



## MATTHEW E. POHL, M.S.

### CURRICULUM VITAE

Matthew Pohl is the Principal of Herculean Litigation Solution, LLC, which he founded in 2019. Previously, Mr. Pohl was President and Founder of Class Action Administration, Inc. (CAA), a full-service settlement administration firm, and DataVision Consulting, a litigation analytics group.

Mr. Pohl serves clients as an expert in complex civil litigation, specializing in the areas of class action and commercial matters, damages, and data.

Mr. Pohl also has extensive experience in the field of data warehousing and business analytics gained during his time as the Director of Business Intelligence at an office supply company and as a data warehouse consultant.

His experience includes creation and analysis of large transactional databases for use in litigation and claims administration, development of custom programs for determining damages and processing claims, identification of data sources in corporate computer systems, conversion of data from various computer environments, and creation of reporting and analytical systems. A select list of representative engagements are listed below.

### Class Expert Engagements

#### *Air Communications & Satellite v. EchoStar Satellite Corp*

A class of 26,000 retailers filed a lawsuit alleging that EchoStar/Dish breached its agreements regarding the terms of compensation. Mr. Pohl oversaw the administration of the notice program, claims process, and benefit disbursement for the \$60.0 million settlement.

#### *Aleah Guillory, et al. v. County of Los Angeles*

A class of 107,000 indigent residents of the Los Angeles, California filed a lawsuit against the County regarding their management of the General Relief Program. Mr. Pohl developed and managed the notice program, claims process, and benefit disbursement process for the \$7.9 million settlement.

#### *Arlington Video Productions v. Fifth Third Bank*

A class of 50,000 commercial account holders filed a lawsuit against Fifth Third Bank regarding improper banking fee charges. Mr. Pohl assisted counsel in reviewing the defendant's proposed methodology for identifying class members, including analysis of programming logic and

## MATTHEW E. POHL, M.S.

random sampling of results. The analysis identified shortcomings in the initial logic that would have overlooked certain types of class members.

### *Batchelder v. Kerr-McGee Corporation*

A community surrounding the Kerr-McGee wood treatment plant in Columbus, Mississippi, filed a lawsuit alleging the plant released harmful chemicals that contaminated the surrounding air and water. Mr. Pohl was appointed as class administrator. He designed the settlement administration process, oversaw the processing of claims, and managed the distribution of settlement benefits. Mr. Pohl also implemented and oversaw the medical monitoring program.

### *Brent v. Midland Funding, LLC, et al.*

A class of 1.4 million consumers filed a class action lawsuit against Midland Credit Management alleging that they violated the Fair Debt Collection Practices Act ("FDCPA") as well as state common law and consumer statutes, by filing lawsuits against Plaintiffs with an affidavit that contained false information. Mr. Pohl worked with counsel to develop a cost-effective notice program and claims process that provided for direct notice to all class members. Mr. Pohl managed the settlement administration plan.

### *Brummit v. GlobalTec (4x Made Easy)*

A class of 12,000 plaintiffs filed a lawsuit against GlobalTec alleging that the software did not provide the assistance it promised. Mr. Pohl worked with the parties to design the claims process and oversaw the administration of the \$5.0 million settlement.

### *C. De Baca v. Asarco*

A neighborhood in Denver, Colorado filed a lawsuit against the operator of a smelter plant alleging soil contamination during its decades of operation. The settlement included cash benefits and soil remediation. Mr. Pohl designed the notice and claims processing methods, calculated class member benefits, and coordinated the soil remediation program with a third-party vendor. (Class Size 300, Settlement \$6.0 million)

### *Campbell v. Chemins*

Consumers of a protein powder filed a lawsuit against The Chemins Company alleging the product label of ingredients was false. Mr. Pohl oversaw the settlement administration process. (Class Size 10,000, Settlement \$750,000)

### *Chrzanowski v. SDS Autos/Brumos Motors*

A class of 21,000 individuals alleged that defendants did not properly disclose certain administrative fees on documentation related to the purchase or lease of vehicles from three dealerships in Jacksonville, Florida. Mr. Pohl oversaw the conversion of over 5,000 "deal jacket"



## MATTHEW E. POHL, M.S.

folders from scanned images into electronic data to be used for class notice and claims verification purposes. Mr. Pohl oversaw the implementation of the notice program, claims process, and benefit disbursement.

### Faigman v. AT&T Mobility

A class of 3.5 million consumers filed a lawsuit against AT&T alleging the company improperly fulfilled rebate obligations with Visa Reward Cards instead of rebate checks. Mr. Pohl worked with counsel to develop a cost-effective notice program and simple claims process to accommodate to the magnitude of the class. Mr. Pohl oversaw the implementation of the notice program, claims process, and benefit disbursement.

### Fitzgerald Farms LLC v. Chesapeake Operating Inc.

A class of 178,000 well owners filed a lawsuit against Chesapeake regarding the calculation of royalty on natural gas production. Mr. Pohl oversaw the administration of the notice program, claims process, and benefit distribution for the \$119 million settlement.

### Gates v. City of Chicago

A class of 46,000 individuals filed a class action lawsuit alleging the Chicago Police Department did not provide them proper notice to reclaim money that was inventoried upon arrest. Mr. Pohl oversaw the administration of the notice program, claims process, and benefit distribution for the \$4.6 million settlement.

### Hicks v. American Family Insurance

Mr. Pohl provided an opinion on the process used by the defendant to voluntarily contact a class of 12,000 auto insurance policyholders, including whether or not the process met normal class notice standards.

### Jeffery Horton v. Leading Edge Marketing, Inc.

A class of 400,000 consumers filed a lawsuit against Leading Edge Marketing, Inc. alleging the company violated federal and state law by marketing, selling, and distributing VigRx for Men on the basis of false and fraudulent claims about the product and its effects. Mr. Pohl oversaw the administration of the notice program, claims process, and benefit distribution for the \$2.0 million settlement.

### John Cyncar v. United States Postal Services

A class of 50,000 employees filed a class action lawsuit alleging that the United States Postal Service discriminated against disabled employees with regard to requests for leave under the Family and Medical Leave Act (FMLA). Mr. Pohl oversaw the administration of the notice



## MATTHEW E. POHL, M.S.

program and claims process, including an individual review of each claim to determine benefit amounts based on the allocation methodology established for the \$3.85 million settlement.

### *Kemp v. Aronowitz & Mecklenburg*

A class of 33,000 individuals filed a lawsuit against Aronowitz & Mecklenburg alleging that defendants overstated foreclosure proceedings fees. Mr. Pohl worked with class counsel to develop a notice program, claims process, and benefit disbursement that accounted for the two subclasses. The parties settled the case based on the program drafted by Mr. Pohl, who later oversaw the administration of the \$1.1 million settlement.

### *Parker v. Berkeley Premium Nutraceuticals Inc.*

A class of 2,000,000 consumers filed a lawsuit against Berkeley alleging that they sold products without substantiating certain claims and they improperly enrolled customers in an automatic product renewal program. Mr. Pohl oversaw the notice program and claims process.

### *Poleline v. Sterling Savings Bank*

A class of 10,000 borrowers filed a lawsuit against Sterling Savings Bank alleging they improperly used the "365/360 method" to calculate the interest owed by borrowers on certain loans. Mr. Pohl provided consulting services for plaintiff counsel during litigation and later oversaw the settlement administration process. (Settlement \$3.5 million)

### *Reuter v. Check 'N Go of Florida*

A class of 67,000 consumers filed a lawsuit against a pay-day lending company alleging their fees violated Florida state usury laws. Mr. Pohl oversaw the administration of the notice program, claims process, and benefit distribution for the \$10.275 million settlement.

### *Rotandi v. Miles Industries*

A class of 27,000 customers filed a lawsuit against Miles Industries, Ltd. alleging they failed to adequately warn customers about the injuries that could be caused by the heat of the glass. Mr. Pohl worked with defense counsel to design a notice program and claims process that helped class members identify the model of their fireplace to accurately select the fireplace screen they received through the settlement.

### *Skeen et al v. BMW of North America*

A class of 186,000 vehicle owners filed a lawsuit against BMW alleging that they made and sold certain MINI Coopers knowing that the cars had defective timing chain components. Mr. Pohl oversaw the administration of the notice program and claims process for the \$30 million settlement.



## MATTHEW E. POHL, M.S.

### State of Colorado v. General Steel

The Colorado Attorney General filed a lawsuit against General Steel, a manufacturer of steel industrial buildings, alleging the company violated Colorado consumer protection laws by misrepresenting to consumers various aspects of their buildings, the pricing, and the delivery dates. Mr. Pohl worked with the AG's office to design and implement the notice program, claims process, and benefit disbursement for the \$4.06 million settlement. (Class Size 1,500)

### Toys R Us FACTA Settlement

Consumers filed a class action lawsuit alleging that Toys 'R' Us violated the Fair and Accurate Credit Transactions Act ("FACTA") by displaying more than the last five digits of Class Members' credit and debit card numbers on in-store receipts. Mr. Pohl provided pre-settlement consulting for defense counsel and oversaw the administration of the notice program, claims process, and benefit disbursement for the settlement.

### Trujillo v. City of Colorado Springs

A class of 772 officers and sergeants of the Colorado Springs Police Department brought a lawsuit against the City of Colorado Springs for the compensation of donning and doffing protective equipment before and after shifts. Mr. Pohl oversaw the administration of the notice program, claims process, and benefit disbursement for the \$5.25 million settlement.

### Vizzi v. Mitsubishi Motors North America

A class of 129,000 owners of specific Mitsubishi vehicles filed a lawsuit against the defendant alleging the black paint on their vehicles experienced premature delamination. Mr. Pohl oversaw the notice program, claims process, and benefit disbursements that occurred over 10 years.

### Visser v. Caribbean Cruise Line

Mr. Pohl was retained by the parties to perform an initial review of the defendant's data model to determine if it would be possible to ascertain class size and applicable damages.

### Rivera v. Exeter Finance Corporation (see also, Data Expert Engagements section)

Mr. Pohl was retained to form an opinion regarding, among other things, whether there was data available from the defendant's computer systems that can be used to identify individuals who would fall into the class definition.

### Juvonen v. United Property and Casualty Insurance Company (see also, Data Expert Engagements / Damages Expert Engagements sections)

Mr. Pohl was retained to determine class certification in a Florida-based case where plaintiffs alleged breach of contract against the insurer of plaintiffs' homes (United).



## MATTHEW E. POHL, M.S.

### Damages Expert Engagements

#### *Brandewie v. Wal-Mart Stores Class Action Litigation (see also, Data Expert Engagements section)*

A class of customers filed a lawsuit against Wal-Mart alleging that its refund policy and other state laws were violated when consumers returned an item to a store with lower sales tax rates than the store where the item was purchased. Mr. Pohl was retained as plaintiff's damage expert. Mr. Pohl developed a methodology using Wal-Mart's data to determine the amount of under refund. The parties reached settlement in the case a month after Mr. Pohl's report was issued.

#### *Consumers Overpaying Sales Tax*

Consumers filed a state class action alleging a national retailer overcharged sales tax when a coupon was tendered on a taxable item. Mr. Pohl was retained by plaintiff as data and damages expert. He identified the data sources that contained the data necessary to calculate overcharges and worked with counsel to estimate overall damages. His participation in the settlement negotiations helped the parties reach a settlement in the initial mediation session.

#### *Costello v. Beneficial Montana (HSBC)*

A class of 31,500 individuals filed a lawsuit against Beneficial Montana alleging that the company violated the Montana's Consumer Loan Act. In addition to managing the settlement administration process, Mr. Pohl worked with plaintiff counsel to identify, obtain, and incorporate data from the defendant to allow for the proper calculation of settlement benefits. (\$25.0 million settlement)

#### *Drill Rig Worker Overtime Claims*

Mr. Pohl was retained by both parties as an independent expert to calculate unpaid overtime for oil rig workers who were paid a combination of weekly base and other variable compensation when working non-traditional schedules. Mr. Pohl's results were used by the parties as the individual class member settlement amounts.

#### *EEOC v. State of North Carolina*

The EEOC retained Mr. Pohl to validate eligibility and calculate damages for 150 individuals identified by the defendant. The complexities of the calculations led to the analysis taking nearly two years to complete. The resulting analysis was used by the parties to pay out long-term disability payments.

#### *Enfield v. Old Line Life Insurance (see also, Data Expert Engagements section)*

A class of 400,000 policyholders alleged that the defendant improperly charged additional premiums when they paid life insurance on a non-annual basis. Mr. Pohl was retained by defense to review, confirm, and testify regarding the calculations developed by the defendant's



## MATTHEW E. POHL, M.S.

internal staff. Mr. Pohl quickly identified significant issues with the internal calculations. Mr. Pohl worked with the defendant to obtain the necessary insurance policy data for the multi-year class period to calculate estimated damages for each policyholder. Mr. Pohl's estimates were significantly lower than the internal calculations and necessitated a day-long meeting with class counsel to explain his calculations. In the end, Mr. Pohl's figures were used to determine individual class settlement benefits.

### Hoffman v. AT&T Wireless Services (Cellular Phone Sales Tax Class Action Litigation)

A class of over 1 million subscribers filed a lawsuit alleging the billing software used by AT&T miscalculated municipal sales tax for certain customers. Mr. Pohl was hired as an expert to review the opposing expert's damage models in this national class action.

### Home Security Retailer/Installer Class Action

Mr. Pohl was retained to design a model to estimate the amount of revenue sharing payments that were allegedly improperly paid to 1,000+ retailer/installer organizations.

### Independent Drivers for National Shipping & Delivery Company

A class of drivers filed a Fair Labor Standards Act (FLSA) collective action against the delivery company alleging they were not properly compensated for overtime worked. Mr. Pohl was retained as an expert to determine the amount of overtime and the amount of under-compensation. The parties used Mr. Pohl's model for determining settlement amounts for each class member.

### Vastano v. AT&T Wireless Services Class Action Litigation (see also, Data Expert Engagements section)

A class of 600,000 filed a lawsuit against AT&T alleging they erroneously billed customers due to the design of its billing process. Mr. Pohl designed and implemented the damage model quantifying out-of-cycle damages, an analysis that required processing nearly 200 million cell phone records.

### Washburn v. Franklin Equity Leasing Company

Mr. Pohl was retained by the parties to perform an independent analysis of the methodology by which the defendant identified the 4,500 class members and calculated their damages.

### Pearlstone v. Walmart Stores

Mr. Pohl was retained to estimate alleged class damages related to the under-refund of sales tax on multi-receipt transactions.



## MATTHEW E. POHL, M.S.

### Data Expert Engagements

#### *Arlington Video Productions Inc. v. Fifth Third Bank*

A class of account holders alleged that a regional bank overcharged business accounts for certain fees. Mr. Pohl was retained by plaintiff counsel to opine as to the existence of data necessary to identify class members. The parties eventually settled the case and Mr. Pohl was asked to verify the class list generated by the defendant. Upon analysis of a genericized list and the computer programs used to develop the list, he was able to identify adjustments necessary for the list to be comprehensive. The revised list was used for the settlement administration process.

#### *Berkeley Forfeiture Remission Process*

During the settlement administration process which Mr. Pohl was overseeing, the defendant filed for bankruptcy. Mr. Pohl analyzed the defendant's data to determine what each individual had paid for the product, and therefore, what they were claiming through bankruptcy process. Mr. Pohl worked with class counsel to devise a way to electronically file claims for the class members with the bankruptcy court, resulting in class members obtaining full settlement benefits despite the defendant going bankrupt. (Class Size 139,000, Settlement \$23.89 million)

#### *Colorado Military Retiree State Tax*

A class action was brought against the State of Colorado alleging unconstitutional taxation of military retiree pensions. The Colorado Department of Revenue (DOR) proposed that the effort to review tax returns filed on microfilm, recalculation of taxes, and issuance of tax refunds would take over 90 man-years to complete. Mr. Pohl designed and oversaw the process by which all tax returns filed with the State over a 5-year period and stored on thousands of microfilm reels were reviewed to determine class eligibility and have necessary amounts from the hand-written tax returns data entered. Mr. Pohl's team developed the software necessary to calculate the amount over taxed. He also worked with the Colorado DOR to create a method to electronically file an amended return for class members so that the State's tax records properly reflected the adjustment. The project was completed in less than 10 months.

#### *Enfield v. Old Line Life Insurance (see also, Damages Expert Engagements section)*

Mr. Pohl worked with the insurance company's IT and actuarial staff to identify sources of data for the 400,000 life insurance policyholders in the class. The lawsuit covered a period of time that spanned multiple billing systems, so the data sources included backups on magnetic tape, some of which were corrupt. Mr. Pohl designed and developed the analytical models to determine the amount of the charges for non-annual payment and to extrapolate the missing data. The results of the analysis were used by the parties as the basis of reaching settlement and were used to calculate individual class member benefits for the \$15 million settlement.





## MATTHEW E. POHL, M.S.

### *Brandewie v. Wal-Mart Stores Class Action Litigation (see also, Damages Expert section)*

Mr. Pohl was retained as an expert by counsel to identify data sources that would be relevant to identifying the return transactions that met class qualifications and helping with ascertainability issues in the class certification phase of the case. In particular, Mr. Pohl created a computer model that used the limited data available to determine the amount of under-refunds that occurred in this nationwide case. The model was built in anticipation of analyzing multiple terabytes of sales and return transaction data. The parties reached settlement in the case a month after Mr. Pohl's report was issued.

### *Vastano v. AT&T Wireless Services (see also, Damages Expert Engagements section)*

A class of 600,000 individuals filed a lawsuit against AT&T alleging they erroneously billed customers due to the design of their billing process. Mr. Pohl was retained as an expert by class counsel to identify a way to recalculate cell phone subscriber charges "but for" the improper billing practice. Mr. Pohl designed the damage model methodology and associated computer software. The analysis covered nearly 200 million cell phone call records to determine the amount that the carrier overcharged individual class members. The results of Mr. Pohl's damage calculations were used as the basis of determining individual settlement benefits in the case.

### *Rivera v. Exeter Finance Corporation (see also, Class Expert Engagements section)*

Mr. Pohl was retained to form an opinion regarding, among other things, whether there was data available from the defendant's computer systems that can be used to identify individuals who would fall into the class definition.

### *Farneth v. Walmart Stores*

Mr. Pohl was retained to identify defendant's computer systems to identify data sources with class-relevant data and interact with defendant's IT staff to facilitate the production of relevant data.



## MATTHEW E. POHL, M.S.

### Special Master Engagements

#### *Samples v. Conoco*

A lawsuit was filed against Conoco and other defendants, alleging that two sites – a creosote treatment plant and a fertilizer chemical company – polluted groundwater over a 45-year period of time. Mr. Pohl was engaged as Special Master to create a methodology for allocating the \$65 million settlement between the owners of 4,000 properties over that 45-year period of time. Mr. Pohl’s allocation methodology was presented to the parties and received court approval. He was also tasked as Claims Administrator to design the process by which individual owners could participate in the settlement. Mr. Pohl used GIS data to precisely identify class properties over the 45-year class period. The court-approved process resulted in 95% of the properties receiving benefits that spanned an average of nearly 40 years of time. Mr. Pohl, as Special Master, oversaw the resolution of all calculations contested by class members.

#### *Williams v. Conoco*

This case covered the medical monitoring claims of 36,000 individuals who resided in the Pensacola class area. Mr. Pohl was appointed as Special Master for this \$3.6 million environmental medical monitoring case. In this role, he worked with medical experts to devise the medical monitoring program, identified and selected local medical providers to perform the necessary exams and test, and oversaw the medical monitoring program.



# MATTHEW E. POHL, M.S.

## Work Experience

### **Herculean Litigation Solutions**

Principal  
March 2019 - Present

### **Pohl Analytics Group**

Principal  
October 2016 - March 2019

### **JND Class Action Administration**

President  
March 2016 - September 2016

### **Class Action Administration, Inc. and DataVision Consulting**

President and Founder  
September 1999 - March 2016

### **Corporate Express, Inc.**

Director of Business Intelligence  
September 1997 - February 2001

### **Arthur Andersen, LLP**

Manager, Economic and Financial Consulting  
May 1991 - August 1997

## Education

### **Master of Science, Information Systems**

University of Colorado - Denver  
GPA 3.9 (Summa Cum Laude)  
December 1992

### **Bachelor of Science in Business Administration, Decision Science**

University of Denver  
GPA 3.9 (Magna Cum Laude)  
May 1988

