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CLASS ACTION

# LAW FORUM™

MARCH 12 - 14, 2024

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IN COLLABORATION WITH:

University of San Diego®  
**SCHOOL OF LAW**

AGENDA

CLASS ACTION  
**LAW FORUM™**

MARCH 12 - 14, 2024  
CONFERENCE



A Message from Western Alliance Bank

Thank you for being part  
of a great event!



**Francesca Castagnola**  
Senior Managing Director



**Dana Rager**  
Managing Director

Welcome to the Sixth Annual Western Alliance Bank Class Action Law Forum™ (CALF), held in collaboration with University of San Diego (USD) School of Law! We are thrilled once again to bring together this exceptional group of attorneys, judges, academics, USD law school students and others for the premiere event in our space. We are proud that this has become such an important gathering, where we can all learn from experts and each other about the most critical current and emerging issues in class actions and mass torts.

Over the course of the next several days, we will have the chance to engage in topics that include the unprecedented impact of generative AI, the rise in fraud, the most consequential cases in 2023 and much more. It is also an honor to have as our keynote speaker Ben Crump, who is recognized nationally for his commitment to civil rights and representing victims who often lack a voice. And of course, it wouldn't be CALF without one of our signature sessions, the Chief Judges Panel.

So many people devote their time and energy to making this event a success. In particular, we want to thank USD School of Law for their continuing support and hosting us in this beautiful location. We also want to thank all of our sponsors and attendees—with your participation, CALF registration and sponsorship proceeds directly benefit the Western Alliance Bank Scholarship Fund, which supports a law student at University of San Diego School of Law who is in financial need.

And none of this could happen without our dedicated steering committee members: David S. Casey, Jr. and Gayle M. Blatt of CaseyGerry; Richard J. Arsenault of Neblett, Beard & Arsenault; Courtney L. Baird of Duane Morris; Erin M. Bosman of Morrison & Foerster; Erin Copeland of Fibich, Leebron, Copeland & Briggs; Ellen Gusikoff Stewart of Robbins Geller Rudman & Dowd; and Dean Robert Schapiro, Professor In Residence Shawn Miller and Director of Development Debbie Rider of USD School of Law.

As we all know, the class action and mass tort area is constantly changing—yet we are excited that CALF has become a tradition so many of you return to every year. We hope you enjoy the Sixth Annual Class Action Law Forum as much as we have enjoyed planning it!

## The Western Alliance Bank Settlement Services Team

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**LAW FORUM™**

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A Message from University of San Diego School of Law

## Welcome to the Class Action Law Forum!



**Robert Schapiro**

Dean and C. Hugh Friedman Professor of Law  
University of San Diego School of Law

I am honored to welcome you to the 6<sup>th</sup> Annual Class Action Law Forum at USD School of Law. The law school is privileged to work in collaboration with Western Alliance Bank to present this year's Class Action Law Forum. Not only is this an excellent opportunity to learn more about the complexities of class action and multidistrict litigation, it is also a unique opportunity to share the scholarly insights of USD faculty members, the legal expertise of our alumni, and the impressive acumen of our outstanding students. Extending the reach of USD School of Law beyond the four corners of our classrooms is an important part of our educational mission. The exceptional educational opportunities, which have come to be the cornerstone of the Class Action Law Forum, stand as testimony to the law school's commitment to enriching the training and experience USD provides to legal practitioners, business executives, students, and the larger legal community.

Thank you to our partner Western Alliance Bank for your strong support. I would like to thank David S. Casey, Jr., '74 (JD) for his vision, which inspires this conference, as well as for his impressive chairing of the Judicial panels. This year's Conference Co-Chairs have outdone themselves on both the plaintiffs' side and the defense side. Thank you to Gayle M. Blatt of CaseyGerry and Ellen Gusikoff Stewart of Robbins Geller Rudman & Dowd, LLP, on the plaintiffs' side. In addition, I want to express my appreciation in equal measure to the defense attorneys, Erin M. Bosman, '94 (BBA), '99 (JD) of Morrison & Foerster and Courtney L. Baird, '04 (JD) of Duane Morris. And a special thanks to the Mass Torts Co-Chairs Richard Arsenault of Neblett, Beard and Arsenault and Erin Copeland of Fibich, Leebrown, Copeland & Briggs. They are among the finest practitioners in legal advocacy nationally.

We are also fortunate to have the academic support of USD Professors Linda Lane, David McGowan, Shawn Miller, and Thomas Smith, as subject matter experts offering keen insights on class action litigation, MDLs, JCCP, mass tort cases, and mass action mediations and arbitrations.

We are delighted that renowned civil rights attorney Ben Crump will be delivering the keynote address on Tuesday, March 12. On Wednesday, March 13, constitutional law scholar Michael Ramsey, Warren Distinguished Professor of Law and Director of International & Comparative Law Programs, and I will deliver a keynote presentation focusing on the current Term of the United States Supreme Court.

USD School of Law is especially pleased to highlight the skills of seventeen accomplished students, who are involved as research assistants organizing discussions and shepherding content for many of the main panel presentations, including Averi Aburto '24, Allan Babiner '24, Joseph Blair '24, Brandon Bontrager '25, Anthony Cardon '25, Macey Carper '24, Kathryn Cote '24, Connor Fidone '24, Roya Hassas '25, Sophia Jimenez '24, Alexandra Moynihan '25, August Pearson '24, Dina Qubain '24, Baylee Swidler '24, Lucas Tekin '24, Kelly Wacker '24, and Samantha Webster '24.

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Thank you to the esteemed members of the judiciary serving as panel experts. Nowhere else can you find members of the judiciary representing every corner of the State of California, plus Kentucky, including the following: Judge Roger Benitez, U.S. District Court for the Southern District of California; Judge André Birotte, Jr., U.S. District Court for the Central District of California; Judge Karen K. Caldwell, U.S. District Court for the Eastern District of Kentucky; Judge Edward M. Chen, U.S. District Court for the Northern District of California; Judge Jacqueline Scott Corley, U.S. District Court for the Northern District of California; Judge Edward J. Davila, U.S. District Court for the Northern District of California; Judge James Donato, U.S. District Court for the Northern District of California; Chief Judge Philip S. Gutierrez, U.S. District Court for the Central District of California; Judge Wesley Hsu, U.S. District Court for the Central District of California; Judge Troy Nunley, U.S. District Court for the Eastern District of California; Judge Jinsook Ohta, U.S. District Court for the Southern District of California; Judge Fernando M. Olguin, U.S. District Court for the Central District of California; Judge John B. Owens, U.S. Court of Appeals for the Ninth Circuit; Judge Yvonne Gonzalez Rogers, U.S. District Court for the Northern District of California; Chief Judge Dana M. Sabraw, U.S. District Court for the Southern District of California; and Chief Judge Richard Seeborg, U.S. District Court for the Northern District of California.

Thank you for taking part in the 2024 Class Action Law Forum. It is a true pleasure to welcome you to the beautiful campus of the University of San Diego School of Law, and I look forward to seeing you back here again next year.

Warm Regards,

Handwritten signature of Robert Schapiro in blue ink.

**Robert Schapiro**

Dean and C. Hugh Friedman Professor of Law  
University of San Diego School of Law



## Agenda at a Glance *Agenda is subject to change*

### Tuesday, March 12, 2024

9:00 - 9:15 a.m.	Opening Remarks
9:15 - 10:15 a.m.	Consumer Class Actions
10:15 - 11:15 a.m.	What to Expect in AI Litigation in 2024
11:15 - 11:30 a.m.	BREAK
11:30 a.m. - 12:00 p.m.	Quick Hit: Antitrust
12:00 - 1:00 p.m.	Lunch & Keynote Speaker: Ben Crump
1:15 - 2:15 p.m.	Trends and Hot Topics in Class Actions
2:15 - 3:15 p.m.	Key Takeaways from Big Trials and Cases
3:15 - 3:30 p.m.	BREAK
3:30 - 4:30 p.m.	Chief Judges Panel
4:30 - 5:30 p.m.	Privacy Class Actions
5:30 p.m.	Closing Remarks
6:30 - 9:30 p.m.	All Attendee Event presented by Western Alliance Bank at the Oxford Social Club

### Wednesday, March 13, 2024

9:00 - 9:15 a.m.	Opening Remarks and Scholarship Presentation
9:15 - 10:15 a.m.	Western Alliance Bank & Digital Disbursements' 2024 Digital Payments Research Report and an Overview on Fraud
10:15 - 11:15 a.m.	The Increase of Fraud in Class Actions and Mass Torts, Plus Ethics of Third-Party Filers
11:15 - 11:30 a.m.	BREAK
11:30 a.m. - 12:00 p.m.	9th Circuit Appellate Trends
12:00 - 1:00 p.m.	Lunch & Supreme Court Update: Dean Robert Schapiro and Mike Ramsey, USD School of Law
1:15 - 2:15 p.m.	Ethics: The Increasing Role of Technology and AI
2:15 - 2:45 p.m.	Quick Hit: Social Media
2:45 - 3:00 p.m.	BREAK
3:00 - 4:00 p.m.	MDL Panel
4:00 - 5:00 p.m.	Class Certification and Settlement Issues
5:00 p.m.	Closing Remarks

### Thursday, March 14, 2024

#### Mass Tort Panels

9:00 - 9:15 a.m.	Opening Remarks
9:15 - 10:15 a.m.	Ethical Conundrums Associated with Litigation Funding, Non-Lawyer Firm Ownership and Fee Sharing
10:15 - 11:15 a.m.	Artificial Intelligence in the Mass Tort Space and the Associated Ethical Obligation
11:15 - 11:30 a.m.	BREAK
11:30 a.m. - 12:30 p.m.	Recusals, Motions to Disqualify, Mandamus, and the Related Professionalism Issues
12:30 - 1:30 p.m.	Exit Strategies, Resolution Options, Dealing with the "Tail" and the Fee Disgorgement Risk
1:30 p.m.	Closing Remarks

All times in Pacific Standard Time



## Tuesday, March 12, 2024

9:00 - 9:15 a.m.	<b>Opening Remarks</b>
9:15 - 10:15 a.m.	<p><b>Consumer Class Actions</b></p> <ul style="list-style-type: none"> <li>• <b>Moderator:</b> Jonathan Carameros, KCC</li> <li>• Hon. Jinsook Ohta, U.S. District Court for the Central District of California</li> <li>• Alexandra Preece Barlow, Morrison Foerster</li> <li>• Courtney Baird, Duane Morris</li> <li>• Derek Loeser, Keller Rhorback</li> <li>• Tina Wolfson, Ahdoot Wolfson</li> </ul>
10:15 - 11:15 a.m.	<p><b>What to Expect in AI Litigation in 2024</b></p> <ul style="list-style-type: none"> <li>• <b>Moderator:</b> Thomas Smith, University of San Diego School of Law</li> <li>• Hon. Wesley Hsu, U.S. District Court for the Central District of California</li> <li>• Erin Bosman, Morrison Foerster</li> <li>• Ryan Clarkson, Clarkson Law Firm</li> <li>• Jennifer Riley, Duane Morris</li> </ul>
11:15 - 11:30 a.m.	<b>BREAK</b>
11:30 a.m. - 12:00 p.m.	<p><b>Quick Hit: Antitrust</b></p> <ul style="list-style-type: none"> <li>• <b>Moderator:</b> Michael O'Connor, Western Alliance Bank</li> <li>• Bonnie Lau, Morrison Foerster</li> <li>• Catherine Smith, Gustafson Gluek</li> </ul>
12:00 - 1:00 p.m.	<p><b>Lunch &amp; Keynote Speaker: Ben Crump</b></p> <p><i>Sponsored by Business Funding Group</i></p> <ul style="list-style-type: none"> <li>• Ben Crump, Ben Crump Law Firm</li> </ul>
1:15 - 2:15 p.m.	<p><b>Trends and Hot Topics in Class Actions</b></p> <ul style="list-style-type: none"> <li>• <b>Moderator:</b> Stephanie Amin-Giwner, Epiq</li> <li>• Hon. Jacqueline S. Corely, U.S. District for the Northern District of California</li> <li>• Tim Blood, Blood Hurst &amp; O'Reardon</li> <li>• Arthur Bryant, Bailey Glasser</li> <li>• Whitney O'Byrne, Morrison Foerster</li> <li>• Anne McLean, Sheppard Mullin</li> </ul>



## Tuesday, March 12, 2024 (continued)

2:15 - 3:15 p.m.	<b>Key Takeaways from 2023</b> <ul style="list-style-type: none"><li>• <b>Moderator:</b> Linda Lane, University of San Diego School of Law</li><li>• Hon. Edward Chen, U.S. District Court for the Northern District of California</li><li>• Hon. Dana Sabraw, U.S. District Court for the Southern District of California</li><li>• Aelish Baig, Robbins Geller Rudman &amp; Dowd</li><li>• Daralyn Durie, Morrison Foerster</li><li>• Kiley Grombacher, Bradley Grombacher</li></ul>
3:15 - 3:30 p.m.	<b>BREAK</b>
3:30 - 4:30 p.m.	<b>Chief Judges Panel</b> <ul style="list-style-type: none"><li>• <b>Moderator:</b> David Casey, Jr., CaseyGerry</li><li>• Hon. Philip Gutierrez, U.S. District Court for the Central District of California</li><li>• Hon. Troy Nunley, U.S. District Court for the Eastern District of California</li><li>• Hon. Dana M. Sabraw, U.S. District Court for the Southern District of California</li><li>• Hon. Richard Seeborg, U.S. District Court for the Northern District of California</li></ul>
4:30 - 5:30 p.m.	<b>Privacy Class Actions</b> <ul style="list-style-type: none"><li>• <b>Moderator:</b> Steven Weisbrot, Angeion Group</li><li>• Hon. Yvonne Gonzalez Rogers, U.S. District Court for the Northern District of California</li><li>• Maureen Brady, McShane &amp; Brady</li><li>• Stuart Davidson, Robbins Geller Rudman &amp; Dowd</li><li>• J. Colin Knisely, Duane Morris</li><li>• Purvi Patel, Morrison Foerster</li></ul>
5:30 p.m.	<b>Closing Remarks</b>
6:30 - 9:30 p.m.	<b>All Attendee Welcome Mixer at Oxford Social Club</b>



## Wednesday, March 13, 2024

9:00 - 9:15 a.m.	<b>Opening Remarks &amp; Scholarship Recipient</b>
9:15 - 10:15 a.m.	<p><b>Western Alliance Bank &amp; Digital Disbursements' 2024 Digital Payments Research Report and an Overview on Fraud</b></p> <ul style="list-style-type: none"> <li>• <b>Moderator:</b> Jeff Richardson, Digital Disbursements</li> <li>• Hon. Edward Davila, U.S. District Court for the Northern District of California</li> <li>• Francesca Castagnola, Western Alliance Bank</li> <li>• Robert Dewitte, Kroll</li> <li>• Armen Santourian, Digital Disbursements</li> </ul>
10:15 - 11:15 a.m.	<p><b>The Increase of Fraud in Class Actions and Mass Torts, Plus Ethics of Third-Party Filers</b></p> <ul style="list-style-type: none"> <li>• <b>Moderator:</b> Ellen Gusikoff Stewart, Robbins Geller Rudman &amp; Dowd</li> <li>• Hon. James Donato, U.S. District Court for the Northern District of California</li> <li>• Steve Cirami, Broadridge</li> <li>• Jeff Richardson, Digital Disbursements</li> <li>• Brandon Schwartz, EisnerAmper</li> <li>• William Tarantino, Morrison Foerster</li> <li>• Nicole Zeiss, Labaton Sucharow</li> </ul>
11:15 - 11:30 a.m.	<b>BREAK</b>
11:30 a.m. - 12:00 p.m.	<p><b>9th Circuit Appellate Trends</b></p> <ul style="list-style-type: none"> <li>• <b>Moderator:</b> Glenn Danas, Clarkson Law Firm</li> <li>• Hon. John B. Owens, U.S. Court of Appeals for the Ninth District</li> </ul>
12:00 - 1:00 p.m.	<p><b>Lunch + Supreme Court Updates: Dean Robert Schapiro and Mike Ramsey</b></p> <ul style="list-style-type: none"> <li>• Dean Robert Schapiro, University of San Diego School of Law</li> <li>• Mike Ramsey, University of San Diego School of Law</li> </ul>
1:15 - 2:15 p.m.	<p><b>Ethics: The Increasing Role of Technology and AI</b></p> <ul style="list-style-type: none"> <li>• <b>Moderator:</b> David McGowan, University of San Diego School of Law</li> <li>• Marta Alcumbrac, Nemecek &amp; Coley</li> <li>• Heather Rosing, Klinedinst</li> </ul>



## Wednesday, March 13, 2024 (continued)

2:15 - 2:45 p.m.	<b>Quick Hit: Social Media</b> <ul style="list-style-type: none"><li>• <b>Moderator:</b> Dana Rager, Western Alliance Bank</li><li>• Jessica Grant, Shook Hardy &amp; Bacon</li><li>• Alexandra Walsh, Walsh Law</li></ul>
2:45 - 3:00 p.m.	<b>BREAK</b>
3:00 - 4:00 p.m.	<b>MDL Panel</b> <ul style="list-style-type: none"><li>• <b>Moderator:</b> Shawn Miller, University of San Diego School of Law</li><li>• Hon. Roger Benitez, U.S. District Court for the Southern District of California</li><li>• Hon. Karen Caldwell, U.S. District Court for the Central District of Kentucky</li><li>• Rebecca Bazan, Duane Morris</li><li>• Nick D'Aquilla, Counsel Financial</li><li>• Jean Martin, Morgan &amp; Morgan</li><li>• Julie Park, Morrison Foerster</li><li>• Alexandra Walsh, Walsh Law</li></ul>
4:00 - 5:00 p.m.	<b>Class Certification and Settlement Issues</b> <ul style="list-style-type: none"><li>• <b>Moderator:</b> A.J. de Bartoloemo, Tadler Law</li><li>• Hon. André Birotte, Jr., U.S. District Court for the Southern District of California</li><li>• Hon. Fernando Olguin, U.S. District Court for the Central District of California</li><li>• Lucas Gilmore, Hagens Berman</li><li>• Todd Seaver, Berman Tobacco</li><li>• Lisa Smith, Phillips Lytle</li><li>• Claudia Vetesi, Morrison Foerster</li></ul>
5:00 p.m.	<b>Closing Remarks</b>



## Thursday, March 14, 2024 | Mass Tort Panels

9:00 - 9:15 a.m.	<b>Opening Remarks</b>
9:15 - 10:15 a.m.	<p><b>Ethical Conundrums Associated with Litigation Funding, Non-Lawyer Firm Ownership and Fee Sharing</b></p> <ul style="list-style-type: none"> <li>• <b>Moderator:</b> Richard Arsenault, Neblett Beard &amp; Arsenault</li> <li>• <b>Moderator:</b> Erin Copeland, Fibich Leebron Copeland &amp; Briggs</li> <li>• Hon. Karen Caldwell, U.S. District Court for the Eastern District of Kentucky</li> <li>• Josh Anderson, Sidley Austin LLP</li> <li>• Alyson Beridon, Herzfeld Suetholz Gastel Leniski and Wall PLLC</li> <li>• Francesca Castagnola, Western Alliance Bank</li> <li>• Nicholas J. Drakulich, The Drakulich Firm</li> </ul>
10:15 - 11:15 a.m.	<p><b>Artificial Intelligence in the Mass Tort Space and the Associated Ethical Obligation</b></p> <ul style="list-style-type: none"> <li>• <b>Moderator:</b> Richard Arsenault, Neblett Beard &amp; Arsenault</li> <li>• <b>Moderator:</b> Erin Copeland, Fibich Leebron Copeland &amp; Briggs</li> <li>• Hon. Roger Benitez, U.S. District Court for the Southern District of California</li> <li>• Khaldoun Baghdadi, Walkup Melodia Kelly &amp; Schoenberger</li> <li>• Alexander Calfo, King &amp; Spalding</li> <li>• Dawn Chmielewski, Neblett Beard &amp; Arsenault</li> <li>• Ashlie Case Sletvold, Peiffer Wolf Carr Kane Conway &amp; Wise</li> </ul>
11:15 - 11:30 a.m.	<b>BREAK</b>
11:30 a.m. - 12:30 p.m.	<p><b>Recusals, Motions to Disqualify, Mandamus and the Related Professionalism Issues</b></p> <ul style="list-style-type: none"> <li>• <b>Moderator:</b> Richard Arsenault, Neblett Beard &amp; Arsenault</li> <li>• <b>Moderator:</b> Erin Copeland, Fibich Leebron Copeland &amp; Briggs</li> <li>• Sejal Brahmhatt, Williams Hart &amp; Boundas</li> <li>• Andy Childers, Levin Papantonio Rafferty</li> <li>• Robert J. Drakulich, The Drakulich Firm</li> <li>• Rachel Lanier, The Lanier Law Firm</li> </ul>
12:30 - 1:30 p.m.	<p><b>Exit Strategies, Resolution Options, Dealing with the “Tail” and the Fee Disgorgement Risk</b></p> <ul style="list-style-type: none"> <li>• <b>Moderator:</b> Richard Arsenault, Neblett Beard &amp; Arsenault</li> <li>• <b>Moderator:</b> Erin Copeland, Fibich Leebron Copeland &amp; Briggs</li> <li>• Hon. Gail A. Andler (Ret.), JAMS Mediator and Arbitrator</li> <li>• Timothy Becker, Johnson Becker</li> <li>• Gary Goldberg, Archer Systems</li> <li>• Brooke Hodge, EisnerAmper</li> <li>• Trent Miracle, Flint Cooper</li> </ul>
1:30 p.m.	<b>Closing Remarks</b>

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