



MELISSA L. YEATES

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FOCUS AREAS

Consumer Protection
 Data Privacy & Cyber Security
 Banking & Financial Services
 Antitrust

EDUCATION

Syracuse University
 B.A. *magna cum laude*, Phi Beta Kappa
 University of Pennsylvania Law School
 J.D. *cum laude*, Order of the Coif

ADMISSIONS

Pennsylvania
 New York
 Delaware
 United States Court of Federal Claims
 USCA, Fifth Circuit
 USCA, Fourth Circuit
 USDC, Eastern District of Michigan
 USDC, District of Delaware

Melissa L. Yeates is a Partner in the Firm's Fiduciary, Consumer Protection, and Antitrust Group. Ms. Yeates' practice is focused on class action litigation with an emphasis on litigating consumer fraud and deceptive trade practices, data breach and privacy, Racketeer Influenced and Corrupt Organizations Act (RICO), and antitrust matters. She also focuses her time on case evaluation and development and is an active member of the Firm's Human Resources Committee. Ms. Yeates received her law degree, Order of the Coif, cum laude, from the University of Pennsylvania Law School and her Bachelor of Arts, Phi Beta Kappa, magna cum laude, from Syracuse University. Prior to joining the firm, Ms. Yeates worked for several large defense firms and clerked for the Honorable Stanley S. Brotman in the District of New Jersey. She is licensed to practice in Pennsylvania, New York, and Delaware.

Ms. Yeates is a mother of four and a seasoned litigator with over two decades of experience litigating in federal courts nationwide. She has played a leading role in Kessler Topaz's successful litigation of claims against numerous corporations accused of defrauding consumers and engaging in anticompetitive conduct, recovering hundreds of millions of dollars on behalf of injured parties. Ms. Yeates has been named a Lawdragon 500 Leading Plaintiff Financial Lawyer for the past five years.

Ms. Yeates serves as Co-Chair of the Local Government and School District Committee in the multidistrict litigation, *In re Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, No. 4:22-md-03047 (N.D. Cal.). In this role, she represents local

governments and school districts from across the nation seeking to hold the largest social media companies accountable for designing and marketing addictive social media platforms to minors and causing the youth mental health crisis in schools and communities. She also serves as Co-Lead Counsel for the TPP PBM track in the multidistrict litigation, *In re Insulin Pricing Litigation*, No. 2:23-md-03080 (D.N.J.), representing a putative class of third-party payors asserting RICO and Robinson-Patman Act claims against insulin manufacturers and pharmacy benefit managers for engaging in an unlawful kickback scheme to artificially increase the price for insulin and derive secret profits from rebates and fees.

In addition, Ms. Yeates is class counsel for a class of health and welfare funds that recently won a \$185 million judgment against the U.S. government based on the government's wrongful seizure of funds in *Electrical Welfare Trust Fund v. United States*, No. 1:19-cv-00353 (Fed. Cl.). Other recent litigations in which Ms. Yeates served as class and/or settlement counsel have resulted in substantial settlements, including *In re Volkswagen Timing Chain Product Liability Litigation*, No. 2:16-cv-2765 (D.N.J.) (\$50 million value); *Seeligson v. Devon Energy Production Company, L.P.*, No. 3:16-cv-00082 (N.D. Tex.) (\$28 million); and *In re Zinc Antitrust Litigation*, No. 2:14-cv-3728 (S.D.N.Y.) (\$9.8 million). She currently serves on the *Plaintiffs' Steering Committee in Speerly v. General Motors, LLC*, No. 2:19-cv-11044 (E.D. Mich.) and *Battle v. General Motors, LLC*, No. 2:22-cv-10783 (E.D. Mich.). Ms. Yeates also served as class trial counsel in *Cardenas v. Toyota Motor Corporation*, No. 1:18-cv-22798-FAM (S.D. Fla.), one of the rare class actions litigated through jury verdict.

Current Cases

- Netflix, Inc. & Hulu, LLC

CASE CAPTION	<i>Borough of Longport and Township of Irvington v. Netflix, Inc. and Hulu, LLC</i>
COURT	United States District Court for the District of New Jersey
CASE NUMBER	21-cv-15303-SRC
JUDGE	Honorable Stanley R. Chesler
PLAINTIFF	Borough of Longport and Township of Irvington
DEFENDANTS	Netflix, Inc. and Hulu, LLC

Kessler Topaz represents two New Jersey municipalities, the

Borough of Longport and the Township of New Jersey, in a putative class action against Netflix and Hulu seeking to recover unpaid franchise fees under the Cable Television Act. Under that Act, cable television companies are required to pay New Jersey municipalities a mandatory franchise fee equal to 2% of their subscriptions in the municipality's jurisdiction. As more and more people "cut the cord" and move from traditional cable television subscriptions to streaming services offered by companies like Netflix and Hulu, New Jersey municipalities have been deprived of the franchise fees that they have collected from traditional cable television companies and relied upon for decades.

Plaintiffs filed their Class Action Complaint on August 13, 2021, asking the Court to order that Netflix and Hulu abide by the Cable Television Act and pay what they owe to New Jersey municipalities. On May 20, 2022, after briefing on defendants' motions to dismiss, the District Court held that the Cable Television Act did not confer a private right of action and that only the New Jersey Board of Public Utilities (the "BPU") had the right to assert such claims. Plaintiffs have appealed the District Court's decision to the Third Circuit. The appeal is fully briefed and awaiting a decision.

- Social Media Adolescent Addiction/Personal Injury Products Liability

**CASE
CAPTION**

*In re Social Media
Adolescent
Addiction/Personal
Injury Products
Liability Litigation*

COURT

United States
District Court for
the Northern
District of
California

**CASE
NUMBER**

22-cv-03047-YGR

JUDGE

Honorable
Yvonne Gonzalez
Rogers

PLAINTIFFS

City of Providence
and District
Attorney Kevin
Steele of
Montgomery

County, PA

Meta Platforms,
Inc., Facebook
Holdings, LLC,
Facebook
Operations, LLC,
Meta Payments
Inc., Siculus, Inc.,
DEFENDANTS Instagram, LLC,
Snap, Inc., TikTok,
Inc., ByteDance
Inc., TikTok Inc.,
TikTok Pte. Ltd.,
ByteDance Ltd.,
Google LLC,
YouTube LLC

Kessler Topaz partners Joseph H. Meltzer and Melissa L. Yeates are currently serving in court-appointed leadership positions, representing school districts and local government entities nationwide (the “Local Government Entity Plaintiffs”), seeking redress for the youth mental health crisis caused by social media companies in a large multi-district litigation.

The Local Government Entity Plaintiffs allege that social media companies including Facebook, Instagram, Snapchat, TikTok, and YouTube, have deliberately designed, developed, produced, operated, promoted, distributed, and marketed their social media platforms to increase revenue at the expense of the nation’s minors. Allegations include that the social media companies use design mechanisms, such as algorithms, feeds, and filters to maximize minors’ screen time and addict adolescent users, which in turn has caused a youth mental health crisis. This youth mental health crisis has been highlighted by various authorities, including the U.S. Surgeon General, the American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry, and the Children’s Hospital Association. While Defendants profit off their harmful conduct, which keeps young users glued to their social media platforms, school districts and local communities have been forced to expend, divert, and increase human and financial resources to address the harmful consequences of Defendants’ conduct in causing the youth mental health crisis. After local communities and school districts filed lawsuits seeking to hold social media companies responsible for their actions in courts across the country, these cases were consolidated for pre-trial proceedings before the Honorable Yvonne Gonzalez Rogers in the Northern District of California. The Local Government Entity Plaintiffs filed a Master Complaint on December 18, 2023.

Defendants' response to the Master Complaint is due on February 5, 2024.

Settled

- Ranbaxy Generic Drug Application Antitrust Litigation

CASE CAPTION

In re Ranbaxy Generic Drug Application Antitrust Litigation

COURT

United States District Court for the District of Massachusetts

CASE NUMBER

MDL No. 2878

JUDGE

Honorable Nathaniel M. Gorton

PLAINTIFFS

Meijer, Inc. and Meijer Distribution, Inc.

DEFENDANTS

Ranbaxy Inc., Ranbaxy Laboratories LTD., Ranbaxy USA, Inc. and Sun Pharmaceutical Industries, LTD.

KTMC was counsel for direct purchasers alleging that generic drug manufacturer, Ranbaxy, Inc., violated the racketeering laws by recklessly submitting grossly inadequate generic drug applications to the FDA for generic versions of Nexium, Diovan and Valcyte; and intentionally deceiving the FDA into granting tentative approval to secure statutory exclusivities for each application. These improperly obtained approvals gave Ranbaxy the power to exclude other generic manufacturers' versions of these drugs while its own applications floundered. Had Ranbaxy not made blatant misrepresentations to the FDA, the FDA would not have granted Ranbaxy the tentative approvals and resulting exclusivities, and other companies would have entered the market with generic versions of each drug several years earlier. As a result of Ranbaxy's unlawful conduct, purchasers paid significantly higher prices for these drugs than they otherwise would have.

After several years of hard-fought litigation, Judge Nathaniel M. Gorton certified three separate classes of direct purchasers of each drug and denied Ranbaxy's motion for summary judgment. On the eve of trial, Plaintiffs negotiated a \$340 million settlement on behalf of the three classes of direct purchasers.

- Zetia Antitrust Litigation

CASE CAPTION

In re Zetia Antitrust Litigation

COURT	United States District Court for the Eastern District of Virginia
CASE NUMBER	18-md-2836
JUDGE	Honorable Rebecca Beach Smith
PLAINTIFFS	Direct Purchasers
DEFENDANTS	Merck & Co., Inc., Merck Sharp & Dohme Corp., Schering-Plough Corp., Schering Corp., MSP Singapore Co., LLC, Glenmark Pharmaceuticals LTD., and Glenmark Generics, Inc.

KTMC was counsel for direct purchasers alleging that brand company Merck & Co., and generic company Glenmark Pharmaceuticals, entered into an anticompetitive pay-for-delay agreement over the drug Zetia (“ezetimibe”). Following Glenmark’s submission of its application to the FDA for approval of a generic version of Zetia, Merck sued Glenmark alleging it had infringed Merck’s patents covering Zetia. Glenmark was the first generic company to seek FDA approval and had secured the right to a 180-day period without competition from other generic companies.

Merck however had the right to launch its own generic version of Zetia (an “authorized generic”) during the 180-day period of Glenmark’s exclusivity. In order to resolve its patent infringement case against Glenmark, Merck entered into an unlawful reverse payment settlement with Glenmark in 2010 to delay generic entry until 2016. In exchange for this significant delay, Merck agreed not to launch an authorized generic to compete with Glenmark’s generic Zetia during the first 180 days Glenmark’s product was on the market. The direct purchasers paid significantly higher prices as a result of delayed generic entry and the absence of competition from an authorized generic.

During several years of litigation, direct purchasers achieved a number of significant victories leading up to trial. For example, Judge Rebecca Beach Smith granted the purchasers’ motion for summary judgment as to market power and held that “Simply put, on this record, no reasonable juror could remain faithful to controlling precedent and cast the relevant market as broadly as Defendants suggest. Stretching the ambit to include non-ezetimibe drugs would blunt the procompetitive purpose of antitrust law and render the market power analysis inconsequential.” In addition, the Court denied Defendants’ motion for summary judgment finding there were disputes of material fact about on several key issues in the case.

On the eve of jury selection, a global settlement for all plaintiff

groups (including the indirect purchaser class and several large retailers) of over \$600 million was negotiated.

News

- March 31, 2022 - Kessler Topaz is Proud to Recognize and Honor Women's History Month by Profiling our Female Partners and Recognizing the Amazing Work They Do | Melissa Troutner, Partner
- February 23, 2022 - New York Federal Court Approves Settlement in Zinc Market Manipulation Antitrust Case

Awards/Rankings

- Lawdragon 500 Leading Plaintiff Financial Lawyer, 2019-2024
- Law Clerk for The Honorable Stanley S. Brotman, United States District Court for the District of New Jersey

Memberships

- American Bar Association
- Delaware Bar Association

Community Involvement

Melissa has a strong commitment to pro bono work and has volunteered for the Office of the Child Advocate, Philadelphia Reads and Delaware Volunteer Legal Services. She is an active supporter of the Make-A-Wish Foundation and Story Changers, an organization which helps African children receive an education, daily meals, medical aid and emotional support.