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CLASS ACTION

LAW FORUM™

MARCH 14 - 16, 2023 | HYBRID CONFERENCE

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IN COLLABORATION WITH:

University of San Diego®
SCHOOL OF LAW

AGENDA

CLASS ACTION LAW FORUM™

MARCH 14 - 16, 2023
HYBRID 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

In an area of law that evolves as rapidly as class action and mass tort litigation, it's comforting to have some familiar touchpoints.

That's one reason we are so pleased that Western Alliance Bank's Annual Class Action Law Forum has become such a well-respected and anticipated event on the class action and mass tort conference calendar. Already, the event has reached something of a milestone; this is the fifth year that Western Alliance Bank and our collaborator, University of San Diego School of Law, have held this event. We expect that building on past forums, this will be the most successful iteration yet. And for that, we must thank partners old and new.

We are grateful as ever for the enthusiastic participation of University of San Diego School of Law, providing not only the venue but also connections to many authorities on class action and mass tort litigation. We are grateful, too for our sponsors – and attendees - whose generous support of this program help to defray program costs and ensure adequate proceeds are donated to the school's Keith F. Park Endowed Scholarship Fund.

Our Steering Committee members that make this event special include partners from the law firms of CaseyGerry, Duane Morris, Fibich Leebron Copeland & Briggs, Morrison & Foerster, Neblett Beard & Arsenault, and Robbins Geller Rudman & Dowd. They, along with faculty and staff from University of San Diego School of Law, served as co-chairs of the forum, and yet again secured an outstanding group of speakers and panelists.

We have no doubt that the leading litigators, academics, and judges presenting at and attending this event will continue to push the ever-changing fields of complex litigation forward. Western Alliance Bank is committed to evolving along with the legal industry.

But we would be perfectly happy if this annual event remained a constant amidst the change. Something familiar and comforting to put on your calendars for another five years—and more—to come.

The Western Alliance Bank Settlement Services Team



A Message from University of San Diego

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 5th 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, and it is also a unique opportunity to share scholarly insights of USD faculty members, the legal expertise of our alumni, and the keen 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 litigators, 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 chairmanship of the Judicial panels. This year's Conference Co-Chairs have outdone themselves on the plaintiff's side as well as the defense side. Thank you, Gayle M. Blatt, of CaseyGerry, Ellen Gusikoff Stewart of Robbins Geller Rudman & Dowd, LLP, on the plaintiff's 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. They are some of the finest practitioners in legal advocacy nationally. We are delighted to hear Dana Rager, Managing Director of Western Alliance Bank Settlement Services, Francesca Castagnola, Senior Managing Director of Western Alliance Bank Settlement Services, and Provost, Dr. Gail Baker deliver opening remarks. We are also fortunate to have the academic support of Professors Shawn Miller, Linda Lane, and Orly Lobel, as subject matter experts offering keen insights on Class Action Litigation, MDLs, JCCP, Mass Tort Cases, Mass Action Mediations and Arbitrations.

USD School of Law is especially pleased to highlight the skills of eighteen accomplished students who are involved as research assistants organizing discussions and shepherding content for many of the main panel presentations, including Chase Booth, '24, Kate Bosman '24, Ricardo Cabrero,'23, Brooke Clarke, '23, Sarah Dahm, '23, Michelle Dutta, '24, Sydney Bott,'24, Alexis Greene, '23, Rachel Hoch, '23, Lizzy Marshall, '24, Camryn Melanson, '24, Taleah Phillips, '24, Connor Porzio, '23, Liz Sulaiman, '23, Gina Simone, '23, Camden Swanson, '23, Baylee Swidler, '24, and Peter Tarantino, '24.

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On a similar note, it is a point of institutional pride to have the support of the Immediate Past President of the Federal Bar Association – San Diego Chapter, Dylan M. Aste, '11 (JD) (Assistant U.S. Attorney in the U.S. Attorney's Office for the Southern District of California), promoting and sharing this conference with his constituent organizations. Thank you, Dylan! He is joined by fellow USD law alumni: Dale Giali, '90 (JD), and Scott Metzger, '79 (JD).

Thank you to 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, including the following: Judge Anthony J. Battaglia, U.S. District Court for the Southern District of California; Judge Cathy Ann Bencivengo, U.S. District Court for the Southern District of California; Judge Vince Chhabria, U.S. District Court for the Northern District of California; Judge Jacqueline S. Corley, U.S. District Court for the Northern District of California; Judge Edward Davila, U.S. District Court for the Northern District of California; Judge James Donato, U.S. District Court for the Northern District of California; Judge Phillip S. Gutierrez, Chief Judge of the U.S. District Court for the Central District of California; Judge Kimberly J. Mueller, Chief Judge of the U.S. District Court for the Eastern District of California; Honorable Fernando M. Olguin, U.S. District Court for the Central District of California; Judge William H. Orrick III, U.S. District Court for the Northern District of California; Judge John B. Owens, United States Court of Appeals for the Ninth Circuit; Judge Dana M. Sabraw, Chief Judge of the U.S. District Court for the Southern District of California; Judge Richard G. Seeborg, Chief Judge of the U.S. District Court for the Northern District of California.

Thank you for taking part in the 2023 Class Action Law Forum. It is a true pleasure to welcome you back 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,

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 14, 2023

1:00 - 1:05 p.m.	Opening Remarks
1:05 - 1:15 p.m.	Developing Technologies in Mass Torts
1:15 - 2:00 p.m.	Assessing the Viability of a Mass Tort Litigation
2:00 - 2:45 p.m.	Navigating Bankruptcy
2:45 - 3:00 p.m.	BREAK
3:00 - 3:45 p.m.	Creating the Litigation Team
3:45 - 5:00 p.m.	Exit Strategies
5:00 - 6:00 p.m.	Mass Tort Attendee Reception

Wednesday, March 15, 2023

8:15 - 8:20 a.m.	Opening Remarks
8:20 - 8:40 a.m.	Keynote Presented by Orly Lobel
8:45 - 9:45 a.m.	5 Key Takeaways from Trials in 2022: A Continuation from our 2022 Best Practices for Trial
9:50 - 10:20 a.m.	Quick Hit: Antitrust
10:20 - 10:30 a.m.	BREAK
10:30 - 11:30 a.m.	Product Liability and Consumer Food Labeling
11:35 a.m. - 12:35 p.m.	Ethics Upended: The Unique Framework for Class Action Ethics
12:35 - 1:35 p.m.	Lunch & Keynote Speaker: Amanda Bronstad, ALM, Law.com, Critical Mass
1:40 - 2:40 p.m.	Appellate Panel
2:45 - 3:45 p.m.	Class Certification, Notice and Damages
3:45 - 4:00 p.m.	BREAK
4:00 - 5:00 p.m.	Class Action Waivers, Arbitration Clauses
5:05 - 5:35 p.m.	Quick Hit: ESG
5:35 - 5:40 p.m.	Closing Remarks
6:30 - 9:30 p.m.	All-Attendee Event presented by Western Alliance Bank - Rustic Root

Thursday, March 16, 2023

8:00 - 8:05 a.m.	Opening Remarks
8:10 - 8:40 a.m.	Quick Hit: Mass Arbitrations
8:45 - 9:15 a.m.	Quick Hit: Securities
9:20 - 10:20 a.m.	Digital Payments Claims Rates
10:20 - 10:30 a.m.	BREAK
10:30 - 11:30 a.m.	Chief Judges Panel
11:30 a.m. - 12:45 p.m.	LUNCH
12:50 - 1:20 p.m.	Quick Hit: Employment
1:25 - 2:25 p.m.	Notice and Administration Issues
2:25 - 2:35 p.m.	BREAK
2:35 - 3:35 p.m.	Privacy Class Actions
3:40 - 4:55 p.m.	Preliminary and Final Settlement Approvals and Objectors
4:55 - 5:00 p.m.	Closing Remarks

All times in Pacific Standard Time



Tuesday, March 14, 2023

Open to Plaintiffs' Bar Only

<p>1:00 - 1:05 p.m.</p>	<p>Opening Remarks</p> <ul style="list-style-type: none"> • Richard Arsenault, Neblet, Beard & Arsenault • Erin Copeland, Fibich, Leebron, Copeland & Briggs • Dana Rager, Western Alliance Bank
<p>1:05 - 1:15 p.m.</p>	<p>Developing Technologies in Mass Torts</p> <p>This panel spotlights different technologies being developed in the settlement space and how mass tort attorneys can leverage this technology for their clients.</p> <ul style="list-style-type: none"> • Patrick Hoover, Milestone
<p>1:15 - 2:00 p.m.</p>	<p>Assessing the Viability of a Mass Tort Litigation</p> <p><i>Hear from the experts on the scope of damages, number of claimants, causation and confounders, the science and Daubert, preemption, jurisdiction and venue selection, and the state versus federal court.</i></p> <ul style="list-style-type: none"> • Moderator: Richard Arsenault, Neblett, Beard & Arsenault • Sindhu Daniel, Grant & Eisenhofer • Bob Drakulich, The Drakulich Firm • Jennifer Moore, Moore Law Group PLLC • Navan Ward, Beasley Allen Law Firm, Immediate Past President of American Association for Justice
<p>2:00 - 2:45 p.m.</p>	<p>Navigating Bankruptcy</p> <p><i>Panelists will discuss the Johnson & Johnson / LTL Texas two step and the recent 3rd Circuit decisions, the status on the 3M / Aearo case and a look at subsidiary and successor liability, the Breast Implant Dow Chemical / Dow Corning case, as well as channeling injunctions and what constitutes as financial distress.</i></p> <ul style="list-style-type: none"> • Moderator: Richard Arsenault, Neblett, Beard & Arsenault • Dawn Chmielewski, Neblett, Beard & Arsenault • Katherine Cornell, Cornell Law • Yvonne Flaherty, Lockridge Grindal Nauen P.L.L.P. • Rachel Lanier, The Lanier Law Firm
<p>2:45 - 3:00 p.m.</p>	<p>BREAK</p>
<p>3:00 - 3:45 p.m.</p>	<p>Creating the Litigation Team</p> <p><i>Learn how to form the virtual mega-law firm, how to finance the effort, finding the right chemistry, checking all the skill set boxes from discovery to appeal, how to deal with and manage the media, the impacts of intimidating the judiciary, and litigation fatigue experienced by litigants, jurors and judges.</i></p> <ul style="list-style-type: none"> • Moderator: Richard Arsenault, Neblett, Beard & Arsenault • A.J. de Bartolomeo, Tadler Law LLP • Nick Drakulich, The Drakulich Firm • John Gomez, Gomez Trial Attorneys • Elise Sanguinetti, Arias, Sanguinetti, Wang & Torrijos, LLP • Sabita Soneji, Tycko & Zavareei LLP



Tuesday, March 14, 2023 (continued)

<p>3:45 - 5:00 p.m.</p>	<p>Exit Strategies</p> <p><i>The panelists will discuss global versus inventory settlements, aggregate settlements and the associated ethical rules, and dealing with Special Masters and allocation issues.</i></p> <ul style="list-style-type: none">• Moderator: Richard Arsenault, Neblett, Beard & Arsenault• Erin Copeland, Fibich, Leebron, Copeland & Briggs• Patrick Galligan, Neblett, Beard & Arsenault• Amanda Greenburg, ARCHER• Brooke Hodge, Postlethwaite & Netterville• Ellen Reisman, Reisman, Karron, Greene• Ryan Weiner, MASSIVE
<p>5:00 - 6:00 p.m.</p>	<p>Mass Tort Attendee Reception</p>



Wednesday, March 15, 2023

<p>8:15 - 8:20 a.m.</p>	<p>Opening Remarks</p> <ul style="list-style-type: none"> • Dr. Gail F. Baker, Vice President and Provost University of San Diego • Erin M. Bosman, Morrison & Foerster LLP • Dana Rager, Western Alliance Bank
<p>8:20 - 8:40 a.m.</p>	<p>Keynote Presented by Orly Lobel</p> <p>Lobel is the Warren Distinguished Professor of Law and the Director of the Center for Employment and Labor Law at University of San Diego. She is a frequent speaker and writer for The New York Times, Harvard Business Review, Wall Street Journal and TED.</p>
<p>8:45 - 9:45 a.m.</p>	<p>5 Key Takeaways from Trials in 2022: A Continuation from our 2022 Best Practices for Trial</p> <ul style="list-style-type: none"> • Moderator: Linda Lane, University of San Diego School of Law • Hon. Anthony J. Battaglia, U.S. District Court for the Southern District of California • Hon. Edward J. Davila, U.S. District Court for the Northern District of California • Dan Drosman, Robbins Geller Rudman & Dowd LLP • Lee Floyd, Breit Biniazan PC • Jessica Grant, Morrison & Foerster LLP • Michael Ram, Morgan & Morgan
<p>9:50 - 10:20 a.m.</p>	<p>Quick Hit: Antitrust</p> <ul style="list-style-type: none"> • Moderator: Xan Bernay, Robbins Geller Rudman & Dowd LLP • Jay Srinivasan, Gibson Dunn • Joe Goldberg, Freedman Boyd Hollander & Goldberg PA
<p>10:20 - 10:30 a.m.</p>	<p>BREAK</p>
<p>10:30 - 11:30 a.m.</p>	<p>Product Liability and Consumer Food Labeling</p> <ul style="list-style-type: none"> • Moderator: Julie Park, Morrison & Foerster LLP • Hon. Jacqueline Scott Corley, U.S. District Court for the Northern District of California • Jack Fitzgerald, Fitzgerald Joseph LLP • Dale Giali, King & Spalding • Annick Persinger, Tycko & Zavareei LLP • Claudia Vetesi, Morrison & Foerster LLP
<p>11:35 a.m. - 12:35 p.m.</p>	<p>Ethics Upended: The Unique Framework for Class Action Ethics</p> <ul style="list-style-type: none"> • Moderator: Heather Rosing, Klinedinst PC • David F. McGowan, Morrison & Foerster LLP • Joel A. Osman, Parker Shaffie
<p>12:35 - 1:35 p.m.</p>	<p>Lunch & Keynote: Amanda Bronstad, ALM, Law.com, Critical Mass</p>



Wednesday, March 15, 2023 (continued)

<p>1:40 - 2:40 p.m.</p>	<p>Appellate Panel</p> <ul style="list-style-type: none"> • Moderator: Shawn Miller, University of San Diego School of Law • Hon. John B. Owens, U.S. Court of Appeals for the Ninth Circuit • Joe Daley, Robbins Geller Rudman and Dowd LLP • Glenn Danas, Clarkson Law Firm • James Sigel, Morrison & Foerster LLP
<p>2:45 - 3:45 p.m.</p>	<p>Class Certification, Notice and Damages</p> <ul style="list-style-type: none"> • Moderator: Aideen Gaffney, Epiq Global • Hon. James Donato, U.S. District Court for the Northern District of California • Stuart Davidson, Robbins Geller Rudman and Dowd LLP • Jonathan Floyd, TroutmanPepper • Lisa Smith, Phillips Lytle LLP • John Yanchunis, Morgan & Morgan
<p>3:45 - 4:00 p.m.</p>	<p>BREAK</p>
<p>4:00 - 5:00 p.m.</p>	<p>Class Action Waivers, Arbitration Clauses</p> <ul style="list-style-type: none"> • Moderator: Erin M. Bosman, Morrison & Foerster LLP • Hon. William H. Orrick III, U.S. District Court for the Northern District of California • Courtney L. Baird, Duane Morris • Scott Metzger, University of San Diego School of Law • Kristen Simplicio, Tycko & Zavareei LLP • Brandon Wise, Peiffer Wolf Carr Kane Conway & Wise
<p>5:05 - 5:35 p.m.</p>	<p>Quick Hit: ESG</p> <ul style="list-style-type: none"> • A.J. de Bartolomeo, Tadler Law LLP • Bill Tarantino, Morrison & Foerster LLP
<p>5:35 - 5:40 p.m.</p>	<p>Closing Remarks</p> <ul style="list-style-type: none"> • Courtney L. Baird, Duane Morris • Gayle Blatt, CaseyGerry • Francesca Castagnola, Western Alliance Bank
<p>6:30 - 9:30 p.m.</p>	<p>All-Attendee Event presented by Western Alliance Bank - Rustic Root</p>



Thursday, March 16, 2023

<p>8:00 - 8:05 a.m.</p>	<p>Opening Remarks</p> <ul style="list-style-type: none"> • Shawn Miller, University of San Diego School of Law • Dana Rager, Western Alliance Bank
<p>8:10 - 8:40 a.m.</p>	<p>Quick Hit: Mass Arbitrations</p> <ul style="list-style-type: none"> • Moderator: Kyle Mason, Postlethwaite & Netterville • William Farley, Holland & Knight • Brandon Wise, Peiffer Wolf Carr Kane Conway & Wise
<p>8:45 - 9:15 a.m.</p>	<p>Quick Hit: Securities</p> <ul style="list-style-type: none"> • Moderator: Ellen Gusikoff Stewart, Robbins Geller Rudman & Dowd LLP • Lucas Gilmore, Hagens Berman • Susan Muck, WilmerHale
<p>9:20 - 10:20 a.m.</p>	<p>Digital Payment Claims Rates - Western Alliance Bank Research</p> <ul style="list-style-type: none"> • Moderator: Francesca Castagnola, Western Alliance Bank • Brad Blickstein, The Blickstein Group • Lester Levy, JAMS Mediator, Arbitrator, Referee/Special Master, Neutral Evaluator • Jim Prutsman, Kroll Settlement Administration • Jeff Richardson, Digital Disbursements • Kristen Simplicio, Tycko & Zavareei LLP
<p>10:20 - 10:30 a.m.</p>	<p>BREAK</p>
<p>10:30 - 11:30 a.m.</p>	<p>Chief Judges Panel</p> <ul style="list-style-type: none"> • Moderator: David S. Casey, Jr., Casey Gerry • Hon. Philip S. Gutierrez, U.S. District Court for the Central District of California • Hon. Kimberly J. Mueller, U.S. District Court for the Eastern District of California • Hon. Dana M. Sabraw, U.S. District Court for the Southern District of California • Hon. Richard Seeborg, U.S. District Court for the Northern District of California
<p>11:30 a.m. - 12:45 p.m.</p>	<p>LUNCH</p>
<p>12:50 - 1:20 p.m.</p>	<p>Quick Hit: Employment</p> <ul style="list-style-type: none"> • Moderator: Julie Green, CPT Group • Lisa Chung, Schor Vogelzang & Chung • Deborah Dixon, Dixon Diab and Chambers • Sarah Gilbert, Duane Morris



Thursday, March 16, 2023 (continued)

<p>1:25 - 2:25 p.m.</p>	<p>Notice and Administration Issues</p> <ul style="list-style-type: none"> • Moderator: Michael O'Connor, Western Alliance Bank • Stephanie Amin-Giwner, Epiq Global • Christian Clapp, Angeion Group • Peter Crudo, Gilardi & Co. • Justin Parks, A.B. Data • Brandon Schwartz, Postlethwaite & Netterville
<p>2:25 - 2:35 p.m.</p>	<p>BREAK</p>
<p>2:35 - 3:35 p.m.</p>	<p>Privacy Class Actions</p> <ul style="list-style-type: none"> • Moderator: Dylan Aste, Federal Bar Association San Diego Chapter • Hon. Vince Chhabria, U.S. District Court for the Northern District of California • Jean Martin, Morgan & Morgan • Andre Mura, Gibbs Law Group LLP • Purvi Patel, Morrison & Foerster LLP
<p>3:40 - 4:55 p.m.</p>	<p>Preliminary and Final Settlement Approvals and Objectors</p> <ul style="list-style-type: none"> • Moderator: Ellen Gusikoff Stewart, Robbins Geller Rudman & Dowd LLP • Hon. Cathy Ann Bencivengo, U.S. District Court for the Southern District of California • Hon. Fernando M. Olguin, U.S. District Court for the Central District of California • Tim Blood, Blood Hurst O'Reardon • Tiffany Cheung, Morrison & Foerster LLP • Andra Greene, Phillips ADR • Jacqui Seidel, King & Spalding • Tina Wolfson, Ahdoot Wolfson
<p>4:55 - 5:00 p.m.</p>	<p>Closing Remarks</p> <ul style="list-style-type: none"> • David S. Casey, Jr., CaseyGerry • Ellen Gusikoff Stewart, Robbins Geller Rudman & Dowd LLP • Dana Rager, Western Alliance Bank

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