

EXHIBIT B



LEAH M. NICHOLLS

Senior Attorney

Leah M. Nicholls is a Senior Attorney in Public Justice's Washington, DC headquarters. Leah litigates high-impact civil public interest cases at the trial and appellate levels, including cases involving access to courts, court secrecy, consumer protection, and Public Justice's Food Project. She has briefed, argued, and won cases in state and federal appellate courts across the country and spoken at numerous national and state

conferences on topics such as arbitration, class certification, standing, court secrecy, consumer protection, and ag-gag laws.

Leah first joined Public Justice in 2012, serving as the Kazan-Budd Attorney from 2012 to 2014, and a Staff Attorney from 2014 to 2019. Prior to joining Public Justice, she was a senior staff attorney for civil rights and general public interest at Georgetown University Law Center's Institute for Public Representation. Previously, she served as the Supreme Court Assistance Project Fellow at Public Citizen Litigation Group and clerked for Texas Supreme Court Justice Harriet O'Neill.

She has also taught Federal Courts and Appellate Advocacy as an adjunct law professor at Georgetown University Law Center and the University of the District of Columbia. Leah currently serves as a Consumer Fellow to the American Bar Association's Consumer Financial Services Committee.

She earned her J.D. *magna cum laude*, Order of the Coif from Duke University Law School and her B.A. in History and Philosophy *summa cum laude* from Boston University. Leah has also received an L.L.M. in Advocacy from Georgetown Law, an L.L.M. in International and Comparative Law from Duke Law, and an M.A. in History from Boston University.

Leah is admitted to practice in the District of Columbia and Virginia (inactive). She is also admitted to the bars of the U.S. Supreme Court, eleven U.S. Courts of Appeals, and two U.S. District Courts.

Notable Cases

Lead counsel in the following appellate victories:

- *Smith v. GC Services Limited Partnership*, 907 F.3d 495 (7th Cir. 2018) (debt collector waived any right to enforce arbitration agreement).
- *Gustavsen v. Alcon Laboratories, Inc.*, 903 F.3d 1 (1st Cir. 2018) (plaintiffs had standing to allege that

RECENT POSTS

Public Justice Receives Unprecedented Gift to Fund Richard Zitrin Anti-Secrecy Attorney

Call Congress: Support The Equality Act
\$500 Fine Imposed on Homeless Man Shows Why We Need the Excessive Fines Clause

Put an End to Fine Print Bullying: Urge Congress to Pass the FAIR Act

Join Us in Asking Congress to Pass the FAIR Act

CATEGORIES

35th Anniversary

Blog

COVID-19 Resources

News Release

PJ Action

Updates

THANK YOU

manufacturers of prescription eyedrops packaged eyedrops in a way that forced consumers to waste medication in violation of state consumer law, but the claims were preempted by federal law).

- *Cottrell v. Alcon Laboratories, Inc.*, 874 F.3d 154 (3d Cir. 2017) (plaintiffs had standing to allege that manufacturers of prescription eyedrops packaged eyedrops in a way that forced consumers to waste medication in violation of state consumer law).
 - *Parnell v. Western Sky Financial, LLC*, 664 Fed. Appx 841 (11th Cir. 2016) (predatory lender's arbitration agreement requiring arbitration before an arbitrator who did not exist was unenforceable).
 - *Midland Funding LLC v. Bordeaux*, 147 A.3d 885 (N.J. Super. Ct. App. Div. 2016) (debt buyer could not enforce arbitration agreement where there was insufficient evidence that the cardholder agreed to arbitrate).
 - *Abraham v. St. Croix Renaissance Group, L.L.P.*, 719 F.3d 270 (3d Cir. 2013) (continuous release of hazardous materials from a single industrial site was "an event" for purposes of the Class Action Fairness Act, and, thus, the mass action could not be removed to federal court).
 - *McBurney v. Cuccinelli*, 616 F.3d 393 (4th Cir. 2010) (plaintiffs had standing to challenge the constitutionality of Virginia's FOIA law, which limits the right to access records to Virginia citizens).
 - *Dickerson v. Longoria*, 995 A.2d 721 (Md. 2010) (arbitration agreement signed by nursing home patient's cousin did not bind the patient's estate to arbitration).
- Counsel in the following U.S. Supreme Court cases:

- *Home Depot U.S.A., Inc. v. Jackson*, 139 S. Ct. 1743 (2019) (co-counsel on the merits in successful case holding that a counterclaim defendant may not remove a case to federal court and that the Class Action Fairness Act does not permit a third-party defendant to remove).
- *New Prime Inc. v. Oliveira*, 139 S. Ct. 532 (2019) (co-counsel on the merits in successful case holding that the Federal Arbitration Act's exclusion for contracts of employment of transportation workers applies to independent contractors).
- *Heimeschoff v. Hartford Life & Accident Insurance Co.*, 571 U.S. 99 (2013) (co-counsel on the merits in case involving whether, under ERISA, a statute of limitations to seek judicial review could commence before the cause of action accrues).
- *US Airways, Inc. McCutchen*, 569 U.S. 88 (2013) (co-counsel on the merits in case involving whether an ERISA plan's terms, rather than equitable principles, govern the enforcement of an equitable lien by agreement).
- *Elgin v. Department of the Treasury*, 567 U.S. 1 (2012) (co-counsel on the merits and at the cert stage in case concerning whether district courts have jurisdiction over constitutional claims for equitable relief brought by federal employees).
- *Croix Renaissance Group, L.L.P. v. Abraham*, No. 13-116 (lead counsel in successfully opposing cert in case involving the definition of "an event" in the Class Action Fairness Act).
- *Dow Chemical Co. v. Tanoh*, No. 08-1589 (lead counsel in successfully opposing cert in case involving whether claims joined by a motion of a defendant are mass actions under the Class Action Fairness Act).
- *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540 (2016) (lead counsel for amici in brief describing how lawsuits brought against consumer reporting agencies cause real harms to consumers).
- *McBurney v. Young*, 569 U.S. 221 (2013) (lead counsel for amicus in brief describing the history of the common-law right of access to government records).
- *Smith v. Aegon Companies Pension Plan*, No. 14-1168 (co-counsel at cert stage in case concerning whether an ERISA plan can defeat the venue provision in the statute).
- *Frazier v. Life Insurance Co. of North America*, No. 13-759 (co-counsel at cert stage in case concerning what language is sufficient to confer discretionary authority to an ERISA plan administrator over benefits determinations).
- *Thurber v. Aetna Life Insurance Co.*, No. 13-130 (co-counsel at cert stage in case concerning what is sufficient for an ERISA plan to enforce an equitable lien by agreement).
- *CGI Technologies & Solutions, Inc. v. Rose*, No. 12-240 (co-counsel at cert stage in case concerning whether an ERISA plan's terms, rather than equitable principles, govern the enforcement of an equitable lien by agreement).

Co-counsel in the following trial court cases:

- *Animal Legal Defense Fund v. Hormel Foods Corp.* (D.C. Super. Ct.) (alleging that Hormel's advertising claim that its Natural Choice products are "natural" is false under state consumer-protection law because, in fact, the animals raised for those products are raised on factory farms).
 - *Total Transportation Services, Inc. v. Armenta* (Cal. Super. Ct.) (opposing petition to compel arbitration on behalf of port truck drivers who were misclassified as independent contractors).
 - *Blackwood v. De Vries* (C.D. Cal.) (alleging that a mega-dairy's factory farming practices resulted in manure poisoning the groundwater for downstream community residents who rely on well water).
- Other notable advocacy:
- *Parm v. Bluestem Brands, Inc.*, 898 F.3d 869 (8th Cir. 2018) (lead appellate counsel in case alleging that online retailer charged low-income customers more for the same products; issue on appeal was

TAGS

| | |
|---------------------------|----------------|
| AGRICULTURE | ANNUAL GALA |
| ANNUAL REPORT | ARBITRATION |
| CALIFORNIA SUPREME COURT | |
| CASE-SPECIFIC | CFPB |
| CLASS ACTIONS | CONGRESS |
| CONSUMER PROTECTION | |
| CONSUMERS | COURT CLOSURES |
| DEPOSITIONS | DIRECTV |
| DISCOVERY DEADLINES | |
| EARTHQUAKES | ELECTION |
| EPA | FACTORY FARMS |
| FRACKING | |
| ILLUMINATING INJUSTICE | |
| MEDIA | NEWSWEEK |
| NOVARTIS | NURSING HOMES |
| OATHS | OKLAHOMA |
| ORDERS STATUTES AND RULES | |
| OTHER | PAYDAY LENDING |
| POLICE BRUTALITY | PRUITT |
| QUALIFIED IMMUNITY | |
| RAFAEL SOLIS | |
| REMOTE PROCEEDINGS | |
| SAMPLE BRIEFS | |
| SEVENTH CIRCUIT | |
| SEXUAL ABUSE | |
| SEXUAL ASSAULT | SIERRA CLUB |
| SUPREME COURT | TEXAS |
| TITLE IX | TRUMP |
| WORKERS' RIGHTS | |

change retailer charged low income customers more for the same products, issue on appeal was enforceability of arbitration agreement).

- *In re Energy Future Holding Corp.* (D. Del. Bankr. & D. Del.) (co-counsel for amicus in asbestos bankruptcy case arguing that it violates constitutional due process to discharge the claims of unmanifested claimants as part of a bankruptcy plan).
- *Eike v. Allergan, Inc.*, 850 F.3d 315 (7th Cir. 2017) (lead appellate counsel in case concerning whether users of prescription eyedrops had standing to pursue claims that the eyedrop size violated state consumer law and whether the class had been properly certified).
- *Reyes v. Lincoln Automotive Financial Services*, 861 F.3d 51 (2d Cir. 2017) (lead counsel in seeking rehearing from decision holding that the TCPA does not permit a consumer to revoke their consent to be contacted).
- *Terrell v. Kernersville Chrysler Dodge, LLC*, 798 S.E. 412 (N.C. Ct. App. 2017) (lead appellate counsel in case concerning whether agreement to arbitrate had been formed between car dealer and consumer; victory on remand).
- *Hayes v. Delbert Services Corp.*, 811 F.3d 666 (4th Cir. 2016) (co-counsel in case successfully arguing that an arbitration agreement renouncing the applicability of all state and federal law was unenforceable).
- *Hudson v. Citibank (South Dakota) NA*, 387 P.3d 42 (Alaska 2016) (co-counsel in case arguing that debt collectors waived right to enforce arbitration agreement by seeking to collect the debt in state court).
- *S. ex rel. Harman v. Trinity Industries, Inc.* (5th Cir. & E.D. Tex.) (co-counsel for intervenors seeking to unseal records regarding the safety of highway guardrails).
- *Moses v. CashCall, Inc.*, 781 F.3d 63 (4th Cir. 2015) (co-counsel in case successfully arguing that bankruptcy court had discretion to retain claims that otherwise would have gone to arbitration).
- *Nemphos v. Nestle Waters North America, Inc.*, 775 F.3d 616 (4th Cir. 2015) (lead appellate counsel in case concerning whether claims that fluoridated water was misleadingly marketed were preempted by federal law).
- *In re Garlock Sealing Technologies LLC* (W.D.N.C. Bankr.) (counsel for amici steamfitters and sheet metal workers and their unions in arguing that a questionably appointed representative cannot vote in favor of a bankruptcy plan that would limit the ability of future asbestos claimants to obtain relief).
- *Chaney v. Eskridge Chevrolet, LLC*, No. 112810 (Okla.) (lead counsel in seeking cert before the Oklahoma Supreme Court on the question whether loser-pays provisions in form contracts are unconscionable).
- *McBurney v. Young*, 667 F.3d 454 (4th Cir. 2012) (lead appellate counsel in case concerning whether Virginia's FOIA unconstitutionally limited the right of access to public records to Virginia citizens).