

***Legal Resume***  
***of***  
**William Gordon Ball**

***Focusing on Consumer and  
Antitrust Class Actions***

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**Biography**

Gordon Ball is a licensed Tennessee attorney whose practice focuses on consumer rights and antitrust class actions. Ball was born in Cocke County, Tennessee. He graduated from East Tennessee State University with a Bachelor of Science degree in 1970, and received his law degree from the Cecil C. Humphreys School of Law at Memphis State University in 1974. Ball entered the private practice of law the following year.

Ball has been admitted to or appeared before a multitude of federal and state courts across the United States, including the United States Supreme Court, the United States Courts of Appeals for the Fourth, Sixth and Ninth Circuits, and state and federal trial courts in Tennessee, Alabama, Arizona, California, Connecticut, Delaware, Florida, Georgia, Indiana, Illinois, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Washington, West Virginia, and the District of Columbia.

In the late 1970's, Ball served as an Assistant United States District Attorney for the Eastern District of Tennessee. In 1977, he served as a delegate to the Tennessee Constitutional Convention. For several years after he returned to private practice, he specialized in the defense of "white-collar" federal prosecutions. In 1981, Ball was lead defense counsel in the case of *United States v. Sisk, et al* (aka, the "Pardons and Paroles" cases). His client was acquitted after a six-week trial. In 1986-87, Ball was lead defense counsel in the federal bank fraud prosecution of brothers Jake and C.H. Butcher, Jr., who had created a banking empire (United American

Bank and C & C Bank) in East Tennessee. Notably, in *U.S. v. C.H. Butcher, et al.*, Ball was the only defense attorney to secure two not guilty jury verdicts during the *Butcher* trials.

Ball first became involved in major class action litigation in 1988, with *Shults v. Champion International Corporation*. Ball – who grew up along the banks of the Pigeon River in the Cocke County town of Hartford – and his co-counsel represented approximately 2600 landowners against a paper company who had polluted the Pigeon River for nearly eighty years. Ball and his co-counsel litigated against one of the world’s largest law firms and were successful in recovering \$6.5 million for the landowners. Ball continues to litigate on behalf of landowners on the Pigeon River, filing a new lawsuit about every three years. Recently, Ball obtained a jury verdict of \$2 million against Blue Ridge Paper Co. for landowners.

For over fifteen years, Ball has been a pioneer in plaintiff’s class action lawsuits on behalf of victims of abuse by powerful corporations. Ball has a long record of successfully litigating cases on behalf of both individuals and classes, particularly in cases involving antitrust violations such as monopolization and price-fixing. Ball’s aggregate multi-billion dollar recoveries have included cases against oil companies, telecommunications companies, health care companies, insurance companies, pharmaceutical companies, banks, auto manufacturers, record manufacturers, paper manufacturers, vitamin makers, boat manufacturers, stucco manufacturers, and supermarket chains. Ball and co-counsel are currently engaged in antitrust and consumer rights cases against banks, medical products manufacturers, drug makers, electronics manufacturers, cigarette manufacturers, seeds manufacturers, and many others.

Ball has won a national reputation for fighting for American consumers by achieving recoveries in cases that other law firms did not want to handle. Several of the groundbreaking

cases that Ball and his co-counsel have litigated have resulted in landmark decisions on previously untried or unsettled issues involving price-fixing and consumer rights.

### **An Experienced Class Action Litigator**

A lone consumer is often powerless against a powerful corporation. By creating a group or class, individuals can join together enhance their ability to assert their rights and challenge corporations who often have larger resources. As the premier class action law firm in Tennessee – and one of the premier class action firms in the South – Ball & Scott, and Gordon Ball in particular, focus on antitrust actions, consumer protection and product liability actions, environmental class actions, and healthcare fraud. Ball has been involved as lead or co-counsel in dozens of class actions which have recovered *billions of dollars* for consumers across the United States. Ball's greatest successes are cases where the financial and valuable benefits to consumers have exceeded the normal benefit to class members in such cases.

Although this list is not all-inclusive, Ball has represented (or is currently representing) consumers in the following class actions:

1. *Spartanburg Regional Health Services District, Inc. v. Hillenbrand Indus., Inc.*  
(\$468,000,000 settlement in 2006; 6<sup>th</sup> largest antitrust settlement in U.S. history)
2. *Stinnett v. BellSouth Telecommunications*  
(\$45,000,000.00 consumer settlement);
3. *Land v. United Tel. - Southeast*  
(\$5,000,000.00 consumer settlement);
4. *In re Travel Agency Com'n Antitrust Litig.*  
(\$70,000,000.00 settlement);
5. *Lowe v. Johnson City Medical Center Hospital*  
(\$1,500,000.00 consumer settlement);
6. *Shelton v. Blue Cross and Blue Shield of Tennessee*  
(\$4,000,000.00 consumer settlement);

7. *Nabors v. General Motors*  
(nationwide settlement approved in Louisiana with settlement benefit to 6 million owners of GM vehicles);
8. *Cox, et al v. Shell Oil Co.*  
(\$950,000,000.00 settlement) (product defect)  
(One of the largest property damage settlement in U.S. history);
9. *Blake v. Abbott Laboratories, Inc.*  
(\$62,000,000.00 settlement) (price-fixing of infant formula);
10. *Patrick v. Liberty Health Care Corp.*  
(\$245,000.00 settlement) (unpaid sick leave);
11. *Hagy v. Sprint Cellular*  
(\$4,000,000 settlement approved);
12. *Sandpiper Village Condominium Ass'n v. Louisiana-Pacific Corp.,*  
(\$375,000,000.00 settlement) (defective hardboard siding);
13. *Ottinger v. EMI Distribution, Inc.*  
(\$65,000,000.00 nationwide settlement approved)  
(price-fixing of compact discs);
14. *Sweet v. Ford Motor Co.*  
(\$30,000,000 nationwide settlement approved as part of California settlement)  
(multi-state class certified) (product defect);
15. *Fox v. American Cyanamid Co.*  
(\$15,000,000.00 settlement) (vertical price-fixing conspiracy in pesticide market);
16. *Wilson v. Chesapeake Corp., et al.*  
(\$600,000 Tennessee-only settlement) (horizontal price-fixing conspiracy in commercial tissue products market);
17. *Ferguson v. Columbia/HCA Healthcare Corp.*  
(\$5,000,000 settlement) (overcharges in healthcare industry);
18. *Freeman v. Champion International Corporation*  
(\$2,400,000 settlement) (nuisance action which alleged unlawful pollution of Pigeon River in Tennessee);
19. *McCampbell v. F. Hoffman - LaRoche Ltd., et al.*  
(\$10,000,000 Tennessee settlement approved) (price-fixing conspiracy in vitamins market);

20. *Milligan v. Food Lion Corp.*  
(\$3,000,000 nationwide settlement) (unfair or deceptive practices in sales tax charges);
21. *Hunter v. Bank One*  
(\$25,000,000 nationwide settlement) (class certified) (deceptive bank financing practices);
22. *Carter v. First Tennessee Bank*  
(\$7,000,000 nationwide settlement) (class certified) (deceptive bank financing practices);
23. *Posey v. Dryvit Corp.*  
(\$50,000,000 nationwide settlement) (product defect in synthetic stucco);
24. *Couch v. Brunswick Corporation*  
(Nationwide settlement for consumers valued at \$125,000,000) (monopolization of inboard and stern drive marine engine market);
25. *Davis v. United States Tobacco Co., et al.*  
(\$35,000,000 multi-state settlement) (unfair restraint in trade in smokeless tobacco market);
26. *Freeman v. Blue Ridge Paper Co.*  
(\$2,000,000 jury verdict in 2005 in nuisance action against paper company for polluting Pigeon River in Tennessee; another suit pending);
27. *In re Rubber Chemical Antitrust Litigation*  
(Multi-state settlements collectively approximating \$8,000,000) (price-fixing);
28. *Benson v. Nan Ya Plastics Corp.*  
(Multi-state settlements collectively approximating \$4,800,000) (price-fixing in polyester staple fiber industry);
29. *Conroy v. 3M Corporation*  
(\$41,000,000 multi-state settlement) (antitrust and consumer protection violations);
30. *In re U.S. Foodservice, Inc. Pricing Litigation*  
(antitrust violations);
31. *In re Hypodermic Products Antitrust Litigation*  
(antitrust violations);
32. *In re Aftermarket Filters Antitrust Litigation*  
(antitrust litigation);

33. *In re Southeastern Milk Antitrust Litigation*  
(currently co-lead counsel);
34. *In re Hydrogen Peroxide Antitrust Litigation*, (currently co-lead indirect purchaser counsel);
35. *Solo et al. v. Chiquita Brands Int'l, et al.*  
(currently lead indirect purchaser counsel);
36. *In re Bausch & Lomb Contact Lens Solution Liability Litigation*  
(currently lead economic injury class counsel);
37. *Freeman v. Blue Ridge Paper Co.*  
(multiple nuisance actions against paper company for polluting Pigeon River in Tennessee; suit pending);
38. *In re Endosurgical Medical Products Antitrust Litigation*  
(lead counsel for indirect purchasers in case against Johnson & Johnson alleging illegal bundling in medical products – trocars – market) (settlement pending);
39. *Mays v. Tennessee Valley Authority*  
(Plaintiffs' counsel in nuisance action against TVA related to coal ash spill in Kingston, TN);\
40. *Romero v. Phillip Morris Inc., et al.*  
(lead counsel for a certified statewide class of cigarette smokers in New Mexico alleging price fixing by Big Tobacco);
41. *Washington County v. Bank of America, et al.*  
(represents plaintiff county in action alleging defendant banks fixed prices of and rigged bids and allocate customers and markets for municipal derivatives)

### **Significant Settlements or Judgments**

Ball has also served as lead or class counsel in several landmark consumer and antitrust class actions, including:

***Cox v. Shell Oil Company, et al.*** This lawsuit filed by Ball and a number of other counsel filed this case in 1995 charging Shell Oil Company, E.I. du Pont de Nemours, and Hoescht Celanese with manufacturing and marketing defective polybutylene pipes and plumbing systems. The settlement provided a minimum of \$950 million settlement in relief and is the largest class action settlement of its kind in U. S. history.

***Infant Formula Consumer Antitrust Litigation.*** Ball, along with co-counsel, instituted class actions in multiple state courts against three companies who conspired to drive up the price of infant formula. The cases resulted in an aggregate settlement of \$64,000,000.00. Foremost among the cases was ***Blake v. Abbott Laboratories***, Civil Action Number L-8950 (Circuit Court, Blount Cty., Tennessee). ***Blake*** was the first opinion in the history of Tennessee jurisprudence granting indirect purchasers a private right of action under state antitrust and consumer protection laws.

***Spartanburg Regional Health Services District, Inc. v. Hillenbrand Industries, Inc.*** Ball also represents Spartanburg Regional Health Services District in a direct purchaser class action against Hillenbrand Industries that was filed in 2003. ***Spartanburg Regional Health Services District, Inc. v. Hillenbrand Industries, Inc.***, No. CA 7:03-2141-HFF (D.S.C.) After substantial discovery, a settlement was reached between the parties in the ***Spartanburg*** case, providing for certification of a class of purchasers and a total of nearly \$490 million in relief, including a cash payment to the class of \$337.5 million (representing the sixth largest amount ever recovered in an antitrust class action). Research shows that ***Spartanburg*** was the first-ever direct purchaser class action successfully challenging the monopoly bundling of medical products.

### **Honors & Awards**

In the late 1980's, Ball was selected to be included in the publication *The Best Lawyers in America* and has been included in every subsequent publication since 1989. In 1997, Ball was a recipient of a *Public Justice Achievement Award* by the *Trial Lawyers for Public Justice* for his work on behalf of consumers in the polybutylene pipe product liability litigation, which resulted in an unprecedented settlement providing a minimum of \$950 million in relief and a potentially unlimited maximum recovery for property owners.

### **Benefitting Worthy Causes**

Many of the cases undertaken by Ball & Scott eventually result in settlements in which the presiding Court is presented an opportunity to make charitable awards (*cy pres* awards) to national, regional, state and even local charitable organizations. Gordon Ball has been instrumental in seeking the award of such residual funds for a number of worthy charities, including St. Jude's Hospital, the United Way, Public Justice, Boy's & Girls Clubs and the University of Tennessee Building Fund.