



DICELLO LEVITT

2022

Year in Review



Justice in all its
DIMENSIONS

From Our Founders

Clients, Colleagues, and Friends,

Five years ago, we set out to create a law firm built on trust and respect, dedicated to pursuing and obtaining justice for those who have been wronged by powerful defendants. We wanted to pursue justice in a firm where every lawyer can be themselves, regardless of seniority, background, or circumstance.

Today, DiCello Levitt's lawyers are driving change — in the historic results we achieve on behalf of our clients and in our ongoing effort to shape and improve the policy landscape in the United States and around the world.



MARK DICELLO
CO-FOUNDING PARTNER



ADAM LEVITT
CO-FOUNDING PARTNER

GROWING TO SERVE

65+

attorneys in
5 offices in **5 years**
since our founding

200%

increase in the size of our **antitrust team**
through our acquisition of a nationally-
known antitrust practice group

Leading in Diversity

- Diandra “Fu” Debrosse Zimmermann made history as the first Black woman ever appointed to co-lead a multidistrict litigation.
- Premium Sponsor of the OASIS fundraiser for the Ali Forney Center, a shelter helping homeless LGBTQ+ youth and young adults with housing, healthcare, job training, and life.
- David Straite was appointed to the LGBTQ Rights Committee of the New York City Bar Association
- Greg Ascioila was appointed as a Vice-Chair of the American Bar Association, Antitrust Section’s Diversity Advanced Committee

Supporting Lawyers of Color

Diandra “Fu” Debrosse Zimmermann co-founded **Shades of Mass**, an organization dedicated to encouraging the appointment of attorneys of color in national mass tort actions.



JARRET PRUSSIN, BEN CRUMP,
DIANDRA “FU” DEBROSSE ZIMMERMANN, ADAM LEVITT

We started DiCello Levitt with a simple premise:
We want our employees to feel that they can be
themselves 100% of the time.

—Adam Levitt

Associate Life



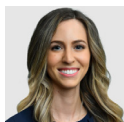
I was part of the team that won release for a client wrongfully incarcerated for almost two years. It was a career highlight, and I'm just getting started at DiCello Levitt.

—Pete Soldato, Associate



As a second year, I took depositions and defended witnesses and medical experts in significant cases, ranging from med mal, personal injury, and civil rights, to employment disputes.

—Justin Abbarno, Associate



This year, I deposed two fact witnesses in a national antitrust matter against the All Star cheerleading market. It's wonderful to be part of a firm that provides such opportunity for growth at an early stage in my career.

—Veronica Bosco, Associate



BOBBY DICELLO

Innovation in Trial Science

The DiCello Levitt Trial Advocacy Center is one of our firm's proudest innovations, created to address how the digital universe has reshaped the way people process information, how today's jurors make decisions, and what truly motivates them at their core.

In 2022, The DiCello Levitt Trial Advocacy Center moved trial science forward by funding and conducting ground-breaking studies on jury selection and litigation strategy. Part of the Trial Advocacy Center's research for the studies focused on juror biases to courtroom presentations based on political positions. This research produced surprising data and, as a result, our team began training attorneys at other law firms on fine-tuning juror selection, trial strategy, and presentations.



\$200m

Our Trial Advocacy Center contributed to more than \$200 Million in settlements and outcomes this year.



Antitrust and Competition Litigation

Addressing fraud and collusion in international finance

We obtained a \$13 million settlement with JPMorgan in the *In re European Government Bonds Antitrust Litigation*, which alleges that several of the world's largest banks colluded to manipulate prices in the primary and secondary European Government Bond (EGB) market from 2007 to 2012.

Taking Big Pharma to trial for putting profits ahead of patients

We reached a \$15 million, mid-trial settlement with Impax in *In re Opana ER Antitrust Litigation*. This case challenged a pay-for-delay agreement where plaintiffs alleged the brand drug manufacturer paid the generic drug manufacturer over \$100 million in exchange for the generic manufacturer's agreement to delay entry of a competing, cheaper generic alternative for consumers.

Protecting aerospace professionals from unfair industry labor practices

We were appointed as co-lead counsel for the class in *Borozny, et al. v. Raytheon Technologies Corporation*, which alleges that several aerospace engineering firms unlawfully agreed not to poach each other's employees. This has had the anticompetitive effect of reducing compensation for such employees by restricting their ability to move from one employer to another.

Labor and Employment Litigation

Protecting employees across the country in confidential employment lawsuits

In 2022, DiCello Levitt obtained more than \$100 million in confidential, racial discrimination settlements with Fortune 250 companies.

Representing Wisconsin prison officers from wage abuses

DiCello Levitt obtained certification of a class of thousands of correctional officers who should have been paid straight-time and overtime wages for time spent working before and after scheduled shifts at 37 facilities across the State of Wisconsin.





Public Client

Multi-million dollar recovery for the State of New Mexico, on the eve of trial, for the deceptive marketing of a prescription pharmaceutical

The State of New Mexico retained DiCello Levitt to pursue claims against major pharmaceutical companies for their aggressive, reckless, and deceptive marketing practices.

Multi-million dollar award to the State of New Mexico for airbag safety violations

In litigation against Honda and other auto manufacturers who sold vehicles with dangerous Takata airbag inflators, DiCello Levitt achieved settlements of tens of millions of dollars, including one settlement that was 600% higher, on a per-vehicle basis, than a multistate Attorney General group was able to obtain.

Holding McKinsey responsible for engineering opiate crisis through loathsome marketing strategies

DiCello Levitt represents numerous cities and counties across the United States seeking to hold McKinsey & Co., one of the world's largest consulting firms, responsible for widespread, abusive marketing and sales practices of opiates that have caused a public health crisis in these communities.



Leading the most significant environmental litigation of our time — PFAS (“forever chemicals”)

DiCello Levitt's environmental litigation team has been retained by multiple states to hold some of the largest chemical companies in the world accountable for extensive contamination from poly- and perfluoroalkyl substances (“PFAS”) used in many consumer products. PFAS are human-made chemicals which break down very slowly over time. Found in water, air, fish, and soil at locations across the nation and around the world, scientific studies have shown that exposure to some PFAS in the environment is associated with harmful health effects in humans and animals. Our PFAS team, along with other Special Assistant Attorneys General and the Illinois Attorney General, filed a lawsuit against 3M for PFAS contamination from its facility in Cordova, Illinois.



Civil and Human Rights Litigation

Seeking justice for mass shooting victims

In Buffalo, New York, on May 14, 2022, a gunman committed a racially-motivated hate crime, killing ten Black people and wounding three others. DiCello Levitt serves as co-counsel with noted civil rights counsel Ben Crump and Terry Connors on behalf of eight of the victims, including the families of seven of those murdered.

Ensuring accountability in Ohio police shooting that made worldwide headlines

The family of Jayland Walker, a 25-year-old Black man shot more than 40 times by police officers in Akron, Ohio, retained DiCello Levitt to ensure transparency and accountability in investigations and possible prosecution of the actions leading to their son's death.

Protecting voting rights all the way to Supreme Court in Alabama redistricting case

DiCello Levitt filed a federal lawsuit alleging the congressional redistricting plan Alabama enacted in 2011 is malapportioned and racially gerrymandered because it packs Black voters into a single voting district and minimizes their influence in five majority-white districts. The case has now moved to the U.S. Supreme Court. The outcome may determine how provisions in the federal Voting Rights Act meant to protect against racial discrimination are handled in the future.

DiCello Levitt Partners Bobby DiCello and Diandra "Fu" Debrosse Zimmermann serve as regular commentators on high-profile matters. Bobby is a frequent commentator on ABC, MSNBC, and CNN on civil and human rights matters. Fu is a regular guest on the nationally syndicated true crime show, *iCrime with Elizabeth Vargas*.



(LITIGATION TEAM MEMBERS)
ÉVIEALLE DAWKINS, ELIZABETH PAIGE WHITE,
DIANDRA 'FU' DEBROSSE ZIMMERMANN, BERNADETTE ARMAND

I've been practicing law almost thirty years now, and what I never thought was that I'd be back in my hometown talking about such a horrible event. Our mission is to find out how we prevent that next shooting from happening. And, we will not stop. We will not stop until that happens.

—Ken Abbarno, Partner



Class Action Litigation

Rare class action jury trial against General Motors results in massive verdict

In less than one full day of jury deliberations after weeks of trial, DiCello Levitt achieved a rare class action jury verdict of \$102.6 million for an excessive oil consumption manufacturing defect in General Motors SUVs and light trucks.

One of the largest animal welfare consumer settlements in history

Following an undercover investigation revealing harrowing video evidence of animal abuse, DiCello Levitt obtained a \$21 million settlement and injunctive relief for a class of consumers of "fairlife" milk products related to deceptive marketing and overpayment based upon defendants' misrepresentations of animal welfare in their manufacturing.

Holding major automaker accountable for brake safety failures

DiCello Levitt serves as co-lead counsel on behalf of five certified classes comprising more than 700,000 owners of Ford trucks with defective brake master cylinders that can cause the brakes to fail without warning. Trial is scheduled for 2023.

Helping college students and families recoup COVID monies wrongly withheld

DiCello Levitt serves as class counsel on behalf of a certified class comprising more than 20,000 students who enrolled in on-campus classes at Grand Canyon University during the Spring 2020 semester and who paid fees for services and facilities (including room and board), that Plaintiffs allege were not provided by the University after the onset of the COVID-19 pandemic.

Representing communities affected by environmental disaster at Chemtool plant

DiCello Levitt serves as co-lead counsel in a class action brought by residents of Rockton, Illinois to recover property damage resulting from the catastrophic fire and explosions at a chemical plant operated by Chemtool Incorporated. The massive smoke, debris, and dust plume, visible from more than 100 miles away, darkened the skies and deposited burning and smoldering debris throughout the neighboring communities. The class was recently certified, bringing those damaged by this disaster one step closer to rebuilding their lives.





Privacy, Technology, & Cybersecurity

Data breach class action certified for trial, only the second in U.S. history

DiCello Levitt serves as co-lead counsel for a class of Marriott/Starwood customers, secured a landmark ruling from Maryland federal court certifying a data breach class action for trial — only the second such case in U.S. history to be certified. The breach, by Marriott's own admission, compromised the data of 133.7 million Starwood customers.

Historic settlement in Facebook data privacy dispute

DiCello Levitt's leadership of the *Facebook Internet Tracking* MDL resulted in an historic \$90 million settlement with Facebook parent Meta Platforms. Called a "game-changer" for the industry by the court, it is one of the ten largest data privacy settlements of all time and forced Facebook to delete improperly collected data for more than two million class members in a first-of-its kind injunction.

Leading critical data protection cases against Google

DiCello Levitt is co-leading two high-profile data privacy cases against Google. In *Calhoun v. Google*, we allege improper data collection from Chrome users who don't sync their browsers with their accounts, contrary to express promises in the Chrome contract.

A DiCello Levitt team of three women and three LGBTQ+ attorneys, which we believe is a diversity "first" in a data privacy class action, is challenging Google's practice of revealing personal information in the "real time bidding" or "RTB" ad auction leading the *In re Google RTB Consumer Privacy Litigation*. The Court has denied Google's motion to dismiss, allowing statutory, privacy tort, contract, and "breach of confidence" claims to proceed in this "biggest data breach in history."





Mass Tort Litigation

Groundbreaking leadership in national MDL infant formula product liability lawsuit

Diandra “Fu” Debrosse Zimmermann made U.S. legal history, becoming the first Black woman ever appointed plaintiffs’ co-lead counsel in a multidistrict litigation. She was appointed to the role in the massive products liability MDL against two of the world’s largest manufacturers of infant formula, Abbott Laboratories and Mead Johnson. The litigation is comprised of hundreds of lawsuits filed across the U.S. by parents of premature infants who were fed the infant formulas Similac (Abbott) and Enfamil (Mead) and developed necrotizing enterocolitis (NEC), a deadly neonatal condition.

Protecting consumers from deadly pesticide and weed killer Paraquat

Since the 1960s, manufacturers have known that Paraquat exposure can cause serious injury or death. Recent studies show increased risk of Parkinson’s disease in populations with occupational exposure. Despite this, Chevron and Syngenta continue to market and sell the herbicide to farmers and landscapers across the United States. DiCello Levitt is actively involved in seeking justice for hundreds of victims of Chevron’s and Syngenta’s wrongful conduct.

Leading the effort to protect consumers from dangerous beauty products

DiCello Levitt has filed the first lawsuits in the United States pursuing damages for long-term exposure to hair relaxers made by L’Oréal, Namaste Laboratories, and other manufacturers, alleged to cause uterine cancer and other significant health problems. DiCello Levitt filed lawsuits in federal courts in New York, California, and Illinois on behalf of women with uterine cancer and other diseases. The products are widely used by, and the litigation is particularly relevant to, minority populations.

Fighting for 10,000 dedicated service members and their families

For decades, thousands of our nation’s dedicated service members and their families were poisoned by contaminated drinking water at Camp Lejeune — North Carolina’s U.S. Marine Corps base. The contaminants included chemicals linked to serious and potentially deadly diseases, including anemia, Parkinson’s, multiple cancers, and infertility. DiCello Levitt represents the families of more than 10,000 victims against the United States government.



MARK DICELLO

Recognition and Awards



FEATURED

Adam Levitt was featured in The National Law Journal's Profile Series of Plaintiffs Bar Leaders and also profiled in Lawdragon's "Leaders Limelight"



CHAMBERS & PARTNERS

- Band 1 Illinois – Litigation: Mainly Plaintiffs and New York – Antitrust: Mainly Plaintiff. Alabama – Litigation: Mainly Plaintiffs.
- Nationwide Antitrust: Plaintiff and Product Liability: Plaintiffs work.
- Individuals recognized: Adam Levitt, Greg Asciolla, Karin Garvey, Amy Keller, and Robin van der Meulen.



BENCHMARK LITIGATION

- Recommended Firm: Dispute Resolution
- Individuals recognized: Mark DiCello, Adam Levitt, Greg Asciolla, Greg Gutzler, Amy Keller, Corban Rhodes, and Robin van der Meulen.



LAWDRAGON

- "500 Leading Plaintiff Consumer Lawyers"
- Individuals recognized: Mark DiCello, Adam Levitt, Ken Abbarno, Diandra "Fu" Debrosse Zimmermann, and Bobby DiCello.
- "500 Leading Plaintiff Financial Lawyers"
- Individuals recognized: Adam Levitt, Greg Asciolla, Karin Garvey, Greg Gutzler, and David Straite.

Recognition and Awards



LAW360

- Cybersecurity and Privacy Practice Group of the Year (2020 and 2021).



LEGAL 500

- Product Liability, Mass Tort and Class Action – Plaintiff and Civil Litigation/Class Actions: Plaintiff.
- Individuals recognized: Amy Keller, Greg Ascioffa, Robin van der Meulen, and Matthew Perez



INDIVIDUAL ACCOLADES

- National Law Journal "Litigation Trailblazer", Diandra "Fu" Debrosse Zimmermann
- Crain's Chicago "40 Under 40" list and Benchmark Litigation "Top 250 Women in Litigation", Amy Keller
- Law360 "2022 MVP of the Year" for Cybersecurity and Data Privacy and National Law Journal "Plaintiffs Trailblazer", David Straite
- Elizabeth Paige White was named 2022 "Young Lawyer of the Year" by the Bar Association of the District of Columbia

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