the Hungarian National Railways. The claims arise from the defendants’ participation in crimes against humanity.

Mr. Weinstein is also interim co-lead counsel for a proposed class of bondholders who were injured as a result of various banks’ manipulation of the LIBOR interest rate benchmark.

Mr. Weinstein was co-lead counsel in an antitrust class action involving manipulation of the propane market. In that case the court approved a \$50 million settlement, which was recently distributed to the class members. In addition, Mr. Weinstein recently successfully defended a lawyer and his firm who were sued in an action brought as a class action.

Mr. Weinstein has previously participated in a number of noteworthy matters during his career. Chief among these, he successfully prosecuted a class action

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for homeowners nationwide whose homes contained polybutylene plumbing. As co-lead counsel in the case, Mr. Weinstein achieved an innovative settlement that, over a 15-year period, replaced defective plumbing in approximately 340,000 homes in the United States at a cost of over \$1.1 billion, one of the largest property-damage class-action settlements in history. He also served on the steering committee of attorneys who recovered over \$700 million for retail pharmacies in a class action charging major manufacturers and wholesalers of brand name prescription drugs with conspiring not to offer discounts to retail pharmacies. On a pro bono basis, Mr. Weinstein was court appointed sole lead counsel in complex coordinated immigration proceedings concerning over 100 refugees seeking asylum in the U.S.

Outside the courtroom, Mr. Weinstein has served on the boards of directors of various law-related and other non-profit organizations, including the Public Justice Foundation, a national public interest legal foundation that strives to protect the liberties and rights of individuals often victimized in our society. He has served as co-chair of the Professional Guidance Committee of the Philadelphia Bar Association, which provides guidance to practicing lawyers on ethical issues. He is an elected member of the American Law Institute, a national professional society dedicated to the simplification and improvement of American law. Mr. Weinstein is also a member of the Committee to Save the Antitrust Laws, and he has lectured on various topics in courses for practicing lawyers and at the college level. In addition, Mr. Weinstein is currently a member of the Board of Governors of Gratz College and an honorary director and past president of his synagogue.

Mr. Weinstein earned his undergraduate and law degrees from the University of California, Berkeley. Before entering private practice, he served as law clerk for two different judges of the United States Court of Appeals for the Ninth Circuit. He is a member of the Pennsylvania and California bars, and has been admitted to practice before the U.S. Supreme Court, and various federal district courts and courts of appeals.

#### **ROBERT S. KITCHENOFF**

Mr. Kitchenoff, a founding member of Weinstein Kitchenoff & Asher LLC, concentrates his practice in the prosecution of antitrust, consumer fraud, securities fraud, and ERISA class actions as well as False Claims Act (whistleblower), shareholder derivative, and other complex civil matters.

Mr. Kitchenoff has been involved in the litigation of numerous precedent-setting antitrust actions including, among others, *In re Copper Antitrust Litigation*, MDL Docket 1303 (co-lead counsel); *Brand Name Prescription Drugs Antitrust Litigation*, MDL No. 997 (N.D. Ill.) (plaintiffs' steering committee); *In Re: Payment Card Interchange Fee & Merchant Discount Antitrust Litigation*, MDL Docket 1720 (plaintiffs' steering committee), *In re Pressure Sensitive Labelstock Antitrust Litigation*, MDL Docket 1556 (discovery team); and *Rolite, Inc. v. Wheelabrator Technologies, Inc.* Civil Action No. 94-CV-5894 (E.D. Pa.).

Mr. Kitchenoff has been appointed to leadership positions by courts in across the country, including having served as court appointed co-lead counsel in *In re: Ductile Iron Pipe Fittings ("DIPF") Indirect Purchaser Antitrust Litigation*, No. 12-cv-169 (D.N.J), as a court appointed member of the Plaintiffs' Steering Committee in *In re: National Football League "Sunday Ticket" Antitrust Litigation*, No. 2:15-ml-02668-BRO (JEMx) (C.D. Cal.), and recently concluded service as court appointed liaison and settlement class counsel in *In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litig.*, 11-2284-GP (E.D. PA).

In the area of consumer-oriented litigation, Mr. Kitchenoff has successfully represented a nationwide classes of businesses, municipalities, and individuals who were damaged by the application of a DuPont herbicide (*In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litig.*), where he was appointed Settlement Class Counsel; mortgagors who were improperly assessed late fees on timely received mortgage loan payments (*Keller v. First Union Corporation*), a class of homeowners who were led to believe, by the builder of their homes, that they were receiving "thermal break" windows that were "as good as an Andersen<sup>®</sup>." (*Frazier v. Weyerhaeuser*), and a class of owners of homes and buildings throughout the United States which contain defective polybutylene plumbing systems (*Tina Cox, et al. v. Shell Oil Co., et al.*), among others. The settlement of the *Cox* litigation, believed to be one of the largest property damage class action settlements in history, having provided more than \$1 billion to qualifying homeowners for repairs to their plumbing systems or complete replumbing of their homes and reimbursement for property damage at 100 cents on the dollar.

Mr. Kitchenoff has frequently represented doctors and other medical providers in litigation against insurance companies who fail to properly reimburse them for services rendered and medical equipment supplied.

Mr. Kitchenoff has been active in the legal community in pro bono and educational activities. He is a past-president of COSAL (the Committee to Support the

Antitrust Laws), whose mission is devoted to promoting and supporting the enactment, preservation, and enforcement of strong antitrust laws in the United States; and previously served as a member of the Advisory Board of the Class Action Law Monitor. He is a member of the Class Action and Derivative Suits Committee of the American Bar Association, and the Cy Pres Committee and Antitrust Committees of the Philadelphia Bar Association. He has been a course planner and lecturer on class actions for numerous providers of continuing legal education and has been interviewed on antitrust and class action issues in several national publications. He has been honored with the Public Justice Achievement Award by Trial Lawyers for Public Justice, a respected Washington, D.C. public interest foundation, for his work on the Polybutylene Pipes case, and by the American Immigration Lawyers Association with its Human Rights Award as a member of the Asian American/“Golden Venture” Pro Bono Advocacy Team, representing Chinese aliens on a pro bono basis seeking asylum in the United States based upon their opposition to China’s one child per couple population control policy. He has been named one of Pennsylvania’s Super Lawyers<sup>®</sup>, an honor bestowed upon only 5% of Pennsylvania attorneys, and has been accorded an AV Martindale-Hubbell Peer Review rating. He was named a Titan of the Plaintiff’s Bar by Law360.

Mr. Kitchenoff is also active in the broader community, most recently having served as President of the Board of Directors of the Philadelphia Region of the Jewish National Fund. He is a former President of Temple Beth Hillel-Beth El, an 800-family synagogue located in suburban Philadelphia.

Mr. Kitchenoff is a graduate of the University of Pittsburgh (B.A. 1981), and the Rutgers University School of Law (J.D. 1986). Prior to entering private practice, he served as law clerk to the Honorable Madaline Palladino of the Commonwealth Court of Pennsylvania.

#### **ANDREA L. WILSON**

Andrea L. Wilson focuses her practice on complex litigation matters, particularly antitrust and consumer class actions and commercial litigation. Ms. Wilson also has significant experience in securities and ERISA class litigation.

Ms. Wilson is highly regarded in the class action arena for her electronic discovery management skills, and is often sought out for guidance and participation on such matters. Throughout her years as a lawyer, Ms. Wilson has participated in multi-firm litigation committees to manage discovery in complex litigation and has developed and manage litigation support systems for large complex class

actions. In addition, Ms. Wilson is certified as a FINRA Dispute Resolution Arbitrator. FINRA, the Financial Industry Regulatory Authority, is the largest independent regulator for securities firms operating in the United States.

Ms. Wilson is a member of the bars of Pennsylvania, New Jersey, and North Carolina. She is admitted to practice in the Third Circuit, the Eastern District of Pennsylvania and the District of New Jersey. Ms. Wilson received her Bachelor of Arts degree in Management Information Systems from California State University in 1989, her J.D. from Temple University School of Law in 1994 and her L.L.M. in Taxation, with honors, from Temple University School of Law. She has also received a Master of Science degree from Boston University in Computer Information Systems with a concentration in Database Management and Business Intelligence, which includes coursework in Digital Forensics.