KESSLERTOPAZ
MELTZERCHECK LLP

MICHELLE M. NEWCOMER
EDISCOVERY COUNSEL

D 484.270.1412
F 610.667.7706

mnewcomer@ktmc.com

FOCUS AREAS
Healthcare Impact & Consumer Protection

Securities Fraud

Corporate Governance & M+A

Data Privacy & Cyber Security

EDUCATION
Loyola University Maryland
B.B.A 2002

Villanova University School of Law
J.D. 2005

ADMISSIONS
Pennsylvania

New Jersey

United States Supreme Court

USCA, Second Circuit

USCA, Ninth Circuit

USCA, Tenth Circuit

USDC, District of New Jersey

USDC, District of Colorado

USDC, Eastern District of Pennsylvania

Michelle M. Newcomer is eDiscovery Counsel to the Firm. She focuses her practice on discovery issues, from preservation through production, and provides counsel to litigation teams across the Firm on matters arising in the Firm's securities, consumer, antitrust, and other complex actions. Michelle is adept and experienced in managing all aspects and phases of the discovery process. She regularly leads discovery conferences and negotiates protocols governing electronically stored information, and helps litigation teams navigate complex issues regarding the preservation, collection, search and production of electronically stored information, including developing effective technology-assisted review protocols. Michelle also briefs and argues discovery motions where necessary.

Michelle was appointed to the Sedona Conference Working Group (WG) 1 Steering Committee, which works to develop principles, guidance, and best practice recommendations for information governance and electronic discovery in the context of litigation, dispute resolution, and investigations. She also has served as a Faculty Advisory for Sedona's E-Discovery Negotiation & Training workshop, a panelist at various e-discovery conferences where she has helped shape the broader dialogue on e-discovery issues, and is an active member of the Complex Litigation e-Discovery Forum (CLEF), which provides educational and networking opportunities to practitioners in the plaintiffs' bar who handle complex cases.

Prior to serving in this role, Michelle focused her practice in the area of securities litigation, where she represented individual and institutional investors and Sovereign Wealth Funds in class actions,

direct actions, and non-U.S. collective actions asserting violations of U.S. and foreign securities laws. She has been involved in dozens of securities class actions in which the Firm has served as Lead or Co-Lead Counsel, through all aspects of pre-trial, trial, and appellate proceedings, and was part of the trial team in the Firm's most recent securities fraud class action trial, which resulted in a jury verdict on liability and damages in favor of investors.

Michelle began her legal career with the Firm in 2005. Prior to joining the Firm, she was a summer law clerk for the Hon. John T.J. Kelly, Jr. of the Pennsylvania Superior Court.

Settled

- Pfizer, Inc.
  Case Caption: *In re Pfizer Sec. Litig.*
  Case Number: 1:04-cv-09866-LTS-HBP
  Court: Southern District of New York
  Judge: Honorable Laura Taylor Swain
  Plaintiffs: Teachers' Retirement System of Louisiana, Christine Fleckles, Julie Perusse, and Alden Chace
  Defendants: Pfizer, Inc., Henry A. McKinnell, Karen L. Katen, Joseph M. Feczko, and Gail Cawkwell

Overview: This securities fraud class action in Manhattan federal court arose out of Pfizer's concealment of clinical results for two arthritic pain drugs, Celebrex and Bextra. Despite being aware of significant cardiovascular adverse events in clinical trials, Pfizer misrepresented the safety profile of the drugs until the U.S. Food & Drug Administration discontinued a key trial, forced the withdrawal of Bextra from the market, and issued an enhanced warning label for Celebrex. Following a summary judgment order dismissing the case several weeks before trial was set to begin, we successfully appealed the dismissal at the U.S. Court of Appeals for the Second Circuit and the case was remanded for trial.
After twelve years of litigation, the case resolved in 2016 with Pfizer agreeing to pay the shareholder class $486 million, the largest-ever securities fraud settlement against a pharmaceutical company in the Southern District of New York.

- Tenet Healthcare Corp.
  As co-lead counsel representing the State of New Jersey – Division of Investment, negotiated a groundbreaking multipart settlement in litigation arising from Tenet Healthcare's (Tenet) manipulation of the Medicare Outlier reimbursement system and related misrepresentations and omissions.
  The initial partial settlement included $215 million from Tenet, personal contributions totaling $1.5 million from two individual defendants—an unusual result in class action litigation—and numerous changes to the company's corporate governance practices. A second partial settlement of $65 million from Tenet's outside auditor, KPMG, addressed claims that it had

provided false and misleading certifications of Tenet's financial statements. As a result of the settlement, various institutional rating entities now rank Tenet's corporate governance policies among the strongest in the United States.

News

- May 1, 2015 - Kessler Topaz Wins in Rare Securities Fraud Trial

- May 1, 2015 - Merck Vioxx Securities Litigation: Trial Approaches as the Court Finds Defendants' Opinion Statements Interpreting Scientific Data Actionable Under Omnicare

Speaking Engagements

- Dialogue Leader, Into the Breach: Law Firms and the Risk of Cybersecurity and Data Breaches, ASU-Arkfeld eDiscovery, Law and Technology Conference (*upcoming* March 2025)

- Dialogue Leader, Mobile Device Discovery: Challenges and Guidance, at the 2024 Sedona Conference Working Group 1 Midyear Meeting (April 2024)

- Dialogue Leader, Caselaw, Rules, and Policy Updates, Complex Litigation E-Discovery Forum Annual Meeting (March 2024)

- Dialogue Leader, ESI Case Law in 2023: Key Trends and Developments, 2023 Sedona Conference Working Group 1 Midyear Meeting (April 2023)

Awards/Rankings

- Pennsylvania Super Lawyers–Rising Star, 2012-2020

Memberships

- Member, The Sedona Conference Working Group 1 Steering Committee

- Member, Complex Litigation eDiscovery Forum (CLEF)