



HAGENS BERMAN



## Robert B. Carey

PARTNER

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### Years of Experience

31

### Bar Admissions

Arizona

Colorado

### Court Admissions

U.S. Supreme Court

United States Court of Appeals for the Federal Circuit

U.S. Court of Appeals, Fifth Circuit

U.S. Court of Appeals, Seventh Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Appeals, Tenth Circuit

Various federal district courts

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Rob added to HB's office a [built-in mock courtroom](#), complete with jury box, audio-visual equipment to record witnesses and lawyers, and separate deliberation rooms for two juries.

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Mr. Carey handles class-action lawsuits against various types of organizations and companies. He has served as lead counsel in cases such as the LifeLock Sales and Marketing Litigation, Hyundai Motor America's cases on sub-frame corrosion and airbag systems and the state of Arizona's claim against McKesson Corporation for overcharging on prescription drugs. Mr. Carey has argued high-profile cases in federal and state courts across the country.

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## Current Role

- Partner & Executive Committee Member, Hagens Berman Sobol Shapiro LLP
- Leads Hagens Berman's Phoenix office
- Practice focuses on class-action lawsuits, including auto defect, insurance, right of publicity and fraud cases. Mr. Carey's work also extends to bad-faith insurance, personal injury and medical malpractice, with several jury trials involving verdicts with as much as \$75 million at stake.
  - Frequently asked to handle jury trials for high-value cases

## Experience

- While serving as Arizona Chief Deputy Attorney General Mr. Carey helped secure a \$4 billion divestiture and a landmark \$165 million antitrust settlement. He also was a principal drafter of the first major overhaul of Arizona's criminal code and authored the section of the federal Prisoner Litigation Reform Act of 1995 for Senators Dole and Kyl that virtually eliminated frivolous prisoner lawsuits. Mr. Carey oversaw all major legal, policy, legislative and political issues for the Arizona attorney general's office. He developed and spearheaded passage of Arizona's law requiring the DNA testing of all sex offenders and the law requiring that criminals pay the cost of victims' rights.
- Campaign staffer, intern, and staff member for U.S. Senator John McCain, during and after Senator McCain's first run for public office
- Adjunct Professor, Sandra Day O'Connor College of Law, teaching class actions. Has taught law and policy courses at other universities.
- Judge Pro Tempore, Maricopa County Superior Court, presiding over contract and tort jury trials
- In the 90s, he served as trial counsel on claims by counties for damages stemming from tobacco-related illnesses (and acted as special counsel for Hagens Berman in seeking to recover damages in the landmark tobacco litigation), and since then has led dozens of consumer and insurance class actions in various states.

## Recent Success

- In June 2018, a Denver jury awarded a monumental \$383.5 million jury verdict against GranuFlo dialysis provider, DaVita Inc. culminating lawsuits brought by families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics. Each of the



three parties was awarded \$125 million in punitive damages from the jury, with compensatory damages ranging from \$1.5 million to \$5 million.

- Over the summer of 2012, Rob was lead counsel in Robin Antonick's case against Electronic Arts, where a jury heard evidence that Electronic Arts failed to pay Antonick for over 20 years for his work in coding and developing the legendary Madden NFL Football video game. This trial, held in the Northern District of California, resulted in two verdicts for Antonick and was dubbed a "Top Trial Verdict of 2013" by *The Daily Journal*, a leading legal publication.
- Prevailed at the Arizona Court of Appeals for the second time, keeping intact class certification for tens of thousands of truck drivers suing to recover underpayments caused by misuse of Rand McNally's HHG software by Swift Transportation.
- Helped originate the Toyota Sudden Unintended Acceleration case, filing the initial Hagens Berman complaints for a case that eventually settled for \$1.6 billion
- Led Hagens Berman's efforts on the \$97 million settlement with Hyundai and Kia corporations over misrepresentations about MPG ratings
- Helped secure a first-ever (\$60 million) settlement for collegiate student-athletes (Keller, consolidated with O'Bannon) from Electronic Arts (EA) and the NCAA for the misappropriation of the student-athletes' likenesses and images for the EA college football video game series. This groundbreaking suit went up to the U.S. Supreme Court before a settlement was reached, providing student-athletes—even current ones—with cash recoveries for the use of their likenesses without permission.
- Represented Donovan Hill against Pop Warner after he was paralyzed at 13. With Rachel Freeman, Rob secured a settlement that "forever changed youth football" ([OC Weekly](#)) and was "unprecedented" and owed a debt of gratitude by those who care about the safety of kids playing football ([Washington Post](#)). Donovan died tragically during a 2016 surgery.
- Rob secured a record verdict for a mother suing her deceased son's estate for negligence in starting a home fire. He then took an assignment of the estate's claim and pursued a bad faith claim against the insurer, resulting in lifetime financial security for the badly burned mother.
- After successfully reforming an insurance policy to cover a client – a student-athlete injured in a roll-over accident that caused incomplete tetraplegia and traumatic brain injury – Rob went to the jury, which awarded damages for all harms and losses requested and for insurance bad faith, with a verdict exceeding over 15 times policy limits.
- Rob sued the leading auto carrier for refusal to fully cover a pedestrian struck by the carrier's driver. The verdict was valued over seven figures, and included a finding of willful and wanton conduct, trebling the damages.
- After Rob cross-examined the CEO and CFO of a pharmacy benefits company, the jury entered a verdict for his client in the liability phase of a \$75-million dispute.
- During his representation of a driver paralyzed by a car's roof collapse, the insurance company ignored that the agent did not understand or offer required high-end coverages. The jury returned a verdict with a value over seven figures, including a finding for treble damages.



- Rob represented passengers of drunk driver, and persuaded the jury to award future earning capacity, essential services, medical bills and to find willful and wanton conduct against the insurer (treble damages). After a successful trip to the state supreme court, the verdict was maintained and had a value in excess of 15 times the policy limits.
- While serving as Arizona Chief Deputy Attorney General:
  - Helped secure a \$4 billion divestiture and a landmark \$165 million antitrust settlement
  - Helped revise Arizona's criminal code and authored the section of the federal Prisoner Litigation Reform Act of 1995 that virtually eliminated frivolous prisoner lawsuits

## Recognition

- Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system
- U.S. Department of Justice, recognized for victims' rights efforts
- Listed since 2008 as a Top 100 Trial Lawyer by Arizona's Finest Lawyers and National Trial Lawyers
- Member of Hagens Berman's Toyota team selected as a Finalist for Public Justice's 2014 Trial Lawyer of the Year

## Notable Cases

- Propane Exchange Tank Litigation
- Hyundai/Kia MPG Litigation
- Swift Truckers Litigation
- Toyota Unintended Acceleration Litigation
- NCAA Student-Athlete Name and Likeness Licensing Litigation
- Hyundai Subframe Defect Litigation
- Hyundai Occupant Classification System / Airbag Litigation
- Hyundai Horsepower Litigation
- Arizona v. McKesson False Claims and Consumer Protection Litigation (representing State of Arizona)
- Apple Refurbished iPhone/iPad Litigation
- Jim Brown v. Electronic Arts
- LifeLock Sales and Marketing Litigation
- Rexall Sundown Cellasene Litigation

## Legal Activities



- Member and Former Chairman, Arizona State Bar Class Action and Derivative Suits Committee

## Publications

- Co-author of the Arizona chapter of the ABA's "A Practitioner's Guide to Class Actions"
- Co-author of the Arizona and Colorado chapters of the ABA's "A Practitioner's Guide to Class Actions" (2d ed.)

## Education

 **HARVARD Kennedy School**  
JOHN F. KENNEDY SCHOOL OF GOVERNMENT Harvard University, John F. Kennedy School of Government, State & Local Government Program, 1992

 **UNIVERSITY of DENVER** University of Denver, M.B.A., J.D., 1986

 **ARIZONA STATE UNIVERSITY** Arizona State University, B.S., 1983