



Portfolio Media, Inc. | 111 West 19th Street, 5th floor | New York, NY 10011 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Titan of the Plaintiffs Bar: Pomerantz's Jeremy Lieberman

By **Annie Pancak**

Law360 (May 14, 2018, 11:59 AM EDT) -- Pomerantz LLP's Jeremy Lieberman led a \$3 billion settlement for investors in a class action over Brazilian energy giant Petrobras' corruption scandal, achieving a record sum and key legal ruling along the way to land him a spot on Law360's 2018 **Titans of the Plaintiffs Bar**.



JEREMY LIEBERMAN ON A KEY SECOND CIRCUIT RULING IN PETROBAS: "It will form the bedrock of class action jurisprudence in the Second Circuit for decades to come."

As the head attorney for the lead firm representing the Petrobras investors, Lieberman steered the three-year-long case accusing the Brazilian energy company of concealing kickbacks to a \$2.95 billion settlement. The deal — reached at the end of 2017 and announced in **January** — will amount to the fifth-largest securities class action settlement in the U.S. and the largest in about a decade, **according to data** kept by Stanford Law School.

Lieberman, who is a Pomerantz co-managing partner, said the "mid-sized class action firm" didn't initially foresee the historical impact the case would have.

"I think most plaintiffs' services didn't really focus in on its potential size," Lieberman told Law360. "We saw the initial filing ... and thought there was potentially a good case. We would have guessed maybe, without really doing any research, [the case was] something that could settle in between the

[\$10 million to \$20 million] range.”

But once the team began delving deeper, the attorneys realized they had something much bigger. In their amended complaint, the Pomerantz team alleged 85 corrective disclosures, or statements that corrected previous misstatements made to investors. Lieberman said he spent more than 500 hours just poring through figures with the damages expert.

In addition to the staggering settlement amount, during the course of the case, the plaintiffs also achieved a precedent-setting ruling at the Second Circuit. The appeals court rejected the defendants' arguments that investors should be required to submit direct evidence, such as a study, that a security's price moved in response to new information at the class certification stage.

The result was a decision **experts say** has made it easier for plaintiffs to secure class status in shareholder suits.

Lieberman said the Second Circuit ruling will “form the bedrock of class action jurisprudence in the Second Circuit for decades to come.”

Jennifer Pafiti, a partner at Pomerantz who worked alongside Lieberman throughout the case, said the team's leader was always up to date with every facet of the case despite its size.

“Not only did Jeremy have to juggle everything that was going on in terms of the behind the scenes work with a titanic amount of documentation, but we also had hundreds of calls and meetings to keep the lead plaintiff fully briefed at every stage,” she said.

The most challenging aspect of managing the case, Lieberman said, was handling the firm's “overwhelming” financial investment. At one point, the team hired more than 150 Portuguese-speaking attorneys to review documents, he said.

Pafiti noted Pomerantz was the only firm while vying for lead counsel to include the auditors in the case, who eventually agreed to pay \$50 million to the settlement fund in addition to Petrobras' \$2.95 billion deal. That move, she said, was “Jeremy's doing to really put everybody on the hook that was involved in this huge fraud.”

Although the Second Circuit ruling and settlement size have received most of the case's attention, Lieberman said he hopes the case will also start a trend toward fewer opt-outs in class actions.

“I hope that any firm that is leading a large case can point to this case and talk to the large institutions and say, ‘Well, maybe you should stick with us and stick with the class action,’” he said.

Besides heading the Petrobras class action, Lieberman also led a group of investors in a suit accusing Barclays PLC of making misrepresentations about the oversight of its dark pool market.

In November 2017, he notched a win for plaintiffs when the Second Circuit **affirmed the class' certification**. Lieberman said the ruling “dovetailed” with the appeals court's Petrobras ruling by holding that the plaintiffs did not need direct evidence that the bank's stock price was affected by the fraud to show they were collectively impacted by the company's misstatements.

Lieberman joined Pomerantz as an associate in 2004 and made partner in 2010. Before that, he briefly worked as a defense attorney at Chadbourne & Parke LLP after graduating from Fordham Law School in 2002.

“I was working at Chadbourne & Parke defending a lot of the Oxycontin cases ... and I just always found myself rooting for the plaintiffs, doing my best, but in my heart hoping that the plaintiffs would win,” he said.

Pafiti attested to Lieberman's role as a plaintiff's champion, saying he has “absolutely zero sympathies for the corporate wrongdoing.”

“If you're ever with Jeremy in a mediation or at a hearing for a motion, you know that he won't take any prisoners,” she said.

--Additional reporting by Ed Beeson and Jack Newsham. Editing by Melissa Lipman and Kelly Duncan.

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