

## Consumer Protection Group Of The Year: Cohen Milstein

*Law360 (January 25, 2019)* -- Cohen Milstein Sellers & Toll PLLC's consumer protection team may be one of the firm's smaller groups, but its attorneys are known for notching big wins for plaintiffs like a record-breaking \$115 million settlement in Anthem data breach litigation, earning it a spot among Law360's Consumer Protection Groups of the Year.

With just eight lawyers, the practice group is a tight-knit team committed to getting the best benefits for consumers who have been wronged, and that passion makes all the difference, co-chair Andrew N. Friedman said.

"It sounds cheesy, but for us, it's not a job, and that gives us a little edge," he said. "When people go to work and care about what they do, when they're passionate about the goals they want to achieve, it makes a better breeding ground for success."

Last year was a particularly fruitful one for the team, Friedman said, pointing to the Anthem multidistrict litigation as an example. Friedman was appointed co-lead plaintiffs' counsel in the dispute over a 2015 data breach that put 79 million consumers' personal information at risk, and he dove headfirst into what became incredibly hard-fought litigation.

"It was one of the few data breach cases of that magnitude that really went cradle to grave," he said, explaining that the matter proceeded all the way through discovery — which involved conducting and defending hundreds of depositions and reviewing millions of pages of documents — and was teed up for class certification when Anthem finally decided to settle.

The \$115 million deal is not only the largest data breach settlement in U.S. history, but also includes other important relief for consumers, including credit monitoring and commitments from Anthem to improve its cybersecurity practices, according to Cohen Milstein.

"We got a tremendous result, and it was not by accident," Friedman said. "We worked really, really hard."

Privacy and data breach cases are an increasingly important part of the team's work, but the attorneys also handle a variety of other consumer cases, including matters involving dangerous and defective products, partner Douglas J. McNamara said.

One such case was the multidistrict litigation accusing Lumber Liquidators of falsely claiming that its laminate flooring complied with the California Air Resources Board's formaldehyde emissions limits.

Cohen Milstein was again tapped to serve as co-lead counsel and saw the consumers through several



years of litigation before getting the company to agree to a \$36 million settlement, including cash payments and vouchers, which secured final approval in October.

McNamara said the deal is being appealed by objectors, but the settlement was a great result, noting that "the company was in a tough financial situation."

"In a lot of cases, we can't get people back everything they've been ripped off on, but they get something, and they know someone is out there fighting for them," he added.

The firm also fought for ripped-off consumers in a proposed class action alleging that hospital owner HCA Holdings Inc. overcharged patients for post-car-crash X-rays and CT scans.

A Florida federal court had originally axed class claims from the suit, which contended that personal injury protection insurance customers at HCA hospitals were charged upward of \$6,000 for radiological services that cost non-PIP patients 20 to 65 percent less.

But Cohen Milstein won reversal in the Eleventh Circuit and ultimately landed a deal worth an estimated \$220 million in August. The court granted final approval in December.

The firm secured substantial relief for Michigan homeowners last year, as well, guiding them through litigation accusing foreclosure law firm Trott Law PC of violating the Fair Debt Collection Practices Act and state law by sending shady form letters to nearly a quarter million consumers.

Friedman had never worked on a suit like it, and though they couldn't get people's houses back, the team did secure a \$7.5 million settlement, which received final approval in September. The amount might not seem dramatic, but for these plaintiffs — who Friedman said were incredibly passionate about the case — it was a huge deal, the attorney explained.

"People who have gone through losing a house know — it's hell," he said. "It's about the most intense negative feelings you could possibly have, and to see some relief at the end made it all worthwhile."

For the Cohen Milstein team, there's nothing better than achieving results like this for people who have been hurt, tricked or ripped off, McNamara said. After all, he said, the attorneys are consumers, too, so it's easy for them to identify with their clients.

"They're people who are trying to get their money back, because they overpaid for crappy products or they got overcharged by their bank or had a recurring charge from a company that snuck in some language," he said. "No one likes thieves and bullies, so it's not hard to empathize and want to go to battle for these people."

-- By **Shayna Posses**

Additional reporting by Rachel Graf, Dave Simpson and Kevin Stawicki. Editing by Nicole Bleier.

---

All Content © 2003-2018, Portfolio Media, Inc.

[WWW.COHENMILSTEIN.COM](http://WWW.COHENMILSTEIN.COM)

**COHENMILSTEIN**  
Powerful Advocates. Meaningful Results.

Chicago, IL | New York, NY | Palm Beach Gardens, FL

Philadelphia, PA | Raleigh, NC | Washington, DC