



MICHELLE M. NEWCOMER

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FOCUS AREAS

Healthcare Impact & Consumer Protection

Securities Fraud

Corporate Governance & M+A

Data Privacy & Cyber Security

Antitrust

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

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 search and review protocols, briefing, and arguing discovery motions where necessary.

Michelle was appointed to the Steering Committee of Working Group 1 of The Sedona Conference, which focuses on developing 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 thought leader at numerous 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

USDC, Eastern District of Pennsylvania

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.

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

- Panelist, "Data Collections in the Digital Age: Navigating Modern eDiscovery Challenges," ACEDS CLE (June 2026)
- Panelist, "GenAI Vortex: How Generative AI is Transforming eDiscovery, Privacy, and Cross-Border Practice," The Sedona Conference Working Group 1 Mid-Year Meeting (April 2025)
- Panelist, "AI in the Courtroom: A Mock Argument on Generative AI for Document Review," LegalWeek (March 2026)
- Panelist, "What to use and When: eDiscovery Decision-Making in an Age of Choice," ASU Arkfeld Law and Technology Conference (March 2026)
- Panelist, "Mobile Devices: Owning the Data, Owning the Case," University of Florida 13th Annual eDiscovery Conference (February 2026)
- Dialogue Leader, "2026 eDiscovery Negotiation Training: Practical Cooperative Strategies," The Sedona Conference Institute (February 2026)
- "Judges Thank: Rethinking the Rules," Georgetown Advanced eDiscovery Institute, (November 2025)
- Moderator, "Ethical Obligations in the World of GenAI: Redefining Responsibilities and Navigating Challenges," The Sedona Conference Working Group 1 Annual Meeting (October 2025)
- Panelist, "Foundational Discovery Caselaw," Complex Litigation eDiscovery Forum Annual Conference (September 2025)
- Moderator, Legal Considerations, Technical Challenges in Discovery of Mobile Device Data, The Sedona Conference Working Group 1 Webinar (June 2025)
- Dialogue Leader, "In Search of Effective Federal Rule of Civil Procedure 26(f) Conferences," The Sedona Conference Working Group 1 Mid-Year Meeting (April 2025)
- Panelist, Into the Breach: Law Firms and the Risk of Cybersecurity and Data Breaches, ASU-Arkfeld eDiscovery, Law

and Technology Conference (March 2025)

- Dialogue Leader, Mobile Device Discovery: Challenges and Guidance, The 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)

Community Involvement

- Philadelphia Bar Foundation, Trustee (2026-2028)