

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

_____)	MDL Docket No. 2800
In re: Equifax, Inc. Customer)	Case No.: 1:17-md-2800-TWT
Data Security Breach Litigation)	
)	FINANCIAL INSTITUTION CASES
_____)	

**APPLICATION OF THE ATLANTA GROUP FOR CO-LEAD COUNSEL,
PLAINTIFFS’ STEERING COMMITTEE, AND LIAISON COUNSEL FOR
THE FINANCIAL INSTITUTION PLAINTIFFS**

Pursuant to this Court’s Orders, undersigned counsel, who represent multiple financial institutions in their data-breach claims against the Equifax Defendants, submit their Application to Serve as Plaintiffs’ Leadership Counsel for all plaintiff financial institutions (“FI”s). Our leadership structure proposes two co-lead and one liaison counsel who are local attorneys with stellar national reputations, supported by a diverse six-member steering committee of well-respected attorneys and firms from around the country, to prosecute FI plaintiffs’ claims. This team has the ability, experience, dedication and resources to lead the FI Plaintiffs. Accordingly, the Court is requested to appoint FI Plaintiffs’ Leadership Counsel as follows:

Co-Lead Counsel:

- Michael L. McGlamry, Pope McGlamry, P.C., Atlanta, GA
- Ranse M. Partin, Conley Griggs Partin LLP, Atlanta, GA

Liaison Counsel:

- Sutton Connelly, Cook & Connelly, Summerville, GA

Plaintiffs' Steering Committee:

- Craig Bertschi of McRae, Bertschi & Cole LLC, Atlanta, GA
- Chris Hellums of Pittman Dutton & Hellums P.C., Birmingham, AL
- LeeAnn Jones of Taylor English Duma LLP, Atlanta, GA
- Doug Dellaccio of Cory Watson, Birmingham, AL
- Robert Kaplan of Kaplan Fox & Kilsheimer LLP, New York, NY
- Nicole Moss of Cooper & Kirk, Washington, D.C.

This proposed FI Plaintiffs leadership slate is collectively referred to as the “Atlanta Group.”

This is a unique litigation. It involves an unprecedented data breach affecting millions of consumers and financial institutions. It is exponentially larger than and significantly different from any prior data breach case. Rather than involving retailers or credit card issuers, Equifax, a national credit reporting

agency with sensitive personal and credit data on 145.5 million Americans, was compromised. The success of Plaintiffs' leadership will depend, in large part, upon the dynamics and synergies among Consumer and FI leaders and Equifax and its counsel. The Atlanta Group has positive professional relationships that will facilitate the successful prosecution of the FI data breach claims.¹

Further, although national in scope, this litigation has a uniquely local foundation. No doubt the JPML selected this Court in the Northern District of Georgia to address the consolidated claims against Equifax in light of local considerations, including that Defendant Equifax and its counsel, King & Spalding, are both Atlanta institutions. It is crucial that Plaintiffs' leadership counter-balance with similar strength.

Applicants submit this application, having made no agreements or arrangements with any other counsel, except for the promise to work cooperatively with any and all counsel appointed to leadership. However, the proposed Atlanta Group is uniquely positioned and qualified for this leadership role. We have assembled a powerful and diverse local and national team. We have tremendous experience in MDLs, class actions and data breach litigation. Moreover, we have

¹ Additionally, the Atlanta Group will not face the substantial manageability questions presented by the other proposed FI Plaintiffs' Leadership slate, given the large number of clients that group represents.

substantial experience litigating against both Equifax and its counsel. And we have a long history of collaboration with many of the leadership groups proposed for the Consumer track. We unequivocally have the resources and manpower to handle this litigation and, as such, this Atlanta Group is the most appropriate and effective Leadership Group for the FI track.

This group has a proven track record of successfully representing plaintiffs in hundreds of lengthy and complicated class actions and multidistrict proceedings. Successful resolution of such matters requires the investment of considerable resources, in both time and expenses, and a collegial relationship with other lawyers to accomplish results favorable to their clients and all affected plaintiffs. The Atlanta Group brings their clients and the Court a diversity of outstanding experience and reputation at both the national and local levels, all of which will inure to the benefit of the FI class and this Court's oversight and management of this MDL.²

² The Atlanta Group has already spent considerable time developing this case. Among other things, they have consulted with outstanding potential experts including Assured Enterprises, Inc., a leading cybersecurity firm, Dr. William S. Rees, Jr., a cybersecurity expert who was a Professor and Institute Director at Georgia Tech, and Dr. Annie Anton who is a Professor and Chair of the School of Interactive Computing at Georgia Tech.

I. FI Plaintiffs propose an appropriate three-tiered organizational structure to lead the FI Plaintiffs.

To avoid inefficiency, duplication and possible prejudice to the plaintiffs, the Manual for Complex Litigation recommends procedures to select and authorize attorneys “to act on behalf of other counsel and their clients.” Manual for Complex Litigation (Fourth) (“MCL”), § 10.22. The MCL suggests a leadership structure that includes lead counsel, liaison counsel and an executive or steering committee. *See* MCL § 10.221.

Given the number of plaintiffs and the extensive, technical facts that must be discovered and applied to the legal issues involved herein, this MDL requires such a leadership structure. The Atlanta Group proposes the appointment of two Lead Co-Counsel and a single Liaison Counsel to be charged with the oversight and prosecution of this matter. Additionally, the Atlanta Group proposes that a FI Plaintiffs’ Steering Committee of six additional dedicated and highly-qualified attorneys is appropriate for the efficient and effective prosecution of the FI claims.

While the undersigned are aware that this Court has sometimes appointed a single lead counsel, our proposed Co-Lead structure is workable and appropriate for a matter as large and complex as this case. These attorneys and their firms have the resources to successfully prosecute the FI Plaintiffs’ claims and are committed to doing so. The Atlanta Group is further committed to continue the

collegial approach that has heretofore been adopted by counsel in the preparation of the preliminary reports and proposed CMO-2 for the Court.

II. The Atlanta Group exceeds the standard for appointment of lead counsel.

In CMO-1, this Court identified the “main criteria” for leadership appointment as (1) willingness and ability to commit to a time-consuming process; (2) ability to work cooperatively with others; (3) professional experience in this type of litigation; and (4) access to sufficient resources to advance the litigation in a timely manner. (Doc. No. 23 at 6.) In addition, the MCL lists factors regarding the responsibilities and duties of counsel appointed to lead complex actions for consideration in selecting and appointing lead counsel, including: resources, commitment, qualifications, and competence of designated counsel; whether there has been full disclosure of agreements among counsel; the existence of clear guidelines for compensation and reimbursement and whether arrangements among counsel are fair, reasonable and efficient; whether counsel fairly represents the various interests in the litigation; and counsels’ ability to command the respect of their colleagues and work cooperatively with opposing counsel. *See* MCL § 10.224.

Furthermore, because many cases in this MDL were filed as putative class actions, the Atlanta Group recommends that proposed Liaison and Co-Lead

Counsel also be designated as Co-Interim Class Counsel pursuant to Rule 23(g) to “act on behalf of a putative class before determining whether to certify the action as a class action.” Fed. R. Civ. P. 23(g)(3). Federal Rule 23(g) provides similar criteria for the appointment of interim class counsel as is outlined in the MCL (and listed above). *See* Fed. R. Civ. P. 23(g)(1)(A)(i-iv) & (B). As set forth below, the Atlanta Group satisfies the criteria for appointment set forth by this Court, Rule 23(g) and the MCL.

III. The Atlanta Group’s proposed leadership slate is exceptionally qualified and should be appointed.

The Atlanta Group proffers Michael L. McGlamry and Ranse M. Partin to serve as Co-Lead and Co-Interim Class Counsel and Sutton Connelly as Liaison Counsel for the FI plaintiffs. They will be charged with directing and coordinating substantive and procedural issues for the FI plaintiffs. The detailed qualifications of proposed Co-Lead and Liaison Counsel are summarized below, with supporting information attached hereto as Exhibits A, B and C.

A. Proposed Co-Lead and Liaison Counsel

The qualifications of proposed Liaison Counsel and Co-Lead/Interim Class Counsel are summarized below.

1. Proposed Co-Lead Counsel

Michael L. McGlamry, Pope McGlamry, P.C. (Atlanta, GA)

Mr. McGlamry graduated from Wake Forest University, *magna cum laude*, and The University of Georgia School of Law, *cum laude*. He has represented plaintiffs for nearly thirty years. Mr. McGlamry has had extensive involvement in class action litigation in numerous capacities, and previously served as lead counsel in a class action against Equifax, *Robbie Hillis, et al. v. Equifax Consumer Svcs., Inc.*, in the Northern District of Georgia before the Hon. Timothy C. Batten, Sr. In addition, he has been appointed class counsel in 53 state and federal court class actions that resulted in over \$1 billion in settlements or verdicts. Mr. McGlamry has also served in a variety of MDL leadership roles, including *In Re: Wright Medical Tech., Inc. Conserve Hip Implant Prods. Liab. Lit.* (NDL-2329, N.D. Ga.) (Co-Lead); *In Re: Stryker LFIT CoCr V40 Femoral Heads Hip Implant Lit.* (New Jersey) (Executive Committee); and *In Re: National Football League Players' Concussion Lit.* (E.D. Pa.) (Steering Committee). (See Exhibit A, Declaration of Mike McGlamry.)

Founded in 1985 by Neal Pope, Pope McGlamry, P.C. is an 18-attorney civil trial law firm. Since its inception, the firm has represented thousands of clients in personal injury, products and pharmaceutical liability, class actions and mass torts. The firm has also represented both plaintiffs and defendants in individual complex litigation matters.

The firm is nationally recognized for its successful class actions and multidistrict litigations, covering multi-faceted subjects, including consumer issues, insurance, products and pharmaceutical liability, FCRA, CROA and TILA claims. Pope McGlamry's long history in class action and mass tort work demonstrate its ability and resources to efficiently and effectively litigate large-scale cases involving substantial discovery.

Ranse M. Partin, Conley Griggs Partin LLP (Atlanta, GA)

Mr. Partin graduated from Emory University and The University of Georgia School of Law, *cum laude*. Mr. Partin is intimately familiar with this Court's Local Rules, procedures and preferences, having served as a law clerk to Hon. Thomas W. Thrash from 1998-2000, and regularly practicing before the Court for the past eighteen years, including a successful two-week trial to verdict in this Court in 2017. This Court appointed Mr. Partin to the 11th Circuit Judicial Conference Planning Committee for the 2020 conference to be held in Atlanta. He is an active member of the Federal Bar Association's Atlanta chapter, and previously served on the State Bar of Georgia's Committee on the Judiciary.

Mr. Partin and his firm have significant MDL and data breach experience. Mr. Partin currently serves on the Plaintiffs' Steering Committee before this Court as Co-Liaison Counsel for the Financial Institutions in *In re: The Home Depot*,

Inc., Customer Data Sec. Breach Lit. (N.D. Ga.), another data-breach case, which concluded with a landmark settlement for the plaintiff financial institutions. He also has experience managing large, complex, civil litigation, including from his tenure at King & Spalding managing teams of associates, contract lawyers, paralegals, and e-discovery vendors in a variety of national business litigation. Mr. Partin enjoys long-standing relationships with Equifax's defense counsel, having practiced law at King & Spalding for ten years before founding his own firm, which will facilitate an effective working relationship among counsel.

His firm, Conley Griggs Partin LLP, is a boutique trial law firm with fourteen attorneys, primarily representing plaintiffs, including businesses and individuals, in civil litigation. Conley Griggs Partin enjoys a reputation for high-quality and creative work and for its willingness to take on large and complex cases. Class actions and multi-district litigation encompass a significant portion of the firm's practice. In addition to the work done in the Home Depot data breach MDL, the firm serves as Co-Lead Counsel in *In re: Airline Baggage Fee Antitrust Lit.* (N.D. Ga.) and played a leading role in preparing for trial and settling a bellwether case in *In re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Prods. Liab. Lit.* (C.D. Cal.). (See Exhibit B.)

2. Proposed Liaison Counsel

Sutton Connelly, Cook & Connelly (Summerville, GA)

Mr. Connelly graduated from Southern Methodist University and Georgia State University College of Law. While in law school, Mr. Connelly served as an intern for Justice Carol W. Hunstein of the Georgia Supreme Court. He has represented plaintiffs for the entirety of his career.

Cook & Connelly, LLC, a trial law firm founded by Bobby Lee Cook, has provided exceptional legal representation to its clients, mostly plaintiffs, for over sixty years. The firm served as co-lead counsel alongside Hon. Hardy Gregory, Jr. in the class action, *Plymel, et al v. Teachers Retirement Sys.* (Georgia), which resulted in a recovery of benefits in excess of \$700 million dollars. Mr. Connelly is the managing partner of Cook & Connelly. (*See Exhibit C.*)

3. Summary of Proposed Co-Lead and Liaison Qualifications

As discussed in detailed supporting declarations, these attorneys and their respective firms, along with the attorneys and firms comprising the proposed Steering Committee, have substantial knowledge and experience in prosecuting complex consumer and other class actions. (*See Exhibits A, B and C.*)

These firms have undertaken substantial work identifying, investigating and prosecuting potential claims in this action and have a proven track record of

working cooperatively with other counsel in class action and multi-district proceedings. (*See* Exhibit A, ¶¶7- 9; Exhibit B, ¶2). Likewise, the Atlanta Group’s proposed leadership slate is willing and able to commit ample resources to staff and finance the prosecution of this action over a period of years. (*See* Exhibit A, ¶14; Exhibit B, ¶1). In sum, the proposed designated attorneys and firms are well-qualified and committed to working together to achieve a favorable result on behalf of all FI plaintiffs in this litigation.

B. Proposed Steering Committee

Applicants also propose the following Steering Committee members to assist in the management and prosecution of this litigation:

1. Chris Hellums of Pittman Dutton & Hellums (Birmingham, AL)

Mr. Hellums received his undergraduate and law degrees from the University of Alabama. Mr. Hellums has over 24 years of experience representing plaintiffs in complex civil litigation, class actions, mass torts, insurance fraud and bad faith, and personal injury matters. Since 2004, he has been the managing shareholder of Pittman Dutton & Hellums and leads the mass tort and class action group. Mr. Hellums has played a vital role in many class and mass action cases involving data breaches, antitrust, insurance, and products liability. Mr. Hellums has been appointed to leadership positions in many MDLs ranging from co-lead

counsel, to liaison counsel, to serving on executive and steering committees. Mr. Hellums currently serves as Local Liaison Counsel in MDL 2595: *In re Community Health Sys., Inc., Customer Data Sec. Breach Lit.* (N.D. Ala.), as Local Facilitating Counsel in MDL 2406: *In Re Blue Cross Blue Shield Antitrust Lit.* (N.D. Ala.), and as a member of the Plaintiffs' Steering Committees in MDL 2734: *In re Abilify (Aripirazole) Prods. Liab. Lit.* (N.D. Fla.) and MDL 2441: *In re Stryker Rejuvenate and ABG II Hip Implant Prods. Liab. Lit.* (D. Minn.). Mr. Hellums previously served on both the Plaintiffs' Executive and Plaintiffs' Steering Committees in MDL 1985: *In Re Total Body Formula Prods. Liab. Lit.* (N.D. Ala.).

Pittman, Dutton & Hellums, P.C., founded in 1986, is a full-service boutique civil litigation trial firm. PDH has resolved thousands of cases, with hundreds of verdicts and settlements in excess of \$1 million. PDH is located in Birmingham, Alabama, but routinely represents clients in class actions and mass torts throughout the country. PDH and its lawyers have consistently been recognized by numerous national organizations, publications, and their peers as among the most successful and experienced courtroom lawyers in the country. These include *U.S. News Best Law Firms in America*, *The Best Lawyers in America*, *Top Ranked Law Firms by Martindale-Hubbell*, *American College of Trial Lawyers*, *American Board of Trial*

Advocates, Million Dollar Advocates Forum, and SuperLawyers. In 2010, the Alabama Jury Verdict Reporter named PDH as one of the “Most Prolific Trial Law Firms in Alabama,” and recognized PDH for trying more cases to verdict than any other plaintiff’s litigation firm in Alabama that year. In 2011, the same publication recognized PDH for trying more cases over a 10-year period than any other plaintiff’s firm in Alabama. PDH lawyers have been appointed to leadership positions in large and complex cases across the country and obtained significant recoveries for their injured plaintiffs. (*See* Exhibit D.)

PDH represents financial institutions and consumers in several data breach class actions, including: *In re: Arby’s Restaurant Group, Inc. Data Sec. Lit.*, No. 17-cv-00514-AT (N.D. Ga.), *In re: Community Health Sys., Inc., Customer Security Data Breach Lit.* (MDL 2595), No. 15-cv-222-KOB (N.D. Ala.), *Bohannon v. Innovak Int’l, Inc.*, No. 16-cv-272-WKW (M.D. Ala.), and *First Choice Fed. Credit Union, et al. v. The Wendy’s Co.*, 2:16-cv-00506-NBF-MPK (W.D. Pa.). In January 2017, PDH and its co-counsel received final approval of class action settlements for financial institutions and consumers in data breach cases against MAPCO in *WinSouth Credit Union v. Mapco Express, Inc.*, No. 3:14-cv-1573 (M.D. Tenn.), *First Nat’l Comm. Bank v. Mapco Express, Inc.*, No.

4:14-cv-00031 (N.D. Ga.), and *Phillips v. MAPCO Express, Inc.*, No. 14-cv- 1710 (M.D. Tenn.). (See Exhibit D.)

2. LeeAnn Jones of Taylor English Duma LLP (Atlanta, GA)

Ms. Jones has over 30 years of experience handling complex litigation in federal and state courts, particularly in multidistrict litigation and consumer class actions. Additionally, she has substantial experience representing companies, community banks, and national and regional banks as both plaintiffs and defendants in a variety of complex commercial, financial institution, and business litigation matters. Prior to joining Taylor English, Ms. Jones was at Bryan Cave, LLP, where she represented clients in the following MDLs: *In re Latex Glove Prod. Liab. Lit.* and related state court proceedings; *In re Nuvaring® Prod.s Liab. Lit.* (E.D. Mo. and New Jersey state court); and *In re Fosamax (Alendronate Sodium) Prod. Liab. Lit.* (D.N.J). (See Exhibit E.)

Taylor English Duma LLP is a full-service Atlanta firm with over 150 attorneys, specializing in the areas of data security and privacy, financial institutions, creditors' rights and general corporate and business law. Taylor English attorneys have developed expertise in forensics evidence, developing ESI protocols and directing ESI review and production. Additionally, Taylor English attorneys have a long working history with Equifax's counsel, representing

opposing parties or co-defendants. At least 10 current Taylor English attorneys are former King & Spalding attorneys, enhancing the firms' professional working relationship. (*See* Exhibit E1.)

3. Doug Dellaccio of Cory Watson (Birmingham, AL)

Mr. Dellaccio has over 22 years of experience representing plaintiffs in complex civil litigation, class actions, mass torts, insurance fraud and bad faith, and personal injury matters. Mr. Dellaccio has been with Cory Watson since 2005 and is the Co-Chair of the firm's Complex Litigation practice. Mr. Dellaccio has played a vital role in many class and mass actions involving antitrust, insurance, and products liability issues. In addition, he has handled several complex environmental cases. Mr. Dellaccio has served in many MDL leadership roles, ranging from discovery to executive committees, and co-chair local liaison. Mr. Dellaccio currently serves as Co-Chair Local Liaison in MDL 2406: *In Re: Blue Cross Blue Shield* (N.D. Ala.) and Co-Chair of the Discovery Committee in MDL 1845: *In Re: ConAgra Peanut Butter Prods. Liab. Lit.* (S.D. Ga.). In addition, he has been involved in: *In Re: Motor Fuel Temperature Sales Practices Lit.* (W.D. Mo.); *In Re: Phenylpropanolamine (PPA) Prods. Liab. Lit.*, (W.D. Wash.); *Caster v. IPSCO Steel (Alabama), Inc.* (Alabama); *Robertson v. FPL Group, Inc.* (Alabama); and *In Re: Managed Care Lit.* (S.D. Fla.).

Cory Watson, founded in 1995, is a full-service boutique civil litigation trial firm. Cory Watson has resolved thousands of cases, hundreds of which resulted in verdicts and settlements totaling more than \$2.7 billion. Located in Birmingham, Alabama, Cory Watson routinely represents clients in class and mass actions throughout the country. Cory Watson and its lawyers are known to be among the most successful and experienced courtroom lawyers in the country. (See Exhibit F.)

4. Robert Kaplan of Kaplan Fox & Kilsheimer LLP (New York, NY)

Mr. Kaplan has been involved in some of the largest and most important MDL cases and has served as lead counsel and on the executive or steering committees in dozens of cases. He has also led the prosecution of numerous class actions. Currently, Mr. Kaplan serves on the Steering Committee for the Financial Institution plaintiffs in *In re: The Home Depot, Inc., Customer Data Sec. Breach Lit.* before this Honorable Court. Kaplan Fox is also serving as co-lead counsel in *In re: Horizon Healthcare Data Breach Lit.* (3d Cir.), where the Third Circuit recently upheld Article III standing to prosecute statutory claims for violation of the Fair Credit Reporting Act (FCRA), a key privacy statute at issue in this case. Prior to joining Kaplan Fox & Kilsheimer (Kaplan Fox), Mr. Kaplan was a trial attorney with the United States Department of Justice, where he litigated both civil

and criminal actions. He also served as a law clerk to the Hon. Sylvester J. Ryan, then Chief Judge of the Southern District of New York. (*See* Exhibit G.)

Kaplan Fox is a national law firm with offices in New York, San Francisco, Los Angeles and Chicago. Founded more than 60 years ago, the firm has recovered more than \$5 billion for its clients and classes, notably including \$2.425 billion in the 2012 Bank of America Securities Litigation and more than \$1 billion in the Air Cargo Antitrust Litigation. Additionally, attorneys in the firm have led numerous data breach and privacy class actions, including *Rodriguez v. Universal Property* (S.D. Fla.) (settlement for FCRA violation) and *In re: Yahoo Mail Lit.* (N.D. Cal.) (requiring Yahoo to reconfigure data delivery architecture to protect consumer privacy). (*See* Exhibit G1.)

5. Craig Bertschi of McRae, Bertschi & Cole LLC (Atlanta, GA)

Mr. Bertschi began his career in 1990 at Kilpatrick & Cody (now Kilpatrick, Townsend & Stockton) and spent much of his 25 years there representing banks, credit unions and other financial institutions, as well as defending class actions against consumer reporting agencies such as Equifax. While a partner at Kilpatrick, Mr. Bertschi also represented plaintiffs in class actions and served as class counsel in *The Salt River Pima Maricopa Indian Community et al. v. The United States of America et al.* (D. Ariz.); *Eloise Cobell et al v. Salazar et al.*

(D.D.C.); and *Eastmoor Estates Residents Ass'n v. Glenn Miller* (N.D. Miss.).

Applicants discussed Mr. Bertschi's involvement in this action with counsel for Equifax, and they confirmed no conflicts exist as a result of his previous work at Kilpatrick. (*See* Exhibit H.)

In 2015, Mr. Bertschi left Kilpatrick and started his own firm, McRae Bertschi & Cole LLC, where he has continued his complex commercial litigation practice. Most recently he was appointed as class counsel in *Johnson v. NCR Corp.* (N.D. Ga.), which alleged violations of the Fair Credit Reporting Act and has now been settled. (*See* Exhibit H.)

As a result of his experience representing financial institutions and consumer reporting agencies, Mr. Bertschi has developed extensive expertise regarding the types of data financial institutions and creditors provide to consumer reporting agencies, how that data is stored, data security, methods of identity theft, impact and remediation of identity theft and the costs associated therewith, and the relationships between consumer reporting agencies and financial institutions. (*See* Exhibit H.)

6. Nicole Moss of Cooper & Kirk (Washington, D.C.)

Ms. Moss has extensive civil litigation experience representing a wide range of clients before a number of federal and state trial courts on a variety of

constitutional, statutory, administrative, contractual, tort, and complex commercial matters. Ms. Moss received her J.D. *cum laude* from Harvard Law School in 2000 and began practicing law in Washington, D.C. and later North Carolina. Over her career, she has participated in multiple jury and bench trials, several class action lawsuits on both the plaintiff and defense sides, and has developed particular expertise in complex e-discovery matters and the use of multiple e-discovery platforms. (*See Exhibit I.*)

Ms. Moss has represented the State of Tennessee since 2005, helping the State obtain relief from four longstanding consent decrees involving class action suits against Tennessee's Medicaid program and saving billions of dollars. Ms. Moss has spearheaded discovery efforts involving millions of documents and novel and complex e-discovery issues, and has guided numerous clients through preserving ESI, responding to ESI discovery requests, and compiling and presenting extensive evidentiary records based on electronic discovery. (*See Exhibit I.*)

Cooper & Kirk is a litigation boutique specializing in complex commercial, regulatory, and constitutional disputes in both federal and state courts. Since its founding two decades ago, Cooper & Kirk has been involved in many of the most significant trials and appeals in the country, usually against the nation's largest and

most sophisticated law firms. Cooper & Kirk has won courtroom victories worth more than \$10 billion for its clients. While the firm's experience expands across practice areas and legal issues, highlights include: *In re OPM Data Sec. Breach Lit.*, No. 15-1394 (D.D.C.) (PSC in class action data-breach case re breaches of Office of Personnel Management's personnel database); *In Re Blue Cross Blue Shield Antitrust Lit. MDL 2406*, 2:13-cv-20000-RDP (N.D. Ala.) (Co-Chair, written submissions committee in insurance class action); *St. Bernard Parish Gov't v. United States*, 121 Fed. Cl. 687 (2015), and 126 Fed. Cl. 707 (2016) (class against U.S. Army Corps of Engineers for exacerbation of flooding during Hurricane Katrina); *Jung v. Association of American College of Medicine*, No. 02-0873 (D.C. Cir. 2004) (class action representing medical residents on wage claims); *Clark v. United States*, No. 00-644 C (Fed. Cl. 2001) (class action representing National Guardsmen improperly denied compensation); *Bolin v. Sears, Roebuck & Co.*, 231 F.3d 970 (5th Cir. 2000) (representing plaintiffs in class action). (Exhibit I.)

Each of the attorneys and firms comprising the proposed FI Plaintiffs' Steering Committee has a stellar track record in class action and complex litigation and will ensure that a wide and diverse range of legal interests are represented in this MDL. Additional materials regarding the experience and qualifications of

these proposed members of the Steering Committee are attached hereto as Exhibits D through I.

IV. Conclusion

The Atlanta Group believes this Court will find that its proposed slate of attorneys brings the talent, experience and dedication necessary to handle litigation of this type, including familiarity with the Court and its rules and practices; long standing relationships with defense counsel; leadership experiences in other MDLs and class actions; extensive experience with electronic discovery and managing large ESI databases; and detailed knowledge of data breach case law.

As such, the undersigned counsel respectfully request that this Court adopt the Atlanta Group's proposed FI plaintiff leadership structure and designate FI plaintiff leadership counsel as set forth herein.

Dated: February 2, 2018

Respectfully submitted,

/s/ Michael L. McGlamry

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L.R. 7.1D CERTIFICATE

Pursuant to N.D. Ga. L.R. 7.1D, I certify that this Reply Brief was prepared with Times New Roman, 14-point font, one of the fonts approved by the Court in N.D. Ga. L.R. 5.1.C.

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing **Application to Serve as Co-Lead Counsel, Plaintiffs' Steering Committee, and Liaison Counsel for the Financial Institution Plaintiffs**, along with all attachments, with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the attorneys of record.

Dated: February 2, 2018

/s/ Michael L. McGlamry

Michael L. McGlamry