

EXHIBIT A



Nichols Kaster, PLLP has been practicing law for over thirty years. Its principal office is located in Minneapolis and it has an additional office in San Francisco. Nichols Kaster currently employs thirty full time attorneys focused on advocating for employees' and consumers' rights on both an individual and class action basis.

The firm was named to the National Law Journal's 2011 Litigation Boutiques Hot List for its attorneys' courtroom abilities. Nichols Kaster has also been ranked as a Best Law Firm by U.S. News & World Report, as a top plaintiffs' employment law firm by Law360, and by Minnesota Lawyer as one of Minnesota's Top 100 Law Firms. In 2009, Nichols Kaster was ranked as one of the top ten busiest FLSA firms in the country by Litigation Almanac 360, which conducted a study of over 500,000 federal cases and received input from more than 200 law firms. Nichols Kaster was the only plaintiffs' firm in the top ten. On Martindale Hubbell, the firm has a 5 out of 5 peer rating. In a recent CityPages article regarding one of the firm's cases, Nichols Kaster was described as "one of the top employment firms in the country." Olivia LaVecchia, *The Perfect Victim: Exploitation and Threat of Deportation*, CityPages, May 29, 2013.

Nichols Kaster is led by its experienced and talented partners.

- **Don H. Nichols** has tried over 100 cases to verdict and has obtained over \$50 million dollars for his class and collective clients. Don is highly respected by the legal community, as seen by his fellowship in The College of Labor and Employment Lawyers.
- **James H. Kaster** is also recognized for his abilities and experience in the field. He was ranked by Chambers USA as number one among plaintiffs' employment lawyers in Minnesota, selected as a Fellow of the American College of Trial Lawyers and was named Lawyer of the Year by Best Lawyers in 2012.
- **Paul J. Lukas** has been named one of the Top 40 Employment Law Lawyers by Minnesota Law and Politics, named Top Lawyer by Mpls/St. Paul Magazine and named in the Who's Who in Employment Law by Minnesota Law and Politics.
- **Steven Andrew Smith** was named in those lists as well, and also was the recipient of the 2011 Distinguished Pro Bono Service Award from the United States District Court for the District of Minnesota. He was also selected for the Merit Selection Panel regarding the Re-Appointment of U.S. Magistrate Judge Arthur J. Boylan (D. Minn. 2012). He has also received the Martindale Hubbell AV Preeminent rating.
- **Michele R. Fisher** is extensively published in prestigious wage and hour publications and has been an editor for some as well. She also has been named to the Who's Who in

Employment Lawyers. She recently became 2014 Mid-Winter Report Co-Chair for the ABA Fair Labor Standards Legislation Committee.

- **Matthew H. Morgan** has been an adjunct faculty member at William Mitchell College of Law and a frequent lecturer at legal seminars. He also received a CALI Award in Business Organization and was named to the Who's Who in Employment Law.
- **E. Michelle Drake** has had her cases named as Lawsuits of the Year by Minnesota Law and Politics in both 2008 and 2009. She was also appointed to the Federal Practice Committee in 2010 by the United States District Court for the District of Minnesota.
- **Kai H. Richter** has years of consumer class action experience, having worked with the Minnesota Attorney General's Office prior to coming to Nichols Kaster. He testified before the Minnesota House of Representatives Civil Law Committee regarding consumer litigation in 2012.
- **Rachhana T. Srey** is a frequent lecturer at nationwide seminars. She also contributes to the National Employment Lawyers Association Class and Collective Action Committee's quarterly publication. She recently took a large class case to trial and won significant recovery for the class members.

The firm's partners are consistently named to the Minnesota Super Lawyers or the Super Lawyers' Rising Stars list. In January 2012, the firm's partners were featured in Newsweek's 20 Leaders in Employment Law showcase.

Many of Nichols Kaster's associate attorneys have also been recognized on the Minnesota Super Lawyers and Rising Stars lists over the years. Nichols Kaster's attorneys are active in many organizations, have been admitted in numerous state and appellate courts, and frequently speak to national audiences. Nichols Kaster has tried multiple large class actions to verdict, and its attorneys have experience arguing before the United States Supreme Court, several federal Courts of Appeals and the Minnesota Supreme Court.

ATTORNEYS

Complete biographies of all attorneys can be found at www.nka.com/our-people/lawyers/ and starting on page 12

PARTNERS

- **Donald H. Nichols, Of Counsel**
 - B.A. Augsburg College, 1968
 - J.D. University of Minnesota Law School, 1971
- **James H. Kaster**
 - B.A. Marquette University, 1976
 - J.D. Marquette University, 1979
- **Paul J. Lukas**
 - B.A. St. John's University, 1988
 - J.D. William Mitchell College of Law, 1991
- **Steven Andrew Smith**
 - B.A. Concordia College, 1990
 - J.D. William Mitchell College of Law, 1995
- **Michele R. Fisher**
 - B.A. St. Cloud State University, 1997
 - J.D. William Mitchell College of Law, 2000
- **E. Michelle Drake**
 - B.A. Harvard College, 1996
 - M.Sc. Oxford University, 1998
 - J.D. Harvard Law School, 2001
- **Matthew H. Morgan**
 - B.A. University of Minnesota, 1996
 - J.D. William Mitchell College of Law, 2000
- **Kai H. Richter**
 - B.A. Dartmouth College, 1995
 - J.D. University of Minnesota, 1999
- **Rachhana T. Srey**
 - B.A. University of Minnesota, 2000
 - J.D. William Mitchell College of Law, 2004

ASSOCIATES

- **Sofia Andersson-Stern**
 - B.A. Middlebury College, 1995
 - M.A. Boston University, 2001
 - J.D. University of Minnesota Law School, 2005

- **G. Tony Atwal**
 - B.S. Pacific University, 1996
 - J.D. William Mitchell College of Law, 2003
- **Rebekah L. Bailey**
 - B.S. Grand Valley State University, 2004
 - J.D. University of Minnesota Law School, 2008
- **Alexander M. Baggio**
 - B.A. University of Wisconsin-Madison, 2005
 - J.D. University of Minnesota Law School, 2009
- **Megan I. Brennan**
 - B.A. University of Minnesota, 2003
 - J.D. Hamline University School of Law, 2006
 - Certificate in Dispute Resolution, Hamline University School of Law, 2006
- **Andrew G. Chase**
 - B.A. University of St. Thomas, 2006
 - J.D. William Mitchell College of Law, 2010
- **Reena I. Desai**
 - B.A. George Washington University, 2002
 - J.D. University of Minnesota Law School, 2007
- **Kate Fisher**
 - B.A. College of St. Catherine, 2006
 - J.D. University of St. Thomas School of Law, 2011
- **Adam W. Hansen**
 - B.A. University of Wisconsin, 2003
 - J.D. University of Minnesota, 2008
- **Matthew C. Helland**
 - B.A. Rhodes College, 2002
 - J.D. University of Minnesota Law School, 2005
- **Cristina Parra**
 - B.A. Brown University, 2003
 - J.D. University of Michigan Law School, 2007
- **Anna P. Prakash**
 - B.A. University of Michigan, 2002
 - J.D. Cornell Law School, 2005
- **David E. Schlesinger**
 - B.A. Mary Washington College, 2001
 - J.D. University of Minnesota Law School, 2006
- **Tim C. Selander**
 - B.A. University of Wisconsin-Madison, 2002
 - J.D. William Mitchell College of Law, 2006

- **Bonnie Smith**
 - B.A. Yale University, 2004
 - J.D. University of Wisconsin Law School, 2010
- **Curtis Zaun**
 - B.S. Cornell College, 1993
 - M.A. Hamline University, 1999
 - J.D. Hamline University School of Law, 1996

STAFF ATTORNEYS

- **David J. Carrier**
 - B.A. Luther College, 2009
 - J.D. University of St. Thomas School of Law, 2012
- **Joe Hashmall**
 - B.A. Grinnell College, 2006
 - J.D. Cornell Law School, 2009
- **Nicholas D. Thompson**
 - B.A.(double) University of Wisconsin, 2005
 - J.D. University of Minnesota Law School, 2008

JUDICIAL RECOGNITION

Courts have widely acknowledged Nichols Kaster's exemplary class action practice. Below are a few examples of such recognition.

- o From Judge Sidney H. Stein of the U.S.D.C. S.D.N.Y.:

"Fourth, the quality of representation, as evidenced by the substantial recovery and the qualifications of the attorneys, is high. As then District Judge Gerard E. Lynch recognized, Nichols Kaster is 'a reputable plaintiff-side employment litigation boutique with a nationwide practice and special expertise prosecuting FLSA cases.'" *Febus v. Guardian First Funding Group, LLC, et al.*, 870 F. Supp. 2d 337 (Order granting motion for attorneys' fees) (S.D.N.Y. June 22, 2012) (citing *Imbeault v. Rick's Cabaret Int'l Inc.*, No. 08 Civ. 5458 (GEL), 2009 WL 2482134, at *3 (S.D.N.Y. Aug. 13, 2009)).

- o From Judge Joan M. Azrack of the U.S.D.C. E.D.N.Y.:

"...Plaintiffs' counsel 'have an established record of competent and successful prosecution of large wage and hour class actions, and the attorneys working on the case are likewise competent and experienced in the area.'"

"Nichols Kaster and O&G's lawyers have substantial experience prosecuting and settling employment class actions, including wage and hour class actions and are well-versed in wage and hour law and in class action law....Courts have repeatedly found Nichols Kaster and O&G to be adequate class counsel in employment law class actions."

Westerfield v. Washington Mutual Bank, No. 06-2817, 2009 WL 6490084 (Order preliminarily approving settlement and appointing class counsel) (E.D.N.Y. June 26, 2009)

- o From Judge Virginia A. Phillips of the U.S.D.C. C.D. Cal.:

"Plaintiffs have demonstrated sufficiently that their counsel will represent the proposed classes adequately. Counsel has identified and investigated the claims in this action, has extensive experience handling class actions similar to this one, has demonstrated knowledge of the applicable law, and has adequate resources to represent the proposed classes." *Cervantez, et al. v. Celestica Corp., et al.*, No. 07-729 (Order appointing class counsel and certifying the class) (July 30, 2008, C.D. Cal.)

"Over the past two years, Class Counsel has been active in all stages of litigation and has particularly benefitted Plaintiffs through capable handling of motion practice. For

example, Plaintiffs obtained summary judgment on a key issue involving the Morillion doctrine and defeated summary judgment on Defendants' de minimis defense." *Cervantez*, No. 07-729 (Order granting final approval of settlement) (Oct. 29, 2010, C.D. Cal.)

- o From Judge Gary Larson of Minn. Dist. Ct., Hennepin County:

"...Plaintiff's counsel are qualified, experienced attorneys that are fully capable of conducting this class action litigation...they are highly qualified, knowledgeable attorneys that are willing to invest the resources necessary to fully prosecute this case." *Karl, et al. v. Uptown Drink, LLC, et al.*, No. 27-CV-10-1926 (Order appointing Nichols Kaster as class counsel and certifying the class) (Nov. 17, 2010, Minn. Dist. Ct.)

- o From Judge John G. Koeltl of the U.S.D.C. S.D.N.Y.:

"..class counsel ha[s] demonstrated their interest in vigorously pursuing the claims of the class." *Hart, et al. v. Rick's Cabaret, Intl., Inc., et al.*, No. 09-3043, 2010 WL 5297221 (Order appointing Nichols Kaster as class counsel and certifying the class) (S.D.N.Y. Dec. 20, 2010)

- o From Judge William Alsup of the U.S.D.C. N.D. Cal.:

"Plaintiffs' counsel are experienced class-action counsel." *Hofstetter, et al. v. Chase Home Finance, LLC, et al.*, No. 10-01313, 2011 WL 1225900 (Order appointing Nichols Kaster as class counsel and certifying the classes) (N.D. Cal. Mar. 31, 2011)

- o From Judge Michael J. Davis of the U.S.D.C. D. Minn.:

"The settlement was the result of arm's-length negotiations between experienced counsel. Class Counsel is well known by this Court for their expertise in wage and hour litigation." *Burch, et al. v. Qwest Communications Intl., et al.*, No. 06-03523 (Order granting settlement approval) (D. Minn. Sept. 14, 2012)

- o From Magistrate Judge Tony N. Leung of the U.S.D.C. D. Minn.:

"...the combined experience of Plaintiffs' counsel as well as the fact that employment law, particularly the representation of employees, forms a large part of both the firm and counsel's practice persuades this Court that the law firm of Nichols Kaster, PLLP, and its attorneys Steven Andrew Smith and Anna P. Prakash will more than adequately protect the interests of the Class Members." *Fearn, et al. v. Blazin' Beier Ranch, Inc., et al.*, No.

11-743 (Report and Recommendation preliminary approving settlement and appointing class counsel) (D. Minn. Jan. 30, 2012)

“In this case, Plaintiffs have shown good cause under Rule 16(b) because Plaintiffs’ new counsel has shown the necessary diligence. Plaintiffs brought on Nichols Kaster, an experienced employment law firm of high repute as lead counsel in May 2012. Since that time, Plaintiffs have made a concerted effort to comply with this Court’s orders and deadlines.” *Alvarez v. Diversified Maintenance Systems, Inc.*, No. 11-3106 (Order granting motion to amend) (D. Minn. Aug. 21, 2012)

- o From Judge Richard H. Kyle of the U.S.D.C. D. Minn.:

“..the court finds that Plaintiffs’ Lead Counsel are qualified to represent the Class” *Stewart, et al. v. CenterPoint Energy Resources Corp.*, 05-CV-1502-RHK/AJB, 2006 WL 839509, at *1 (D. Minn. Mar. 28, 2006) (Order appointing class counsel and preliminarily certifying the class for settlement purposes).

- o From Judge Susan Richard Nelson of the U.S.D.C. D. Minn.:

“Plaintiffs’ Counsel are qualified attorneys with extensive experience in class action and wage and hour litigation and are hereby appointed as Class Counsel.” *Alvarez v. Diversified Maintenance Systems, Inc.*, No. 11-3106 (Order appointing class counsel and preliminarily certifying the class for settlement purposes) (D. Minn. Feb. 14, 2013).

- o From Judge Deborah Chasanow of the U.S.D.C. D. Md.:

“...the attorneys at Nichols Kaster, PLLP, are qualified, experienced, and competent.” *Singleton v. Domino’s Pizza, LLC*, No. 8:11-cv-01823-DKC (Order appointing class counsel and preliminarily certifying the classes for settlement purposes) (D. Md. May 13, 2013).

Nichols Kaster has been appointed class counsel or served as counsel for a collective on hundreds of certified class and collective actions throughout its years of practice. Recent cases include:

Long v. CPI Security Systems, Inc., No. 3:12-cv-00396, 2013 WL 2154801 (W.D.N.C. May 17, 2013); *Struck v. PNC Bank, N.A.*, No. 2:11-cv-00982, 2013 WL 571849 (S.D. Ohio Feb. 13, 2013); *Latham v. Branch Banking & Trust Company*, No. 1:12-cv-00007 (M.D.N.C. Nov. 13,

2012); *Ruffin v. Entertainment of the Eastern Panhandle, Inc.*, No. 3:11-cv-00019, 2012 WL 5472165 (N.D. W.Va. Nov. 9, 2012); *Spar, et al. v. Cedar Towing & Auction, Inc.*, Case No. 27-CV-11-24993 (Minn. Dist. Ct., Oct. 16, 2012); *Heibel v. U.S. Bank, N.A.*, No. 11-00593, 2012 WL 4463771 (S.D. Ohio, Sept. 27, 2012); *Ginter v. RBS Citizens, N.A.*, No. 12-00008-M-DLM (D.R.I., Sept. 17, 2012); *Kiessel v. The Corvus Group, et al.*, No. 12-390 PAG (N.D. Ohio, July 6, 2012); *Myles v. Prosperity Mortgage Co.*, No. Civ. CCB-11-1234, 2012 WL 1963390 (D. Md., May 31, 2012); *Calderon v. Geico Gen. Ins. Co.*, 279 F.R.D. 337 (D. Md., Feb. 14, 2012); *Baker v. Clear Wireless, LLC*, No. 11-401 (N.D. Fla. Jan. 20, 2012); *Swigart v. Fifth Third Bank*, 276 F.R.D. 210 (S.D. Ohio, Aug. 31, 2011) (granting conditional certification) and 2012 WL 6720562 (S.D. Ohio, Dec. 28, 2012) (granting Rule 23 class certification); *Sliger v. Prospect Mortgage, LLC*, No. 11-465-LKK, 2011 WL 3747947 (E.D. Cal. Aug. 24, 2011); *Hughes v. Verizon Communications, Inc.*, No. 11-430-LMB (E.D. Va. July 25, 2011); *Shultz v. Hyatt Vacation Marktg. Corp.*, No. 10-4568-LHK (N.D. Cal. May 9, 2011); *McCray v. Cellco Partnership d/b/a Verizon Wireless*, No. 10-02821 SCJ, 2011 WL 2893061 (N.D. Ga. April 8, 2011); *Hofstetter, et al. v. Chase Home Finance, LLC, et al.*, No. 10-1313-WHA, 2011 WL 1225900 (N.D. Cal. Mar. 31, 2011); *Gee v. Suntrust Mortgage, Inc.*, No. 10-01509, 2011 WL 722111 (N.D. Cal. Feb. 18, 2011); *Lindberg v. UHS of Lakeside*, 761 F. Supp. 2d 752 (W.D. Tenn. Jan. 21, 2011); *Edwards v. Multiband Corp.*, No. 10-02826 MJD-JJK, 2011 WL 117232 (D. Minn. Jan. 13, 2011); *Bollinger v. Residential Capital, LLC*, 761 F. Supp. 2d 1114 (W.D. Wash. Jan. 5, 2011); *Karl v. Drink Uptown, LLC*, No. 27-CV-10-1926 (Minn. Dist. Ct. Nov. 17, 2010); *Norris-Wilson v. Delta-T Group, Inc.*, No.09-916, 2010 WL 3834886 (S.D. Cal. Sept. 30, 2010); *Lyons v. Ameriprise Financial, Inc.*, 2010 WL 3733565 (D. Minn. Sept. 20, 2010); *Luiken v. Domino's Pizza, LLC*, No. 09-516, 2010 WL 2545875 (D. Minn. June 21, 2010); *Clincy v.*

Galardi South Enterprises, Inc., No. 1:09-CV-2082-RWS, 2010 WL 966639 (N.D. Ga. March 12, 2010); *Hart v. Rick's Cabaret International, Inc.*, No. 09-3043 JGK-THK (S.D.N.Y. Dec. 17, 2009 (granting FLSA conditional certification) and 2010 WL 5297221 (S.D.N.Y. Dec. 20, 2010 (granting Rule 23 class certification)); *Monroe v. FTS USA, LLC*, 257 F.R.D. 634 (W.D. Tenn. Mar. 17, 2009); *Harlow v. Sprint Nextel Corp.*, 254 F.R.D. 418 (D. Kan. Dec. 10, 2008); *Sibley v. Sprint Nextel Corp.*, 254 F.R.D. 662 (D. Kan. Nov. 24, 2008); *Foster v. Nationwide Mutual Insurance Co.*, No. 08-00020 EAS-TPK (S.D. Ohio April 2, 2008).

AREAS OF PRACTICE

EMPLOYMENT LITIGATION (Both individual and collective/class actions)

Nichols Kaster has, and continues to, litigate on behalf of thousands of employees in multiple state and nationwide cases. The firm has filed lawsuits regarding various violations, including but not limited to, failure to pay overtime, minimum wage violations, misclassification, off-the-clock work, donning and doffing, discrimination, and Minnesota gratuities statutes violations.

Some recent highlights of Nichols Kaster's employment litigation practice include:

In *Kirsch v. St. Paul Motorsports, Inc.*, No. 11-cv-02624, 2013 WL 1900620 (D. Minn. May 7, 2013), the court denied defendants' motion for summary judgment in its entirety, finding that plaintiff had put forth sufficient evidence for a prima facie claim of age discrimination.

In *Calderon v. GEICO General Insurance Co.*, 2012 WL 6889800 (D. Md. Nov. 29, 2012), the court granted summary judgment in favor of approximately one hundred current and former Security Investigators for GEICO, finding that they were not covered by the administrative exemption. Specifically, the court held that plaintiffs did not exercise discretion and independent judgment as to matters of significance.

In *Bollinger v. Residential Capital*, 863 F. Supp. 2d 1041 (W.D. Wash. May 30, 2012), the court granted plaintiffs' motion for partial summary judgment, finding that defendants misclassified the underwriter plaintiffs under the administrative exemption, and rejected defendants' argument that there was no evidence of willful violation of the FLSA, stating that "a jury could conclude that Defendants knowingly and recklessly" misclassified plaintiffs.

In *Kasten v. Saint-Gobain Performance Plastics Corp.*, 131 S. Ct. 1325 (2011), the United States Supreme Court found in favor of the plaintiff and held that "an oral complaint of a violation of the Fair Labor Standards Act is protected conduct under the [Act's] anti-retaliation provision." This was a huge win for employees all over the country, as the Supreme Court's decision set a new FLSA anti-retaliation standard.

In *Clincy v. Galardi South Enterprises, Inc.*, 808 F. Supp. 2d 1326 (N.D. Ga. Sept. 7, 2011), the court granted plaintiffs' motion for partial summary judgment on the issue of misclassification, finding that defendants misclassified adult entertainers as independent contractors and that the entertainers were in fact employees covered by the FLSA.

In *Monroe v. FTS USA, LLC*, Civ. No. 2:08-cv-21 (W.D. Tenn.), in September 2011, a jury found in favor of the plaintiffs, determining that defendants willfully violated the FLSA and

failed to pay plaintiffs for all of their overtime hours, awarding an average of between 8 and 24 off-the-clock hours per week, per plaintiff.

In *Eldredge v. City of Saint Paul*, Civ No. 09-2018 (D. Minn. 2011), plaintiff Eldredge reached a settlement of his case that was the second largest paid by the City of Saint Paul in an employment lawsuit.

CONSUMER LITIGATION (class actions)

Nichols Kaster has developed a consumer class action team dedicated to investigating and filing suits to ensure consumers' rights are represented. The consumer cases the firm has filed have alleged various violations, including but not limited to the following: improper force-placement of flood insurance, improper force-placement of hazard insurance, unlawful taxes and fees, deceptive trade practices, fraud, breach of contract, unjust enrichment, and coercion. Since the formal inception of Nichols Kaster's consumer litigation group, the firm has initiated almost 30 lawsuits and in 2012 alone, has filed 9 consumer class actions.

Highlights of Nichols Kaster's consumer litigation practice include:

In *Hofstetter v. JPMorgan Chase Bank, N.A.*, 2011 WL 1225900 (N.D. Cal. Mar. 31, 2011), Nichols Kaster was appointed class counsel for four classes encompassing approximately 40,000 mortgagors against Chase Bank. In the same case, Nichols Kaster secured an approximately \$10MM settlement for the classes. *Hofstetter*, 2011 WL 5545912 (N.D. Cal. Nov. 14, 2011).

In *Singleton v. Domino's Pizza, LLC*, No. 8:11-cv-01823 (D. Md., filed July 1, 2011), the court granted preliminary approval of the parties' proposed \$2.5 million settlement under the Fair Credit Reporting Act in a case where plaintiffs alleged that the defendant employer had improperly procured consumer reports on employees and applicants and had failed to comply with the pre-adverse action notice requirements of the Act. The court preliminarily certified three settlement classes of over 50,000 people and appointed Nichols Kaster, PLLP as class counsel, describing the firm as "qualified, experienced, and competent." (Order, May 13, 2013.)

In *Holmes, et al. v. Bank of America, N.A.*, 2013 WL 2317722 (W.D.N.C. May 28, 2013), the court denied four motions to dismiss plaintiffs' claims regarding force-placed insurance and allowing the case to proceed.

In *Ulbrich v. GMAC Mortgage*, No. 11-32424 (S.D. Fla. May 10, 2013), the court granted final settlement approval and appointed Nichols Kaster as class counsel for a 2,000+ nationwide class. The case involved claims against GMAC Mortgage, LLC and Balboa Insurance Services, Inc. relating to force-placed wind insurance.

In *Gustafson v. BAC Home Loan Services, LP*, No. 8:11-cv-00915 (C.D. Cal. Feb. 27, 2013), Judge Josephine Staton Tucker appointed Nichols Kaster as co-lead interim class counsel for multiple putative classes in a force-placed insurance case against Bank of America and other defendants.

In *Spar, et al. v. Cedar Towing & Auction, Inc.*, Case No. 27-CV-11-24993 (Minn. Dist. Ct., Oct. 16, 2012), Nichols Kaster won class certification and was appointed class counsel for a class of approximately six thousand Minneapolis consumers who plaintiffs alleged had been charged illegal towing fees by defendant.

In *Lass v. Bank of America, N.A., et al.*, 695 F.3d 129 (1st Cir. 2012), the United States Court of Appeals for the First Circuit struck down the district court's ruling that had dismissed plaintiff's claims. The Court found that plaintiff's allegations regarding excessive flood insurance and improper kickbacks had been properly alleged and that the case should proceed.

In *Rasschaert, et al. v. Frontier Communications Corp., et al.*, No. 11-cv-02963 (D. Minn. Nov. 19, 2012), the court granted preliminary approval of the parties' partial settlement, certifying a class of over one hundred thousand Minnesota Frontier Internet services customers and appointing Nichols Kaster as class counsel.

In *Ellsworth v. U.S. Bank, N.A. and American Security Ins. Co.*, Civ. No. 3:12-cv-02506-LB, 2012 WL 6176905 (N.D. Cal. Dec. 11, 2012), the court denied defendant U.S. Bank's motion to dismiss and defendant American Security Insurance Company's motion to dismiss, finding that plaintiff had sufficiently alleged his claims.

In *Walls v. JPMorgan Chase Bank, N.A.*, Civ. No. 3:11-cv-00673, 2012 WL 3096660 (W.D. Ky. July 30, 2012), a case regarding force-placed flood insurance, the court denied defendant's motion to dismiss, stating that the plaintiff's mortgage agreement did not explicitly provide that the lender's flood insurance requirement could change at will and that Kentucky contracts contain provisions which can impose limits on discretion afforded by a contract, thus rejecting defendant's interpretation of plaintiff's mortgage agreement for purposes of the motion.

In *Stewart v. CenterPoint Energy Resources Corp.*, 2006 WL 839509 (D. Minn. Mar. 26, 2006), Nichols Kaster achieved a significant class action settlement on behalf of more than 2,500 low-income households who were left without heat by CenterPoint Energy in violation of Minnesota's "Cold Weather Rule."

ATTORNEY BIOGRAPHIES

Partners:

Donald H. Nichols: Don graduated from the University of Minnesota Law School in 1971. He has over 35 years of experience in the practice of law. He is a Minnesota State Bar Association Certified Trial Specialist and has tried over 100 cases to verdict. He has litigated close to 50 overtime and minimum wage class and collective actions on behalf of thousands of clients and has obtained over \$50MM for those clients. Don's national reputation has provided him the opportunity to lecture at over 100 seminars involving a myriad of legal topics. He is admitted to practice in the United States Supreme Court, multiple appellate and district courts, as well as the state bars of Minnesota, New York and Georgia.

James H. Kaster: Jim graduated from Marquette University in 1979. He has since tried well over 100 cases to verdict or decision, including a successful case in front of the United States Supreme Court (*Kasten v. Saint-Gobain Performance Plastics Corp.*). His success in the courtroom includes earning many million dollar and multi-million dollar recoveries for the plaintiffs. Jim is also a frequent lecturer before local, state, and national organizations on damage recovery and trial skills. He has been published multiple times in the Minnesota Trial Lawyer publication and was selected as a Fellow of the American College of Trial Lawyers which is a premier professional trial organization in America whose membership is limited to 1% of the trial lawyers in any state or province.

Paul J. Lukas: Paul graduated from William Mitchell College of Law in 1991. Early in his career, Paul tried a wide variety of criminal cases, including the nationally renowned *State v. Porter* case before the Minnesota Supreme Court. He then focused his practice on civil plaintiff litigation, representing thousands of employees and consumers and obtaining well over \$100MM for his clients. Paul is a frequent lecturer on a national level and has been recognized consistently by the Minnesota Super Lawyers.

Steven Andrew Smith: Steve graduated from William Mitchell College of Law in 1995, *cum laude*. Steve's trial experience includes trials to verdict in sexual harassment, whistleblower, reprisal/retaliation, commission, contract, gender discrimination, marital status discrimination, disability, and wage and hour claims. Steve has also litigated several notable cases having substantial effect on employees' rights under state and federal employment laws. Steve is often invited to lecture on employment issues both nationally and locally. He has also authored a number of articles on employment law issues such as sexual harassment in the workplace.

Michele R. Fisher: Michele graduated from William Mitchell College of Law in 2000. She has since honed her trial skills and has handled numerous jury trials and arbitrations. She has become a regular speaker at local and national conferences and routinely acts as an author and editor for wage and hour publications. Michele also has had the honor of acting as co-chair and faculty member of the Practicing Law Institute's Managing Wage & Hour Risks Annual Conference in New York City.

E. Michelle Drake: Michelle graduated from Harvard Law School in 2001. She began her practice of law by trying high stakes criminal cases as a public defender in Atlanta, Georgia. She then moved to Minnesota and began practicing civil litigation with Nichols Kaster. Michelle has earned recognition in the legal community, as seen by the fact her opinions have been published in the National Law Journal, her cases have been named "Lawsuits of the Year" by Minnesota Law & Politics and she has spoken at numerous legal education seminars. Michelle heads the Consumer Class Action Team at Nichols Kaster and has been instrumental in the success of that practice for the firm. In particular, Michelle is currently lead counsel on several cases involving Fair Credit Reporting Act violations.

Matthew H. Morgan: Matt graduated from William Mitchell College of Law in 2000. He has become a skilled litigator since, trying cases to verdict in both jury and bench trials. In 2012, Matt tried two jury trials against large health organizations and received verdicts in favor of the plaintiff in each of them. Matt has represented clients on a variety of complex matters including non-competition and non-solicitation provisions of employment and separation agreements, discrimination, retaliation, professional licensure, sexual harassment, breach of duty of loyalty, unfair competition, and breach of contract.

Kai H. Richter: Kai attended University of Minnesota Law School, graduating *cum laude*. Kai has extensive consumer litigation experience, beginning with his time managing the Complex Litigation Division of the Minnesota Attorney General's office. He was integral to the afore-mentioned achievement of class certification and settlement in the *Hofstetter* case. Kai also has testified before the Minnesota House of Representatives Civil Law Committee regarding consumer enforcement litigation and other social justice matters.

Rachhana T. Srey: Rachhana graduated from William Mitchell College of Law *cum laude*. She has handled a variety of cases in her career and was a part of the trial team who won in the afore-mentioned *FTS* matter. Rachhana contributes to the National Employment Lawyers Association Class and Collective Action Committee's quarterly publication and has spoken nationally and locally on topics related to the FLSA and discovery in civil litigation.

Associates:

Sofia Andersson-Stern: Sofia attended University of Minnesota Law School and graduated *cum laude*. She is an integral member of Nichols Kaster's class action and individual employment litigation practice. Sofia has litigated a variety of issues including discrimination, commissions, sexual harassment, and claims brought under the Family and Medical Leave Act and state and federal whistleblower statutes. She also is a member of several professional organizations and a proficient Spanish speaker.

G. Tony Atwal: Tony graduated from William Mitchell Law School in 2003. He has extensive appellate practice and has recently begun to focus on plaintiff class actions. Tony is a part of Nichols Kaster's wage and hour litigation team. Tony also teaches appellate briefing at William Mitchell.

Alexander M. Baggio: Alex attended University of Minnesota Law School and graduated *cum laude*. Alex focuses on class and collective actions, currently representing thousands of employees regarding commission payments, minimum wage, overtime, and improper meal and break deductions. Prior to working at Nichols Kaster, Alex clerked for the Honorable Gary Larson and Janet Poston of the Minnesota District Courts.

Rebekah L. Bailey: Rebekah also attended University of Minnesota Law School and graduated *magna cum laude*. She has significant experience in litigating complex class actions and had been involved in several of the firm's biggest consumer cases. She is also a board member for the Alumni Advisory Journal of Law & Inequality and has won an award for Excellence in Labor and Employment Law, ABA-BNA.

Megan I. Brennan: Megan graduated from Hamline University School of Law *summa cum laude*. She also received a Certificate in Dispute Resolution from Hamline. Megan has extensive litigation experience and has also served as an Adjunct Professor at the University of Minnesota Law School. Megan recently took a case to verdict in Minnesota state court and achieved a successful result for the plaintiffs (*Karl v. Uptown Drink, LLC*).

Andrew G. Chase: Andrew attended William Mitchell College of Law and graduated *cum laude*. He is a member of the firm's Business Development Group, and is instrumental in investigating and preparing cases for litigation. Andrew also represents clients in multi-plaintiff collective and class actions. He has received recognition for his efforts outside of the office as well, as a recipient of Achievement in Volunteer Public Service from the Minnesota Justice Foundation.

Reena I. Desai: Reena graduated from the University of Minnesota Law School *cum laude*. She has dedicated the majority of her career to helping thousands of employees recover unpaid wages and has also handled cases involving race and disability discrimination. Reena has

extensive complex litigation experience and has spoken on several panels regarding employment and civil rights.

Kate Fisher: Kate attended University of St. Thomas School of Law as well, graduating *cum laude*. Kate has been dedicated to employment law since law school, and garnered recognition from St. Thomas and the Minnesota State Bar Association for her efforts while a student, winning the Dean's Award in Employment Law and Labor Law and the MSBA Labor & Employment Law Section Student Award.

Adam W. Hansen: Adam received his J.D. from University of Minnesota Law School and began his career in the judicial system clerking in the Minnesota Supreme Court and the United States Court of Appeals for the Eighth Circuit. He then moved to civil litigation, representing clients in a variety of contexts, including discrimination, retaliation, harassment, whistleblower, breach-of-contract, severance, wage and hour disputes, and Fair Credit Reporting Act violations. Adam currently works out of Nichols Kaster's San Francisco office and works with both the Wage and Hour Team and the Consumer Class Action Team.

Matthew C. Helland: Matt attended University of Minnesota Law School and graduated *magna cum laude*. He works out of the firm's San Francisco office and is well-versed in both California and Minnesota state law. Matt has worked on multiple large class actions in his career, involving a variety of issues, including wage and hour rights, WARN Act violations, breach of contract, and Truth in Lending Act claims.

Cristina Parra: Cristina attended University of Michigan Law School and has represented employees for several years in state and federal court, arbitrations and administrative hearings. Cristina is also a qualified neutral in Minnesota. In 2011, she was selected as an A. Leon Higginbotham Jr. Fellow of the American Arbitration Association. Cristina is also fluent in Spanish.

Anna P. Prakash: Anna graduated from Cornell Law School and began her career as a civil rights attorney for the United States Department of Education in Washington, D.C. She has since become a skilled civil litigator and has achieved many successes for her clients, including the afore-mentioned summary judgment win in *Clincy* and the trial win in *FTS*. Anna has recently become involved with the firm's Consumer Class Action Team and looks forward to being an advocate for consumer rights.

David E. Schlesinger: David graduated from University of Minnesota Law School *cum laude*. He has since represented thousands of employees in cases involving discrimination, retaliation, breach of contract, unpaid wages, shareholder rights, FLSA, and non-competes and trade secrets. David, as first-chair, has tried and won cases in both trial and arbitration. He has

also argued before the Minnesota Supreme Court. David teaches Practice and Professionalism at the University of Minnesota Law School.

Tim C. Selander: Tim received his J.D. from William Mitchell College of Law and has since litigated claims in federal and state courts, as well as arbitration. Tim has represented workers in disputes related to unpaid wages, overtime pay, commissions, and wrongful termination. Tim has been a frequent speaker at continuing legal education seminars and served as a panelist for the Law360 Employment Editorial Advisory Board.

Bonnie M. Smith: Bonnie attended University of Wisconsin Law School, graduating *cum laude*. She has won an unemployment benefits appeal, defeated summary judgment in a pregnancy discrimination case, second-chaired an arbitration to hold an employer liable for breach of contract, and negotiated substantial settlements for clients in several cases. Bonnie has also been a contributor to an ABA subcommittee on the FMLA.

Curtis Zaun: Curtis attended Hamline University School of Law and graduated *cum laude*. Curtis has extensive experience, having worked as an assistant Minnesota Attorney General, Senior Counsel for Educational Credit Management Corporation, and most recently as a consumer litigation attorney. Curtis is now a member of Nichols Kaster's wage and hour class action team and focuses his practice on representing employee rights. Curtis also has served as the Alumni Board of Directors President for Hamline University School of Law.

Staff Attorneys:

David J. Carrier: David attended University of St. Thomas School of Law. He is a member of Nichols Kaster's consumer class action team and works on litigation regarding unfair, deceptive and unlawful practices. Prior to joining Nichols Kaster, David clerked for the U.S. Attorney's Office for the District of Minnesota and the Ramsey County Attorney's Office.

Joe Hashmall: Joe graduated *cum laude* from Cornell Law School. Joe is a member of Nichols Kaster's consumer class action team. He also is a part of the consumer origination group, working to investigate and identify new areas in consumer litigation. Prior to joining Nichols Kaster, Joe clerked for President Judge Bonnie B. Leadbetter of the Pennsylvania Commonwealth Court and for the Honorable David J. Ten Eyck of the Minnesota District Court.

Nicholas Thompson: Nick also attended the University of Minnesota Law School and graduated in 2008. Prior to joining Nichols Kaster, Nick worked on personal injury and criminal cases. Currently, Nick is part of Nichols Kaster's Consumer Litigation Team. He focuses on the Fair Credit Reporting Act, fighting for people who have been denied opportunities due to credit reports and/or background checks.