

TOP 100 LAWYERS IN CALIFORNIA

LITIGATION

Roman M. Silberfeld

Silberfeld, the national trial chair at Robins Kaplan, specializes in complex civil litigation at the trial and appellate levels.

He's co-lead counsel in a national class action and multi-district litigation pending before U. S. District Judge Andrew Guilford. The case centers on Wells Fargo's banking practices — specifically, over claims the bank improperly charged auto loan customers for unnecessary and overpriced insurance. The case resulted in June 2019 in a \$423 million settlement agreement plus a separate amount for attorney fees and costs. *In re Wells Fargo Collateral Protection Insurance Litigation*, 8:17-ml-02797 (C.D. Cal., filed Oct. 18, 2017).

Judge Guilford of Santa Ana gave preliminary approval to the deal in early August; a final fairness hearing is set for Oct. 28. "I think we did some good work there," Silberfeld said. "This case was more complicated than most." He said the challenge was to balance multiple tiers of litigation interests involving federal regulators, the class, the defendants and the judge. "We had to satisfy the regulators' scrutiny as well as the courts'. It became 3-D tic tac toe."

Silberfeld summed things up in his opposition to the bank's motion to dismiss the complaint, filed on June 4, the day Wells Fargo agreed to pay \$1 billion to the Consumer Financial Protection Bureau and the Office of the Comptroller of the Currency after those agencies found the bank's auto insurance practices violated multiple federal statutes. "Defendants' arguments in support of their Motions to Dismiss border on frivolous," he wrote. He added that the ensuing settlement's provision for fees and costs will total about \$36 million.

He's also co-lead counsel in opioid damages litigation. In it, he represents nine California cities and counties that seek to remain in state court, separate from the multi-district battle under way in Ohio. "All my clients have the same claim—that they suffered the costs of the crisis and wanted to sue apart from the MDL," he said. "At first, all nine were remanded to federal jurisdiction but we got two of them back. Now the judge in Ohio is not hearing remand motions. We hope to get them all back."

Silberfeld maintains a busy pro bono practice through Public Counsel, where he was honored in 2014 with its Founders Award. Since 2017 he's been representing two Guatemala youths, who were then 11 and 13, who fled gang violence and sought asylum in the U.S.

He achieved asylum grants for both, the most recent a few weeks ago, he said in August. "You can have every big verdict I've ever gotten," he said. "You should have seen the faces of those boys and their parents."

— John Roemer



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SPECIALTY: BUSINESS LITIGATION, ANTITRUST, PLAINTIFF MASS TORT