



# Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L.

## COMPLEX LITIGATION RESUME

The attorneys of Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L., ("FJW") are litigators and trial attorneys, who have significant experience in prosecuting fraud, class actions, and consumer litigation.

### Representative Matters:

*Ruderman v. Washington Nat. Ins. Co.*, --- F.R.D. ----, 2010 WL 62871 (SD Fla. 2010)(pending). Co-Lead Counsel; prevailing on a vigorously contested class certification motion recently granted for elderly long term care insurance policyholders. Case is proceeding to trial. Court rejected defendant's argument that extrinsic evidence was admissible to dispel a patent ambiguity in an insurance policy. Defendant's Rule 23(f) petition to appeal has been denied.

*Fresco et al., v. Auto Data Direct, et al.*, Case No. 07-cv-60695-JEM (SD Fl.)—Nationwide injunctive class settlement composed of over 200 million Americans whose personal information was allegedly brokered in violation of federal privacy laws. The settlement requires companies to implement extensive programs and policies to protect consumers' privacy, and to stop

alleged misuse of their personal information.

*Pro v. Hertz Equipment Rental Co.* Case No. 06-CV-3830 (DNJ)(pending). Class certification granted for nationwide class of renters; Rule 23(f) petition rejected; case proceeding to trial.

*Thomas J. Dolan v. Hewlett-Packard Company*, Case No. 51-2002-CA-001245, in the Circuit Court for Pasco County, Florida, and *Melissa Dukes v. Hewlett-Packard Company*, Case No. CV-2002-270, in the Circuit Court for Phillips County, Arkansas—Winning nationwide class settlement including approximately 5 million class members and relief to the Class Plaintiffs' counsel valued at over \$144,000,000.

*Rios v. Direct Mail Express*, Case No. 05-61689 (SD Fl.)—Winning injunctive class settlement prohibiting marketer of trading in personal information unlawfully.

*Curry v. Fairbanks Capital Corporation*, Case No. 03-10875-DPW (D. Mass.)—Winning \$55 million settlement on behalf of nationwide class of borrowers who were allegedly subject to predatory lending.

*Yolanda M. Spund, et al. v. Associates Financial Services* Case No. 3D01-2454

(3<sup>rd</sup> DCA Fla.)—Achieving settlement of class case consisting of 5000 members and a settlement fund of \$2.5 million.

*Hernandez v. GE Capital Consumer Card Co.*, Case Nos. 00-4828-CIV-SEITZ and 01-23566 (S.D. Fla. and Fla. Cir. Ct.)—Winning \$67 million settlement of national payment posting class action against credit card banks.

*Davis v. Bank of America, N.A.*, Case No. 05-80806 (SD FL.)--\$6 million class settlement on behalf of persons whose personal information was allegedly taken in violation of the federal Drivers Privacy Protection Act; settlement requires destruction of personal information allegedly obtained unlawfully.

*Saltzman, et al., v. Pella Windows*, Case No. No.: 06 C 4481 (ND Ill.)(pending) Prevailing on highly contested class certification motion granted for a multi-state class. Rule 23(f) petition filed.

*Collier, et al. v. Fred O. Dickinson, et al.*, Case No. 04-21351-CIV (SD FL.)-Class settlement valued at \$10-18 million for a class of drivers whose personal information was allegedly sold to private marketers by the state of Florida.

*Pino v. Warranty Acceptance Corp.*, Case No. 05-61576 (SD FL.)—Winning class settlement which provided that defendant was permanently enjoined from using certain personal information obtained from a state motor vehicle bureau.

*PNR, Inc. v. Beacon Property Management, Inc.* 842 So.2d 773 (Fla.

2003)—Landmark case from the Florida Supreme Court establishing that a single act may violate Florida Deceptive and Unfair Trade Practices Act. FJW counsel appeared as amicus on behalf of the Florida Justice Association.

*America Online, Inc. v. Pasioka* 870 So.2d 170 (Fla. 1<sup>st</sup> DCA 2004)—Successful challenge to internet provider's use of a subscriber agreement which required all suits against the company to be brought in a state that didn't allow class actions.

*Corder v. Ford Motor Co.*, Case No. 07-5533 (Court of Appeals, Sixth Circuit)—Winning reversal of a summary Judgment for defendant on deceptive trade practice claim allowing class case to continue.

*GTE Communications Corporation* (AG Case No. L99-3-1231); *Snyder Communications Inc.*; *Snyder Direct Services, Inc.* (AG Case No. L97-3-1301)-- Companion RICO/Theft matters involving "slamming" of long-distance telephone customers which yielded a \$3.1 million recovery. Consumers received redress and two of the Snyder-related entities agreed to surrender all licenses and cease all business operations in Florida (2001).

*Prime Succession, Inc., Prime Succession of Florida, Inc., Fred Hunter Memorial Services, Inc.* (AG Case #: L97-3-1214) RICO/Deceptive Trade Practice and Funeral Services statute matter based on Chapter 497, Florida Statutes. Recovery of \$500,000 and agreed-upon extensive additional consumer redress (2000).

*Promark Telecommunications, Inc.; One Step Billing, Inc.* (AG No. L97-3-1300) Telephone "slamming" matter resulting in a \$1.3 million recovery. Consumers were reimbursed. The target companies surrendered their licenses and ceased operations in Florida (1999).

*Mack v. Bristol-Myers Squibb Co.* 673 So.2d 100, 101 (Fla. 1<sup>st</sup> DCA 1996)—FJW attorney appeared as amicus for the state of Florida in landmark ruling rejecting the argument that indirect purchaser rule applies to claims brought pursuant to the Florida Deceptive and Unfair Trade Practices Act.

*Credit Life Corp.* (AG #93-400162; 94-1015-CI-07)—Believed to be the first viatical settlement case handled by the Office of the Florida Attorney General and one of the first of such cases ever litigated in the country. Consumers received restitution and the principal operator was permanently enjoined from ever engaging in the viatical and insurance businesses. The case served as a primary impetus for passage of a Viatical Settlement Act in Florida. FJW attorney was lead counsel.

**FJW attorneys who litigate complex and class actions, include:**

*Steven R. Jaffe, Esq.*

Steven Jaffe is a founding member of FJW. Mr. Jaffe began his career in the State Attorney's office. There he gained a great deal of trial experience. For 25 years, he has tried cases from

the Florida Keys to Port St. Lucie. He focuses his practice on exclusively on complex civil jury trial matters.

Mr. Jaffe has handled class action cases that have been certified in federal court and state courts involving fraud, false and deceptive trade practices and violations of the driver privacy protection act. He continues to serve class clients in cases involving unsafe and hazardous products, unlawful consumer charges and assessments, and other consumer debt and consumer fraud class action cases.

Mr. Jaffe has been rated AV by his professional peers through the Martindale-Hubbell<sup>©</sup> Peer Review Rating system. Mr. Jaffe has assumed positions of leadership in the Broward County legal community, recently having been named the president of the Broward County Justice Association. He has also been recognized by the American Trial Lawyers Association as one of Florida's Top 100 Trial Lawyers.

Mr. Jaffe is a member of the Broward County Justice Association and 2010 President. He is a member of the Broward County Bar Association Professionalism Committee (1999-present) and is on the Board of Directors of the Stephen Boohar Inns of Court (2000-present).

Mr. Jaffe is a member of the Florida Bar, the Colorado Bar, and the U.S. District Court, Southern District of Florida and the Northern District of Illinois. He is also a member of the United States Court of Appeals for the Eleventh Circuit.

*Mark S. Fistos, Esq.*

Mark S. Fistos is a founding member of FJW. Mr. Fistos concentrates his practice on complex civil litigation, including claims relating breach of contract, unjust enrichment, breach of warranty, fraud, trade practice violations and qui tam litigation. Mr. Fistos has successfully litigated class action and consumer cases in various state and federal jurisdictions for more than 15 years.

Fueled by a passion for consumer law that began in law school and grew through the years, Mr. Fistos has dedicated his career to protecting consumers against fraud and unfair trade practices. After receiving his Juris Doctor degree from Florida State University, Mr. Fistos began his legal career as an Assistant Attorney General in the Florida Attorney General's Economic Crimes Litigation Unit in Tallahassee. While in that position, he drafted and presented several pieces of consumer legislation, including the major amendments to the Florida Deceptive and Unfair Trade Practices Act in Chapter 93-38, Laws of Florida. He has investigative and prosecuted numerous cases involving consumer fraud, unfair methods of competition, the Racketeer Influenced and Corrupt Organizations (RICO) Act, deceptive trade practices, and whistleblowers, recovering millions of dollars for the state and consumers from large telecommunications companies, marketing enterprises and corporate-owned funeral providers.

As a class action and trade practice lawyer, Mr. Fistos' work has led to

large recoveries in state and federal class cases and qui tam cases involving national computer manufacturers, utilities, banks, and data mining companies, among others.

Mr. Fistos has published articles and training materials for the Florida Bar.

Mr. Fistos is a member of the Florida Justice Association. He is a member of the Tallahassee Bar Association and is a Board Member and General Counsel of the Leon County Chapter of CHADD.

Mr. Fistos is also a member of The Florida Bar, the Trial Lawyers Section of the Florida Bar and the U.S. District Courts in the Southern, Middle and Northern Districts of Florida and the Northern District of Illinois. He is also a member of the United States Court of Appeals for the Eleventh Circuit.