

Anthony F. Fata, Prominent Plaintiff's Litigator in Commodities and Securities Litigation, Opens Kirby McInerney's New Chicago Office

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A veteran commodities lawyer at the very top of plaintiffs' side litigation in Chicago

Chicago, IL / New York, NY (March 15, 2022) – Kirby McInerney LLP has added Anthony F. Fata, a leading plaintiffs' litigator in commodities, securities, and whistleblower matters, as a partner in the firm's new Chicago office.

Mr. Fata joins Kirby McInerney from Cafferty Clobes Meriwether & Sprengel LLP, where he led that firm's efforts in commodities and securities litigation. He had previously defended SEC enforcement matters and securities class actions at McDermott, Will & Emery LLP.

Mr. Fata joins a strong litigation team at Kirby McInerney. The firm recently secured the two largest whistleblower recoveries in 2021, including a \$200 million recovery that is the largest, publicly announced single whistleblower award arising under the Dodd-Frank whistleblower reward programs (the CFTC and U.S. Securities and Exchange Commission) as well as under other whistleblower programs including the IRS and the federal and state false claims acts.

“We are thrilled to welcome Tony Fata to the firm,” said David Kovel, a Managing Partner of Kirby McInerney who runs many of the firm’s commodities, whistleblower, and antitrust cases. “His experience and track record in commodities and securities litigation puts him in the top echelon of attorneys in these areas, not only in Chicago but throughout the United States. We look forward to having him as a key part of our team advising and aggressively representing our clients, particularly for critical commodities issues centered in Chicago and nationwide.”

Mr. Fata regularly appears before federal and state courts throughout the United States and in regulatory matters overseen by the Securities and Exchange Commission, Commodity Futures Trading Commission, Financial Industry Regulatory Authority, Chicago Mercantile Exchange, and other governmental and self-regulatory agencies.

“I have known the attorneys at Kirby McInerney for many years, and have teamed up with them to win significant recoveries for our clients in the commodity futures markets,” said Mr. Fata. “Kirby McInerney is an excellent fit for my practice, and my priority is to expand Kirby’s presence in Chicago and in financial markets litigation generally.”

Among the cases Mr. Fata has developed and litigated:

Commodity Litigation

- In re Cattle Antitrust Litigation, No. 19-cv-1222 (D. Minn.): Mr. Fata led efforts to develop this proprietary case on behalf of cattle producers and cattle futures traders. Mr. Fata continues to serve in a leadership capacity on behalf of live cattle futures traders. The suit alleges that the “Big 4” meatpacking firms conspired to suppress prices for fed cattle and manipulated CME live cattle futures.
- Hershey v. Pacific Investment Management Company LLC, No. 05-cv-4681 (N.D. Ill.). Mr. Fata served as local counsel and

assisted lead counsel's litigation efforts en route to securing a \$118 million settlement from PIMCO, which was accused of manipulating CBOT treasury note futures.

Consumer Litigation

- Apple iPhone Warranty Litigation, No. 10-cv-01610 (N.D. Cal.) Mr. Fata developed and filed the first complaint in this proprietary case alleging that Apple breached its warranty to iPhone customers by denying claims based on a pretext of water damage purportedly shown by "liquid contact indicators." After similar complaints were filed, Mr. Fata led efforts with other firms' counsel to secure a \$53 million global settlement for the class.

- Apple Device Performance Litigation, No. 18-md-02827 (N.D. Cal.). Mr. Fata was appointed as an executive committee member and co-chair of the damages and settlement committee. The case alleges that Apple throttled iPhones to obscure battery issues. The \$325 million settlement in the case was approved by the district court and is awaiting review by the Ninth Circuit.

In addition, Mr. Fata is currently leading several commodities manipulation class actions and confidential whistleblower matters arising from improprieties in the financial markets and financial services industry.

Mr. Fata earned his J.D. in 1999 from The Ohio State University Moritz College of Law, where he earned numerous awards and academic honors. He received his undergraduate degree from Miami University in 1995.

Mr. Fata is an adjunct professor at Seton Hall University School of Law. He is also active in the Chicago Bar Association, where he Co-Chairs the Securities Law Committee and serves on the Editorial Board of the CBA Record. Mr. Fata is also a recurring panelist for the Practising Law Institute Internal Investigations Seminar conducted in Chicago.

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Kirby McInerney LLP is a New York-based law firm with offices in Chicago, Illinois and San Diego, California. The firm concentrates on securities, antitrust, whistleblower, and consumer litigation and its efforts on behalf of investors, consumers and the government have resulted in recoveries totaling billions of dollars. The firm also represents whistleblowers in numerous programs, including in the SEC, CFTC and IRS whistleblower programs and in cases under the federal and state False Claims Acts. Additional information about the firm can be found at Kirby McInerney LLP's general website at <http://www.kmlp.com> and its whistleblower website at <https://whistleblower.kmlp.com/>.