

Class Actions & Contingency



Litigators and community leaders protecting your most valuable assets in high-stakes cases.



Class Actions & Contingency

Since its founding in 1982, Kozyak Tropin & Throckmorton has played a leading role in some of the most significant class actions in the nation. KTT and its attorneys consistently rank among the most highly regarded litigators not only locally but also on the national stage – receiving praise from clients, judges, opponents, and professional journals – for effectiveness in and out of the courtroom. It is the only Chambers and Partners Band One-rated law firm in the State of Florida in both litigation and bankruptcy. According to Chambers, our firm’s Class Actions & Contingency Practice Group is considered “a go-to practice for large-scale class actions and also noted for its expert counsel in litigation concerning Ponzi schemes.”

Law360 named KTT’s 31-lawyer firm a 2023 Florida Powerhouse – a list typically populated by national law firms with hundreds of attorneys across the country. This coveted award cannot be purchased and must be earned based on quantifiable results.

Chambers
AND PARTNERS



KOZYAK TROPIN
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CLASS ACTIONS & CONTINGENCY

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A PROVEN TRACK RECORD OF IMPACT AND INFLUENCE



KTT's Class Actions & Contingency department represents individuals and businesses as plaintiffs in high-value business torts, class actions, mass tort matters, and multidistrict litigation. We focus on "bet-the-company" cases, typically against parties represented by larger, national law firms. For the last forty years, this department has played a leading role in significant class actions and complex litigation across the country, working collaboratively with attorneys nationwide.

In re: Champlain Towers South Collapse Litigation

KTT recently served as the court-appointed Co-Chair Lead Counsel in *In re: Champlain Towers South Collapse Litigation*, No. 2021-015089-CA-01, in Miami-Dade County Circuit Court.

In this leadership role, KTT was tasked with the supervision and leadership of nearly every prominent plaintiffs' firm in South Florida, and many others from around the country, in managing the litigation stemming from the tragic Champlain Towers South building collapse in Surfside, Florida. In less than 15 months, the KTT-led plaintiffs secured over \$1.1 billion in relief for the victims.

OUR CLASS ACTION FOCUS

While our class action focus is on the healthcare, insurance, automotive, banking, and pharmaceutical industries, we also handle antitrust, RICO, consumer products, and construction class actions. Of particular note, both past and present, is KTT's

outsized involvement in matters related to financial and securities fraud, both on an individual, group, and class basis. For example, KTT represented 70% of the victims of the \$1.2 billion Scott Rothstein South Florida Ponzi scheme, leading to a nearly 100% recovery of the victims' \$250 million in losses.

And more recently, KTT secured approximately \$200 million dollars from Raymond James and others on behalf of EB-5 immigrant investors in the Jay Peak scheme that misappropriated more than \$350 million in investor funds.

Our litigation on behalf of the victims of fraud, with a specialty in financial fraud and securities, has placed our firm in a leading role in virtually every large securities and Ponzi scheme case in South Florida over the last thirty years, and many similar cases around the country.

While our historical successes have laid the groundwork for KTT's trajectory, the current generation of attorneys have raised KTT's profile in the MDL context, securing leadership appointments locally

and nationally in high-profile matters, and maintaining the level of excellence for which KTT is known.

OUR LANDMARK 2023

KTT was particularly blessed in 2022 and the early part of 2023 to have enjoyed one of its most productive and successful periods. This includes 1) the historic \$1.1 billion settlement in the Surfside building collapse litigation, 2) the top jury verdict in the state of Florida in a torts matter (and a top 20 jury verdict in the country), and 3) a full defense verdict in a high-profile matter in which KTT prevailed in a \$20 million dispute against the Boies Schiller Film Group.

In sum, KTT is one of the nation's premier class action and contingency firms. The firm is well-regarded nationally, and particularly in the Southern District of Florida, and as a result has received numerous appointments as lead counsel in class actions both within and outside the District.

Other Recent Examples of KTT's Class Action & Contingency Accomplishments:

***In re: Insulin Pricing Litigation*, MDL No. 3080**

KTT is at the forefront of litigating against the three largest insulin manufacturers and three largest pharmacy benefit managers in the United States for a conspiracy to artificially inflate the price of diabetes medications.

These defendants have concealed secret payments and artificially inflated the price of insulin to overcharge millions of Americans and government entities over the past 10+ years. KTT is co-lead counsel for several cases already in this nationwide multidistrict litigation.

***In re: Apartment Rental Software Antitrust Litigation ("RealPage")*, MDL No. 3071**

KTT was recently appointed by Chief Judge Crenshaw to the Plaintiffs' Steering Committee in this nationwide multidistrict litigation matter against RealPage, an integrated technology platform that provides various software for use in apartment rental markets, including by numerous property managers and lessors of multi-family residential apartment buildings and student housing.

The complaint alleges that RealPage violated the antitrust laws through the use of RealPage's software to control the pricing and supply of such housing.

***In re: Managed Care HMO Litigation*, MDL No. 1334**

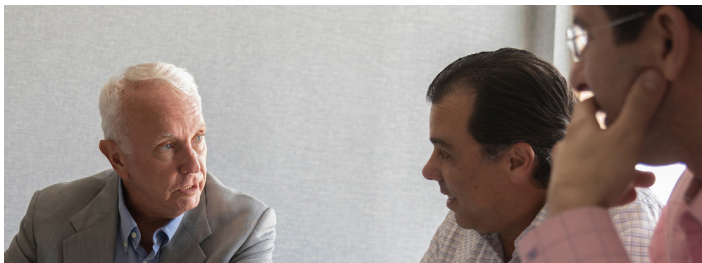
KTT served as Co-Lead Counsel in the *In re Managed Care HMO Litigation*, MDL No. 1334, a multidistrict litigation in which medical societies and several hundred thousand physicians sued Aetna, Cigna, Humana, and other managed care organizations for monetary and structural relief.

Successfully certified as a RICO class action, this case – along with a second, equally challenging action against the Blue Cross entities – was settled for hundreds of millions of dollars in monetary relief, and also provided structured relief to physicians valued at well over a billion dollars.

***Nuwer v. FCA US LLC*, No. 20-cv-60432**

KTT currently serves as Co-Lead Counsel in *Nuwer v. FCA US LLC*, No. 20-cv-60432 (S.D. Fla.), a certified class action in which KTT represents hundreds of thousands of Chrysler, Jeep, and Dodge vehicle owners/lessees in Florida.

KTT successfully certified the Florida class under Florida's Deceptive and Unfair Trade Practices Act based on Chrysler's implementation of a defectively designed "active head restraint" in various class vehicles, which are known to inadvertently deploy during normal use—pertinently, while vehicle occupants



are driving—causing a serious safety risk to drivers, occupants, and the general public.

Monopoli v. Mercedes-Benz USA, LLC, No. 21-cv-01353 (N.D. Ga.) & Walton v. Grammer Industries, Inc., No. 20-cv-12298 (E.D. Mich.)

KTT is putative class counsel in a pair of class actions pending in the Northern District of Georgia and the Eastern District of Michigan, also related to the design, manufacture, sale, and/or lease of certain vehicles equipped with defective “active head restraints.”

In re: Woodbridge Investments Litigation, No. 18-cv-00103

KTT was appointed to the Executive Committee in this nationwide class action on behalf of investors in a purported Ponzi scheme.

The complaint alleged that Comerica Bank aided and abetted a Ponzi scheme fraud perpetuated by the Woodbridge Group of Companies and their CEO, Robert Shapiro, who induced class members into investing in various real estate investments that did not exist.

KTT served a leading role in securing the nationwide class settlement, resulting in a monetary recovery of over \$54 million to the investor class.



In re: Blue Cross Blue Shield Antitrust Litigation, MDL No. 2406

KTT attorneys serve on several committee positions in this antitrust class action currently being litigated in the Northern District of Alabama in which the plaintiffs have alleged a violation of the antitrust laws by defendants through their agreement not to compete with each other and to limit competition among themselves in selling health insurance and administrative services for health insurance.

In re: Elmiron (Pentosan Polysulfate Sodium) Products Liability Litigation, MDL No. 2973

KTT represents dozens of plaintiffs who, after having taken Elmiron for several years to treat their interstitial cystitis related symptoms, learned that Elmiron is the cause of their eye damage, vision loss and impairment, and other related injuries.



FORCE-PLACED INSURANCE

KTT investigated and litigated 26 separate nationwide class actions in federal court against the largest insurers and banks/mortgage servicers in the country related to force-placed charges.

Nineteen class cases were resolved and approved by various federal courts, providing billions of dollars of monetary and injunctive relief for over 4 million class members nationwide.

KTT originated the cases and served as Co-Lead counsel in all.

Additional Representative Receiver & Trustee Cases

- KTT served as counsel for the receiver or bankruptcy trustee in many recovery actions, including the Lancer Ponzi scheme, the Commodities Online matter, and the Cyprus Funds case, in which we achieved tens of millions of dollars of recoveries for our clients.
- KTT recovered more than 60% of the victim losses in the Premium Sales Corporation matter, then the largest Ponzi scheme in South Florida history, repaying defrauded investors approximately \$160 million.



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