

## John P. Hooper

Partner

*Trial and Global Disputes*

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John Hooper defends multinational companies in complex litigations, including a variety of commercial, product liability, financial services, false and misleading advertising and other consumer class actions where he has served as national, regional and/or strategic counsel. He provides clients with all-inclusive strategic litigation management and counseling services to mitigate the reputational and financial risk associated with high exposure, viral and bet-the-company litigations.

John's advises companies to create and execute litigation and strategic resolution options in some of the largest, most complex class actions, commercial litigations and mass torts in federal and state courts. Hooper's experience ranges from trials and arbitrations to mediations and settlements, and all stages of a case, from prelitigation to appeal. John's clients include some of the world's largest manufacturers of automobiles, medical devices, pharmaceuticals, building materials, tires, sporting goods and apparel as well as retailers, railroads, hedge funds, life insurance companies, private equity firms, banks and other financial services institutions.

Chambers noted that John Hooper is "24/7 responsive and very strategic" and "he thinks of end-game solutions in a way that other attorneys do not." The Legal 500 United States has noted that, "John Hooper in New York is 'strongly recommended to anyone seeking a practical approach to managing complex litigation matters, particularly those with national scope.'" John has just been recognized by the National Law Journal as one of its "50 Litigation Trailblazers" for his practice of advising multi-national clients on creating and implementing end game strategies in "Viral Litigations". The American Lawyer has recognized his skills in the management and resolution of "bet the company" litigation and as a "great master strategist." He has been nominated to the BTI "Client Service All-Star Team" for multiple years. He is also recognized in the Association of Corporate Counsel's 2014 Value Champion award. The New York Law Journal stated that John Hooper "has worked on some of the most high-profile litigation matters in the last decade."

He has also been appointed by the federal and state courts as a Special Master, Special Settlement Master and Special Arbitration Master. He has also been appointed as the Lead Defense Settlement Liaison Counsel in MDL and other federal and state class and mass actions. He is a member of the Academy of Court Appointed Special Masters. John is a frequent speaker in the United States and Canada on topics related to class and mass actions.

### Matters

On June 12, 2017, the United States District Court for the Southern District of Florida preliminarily approved a class action settlement with Toyota and the class involving over 9 million class members in In re: Takata Airbag Products Liability Litigation, 15-02599-MD-MORENO (S.D. Fla.). The Court also preliminarily approved class action settlements with three other defendant automobile manufacturers. The settlements include a novel outreach program, out-of-pocket claims process, rental car/loaner program and a residual distribution.

Obtained dismissals from over 20 putative class actions using a proffer strategy on behalf of herbal supplement manufacturer and retailer. Plaintiffs alleged that certain herbal supplements did not contain the ingredients listed and asserted consumer fraud claims. Eight of the dismissals were obtained before the cases were consolidated. After consolidation, the MDL Court created a separate track for the client to continue its efforts, which resulted in the omission of the client in the consolidated class action complaint in In re: Herbal Supplements Marketing and Sales Practices Litigation, 15-cv-05070 (N.D. Ill.).

Was National Coordinating Counsel to C. R. Bard, Inc., a Fortune 100 medical device manufacturer, in a complex product liability litigation arising out of an FDA recall with the cases filed in an MDL, a consolidated Rhode Island state court action and individual state courts across the country. We successfully designed and implemented a strategy that tried two cases and resolved the great majority of the cases pending in the litigation. We also implemented a Target Budget Fixed Fee arrangement that was narrowly tailored to meet the client's needs and goals, and aimed at controlling costs across the board in this nationwide litigation. In re Kugel Mesh Hernia Patch Products Liability Litigation, MDL Docket No. 07 1842-ML (D.R.I.), In re: All Individual Kugel Mesh Cases, Master Docket No.: PC-2008-9999 (Superior Court, Providence County, State of Rhode Island).

Successfully resolved nationwide economic loss class action involving over 23 million class members and nearly 200 class actions relating to certain Toyota vehicles in In re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation, No. 8:10MD2151 (JVS) (FMOx) (C.D. Cal.). The settlement included installation of a Brake Override System, a customer support warranty program, an automobile safety and education program and two cash funds. This was the largest settlement at that time in the automotive industry.

Successfully resolved hundreds of products liability personal injury matters using innovative two-phase Court-ordered settlement conferences and mediations in In re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation, No. 8:10MD2151 (JVS) (FMOx) (C.D. Cal.) and Toyota Motor Cases, No. 4621 (Judicial Council Coordination Proceeding, Superior Court, Complex Part, Los Angeles, CA).

Resolved hundreds of cases and claims pending in the United States and the United Kingdom for injuries allegedly caused by taking a prescription medication. After a jury found for plaintiff and while a second trial was underway, we partnered with the client and with the co-defendant to create a very successful end-game strategy that resolved over 95% of the cases in a four month period through negotiating large block settlements with various large plaintiffs' firms, which has also had the added benefit of minimizing the potential tail. In re: Mirapex Products Liability Litigation, 0:07-md-01836- JMR-FLN (D. Minn.) and numerous state cases.

Obtained dismissals of numerous putative filed and unfiled class actions on behalf of a multinational consumer goods manufacturer where plaintiffs and claimants alleged consumer fraud and consumer protection claims.

Successfully resolved government complaint in the U.S. and five nationwide class actions in the U.S. and Canada in response to alleged violations of consumer fraud and consumer protection statutes relating to the marketing and advertising of Reebok's EasyTone shoes and apparel. The settlement also resolved the U.S. Federal Trade Commission's ("FTC") complaint making similar allegations. The terms of the settlements were unique in that the \$25 million paid to the FTC was allowed to be used to fund a consumer redress program for eligible class members. In addition, Reebok agreed to certain conduct changes. The FTC also provided extensive input and guidance in designing a consumer-friendly redress program. Two Canadian class actions making similar allegations were resolved using a similar consumer-friendly process for less than \$2 million. In re Reebok EasyTone Litigation, 4:10-CV-11977-FDS (D. Mass.); Federal Trade Commission v. Reebok International Ltd., d/b/a Reebok, 1:11-cv-02046-DCN (N.D. Ohio); Heney v. Reebok Canada, Court File No. 5608/11 (Ontario Sup. Ct. of Justice); Markus v. Reebok Canada, Court File No. 500-06-000582-110 (Quebec Sup. Ct. of Justice).

Resolved the third largest nationwide insurance sales practices class action valued at \$800 million for MassMutual. The settlement eliminated a potentially large liability in two states where certification of classes were granted and one of which was on the eve of trial in a plaintiff-friendly jurisdiction with possible treble damages. The case was fully resolved after eight appeals were filed. Varacallo v. MassMutual, No. 04-2702 (JLL) (D.N.J.), 226 F.R.D. 207 (D.N.J. 2005).

Appointed Special Master in Fox v. Cheminova, 00-CV-5145 (TCP) (ETB) (E.D.N.Y.) to resolve a class action that had been pending for nearly six years and was on the eve of trial. Prior to being appointed by the court, we held a series of mediations between the parties to arrive at the settlement. After the appointment by the court, we reviewed the objections, met and conferred telephonically with objectors, and had a number of follow-up calls with them. We also drafted a 50-page Report and Recommendation regarding final approval, pursuant to Fed. R. Civ. P. 23, and the award of attorneys' fees and costs that was adopted in almost its entirety by the court in its final approval order.

Twice appointed Special Settlement Master to oversee the award of nearly \$85 million in plaintiffs' attorneys' fees arising from subsequent settlements in the Tank Car case. Selected because of the substantial credibility amassed with the plaintiffs' attorney from the first settlement, even though he was a defense attorney. We set up an aggressive briefing schedule and hearing schedule and quickly issued a final Report and Recommendation regarding allocating the attorneys' fees, which otherwise would have resulted in needless litigation and uncertainty. In re New Orleans Tank Car Leakage Fire Litigation, No. 87-16374 and all Related Cases on Exhibit "A", Civil District Court, Ad Hoc Division, Parish of Orleans, New Orleans, Louisiana.

Appointed Special Settlement Master to oversee the award of approximately \$4.5 million in plaintiffs' attorneys fees and costs arising from the third settlement in the Tank Car case. John Hooper was selected because he had amassed additional credibility with the plaintiffs' attorney from the first distribution of attorneys' fees. In re New Orleans Tank Car Leakage Fire Litigation, No. 87-16374 and all Related Cases on Exhibit "A", Civil District Court, Ad Hoc Division, Parish of Orleans, New Orleans, Louisiana.

Resolved numerous class actions pending in Canada, including Ontario, Alberta, British Columbia, Nova Scotia, and Quebec.

Resolved In re New Orleans Tank Car Leakage Fire Litigation, No. 87-16374 and All Related Cases on Exhibit "A," Civil District Court, Ad Hoc Division, Parish of Orleans, New Orleans, Louisiana, class action, which had been pending for over 10 years and involved the second largest punitive

damages awards of \$3.3 billion, prior to our involvement. As the Court-Appointed Defense Settlement Liaison Counsel, we resolved the claims for five of the nine defendants. There was a subsequent settlement of a sixth defendant that used a substantially similar settlement agreement.

## Credentials

### ADMISSIONS

U.S. Court of Appeals for the First Circuit  
U.S. Court of Appeals for the Second Circuit  
U.S. Court of Appeals for the Third Circuit  
U.S. Court of Appeals for the Ninth Circuit  
New York

### ASSOCIATIONS

NY Southern District (#4262)  
NY Eastern District

## Recognition

Recognized among “50 Litigation Trailblazers”  
NATIONAL LAW JOURNAL, 2015

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Multiple nominations to “Client Services All-Star Team”  
BTI CONSULTING GROUP

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ACC Value Champion  
ASSOCIATION OF CORPORATE COUNSEL, 2014

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## Events

### CONFERENCE

*May 9, 2019*  
Class Action University

### SPEAKING ENGAGEMENT

*November 9, 2018*  
Alex Calfo, John Hooper, Madison Kitchens to Speak at Complex Litigation Symposium

## News

### IN THE NEWS

*June 17, 2020 • Source: Law360*  
John Hooper and Michael Shortnacy counsel Toyota in fuel pump-related litigation

### RECOGNITION

*June 10, 2021*  
Legal 500 United States 2021 Ranks King & Spalding Practices Among the Top in the Nation

*May 20, 2021*  
Chambers USA 2021 Names 179 K&S Lawyers and 65 K&S Practice Groups as Leaders in Their Fields

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