

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

<p>DENIS MARC AUDET, MICHAEL PFEIFFER, DEAN ALLEN SHINNERS, and JASON VARGAS, Individually and on Behalf of All Others Similarly Situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>STUART A. FRASER, GAW MINERS, LLC, and ZENMINER, LLC, (d/b/a ZEN CLOUD),</p> <p style="text-align: center;">Defendants.</p>	<p>Case 3:16-cv-00940</p> <p>Hon. Michael P. Shea</p> <p>ECF Case</p> <p><u>CLASS ACTION</u></p> <p>May 10, 2023</p>
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**DECLARATION OF DOUGLAS P. NEEDHAM IN SUPPORT OF CLASS COUNSEL'S  
MOTION FOR FEES, REIMBURSEMENT OF EXPENSES,  
AND INCENTIVE AWARDS FOR THE NAMED PLAINTIFFS**

I, Douglas P. Needham, declare as follows:

1. I submit this declaration in support of Class Counsel’s Motion for Attorneys’ Fees, Reimbursement of Expenses, and Incentive Awards for the Named Plaintiffs, in connection with the proposed class action settlement between Plaintiffs, on behalf of themselves and the proposed class, and Defendant Stuart Fraser.

2. I am a partner with the law firm of Izard, Kindall & Raabe LLP (“IKR”), which is Class Counsel and co-counsel for Plaintiffs. I am a member in good standing of the bar of this Court. I have personal, first-hand knowledge of the matters set forth herein and, if called to testify as a witness, could and would testify competently thereto.

3. IKR has significant experience with class actions, including on behalf of investor classes in securities cases. A copy of the firm’s class action profile and the profiles of myself and my fellow Class Counsel, are attached hereto as **Exhibit 1**.

4. The schedule below is a summary reflecting the amount of time spent by the attorneys and professional support staff of IKR who were involved in this litigation, and the lodestar calculation using IKR’s 2023 billing rates or equivalent 2023 billing rates for an attorney or paralegal who left the firm prior to 2023. The following schedule was prepared from daily time records regularly prepared and maintained by IKR, which are available at the request of the Court. Time expended in preparing this application for fees and reimbursement of expenses are excluded and not reflected below.

Attorneys	Current Rate	Hours	Value
Izard, Robert A. (Partner)	\$925	3.75	\$3,468.75
Kindall, Mark P. (Partner)	\$850	100.00	\$85,000.00
Raabe, Craig A. (Partner)	\$850	6.25	\$5,312.50
Needham, Douglas P. (Partner)	\$650	11.25	\$7,312.50
Barrett, Christopher M.	\$550	21.25	\$11,687.50
Paralegals	Current Rate	Hours	Value

Reid, Jude	\$180	0.75	\$135.00
Totals		143.25	\$112,916.25

5. The total number of hours expended on this litigation by IKR's attorneys and paralegals is 143.25 hours through May 4, 2023. The total lodestar value of IKR's professional services, derived by multiplying each professional's hours by his or her current hourly rates, is \$112,916.25. The services that IKR provided while litigating this matter included, but was not limited to, attending trial and hearings and reviewing all motions and filings.

6. The hourly rates for IKR's attorneys and professional support staff are the firm's standard hourly rates. The hourly rates of Class Counsel's attorneys range from \$550 to \$925 and the hourly rates of paralegals assigned to this matter is \$180.

7. As detailed and categorized in the below schedule, IKR has advanced a total of \$2,386.71 in un-reimbursed expenses in connection with the prosecution of this litigation. These expenses were reasonably necessary to the prosecution of this action, and are of the type that IKR normally incurs in litigation.

Expense Category	Cumulative Expenses
Court Fees	\$1,025.00
Research	\$519.20
Travel	\$747.91
Postage & Delivery	\$94.60
Total Expenses	\$2,386.71

I declare under penalty of perjury that the foregoing is true and correct.

DATED: May 10, 2023

/s/ Douglas P. Needham  
Douglas P. Needham

# EXHIBIT 1



## **FIRM RESUME**

Izard, Kindall & Raabe LLP (“IKR”)<sup>1</sup> is one of the premier firms engaged in class action litigation on behalf of consumers, investors and employees. In the consumer area, the Firm has served or is serving as lead counsel in cases involving a variety of industries including banking, *Mathena v. Webster Bank, N.A.*, Civil Action No. 3:10-cv-01448-SRU (D. Conn), *Farb v. Peoples United Bank*, UWY-CV11-6009779-S (Conn Sup. Ct); *Forgione v. Webster Bank, N.A.*, No. X10-UWY-CV-12-6015956-S (Conn. Sup. Ct.); wholesale milk pricing, *Ice Cream Liquidation, Inc. v. Land O’Lakes, Inc.*, No. 02-cv-0377 (D. Conn.); book printing and distribution, *Booklocker.com, Inc. v. Amazon.com*, 08-cv-00160-JAW (D. Me); gasoline distribution, *Wyatt Energy v. Motiva Enterprises, LLC*, X01 cv 02-0174090-S (Conn. Super Ct); and electricity supply contracts, *Chandler v. Discount Power*, No. X03-HHD-CV14-6055537 (Conn. Super. Ct.), *Edwards v. North American Power & Gas, LLC*, No. 3:14-cv-1714 (D. Conn.), *Gruber v. Starion Energy, Inc.*, No. 3:14-cv-01828 (D. Conn.), *Jurich v. Verde Energy, USA, Inc.*, No. HHD-cv-156060160 (Conn. Super. Ct.), *Sanborn v. Viridian Energy, Inc.*, No. 3:14-cv-01731 (D. Conn.), and *Steketee v. Viridian Energy, Inc.*, No. 3:15-cv-00585.

IKR is representing, or has represented, purchasers of a variety of consumer products in unfair trade practice cases, including *Langan v. Johnson & Johnson Consumer Companies, Inc.*,

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<sup>1</sup> Formerly known as Izard Nobel LLP, Schatz Nobel Izard, P.C., and Schatz & Nobel, P.C.

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Nos. 13-cv-01470 (D. Conn.), *Morales v. Conopco Inc., d/b/a Unilever*, No. 2:13-cv-2213 (ED Cal.), and *Balser v. The Hain Celestial Group, Inc.*, No. 13-cv-5604 (C.D. Cal.). The Firm's successful consumer practice is informed by our lawyers' work prior to joining IKR. For example, Robert IZard and Craig Raabe were partners at a large, regional law firm and handled trial matters across the United States for plaintiffs and defendants, while Seth Klein worked for the consumer protection department of the Connecticut Attorney General's Office.

Our practice is also built upon the Firm's decades of experience in class action litigation where we have frequently served as lead or co-lead counsel, including:

- *Overby v. Tyco Int'l, Ltd.*, No. 02-CV-1357-B (D.N.H.);
- *In re Reliant Energy ERISA Litig.*, No. H-02-2051 (S.D. Tex.);
- *In re AOL Time Warner, Inc. Sec. and ERISA Litig.*, MDL Docket No. 1500 (S.D.N.Y.);
- *Furstenau v. AT&T*, Case No. 02 CV 8853 (D.N.J.);
- *In re AEP ERISA Litig.*, Case No. C2-03-67 (S.D. Ohio);
- *In re JDS Uniphase Corp. ERISA Litig.*, Civil Action No. 03-4743-CW (N.D. Cal.);
- *In re Sprint Corporation ERISA Litig.*, Master File No. 2:03-CV-02202-JWL (D. Kan.);
- *In re Cardinal Health, Inc. ERISA Litig.*, Case No. C 2-04-642 (S.D. Ohio);
- *Spear v. Hartford Fin. Svcs Group, Inc.*, No. 04-1790 (D. Conn.);
- *In re Merck & Co., Inc. Sec., Derivative and ERISA Litig.*, MDL No. 1658 (D.N.J.);
- *In re Diebold ERISA Litig.* No. 5:06-CV- 0170 (N.D. Ohio);
- *In re Bausch & Lomb, Inc. ERISA Litig.*, Master File No. 06-CV-6297-MAT-MWP (W.D.N.Y.);
- *In re Hartford Fin. Svcs Group, Inc. ERISA Litig.*, No. 08-1708 (D. Conn.);
- *In re Merck & Co., Inc. Vytarin ERISA Litig.*, MDL No. 1938, 05-CV-1974 (D.N.J.);
- *Mayer v. Admin. Comm. of Smurfit Stone Container Corp.*, 09-CV-2984 (N.D. IL.);

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- *In re YRC Worldwide ERISA Litig.*, Case No. 09-CV-02593 (D. Kan);
- *Board of Trustees v. JP Morgan Chase Bank*, Case No. 09-cv-9333 (S.D.N.Y.);
- *White v. Marshall & Ilsley Corp.*, No. 10-CV-00311 (E.D. Wis.);
- *Griffin v. Flagstar Bancorp, Inc.*, No. 2:10-CV-10610 (E.D. Mich.);
- *In re Eastman Kodak ERISA Litig.*, Master File No. 6:12-cv-06051-DGL (W.D.N.Y.);
- *Kemp-DeLisser v. Saint Francis Hospital and Medical Center*, Civil Action No. 3:15-cv-01113-VAB (D. Conn.);
- *Tucker v. Baptist Health System, Inc.*, Case No. 2:15-cv-00382-SLB (N.D.AL.);
- *Cryer v. Franklin Resources, Inc.*, No. 4:16-cv-04265 (N.D. Cal.);
- *Bishop-Bristol v. Massachusetts Mutual Life Insurance Company*, No. 3:16-cv-30082-MGM (D. Mass.);
- *Matthews v. Reliance Trust Company*, No. 1:16-cv-04773 (N.D. Ill.);
- *Brace v. Methodist Le Bonheur Healthcare*, No. 16-cv-2412-SHL-tmp (W.D. Tenn.);
- *Nicholson v. Franciscan Missionaries of our Lady Health Systems*, No. 16-CV-258-SDD-EWD (M.D. LA);
- *In re Mercy Health ERISA Litig.*, No. a:16-cv-441 (S.D. Ohio);
- *Negron v. Cigna Corp.*, No. 3:16-cv-01702 (D. Conn.);
- *Schultz v. Edward D. Jones & Co.*, No. 4:16-cv-01346 (E.D. Mo.);
- *Larson v. Allina Health Syst.*, No. 0:17-cv-03835 (D. Minn.);
- *Johnson v. Providence Health & Services*, No. 2:17-cv-01779 (W.D. Wash.);
- *Berry v. Wells Fargo & Co.*, No. 3:17-304 (D.S.C.);
- *Neufeld v. Cigna Health & Life Ins.*, No. 3:17-cv-01693 (D. Conn.);
- *Myers v. 401(k) Fiduciary Comm. for Seventy Seven Energy*, No. 5:17-cv-00200 (D. Okl.);
- *Quatrone v. Gannett Co., Inc.*, No. 1:18-cv-00325 (E.D. Va);
- *Reidt v. Frontier Communications Corp.*, No. 3:18-cv-01538 (D. Conn.);

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- *Sohmer v. UnitedHealth Group, Inc.*, No. 0:18-cv-03191 (D. Minn.);
- *Masten v. Metropolitan Life Ins. Co.*, No. 1:18-cv-11229 (S.D.N.Y.)
- *Smith v. U.S. Bancorp*, No. 0:18-cv-03405 (D. Minn.);
- *Paetzold v. Metropolitan District Commission*, X07-HHD-CV-18-6090558-S (Conn.)
- *Mannino v. Louisiana Health Serv. & Indemnity Co.*, No. 3:19-cv-00185 (M.D. La.);
- *Herndon v. Huntington-Ingalls Industries, Inc.*, No. 4:19-cv-00052 (E.D. Va.);
- *Belknap v. Partners Healthcare System, Inc.*, No. 1:19-cv-11437 (D. Mass.);
- *Cruz v. Raytheon Co.*, No. 1:19-cv-11425 (D. Mass.);
- *Smith v. Rockwell Automation Inc.*, No. 2:19-cv-00505 (E.D. Wisc.);
- *Brown v. United Parcel Service, Inc.*, No. 1:20-cv-00460-MLB (N.D. GA);
- *Berube v. Rockwell Automation Inc.*, No. 2:20-cv-01783 (E.D. Wisc.); and
- *Shafer v. Morgan Stanley*, 1:20-cv-11047 (S.D.N.Y.).

Moreover, IKR was also appointed to the Steering Committee in *Tittle v. Enron Corp.*, No. H-01-3913 (S.D. Tex.); *In re Electronic Data Systems ERISA Litig.*, 3:02-CV-1323 (E.D. Tex.); and *In re Marsh ERISA Litig.*, Master File No. 04 CV 8157 (S.D.N.Y.).

Some notable successes include settlements against the Franciscan Missionaries of Our Lady Health System (\$125 million), Saint Francis Hospital & Medical Center (\$107 million), AOL Time Warner (\$100 million); Wells Fargo (\$79 million); Tyco International (\$70.5 million); Raytheon (\$59 million); Merck (\$49.5 million); Cardinal Health (\$40 million); and AT&T (\$29 million). Moreover, IKR was on the Executive Committee in *In re Enron Corporation Securities and ERISA Litig.*, No. 02-13624 (S.D. Tex.), which resulted in a recovery in excess of \$250 million. In *Morales v. Conopco Inc., d/b/a Unilever*, the Court noted that the Settlement IKR negotiated achieved the “key goal” of discontinuing sales of the challenged products under the “naturals”

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label as well as providing Class Members with damages that were “greater than the economic damages suffered per product purchased.” *Morales v. Conopco, Inc.*, No. 2:13-2213 WBS EFB, 2016 WL 6094504, at \*6 (E.D. Cal. Oct. 18, 2016).

IKR’s successful prosecution of class actions has been recognized and commended by judges in numerous judicial districts. In the *Tyco ERISA* litigation, Judge Barbadoro commented:

I have absolutely no doubt here that the settlement is fair, reasonable and adequate. I think, frankly, it's an extraordinary settlement given the circumstances of the case and the knowledge that I have about the risks that the plaintiff class faced in pursuing this matter to verdict . . . . [I]t was a very, very hard fight and they made you work for everything you obtained on behalf of the Class here....

I have a high regard for you. I know you to be a highly experienced ERISA class action lawyer. You've represented your clients aggressively, appropriately and effectively in this litigation, and I have a high degree of confidence in you so I don't think there's any question that the quality of counsel here is a factor that favor's the Court's endorsement of the proposed settlement. . . .

I have enjoyed working with you in this case. You've always been helpful. You've been a gentleman. You've been patient when I've been working on other matters. .

*In re Tyco Int’l Ltd. Sec. Litig.*, Case No. 02-1335 (D.N.H. Nov. 18, 2009). Similarly, in approving the Sprint ERISA settlement, Judge Lungstrum found, “[t]he high quality of [IKR's] work culminated in the successful resolution of this complex case” and that “the results obtained by virtue of the settlement are extraordinary. . . .” *In re Sprint Corp. ERISA Litig.*, No. 03-2202 (D. Kan. Aug. 3, 2006). A Special Master appointed in the AOL Time Warner ERISA case commented that obtaining an additional \$30 million for the class stood out as “some of the hardest work and most outstanding results” obtained by IKR and its co-counsel. *In re AOL Time Warner, Inc. Sec. and ERISA Litig.*, No. 02-CV-1500 (S.D.N.Y.), Report & Recommendation of Special Master

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dated August 7, 2007. The District Court’s decision approving the settlement negotiated by IKR in the St. Francis litigation similarly found the result to be “an extremely favorable one for the class,” noting that the recovery achieved by the settlement represented over 76 percent of the amount by which the retirement plan was alleged to be underfunded. *Kemp-DeLisser v. Saint Francis Hosp. & Med. Ctr.*, No. 15-CV-1113 (VAB), 2016 WL 6542707, at \*10 (D. Conn. Nov. 3, 2016). The Court also noted that IKR’s time and efforts “resulted in an extremely efficient and favorable resolution of the case.” *Id.* at \*5.

## **ATTORNEYS**

**Robert A. Izard** heads the firm’s ERISA team and has been lead or co-lead counsel in many of the nation’s most significant ERISA class actions, including cases against Raytheon, Wells Fargo, JP Morgan, Metropolitan Life, United Healthcare, Cigna, Merck, Time Warner, AT&T, Fidelity, Prudential and John Hancock among others. Mr. Izard has substantial experience in other types of complex class action and commercial litigation matters. For example, he represented a class of milk purchasers in a price fixing case. He also represented a large gasoline terminal in a gasoline distribution monopolization lawsuit.

As part of his thirty-five plus years litigating complex commercial cases, Mr. Izard has substantial jury and nonjury trial experience, including a seven-month jury trial in federal district court. He is also experienced in various forms of alternative dispute resolution, including mediation and arbitration.

Mr. Izard is the author of *Lawyers and Lawsuits: A Guide to Litigation* published by Simon and Schuster and a contributing author to the *Mediation Practice Guide*. He is the former Chair of the Commercial and Business Litigation Committee of the Litigation Section of

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the American Bar Association. He is listed in Best Lawyers in the areas of ERISA and antitrust litigation. He is listed in Super Lawyers in the areas of class action and business litigation.

Mr. Izard received his B.A. from Yale University and his J.D., with honors, from Emory University, where he was elected to the Order of the Coif and was an editor of the Emory Law Journal.

**Craig A. Raabe** joined the partnership in 2016 from a large, regional law firm, where he previously served as the chair of the litigation department. Mr. Raabe has a nationwide practice and has tried many complex civil and criminal cases and prosecuted and defended many class actions. He is a Fellow in the American College of Trial Lawyers. The Best Lawyers in America© (Copyright by Woodward/White, Inc., Aiken, SC) has named Mr. Raabe as the regional “Lawyer of the Year” in the areas of Bet-the-Company Litigation, Antitrust Litigation (3 times), White-Collar Criminal Defense, and Intellectual Property Litigation. He also has been listed generally in The Best Lawyers in America© since 2006, most recently in seven disciplines: Bet-the-Company Litigation, Antitrust Litigation, Commercial Litigation, White-Collar Criminal Defense, General Criminal Defense, Intellectual Property Litigation, and Regulatory Enforcement (SEC, Telecom, Energy) Litigation. Chambers and Partners© has named Mr. Raabe to its highest level of recognition, Band 1, in the area of General Commercial Litigation and White-Collar Crime and Government Investigations. In addition, he has been honored repeatedly as one of the Top 10 Lawyers in Connecticut by Super Lawyers® 2022 (Super Lawyers is a registered trademark of Key Professional Media, Inc.).

Mr. Raabe’s commercial trial experience is broad and includes areas such as antitrust, government contracting, fraud, intellectual property, and unfair trade practices. He also has

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tried many serious felony criminal cases in state and federal court and is active in the criminal defense trial bar. In addition to his trial practice, Mr. Raabe also counsels clients on compliance issues and the resolution of regulatory enforcement actions by government agencies.

By appointment of the chief judge of the Second Circuit, Mr. Raabe has served on the Reappointment Committee for Connecticut's Federal Defender. The chief judge of the Connecticut district court appointed him to chair the United States Magistrate Reappointment Committee, to serve on the Merit Selection Panel for Magistrate Judges and to serve on the District Criminal Justice Act Committee. The Connecticut district court judges also selected Mr. Raabe for the district's Pro Bono Award for his service to indigent clients. In addition, he has been listed repeatedly as one of the Top 10 Lawyers in Connecticut by Super Lawyers® 2022 (Super Lawyers is a registered trademark of Key Professional Media, Inc.).

Mr. Raabe is admitted to practice in the U.S. Supreme Court, the Courts of Appeals for the First, Second, and D.C. Circuits, the U.S. District Courts for Connecticut and the Eastern and Southern Districts of New York, the U.S. Tax Court and the state of Connecticut. He is an honors graduate of Valparaiso University and Western New England College of Law, where he served as Editor-in-Chief of the Law Review. Following graduation, Mr. Raabe served as the law clerk for the Honorable Arthur H. Healey of the Connecticut Supreme Court.

Mr. Raabe is a commercial, instrument-rated pilot and is active in general aviation. He serves as a volunteer pilot for Angel Flight Northeast, which provides free air transportation to people requiring serious medical care.

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**Seth R. Klein** has been an attorney at Izard Kindall & Raabe LLP for nearly twenty years, focusing on both class action and complex civil litigation in areas including ERISA, consumer protection, securities and antitrust law.

In recent years Mr. Klein's class action work has resulted in significant class-wide recoveries. For example, in *Paetzold v. Metropolitan District Commission* (Conn. Super.), his team successfully recovered full damages against a quasi-public agency for wrongful excess billing of water customers. He also worked on the successful recovery of tens of millions of dollars for consumers wrongfully charged excessive electricity rates by several different third-party suppliers in *Richards v. Direct Energy Services LLC* (D. Conn.); *Edwards v. North American Power & Gas LLC* (D. Conn.); *Sanborn v. Viridian Energy, Inc.* (D. Conn.); *Chandler v. Discount Power* (Conn. Super.); *Gruber v. Starion Energy, Inc.* (Conn. Super.); and *Jurich v. Verde Energy USA, Inc.* (Conn. Super.).

In addition, Mr. Klein has worked on teams that have successfully represented high net worth individuals on complex civil matters as both plaintiff and defendant, including at trial.

Mr. Klein's current class cases include litigation against several of the largest United States real estate companies for the alleged charging of anticompetitive commissions (*Nosalek v. MLS Property Information Network* (D. Mass)) and several class actions against companies alleged to have overcharged patients for medical and prescription drug benefits (*Negron v. Cigna Health and Life Insurance Company* (D. Conn.); *Neufeld v. Cigna Health and Life Insurance Company* (D. Conn.); *Bennett v. Blue Cross and Blue Shield of Louisiana* (M.D. La.); *Mohr-Lercara v. Oxford Health Ins., Inc.* (S.D.N.Y.); and *Sohmer v. UnitedHealth Group Inc.* (D. Minn.)).

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Mr. Klein also continues to represent individual clients in complex civil matters, including representation of an unjustly convicted former inmate to recover damages for the police misconduct that led to his wrongful imprisonment. He also is representing a regulated entity against the Connecticut Department of Banking in a variety of complex administrative and court proceedings.

Prior to joining Iazard Kindall and Raabe, Mr. Klein was associated with the reinsurance litigation group at Cadwalader, Wickersham & Taft LLP in New York, where he focused on complex business disputes routinely involving hundreds of millions of dollars. Before that, Mr. Klein served as an Assistant Attorney General for the State of Connecticut, where he specialized in consumer protection matters and was a founding member of the office's electronic commerce unit. Mr. Klein is a 1996 graduate of the University of Michigan law school and clerked for the Hon. David M. Borden of the Connecticut Supreme Court upon graduation.

**Douglas P. Needham** represents plaintiffs in class actions cases under ERISA and consumer protection statutes concerning pension calculations, fees and investments in 401(k) plans, and insurance rates and coverage. He has litigated class actions cases against some of America's largest companies about ERISA's vesting rules, 401(k) plan investments and how corporate transactions affect participants' benefits, and has obtained significant class-wide recoveries.

Mr. Needham works extensively with experts in the fields of actuarial science, finance and economics to apply the ERISA statute to novel issues and complex annuity and financial products. Since 2018, he has taken a leading role in developing and litigating cases around the country involving the payment of actuarially equivalent pension benefits under ERISA. These

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cases include *Cruz v. Raytheon*, a case in the District of Massachusetts that settled in 2021 by providing class members increased pension benefits valued at more than \$59 million, as well as *Herndon v. Huntington Ingalls Industries, Inc.* (E.D. Virginia), *Masten v. Metropolitan Life Insurance Company* (S.D. New York), *Berube v. Rockwell Automation, Inc.* (E.D. Wisconsin), and *Belknap v. Partners Healthcare System, Inc.* (D. Massachusetts).

In *Berry v. Wells Fargo*, 2020 WL 9311859 (D.S.C. July 29, 2020), Mr. Needham litigated whether a plan was improperly claiming “top hat” status under ERISA. In approving the \$79 million settlement, the court found it was “the largest recovery in a ‘top hat’ case in the history of ERISA” and was the result of “displayed extraordinary skill and determination.” Mr. Needham is also co-counsel for the class in *Stegemann v. Gannett*, 970 F.3d 465 (4th Cir. 2020), a case about a single-stock fund in a 401(k) plan that clarified the pleading standards for claims under ERISA’s duties of prudence and diversification that Law360 called one of the “most significant” ERISA decisions of 2020.

Before joining IZARD, KINDALL & RAABE in 2016, Mr. Needham was a partner in a large national law firm, where he represented clients in cases involving business torts, claims for breach of fiduciary duty and fraud in Connecticut, New York, and Massachusetts.

Mr. Needham received his J.D. from Boston University School of Law in 2007 and his B.S. from Cornell University in 2004, where he received numerous academic honors, was a Cornell Tradition Fellow and an All-Ivy player on the men’s lacrosse team. He is a board member for his town’s lacrosse program, the risk manager for his town’s soccer program and the co-founder and treasurer of a charitable foundation that provides college scholarships to graduates of his high school alma mater.

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**Christopher M. Barrett** is an attorney at Izard, Kindall & Raabe, LLP where his practice focuses on representing plaintiffs in class actions against large companies, representing clients in complex civil litigation, and defending and counseling white collar criminal defendants.

Mr. Barrett is a member of teams currently prosecuting class actions against companies alleged to have overcharged patients for medical and prescription drug benefits, including: *Negron v. Cigna Health and Life Insurance Company*; *Neufeld v. Cigna Health and Life Insurance Company*; *Bennett v. Blue Cross and Blue Shield of Louisiana*; *Mohr-Lercara v. Oxford Health Ins., Inc.*; and *Sohmer v. UnitedHealth Group Inc.* Mr. Barrett is also a member of a team prosecuting claims alleging antitrust violations against some of the largest real estate companies in the country, in *Nosalek v. MLS Property Information Network et al.*

He has previously been involved in the prosecution of numerous successful class actions in which over \$150 million dollars have been recovered for class members, including: *Paetzold v. Metropolitan District Commission* (\$7.7 million, representing 100% of class losses); *Medoff v. CVS Caremark Corp.* (\$48 million recovery); *Citiline Holdings, Inc. v. iStar Fin. Inc.* (\$29 million recovery); *Carpenters Pension Tr. Fund of St. Louis v. Barclays PLC* (\$14 million recovery); *In re Delphi Fin. Group Shareholder Litigation* (\$49 million recovery); and *In re OSG Sec. Litigation* (\$34 million recovery, representing 93% of bond purchasers' damages and 28% of stock purchasers' damages).

Mr. Barrett also represents plaintiffs who are unable to afford legal counsel. He has served as trial counsel in significant federal felony cases and as a volunteer attorney on the District of Connecticut's Civil Pro Bono Panel.

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Prior to joining IZARD, KINDALL & RAABE, Mr. Barrett was associated with Robbins Geller Rudman & Dowd, where his practice focused on prosecuting class actions on behalf of plaintiffs, and Mayer Brown, where his practice focused on complex commercial litigation.

Mr. Barrett is a member of the Connecticut and New York bars and is admitted to practice in the District of Connecticut, the Southern District of New York, the Eastern District of New York, and the Court of Appeals for the Second Circuit.

In 2015 through 2020, Mr. Barrett was recognized by Super Lawyers magazine as a Rising Star. Mr. Barrett received his J.D., magna cum laude from Fordham University School of Law where he served as a member of the Fordham Law Review and was inducted into the Order of the Coif and the honor society Alpha Sigma Nu. For his work in the law school's law clinic, he was awarded the Archibald R. Murray Public Service Award. He earned his B.S. in Finance from Long Island University. During law school, Mr. Barrett served as a judicial intern to United States District Judge Shira Sheindlin (S.D.N.Y.), United District Judge Thomas Platt (E.D.N.Y.) and New York Supreme Court Justice Stephen Bucaria.

#### **Practice areas**

- Class actions on behalf of plaintiffs
- ERISA and benefits litigation
- Healthcare litigation
- White collar defense
- Complex civil litigation
- Civil rights litigation

**Oren Faircloth** Since joining the firm in 2018, Oren Faircloth has represented numerous retirees seeking to hold major corporations accountable. He focuses primarily on complex class actions brought under the Employee Retirement Income Securities Act (ERISA). He has

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investigated, developed and drafted complaints against some of America's largest corporations, including: Huntington Ingalls, Raytheon Technologies, UPS and Rockwell Automation. Mr. Faircloth has worked on ERISA cases involving actuarial equivalence, mismanagement of 401k plans, excessive fee, and breach of contract and breach of fiduciary duty matters. His persistence and dedication have contributed to substantial, multi-million dollar recoveries for plan participants and beneficiaries.

Mr. Faircloth graduated from Quinnipiac University School of Law, magna cum laude, in 2016. During law school, he worked at the State Treasurer's office, served on law review and provided tax advice to low-income individuals. He is actively involved in the community serving on the board of a non-profit and representing incarcerated individuals on a pro bono basis.

In his free time, Oren enjoys cooking, reading, skiing, and spending time with his wife and two boys.

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