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DAILY BUSINESS REVIEW

PRESENTS

Litigation
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2015

AN ALM RECOGNITION EVENT

PodhurstOrseck
TRIAL & APPELLATE LAWYERS

Podhurst Orseck Litigators Handle Aviation and Much More

Podhurst Orseck may have burst on the national consciousness representing victims of the 1972 Eastern Air Lines crash in the Florida Everglades. And while the firm is still an aviation litigation powerhouse (they've represented victims in more than 125 crashes), they have handled some of the biggest class action and non-aviation multidistrict litigation in the country.

What is even more surprising is that despite the enormous court cases, the firm consists of 14 lawyers.

"We do handle big cases and right now I'm involved in one of the biggest suits with the Takata air bags where my partner Peter Prieto is the lead lawyer, and also against Blue Cross Blue Shield in one of the biggest antitrust cases," said firm president Aaron S. Podhurst. "In cases like this, you have to have a firm like us who has the staying power to handle these cases against some of the most influential defendants in the world."

In 2014, Podhurst Orseck faced down the National Football League in a very public case where 4,000 former NFL players alleged that the NFL intentionally and fraudulently misled them and their families regarding its purported expertise in studying mild traumatic brain injuries and the short- and long-term risks of concussions and head trauma while playing football.

"These are difficult cases and it's hard to try individually because you had players playing in grade school, college, and there is a problem



of a casual connection. But you also have some forcibly injured people who will die because of their head injuries," Podhurst said.

A federal judge in Philadelphia approved a plan to resolve thousands of NFL concussion lawsuits that could have cost the league \$1 billion over 65 years. The settlement will pay them an average of \$190,000, with some reaching up to \$5 million. Steven Marks, Stephen Rosenthal and Ricardo Martinez-Cid were the lead attorneys.

The firm, with Podhurst being one of two lead counsel, also went up against some of the country's biggest financial institutions in two separate settlements. In one, the banks were accused of "force-placing" wind, hazard and flood insurance on

mortgaged properties at exorbitant rates and engaged in kickback schemes. In the other, the firm led millions of customers in suing, alleging the banks manipulated debit card transactions in order to increase the number of overdraft fees.

"We were able to prove the banks had charged excessive fees and the bank made overdraft decisions that would cause customers to have all these overdraft fees," he said. "They couldn't justify these charges and the court couldn't either."

To date about 90 percent of the banks have settled for various amounts on the overdraft issue, with the highest being Bank of America's \$410 million settlement. Wells Fargo is still holding out and the

firm is litigating against Wells Fargo and Wachovia, among others. On the insurance cases the firm is still litigating against six banks, although others have been settled.

No matter what the issue, Podhurst said the key is to "do very careful discovery and stay on the discovery. When you get into the records you find all these schemes and you can prove them. You have all these very sophisticated groups and they won't settle if you don't have a case of action. It takes a lot of work getting documents, coordinating them and finding the smoking gun. Then you get in front of the judge who can see your smoking gun and you have a better chance of winning the case for your clients."