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Altshuler Berzon, Cohen Milsten Attys To Lead Anthem MDL

By **Joe Van Acker**

Law360, New York (September 14, 2015, 2:17 PM ET) -- Two attorneys from Altshuler Berzon LLP and Cohen Milstein Sellers & Toll PLLC will serve as co-lead counsel for plaintiffs suing Anthem Inc. in multidistrict litigation over a massive data breach affecting 80 million people, a California federal judge decided Friday.

U.S. District Judge Lucy H. Koh tapped Altshuler Berzon's Eve Cervantez and Andrew Friedman of Cohen Milstein from a crowded field, stating that they've worked well together as interim co-lead counsel and have come up with a solid plan for the case.

The judge reviewed a total of 18 motions filed by attorneys vying to lead the suit, all of whom she called "very impressive," and said that the co-lead counsel she selected should involve the other candidates.

"The court encourages Ms. Cervantez and Mr. Friedman, as needed, to consult with the other applicants regarding devising damages theories, retaining data security experts, litigating against the defendants in this case, and identifying and communicating with potential plaintiffs," Judge Koh said.

Cervantez and Friedman suggested a six-person steering committee in their motion, which Robbins Geller Rudman & Dowd LLP opposed as "unnecessarily large" while also arguing that it had been overlooked.

Judge Koh indicated **during a hearing last week** that the pair's proposed committee could be trimmed and followed through on Friday, limiting its membership to just two of their suggestions: Eric Gibbs of Girard Gibbs LLP and Michael Sobol of Lieff Cabraser Heimann & Bernstein LLP.

Gibbs told Law360 on Monday that he and Sobol appreciate the opportunity to work on "a very important case."

Established in June by the U.S. Judicial Panel on Multidistrict Litigation, the MDL includes about 100 suits stemming from a data breach Anthem revealed in February, which exposed names, health information, social security numbers and other personal information about both employees and customers.

One plaintiff, Wendy Ross, originally opposed having her suit against Blue Cross Blue Shield Association folded into the MDL.

After she withdrew her opposition, Ross's attorneys requested that the case be divided into two tracks in light of the different facts in suits against Anthem and those against Blue Cross and other licensees, and moved to be appointed as interim co-lead counsel of the

licensee track.

On Friday, Judge Koh denied the two-track request and also denied Ross's bid to stay discovery against Blue Cross.

The judge said in that same order that Anthem and the plaintiffs have until late next month to select six cases from the consolidated class action complaint that will be subject to Anthem's motion to dismiss, which is scheduled for a hearing in February.

The co-lead attorneys did not respond to requests for comment on Monday.

The plaintiffs are represented by Cohen Milstein Sellers & Toll PLLC, Altshuler Berzon LLP, Girard Gibbs LLP and Lieff Cabraser Heimann & Bernstein LLP, among others.

Anthem is represented by Craig Alan Hoover, E. Desmond Hogan, Maren Jessica Clouse, Michael McDonald Maddigan and Peter R. Bisio of Hogan Lovells US LLP.

The case is In re Anthem, Inc. Data Breach Litigation, case number 5:15-md-02617, in the U.S. District Court for the Northern District of California.

--Additional reporting by Beth Winegarner. Editing by Emily Kokoll.

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