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Kevin P. Roddy

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Practice

Class Action

Education

J.D., University of North Carolina, School of Law, 1980

B.A., University of North Carolina, College of Arts & Sciences, 1977, *with honors*

Admissions

United States Supreme Court

New Jersey, 2005

New York, 2004

California, 1987

Virginia, 1982

United States Courts of Appeals: District of Columbia, First, Second, Third, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, and Eleventh Circuits

United States District Court for the District of New Jersey

United States District Court for the Southern District of New York

United States District Court for the Eastern District of New York

United States District Court for the Northern District of New York

United States District Court for the Central District of California

United States District Court for the Eastern District of California

Kevin P. Roddy is a shareholder in the law firm of Wilentz, Goldman & Spitzer, P.A. He concentrates his practice on complex litigation, including class actions alleging violations of federal and state antitrust, consumer protection, unfair trade practices, anti-racketeering, and securities fraud statutes.

During 2005-2007, Mr. Roddy served as President of the National Association of Shareholder and Consumer Attorneys (NASCAT). From 2000 to 2011, he served on NASCAT's Executive Committee and, from 1991 to 2011, he served as Chair of the NASCAT Amicus Committee. From February 2000 through December 2004, he was managing partner of the Los Angeles Office of Hagens Berman LLP, a Seattle-based firm specializing in class action litigation. From December 1991 to February 2000, he was managing partner of the Los Angeles Office of Milberg Weiss Bershad Hynes & Lerach LLP, a New York- and San Diego-based law firm specializing in class action litigation.

Mr. Roddy was selected for inclusion in the New Jersey *Super Lawyers* list in 2012 and 2014 - 2021 for Class Action and Mass Torts law.

Super Lawyers® (http://www.superlawyers.com/about/selection_process_detail.html) is published by Thomson Reuters.

A description of the selection process may be accessed via the above link. The aforementioned organization is a private peer review organization, not court-specific, public certification vehicles. No aspect of this advertisement has been submitted to or approved by the Supreme Court of New Jersey.

Mr. Roddy and his wife, Joann, have three children. They live in Manasquan, New Jersey.

Articles

- Kevin P. Roddy, RICO IN BUSINESS AND COMMERCIAL

United States District Court for the Northern District of California

United States District Court for the Southern District of California

United States District Court for the Eastern District of Virginia

United States District Court for the Western District of Virginia

LITIGATION (Shepard's/McGraw-Hill, Inc. 1991) (two-volume treatise with annual supplements through 1997)

- G. Robert Blakey & Kevin P. Roddy, Reflections on Reves v. Young: Its Meaning and Impact on Substantive, Accessory, Aiding and Abetting and Conspiracy Liability Under RICO, 33 Amer. Crim. L. Rev. 1345 (1996). This article was published as the Special 25th Anniversary issue of AMERICAN CRIMINAL LAW REVIEW, and it has been favorably cited by numerous federal circuit and district courts, including the Third Circuit Court of Appeals. Smith v. Berg, 247 F.3d 532, 536 nn. 7&8 (3rd Cir. 2001).
- American Bar Association, Section of Antitrust Law, SAMPLE CIVIL RICO JURY INSTRUCTIONS (1994) (principal author)
- Kevin P. Roddy & Daniel S. Floyd, LITIGATING THE CLASS ACTION LAWSUIT IN CALIFORNIA (National Business Institute 2001 & 2002)
- Kevin P. Roddy and Seth Aronson, LITIGATING THE CLASS ACTION LAWSUIT IN CALIFORNIA (National Business Institute 2000)
- Kevin P. Roddy, Eight Years of Practice and Procedure Under the Private Securities Reform Act of 1995, Postgraduate Course in Federal Securities Law (July 2004) (papers prepared for 1998, 1999, 2000, 2001, 2002, and 2003 programs are available on Lexis)
- Civil Law Editor, RICO LAW REPORTER (1991 to present)
- Member, Editorial Advisory Board, CIVIL RICO REPORT (1991 to present)

Speaking Engagements

Since November 1999, he has appeared as a principal speaker at the following continuing legal education programs:

- Litigation Counsel of America, Challenges to Expert Witness Testimony in Federal Court, New York, New York, November 30, 2018
- State Bar of Georgia, Seminar on RICO, Atlanta, Georgia, September 20, 2018
- Federal RICO and New Jersey RICO: Litigation and Trial, Atlantic City, New Jersey, May 20, 2018
- Litigation Counsel of America, Trial of a Civil RICO Class Action, New York, New York, December 1, 2017
- Georgia Bar Association, Seminar on RICO, Atlanta, Georgia, November 13, 2015
- Georgia Bar Association, Seminar on RICO, Atlanta, Georgia, November 7, 2013
- American Law Institute-American Bar Association, Postgraduate Course in Federal Securities Law, Boston, MA, July 7-9, 2005
- American Bar Association, Tort Trial & Insurance Practice Section, E-Document Preservation & E-Discovery After Zubulake – What Every Litigator and In-House Counsel Needs to Know, April 21, 2005 (teleconference)
- NASCAT, Class Action Notice and Claims Administration – Best Practices of the Experts, Lake Las Vegas, Nevada, April 7, 2005
- CLE International, Class Actions: A How-To on Initiating,

Defending and Litigating Them, Los Angeles, California, February 24-25, 2005

- Federal Trade Commission, Class Actions Workshop, Washington, DC, September 13-14, 2004
- American Law Institute-American Bar Association, Postgraduate Course in Federal Securities Laws, Chicago, Illinois, August 26, 2004
- Business & Professions Code Section 17200: Is The Unfair Competition Law "Unfair"?, Association of Business Trial Lawyers, San Francisco, California, December 9, 2003.
- The Cambridge International Symposium on Economic Crime, Jesus College, Cambridge, United Kingdom, September 12, 2003
- When the Going Gets Tough: Advising a Company in Crisis (Parts I & II), American Bar Association Annual Meeting, San Francisco, California, August 9-10, 2003
- Business and Professions Code Section 17200 in California, Oakland, California, July 30, 2003
- American Law Institute-American Bar Association, Postgraduate Course in Federal Securities Laws, San Francisco, California, July 24, 2003
- Institute for Law and Economic Policy, Agencies, Economic Justice and Private Initiatives, San Diego, California, April 5, 2003
- National Business Institute, Litigating the Class Action Lawsuit in California, Los Angeles, California, December 16, 2002
- American Law Institute-American Bar Association, Postgraduate Course in Federal Securities Law, Boston, Massachusetts, July 18, 2002
- Association of Business Trial Lawyers, Business Litigation in the "Post-Enron" World, Los Angeles, California, April 9, 2002
- University of Kentucky School of Law, 11th Biennial Midwest/Midsouth Securities Law Conference, Louisville, Kentucky, February 15, 2002
- Northwestern University School of Law-Securities Regulation Institute, 29th Annual Securities Regulation Conference, San Diego, California, January 23, 2002.
- Practising Law Institute, 33rd Annual Institute on Securities Regulation, New York, New York, November 7, 2001
- National Business Institute, Litigating the Class Action Lawsuit in California, Los Angeles, California, October 24, 2001
- American Law Institute-American Bar Association, Postgraduate Course in Federal Securities Law, San Francisco, California, July 19, 2001
- Institute for International Research, Securities Regulation & Enforcement Conference, New York, New York, June 19, 2001
- National Business Institute, Litigating the Class Action Lawsuit in California, Los Angeles, California, October 25, 2000
- Orange County Bar Association, Second Annual Capital Markets Seminar, Costa Mesa, California, September 27, 2000
- Practising Law Institute, Advanced Securities Law Workshop, San Diego, California, August 10, 2000
- Practising Law Institute, 31st Annual Institute on Securities Regulation, New York, New York, November 3, 1999

Selected Matters

Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

Participation in Significant Complex Litigation and Trial Experience:

For more than 35 years, Kevin Roddy has represented plaintiffs in many significant class actions, representative actions, and derivative actions litigated in federal and state courts throughout the United States. He has represented individual and institutional clients. Mr. Roddy has served as appointed lead counsel in representing plaintiffs in many significant cases, and has helped secure recoveries exceeding $2 billion. Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

Mr. Roddy's efforts in these complex cases have been praised by federal and state courts. In approving a worldwide settlement of a civil RICO and consumer protection class action brought on behalf of approximately 18 million people who used Western Union's money transfer services to transfer money from one country to another, in which Mr. Roddy served as Co-Lead Counsel for Plaintiffs, Senior U.S. District Judge Charles Sifton of the Eastern District of New York lauded Mr. Roddy's "extensive experience handling civil RICO cases and class actions." This comment, made by a judge in a particular case, is not an endorsement of the attorney's legal skill or ability. The Court noted that the team of plaintiffs' counsel, led by Mr. Roddy, had "secured a significant recovery, including injunctive relief that requires [Western Union] to materially change the consumer disclosure forms and receipts that it uses throughout the world, in a complex, risky class action, and confronted defense counsel from highly respected law firms." In re Western Union Money Transfer Litigation, Master File No. CV-01-0335 (CPS) (E.D.N.Y. Feb. 8, 2005) (Memorandum and Order, at 13, 16). That case was settled in 2005 on a worldwide basis for consideration exceeding $65 million and the imposition of worldwide injunctive relief.

In coordinated cases brought in the Superior Court of Sacramento County, California, In re Ford Explorer Cases, JCCP Nos. 4266 & 4270, Mr. Roddy was chosen Co-Lead Counsel for the California Plaintiff Class, which consisted of over 450,000 vehicle owners. In 2005, Coordination Trial Judge David DeAlba certified a statewide (California) class. During 2007, Mr. Roddy, along with other Plaintiffs' counsel, tried the class action for 50 days in the Sacramento County Superior Court. The same year, the parties announced a proposed four-state class action settlement on behalf of nearly one million vehicle owners residing in California, Illinois, Texas and Connecticut. That settlement was approved by Judge DeAlba in 2008.

In another class action that was prosecuted simultaneously in state courts in California and Florida, In re Rexall Cellasene Cases, Mr. Roddy was chosen Co-Lead Counsel for the nationwide consumer class and, working together with attorneys from the Federal Trade Commission, in 2003 he successfully negotiated a $20 million settlement that provided

consumers with a full-dollar recovery and imposed precedent-setting injunctive relief governing the entire dietary supplement industry.

In Smith v. FirstEnergy Corp., Case No. 20-03755 (S.D. Ohio), Mr. Roddy and co-counsel represented a class of Ohio ratepayers (consumers and businesses) in civil racketeering action brought against officers and directors of a large public utility arising out of a legislative bribery scheme. After extensive litigation, see Smith v. FirstEnergy Corp., 518 F. Supp. 3d 1118 (S.D. Ohio 2021), and mediation before a retired federal judge, Mr. Roddy, and co-counsel negotiated a $49 million class action settlement for the benefit of the taxpayers. The settlement was approved by Judge Edmund Sargus in 2022.

In DCG&T f/b/o Battaglia v. Knight, 68 F. Supp. 3d 579 (E.D. Va. 2014), a shareholder derivative action, Mr. Roddy was chosen co-lead counsel for the plaintiff, and he successfully negotiated a $12 million settlement for the benefit of REIT unit holders who objected to a corporate merger.

In Roberts v. C.R. England, Inc., Case No. 2:12-CV-00302 (D. Utah), working with co-counsel from throughout the country, Roddy secured nationwide class certification of a class consisting of more than 14,000 long-haul truck drivers, and successfully negotiated a $98 million settlement. The class action settlement was approved by Judge Robert Shelby of the District of Utah in 2019.

Mr. Roddy has tried more than a dozen cases in federal and state courts in New Jersey, California, Colorado, Virginia, Arizona, Tennessee, and North Carolina. In In re American Continental Corp./Lincoln Savings & Loan Securities Litigation, he was one of the lead trial counsel for a class of 23,000 defrauded shareholders and bondholders; that case (including a five-month jury trial in the District of Arizona) resulted in settlements of approximately $250 million and a jury verdict against the non-settling defendants exceeding $3 billion. In The Industry Network System, Inc. v. Armstrong World Industries, he was co-lead trial counsel in a 68-day antitrust conspiracy jury trial in the District of New Jersey. In Stilwell Developments v. Wing Wah Chong, he was lead trial counsel for the plaintiff smoke alarm manufacturer in a two-month intellectual property trial involving the enforcement of patents and copyrights; that case resulted in a $7 million jury verdict for the plaintiff, which was successfully enforced in ancillary proceedings in the Hong Kong courts.

In CGC Holding Co., LLC v. Hutchens, Case No. 11-1012, a RICO class action arising out of an advance fee lending scheme and pending in the District of Colorado, he was appointed co-lead counsel for plaintiffs and the certified class of consumers who were allegedly defrauded. In May 2017, Mr. Roddy served as co-lead trial counsel during a 10-day jury trial. The jury returned a verdict for plaintiffs and class members, found the defendants to be liable for RICO violations, and awarded $8.4 million in compensatory damages. On September 26, 2017, Judge Blaine Jackson awarded treble damages and entered a judgment awarding more than $24 million to plaintiffs and class members.

On December 18, 2017, Judge Jackson issued his Rulings on Additional

Post-Trial Motions, directing the clerk to enter a final judgment in the amount of $25 million, including costs and interest, and imposed a constructive trust over defendants' properties. Describing the litigation as "a complex, intensely litigated, and difficult case," Judge Jackson described the performance of Mr. Roddy and his co-counsel as "an excellent job." CGC Holding Co., LLC v. Hutchens, Civil Action No. 11-cv-01012-RBJ-KLM, Docket No. 890 (D. Colo.). This comment, made by a judge in a particular case, is not an endorsement of the attorney's legal skill of ability.

The Tenth Circuit Court of Appeals affirmed the trial court's rulings. CGC Holding Co., LLC v. Hutchens, 780 Fed. Appx. 604 (10th Cir. 2019), subsequent opinion, 974 F.3d 1201 (10th Cir. 2020).

Expert Witness Experience:

Mr. Roddy has served as an expert witness in both federal and state court. In one case litigated in the Northern District of Texas, he served as an expert witness for the defendant law firms in a legal malpractice action arising out of class action settlements. In another case litigated in the Orange County, California, Superior Court, he served as an expert witness for the defendant lawyers in a malicious prosecution case arising out of a consumer protection class action. In August 2016, Mr. Roddy testified as an expert witness on behalf of the defendant attorney in a federal criminal case tried in the Southern District of Mississippi.
In February 2018, Roddy testified as an expert witness on behalf of the defendant attorney in a federal criminal case tried in the Western District of Texas.

Appellate Court Experience:

Mr. Roddy has extensive experience in the appellate courts. For example, in March 2006, Mr. Roddy argued a civil RICO case in the United States Supreme Court. The resulting decision, Anza v. Ideal Steel Supply Corp., 547 U.S. 451 (2006), established the standard for evaluating proximate causation in such cases.

Some of his significant federal circuit court cases include the following:

- CGC Holding Co., LLC v. Hutchens, 780 Fed. Appx. 604 (10th 2019) (affirming district court's imposition of discovery sanctions, including contempt citation, against defendants for refusal to produce discovery), subsequent opinion, 974 F.3d 1201 (10th Cir. 2020) (affirming district court's pre-trial and post-trial rulings in RICO class action).
- In re Lipitor Antitrust Litig., 855 F.3d 126 (3d Cir. 2017) (reversing trial court's dismissal of antitrust claims)
- DCG&T f/b/o Battaglia v. Knight, 648 Fed.Appx. 342 (4th Cir. 2016) (dismissing objector's appeal from district court's decision granting approval of settlement of shareholder derivative action)
- Miller v. Basic Research, LLC, 750 F.3d 1173 (10th Cir. 2014) (consumer protection class action alleging false advertising of

weight-loss dietary supplement)
- Fisher v. Kadant, Inc., 589 F.3d 505 (1st Cir. 2009) (breach of warranty class action alleging defective residential deck materials)
- Karim v. AWB, Ltd., 347 Fed. Appx. 714 (2nd Cir. 2009) (class action on behalf of Iraqi Kurds alleging money laundering and diversion of proceeds from United Nations oil-for-food program)
- Deutsch v. Turner Corp., 317 F.3d 1005 & 324 F.3d 692 (9th Cir. 2003) (class actions brought on behalf of U.S. and British POWs and Chinese, Dutch, Filipino and Korean civilian internees who were World War II forced labor victims)
- Wayne v. DHL Worldwide Express, 294 F.3d 1179 (9th Cir. 2002) (consumer protection class action involving purchase of "excess value" insurance for package shippers; 9th Circuit reversed district court's dismissal of action and refusal to remand case to state court)
- United States ex rel. Lujan v. Hughes Aircraft Co., 243 F.3d 1181 (9th Cir. 2001) (False Claims Act qui tam action against defense contractor arising out of construction of B-2 bomber; affirming district court's dismissal of whistleblower's action against defense contractor)
- Lanza v. Merrill Lynch & Co., 154 F.3d 56 (2nd Cir. 1998) (securities fraud/civil RICO class action brought against securities seller; 2nd Circuit affirmed dismissal of action on statute of limitations grounds)
- Batchelder v. Kawamoto, 147 F.3d 915 (9th Cir. 1998) (shareholder derivative action arising out of Honda Motor Co. automobile dealership bribery scandal; 9th Circuit affirmed dismissal of action because U.S. ADR holder lacked standing to sue as shareholder under Japanese law)
- Price v. Pinnacle Brands, Inc., 138 F.3d 602 (5th Cir. 1998) (RICO action brought by trading card purchasers against manufacturer alleging illegal lottery scheme)
- The Industry Network System, Inc. v. Armstrong World Industries, 54 F.3d 150 (3rd Cir. 1995) (antitrust action brought by video distributor against floor covering manufacturer; 3rd Circuit affirmed jury's failure to award damages to plaintiff following trial)
- Hamid v. Price Waterhouse, 51 F.3d 1411 (9th Cir. 1995) (BCCI depositors class action litigation; 9th Circuit affirmed dismissal of action on abstention and comity grounds)
- United States v. BCCI Holdings, S.A., 46 F.3d 1185 (D.C. Cir. 1995) (RICO forfeiture proceeding; D.C. Circuit affirmed dismissal of depositors' third-party forfeiture petition arising out of RICO prosecution and resulting forfeiture of assets)
- Terry's Floor Fashions, Inc. v. Burlington Industries, Inc., 763 F.2d 604 (4th Cir. 1985) (antitrust dealer termination case brought against carpet manufacturer and competing dealer; affirming district court's entry of summary judgment for defendants)
- Lindner v. Durham Hosiery Mills, Inc., 761 F.2d 162 (4th Cir. 1985) (securities case brought against textile manufacturer; affirming district court's entry of judgment for defendants following two-week federal court jury trial)

In a series of recent cases, Mr. Roddy has represented consumers in class actions challenging the propriety of overdraft fees charged

by banks and credit unions:

- Richard v. Glens Falls Nat'l Bank, 2022 WL 1102451 (N.D.N.Y. Apr. 13, 2022), 2021 WL 810218 (N.D.N.Y. Mar. 3, 2021), 2021 WL 199282 (N.D.N.Y. Jan. 20, 2021)
- Lamoureux v. Trustco Bank, 2022 WL 798339 (N.S.N.Y. Mar. 16, 2022)
- Livingston v. Trustco Bank, 2022 WL 798157 (N.D.N.Y. Mar. 16, 2022)
- Livingston v. Trustco Bank, 2021 WL 6199655 (N.D.N.Y. Apr. 23, 2021)
- Abramson v. Affinity Fed. Cred. Union, 2021 WL 3885325 (D.N.J. Aug. 31, 2021)
- Petrey v. Visions Fed. Cred. Union, 2021 WL 2364971 (N.D.N.Y. June 9, 2021)
- Varga v. American Airlines Fed. Cred. Union, 2020 WL 8881747 (C.D. Cal. Dec. 1, 2020)
- Page v. Alliant Cred. Union, 2019 WL 3082604 (D.N.J.) (D.N.J. July 15, 2019), 2019 WL 3502957 (D.N.J. Aug. 1, 2019)
- Filipkowski v. Bethpage Fed. Cred. Union, 2021 WL 826016 (E.D.N.Y. Mar. 4, 2021)

Other recent federal district court cases include:

- Bell v. Dave, 2022 WL 2667017 (D.N.J. July 11, 2022) (denying the motion to dismiss consumers' class action complaints against the leading manufacturer of Kombucha alleging violations of Federal and New Jersey racketeering statutes arising out of alleged unlawful sales of alcoholic beverages)
- Smith v. FirstEnergy Corp., 518 F. Supp. 3d 1118 (S.D. Ohio 2021) (Federal RICO and Ohio RICO claims brought on behalf of ratepayers arising out of legislative bribery scheme), 2021 WL 5194664 (S.D. Ohio Nov. 9, 2021)
- Salit Auto Sales, Inc. v. CCC Intelligent Solutions, Inc., 2020 WL 5758008 (D.N.J. Sept. 28, 2020) (payment of insurance benefits for totaled vehicles), 2021 WL 3783110 (D.N.J. Aug. 26, 2021)
- Udeen v. Subaru of America, Inc., 378 F. Supp. 3d 330 (D.N.J. 2019) (vehicle defect), 2019 WL 4894568 (D.N.J. Oct. 4, 2019)
- Brincefield on Behalf of Morton G. Thalhimer, Inc. Employee Stock Ownership Plan v. Studdard, 2018 WL 6323071 (E.D. Va. Dec. 4, 2018) (ESOP and ERISA claims)

Some of his previous significant federal district court cases include the following:

- Roberts v. C.R. England, Inc., 318 F.R.D. 457 (D. Utah 2017) (certifying nationwide class as to state law claims asserted by long-haul truck drivers against trucking company); 321 F. Supp. 3d 1251 (D. Utah 2018) (refusing to decertify class); 2018 WL 2387364 (D. Utah Mar. 27, 2018) (approving class notice campaign); 2018 WL 2386056 (D. Utah Apr. 24, 2018) (refusing to certify question for appellate review).
- CGC Holding Co., LLC v. Hutchens, 2016 WL 1238149 (D. Colo.

Mar. 30, 2016) (granting motion to compel discovery and awarding sanctions against defendant who refused to produce discovery in certified class action arising out of advance fee loan fraud scheme and asserting civil RICO claims); 2016 WL 6778853 (D. Colo. Nov. 16, 2016) (granting plaintiffs' motions in limine); 2017 WL 1435857 (D. Colo. Apr. 20, 2017) (denying defendants' "Daubert" challenges to plaintiffs' expert witnesses); 2017 WL 4621094 (D. Colo. Sept. 26, 2017) (awarding treble damages to plaintiffs and nationwide class and imposing constructive trust against defendants)

- Cohen v. Cohen, 993 F. Supp. 2d 414 (S.D.N.Y. 2014) (breach of fiduciary duty and civil RICO claims arising out of divorce proceeding)
- Mervyn v. Atlas Van Lines, Inc., 2013 U.S. Dist. LEXIS 146840 (N.D. Ill. Oct. 2, 2013) (class action brought on behalf of long-haul truck drivers)
- Stutzman v. Armstrong, 2013 U.S. Dist. LEXIS 109151 (E.D. Cal. Aug. 2, 2013) & 2013 U.S. Dist. LEXIS 129204 (E.D. Cal. Sept. 10, 2013) (consumer class action brought against disgraced cyclist and book publishers)
- Ries v. Ariz. Bevs. United States LLC, 2012 U.S. Dist. LEXIS 169853 (N.D. Cal. Nov. 27, 2012)(granting plaintiff-consumers' motion for class certification)
- Franco v. Conn. Gen'l Life Ins. Co., 818 F. Supp. 2d 792 (D.N.J. 2011) (denying motion to dismiss RICO and ERISA claims in class action brought by health care insureds against insurer)
- Shakib v. Back Bay Rest. Group, Inc., 2011 U.S. Dist. LEXIS 124143 (D.N.J. Oct. 26, 2011) & 2011 U.S. Dist. LEXIS 112614 (D.N.J. Sept. 30, 2011) (denying motion to dismiss and conditionally certifying class of restaurant workers seeking to recover overtime pay from employer)
- In re Imprelis Herbicide Mktg., Sales Pracs. & Prods. Liab. Litig., 824 F. Supp. 2d 1357 (J.P.M.L. 2011) (product liability case arising out of defective herbicide; successfully argued that cases should be centralized in Eastern District of Pennsylvania); 2013 U.S. Dist. LEXIS 149323 (E.D. Pa. Oct. 17, 2013) (approving class action settlement of claims brought by property owners, golf courses, and landscaping professionals against manufacturer of defective herbicide)
- Ford Motor Co. v. Edgewood Properties, Inc., 2012 U.S. Dist. LEXIS 125197 (D.N.J. Aug. 31, 2012)(denying third-party defendant environmental consultant's motion for summary judgment); 2011 U.S. Dist. LEXIS 67227 (D.N.J. June 23, 2011); 2011 U.S. Dist. LEXIS 45368 (D.N.J. Apr. 27, 2011); 2011 U.S. Dist. LEXIS 36215 (D.N.J. Apr. 4, 2011); 2011 U.S. Dist. LEXIS 15776 (D.N.J. Feb. 15, 2011); 2010 U.S. Dist. LEXIS 130866 (D.N.J. Dec. 10, 2010); 2010 U.S. Dist. LEXIS 119373 (D.N.J. Nov. 10, 2010); 2010 U.S. Dist. LEXIS 75914 (D.N.J. July 28, 2010); 2010 U.S. Dist. LEXIS 58425 (D.N.J. June 14, 2010); 2009 U.S. Dist. LEXIS 70953 (D.N.J. Aug. 11, 2009); 257 F.R.D. 418 (D.N.J. 2009) (decisions relating to representation of real estate developer in environmental contamination litigation arising out of disposal of contaminated crushed concrete from former vehicle

assembly plant); in 2012 the developer's federal and state law claims against the property owner, contractor, and environmental consultants were settled)

- Van Koenig v. Snapple Bev. Corp., 713 F. Supp. 2d 1066 (E.D. Cal. 2010) (denying defendant's motion to dismiss consumer protection class action alleging false labeling of iced tea product)
- Miller v. Basic Research, Inc., 2008 WL 4755787 (D. Utah Oct. 27, 2008) (refusing to dismiss civil RICO and consumer fraud claims brought against dietary supplement manufacturer and its principal officers and directors); 2011 U.S. Dist. LEXIS 21521 (D. Utah Mar. 2, 2011) (affirming certification of nationwide class and approving proposed class notice program); 2013 U.S. Dist. LEXIS 40553 (D. Utah Mar. 22, 2013) & 2013 U.S. Dist. LEXIS 56748 (D. Utah Apr. 16, 2013) (granting motion to enforce class action settlement)
- McCoy v. Health Net, Inc., 569 F. Supp. 2d 448 (D.N.J. 2008) (granting final approval to $255 million settlement of health care insureds' class action claims against insurance company)
- In re Ford Motor Co. E-350 Van Prods. Liab. Litig., 2008 WL 4126264 (D.N.J. Sept. 2, 2008) (refusing to dismiss breach of warranty, consumer protection and unjust enrichment claims brought by purchasers of 15-passenger vans against vehicle manufacturer); 2011 U.S. Dist. LEXIS 16504 (D.N.J. Feb. 16, 2011) (denying Ford's motions for summary judgment); 2009 U.S. Dist. LEXIS 108085 (D.N.J. Nov. 18, 2009) (same); 2009 U.S. Dist. LEXIS 68241 (D.N.J. July 9, 2010) (same); 2012 U.S. Dist. LEXIS 13887 (D.N.J. Feb. 6, 2012) (denying plaintiffs' motion for class certification)
- American Medical Ass'n v. United Healthcare, Inc., 2008 WL 3914868 (S.D.N.Y. Aug. 22, 2008) (refusing to dismiss civil RICO claims brought by health care insureds against insurance company)
- Franco v. CIGNA, 2008 WL 3399644 (D.N.J. Aug. 6, 2008) (refusing to dismiss ERISA claims brought by health care insureds against insurance company)
- In re Able Labs. Secs. Litig., 2008 WL 1967509 (D.N.J. Mar. 24, 2008) (refusing to dismiss investors' securities fraud claim against bankrupt company's officers and directors)
- In re Inphonic, Inc. Wireless Phone Rebate Litigation, 460 F. Supp. 2d 1380 (J.P.M.L. 2006) (consumer protection class action alleging rebate denials)
- In re Ford Motor Co. E-350 Van Products Liability Litigation, 374 F. Supp. 2d 1353 (J.P.M.L. 2005) (15-passenger van products liability class action)
- In re Medtronic, Inc. Implantable Defibrillators Products Liability Litigation, 408 F. Supp. 2d 1351 (J.P.M.L. 2005) (defective defibrillator class action)
- In re Dynamic Random Access Memory Antitrust Litigation, 2005 WL 2988715 (N.D. Cal. Nov. 7, 2005) (antitrust price-fixing conspiracy)
- Buckwalter v. Napoli, Kaiser & Bern LLP, 2005 WL 736216 (S.D.N.Y. Mar. 29, 2005) (civil RICO class action arising out of class action settlement)

- In re Western Union Money Transfer Litigation, Master File No. 01-CV-0335 (CPS) (E.D.N.Y. Oct. 18, 2004 & Feb. 8, 2005) (approving worldwide settlement of civil RICO and unfair trade practices class action brought against money transfer services)
- In re Pharmaceutical Indus. Avg. Wholesale Price Litig., 263 F. Supp. 2d 172 (D. Mass. 2003) (RICO and unfair trade practice class action alleging overstatements of average wholesale price of prescription drugs)
- In re Enron Corp. Secs., Deriv. & ERISA Litig., 284 F. Supp. 2d 511 (S.D. Tex. 2003) (RICO class action arising from collapse of energy company)
- In re Calif. Wholesale Elec. Antitrust Litig., 244 F. Supp. 2d 1072 (S.D. Cal. 2003) (antitrust class action arising out of California energy "crisis")
- Sarei v. Rio Tinto PLC, 221 F. Supp. 2d 1116 (C.D. Cal. 2002) (Alien Tort Claims Act class action brought by islanders against Australian mining company)
- Smith v. Mail Boxes Etc., Inc., 191 F. Supp. 2d 1155 (E.D. Cal. 2002) (consumer protection class action alleging overcharges in excess of $80 million for "excess value" insurance; district court refused to remand case to state court under "last-served defendant" rule; case was transferred to MDL proceeding in S.D.N.Y.)
- In re AOL, Inc. Version 5.0 Software Litigation, 168 F. Supp. 2d 1359 (S.D. Fla. 2001) (consumer protection class action brought against internet company; district court refused to grant motions to dismiss)
- In re World War II Era Japanese Forced Labor Litigation, 164 F. Supp. 2d 1160 (N.D. Cal. 2001), 164 F. Supp. 2d 1153 (N.D. Cal. 2001), 114 F. Supp. 2d 939 (N.D. Cal. 2000) (forced labor class actions brought by former POWs and civilian internees against numerous Japanese companies; district court dismissed plaintiffs' claims on a variety of grounds)
- Cardenas v. Ria Telecommunications, Inc., 2001 U.S. Dist. LEXIS 6609 (N.D. Ill. May 18, 2001) (civil RICO case; dismissing claims against money transfer service)
- In re SmarTalk Teleservices, Inc. Securities Litigation, 124 F. Supp. 2d 487 (S.D. Ohio 2000), 124 F. Supp. 2d 505 (S.D. Ohio 2000), 124 F. Supp. 2d 527 (S.D. Ohio 2000) (securities fraud class action against phone service provider; district court refused to grant motions to dismiss)
- Blue Cross v. SmithKline Beecham Clinical Laboratories, Inc., 108 F. Supp. 2d 84 (D. Conn. 1999), 108 F. Supp. 2d 116 (D. Conn. 2000), 108 F. Supp. 2d 125 (D. Conn. 2000), 108 F. Supp. 2d 130 (D. Conn. 2000) (consumer protection and civil RICO class action alleging fraudulent overcharges for laboratory services in excess of $100 million; district court upheld certain claims and dismissed other claims)
- Dumas v. Major League Baseball Properties, Inc., 104 F. Supp. 2d 1220 (S.D. Cal. 2000) & 52 F. Supp. 2d 1183 (S.D. Cal. 1999) (consumer protection/civil RICO class action alleging that trading cards constitute illegal gambling under state and federal law; trading card purchasers lacked standing to sue manufacturers,

distributors and professional sports leagues) and Rodriguez v. Topps Co., 104 F. Supp. 2d 1224 (S.D. Cal. 2000) (same)

- Yousefi v. Lockheed Martin Corp., 70 F. Supp. 2d 1061 (C.D. Cal. 1999) (securities fraud class action brought against aerospace company; district court appointed lead plaintiffs and lead counsel under PSLRA)
- Schlagal v. Learning Tree Corp., 1998 U.S. Dist. LEXIS 20306 (C.D. Cal. 1998), 1999 U.S. Dist. LEXIS 2157 (C.D. Cal. 1999) (securities fraud class action brought against computer software manufacturer; district court refused to grant motions to dismiss and certified class)
- Squyres v. Union Texas Petroleum Holdings, Inc., 1998 U.S. Dist. LEXIS 22945 (C.D. Cal. Nov. 2, 1998) (securities fraud class action brought against petroleum exploration company; appointing lead counsel under PSLRA)
- In re Stratosphere Corp. Securities Litigation, 1997 U.S. Dist. LEXIS 14621 (D. Nev. 1997), 1997 U.S. Dist. LEXIS 14616 (D. Nev. 1997), 1998 Bankr. LEXIS 1935 (Bankr. D. Nev. 1998), 182 F.R.D. 614 (D. Nev. 1998), 1 F. Supp. 2d 1096 (D. Nev. 1999), 66 F. Supp. 2d 1182 (D. Nev. 1999) (securities fraud class action brought against casino company; various decisions by district court and bankruptcy court on motions to dismiss and summary judgment and discovery motions)
- Pharmacare v. Caremark, 965 F. Supp. 1411 (D. Haw. 1996) (civil RICO class action arising out of bribery scandal involving health care manufacturer and physicians; district court refused to grant motions to dismiss)
- In re Prudential Securities Limited Partnerships Litigation, 911 F. Supp. 135 (S.D.N.Y. 1996), 912 F. Supp. 97 (S.D.N.Y. 1996), 930 F. Supp. 68 (S.D.N.Y. 1996), 985 F. Supp. 410 (S.D.N.Y. 1997) (securities fraud/RICO class action brought against general partner of limited partnerships formed to purchase and lease jet aircraft; district court refused to grant motions to dismiss, certified classes, and approved $120 million settlement)
- In re Herbalife Securities Litigation, 1996 U.S. Dist. LEXIS 11484 (C.D. Cal. Jan. 25, 1996) (securities fraud case brought against dietary supplement manufacturer; dismissing claims against defendants)
- Krishan v. McDonnell Douglas Corp., 873 F. Supp. 345 (C.D. Cal. 1994) (ERISA class action brought on behalf of retirees against aerospace manufacturer; the district court granted summary judgment for the employer; case settled for over $400 million while appeal to 9th Circuit was pending)
- Rintel v. Wathen, 806 F. Supp. 1467 (C.D. Cal. 1992) (securities fraud case brought against security company; dismissing claims against defendants)
- In re American Continental Corp./Lincoln Savings & Loan Securities Litigation, 794 F. Supp. 1424 (D. Ariz. 1992), 884 F. Supp. 1388 (D. Ariz. 1995), 845 F. Supp. 1377 (D. Ariz. 1993), 140 F.R.D. 425 (D. Ariz. 1992), 782 F. Supp. 1382 (D. Ariz. 1991) (securities fraud/RICO class action arising out of the collapse of savings and loan and parent company; district court refused to grant defendants' summary judgment motions)

Some of his significant state court cases include the following:

- Thiedemann v. Mercedes-Benz USA, LLC, 872 A.2d 783 (N.J. 2005) (construction and application of "ascertainable loss" requirement of New Jersey Consumer Fraud Act)
- Wayne v. DHL Express (USA), Inc., 2005 WL 1140686 (Cal. App. May 16, 2005) (violations of California consumer protection statutes through overcharges for "shipment insurance")
- Stanley v. California State Lottery Commission, 112 Cal. App. 4th 168 (2003), review granted, No. S120121 (Dec. 10, 2003) & 2003 Cal. App. Unpub. LEXIS 8296 (Aug. 29, 2003) (consumer actions alleging violations of Lottery Act in sales of "Scratcher" tickets)
- Shields v. Singleton, 15 Cal. App. 4th 1611, 19 Cal. Rptr. 2d 459 (1993) (shareholder derivative action involving aerospace contractor; affirming trial court's dismissal of claims against defendants)
- Drilling v. Berman, 589 N.W.2d 503 (Minn. App. 1999) (shareholder derivative action involving casino company; affirming trial court's dismissal of claims against defendants)

Other Significant Professional Activities:

During 1991-2011, as Chair of NASCAT's Amicus Committee, Mr. Roddy filed more than three dozen amicus curiae briefs filed in the U.S. Supreme Court, federal circuit courts, and state supreme courts, including Merck & Co. v. Reynolds, No. 08-905 (securities litigation); Jones v. Harris Assocs., L.P., No. 08-586 (shareholder litigation); Morrison v. Nat'l Australia Bank, Ltd., No. 08-1191 (securities litigation); Boyle v. United States, No. 07-1309 (RICO); Bridges v. Phoenix Bond & Indem. Co., No. 07-210 (RICO); Tellabs, Inc. v. Makor Issues & Rights, Ltd., No. 06-484 (securities litigation); Mohawk Indus. v. Williams, No. 05-465 (RICO); Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Dabit, No. 04-1371 (SLUSA preemption of "holder" actions; Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd., 125 S. Ct. 2764 (2005); Dura Pharmaceuticals, Inc. v. Broudo, No. 03-932, 125 S. Ct. 1627 (2005) (securities fraud "loss causation"); Robinson Helicopter Co. v. Dana Corp., 102 P.3d 268 (Cal. 2004) ("economic loss rule" in consumer fraud cases); Borowiec v. Gateway 2000, Inc., 808 N.E.2d 957 (Ill.2004) (consumer protection action; validity of arbitration clauses); SEC v. Zandford, 535 U.S. 813 (2002) (broker-dealer's liability for securities fraud); Cedric Kushner Promotions, Ltd. v. King, 533 U.S. 158 (2001) (RICO; liability of corporate officers); Hanlon v. Berger, 526 U.S. 808 (1999) (media and privacy rights under First Amendment); Ortiz v. Fibreboard Corp., 527 U.S. 815 (1999) (asbestos class action settlements); Klehr v. A.O. Smith Corp., 521 U.S. 179 (1997) (RICO); Amchem Products v. Windsor, 521 U.S. 591 (1997) (asbestos class action settlements); BMW of North America v. Gore, 517 U.S. 559 (1996) (punitive damages in consumer protection cases); Varity Corp. v. Howe, 516 U.S. 489 (1996) (ERISA rights of employees); Curtiss-Wright Corp. v. Schoonejongen, 514 U.S. 73 (1995) (ERISA rights of employees); Boca Grande Club v. Florida Power & Light Co., 511 U.S. 222 (1994) (contribution rights of defendants); Central Bank, N.A. v. First Interstate Bank, N.A., 511 U.S. 164 (1994) (securities fraud; liability of aiders and

abettors); TXO Production Corp. v. Alliance Resources Corp., 509 U.S. 443 (1993) (punitive damages under state law); Musick, Peeler & Garrett v. Employers Insurance, 508 U.S. 286 (1993) (contribution rights of defendants in securities fraud cases); Reves v. Ernst & Young, 507 U.S. 170 (1992) (RICO; liability of professional advisers); and Holmes v. Securities Investor Protection Corp., 503 U.S. 258 (1992) (RICO; proximate causation and recovery of damages).