



Andrew Ferich

Partner

aferich@ahdootwolfson.com

Phone: 310-474-9111

Fax: 310-474-8585

Andrew (Andy) W. Ferich is a partner at Ahdoot Wolfson. Mr. Ferich is located in the Philadelphia region and he is a member of the firm's east coast team. Mr. Ferich is one the most respected data privacy lawyers in the country and routinely is appointed to leadership positions and consulted with by courts and other law firms in data privacy litigation. Mr. Ferich has significant experience in consumer protection, automotive defects, ERISA retirement plan, and whistleblower/*qui tam* litigation.

Before joining the plaintiffs' bar, Mr. Ferich was an associate at a top national litigation firm in Philadelphia where he focused his practice on commercial and financial services litigation.

Mr. Ferich has represented a wide array of clients, including consumers, whistleblowers, investors, and institutional clients. He possesses major jury trial experience and has litigated dozens of cases from inception to judgement or settlement. Mr. Ferich has obtained hundreds of millions of dollars in damages and injunctive relief for various classes and groups of people.

A sampling of Mr. Ferich's representative matters and accomplishments on behalf of clients and classes is below:

Consumer Products Litigation

- *In re: MacBook Keyboard Litig.*, No. 5:18-cv-02813-EJD (N.D. Cal.)(Davila, J.): **\$50 million** approved settlement that alleged certain Apple MacBook laptop models contained a known defect plaguing the functionality of Apple's notorious butterfly keyboard. Mr. Ferich identified and developed this proprietary, high profile, and highly covered case. He also developed the relevant legal theories, and was instrumental in litigating this action. In granting final settlement approval, the Court noted that plaintiffs' counsel "achieved excellent results for the class."
- *In re: Elk Cross Timbers Decking Marketing, Sales Practices and Products Liability Litigation*, No. 2:15-cv-00018-JLL-JAD (D.N.J.): approximately **\$20 million** settlement value in MDL relating to defective wood-composite decking.
- *In re Nexus 6P Prods. Liab. Litig.*, No. 5:17-cv-02185-BLF (N.D. Cal.)(Freeman, J.): **\$9.75 million** approved settlement in an action alleging that Google smartphones contained a defect that caused "bootlooping" and sudden battery drain. Mr. Ferich principally was involved in litigating this case to settlement.
- *Weeks, et al. v. Google LLC*, No. 5:18-cv-00801-NC (N.D. Cal.)(Cousins, J.): **\$7.25 million** approved settlement in a consumer class action alleging that Google sold first-generation Pixel smartphones with a known microphone defect. Mr. Ferich principally was involved in litigating this case to settlement.

Automotive Defects Litigation

- *Steinhardt et al. v. Volkswagen Group of America, Inc. et al.*, No. 3:23-cv-02291-RK-RLS (D.N.J.) (Kirsch, J.): approved settlement valued at over **\$30 million**, in a class action lawsuit alleging a defective belt start generator in certain Audi automobiles that involved hundreds of thousands of class members. Mr. Ferich was appointed settlement co-lead class counsel. In granting final settlement approval, the Court stated that plaintiffs' counsel "are highly experienced and dedicated attorneys who secured what I view to be an excellent outcome for the class."
- *In re MyFord Touch Consumer Litig.*, No. 13-cv-03072-EMC (N.D. Cal.)(Chen, J.): **\$17 million** approved settlement in this consumer class action concerning allegedly defective MyFord Touch infotainment systems, which settled shortly before trial. Mr. Ferich was an instrumental part of the litigation team, including substantial contributions to trial preparation.
- *Udeen v. Subaru of Am., Inc.*, No. 18-17334 (RBK)(JS)(D.N.J.)(Kugler, J.): Mr. Ferich was co-lead counsel in this class action involving a defect in the Starlink infotainment system in certain

Subaru automobiles that resulted in an approved settlement valued at **\$6.25 million**. The Court observed that Mr. Ferich and his co-counsel “are very skilled and very efficient lawyers They’ve done a nice job.”

- *Duffy, et al. v. Mazda Motor of America, Inc.*, No. 3:24-cv-388-BB (W.D. Ky.)(Beaton, J.): preliminarily approved settlement in a class action lawsuit involving 1.7 million class members. The lawsuit alleges an infotainment system defect in certain Mazda automobiles. Mr. Ferich is one of two court-appointed co-lead counsel.
- *Cilluffo, et al. v. Subaru of America, Inc., et al.*, No. 1:23-cv-01897-KMW-AMD (D.N.J.) (Williams, J.): Mr. Ferich was appointed interim co-lead counsel in a second case against Subaru alleging defective Starlink infotainment systems in certain Subaru vehicles.
- *McNeely, et al. v. FCA US, LLC*, No. 5:24-cv-11596-JEL-DRG (E.D. Mich.)(Levy, J.): Mr. Ferich identified and developed this case, and is leading this litigation with co-counsel. In this case, Plaintiffs allege that certain Fiat Chrysler vehicles across various model years suffer from a host of issues that cause the vehicles’ Uconnect infotainment system to work intermittently or fail.
- *Le Beau, et al. v. Kia America, Inc.*, No. 8:22-cv-01545-FWS-JDE (C.D. Cal.)(Slaughter, J.): Mr. Ferich is leading this litigation with his co-counsel. In this case, Plaintiffs allege that certain Kia vehicles suffer from defective power window regulators that cause the power windows to fail.

Privacy and Data Breach Litigation

- *In re loanDepot Data Breach Litigation*, Case No.: 8:24-cv-00136-DOC-JDEx (C.D. Cal.)(Carter, J.): **\$25 million** preliminarily approved common fund class action settlement on behalf of over 16.9 million class members in a data breach lawsuit against a large retail mortgage lender that involves highly sensitive personally identifying information. Mr. Ferich developed and principally litigated this case from inception through settlement.
- *Harbour, et al. v. California Health & Wellness Plan, et al.*, No. 5:21-cv-03322 (N.D. Cal.)(Davila, J.): **\$10 million** approved common fund class action settlement on behalf of 1.5 million victims in a medical information data breach case that is part of the Accellion hub-and-spoke data breach litigation. Mr. Ferich was appointed as co-lead counsel.
- *In re Wawa, Inc. Data Breach Litigation*, No. 2:19-cv-06019 (E.D. Pa.)(Pratter, J.): settlement including **\$9 million** in cash and gift cards and data security enhancements valued at no less than \$35 million on behalf of consumers whose sensitive payment card information was exposed to criminals as part of a highly publicized data breach. Mr. Ferich identified and was instrumental in developing and litigating this lawsuit prior to settlement.

- *Cochran, et al. v. The Kroger Co., et al.*, No. 5:21-cv-01887-EJD (N.D. Cal.) (Davila, J.): **\$5 million** approved common fund class action settlement on behalf of 3.82 million victims in a medical information data breach case that is part of the Accellion hub-and-spoke data breach litigation. Mr. Ferich was appointed as co-lead counsel.
- *Smeltz, et al. v. Logan Health, et al.*, No. A-DV-22-0124 (Mont. 8th Jud. Dist. Ct., Cascade Cty.): **\$4.3 million** approved common fund class action settlement on behalf of hundreds of thousands of Montanans whose sensitive medical information was reportedly exposed to cybercriminals. Mr. Ferich was appointed as co-lead class counsel. On appeal to the Montana Supreme Court, Mr. Ferich wrote the appellate briefing and overcame an objection that resulted in published opinion affirming the final approval order and shaped class action jurisprudence in the State of Montana.
- *Nelson, et al. v. Connexin Software Inc. d/b/a Office Practicum*, No. 2:22-cv-04676-JDW (E.D. Pa.) (Wolson, J.): **\$4 million** approved common fund class action settlement on behalf of millions of victims in a pediatric medical information data breach case. Mr. Ferich was appointed to the Plaintiffs' Steering Committee.
- *Leitermann, et al. v. Forefront Dermatology SC, et al.*, No. 1:21-cv-00887-LA (E.D. Wis.) (Adelman, J.): **\$3.75 million** approved common fund class action settlement on behalf of millions of victims in a medical data breach case. Mr. Ferich was appointed as co-lead class counsel.
- *Gravley, Sr., et al. v. Fresenius Vascular Care, Inc. d/b/a Azura Vascular Care*, No. 2:24-cv-01148 (E.D. Pa.) (Baylson, J.): **\$3.15 million** preliminarily approved common fund class action settlement on behalf of approximately 334,000 class members in a medical data breach case. Mr. Ferich is appointed as co-lead class counsel.
- *In re: Eskenazi Health Data Incident Litig.*, No. 49D01-2111-PL-038870 (Ind. Comm. Ct. Jan. 24, 2022): **\$2.5 million** approved common fund class action settlement on behalf of approximately 160,000 victims in a medical data breach case. Mr. Ferich was appointed to the plaintiffs' steering committee.
- *Lukens v. Utah Imaging Assocs.*, No. 210906618 (Dist. Ct. Salt Lake Cty., Utah): **\$2.1 million** approved common fund class action settlement on behalf of nearly 584,000 victims in a medical data breach case. Mr. Ferich was appointed as one of two co-lead class counsel.
- *Briscoe v. First Financial Credit Union*, No. D-202-CV-2022-02974 (New Mexico 2d Judicial Dist. Ct. Bernalillo Cty.): **\$1.6 million** approved common fund class action settlement on behalf of approximately 230,000 victims in a credit union data breach case. Mr. Ferich was appointed as co-lead counsel.
- *Pessia, et al. v. Warren General Hospital*, Case No. 501 (Pa. Com. Pl. Warren Cty.): **\$1.3 million** preliminarily approved common fund class action settlement on behalf of hundreds of thousands of victims in a medical data breach case. Mr. Ferich is appointed as one of two co-lead class counsel.

- *Kesner, et al. v. UMass Mem'l Health Care, Inc.*, No. 2185 CV 01210 (Mass. Super. Ct.): **\$1.2 million** approved common fund class action settlement on behalf of hundreds of thousands of class members in a medical data breach case. Mr. Ferich was appointed co-lead class counsel.
- *Finn, et al. v. Empress Ambulance Service, LLC.*, Index No. 61058/2023 (N.Y. Supreme Court Westchester Cty.): **\$1.05 million** approved common fund class action settlement on behalf of approximately 308,000 million victims in a medical data breach case. Mr. Ferich was appointed co-lead class counsel and overcame an objection to the settlement.
- *Breneman, et al. v. Keystone Rural Health Center d/b/a Keystone Health*, No. 2023-618 (Pa. Com. Pl. Franklin Cnty.): **\$900,000** approved common fund class action settlement on behalf of hundreds of thousands of victims who sensitive medical and other person information was disclosed in a data breach. Mr. Ferich was appointed as class counsel. He previously had been appointed as interim co-lead counsel in the federal court companion case, *In re Keystone Data Breach Litig.*, No. 1:22-cv-01643-CCC (M.D. Pa.).
- *Perdue v. Hy-Vee, Inc.*, No. 1:19-cv-01330 (C.D. Ill.): Mr. Ferich was appointed co-lead class counsel in payment card data breach litigation, where the settlement received final approval and included corporate commitments with a value of at least \$20 million in data security improvements.
- *Easter, et al. v. Sound Generations*, No. 21-2-16953-4 SEA (Wash. Super. Ct. King Cty.): Mr. Ferich was appointed class counsel in a medical information data breach class action impacting 600,000 people, where final settlement approval was granted.
- *McCullough v. True Health New Mexico, Inc.*, No. D-202-CV-2021-06816 (New Mexico 2d Judicial Dist. Ct. Bernalillo Cty.): Mr. Ferich was appointed class counsel in a medical information data breach class action impacting 63,000 people, where final settlement approval was granted.
- *Bray, et al. v. GameStop Corp.*, No. 1:17-cv-01365 (D. Del.)(Jones III, J.): Mr. Ferich was principally responsible for this payment card data breach litigation that involved 1.3 million credit and debit card holder class members. Mr. Ferich's efforts led to a nationwide class action action settlement. In approving the settlement in this matter, the District Judge commented that the settlement was "so comprehensive that there's really nothing else that I need developed further...."
- *Gordon, et al. v. Chipotle*, Case No. 17-cv-01415-CMA-SKC (D. Colo.)(Arguello, J.): Mr. Ferich identified, developed, and principally litigated this payment card data breach lawsuit alleging millions of debit and credit cardholders who shopped at Chipotle stores were impacted by a payment card breach. In approving the settlement, the Court observed that plaintiffs' counsel have "extensive experience in class action litigation . . ."
- *Heath, et al. v. Keenan & Associates, et al.*, Case No. 24STCV03018 (Cal. Super. Ct. Los Angeles Cty.): class action settlement pending approval on behalf of over 1.78 million victims in an insurance broker data breach case. Mr. Ferich is seeking to be appointed co-lead class counsel.

- *In re: Snowflake, Inc. Data Security Breach Litigation*, 2:24-md-03126-BMM, ECF Nos. 253, 255 (D. Mont.)(Morris, J.): Mr. Ferich is appointed to the Plaintiffs' Steering Committee and to serve on the law and briefing team and co-manage the Snowflake component of this sprawling hub-and-spoke data breach multi-district litigation.
- *Reichbart v. Financial Business and Consumer Solutions, Inc.*, No. 2:24-cv-01876 (E.D. Pa.)(Quiñones Alejandro, J.): Mr. Ferich is one of four court-appointed interim co-lead class counsel in a data breach class action lawsuit involving a debt collection company and its customers, in which over four million class members are impacted.
- *Anaya, et al. v. Cencora, Inc., et al.*, No. 24-2961 (E.D. Pa.)(Rufe, J.): Mr. Ferich is one of four court-appointed interim co-lead class counsel and a medical information hub-and-spoke-like data breach involving Cencora f/k/a AmerisourceBergen and numerous of its pharmaceutical company customers.
- *Bianucci v. Rite Aid Corp.*, No. 2:24-cv-03356 (E.D. Pa.)(Bartle III, J.): Mr. Ferich is appointed co-lead class counsel in data breach litigation brought on behalf of 2.2 million victims who had, among other data, their driver's license information compromised.
- *Rivera, et al. v. Essen Medical Associates, P.C. d/b/a Essen Health Care*, Index No. 801239/2024E N.Y. Supreme Court Bronx Cty.): Mr. Ferich is leading this class action litigation with co-counsel on behalf of nearly 908,000 victims in a medical data breach case.
- *Volio v. Sugarhouse HSP Gaming, L.P. d/b/a Rivers Casino Philadelphia, et al.*, No. 2:25-cv-00039-JDW (E.D. Pa.)(Wolson, J.): Mr. Ferich is one of four court-appointed interim co-lead class counsel in a casino data breach involving Social Security numbers and direct deposit information.
- *Johnsen v. American Water Works Company, Inc.*, No. 1:24-cv-09752-RMB-EAP (D.N.J.)(Bumb, J.): Mr. Ferich is appointed Chair of the PSC in this data breach litigation involving one of the nation's largest water utilities.
- *In re: Geisinger Health Data Security Incident Litig.*, No. 4:24-cv-01071-MWB (M.D. Pa.)(Brann, J.): Mr. Ferich is appointed to the PSC in this health information data breach litigation.
- *In re HealthEquity, Inc. Data Security Incident Litig.*, No. 2:24-cv-00528-JNP-CMR (D. Utah) (Parrish, J.): Mr. Ferich is appointed as one of lead counsel on the Plaintiffs' Executive Committee in this health information data breach litigation.
- *In re GEICO Customer Data Breach Litig.*, No. 1:21-cv-02210-NCM-SJB (E.D.N.Y.)(Merle, J.): Mr. Ferich identified, developed, and principally litigates this case alleging that GEICO disclosed sensitive information, including information from motor vehicle records, as part of a data security incident, in violation of the law, including the federal Drivers Privacy Protection Act (DPPA), 28 U.S.C. §§ 2721, *et seq.*

ERISA/Retirement Plan Litigation

- *Davis, et al. v. Washington University in St. Louis, et al.*, No. 4:17-cv-01641-RLW (E.D. Mo.): **\$7.5** million approved settlement in ERISA class action litigation Mr. Ferich developed and principally led, alleging excessive fees and other fiduciary breaches relating to a large university 403(b) retirement plan.
- *Smith, et al. v. VCA Inc., et al.*, No. 2:21-cv-09140-GW-AGR (C.D. Cal.): **\$1.5** million approved settlement in ERISA class action alleging excessive recordkeeping and administrative fees, and other fiduciary breaches, relating to VCA's defined contribution plan.
- *Tsui, et al. v. Universal Services of America, LP, et al.*, No. 8:22-cv-01158 (C.D. Cal.): settlement pending in this ERISA breach of fiduciary duty class action relating to allegations of excessive recordkeeping and administrative fees being assessed to participants in the Allied Universal 401(k) plan.

Mr. Ferich has been named a Rising Star by Super Lawyers every year since 2017. He is admitted to the bars of Pennsylvania, New Jersey, and the District of Columbia, is admitted to numerous federal courts across the country, and is a proud member of the Philadelphia Bar Association.

In his spare time, Andy likes to volunteer, play golf, watch his Philadelphia Flyers, workout, and spend time with his wife, his daughter Harper, and twin boys Tucker and Brody.

Education

- Villanova University School of Law, Juris Doctor, 2012
 - Journal of Catholic Social Thought – Executive Editor (2011-2012), Staff Editor (2010-2011)
- Georgetown University, Bachelor of Arts, 2009

Admissions

- District of Columbia Bar
- State Bar of New Jersey
- State Bar of Pennsylvania

- United States District Court, District of Colorado
- United States District, District of Columbia
- United States District Court, Central District of Illinois
- United States District Court, District of New Jersey
- United States District Court, Eastern District of Michigan
- United States District Court, Northern District of New York
- United States District Court, Eastern District of Pennsylvania
- United States District Court, Middle District of Pennsylvania
- United States District Court, Western District of Pennsylvania
- United States District Court, Eastern District of Wisconsin
- United States District Court, District of Nebraska
- United States Court of Appeals for the District of Columbia Circuit