

## Class Action Group Of The Year: Cohen Milstein

By **Mike LaSusa**

*Law360 (February 4, 2022)* -- Cohen Milstein Sellers & Toll PLLC has scored big successes in recent months, like inking a nine-figure deal on behalf of those affected by Flint, Michigan's toxic water crisis, earning the firm a place among Law360's 2021 Class Action Groups of the Year.

Cohen Milstein also helped shape multimillion-dollar deals over the past year for an employee benefit trust that accused Sutter Health of overcharging workers, investors who claimed they were duped by a fintech startup, and broiler chicken consumers who claimed poultry processors colluded to pump up prices.

"I don't think there's any firm on the plaintiff's side in the country that has as many areas that they're involved in," said managing partner Steven Toll.

Cohen Milstein was among several firms that guided more than 100,000 people affected by Flint's lead-tainted water to a \$626 million settlement with the state, the city and a local hospital.

The partial settlement doesn't end the litigation over the tainted water, but it provides a mechanism for tens of thousands of minors, injured adults, property owners and renters, those who paid Flint water bills and affected business owners to receive monetary awards.

The deal, which also includes \$202 million in attorney fees, got final approval in November from U.S. District Judge Judith Levy.

"You have some really substantial numbers that will do a lot of good for a lot of people," said Cohen Milstein partner Ben Brown.

The firm also helped hammer out a \$575 million deal in a long-running antitrust case against Sutter Health, one of the nation's largest health systems.

The settlement stemmed from a lawsuit against Sutter brought in 2014 by the United Food and Commercial Workers International Union and Employers Benefit Trust, represented by Cohen Milstein and other firms. The benefit plan accused the health company of overcharging millions of workers by using illegal anti-competitive contract terms and contracting practices that forced health plans to use its overpriced hospitals.

The state of California brought a similar action against Sutter in 2018, which was soon consolidated with the



earlier filed case.

The deal, approved in August, includes a payout for class members and the Golden State, \$152 million in class attorney fees, and a string of commitments meant to block Sutter from engaging in anti-competitive behavior in the future. Sutter did not admit wrongdoing.

"We just think that's a terrific result and sort of a prototypical example of what private enforcement can do for consumers in the antitrust space," Brown said.

Additionally, Cohen Milstein, along with Scott + Scott Attorneys at Law LLP, notched a victory for investors in the startup GreenSky LLC who claimed the tech-based lending company made misleading statements ahead of its initial public offering.

"They finally had to reveal something that was totally inconsistent and basically different from what they'd ever said before," Toll said.

The \$27.5 million deal approved last year includes \$6.2 million in attorney fees, plus \$200,000 for reimbursement of litigation expenses.

Cohen Milstein, working alongside Hagens Berman Sobol Shapiro LLP, also cooked up a deal totaling \$181 million that six chicken producers have agreed to pay to resolve claims that they conspired to fix the price of their poultry.

The deal, which got final approval in December was "one of the more complex litigations in recent memory, even in a field where really complex cases are the norm," according to Brown.

Cohen Milstein has appeared on Law360's list of class action practice groups of the year three times in the past, including in 2020.

When asked about the key factors behind the firm's success, Toll pointed to careful case selection and a roster of top-tier legal talent.

"Once you select the cases, you've got to have talented litigators," he said.

Brown echoed Toll's focus on the skill and commitment of Cohen Milstein's attorneys.

"We only have an A team. There is no B team," he said.

--Editing by Andrew Cohen.

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