



## Andrew Ferich

### Partner

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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 has significant experience in consumer protection, data privacy, 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 or has assisted in litigating cases that have collectively resulted in hundreds of millions of dollars in settlement value in damages and injunctive relief for various classes and groups of people.

Mr. Ferich has been appointed by various courts as class counsel or to leadership positions in numerous class action lawsuits. A sampling of Mr. Ferich's representative matters and accomplishments on behalf of clients and classes is below:

## **Consumer Products**

- *Udeen, et al. v. Subaru of America, Inc.*, No. 1:18-cv-17334-RBK-JS (D.N.J.)(appointed co-lead class counsel; obtained settlement valued at more than \$6.25 million on behalf of owners and lessees of Subaru vehicles with allegedly defective infotainment systems);
- *In re Nexus 6P Prods. Liab. Litig.*, No. 5:17-cv-02185-BLF (N.D. Cal.)(obtained a \$9.75 million settlement in an action alleging that Google smartphones contained a defect that caused “bootlooping” and sudden battery drain);
- *Weeks, et al. v. Google LLC*, No. 5:18-cv-00801-NC (N.D. Cal.)((\$7.25 million settlement granted in a consumer action alleging that Google sold first-generation Pixel smartphones with a known microphone defect);
- *In re: Elk Cross Timbers Decking Marketing, Sales Practices and Products Liability Litigation*, No. 2:15-cv-00018-JLL-JAD (D.N.J.)(obtained settlement valued at approximately \$20 million in MDL proceeding relating to defective wood-composite decking);
- *In re: MacBook Keyboard Litig.*, No: 5:18-cv-02813-EJD (N.D. Cal.)(Mr. Ferich developed, filed, and assisted in litigating this case alleging that certain Apple MacBook laptop models contain a known defect plaguing the functionality of Apple’s notorious butterfly keyboard; this matter ultimately resulted in a \$50 million settlement);
- *MacTavish, et al. v. Am. Honda Motor Co., Inc., et al.*, No. 2:21-cv-4289-GW-JEM (C.D. Cal.)(Mr. Ferich leads this litigation for AW, alleging that Honda’s Ridgeline trucks have faulting wiring harnesses that cause backup camera failure; this case has proceeded to discovery);
- *Cilluffo, et al. v. Subaru of America, Inc., et al.*, No. 1:23-cv-01897-RBK-MJS (D.N.J.)(Mr. Ferich is appointed co-lead counsel in second case against Subaru alleging defective Starlink infotainment systems in certain Subaru vehicles);
- *Steinhardt, et al. v. Volkswagen Group of America, Inc., et al.*, No. 3:23-cv-02291-RK-RLS (D.N.J.)(Mr. Ferich is appointed co-lead counsel in lawsuit alleging defective alternator in certain Audi automobiles);
- *Clark, et al. v. Am. Honda Motor Co., Inc.*, No. 2:20-cv-3147-AB-MRW (C.D. Cal.)(prosecuting this case relating to a deceleration defect in certain Acura vehicles).

## **Data Privacy**

- *Cochran, et al. v. The Kroger Co., et al.*, No. 21-cv-01887-EJD (N.D. Cal.)(\$5 million common fund settlement relating to the Accellion data breach, which received final approval; Mr. Ferich was appointed co-lead class counsel);
- *Tafelski et al. v. Logan Health*, No. ADV-22-0108 (Montana 8th Judicial Dist. Ct.)(medical data breach case; Mr. Ferich is appointed co-lead class counsel; final approval of a settlement providing among other things a \$4.3 million non-reversionary common fund has been granted);
- *In re Forefront Data Breach Litigation*, No. 1:21-cv-00887-LA (E.D. Wis.)(medical data breach case impacting 2.4 million victims; Mr. Ferich is appointed co-lead class counsel; final approval of a settlement providing a \$3.75 million non-reversionary common fund has been granted);
- *Kesner et al. v. UMass Memorial Health Care, Inc.*, No. 2185 CV 01210 (Mass. Super. Ct.) (medical data breach case; Mr. Ferich is appointed co-lead class counsel and final approval of \$1.2 million non-reversionary common fund settlement was granted);
- *In re Keystone Data Breach Litig.*, No. 1:22-cv-01643-CCC (M.D. Pa.)(Mr. Ferich has been appointed interim co-lead class counsel in this health information data breach impacting hundreds of thousands of people; preliminary approval of a \$900,000 common fund settlement was granted in state court companion case);
- *Nelson v. Connexin Software Inc.*, No. 2:22-cv-04676-JDW (E.D. Pa.)(medical data breach case impacting millions of minor pediatric patients; Mr. Ferich was appointed to the Plaintiffs' Steering Committee);
- *Perdue v. Hy-Vee, Inc.*, No. 1:19-cv-01330 (C.D. Ill.)(appointed co-lead counsel in class action relating to alleged data breach that exposed millions of consumers' payment card data to hackers; Mr. Ferich's efforts, with co-counsel, led to the creation of an uncapped claims settlement that includes corporate commitments of at least \$20 million in data security improvements);
- *In re: Eskenazi Health Data Incident Litigation*, No. 49D01-2111-PL-038870 (Ind. Commw. Ct.)(medical data breach case; Mr. Ferich serves on the executive steering committee);
- *In re Wawa, Inc. Data Breach Litigation*, No. 2:19-cv-06019 (E.D. Pa.)(achieved \$12 million settlement on behalf of consumers whose sensitive payment card information was exposed to criminals as part of a highly-publicized data breach);
- *Gordon, et al. v. Chipotle Mexican Grill, Inc.*, No. 1:17-cv-01415-CMA (D. Colo.)(valuable settlement obtained in a data breach action where approximately 10 million consumers' payment card data was exposed to hackers);
- *Bray, et al. v. GameStop Corp.*, No. 1:17-cv-01365 (D. Del.)(valuable settlement obtained in a data breach action alleging exposure of payment card information of consumers

who made purchases through defendant's website).

## **ERISA/Retirement Plan Litigation**

- *Tsui, et al. v. Universal Services of America, LP, et al.*, No. 8:22-cv-01158 (C.D. Cal.)(Mr. Ferich is prosecuting 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);
- *Smith, et al. v. VCA Inc., et al.*, No. 2:21-cv-09140-GW-AGR (C.D. Cal.)(Mr. Ferich is leading this ERISA class action alleging excessive recordkeeping and administrative fees, and other fiduciary breaches, relating to VCA's defined contribution plan);
- *Davis, et al. v. Washington University in St. Louis, et al.*, No. 4:17-cv-01641-RLW (E.D. Mo.)(Mr. Ferich led this ERISA class action alleging excessive fees and other fiduciary breaches relating to a massive university 403(b) retirement 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, he likes to play golf and spend time with his wife, daughter, and twin boys.

## **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 Court of Appeals for the District of Columbia Circuit