

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

RAGINGBULL.COM, LLC, et al.,

Defendants.

Case No. 1:20-cv-3538

PLAINTIFF’S NOTICE OF CANDIDATE FOR APPOINTMENT AS RECEIVER

Plaintiff Federal Trade Commission (“FTC”) respectfully notifies the Court that it has identified a candidate available for appointment as receiver in the captioned case if the Court grants the FTC’s request for the appointment of a receiver. The candidate is **Peter E. Keith**, of Gallagher, Evelius, and Jones in Baltimore, Maryland.

Mr. Keith has extensive experience with federal and state receiverships and has previously served as receiver or as counsel for the receiver in cases filed by the FTC and by the Securities Commissioner for the State of Maryland. In this District Court, Mr. Keith served as receiver in the matter *FTC v. Midway Industries, LLC*, Case No. JKB-14-CV-2312 (D. Md.) and also in *FTC v. Residential Relief Foundation, Inc.*, Case No. JFM-10-CV-3214 (D. Md.). A cover letter with attachments describing Mr. Keith’s and his firm’s experience is affixed as **Attachment A**. Mr. Keith’s letter also expresses his willingness to work on this matter and includes information about the hourly rates Mr. Keith and his anticipated team would charge in connection with this receivership. In addition, Mr. Keith has indicated he is not aware of any conflict that would preclude him from acting as a receiver in this matter. Should the Court desire to consider additional options for appointment as temporary receiver, the FTC can provide names of other highly qualified candidates.

Respectfully submitted,

Alden F. Abbott
General Counsel

Dated: December 7, 2020



Colleen Robbins (D. Md. Temp Bar No. 92567)
Sung W. Kim (D. Md. Temp Bar No. 814609)
Gordon Sommers (D. Md. Temp. Bar No. 814431)
Thomas Biesty (D. Md. Temp. Bar No. 814459)
Federal Trade Commission
600 Pennsylvania Ave., NW
Mailstop CC-8528
Washington, DC 20580
(202) 326-2548; crobbins@ftc.gov
(202) 326-2211; skim6@ftc.gov
(202) 326-2504; gsommers@ftc.gov
(202) 326-3043; tbiesty@ftc.gov
(202) 326-3395 (Facsimile)

Attorneys for Plaintiff
Federal Trade Commission

CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2020, I electronically filed the foregoing with the Clerk of the Court using CM/ECF and provided notice and copies of the foregoing Notice of Candidate for Appointment as Receiver and attachment to each of the defendants specified below via email. I further certify that on December 7, 2020, a copy of the foregoing papers was provided to a process server for hand delivery, along with the Complaint, to each of the defendants below:

RagingBull.com, LLC
Jeffrey M. Bishop
Jason Bond f/k/a Jason P. Kowalik
Kyle W. Dennis
Sherwood Ventures, LLC
Jason Bond, LLC
Winston Research Inc.
Winston Corp.
MFA Holdings Corp.



Colleen Robbins

Attachment A

October 8, 2020

VIA E-MAIL

Colleen Robbins, Esq.
Chief of Online Threat Initiatives
Federal Trade Commission
Bureau of Consumer Protection
Division of Marketing Practices
600 Pennsylvania Ave., NW
Washington, D.C. 20580

**Re: *Possible Receivership Action in U.S. District Court
for the District of Maryland***

Dear Colleen:

Thank you for your interest in including me among possible candidates to be presented to the U.S. District Court for the role of receiver in the action being contemplated by the FTC.

My law firm and I would consider it an honor to be considered for such an assignment. Examples of our work in this area include the following matters:

1. *Federal Trade Commission v. Midway Industries, LLC, et al.*, Civil No. JKB-14-2312 (D. Md.) – I have served as court-appointed Receiver for entities that engaged in fraudulent and deceptive sales practices. This receivership began in 2014. The Court has entered a formal discharge order and the case will be concluded in the next 2-3 weeks. Our work included cessation of business operations in Maryland and Florida, termination of 180 employees, cooperation with federal law enforcement authorities pursuing criminal charges, and investigation and recovery of assets. This receivership successfully generated \$11.9 million in consumer redress for victims of fraud. Harris Senturia of the FTC's East Central region served as lead counsel for the FTC. Amy Hocevar also represented the FTC. Mark Saudek of our firm served as lead counsel to the Receiver.

2. *Federal Trade Commission v. Residential Relief Foundation, et al.*, Civil No. JFM-10-CV-3214 (D. Md. 2010) – I was appointed by the Court to serve as Receiver for home loan mortgage and related companies engaged in deceptive business practices. My

GALLAGHER

GALLAGHER EVELIUS & JONES
ATTORNEYS AT LAW

Colleen Robbins, Esq.

October 8, 2020

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duties included closure of the businesses, collecting assets, investigation of fraud, pursuit of claims, cooperation with law enforcement agencies, and reporting to the Court. The receivership concluded in 2013 and resulted in recovery for victims of unlawful practices. Mark Saudek of our firm served as lead counsel to the Receiver and a team of attorneys and a paralegal provided assistance in this receivership. Gregory Ashe and Robin Thurston handled this case for the FTC.

3. *United States of America v. Maxim Healthcare Services.* – I was selected by the U.S. Department of Justice, Office of the United States Attorney for the District of New Jersey, to serve as Monitor pursuant to a Deferred Prosecution Agreement (“DPA”) between DOJ and Maxim, involving criminal charges and a civil settlement associated with allegations of health care fraud. Maxim was a privately-held company with over 200 offices nationwide and more than 20,000 employees. Our firm also served as counsel to the Monitor. Our work during a two-year period included review of company practices, investigation of fraudulent activities, evaluation and monitoring the Company’s compliance with the DPA and federal health care laws, and quarterly reporting to the USAO.

4. *Federal Trade Commission v. Silver Shots, Inc., et al.*, Civil No. L-95-2003 (D.Md. 1995) – I was appointed by the FTC and the Court to serve as receiver for companies engaged in deceptive marketing and business practices. My duties included closure of the business, freezing and collecting assets, investigation of fraud, pursuit of claims, and cooperation with criminal law enforcement agencies and an FTC-appointed administrator.

5. *Melanie S. Lubin, Securities Commissioner for the State of Maryland v. Starboard Associates, Inc., et al.*, Case No. 24-C-99-004415 – In 1999 I was appointed by the Circuit Court for Baltimore City and the Maryland Securities Commissioner to serve as receiver for companies engaged in securities fraud. My duties included closure of the business, freezing and collecting assets, investigation of fraud, pursuit of claims, arranging for distributions of assets to creditors and victims of the fraud, and cooperation with law enforcement agencies leading to a criminal guilty plea.

GALLAGHER

GALLAGHER EVELIUS & JONES
ATTORNEYS AT LAW

Colleen Robbins, Esq.

October 8, 2020

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6. *Melanie Senter Lubin, Securities Commissioner for the State of Maryland v. Andrew H. Williams, Jr., et al.*, Case No. CAE 07-28453 (Circuit Court for Prince George's County) – Mark Saudek of our firm served as lead counsel in a state court securities fraud receivership involving a nationwide mortgage loan Ponzi scheme. As counsel to the receiver during the period 2007-2010, our firm pursued lawsuits in several states, helped shut down what had been a \$130 million scheme, recovered assets for 1200 victimized investors, and provided assistance to criminal law enforcement agencies leading to indictments.

7. *Melanie Senter Lubin, Securities Commissioner for the State of Maryland v. Answer Care, Inc., et al.*, Case No. 24-C-00-004710 (Circuit Court for Baltimore City) – Our firm served as counsel for the Court-appointed receiver in a securities fraud action involving fraudulent viatical insurance policy investments. Our work included cessation of the business, investigation of the fraud, pursuant of claims and assets, and assistance in distributing recovered funds to defrauded investors.

8. We were retained in 2012 by the Federal Deposit Insurance Corporation to investigate a failed, FDIC-insured Maryland bank, Bradford Bank. Our work included investigation of potential claims and recoverable assets, and litigation against officers and directors to recover losses incurred in connection with the bank failure.

9. *In re Beneficial Financial Services, Inc.*, Case No. 02-2265 (U.S. Bankruptcy Court for the District of Columbia) – Our firm represented the Court-appointed receiver in a Chapter 11 bankruptcy of a company engaged in the fraudulent sale of interests in viatical settlements.

With regard to qualifications, since you have indicated that the potential subjects of the receivership are involved in stock trading/financial services, I would note that I serve as Board Chair for a public pension fund and am familiar with equities, trading and marketing used by investment firms.

Attached are my CV and a full resume. Also attached is a CV and full resume for my partner, Mark Saudek, who would be available to assist on this project as lead counsel to the Receiver. Mark served as lead counsel in the Midway Industries, Residential Relief

GALLAGHER

GALLAGHER EVELIUS & JONES
ATTORNEYS AT LAW

Colleen Robbins, Esq.

October 8, 2020

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Foundation, and the securities fraud receivership described in items 1, 2, and 6 above. Mark also served as counsel to the Monitor in item 3 above. I have also included CVs for Meghan Casey and Ella Aiken, who would also be available to assist in this project. Meghan and Ella both have experience in internal investigations and complex civil litigation. Meghan's experience at the Maryland Attorney General's Office included pursuing a wealth management/brokerage entity that engaged in deceptive practices. Our team would also include Charlotte Hoffman, an experienced paralegal who was heavily involved in shutting down the businesses and asset recovery in the FTC's Midway Industries and Residential Relief Foundation receiverships. Our firm would be prepared to staff this matter with whatever personnel may be needed, and to carry out the receivership in a cost-effective manner for the benefit of the public and victims of any fraud.

With regard to accountants, in past FTC receiverships we have used Raymond Peroutka of Verity, LLC for forensic accounting work. The accounting firm of Katz Abosch in Timonium, MD handled tax returns, 1099s and other accounting work in the Midway Industries receivership. Our firm also has relationships with other accounting firms. With regard to geographic limitations, our lawyers are admitted in several states and federal districts outside of Maryland, and we have developed relationships with law firms in most states such that we can readily arrange local counsel relationships as needed.

Our regular billing rates are as follows. We would commit to not increase our billing rates for the project during the course of the receivership.

Peter E. Keith	\$450.00/hr.
(discounted from regular rate of \$580.00/hr.)	

Mark S. Saudek	\$500.00/hr.
Meghan K. Casey	\$360.00/hr.
Ella R. Aiken	\$340.00/hr.
Charlotte D. Hoffman	\$205.00/hr.

GALLAGHER

GALLAGHER EVELIUS & JONES
ATTORNEYS AT LAW

Colleen Robbins, Esq.
October 8, 2020
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This letter will also confirm that I have not been subject to any disciplinary action by any professional or licensing authority, and that I have not been subject to any government sanctions of any kind.

Thank you again for including me for consideration as a receiver in the contemplated action. Feel free to contact me if you have any questions or need further details concerning qualifications.

Sincerely,



Peter E. Keith

PEK/cmc
Attachments

#714700



Practice Areas

- Education
- Employment
- Health Law
- Litigation

Education

- University of Virginia, BA, 1976
Phi Beta Kappa
- University of Virginia School of Law, JD, 1980

Court Admissions

- Maryland State Courts
- United States Supreme Court
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Sixth Circuit
- United States District Court for the District of Maryland
- United States District Court for the Eastern District of Michigan
- United States Tax Court

Bar Admissions

- Maryland

218 North Charles Street
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 WEB: www.gejlaw.com

Peter E. Keith

Partner

Peter has been a member of Gallagher Evelius & Jones LLP since 1989. He joined the firm following several years of public service, first as a white collar criminal prosecutor at the Attorney General's Office and then as trial counsel for the U.S. House of Representatives in an impeachment of a federal judge.

Peter concentrates his practice in trial and appellate litigation in state and federal courts. He has handled many complex jury trials and appeals during the course of his career. Peter regularly represents the firm's hospital, college, banking, and governmental clients in a wide range of cases including health care, estates and trusts, education, constitutional and civil rights, employment, environmental and professional malpractice matters. He has also conducted special investigations for corporations, nonprofit institutions, and governmental clients.

Peter has taught civil litigation as an adjunct professor at the University of Maryland Law School since 1990. Peter was selected for inclusion in *Best Lawyers in America 2020* in the areas of Commercial Litigation, Litigation--Banking & Finance, Litigation--Labor & Employment, and was selected as their 2013 Baltimore Litigation Trusts & Estates "Lawyer of the Year." He has been recognized in *Maryland Super Lawyers* since 2008.

Bar and Professional Memberships

American College of Trial Lawyers, Fellow
 American Bar Association, Litigation Section
 American Health Lawyers Association
 Bar Association of Baltimore City
 Federal Bar Association
 Maryland State Bar Association, Litigation Section

Civic and Charitable Service

Baltimore Fire and Police Retirement System, Chairman, Board of Trustees. City public pension fund for approximately 4000 active and 6000 retired Baltimore city firefighters and police officers and their beneficiaries. The System has \$2.5 billion in assets, invested in a highly-diversified portfolio. The Board is responsible for managing and investing the investments, dealing with investment managers, overseeing the



administration of benefits, and addressing a variety of other issues involving the police and fire employees and their retirement benefits.

Friends of Gallagher Services, Board of Directors (1998 - 2007)

Equal Justice Council, Board of Directors

Maryland Legal Aid Bureau, former member, Board of Directors

PETER E. KEITH
Gallagher Evelius & Jones LLP
218 North Charles Street, Suite 400
Baltimore MD 21201
410.347.1338
pkeith@gejlaw.com

EDUCATION: University of Virginia, B.A. (1976), Phi Beta Kappa
University of Virginia School of Law, J.D. (1980)

EMPLOYMENT:

1989 - Present **Gallagher Evelius & Jones LLP**

Partner at Baltimore law firm specializing in trial and appellate litigation and internal investigations. Clients include major corporations, hospitals, colleges, governmental agencies, privately-held businesses, non-profits and individuals. Areas of practice include business/commercial, health care, employment, trust and estate, environmental, education, and financial-related disputes.

U.S. District Court for the District of Maryland Exceptional Service Award, 2013

1988 - 1989 **U.S. House of Representatives**
Committee on the Judiciary

Special prosecution counsel for U.S. House of Representatives in connection with impeachment trial of Chief U.S. District Judge Walter L. Nixon, Jr. of Mississippi. Conducted investigation and served as trial counsel in U.S. Senate proceedings. Worked with U.S. Department of Justice and impeachment team to develop facts resulting in removal of judge from office during House proceedings and Senate impeachment trial. Supervised GAO investigators, advised Members of Congress and prepared House Judiciary Committee Report of impeachment inquiry.

1984 - 1988 **Assistant Attorney General**
Office of the Attorney General of Maryland

Savings and Loan Criminal Division (1985–1988, Division Chief 1987–1988). Prosecuted bank officials and real estate developers in wake of collapse of state-insured savings & loan industry. Efforts resulted in numerous felony convictions and recovery of \$25 million in stolen funds. Criminal jury trials and appeals. Supervision of co-counsel, investigators and accountants. Served as Special Assistant U.S. Attorney in connection with joint federal-state criminal investigation.

Civil Division (1984 – 1985). Trial and appellate civil litigation representing State agencies and officials in environmental, employment, education, constitutional, estate and health care matters.

Attorney General's Exceptional Service Award, 1986

PETER E. KEITH

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1980 - 1984

**Venable, Baetjer & Howard
(Baltimore and Washington, D.C. Offices)**

Trial and appellate employment litigation and civil litigation under supervision of former U.S. Attorney General, including defense of antitrust, products liability, labor and employment lawsuits.

TEACHING EXPERIENCE:

Adjunct Professor, University of Maryland Law School (Civil Litigation, 1991 - 2019)

Instructor, Trial Practice and Deposition Seminars, Office of the Attorney General of Maryland and Baltimore City Dept. of Law

Presentations on litigation, employment, education and health care issues at conferences of American Academy of Hospital Attorneys, National Association of College and University Attorneys, Hospital Financial Management Assn., and other groups

BOARD SERVICE:

Board Chairman and Trustee, Baltimore Fire & Police Employees' Retirement System (2005 to present), a \$2.8bn public pension fund serving active and retired Baltimore City fire and police officers and beneficiaries

Independent College Fund of Maryland – Served as Board Chair of non-profit organization supporting private liberal arts colleges in Maryland with \$1+ million annual campaign involving corporate and foundation donors

Equal Justice Council of Maryland, Legal Aid Bureau (2006 to present) – Fundraising for state legal aid entity representing indigent citizens

SAMPLE CASES:

Maryland Commission to Restore Trust in Policing (2019-2020) – Appointed as counsel to State Commission investigating corruption within the Baltimore City Police Department. Investigation has included public hearings, interviews, subpoenas for records, research on possible recommendations for local and statewide police reform, and preparation of report to be issued to the public.

Federal Trade Commission v. Midway Industries LLC (D.Md. 2014-2020) – Appointed by U.S. District Court to serve as Receiver for entities accused by the FTC of fraudulent and deceptive sales practices. Work included cessation of 180-employee business, internal investigation of business practices, recovery of assets and reporting to Court. Receivership generated \$11.9 million for victims of fraud.

PETER E. KEITH

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U.S. v. Maxim Healthcare Services (2011-2013) – Appointed by U.S. Department of Justice, Office of U.S. Attorney for the District of New Jersey, to serve as Monitor for a national home health company under a Deferred Prosecution Agreement based upon violations of federal healthcare laws and criminal/civil settlements. Work included internal investigations, compliance advice and quarterly reporting to DOJ over a two-year period.

Federal Trade Commission v. Residential Relief Foundation (U.S. Dist. Ct. Md. 2011-2013) – Appointed by Court to serve as receiver in FTC action involving deceptive marketing practices associated with home mortgage loans. Duties included closure of business, pursuit of claims and recovery of assets for victims of unlawful practices.

Romero v. Buhimschi and Yale University, No. 09-1195 (6th Cir. 2010) – Defense of medical research scientist against Lanham Act, defamation and breach of contract claims.

In re Lamdin, 404 Md. 631, 948 A. 2d 54 (2008) – Appointed by Maryland Commission on Judicial Disabilities to serve as ethics prosecutor in disciplinary proceedings involving judge who violated Canons of Judicial Ethics.

Posner v. Comptroller, 951 A. 2d 112, 180 Md. App. 379 (Md. App. 2008) – Representation of estate in tax refund proceedings.

U.S. v. Mayor and City Council of Baltimore (U.S. Dist. Ct. Md. 2003-2017) – Representation of City of Baltimore in Clean Water Act environmental action brought by EPA and U.S. Department of Justice for sewer overflows, resulting in Consent Decree to renovate City's sewer infrastructure at an estimated cost of \$900 million.

Lubin v. Agora, Inc., 389 Md. 1, 882 A. 2d 833 (2005) – Representation of national association of securities enforcement officials in appeal addressing scope of state securities enforcement investigative powers.

Estate of Posner v. Internal Revenue Service, 2004 WL 1045461, U.S. Tax Court Memo. 2004-112 (2004) – Recovery of \$4.5 million in taxes and interest from IRS on behalf of an estate.

Maryland Port Administration v. Archer Daniels Midland Co. (D. Md. 2003) – Representation of Maryland Port Administration in business lawsuit following collapse of pier and grain elevator in Baltimore's Inner Harbor.

Collins v. State – Representation of Maryland death row inmate in post-conviction proceedings; successfully achieved removal of death sentence and re-sentencing to life imprisonment.

Rogosin v. Mayor and City Council of Baltimore, 197 F. Supp. 2d 345 (D. Md. 2002) – Representation of City in defense of race and age discrimination claims brought by two former city attorneys.

PETER E. KEITH

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Gordon v. Posner, 142 Md. App. 399, 790 A.2d 675 (2002) – Representation of estate in \$3 million tax apportionment dispute.

Hopkins v. Silber, 141 Md. App. 319, 785 A.2d 806 (2001) – Defense of urological surgery malpractice action involving contributory negligence by patient.

Geduldig v. Posner, 129 Md. App. 490, 743 A.2d 247 (2000) – Defense of fraud and undue influence claims in caveat proceedings to set aside Will for \$20 million estate; successfully represented estate in month-long jury trial.

Lubin v. Starboard Associates Inc., et al. (Balto. City Circuit Court 1999-2001) – Appointed by Court and Maryland Securities Commissioner to serve as Receiver in fraud action against securities broker and investment company. Duties included closure of business, investigation of fraudulent activities and pursuit of funds to compensate defrauded investors.

Booth v. Maryland, 112 F.3d 139 (4th Cir. 1997) – Pro bono representation of Maryland death row inmates in civil rights action addressing scope of Eleventh Amendment and death penalty habeas corpus legislation.

Mercantile-Safe Deposit & Trust Co. v. Washington College, et al., (Md. Ct. Spec. App. 1997) – Representation of college in dispute over interpretation of charitable remainder trusts.

Keeler v. Mayor & City Council of Cumberland, 928 F. Supp. 591 (D. Md. 1996) – Representation of Roman Catholic Cardinal and Church in dispute with local government involving religious free exercise, historic preservation and unconstitutional taking of property.

Blistein v. St. John's College, 74 F.3d 1459 (4th Cir. 1996) – Representation of college in defense of age discrimination lawsuit.

Doe v. University of Maryland Medical System, 50 F.3d 1261 (4th Cir. 1995) – Representation of academic medical center in defense of employment discrimination lawsuit brought by HIV-positive physician.

Black Officers Association v. Department of Natural Resources, et al., (D. Md. 1994) – Appointed by the Attorney General of Maryland to defend State DNR police officers in employment discrimination and civil rights action. Resolved through mediation with U.S. Department of Justice.

Ritchie v. Donnelly, 324 Md. 344, 597 A.2d 432 (1991) – Appointed by Attorney General of Maryland to defend county sheriff in employment discrimination lawsuit.

State v. Jeffrey Levitt (Circ. Ct. Balto. City) – Prosecution of savings & loan owner and attorney for theft of \$14,600,000, resulting in conviction and restitution of stolen funds.

State v. Allan Pearlstein, 76 Md. App. 507, 547 A.2d 645 (1988) – Prosecution of savings & loan owner for theft of \$640,000, resulting in conviction and recovery of stolen funds.

PETER E. KEITH

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Greenberg v. State, 66 Md. App. 24, 502 A.2d 522 (1986) – Represented State in defeating constitutional and environmental challenge to Baltimore-Washington International Airport zoning.

ADMITTED TO PRACTICE LAW:

Maryland (1980)

U.S. District Court for the District of Maryland (1980)

U.S. Court of Appeals for the Fourth Circuit (1981)

U.S. Supreme Court (1993)

U.S. Tax Court (2002)

U.S. District Court for the Eastern District of Michigan (2008)

U.S. Court of Appeals for the Sixth Circuit (2010)

MEMBER:

American, Maryland, and Baltimore City and Federal Bar Associations

American Health Lawyers Association

Fellow, American College of Trial Lawyers

Regularly listed in Maryland Super Lawyers, Best Lawyers in America,
and other publications

Permanent Member, Fourth Circuit Judicial Conference



Practice Areas

- Employment
- Health
- Litigation

Education

- Wesleyan University, BA, with honors, 1989
- University of Maryland School of Law, JD, with honor, 1995

Court Admissions

- United States Supreme Court
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the District of Columbia Circuit
- United States District Court for the District of Maryland
- United States District Court for the District of Columbia
- Maryland State Courts
- District of Columbia Courts

Bar Admissions

- Maryland
- District of Columbia

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TEL: 410 727 7702
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WEB: www.gejlaw.com

Mark S. Saudek

Partner

Mark Saudek handles a broad range of complex commercial litigation and general civil litigation in federal courts and administrative tribunals, as well as in the state courts for Maryland and the District of Columbia. His wide-ranging litigation practice focuses on commercial contract disputes, business torts, noncompetition, trade secret, intellectual property, estate and trust, and fiduciary disputes. Mark also has extensive experience litigating and counseling clients in employment-related matters, including defending against class actions and FLSA collective actions. He has significant experience conducting internal investigations and representing court-appointed monitors and receivers in matters concerning hundreds of millions of dollars. He is a Certified Electronic Discovery Specialist. In 2015, Mark was recognized by *The Daily Record* as a Leadership in Law award winner. He is recognized by *Best Lawyers in America 2020* as one of Maryland's leading litigation lawyers.

Mark engages in extensive pro bono work including handling civil rights and constitutional law cases involving the First, Fifth, Eighth, and Fourteenth Amendments to the US Constitution.

From 1995 to 1996, Mark served as law clerk to the Honorable Catherine C. Blake of the United States District Court for the District of Maryland. Before law school, Mark taught high school English and Economics, and coached soccer, wrestling, and lacrosse.

Bar and Professional Memberships

Federal Bar Association-Maryland, President
Fourth Circuit Judicial Conference, Permanent Member
American Bar Foundation, Fellow
Foundation of the Federal Bar Association, Fellow
American Bar Association
Maryland State Bar Association
American Health Lawyers Association
Wranglers Law Club

Civic and Charitable Service

United States District Court for the District of Maryland
Bench-Bar Liaison Committee
United States District Court for the District of Maryland Pro
Bono Lawyers Appointment Committee, Chair
Open Doors to the Federal Court Program, Co-Chair
The Loading Dock, President, Board of Directors



Maryland Public Interest Law Project, former Board Member
Moses Brown School Tutoring Program, Founder
Teach for America - Baltimore, former Board Member
U.S. Lacrosse Youth Rules Committee
Cardinal Crease Club Foundation (supporting Calvert Hall
lacrosse), Board Member
FCA Maryland Lacrosse

Mark S. Saudek
Gallagher Evelius & Jones LLP
218 North Charles Street, Suite 400
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410.347.1365
msaudek@gejlaw.com

EDUCATION:

Wesleyan University, B.A. (1989), with honors
University of Maryland School of Law, J.D. (1995), with honors

EMPLOYMENT:

2006 - Present

Gallagher Evelius & Jones LLP, Partner

Partner specializing in trial and appellate complex litigation and internal investigations. Clients include major corporations, hospitals, governmental agencies, privately-held businesses, non-profits, and individuals. Areas of practice include business and commercial, employment, trust and estate, securities regulation, health care, and financial disputes.

1997 - 2006

Hogan Lovells LLP, Partner

Partner specializing in trial and appellate complex litigation and internal investigations. Clients included international banks, major corporations, privately-held businesses, non-profits, and individuals. Areas of practice included business/commercial litigation, securities, employment, securities regulation, and financial-related disputes.

1996-97

DLA Piper LLP, Associate

Associate specializing in employment litigation and internal investigations. Areas of practice included business/commercial litigation, securities, employment, securities regulation, and financial-related disputes.

1995 - 1996

**United States District Court for the District of Maryland,
Law Clerk to Hon. Catherine C. Blake**

Drafted opinions and bench memoranda. Assisted Judge with all trial and pretrial matters. Assisted Judge with all matters before United States District Court, and served as law clerk to specially-assigned Judge of United States Court of Appeals for the Fourth Circuit.

Mark S. Saudek

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CIVIC & CHARITABLE SERVICE:

United States District Court for the District of Maryland Bench-Bar Liaison Committee

United States District Court for the District of Maryland Pro Bono Lawyers Appointment Committee, Chair

Open Doors to the Federal Court, Co-Chair

The Loading Dock, former President, Board of Directors

Maryland Public Interest Law Project, former Board Member

Moses Brown School Tutoring Program, Founder

Teach for America - Baltimore, former Board Member

U.S. Lacrosse Youth Rules Committee

Cardinal Crease Club Foundation (serving Calvert Hall College High School lacrosse program), Secretary, Board Member

FCA Maryland Lacrosse

MSS Representative Matters

Court-Appointed Representations

Federal Trade Commission v. Midway Industries, et al., United States District Court for the District of Maryland

Appointed as counsel to receiver in largest fraud action brought before court to date, with respect to entities accused by FTC of fraudulent and deceptive sales practices; assumed control over and wound down 180-employee, \$15 million annual revenue business, conducted internal investigation of business practices, reported to court, and recovered assets of over \$16 million that generated \$11.9 million for victims of fraud and criminal guilty pleas by eleven former executives.

United States v. Maxim Healthcare Services, United States District Court for the District of New Jersey

Appointed as counsel to monitor of national home healthcare provider; oversaw investigation of operations, finances, and employment of thousands of employees in hundreds of branch offices across the United States; reported to United States Attorney for the District of New Jersey.

Mark S. Saudek

Page 3

Federal Trade Commission v. Residential Relief Foundation, United States District Court for the District of Maryland

Appointed as counsel to receiver in case involving deceptive marketing practices associated with home mortgage loans; oversaw investigation of operations, finances, and winding down of business, pursuit of claims and recovery of assets for victims of unlawful practices; achieved recovery of over \$6 million for distribution to defrauded creditors.

Lubin v. Williams, Circuit Court for Prince George's County, Maryland

Appointed as counsel to receiver in securities fraud case that led to recovery of over \$2 million for Ponzi scheme victims and criminal guilty pleas by three former executives; oversaw investigation of operations, finances, and winding down of business, pursuit of claims and recovery of assets for victims of unlawful practices.

Litigation

Brightview v. Teeters, U.S. District Court for the District of Maryland

Obtained preliminary injunction against former executives on federal and state trade secrets claims on behalf of developer and operator of senior living communities.

Jien, et al. v. Purdue Farms, Inc., et al., U.S. District Court for the District of Maryland

Achieved dismissal of all claims behalf of national poultry producer against class action complaint alleging violation of Sherman Antitrust Act.

Mayor & City Council of Baltimore v. BP, plc, et al., Circuit Court for Baltimore City

Represent national oil and gas extractor, defending against claims asserted by City of Baltimore for alleged damages associated with global warming.

Park v. Radio Free Asia, U.S. District Court for the District of Columbia

Obtained jury verdict on behalf of international broadcasting company on federal and District of Columbia employment discrimination claims by former executive.

Goldfields, plc v. Harmony Gold, plc, U.S. District Court for the Southern District of New York

Defeated demand for injunction under Securities Act of 1934, brought on behalf of largest South African gold mining company in tender offer action.

English v. Miles & Stockbridge P.C., Circuit Court for Baltimore City

Tried and resolved on appeal claims of fraud and breach of partnership agreement brought by former partner against a major Mid-Atlantic law firm.

Mark S. Saudek

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De Bekessy v. Floyd, et al., Circuit Court for Baltimore City

Tried and resolved on appeal before Court of Special Appeals of Maryland claim by English citizen over \$50 million trust, involving laws and witnesses of United States, France, Switzerland, and the United Kingdom.

Dale v. O.C. Freddie's, Inc., United States District Court for the District of Maryland

Achieved dismissal by of Fair Labor Standards Act collective action & Wage Payment & Collection Law class action claims against restaurant owners.

Fisher v. J.O. Spice, Inc., United States District Court for the District of Maryland

Achieved dismissal on behalf of national spice manufacturer against claims of sexual harassment by chief executive officer.

Scleparis v. Tissue Banks International, Inc., United States District Court for the District of Massachusetts

Achieved complete defense verdict in jury trial on behalf of national healthcare organization against claims of discrimination by former executive.

Osiris Therapeutics, Inc. v. Lee, et al., Circuit Court for Howard County, Maryland

Obtained injunction on behalf of biotechnology company against former chief scientist who misappropriated trade secret, confidential, and proprietary information.

Laureate International, Inc. v. Ferrari, et al., District Court for Bexar County, Texas

Represented international university in against former executive, asserting claims for misappropriation of trade secrets and breach of noncompetition covenants.

Pinnacle Treatment Centers, Inc. v. Endeavor House North, Inc., United States District Court for the District of New Jersey

Represented seller of chain of substance abuse treatment centers against claims of fraud and breach of contract regarding \$15 million purchase price earn-out.

Gateway Senior Housing, Ltd. v. MMA Financial, Inc., United States District Court for the Eastern District of Texas

Represented real estate developer against claim for fraud and breach of contract of sale of senior living community.

Durant v. Baltimore Ravens, Circuit Court for Baltimore City

Achieved dismissal of tort claims brought against National Football League franchise.

Mark S. Saudek

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Millbrook Communications, Inc. v. Panthers Football, LLC, District Court of Maryland
Achieved dismissal of contract claims against National Football League Franchise

Smith v. Deutsche Bank, Circuit Court for Baltimore City
Achieved summary judgment on certain claims and resolved case pre-trial for international broker-dealer accused of fraud and breach of fiduciary duty.

ADMITTED TO PRACTICE LAW:

Maryland (1995)

U.S. District Court for the District of Maryland (1996)

U.S. Court of Appeals for the Fourth Circuit (1996)

U.S. District Court for the District of Columbia (2000)

U.S. Supreme Court (2002)

BAR AND PROFESSIONAL MEMBERSHIPS

Federal Bar Association-Maryland, President (2016-17)

Fourth Circuit Judicial Conference, Permanent Member

American Bar Foundation, Fellow

Foundation of the Federal Bar Association, Fellow

American Bar Association

Maryland State Bar Association

American Health Lawyers Association

Wranglers Law Club

Regularly listed in Best Lawyers in America, Maryland Super Lawyers, and other publications



Practice Areas

- Litigation

Education

- Yale University, BA, magna cum laude, with departmental honors, 2002
Phi Beta Kappa
- University of Virginia School of Law, J.D. 2008
Order of the Coif

Court Admissions

- Maryland State Courts
- United States Court of Appeals for the Fourth Circuit
- United States District Court for the District of Maryland
- United States District Court for the District of Columbia

Bar Admissions

- Maryland
- District of Columbia
- New York

Meghan K. Casey

Counsel

Meghan is a member of Gallagher's Litigation Group. She represents individuals and educational, non-profit, religious, and commercial entities in civil disputes in federal and state courts.

Meghan joined the firm following several years of government service, first as Deputy Legal Counsel in the Maryland Governor's Office, and then as an Assistant Attorney General in the Civil Litigation Division of the Maryland Attorney General's Office. She previously worked as an associate in a national law firm, representing clients in complex commercial disputes and government investigations.

After graduating from law school, Meghan served as a law clerk to the Honorable J. Frederick Motz, U.S. District Court for the District of Maryland (2008-2009) and the Honorable Norman H. Stahl, U.S. Court of Appeals for the First Circuit (2009-2010).

Before attending law school, Meghan served as a Teach for America Corps Member in Houston, Texas, where she worked as an elementary school teacher and was named Teacher of the Year for her school in 2004.

Bar and Professional Memberships

Maryland State Bar Association
Bar Association of Baltimore City

Civic and Charitable Service

Baltimore Design School, Board of Trustees (2019 - present)

The Intersection, Board of Directors (2019 - present)

MEGHAN K. CASEY

218 N. Charles Street, Suite 400 • Baltimore, Maryland 21201 • 410-951-1419 • mcasey@gejlaw.com

EXPERIENCE

Gallagher Evelius & Jones LLP

Partner

Counsel

Baltimore, MD

January 2020 – present

December 2018 – December 2019

- Represents individuals and educational, non-profit, religious, and commercial clients in civil disputes in federal and state courts and in administrative proceedings.
- Conducts internal investigations and responds to government investigations on behalf of clients.
- Maintains an active pro bono practice including representing a client seeking political asylum in the United States. Member of the Gallagher pro bono team that earned the honor *Firm of the Year* in 2019 from The Tahirih Justice Center.

Office of the Attorney General of Maryland

Assistant Attorney General, Civil Litigation Division

Baltimore, MD

February 2015 – November 2018

- Represented the State of Maryland and its agencies and officials in high-profile civil suits in federal and state courts at the trial and appellate levels, including the successful defense of an enforcement action by the Maryland Securities Commissioner, sanctioning an investment adviser for over 1,000 violations of the Maryland securities laws.
- Represented the State in investigations and civil prosecutions of violations of state laws designed to protect vulnerable persons from fraud and abuse, including the prosecution of a structured settlement factoring company and its principals under the Maryland Consumer Protection Act and the prosecution of a nursing home provider and its owners under the Maryland Patient's Bill of Rights and the Maryland False Health Claims Act.
- Reviewed appellate briefs for attorneys in other divisions of the Office and provided strategic litigation advice.

Office of Legal Counsel, Governor Martin O'Malley of Maryland

Deputy Legal Counsel

Annapolis, MD

February 2014 – January 2015

- Served as the Governor's legal advisor for a portfolio of state agencies, including the Departments of Public Safety and Correctional Services, Juvenile Services, Human Services, Health, and the Maryland Higher Education Commission.
- Reviewed the performance of those agencies as part of the Governor's StateStat initiative; advised the Governor and his staff on legal questions arising from the administration of policies and programs in criminal justice, public health, social services, and education.
- Drafted executive orders issued by the Governor; reviewed petitions for pardon and executive clemency and made recommendations to the Governor.

Williams & Connolly LLP

Associate

Washington, DC

November 2010 – February 2014

- Represented clients in complex civil matters in state, federal, and foreign courts and in government investigations, including by the SEC. Defended clients against claims of securities fraud, breach of fiduciary duty, products liability, and breach of contract, among others.

The Honorable Norman H. Stahl, U.S. Court of Appeals, First Circuit

Law Clerk

Boston, MA

September 2009 – August 2010

The Honorable J. Frederick Motz, U.S. District Court, District of Maryland

Law Clerk

Baltimore, MD

September 2008 – August 2009

Teach for America, Houston Independent School District

Teacher, Sugar Grove Elementary School

Houston, TX

August 2002 – June 2005

Honors: Selected by faculty as Teacher of the Year for Sugar Grove Elementary School in 2004.

EDUCATION

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, Charlottesville, VA

J.D., May 2008

Honors: Order of the Coif

Eppa Hunton IV Memorial Book Award, awarded to a graduate who demonstrates unusual aptitude in litigation and shows a keen understanding of a lawyer's ethical and professional responsibility

Bracewell & Giuliani LLP Award for Best Oralist, Legal Research and Writing Program

YALE UNIVERSITY, New Haven, CT

B.A. History, *magna cum laude* with departmental honors, May 2002

Honors: Phi Beta Kappa

Reginald L. Tucker Prize, awarded to the Berkeley Residential College senior who best contributed to making the college a closer, more vital community

BAR MEMBERSHIPS

- **Maryland; District of Columbia; New York**
- U.S. Court of Appeals for the Fourth Circuit; U.S. District Courts for the Districts of Maryland and D.C.
- American Bar Association; Maryland State Bar Association; Federal Bar Association, Maryland Chapter; Bar Association of Baltimore City

COMMUNITY ENGAGEMENT AND HONORS

- **Baltimore Design School** – *Board of Trustees, Executive Committee, Governance Committee Chair*
- **The Intersection** – *Board of Directors*
- **CollegeBound Foundation** – *Co-Chair Lawyers' Campaign, College Completion Mentor*
- **Marion Burk Knott Scholarship Fund Committee** – *Committee Member*
- **Teach for America Baltimore, Alumni Council** – *Member*
- Recognized as one of The Daily Record's *Leading Women* in 2019



Practice Areas

- Education
- Litigation
- Health Law

Education

- Columbia Law School, JD, 2011
- University of Amsterdam School of Law, LL.M., cum laude, 2011, International Criminal Law
- Columbia University, BA, 2007

Court Admissions

- Maryland State Courts
- New York State Courts
- United States District Court for the Southern District of New York
- United States District Court for the Eastern District of New York

Bar Admissions

- Maryland
- New York

Ella R. Aiken

Associate

Ella Aiken practices in Gallagher's Litigation Group in a wide variety of matters, including commercial litigation, business disputes, property management, health care regulatory matters, intellectual property infringement and enforcement actions, and the defense of medical malpractice claims. Ella also practices in our Education and Health Law Groups, advising our clients on privacy regulations and intellectual property related concerns.

Ella graduated from Columbia University School of Law where she earned her J.D. in 2011 and was a Harlan Fiske Stone Scholar. Also in 2011, she received her LL.M. in International Criminal Law, cum laude, from the University of Amsterdam Law School. Ella earned her undergraduate degree from Columbia University in 2007. Prior to joining Gallagher, Ella practiced civil litigation and intellectual property law in New York City.

Articles and Presentations

Co-Author, "Supreme Court to Decide Important Issue In Class-Action Litigation," *Westlaw Journal Environmental*, vol. 34 no. 23, 2014

Civic and Charitable Service

Maryland Lawyers for the Arts, Board of Directors (2016-present)
Itineris, Board of Directors (2018-present)

Ella Aiken

3241 Chestnut Ave.
Baltimore Maryland, 21211

Cell: (917) 690-0137
eaiken@gejlaw.com

EDUCATION

COLUMBIA UNIVERSITY SCHOOL OF LAW, J.D. (2011)

UNIVERSITY OF AMSTERDAM, AMSTERDAM LAW SCHOOL, LL.M., International Criminal Law (2011)

COLUMBIA UNIVERSITY, COLUMBIA COLLEGE, B.A., Philosophy, Classical Studies (2007)

LEGAL EXPERIENCE

GALLAGHER EVELIUS & JONES, LLP, Baltimore, Maryland

Associate

July 2014 – Present

Represent clients in commercial litigation and health care related litigation, regulatory and legislative matters.

- Lead attorney representing client in \$2.5 million breach of contract action in Cook County, IL since 2016, including several motions and oral arguments; granted summary judgment, currently on appeal.
- Manage all aspects of litigations from pleadings through fact and expert discovery, settlement, summary judgment, and trial preparation; take and defend fact and expert depositions; draft and argue motions.
- Provide routine risk management counsel for health care and housing provider with 40+ locations.
- Represent health care clients in Certificate of Need proceedings involving \$100 million+ projects before the Maryland Health Care Commission; represented clients in judicial review of CON decisions.

GARVEY, SHUBERT, BARER (now Foster Gavey), New York, New York

Associate

July 2013 – July 2014

Represented clients in commercial litigations in New York State and federal district and bankruptcy courts.

- Managed all aspects of cases from pleadings through fact and expert discovery, settlement, summary judgment, and trial preparation; acted as primary client contact.
- Appeared in state and federal district and bankruptcy courts for settlement and pretrial conferences.
- Argued motion in SDNY involving trustee avoidance action; argued several motions in state court; researched and drafted appellate briefs.

DUNNEGAN & SCILEPPI LLC (formerly DunneGAN LLC), New York, New York

Associate,

September 2011 – July 2013

Summer Associate, Law Clerk

May 2010 – May 2011

Represented clients in commercial disputes and litigation in federal court. Represented IP owners in creating and implementing litigation programs to enforce rights.

- Drafted documents for all stages of litigation in federal court, including pleadings, discovery, expert disclosures, motions to compel, for summary judgment, and *in limine*, voir dire, jury instructions.
- Represented IP rights holders in judgment enforcement activities against foreign judgment debtor, including investigation and levying of assets.
- Researched and drafted portions of brief and assisted in argument preparation for patent infringement appeal before the Supreme Court of the United States, Global-Tech Appliances Inc. v. SEB S.A. (2011).

BOARD SERVICE

MARYLAND VOLUNTEER LAWYERS FOR THE ARTS, Board Member since 2016 of organization dedicated to protecting Maryland artists' legal rights

ITINERIS, Board Member since 2018 of organization providing services to adults with autism.

BAR ADMISSIONS

New York State (2012), EDNY (2012), SDNY (2012), Maryland (2016)