

Elizabeth J. Cabraser

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ELIZABETH J. CABRASER, a founding partner of Lieff Cabraser Heimann & Bernstein, LLP, is an attorney with over 38 years' experience representing plaintiffs in securities and investment fraud, consumer fraud, product liability, toxic contamination, employment discrimination, and civil rights litigation, in federal and state courts across the country. Ms. Cabraser received her A.B. in 1975 and her J.D. in 1978, both from the University of California at Berkeley. She has written scholarly and practical articles and lectured extensively on federal civil procedure, complex litigation, securities litigation, class action trials and settlements, environmental claims, mass tort litigation, and substantive tort law issues. Her litigation, trial and settlement experience includes work for plaintiffs and leadership roles in the *BNYM*, *FPI/Agretech*, *Breast Implants*, *Telectronics*, *Cordis*, *Felbatol*, *Fen-Phen* (Diet Drugs), *Baycol*, *Bextra/Celebrex*, *Guidant*, *Vioxx*, and *BP MDLs*, and work for smokers, Attorneys General and the Cities and Counties of California in *Tobacco Litigation*. She has served as court-appointed lead or co-lead counsel in over 80 federal multidistrict and state coordinated proceedings, including lead or co-lead counsel roles in eight major multidistrict securities litigations, and has participated in the design, structure and conduct of eight nationwide class action trials in securities fraud, product liability, mass accident and consumer cases in state and federal courts.

Ms. Cabraser has served as Visiting Professor of Law at Columbia University and Adjunct Professor of Law at the University of California (Boalt Hall), teaching complex litigation, class actions, and mass torts. She is currently teaching an advanced class actions seminar at Boalt. She has lectured and conducted seminars for the Federal Judicial Center, ALI-ABA, the National Center for State Courts, Vanderbilt University Law School, and the Practising Law Institute. She serves on the American Law Institute (ALI) Council. Ms. Cabraser was appointed in 1994 to serve on the California Constitution Revision Commission, and, in 1996, for the California Senate Special Task Force on Shareholder Litigation. Her legal publications include the treatise *California Class Action Practice and Procedure* (LexisNexis); and articles "The Participatory Class Action", with Samuel Issacharoff (NYU Law Review, forthcoming); "Where Are All the Women in the Courtroom?", *Trial* (September 2016); "Class Action Settlements", *Trial* (September 2015); "The Class Abides: Class Actions and the 'Roberts Court' Akron Law Review 2015; "The Rational Class: Richard Posner and Efficiency As Due Process", *George Washington Law Review* (2014); "Symposium-The Essentials of Democratic Mass Litigation", *Columbia Journal of Law and Social Problems* (2012); Updated Class Action Preservation Project Subcommittees and Schedule (2011-2012); "Apportioning Due Process-Preserving the Right to Affordable Justices", *Denver University Law Review* (2010); "Due Process Preempted-Stealth Preemption as a Consequence of Agency Capture", *NYU Annual Survey of American Law* (2010); "When Worlds Collide-The Supreme Court Confronts Fed. Agencies with Federalism (*Wyeth v. Levine*)", *Tulane Law Review* (2010); "California Class Action Classics", *Consumer Attorneys of California Forum* (2009); "Just Choose - The Jurisprudential Necessity to Select a Single Governing Law", *Roger Williams University Law Review* (2009); "ABA Section of Litigation, Survey of State Class Action Law", *American Bar Association Section of Litigation* (2008); "Class Action Treatment of Punitive Damages After *Williams v. Philip Morris*", *Charleston Law Review* (2008); "The Class Action Fairness Act - One Year Later", *Practicing Law Institute* (2008); "Complete Immunity Preemption" (2008); "Class Action Treatment of Punitive Damages Issues after *Philip Morris v. Williams*", *Charleston Law Review* (2007); "Punitive Damages Proving & Defending Damage Claims" (2007); "ABA Section of Litigation, Survey of State Class Action Law", *American Bar Association Section of Litigation* (2006); "Too Much - No!", *Legal Times* (2006); "What Makes a Viable Class Action" *Law*

Seminars International, *Innovative Strategies for Litigating Class Action Suits* (2006); “Maturing the Tort - The Utilization of ‘Bellwether’ Representative Trials”, ALI-ABA Course of Study, *Civil Practice & Litigation Techniques in the Federal & State Courts* (2006); “The Manageable Nationwide Class - A Choice-of-Law Legacy of *Phillips Petroleum Co. v. Shutts*”, *UMKC Law Review* (2006); “The Manageable Nationwide Class: A Choice-of-Law Legacy of *Phillips Petroleum Co. v. Shutts*”, 74 *UMKC L. Rev.* 543 (Spring 2006); “The Class Action Counterreformation”, 57 *Stanford L. Rev.* 1475, (April 2005); “Human Rights Violations As Mass Torts: Compensation As A Proxy For Justice In The United States Civil Litigation System”, 57 *Vanderbilt L. Rev.* 2211 (November 2004); “Unfinished Business: Reaching The Due Process Limits Of Punitive Damages In Tobacco Litigation Through Unitary Classwide Adjudication”, 36 *Wake Forest L. Rev.* 979, (Winter 2001); “Enforcing The Social Compact Through Representative Litigation”, 33 *Connecticut L. Rev.* 1239 (Summer 2001); “Life After Amchem: The Class Struggle Continues”, 31 *Loyola L. Rev.* 373 (January 1998); “An Oracle of Change? Realizing the Potential of Emerging Fee Award Methodologies for Enhancing The Role and Control of Investors in Derivative and Class Action Suits,” *Principles of Corporate Governance* (ALI October 1994); “How To Streamline Complex Litigation: Tailor a Case Management Order to Your Controversy,” 21 *The Brief* 12 (ABA/TIPS Summer 1992); “The Applicability of the Fraud-On-The-Market Theory to ‘Undeveloped’ Markets: When Fraud Creates the Market, 12 *Class Action Reports* 402 (1989); and “The Applicability of the Fraud-On-The-Market Theory to ‘Undeveloped’ Markets: When Fraud Creates the Market,” 12 *Class Action Reports* 402 (1989).

In 1997, Ms. Cabraser received the Trial Lawyers for Public Justice Achievement Award for her work as class counsel in the *Polybutylene Pipe Litigation*. Ms. Cabraser received the Consumer Attorneys of California’s 1998 Presidential Award of Merit for her commitment to consumer protection, the Legal Aid Society’s Matthew O. Tobriner Public Service Award in 2000, the Anti-Defamation League’s Distinguished Jurisprudence Award for her work in the federal *Holocaust Litigation* in 2002, and the Boalt Hall *Citation Award* in 2003. She received the 2006 *Distinguished Leadership Award* from the Legal Community Against Violence, and the University of San Francisco School of Law’s 2007 “Award for Public Interest Excellence.” She has been named repeatedly as one of *The National Law Journal*’s “100 Most Influential Lawyers in America,” and one of its “50 Most Influential Women Lawyers” and “Top Ten Women Litigators,” also receiving an “Outstanding Women Lawyer” distinction in 2015. In 2017, *The National Law Journal* honored her with its Lifetime Achievement Award. She has been annually included in the *Daily Journal*’s “Top 100 Lawyers” since 1998; its 2005-2016 “Top Women Litigators,” its 2005 “Top 30 Securities Litigators,” and in 2016 as a “Top 25 Plaintiff Lawyer.” In 2006, Ms. Cabraser was recognized as a *Woman of Achievement* by Legal Momentum (formerly the NOW Legal Defense & Education Fund) and won the “Distinguished Leadership Award” from the Legal Community Against Violence. In 2007, she won the “Award for Public Interest Excellence” from the University of San Francisco School of Law Public Interest Law Foundation. In 2008 she won the Consumer Attorneys of California “Edward Pollock Award,” and in 2012 Chambers & Partners USA selected her for its “Outstanding Achievement Award.” Also in 2012, she won the American Association for Justice’s “Lifetime Achievement Award.” Thomson-Reuters’ *Super Lawyers* has named her as a “Super Lawyer for Northern California” every year since 2004, a “Top 100 Northern California Super Lawyer” from 2005 through 2017, a “Top 50 Female Northern California Super Lawyer” for 2015-2016, and a “Top 10 Northern California Super Lawyer” for 2011-2016. *Best Lawyers in America* selected her in the fields of Mass Tort, Personal Injury, Product Liability, and Consumer Protection for 2005-2017, and named her “Lawyer of the Year” for Mass Tort and Product Liability for the San Francisco metropolitan area in 2014 and 2016. She is one of *Law Dragon*’s “500 Leading Lawyers in America” and has received this recognition for all 11 years the publication has been awarding the distinction. *Law360* selected her in 2016 as one of the “25 Most Influential Women in Securities Law” and also named her its 2016 “MVP for Class Action Law.” The American Jewish Committee selected Ms. Cabraser for its “Judge Learned Hand Award” in 2016, Benchmark Litigation selected Ms. Cabraser as a “California Litigation Star” for 2012-2016, a “Top 100

Trial Lawyer in America” for 2015 and 2017, as one of the “Top 10 Female Litigators” in the U.S. for 2016, and in 2017 the publication also named her as the “Plaintiff Attorney of the Year.”

In 2010, the American Bar Association Commission on Women in the Profession honored Ms. Cabraser with its Margaret Brent Women Lawyers of Achievement Award. The award recognizes the accomplishments of women lawyers who have excelled in their field and have paved the way to success for other women lawyers. It is regarded by many as the highest honor in the legal profession for women lawyers.

LEADERSHIP ROLES IN MULTIDISTRICT AND COMPLEX LITIGATION

FEDERAL MULTIDISTRICT/COMPLEX LITIGATION

- *In Re: Volkswagen “Clean Diesel” Marketing, Sales Practices, And Products Liability Litigation*, MDL No. 2672 CRB (JSC) (N.D. Cal.) Plaintiffs’ Lead Counsel as Chair of the Plaintiffs’ Steering Committee
- *In re General Motors LLC Ignition Switch Litigation*, Case No. 14-md-2543 (S.D.N.Y.), Plaintiffs’ Co-Lead Counsel
- *In re Takata Airbag Product Liability Litigation*, Case No. 1:14-cv-24009-FAM (S.D. Fla.), Plaintiffs’ Steering Committee
- *In re Bank of New York Mellon Corp. Foreign Exchange Transactions Litigation*, Case No. MD-12-2335-LAK (S.D.N.Y.), Plaintiffs’ Executive Committee
- *In Re Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico*, MDL No. 2179 (E.D. La.), Plaintiffs’ Steering Committee
- *In Re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2151 (C.D. Cal.), Plaintiffs’ Co-Lead Counsel
- *In re Northern California Mortgage Brokerage Securities Litigation*, MDL No. 521 (N.D. Cal./E.D. Cal.), Plaintiffs’ Lead Counsel
- *In re Cable/Tel. Corp. and Entities Securities Litigation*, MDL No. 619 (E.D. Pa.), Plaintiffs’ Co-Lead Counsel
- *In re United Energy Corporation Solar Energy Module Securities Litigation*, MDL No. 726 (C.D. Cal.), Plaintiffs’ Lead Counsel
- *In re FPI/Agretech Securities Litigation*, MDL No. 763 (D. Hawai`i), Plaintiffs’ Co-Lead and Class Counsel
- *In re First Commodity Corp. of Boston Customer Accounts Litigation*, MDL No. 713 (D. Mass.), Plaintiffs’ Steering Committee
- *In re ACC/Lincoln Savings Securities Litigation*, MDL No. 834 (D. Ariz.), Plaintiffs’ Steering Committee
- *In re Granada Partnerships Securities Litigation*, MDL No. 837 (S.D. Tex.), Plaintiffs’ Co-Lead Counsel
- *In re First American Center Partnerships Securities Litigation*, MDL No. 868 (S.D.N.Y.), Plaintiffs’ Lead Counsel
- *In re First Capital Investment Product Litigation*, MDL No. 901 (C.D. Cal.), Policyholder Lead Counsel

- *In re Precious Metals Securities Litigation*, MDL No. 904 (C.D. Cal.), Plaintiffs’ Lead Counsel
- *In re Cordis Pacemaker Product Liability Litigation*, MDL No. 850 (S.D. Ohio), Plaintiffs’ Co-Lead Counsel
- *In re Air Disaster Near Honolulu, Hawaii on February 24, 1989*, MDL No. 807 (N.D. Cal.), Plaintiffs’ Liaison Counsel
- *In re Silicone Gel Breast Implants Products Liability Litigation*, MDL No. 926 (N.D. Ala.), Settlement Class Counsel; Plaintiffs’ National Steering Committee; Co-Chair, Law Committee; Official Tort Claimants Committee, Dow Corning Bankruptcy Proceedings
- *In re Felbatol Products Liability Litigation*, MDL No. 1048 (N.D. Cal.), Plaintiffs’ Lead Class Counsel, Plaintiffs’ Liaison Counsel
- *In re Holocaust Victims Assets Litigation*, (S.D.N.Y.) Plaintiffs’ Executive Committee
- *In re the Exxon Valdez*, Case No. A89-095 Civil (Consolidated) (D. Alaska), Plaintiffs’ Class Counsel
- *In re Sears Automotive Center Consumer Litigation*, Civ. No. C-92-2341-RHS (N.D. Cal.), Plaintiffs’ Co-Lead Counsel
- *In re General Motors Corporation Pickup Truck Fuel Tank Products Liability Litigation*, MDL No. 961 (E.D. Pa.), Plaintiffs’ Co-Lead Counsel
- *In re Copley Pharmaceutical, Inc. “Albuterol” Products Liability Litigation*, MDL No. 1013 (D. Wyo.), Plaintiffs’ Class Counsel
- *Roberts v. Bausch & Lomb* (N.D. Ala.) (Nationwide consumer price fixing/overcharge class action), Plaintiffs’ Class Counsel
- *In re Telectronics Pacing Systems, Inc. Accufix Atrial “J” Leads Products Liability Litigation*, MDL No. 1057 (S.D. Ohio), Plaintiffs’ Executive Committee
- *Castano v. American Tobacco*, No. 94-1044 (N.D. La.), Plaintiffs’ Executive Committee; Chair, Law Committee
- *In re Ford Ignition Products Liability Litigation*, MDL No. 1112 (D.N.J.), Plaintiffs’ Executive Committee
- *In re Diet Drugs Products Liability Litigation*, MDL No. 1203 (E.D. Pa.), Plaintiffs’ Management Committee
- *In re Bridgestone/Firestone Tires Products Liability Litigation*, MDL No. 1371 (S.D. Ind.), Class Plaintiffs’ Executive Committee, Class Counsel
- *In re American Family Publishers Business Practices Litigation*, MDL No. 1235 (D.N.J.), Plaintiffs’ Lead Counsel
- *In re Providian Financial Corp. Credit Card Terms Litigation*, MDL No. 1301 (E.D. Pa.), Plaintiffs’ Co-Lead Counsel
- *In re Baycol Products Liability Litigation*, MDL No. 1431 (D. Minn.), Plaintiffs’ Executive Committee
- *In re Tri-State Crematory Litigation*, MDL No. 1467 (N.D. Ga.), Plaintiffs’ Lead Counsel/Class Counsel
- *In re Vioxx Product Liability Litigation*, MDL No. 1657 (E.D.L.A.), Plaintiffs’ Steering Committee

- *In re Guidant Corp. Implantable Defibrillators Products Liability Litigation*, MDL No. 1708 (D. Minn.), Plaintiffs' Co-Lead Counsel
- *In re Bextra/Celebrex Marketing, Sales Practices, and Product Liability Litigation*, MDL No. 1699 (N.D. Cal.), Plaintiffs' Liaison Counsel
- *In re ConAgra Products Liability Litigation*, MDL No. 1845 (N.D. Ga.), Plaintiffs' Lead Counsel

STATE COURT CLASS ACTIONS/COORDINATED PROCEEDINGS

- *Exxon Valdez Oil Spill Litigation*, (Alaska) 3 AN-89-2533 Civil (Consolidated), Plaintiffs' Class Counsel
- *Neptune Society Cases*, (California) Judicial Council Coordination Proceeding Nos. 1814 and 1817, Plaintiffs' Lead Class Counsel; Plaintiffs' Litigation Committee
- *Sconce/Lamb Cremation Cases*, (California) Judicial Council Coordination Proceeding No. 2085, Plaintiffs' Lead Class Counsel
- *Sacramento River Spill Cases I and II*, (California) Judicial Council Coordination Proceeding Nos. 2617 and 2620, Plaintiffs' Liaison Counsel; Plaintiffs' Class Counsel
- *In re ABS Pipes II*, (California) Judicial Council Coordination Proceeding No. 3126; Plaintiffs' Class Counsel
- *In re Providian Credit Card Litigation*, (California) J.C.C.P. No. 4085, Plaintiffs' Co-Lead and Liaison Counsel
- *Naef v. Masonite*, (Mobile Co., Alabama) (nationwide litigation class certified; \$1 billion class settlement approved 1998), Nationwide Class Counsel
- *Cox v. Shell Oil Co.*, (Obion Co., Tennessee) (nationwide litigation class certified/\$950 million settlement approved 11/95) Nationwide Class Counsel
- *Avery v. State Farm Auto Insurance Company*, (Williamson County, Illinois) No. 97-L-114 (nationwide litigation class certified/\$1 billion class judgment), Class Counsel

BAR ADMISSIONS:

- California (1978, No. 083151)
- California Supreme Court (1978)
- U.S. District Court, Northern District of California (1978)
- U.S. Tax Court (1979)
- U.S. District Court, Eastern District of California (1979)
- U.S. District Court, Central District of California (1992)
- U.S. District Court, Southern District of California (1992)
- U.S. District Court, District of Hawaii (1986)
- U.S. Supreme Court (1996)
- U.S. Court of Appeals, First Circuit (2011)
- U.S. Court of Appeals, Second Circuit (2009)
- U.S. Court of Appeals, Third Circuit (1994)
- U.S. Court of Appeals, Fourth Circuit (2013)
- U.S. Court of Appeals, Fifth Circuit (1992)
- U.S. Court of Appeals, Sixth Circuit (1992)
- U.S. Court of Appeals, Seventh Circuit (2001)
- U.S. Court of Appeals, Ninth Circuit (1979)

- U.S. Court of Appeals, Tenth Circuit (1992)
- U.S. Court of Appeals, Eleventh Circuit (1991)

BAR ASSOCIATIONS:

- American Bar Association Section of Litigation: Past Co-Chair, Mass Torts Committee, Past Co-Chair, Committee on Class Actions and Derivative Suits; Tort and Insurance Practice Section (TIPS); Past Vice-Chair, Rules & Procedures Committee, Contributor, Civil Procedure & Evidence News Letter; Business Law Section, Corporate & Litigation Group
- State Bar of California: Litigation Section Conference of Delegates
- Federal Bar Association: Northern District of California Chapter
- American Association for Justice (formerly ATLA): California State Liaison, Women Trial Lawyers Caucus
- Consumer Attorneys of California (CAOC)
- Trial Lawyers for Public Justice (TLPJ)
- Bar Association of the Fifth Federal Circuit
- Bar Association of the Seventh Federal Circuit
- Federal Bar Council (Second Federal Circuit)
- California Women Lawyers (CWL)
- Association of Business Trial Lawyers (ABTL)
- Queens Bench
- Bar Association of San Francisco (BASF)
- Board of Directors: 1997-1998
Past President: Securities Litigation Section
Past Member: Judiciary Committee
- Lawyers Club of San Francisco
- National Association of Women Lawyers
- National Association of Securities & Commercial Attorneys (NASCAT):
Member, Federal Rules Committee; Committee on Amicus Requests and Law Development
- Bay Area Lawyers for Individual Freedom (BALIF)
- San Francisco Trial Lawyers Association, Board of Directors (past)

PROFESSIONAL AFFILIATIONS:

- American Law Institute Council, May 1999 – present
- American Law Institute 1993-present
Advisory Group: Project on Aggregate Litigation:
Consultative Groups, Restatement [3d] of the Law: Torts;
Restatement of the Law: The Law Governing Lawyers;
Adviser, International Jurisdiction and Judgments Project
- Ninth Judicial Circuit Historical Society
- Editorial Board, Western Legal History
- Board of Directors, United States District Court for the Northern District of California Historical Society
- Civil Justice Foundation

FEDERAL COURT APPOINTMENTS:

- Federal Civil Rules Advisory Committee, Member (2011 - present)
- Northern District of California Advisory Committee on Professional Conduct (“ACPC”), Pursuant to General Order No. 40, May 1995
- Lawyer-Delegate, Ninth Circuit Judicial Conference 1992 - 1995
- Member, Northern District of California Civil Justice Reform Act (CJRA) Advisory Committee 1991 - 1994
- Member, Lawyer-Delegate/CJRA Advisory Committee Joint Local Rules Revision Task Force
- Chair, CJRA Advisory Committee on Case Management/Access 1991
- Contributor, CJRA Civil Justice Expense & Delay Reduction Plan; Case Management Pilot Program 1991
- Member, CJRA Pilot Project Task Force 1992
- Faculty, Federal Judicial Center 1992 Case Management Skills Development Seminar (for Federal Judges), Gleneden Beach, Oregon
- Faculty, Federal Judicial Center 1991 Case Management Skills Development Seminar (for Federal Judges) Breckenridge, Colorado

STATE APPOINTMENTS:

- Member, California Constitution Revision Commission, 1994 - 1996
- Member, California Senate Special Task Force on Shareholder Litigation, 1996
- Member, National Center for State Courts Mass Tort Conference Planning Committee

CIVIC ACTIVITIES:

- Board of Directors, Legal Momentum (formerly NOW Legal Defense and Education Fund)
- Treasurer, Legal Aid Society of San Francisco
- Member, Lawyers’ Committee on Civil Rights
- Member, NAACP Legal Defense and Education Fund

MARTINDALE & HUBBELL**PEER RATING:**

5.0/5.0 AV Preeminent