

# EXHIBIT 1



WhatleyDrake&Kallas

## History

**Whatley Drake and Kallas, LLC is a national plaintiffs' firm, committed to litigation that results in meaningful change.** WD&K was formed in Birmingham in 1998 as a successor to the firm of Cooper, Mitch, Crawford, Kuykendall & Whatley. The Firm has a legacy of serving leadership roles in significant complex class action and derivative litigation, including securities, 401k, healthcare, insurance, employment and mass tort litigation. WD&K also remains devoted to its longstanding representation of unions and workers throughout the United States. Our class action and complex litigation practice was strengthened in 2006 by the addition of a team of experienced class action attorneys in New York City.

**In 2007, WD&K was one of thirteen firms named to the National Law Journal's "Plaintiffs' Hot List," the annual list of the country's most prominent plaintiffs' firms.** Our national practice includes approximately 40 lawyers across offices in New York City, Birmingham and Boston. Throughout its history, WD&K has been at the forefront in class actions and complex cases across the United States, effecting meaningful change through settlements and verdicts for classes of people, businesses and pension funds.

**WD&K and its partners have served as co-lead counsel in numerous high profile class actions that have recovered billions of dollars for class members, and have achieved significant corporate reforms.** Examples of recent cases in which the Firm served in a leadership role and was extensively involved in the litigation and negotiation of settlements include: In re: Managed Care Litigation (resulting in billions of dollars in cash and value to a class of 900,000 physicians throughout the United States); In re Insurance Brokerage Antitrust Litigation (settlements with defendants Zurich Insurance Company and Arthur J. Gallagher on behalf of commercial policyholders for in excess of \$130 million); In re: Qwest Savings and Retirement Plan ERISA Litigation (approximately \$37.5 million); In re: HealthSouth Corporation Securities Litigation (\$445 million); In re Denney v. Jenkens & Gilchrist (\$81.6 million settlement on behalf of former clients of Jenkens & Gilchrist in connection with illegal tax shelters); In re MedPartners Securities Litigation (\$65 million); In re Kmart 401(k) Litigation (\$11.75 million).

**Whatley Drake & Kallas has gained a national reputation for its aggressive litigation style and its quality legal work. A significant aspect of the Firm's resources is its ability to try a complex case.** One of the Firm's founding partners, Joe R. Whatley, Jr., is an experienced trial lawyer and is one of the few lawyers representing plaintiffs in complex class action litigation who has tried a class action case to verdict. He won a

\$1.28 billion jury verdict on behalf of a class of cattle ranchers against Tyson Fresh Meats, Inc. in *Pickett v. Tyson Fresh Meats, Inc.*, No. 96-A-1103-N (M.D. Ala.). Mr. Whatley also won what was at the time the largest wrongful death verdict in Louisiana history in *Dunn v. Consolidated Rail Corp.*, 890 F. Supp. 1262 (M.D.La. 1995). Mr. Whatley's experience in this regard has made him a highly sought after member of plaintiffs' leadership groups in numerous complex and multidistrict litigations.

WD&K and its partners have also gained a national reputation for their consistent dedication to the interests of their clients by achieving results which include both compensation to victims of wrongdoing and significant industry reforms.

## **Firm Litigation**

### **Securities, Derivative and 401(k) Litigation**

Whatley Drake and Kallas has been appointed to leadership positions in numerous securities and 401(k) class actions and derivative litigation. Examples of cases in which WD&K currently holds or has held a leadership position include, among others, the following:

**In re HealthSouth Corporation Securities Litigation.** WD&K acts as Liaison Counsel in this securities class action pending in the United States District Court for the Northern District of Alabama. To date, a partial settlement of \$445 million with the corporation and board of directors has been approved.

**In re Merck & Co., Inc., Securities, ERISA and Shareholder Derivative Litigation.** Joe R. Whatley, Jr. was named Co-Lead Counsel in this shareholder derivative action pending against Merck in the United States District Court for the District of New Jersey arising out of the marketing and sale of Vioxx.

**Hildebrand v. W Holding Company,** WD&K has been named as Co-Lead Counsel in this securities class action against W Holding Company, WesternBank Puerto Rico and certain individuals pending in the United States District Court for the District of Puerto Rico.

**In re MedPartners Securities Litigation.** WD&K served as Liaison Counsel in this action which was filed in Circuit Court of Jefferson County, Alabama on behalf of a class of shareholders against MedPartners. A settlement of \$65 million was obtained and approved by the court.

**In re Qwest Savings and Retirement Plan ERISA Litigation.** Joe R. Whatley, Jr. and WD&K were appointed Co-Lead Counsel in this class action filed on behalf of all participants and beneficiaries of Qwest's 401(k) retirement plan. The suit alleged that various fiduciaries of the plan failed to properly exercise their duties as required under

ERISA. A settlement of approximately \$37.5 million was obtained and approved by the court.

**In re Rankin v. Conaway (Kmart).** WD&K served as Lead Counsel in this class action on behalf of participants and beneficiaries of Kmart's Retirement Savings Plans who lost money when Kmart filed for bankruptcy. The suit alleged that various fiduciaries of the Plan failed to properly exercise their duties as required under ERISA. WD&K obtained a settlement of \$11.75 million that was approved by the court.

**In re Xcel Energy.** WD&K served as Co-Lead Counsel on behalf of participants and beneficiaries of Xcel's 401(k) Retirement Plan. A settlement of \$8 million was obtained and approved by the court.

**In re Broadwing, Inc. ERISA Litigation.** WD&K was Co-Lead Counsel in this class action brought on behalf of the participants and beneficiaries of Cincinnati Bell, Inc. Savings and Securities Plan, the Broadwing Retirement Savings Plan, and the Plans themselves, to remedy defendant's breaches of fiduciary duty under ERISA. A settlement of \$11 million was obtained and approved by the court.

**McPhail, et al. v. First Command, et al.** The Firm is Co-Lead Counsel representing a class of military and former military families that were defrauded by First Command. First Command and its officers are being sued because they sold to military families unsuitable financial products that contained, among other things, a 50% sales load in the first year of the product. WD&K won class certification and that decision was upheld by the Ninth Circuit Court of Appeals. First Command appealed that decision to the Supreme Court of the United States and cert was denied. A settlement of \$12 million has been preliminarily approved by the United States District Court for the Southern District of California.

## **Insurance and Healthcare Litigation**

Whatley Drake & Kallas is a leader in complex litigation against the largest insurance, brokerage and managed care companies in the world. WD&K has been appointed to leadership positions in the following cases, among others:

**Love v. Blue Cross Blue Shield Association,** WD&K is Co-Lead Counsel in this action pending in the United States District Court for the Southern District of Florida. Settlements have recently been reached with approximately ninety percent (90%) of the defendants. The settlements provide for in excess of \$130 million of monetary benefits and practice change relief valued in excess of two billion dollars.

**In re Managed Care Litigation, MDL No. 1334.** WD&K is a member of the Plaintiffs' Steering Committee and represents a class of physicians against nine of the largest managed care providers in the United States including AETNA, CIGNA, United, Healthnet, Humana, PacifiCare, Prudential and WellPoint. The suit alleged that these

defendants engaged in a civil conspiracy in violation of the Racketeering Influenced and Corrupt Organizations Act (“RICO”) to wrongfully and fraudulently pay doctors less than the amounts to which they were entitled. Settlements were reached with AETNA, CIGNA, Healthnet, Humana, Prudential and Wellpoint consisting of monetary relief and significant business practice changes valued in the billions of dollars have been obtained and approved by the court.

**In re Monumental Life Insurance Company, Industrial Life Insurance Litigation.**

WD&K served as a member of the Plaintiffs’ Steering Committee in this action pending in the United States District Courts for the Eastern District of Louisiana seeking redress for discriminatory practices of many major insurance companies with respect to the sale of life insurance products to minorities. Settlements of approximately \$500 million dollars have been obtained in these cases and approved by the court.

**Environmental Litigation**

Whatley Drake & Kallas is proud to represent thousands of individuals against the manufacturers of toxic substances released into the environment and has played a significant role in several nationally prominent environmental litigations including the following:

**In re Allen v. ALDOT.** WD&K represented residential property owners in three neighborhoods in Montgomery, Alabama harmed by the Alabama Department of Transportation’s release of the chemical TCE into the groundwater of a 600-acre area affecting the property of some 1200 homeowners. A settlement of \$5.5 million was obtained.

**Antitrust Litigation**

Whatley Drake & Kallas is a leader in antitrust litigation and has held numerous leadership positions in such cases including, but not limited to, the following:

**In re Insurance Brokerage Antitrust Litigation, MDL No. 1663.** Edith Kallas and WD&K serve as Co-Lead Counsel and represent a putative class of purchasers of commercial and employer benefit insurance against many of the largest insurance companies and brokers in the country relating to these companies’ alleged participation in a conspiracy to manipulate the markets for insurance. To date, settlements with two of the defendants, Zurich Insurance Company and Arthur J. Gallagher, have been reached for approximately \$130 million.

**In re Lorazepam and Clorazepate Antitrust Litigation.** WD&K served as Third Party Payor Lead Class Counsel in this antitrust action which was transferred by order of the Judicial Panel for Multi-District Litigation to the United States District Court for the District of Columbia. Settlements of over \$100 million were obtained.

**Pickett, et al. v. Tyson Fresh Meats, Inc.** Whatley Drake served as Co-Lead Counsel in representing a class of cattle ranchers against the major beef packers and producers in the country for conspiring to depress the price of beef on the cash market. In addition to serving in a leadership position in this action, Joe. R. Whatley of Whatley Drake served as trial counsel in the Middle District of Alabama for the plaintiff class and the jury returned a verdict of \$1.28 billion for the class of ranchers and cattle producers.

**In re Pharmacy Benefit Managers Antitrust Litigation.** WD&K currently serves as Co-Lead Counsel in a nationwide class action that seeks to ensure patients' access to their selected pharmacists and that independent pharmacists will be able to provide quality care to the people who seek over 1.3 billion prescriptions from them each year. The suit alleges that these Pharmacy Benefit Managers conspired to and engaged in horizontal price fixing of the reimbursement rates paid to independent pharmacies.

**Waterbury Hospital v. U.S. Foodservice.** The Firm is Co-Lead Counsel and represents customers in a case involving a scheme whereby USF, the second largest food distributor in the U.S., fraudulently inflated the prices it charged to their cost-plus customers. USF's customers were charged, pursuant to cost-plus agreements, inflated prices that represented the cost of products plus a kickback to their suppliers.

## **Oil and Gas Royalty**

Whatley Drake & Kallas has represented oil and gas owners in litigation against oil companies. Settlements have been reached with Exxon, Torch Energy and LL&E, Inc. The Firm received more than \$7.5 million for royalty owners.

## **Consumer Class Litigation**

Whatley, Drake & Kallas is actively involved in representing consumers in class action cases. Some of those cases include the following:

**Spencer v. Shell Oil.** The firm represented homeowners with polybutylene plumbing throughout the United States in this action in the Circuit Court of Greene County, Alabama. The firm obtained a settlement of approximately \$1 billion to repair and replace leaking pipes and fittings for homeowners.

**In re Mattel, Inc. Toy Lead Paint Products Liability Litigation, MDL No. 1897.** WD&K is Co-Lead Counsel for a class of consumers of recalled toys due to their lead content or that were defectively designed with magnets which could come loose potentially injure children manufactured and sold by Mattel and Fisher Price. The suit seeks recovery for the purchase prices as well as reimbursement for medical testing.

**Hoffman v. American Express Travel Related Services Co., Inc.** WD&K represents

American Express cardholders who enrolled in a flight and baggage insurance program under which subscribing cardholders are automatically charged an insurance premium each time a flight is booked. The complaint alleges that AMEX engaged in a scheme to defraud cardholders by assessing premiums for cancelled flights and trips not taken. The case is pending in Alameda County Superior Court, California.

**Pineda v. Vitamin Shoppe.** WD&K represents a class of purchasers of Vitamin Shoppe’s “Especially for Women” vitamins. The complaint alleged that testing revealed that some of these vitamins were contaminated by lead and/or contained less calcium than the label indicated. Vitamin Shoppe denied all wrongdoing. WD&K obtained a settlement on behalf of the class, who received refunds of 100% of the value of the purchase price of the products or 125% of the purchase price if they choose store credit, which is pending final approval in Superior Court for Bergen County, New Jersey.

**White v. Bed Bath and Beyond.** WD&K represents a class of purchasers of bedding and linen products from Bed Bath and Beyond. Bed Bath and Beyond inflated the thread count of certain two-ply and multi-ply linens and other bedding products by counting threads in a manner which the Federal Trade Commission has ruled is deceptive to consumers. WD&K, along with other counsel, reached a settlement with Bed Bath and Beyond, which provided refunds or gift cards to purchasers of these bedding products, that is pending Final Approval in the United States District Court for the District of New Jersey.

**Subprime Lending Litigation/Countrywide Financial Corp..** WD&K represents a class of borrowers against Countrywide Financial Corp, et al pursuing claims under the Racketeer Influenced and Corrupt Organizations Act (“RICO”) and California law involving a fraudulent scheme to systematically steer unwary borrowers into “subprime” mortgages and loans with excess charges and inadequately disclosed risks, including drastic and unexpected increases in required monthly payments. As a result, a significant percentage of borrowers from Countrywide have defaulted or are in default on their loans causing the current flood of foreclosures. Countrywide’s scheme resulted in higher profits in interest rates, in origination fees and other fees, and in packaging the mortgage-backed securities.

## **Other Complex Class Action Litigation**

Whatley Drake & Kallas has recently been appointed to leadership positions in the following complex class action cases:

**In Re TJX Companies Retail Security Breach Litigation, MDL No. 1838.** WD&K serves as Co-Lead Counsel in this multidistrict litigation pending in the United States District

Court for the District of Massachusetts on behalf of a putative class of all financial institutions who suffered losses related to the monitoring and reissuance of their customers' debit and credit cards after information relating to millions of these accounts was stolen from retailer TJX. The Plaintiffs allege that TJX, whose stores include TJ Maxx, Marshalls and Home Goods, and its acquiring bank, Fifth Third Bank, failed to comply with payment card industry data security standards and assert claims including breach of contract and violation of Massachusetts General Laws Chapter 93A, the state's unfair and deceptive trade practices statute.

**In re Genetically Modified Rice Litigation.** Joe R. Whatley, Jr. was appointed to Plaintiffs' Executive Committee in this multidistrict litigation, pending in the United States District Court in the Eastern District of Missouri, which seeks redress for farmers who were damaged when it was disclosed that unapproved genetically modified rice traits developed by Bayer had contaminated the U.S. supply of long grain rice causing U.S. trading partners, including the European Union, Russia and Japan, to ban U.S. rice imports. A motion for class certification has been filed.

**Tax Shelter Litigation.** The firm was actively involved in the representation of hundreds individuals who were sold defective tax avoidance strategies by some of the nation's largest law firms, accounting groups and investment banks. The litigation resulted in a class settlement of \$81 million with Jenkens & Gilchrist and numerous individual and aggregate settlements valued at several hundred million dollars.

## **Labor & Employment Litigation**

WD&K has a long history of providing representation for participants in employer-sponsored benefit plans including defined benefit pension plans and 401(k) plans fighting to recover individual benefits and damages to the plans themselves. The Firm is actively involved in the representation of Unions across the United States, advising them on a variety of matters that arise with a particular focus on their health and welfare plans.

WD&K has helped to make the workplace free of discrimination in numerous multi-party and class action lawsuits , holding leadership positions on behalf of workers who have suffered mistreatment because of their age, race, gender, national origin, religious affiliation, disability or simply because they sought to exercise rights protected by federal law such as wage and hour provisions:. Several of our members have held roles in significant, high-profile civil, human and worker rights litigation.

**Jackson v. City of Birmingham Schools (Title IX).** WD&K represented an Alabama high school basketball coach fired after he complained that the girls on his team were not treated as well as boys. The coach won a landmark Supreme Court ruling under Title IX, the law that guarantees equal access and equal facilities for men in women in sports. WD&K litigated the case on remand and obtained a settlement that includes a city school board promise of equal facilities and the hiring of a Title IX coordinator to assure compliance.



**Tyson Foods.** WD&K led the effort that produced the multi-million dollar settlement of sexual harassment claims at a Tyson Foods plant in Alabama; in addition to the money, the Court ordered detailed injunctive relief and appointed a court monitor to cure the widespread sexual harassment problem.

**Ward v. Albertson's, Save-on, and Lucky Stores.** WD&K served as co-lead counsel representing a class of defendants' former employees who alleged that defendants failed to pay them their wages in accordance with California's waiting time statutes. Under California's Labor Code, employers must pay involuntarily terminated employees immediately upon termination, and voluntarily severed employees within 72 hours of their giving notice of termination. Although defendants vigorously disputed these allegations, WD&K obtained a settlement of \$18.5 million, pending approval by the California Superior Court.

## **Biographies**

### **Members**

#### **Joe R. Whatley, Jr.**

Mr. Whatley was born in Selma, Alabama. He is a graduate of Harvard University (A.B., cum laude, 1975), and University of Alabama Law School (J.D., 1978). Mr. Whatley is a member of the Bar in the States of Alabama, Texas, Colorado and New York, and is admitted to practice before the United States District Court for the Middle, Southern and Northern Districts of Alabama, the Southern District of Texas, the District of Colorado, and the Southern, Eastern and Northern Districts of New York, as well as the United States Court of Appeals for the First, Second, Fourth, Fifth, Ninth and Eleventh Circuits. After graduating from the University of Alabama Law School, Mr. Whatley served as a law clerk to the Honorable Frank H. McFadden, who was then Chief United States District Judge for the Northern District of Alabama (1978-1979). Mr. Whatley is a member of the American Bar Association (Member, Sections on: Labor and Employment Law; Litigation), a member and past President (1990-1991) of the Birmingham Federal Bar Association, and a member and past President (1990-1991) of the Labor and Employment Law Section of the Alabama State Bar. He is also a member of the Alabama Trial Lawyers Association; the American Association for Justice (formerly the Association of Trial Lawyers of America), and the National Association of Criminal Defense Lawyers.

Mr. Whatley has a wide-ranging, national practice. Among others, he represents numerous labor unions in the southeast of the United States, financial institutions in deceptive trade practice litigation arising out of the failure of a large retailer to secure confidential cardholder data as required by industry standards, medical societies and physicians in complex class action litigation against the managed care industry, employees in discrimination cases, rice farmers damaged by the contamination of the U.S. long grain

rice supply by genetically modified rice traits, and individuals in personal injury and mass torts litigation.

Mr. Whatley is an experienced trial lawyer, having tried numerous cases, including class actions, to verdict. For example, Mr. Whatley won a \$1.28 billion jury verdict on behalf of a class of cattle ranchers against Tyson Fresh Meats, Inc. in *Pickett v. Tyson Fresh Meats, Inc.*, No. 96-A-1103-N (M.D. Ala.), and won what was at the time the largest wrongful death verdict in Louisiana history in *Dunn v. Consolidated Rail Corp.*, 890 F. Supp. 1262 (M.D. La. 1995). Mr. Whatley has recovered billions of dollars in monetary relief and business practice changes in litigations against the managed care industry. He also achieved an \$81.6 million settlement for former clients of Jenkens & Gilchrist in *Denney v. Jenkens & Gilchrist*, 230 F.R.D. 317 (S.D.N.Y. 2005), litigation relating to that firm's role in structuring and marketing illegal tax shelters.

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### **Russell Jackson Drake**

Mr. Drake has been a member of the Bar for almost 40 years. He obtained his J.D. from the University of Alabama Law School in 1969 and is a member of the Bar in the States of Alabama, Texas and New York. Mr. Drake concentrates his practice in the areas of personal injury litigation; products liability litigation; wrongful death litigation; appellate practice in state and federal courts; constitutional litigation; and complex class action litigation.

He is admitted to practice before the U.S. Supreme Court, U.S. Court of Appeals for the Eleventh Circuit and U.S. District Court for the Northern, Middle and Southern Districts of Alabama. Mr. Drake is the author of "Enforcing the Right to Treatment," 10 *American Criminal Law Review*, 587, 1972, and "Judicial Implementation and *Wyatt v. Stickney*," 32 *Al. L. Rev.* 299, 1981, and has lectured at the University of Alabama Law School, 1983-1987.

Mr. Drake has served as a member of the Alabama Ethics Commission, 1998-2003 (Chairman, 2003); the 11th Circuit Judicial Conference (1986-1988); and the Lawyer's Advisory Committee of the U.S. District Court for the Northern District of Alabama (1989-present). Mr. Drake has been a member of and held various executive positions with the Tuscaloosa County Bar Association (Member, Executive Committee, 1979; President, 1980-1981). He has also held various positions with the American Bar Association including: Member, 1973 - present; Chairman, 1979, Member, Committee on Prepaid Legal Services; Chairman, Task Force on Illiteracy, 1989; Member, IOLTA Task Force; Member, Local Bar Activities; Member, Supreme Court Task Force on Judicial Building; Member, Supreme Court Advisory Committee on Criminal Procedure; Member, Labor Law Section; Executive Committee, Young Lawyers Section, 1977; Task Force on Minority Participation, 1995-1996, Chairman, 1996-1997.

Mr. Drake is a member of the Alabama Association for Justice (Member: Board of Governors, 1976; Executive Committee, 1984) and the American Association for Justice. He was named a Fellow of the International Academy of Trial Lawyers in 1995. Mr. Drake was born in Jefferson County, Alabama.

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### **Edith M. Kallas**

Ms. Kallas was born in New York, New York. Ms. Kallas graduated from the Juilliard School in 1984 with a B.M. in Music Performance and from the Fashion Institute of Technology with an A.A.S., summa cum laude. She is a 1987 graduate of the Benjamin N. Cardozo School of Law, where she was a member of the Moot Court Board. Ms. Kallas is admitted to the New York State Bar, the United States District Court for the Southern and Eastern Districts of New York and the United States Courts of Appeal for the Second, Third and Sixth Circuits. She is also a member of the Association of the Bar of the City of New York, the New York State Bar Association, the New York County Lawyers' Association, the American Society of Medical Association Counsel, and the American Association for Justice (formerly the Association of Trial Lawyers of America).

In April of 2004, Ms. Kallas was honored by thirteen State and County Medical Societies, "For the Success Attained in her Relentless Pursuit of Justice for the Physicians of America and their Patients." Also in 2004, Ms. Kallas was named by the New York County Lawyers' Association as one of the "Outstanding Women of the Bar." In 2005, the National Law Journal featured Ms. Kallas in their UP CLOSE section in an article entitled, "HMO Settlement: A Fairer Deal for Doctors." Ms. Kallas is also co-chair of the Public Justice's Class Action Preservation Project.

Ms. Kallas concentrates her practice in the areas of healthcare, insurance and consumer litigation. Her clients include numerous state and county medical societies including: the Medical Society of the State of New York, the Connecticut State Medical Society, the Medical Society of New Jersey, South Carolina Medical Association, Tennessee Medical Association, Northern Virginia Medical Societies, North Carolina Medical Society, Nebraska Medical Association, Washington State Medical Association, Hawaii Medical Association, Alaska Medical Association, Rhode Island Medical Society, Vermont Medical Society, New Hampshire Medical Society, El Paso County Medical Society of Colorado, and the California Chiropractic Association.

Ms. Kallas has represented physicians and medical associations in numerous class actions pending in federal and state courts (including representation of a certified class of approximately 900,000 physicians throughout the United States). Ms. Kallas serves on the Steering Committee in the In re Managed Care action and as Co-Lead Counsel in the Thomas et al. v. Blue Cross Blue Shield Association et al. pending in the United States District Court for the Southern District of Florida and serves as lead counsel in numerous state court healthcare actions. She was one of the principal negotiators of the recent settlements with Aetna, Cigna, Healthnet, Prudential, Humana, Wellpoint and nationwide

classes of physicians and medical societies that have resulted in billions of dollars of practice reforms and monetary relief to physicians throughout the country. The settlements have resulted in significant business practice changes that are viewed as setting a new standard in the healthcare industry that is in the best interests of physicians and their patients. Ms. Kallas has also given legislative testimony regarding issues affecting physicians and successfully handled, on a pro bono basis, an appeal for a patient requiring lifesaving treatment.

Ms. Kallas is also Co-Lead Counsel in the *In re Insurance Brokerage Antitrust Litigation* pending in the District of New Jersey against major brokerage and insurance companies on behalf of classes of businesses and employees who purchased insurance, including healthcare insurance.

Ms. Kallas has also pursued numerous cases on behalf of consumers, including recent class settlements in cases involving products sold by Vitamin Shoppe and Bed Bath and Beyond.

Ms. Kallas is the co-author of "Gender Bias and the Treatment of Women As Advocates," *Women in Law* 1998. Ms. Kallas has also participated as a Faculty Member and/or Speaker in the following conferences: "Class Action Health Care Litigation," ALI-ABA Health Care Law and Litigation Conference, 1999; "Class Actions: HMOs and Health Care Providers Under Attack," ALI-ABA Life and Health Insurance Litigation Conference, 2000; "Providers (Suits by Doctors and Hospital Class Actions)," ALI-ABA Health Care Law and Litigation Conference, 2000; "The Application of ERISA and RICO Theories in the Age of Managed Care," *The Judges and Lawyers Breast Cancer Alert*, 2000; "Health Care Litigation: What You Need to Know After Pegram," *Practicing Law Institute*, 2000; "Provider Suits by Doctors and Hospitals v. HMOs," ALI-ABA Health Care Law and Litigation Conference, 2001; The Joint Seminar Session of the School of Allied Health and Health Law Section at Quinnipiac University School of Law, 2001; The CLE Conference presented by the American Society of Medical Association Counsel, 2002; "The Unique Role of The Medical Society Effectively Litigating for Change in the Healthcare Arena", American Academy of Otolaryngology Presidential - Board of Governors Special Seminar 2002; "The Future of Class Action Litigation in America" The CLE Conference presented by the American Bar Association, 2005; "Gender Bias in Litigation and the Trend Toward Diversity in Multi-District Litigation Proceedings, Whatley Drake LLC Continuing Legal Education Conference 2006."

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#### **Deborah Clark-Weintraub**

Ms. Weintraub was born in Patchogue, New York and is a 1981 graduate of St. John's University, Jamaica, New York (B.A. summa cum laude; President's Award in recognition of achieving highest GPA among graduates of St. John's College of Liberal Arts and Science). She attended Hofstra Law School in Hempstead, New York, where she was a

member of the Hofstra Law Review and Research Editor (1985-1986), and obtained her J.D. degree with distinction in 1986. Following her graduation from Hofstra Law School, Ms. Weintraub served as a law clerk to the Honorable Jacob Mishler, United States District Judge, United States District Court for the Eastern District of New York (1986-1987).

Ms. Weintraub has extensive securities class action experience and has acted as one of Plaintiffs' Co-Lead Counsel in numerous securities class action cases that have obtained substantial recoveries for defrauded investors. Among other cases, Ms. Weintraub was one of the Lead Counsel in *In re Oxford Health Plans, Inc. Securities Litigation*, MDL Dkt. No. 1222 (CLB) (S.D.N.Y.), in which a cash settlement of \$300 million was obtained on the eve of trial after more than five years of litigation. At the time, the \$300 million cash recovery obtained for shareholders in the Oxford case was one of the largest recoveries ever achieved in a securities class action. Significantly, the Honorable Charles L. Brieant, who presided over the Oxford case described it as "perhaps the most heavily defended, ardently pursued defense of a similar case that I can recall." Ms. Weintraub also served as one of Plaintiffs' Co-Lead Counsel in *In re CVS Corporation Securities Litigation*, No. 01-11464 (JLT) (D. Mass.), in which a cash settlement of \$110 million was obtained for investors. Following the settlement, in March 2006, CVS disclosed that the SEC had opened an inquiry into the manner in which CVS had accounted for a barter transaction, which was a subject of the class action suit, and that independent counsel to the firm's audit committee had concluded in December 2005 that various aspects of the company's accounting for the transaction were incorrect, leading to the resignations of the company's controller and the treasurer.

Prior to joining Whatley Drake & Kallas, Ms. Weintraub also acted as one of Plaintiffs' Co-Lead Counsel in *In re Mutual Funds Investment Litigation*, MDL No. 1586 (D. Md.), which consists of actions brought against mutual fund managers and others arising out of the recent scandals involving "late trading" and "market timing" in the mutual fund industry. In this capacity, among other investors, Ms. Weintraub represented the Ohio Tuition Trust Authority ("OTTA"), a state agency that offers and administers Ohio's CollegeAdvantage 529 Savings Plan. Since leaving her prior firm, at OTTA's request, Ms. Weintraub has continued to consult with OTTA's counsel concerning this matter.

Ms. Weintraub is the co-author of "Gender Bias and the Treatment of Women as Advocates," *Women in Law* (1998), and the "Dissenting Introduction" defending the merits of securities class action litigation contained in the 1994 monograph "Securities Class Actions: Abuses and Remedies," which was published by the National Legal Center for the Public Interest. She is a member of the American Bar Association, the New York State Bar Association, the Association of the Bar of the City of New York, and the American Association for Justice (formerly the Association of Trial Lawyers of America).  
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#### **Glen M. Connor**

For the past two decades, Mr. Connor has represented employee benefit plans, unions, and

employees. He has developed a well-recognized expertise in ERISA and has represented employee benefits plans in numerous lawsuits across the United States. He has assumed primary responsibility in some of the largest 401(k) ERISA actions in the country. Mr. Connor leads administrative matters related to the pension funds and health and welfare funds that the firm represents. He also regularly represents labor unions in arbitration proceedings involving disputes over the application and interpretation of a collective bargaining agreement. His practice is concentrated in the areas of ERISA, employee benefits, bankruptcy and pension plans.

He is a member of the Alabama Bar and is admitted to practice before the U.S. Court of Appeals for the Third, Sixth, and Eleventh Circuits and U.S. District Courts for the Northern, Middle and Southern Districts of Alabama. Mr. Connor attended Birmingham-Southern College (B.A., cum laude, 1981) and the University of Alabama (J.D., 1984) where he was a member of the John A. Campbell Moot Court Board (1983-1984). He is a member of the Alabama State Bar and American Bar Association. Mr. Connor was born in Ft. Walton Beach, Florida.

Reported Cases: Rankin v. Rots, 220 F.R.D. 511 (E.D. Mich. 2004); Rankin v. Rots, F.Supp. 853 (E.D. Mich. 2003); McCoy v. Hess Oil of Virgin Islands, 206 F.Supp.2d 276 (D.V.I. 2002); United Steelworkers of America v. Cherokee Electric Co-op, 127 LRRM (BNA) 2375; 108 Lab.Cas. p. 10, 441; aff'd 829 F.2d 1131; cert. den. 458 U.S. 1038; 108 S.Ct. 1601 (1988); Operating Engineers Local 312 Health and Welfare Fund v. Rivers & Rhodes, Inc., 813 F.Supp. 791 (N.D. Ala. 1993); United Steelworkers of America v. Simcala, 111 F.Supp.2d 1287 (M.D. Ala. 2000); Kirwan v. Reynolds, 536 So. 2d 936 (Ala. 1988).

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### **Charlene P. Ford**

Ms. Ford concentrates her practice in the areas of class actions, complex litigation, small business law and business litigation as well as appellate practice. She is a member of the Alabama Bar and is admitted to practice before the U.S. Supreme Court and the U.S. Court of Appeals for the 11th Circuit. She is a member of the Birmingham and American Bar Associations, Alabama State Bar, Alabama Association for Justice, and American Association for Justice.

Ms. Ford is a graduate of the University of Montevallo (B.S., summa cum laude, 1982) and Cumberland School of Law of Samford University (J.D., summa cum laude, 1993) where she was a Member (1991-1993) and Comment Editor (1992-1993) of the Cumberland Law Review. Following law school, she served as law clerk to the Honorable Judge William M. Acker, Jr., U.S. District Court, Northern District of Alabama. Ms. Ford is the author of "Rule 11: Due Process Reconsidered," 22 Cumberland Law Review 729, 1991-1992. She was born in Limestone County, Alabama.

Reported Cases: PacifiCare Health Systems, Inc. v. Book, 538 U.S. 401, 123 S.Ct. 1531

(2003); *Klay v. Humana, Inc.*, 382 F.3d 1241 (11th Cir. 2004); *McFarlin v. Conseco Services, L.L.C.*, 381 F.3d 1251 (11th Cir. 2004); *In re Humana Inc. Managed Care Litigation*, 333 F.3d 1247 (11th Cir. 2003); *In re Humana Inc. Managed Care Litigation*, 285 F.3d 971 (11th Cir. 2002); *In re Managed Care Litigation*, 246 F.Supp.2d 1363 (Jud. Pan. Mult. Lit. 2003); *In re Managed Care Litigation*, 236 F.Supp.2d 1336 (S.D. Fla. 2002); *In re Managed Care Litigation*, 209 F.R.D. 678 (S.D. Fla. 2002); *In re Managed Care Litigation*, 135 F. Supp.2d 1235 (S.D. Fla. 2001); *Moore v. Liberty Nat. Ins.Co.*, 108 F.Supp.2d 1266 (N.D. Ala. 2000); *Avis Rent A Car Systems, Inc. v. Heilman*, 876 So.2d 1111 (Ala. 2003); *Yeager v. General Motors Acceptance Corp.*, 719 So.2d 210 (Ala. 1998); *Johnson v. Garlock*, 682 So.2d 25 (Ala. 1996).

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### **Richard P. Rouco**

Mr. Rouco is one of our members with primary responsibility over representation of the Firm's Union clients. His practice is focused in the areas of class actions, antitrust, ERISA, union labor law, and securities fraud. He has expertise negotiating and enforcing collective bargaining agreements. Mr. Rouco also has extensive experience representing Unions and/or their members in suits brought under the Labor Management Relations Act, Labor Management Reporting and Disclosure Act, the Fair Labor Standards Act, the WARN Act, ERISA and matters falling under the jurisdiction of the National Labor Relations Board. He has handled a considerable number of cases before the NLRB, including a multi-region plant closing case against Crown Cork & Seal.

In addition to his experience as a labor union lawyer, Mr. Rouco has also developed an active practice in the area of antitrust litigation. His interest in antitrust litigation grew out of his experience representing working families and their Unions in disputes with multinational corporations. He currently represents consumers in several anti-trust cases alleging price fixing and other unlawful restraints of trade. He also has experience litigation securities fraud cases on behalf of institutional investors. He is currently litigating cases brought under the 1934 Securities Exchange Act and the Securities Act of 1933. He is one of three WD&K lawyers fluent in Spanish.

Mr. Rouco is a member of the Alabama Bar and is admitted to practice before the U.S. Court of Appeals for the Eleventh Circuit and the U.S. District Courts for the Northern, Middle and Southern Districts of Alabama. He is a member of the Alabama State Bar and American Bar Association. Mr. Rouco is a Board Member for the Greater Birmingham Ministries. He is the author of "Available Remedies Under ERISA," Section 502 45 Alabama Law Rev., 1994. In 2006, he addressed the Whatley Drake LLC Continuing Legal Education Conference on "The Basics of Antitrust Class Action Litigation," Complex Litigation, Mass Torts & Class Actions Continuing Legal Education Summit.

Mr. Rouco has also held several teaching positions including Adjunct Professor at the University of Alabama School of Law (2003-2004) and (2004-2005) and at Occidental College, Los Angeles, California (1989-1991); Graduate Teaching Fellow, Department of

Philosophy at University of California, Irvine (1989-1990). He was a Research Assistant at the Alabama Law Institute (1992-1994).

He is a graduate of Florida State University (B.A., cum laude, 1987), University of California, Irvine (M.A., Candidate, 1991) and the University of Alabama School of Law (J.D., magna cum laude, 1994). In law school, he served as Senior Articles Editor, Alabama Law Review (1993-1994) and member, Order of the Coif. He was Most Outstanding Undergraduate, Florida State University College of Arts & Sciences (1987); Most Outstanding Student, Florida State University Department of Philosophy (1986-1987) and Recipient, University of California Regents Fellowship, (1987-1990). He was born in Miami, Florida, July 17, 1964.

Reported Cases: Adams v. United Steelworkers of America, 189 F.3d 1321 (11th Cir. 1999); Ryan et. al v. Flowserve Corp., 2007 WL 946052 (ED Tx); Boin v. Verizon South, 283 F.Supp. 2d 1254 (M.D. Ala. 2003); Estate of Rodriquez v. Drummond Company, 256 F.Supp. 2d 1250 (N.D. Ala. 2003); Williams v. United Steelworkers, 234 F.Supp. 2d 552 (M.D.N.C. 2002); United Steelworkers of America v. Ivaco, 216 F.R.D. 693 (N.D. Ga. 2002).

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#### **Mitchell M. Breit**

Mr. Breit's practice is concentrated in the area of class actions, mass torts, toxic torts, drug and medical device litigation and water pollution. He serves as liaison counsel in New York State consolidated Bextra-Celebrex litigation, is on the Executive Committee in the *In Re Bausch & Lomb Contact Lens Solution Products Liability Litigation*, MDL 1785, and maintains an active mass tort practice that includes Vioxx, Guidant, and Medtronic defibrillator litigation; environmental contamination class action litigation; and consumer class actions involving the banking industry. He was class co-counsel and court-appointed depository custodian in groundwater contamination litigation in the Southern District of New York involving the gasoline additive MTBE. He formerly represented the County of Suffolk, New York and the Suffolk County Water Authority in their claims against the petroleum industry for MTBE contamination. Mr. Breit was also co-counsel in union health and welfare fund tobacco litigation, which included multiple class actions in numerous jurisdictions.

Mr. Breit is a member of the Bar of The Commonwealth of Virginia (1980), New Jersey (1989) and New York (1990) and is admitted to practice before the U.S. Court of Appeals for the Second Circuit.

He is a member of the American Bar Association, Federal Bar Council Inn of Court, Virginia State Bar, American Association for Justice, the New York State Trial Lawyers Association, where he is a member of the Board of Directors, and Association of the Bar of the City of New York, where he currently serves on the Committee on the Judiciary and previously served on Committees involving: Art Law, State Courts of Superior Jurisdiction,



Federal Legislation and Law Student Perspectives. He is a graduate of the University of North Carolina (B.A. 1972) and Southwestern University (J.D. 1979). Mr. Breit was born in Norfolk, Virginia.

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**Patrick J. Sheehan**

Mr. Sheehan heads the firm's Boston, Massachusetts office. Mr. Sheehan's practice focuses on consumer protection, health care law, insurance law, issues relating to information security and identity theft and other complex litigation. As part of his practice, Mr. Sheehan represents businesses, professional associations, professionals, consumers and other individuals in class actions and other litigation pending throughout the country.

Mr. Sheehan has represented physicians and medical associations in class actions brought in numerous federal and state courts. Mr. Sheehan currently represents plaintiff physicians and medical societies in the *In Re Managed Care Litigation* and *Love v. Blue Cross Blue Shield et al.*, pending in the United States District Court for the Southern District of Florida, which have already led to landmark settlements resulting in billions of dollars worth of managed care reforms and monetary relief for physicians across the country. Mr. Sheehan has also represented physicians and state medical societies in state court actions and arbitrations in jurisdictions across the nation.

Mr. Sheehan's current consumer class actions include *In re Aurora Dairy Corp. Organic Milk Marketing and Sales Practices Litigation*, pending in the Eastern District of Missouri, which alleges that Aurora Dairy and various retailers marketed and sold Aurora Dairy milk as "organic" even though it failed to comply with federal organic standards in numerous respects. Mr. Sheehan also represents consumers in the *In re Bisphenol-A Tainted Polycarbonate Plastic Litigation*, brought against a number of the leading manufacturers of plastic bottles for misrepresenting and failing to disclose the safety risks linked to the chemical compound Bisphenol-A used to make their products.

In *In Re TJX Companies Retail Security Breach Litigation*, brought in the United States District Court for the District of Massachusetts, Mr. Sheehan represents a proposed class of banks and credit unions who were injured when their customers' payment card accounts were compromised in the largest data breach in retail history. Mr. Sheehan also represents consumers affected by recent data breaches at Hannaford Supermarkets and Countrywide Financial Corporation in *In re Hannaford Bros. Co. Customer Data Security Breach Litigation* and *Lemuz v. Countrywide Financial Corporation*, currently pending in the United States District Courts for the District of Maine and Central District of California, respectively.

Mr. Sheehan is also involved in *In re Insurance Brokerage Antitrust Litigation*, filed in the District of New Jersey against certain of the largest insurance companies and insurance brokers in the country in connection with their use of undisclosed contingent commissions. To date, this litigation has led to settlements totaling tens of millions of dollars.

Mr. Sheehan regularly contributes to legal publications and continuing legal education programs. He also frequently volunteers his time on a pro bono basis. Mr. Sheehan is an active participant in the Health Law Advocates Pro Bono Legal Network, through which he provides legal assistance to individuals seeking access to health care. Mr. Sheehan also served as a volunteer attorney for Trial Lawyers Care, the largest pro bono legal program in history, through which he provided legal services to individuals and families who sought compensation under the September 11<sup>th</sup> Compensation Fund. Recently, Mr. Sheehan served as a scoring judge for the American Bar Association's National Appellate Advocacy Competition.

Mr. Sheehan is a graduate of the College of the Holy Cross (B.A., 1993) and Northeastern University School of Law (J.D., 1997), where he was an editor of the NU Forum. He is a member of the American Bar Association, the American Association for Justice, the Massachusetts Bar Association, the Massachusetts Academy of Trial Attorneys and the Boston Bar Association and serves on the Board of Directors of the Holy Cross Lawyers Association. He is a member of the Massachusetts and New York Bars and is admitted to practice before the United States District Courts for the District of Massachusetts, the Southern and Eastern Districts of New York, and the First Circuit Court of Appeals.

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## **Of Counsel**

### **Roberto Ramirez**

Mr. Ramirez formerly served in the New York State Assembly for the 78th Assembly District, Bronx, New York, 1990-2000. While a member of the Assembly, Mr. Ramirez served as Chair, Urban Health Care Subcommittee and also served on the Administrative Regulations Review Commission (ARRC), Social Services Committee and Real Property Tax Committee. In New York State, Mr. Ramirez has earned a reputation as one of the hardest working public officials in government and as a "voice of conscience" on some of the most pressing issues of our time. He is also a formidable activist in the crusade against social injustice and racism. He is a member of the New York State Bar (1997) and the New York State Bar Association (Member, Promote Public Trust and Confidence Committee). He graduated from Bronx Community College (A.D.), New York University (B.S.) and New York University School of Law (J.D., 1993). Mr. Ramirez was born in Puerto Rico.

## **Associates**

### **Shujan A. Awan**

Mr. Awan is an associate with the firm. He concentrates his practice in the areas of complex and multi-district litigation. Mr. Awan graduated from New Jersey Institute of Technology, *magna cum laude* (B.S. Computer Science, 2002) and from Brooklyn Law School (J.D., 2008). During law school, Mr. Awan served as a student prosecutor for the United States Attorney's Office for the Eastern District of New York where he represented the federal government in the investigation and prosecution of misdemeanors and petty

offenses. Mr. Awan was a summer associate and law clerk at the firm prior to joining on a full-time basis. His admission to the New York bar is pending.

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**W. Tucker Brown**

Mr. Brown practices in the area of class action and antitrust litigation. He is a member of Alabama Bar since 2004 and is admitted to practice before the United States Court of Appeals for the Eleventh Circuit, as well as the U.S. District Courts for the Northern, Middle and Southern Districts of Alabama, and the U.S. District Court for the District of Colorado. He obtained a B.A., *cum laude*, in 2001 from Vanderbilt University and received his J.D., *magna cum laude*, in 2004 from the Georgetown University Law Center where he was Order of the Coif. Following law school he served as law clerk to Hon. William M. Acker, Jr., U.S. District Court for the Northern District of Alabama from 2004 to 2005. He is a member of the Alabama State Bar, the American Bar Association (Antitrust Division), Birmingham Bar Association and American Association for Justice. He was born in Birmingham, Alabama.

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**Thomas J. Butler**

Mr. Butler has participated as lead or co-lead counsel in defending numerous individual and multi-plaintiff annuity sales practices, industrial life and claims-related cases and class actions in state and federal courts in Alabama, California, Georgia, Florida, Kentucky, Illinois, Montana, Mississippi, South Carolina, Tennessee, Texas, and West Virginia. He also served as co-lead counsel in defense of competing nationwide consumer class actions arising from late fees charged on video rentals.

Prior to joining WDK, he gained significant experience in handling the defense of cases in the areas of mass torts, bad faith, ERISA, securities and products liability litigation. Furthermore, Mr. Butler has overseen a number of appeals pending before the Fifth and Eleventh Circuit Courts of Appeal.

Mr. Butler was admitted to the Alabama State Bar in 1999 and Mississippi State Bar in 2001. He is also admitted to practice before the U.S. Court of Appeals for the Eleventh and Fifth Circuits and the U.S. District Courts for the Northern, Middle and Southern Districts of Alabama and Northern and Southern Districts of Mississippi. He received a B.A. from Birmingham-Southern College in 1995 and obtained a J.D., *magna cum laude*, from the University of Alabama School of Law in 1999 where he was Special Works Editor for the Alabama Law Review and a member of Order of the Coif. After law school Mr. Butler served as law clerk to Hon. Edwin L. Nelson, United States District Judge, U.S. District Court, Northern District of Alabama.

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**E. Ashley Cranford**

Ms. Cranford's practice is focused in the areas of complex class action and mass tort

litigations involving products liability, drug and medical devices and personal injury. She has been extensively involved in the mediation and settlement of many of the firm's multi-district pharmaceutical and products liability mass actions. She has also been asked to speak on both national and local levels regarding her experience in mediation of multi-district pharmaceutical actions. She is slated to serve as the Co-Chair of the Discovery Committee for *In Re Trasylol Products Liability Litigation*, MDL 1928.

She is a member of the Alabama Bar since 2003 and is admitted to practice before the U.S. District Court for the Northern and Middle Districts of Alabama. She is a member of the Birmingham and American Bar Associations, Alabama Association for Justice and American Association for Justice.

She earned her B.S. in Secondary Education in English and Political Science, *magna cum laude*, in 1999 from Auburn University where she was a member of Mortar Board Honorary, Gamma Sigma Alpha Honorary, Kappa Delta Pi Honorary, and Golden Key Honorary.

Before attending law school, Ms. Cranford taught Eighth Grade English in the Jefferson County School System in Birmingham, Alabama.

She obtained her J.D. from the University of Alabama School of Law in 2003 where she was a member of the Bench and Bar Honor Society, a Senator for the Student Bar Association, and a participant on the Jessup International Moot Court Team. Ms. Cranford was born in Birmingham, Alabama.

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#### **Sara C. Hacker**

Ms. Hacker is a member of the Alabama Bar (2005). She is a member of the Alabama State Bar, Birmingham Bar Association and Farrah Law Society. She graduated from Auburn University (B.A. magna cum laude, 2002) and the University of Alabama School of Law (J.D., 2005) where she was Senior Editor of the *Alabama Law Review*. Following law school she served as law clerk for Judge Patricia Smith, Alabama Supreme Court (2005-2006) and for Judge Inge Johnson, U. S. District Judge, Northern District of Alabama (2006-2007).

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#### **Laurence J. Hasson**

Laurence J. Hasson is an associate of the firm. He graduated from Brandeis University magna cum laude (B.A. History and American Studies, 2003), with Phi Beta Kappa and Phi Alpha Theta honors, and from the Benjamin N. Cardozo School of Law (J.D. 2006), where he was an Heyman Scholar at the Samuel and Ronnie Heyman Center on Corporate Governance, a Memorandum of Law Editor, and an executive board member of the Moot Court Honor Society. Mr. Hasson also attended an intensive seminar on comparative corporate governance at Oxford University, England.

During law school, Mr. Hasson interned at Cardozo's Bet Tzedek Legal Services Clinic, representing elderly and disabled individuals seeking health, disability, and housing benefits that they could not receive without clinical assistance.

Prior to joining Whatley Drake & Kallas LLC, Mr. Hasson worked in the litigation department of Wolf Haldenstein Adler Freeman & Herz LLP. His primary areas of practice include Class Action, Class Arbitrations, Securities, and Complex Commercial Litigation.

Mr. Hasson is admitted to practice law in New York State and the Southern and Eastern Districts of New York.

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### **Adam P. Plant**

Mr. Plant is a member of the class action, securities fraud, and complex litigation practice groups of the firm. During his time at Whatley Drake & Kallas, Mr. Plant has worked to hold large corporations and their directors accountable for violations of Federal securities laws on behalf of defrauded shareholders; he has represented current and former members of the United States Armed Forces who were sold fraudulent financial plans; and he has represented cattle ranchers and row crop farmers against multinational ag and biotech companies. He also has defeated dispositive motions in Federal trial courts and crafted winning arguments before both State and Federal courts of appeals.

Mr. Plant graduated from Samford University (B.A., 1999) and The University of Alabama School of Law (J.D., cum laude, 2003). During law school, he served as Editor in Chief of the Alabama Law Review and received the Dean's Award, Community Service Award and Law Review Outstanding Scholar Award. He is a member of the Bars of the State of Alabama (2003) and the District of Columbia (2007), and is admitted to practice before the U.S. Court of Appeals for the Eleventh Circuit, the Northern and Middle Districts of Alabama, and the Middle Districts of Alabama Bankruptcy Court.

After law school, Mr. Plant served as Deputy Solicitor General (Solicitor's Fellow) in the Office of the Attorney General of Alabama (2003-2004). As a Deputy Solicitor General, he was responsible for representing the State before State and Federal appellate courts, including the Supreme Courts of Alabama and the United States, and crafting legislative responses to decisions of the Alabama Supreme Court. He was a member of the litigation teams for several notable criminal and constitutional law decisions including *Nelson v. Campbell*, 541 U.S. 637 (2004); *Altherr v. State*, 911 So. 2d 1105 (Ala. Crim. App. 2004); *Ex parte Medical Licensure Comm'n*, 897 So. 2d 1093 (Ala. 2004); and *McGinley v. Houston*, 361 F.3d 1328 (11th Cir. 2004). Mr. Plant then clerked for Hon. William H. Pryor Jr. on the United States Court of Appeals for the Eleventh Circuit (2004-2005).

Mr. Plant is the author of "With a Little Help from my Friends: The Intersection of the

Gestational Carrier Surrogacy Agreement, Legislative Inaction, and Medical Advancement,” 54 Ala. L. Rev. 639 (2003), which has been cited as authoritative in both State and Federal courts; and “Selective Service Act of 1917” and “Smoot Hawley Tariff Act (1930),” 3 Major Acts of Congress 178 and 194 (Thomson Publishing 2003). He also is a member of the Birmingham Bar Association, American Association for Justice, American Bar Association, and Alabama Association for Justice.

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**Elizabeth Rosenberg**

Ms. Rosenberg concentrates her practice in the areas of class actions complex and multi-district litigation. She is a member of the New York State Bar (2003) and New York State Bar Association. She attended the University of Michigan (B.A., 1998) and Brooklyn Law School (J.D., 2001). Ms. Rosenberg was born in Roslyn, New York.

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**Lili R. Sabo**

Ms. Sabo practices in the areas of consumer and securities litigation. She is member of the New York State Bar (2003) and is admitted to practice before the U.S. District Court for the Southern and Eastern Districts of New York. She is a graduate of State University of New York at Albany (B.A., 1997) and Brooklyn Law School (J.D., 2002). She was born in Queens, New York.

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**Jeven R. Sloan**

Mr. Sloan’s practice concentrates in the areas of tax shelter litigation, complex commercial and business litigation, securities litigation, business torts, professional malpractice and contracts. He is a member of the State Bars of Georgia (2000) and Texas (2003). Mr. Sloan is admitted before the U.S. Court of Appeals for the Fifth Circuit and the U.S. District Courts for the Northern, Southern, Eastern, and Western Districts of Texas, Northern District of Georgia, and Northern District of Illinois. He obtained a B.B.A. in 1997 from Abilene Christian University and received his J.D. in 2000 from Emory University School of Law. He is a member of the State Bar of Texas, State Bar of Georgia, Dallas Bar Association, and Dallas Association of Young Lawyers. He was born in Okla-Tamuning, Guam.

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**Ilze C. Thielmann**

Ms. Thielmann practices health care litigation, complex and multi-district litigation. She is a member of the New York State Bar (1995) and is also admitted to practice before the U.S. District Courts for the Eastern and Southern Districts of New York. Ms. Thielmann attended Princeton University (A.B., 1988) and obtained her J.D. in 1994 from Columbia University Law School where she was a member of Law Review and Harlan Fiske Stone Scholar. She was born in West Islip, New York.

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**Amy Alexander Weaver**

Ms. Weaver practices in the areas of mass torts and products liability. She is a member of the Alabama State Bar since 2005 and is admitted to practice in the Northern, Middle, and Southern Districts of Alabama. She is a member of the Birmingham and American Bar Associations, the Alabama Association for Justice and the American Association for Justice. She received her B.A. from Duke University in 2001 and obtained her J.D. from the University of Alabama School of Law in 2005. Ms. Weaver was born in Birmingham, Alabama.

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**Other Attorneys with the Firm**

**Virginia Applebaum**, born Biloxi, Mississippi; admitted to bar, Alabama 2006; *Education*: Jacksonville State University, Jacksonville, Alabama (B.S., M.S. 1995), Cumberland School of Law, Samford University, Birmingham, Alabama (J.D. 2004); *Member*: Alabama State Bar Association.

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**William Brett Brown**, born Mobile, Alabama, March 7, 1980; admitted to bar, Alabama, 2006; *Education*: Cumberland School of Law, J.D., 2006, Auburn University, B.A., 2002; *Member*: Alabama State Bar; American Bar Association; *Practice Areas*: Products Liability; Class Actions; Personal Injury; Wrongful Death.

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**Bradley E. Byrne, Jr.**, born, 1982; admitted to bar, Alabama, 2007. *Education*: University of Alabama School of Law, J.D., 2007, University of Alabama, B.A., 2004; *Past Positions*: Assistant District Attorney, Escambia County District Attorney's Office, 2007; *Practice Areas*: Class Actions.

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**D. Jamie Carruth**, born April 4, 1979; admitted to bar, Alabama, 2004. *Education*: University of Alabama, Tuscaloosa, Alabama, (B.A. May 2001); University of Alabama School of Law, Tuscaloosa, Alabama (J.D. 2004); *Member*: American Bar Association.

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*Representative Cases*: Rogers v. Nall, 583 So.2d 271.  
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**Howard M. Miles (Executive Director)**, born Ketchikan, Alaska, August 18, 1958; admitted to bar, Alabama 1983; *Education*: University of Mississippi, J.D., 1983, University of Mississippi, B.B.A., 1979; *Past Positions*: Certified Public Accountant, Mississippi, 1980; *Practice Areas*: Law Firm Management; Business Law; Contracts; Commercial Transactions  
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**Lindsey W. Nicholson**, born Birmingham, Alabama, 1981; admitted to bar, Alabama 2006, *Education*: Auburn University (B.S., 2003); University of Alabama (J.D., 2006); *Member*: Alabama State Bar; *Languages*: Spanish.  
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**Jeremy Paul Sherer**, born March 29, 1979, admitted to bar, Alabama 2004. *Education*: University of Alabama, Tuscaloosa, Alabama (B.A. 2001); University of Alabama School of Law, Tuscaloosa, Alabama (J.D. 2004). *Member*: District Policy Advisor, Congressman Artur Davis.  
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# EXHIBIT 2



Emerson Poynter LLP  
Attorneys at Law

Little Rock  
Houston

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Class Action Litigation  
Securities Litigation  
Antitrust Litigation  
ERISA Litigation  
Consumer Litigation  
Trials and Appeals  
Product Liability and Tort Law Litigation  
Securities Arbitration  
Martindale-Hubble AV Rated

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### Our Firm

Emerson Poynter LLP has a national and international class action legal practice with offices in Houston, Texas, and Little Rock, Arkansas.

Emerson Poynter, and its team of experienced Attorneys and Paralegals, handles complex commercial litigation with a concentration in those cases that involve violations of federal and state securities or antitrust laws, the Employee Retirement Income Security Act of 1974 (“ERISA”), and consumer protection laws. Our law firm has handled numerous securities and shareholder derivative cases representing investors. Emerson Poynter and its predecessor firms have also been active in mass tort, class actions, and individual cases of note.

In the retirement plan/pension area, we served as Co-Lead Counsel in the Winn-Dixie Stores, Inc. ERISA Litigation that settled in the Middle District of Florida in 2008, and served as Co-Lead Counsel in the ADC Telecommunications ERISA litigation that settled in the District of Minnesota. Emerson Poynter served on the Enron ERISA Litigation Plaintiffs’ Counsel Steering Committee, which was presided over by Judge Melinda Harmon, United States District Court, Southern District of Texas, Houston Division.

In the securities litigation area, Emerson Poynter has represented and currently represents numerous plaintiffs in well over 100 class action cases, some of which are being prosecuted with other leading national securities firms.

Emerson Poynter currently serves as Co-Lead Counsel in three Multidistrict Litigation (“MDL”) cases involving product liability and consumer protection issues. In 2004, Emerson Poynter was appointed by the Honorable Stephen P. Friot as Plaintiffs’ Co-Lead Counsel in *In re Farmers Insurance Co., Inc. FCRA Litigation* (the “*Farmers MDL Action*”), which is currently pending in the Western District of Oklahoma. This case is being litigated on behalf of a certified class of Farmers’ current and past customers who were charged more than the lowest premium for insurance based upon information in a consumer report, and received certain “adverse action” notices that willfully failed to conform to the Fair Credit Reporting Act (“FCRA”). We also represent numerous long-grain rice farmers in Arkansas and other states, and serve as Co-Chairman of Plaintiffs’ Executive Committee in the MDL action *In re Genetically Modified Rice Litigation* (the “*Rice MDL Action*”) having been appointed to such position by the Honorable Catherine D. Perry of the Eastern District of Missouri in April 2007. The *Rice MDL Action* seeks damages for long-grain rice producers in Arkansas, Missouri, Mississippi, Louisiana, and Texas for defendants’ contamination of the United States’ rice supply with genetically modified rice as revealed by Bayer and the USDA in August 2006. Emerson Poynter additionally serves as Co-Lead Plaintiffs’ Counsel in a MDL transferred to the Honorable Richard D. Bennett of the District of Maryland captioned *In Re; Tyson Foods, Inc. Chicken Raised Without Antibiotics Consumer Litigation* (the “*Tyson RWA Chicken MDL Action*”). This MDL action involves false advertising claims associated with the sale of Tyson Foods’ chicken as being raised without antibiotics, when in fact the chicken was raised with antibiotics.

Emerson Poynter is also heavily involved in improving corporate governance in public companies through its involvement in shareholder derivative litigation. Most notably, Emerson Poynter served as Co-Lead Counsel in causing significant and far-reaching corporate governance measures within companies such as AOL Time Warner, Computer Associates, Nicor, and Cryolife, Inc.

## Our Attorneys



John G. Emerson

Partner



Mr. Emerson is a founding partner of the Firm. He was born in Little Rock, Arkansas, and was raised there and in Houston, Texas. He is a member of the state bars of Texas, Washington and Arkansas. Mr. Emerson obtained his Bachelor of Arts from the University of Texas at Austin. He then earned his Juris Doctorate from South Texas College of Law.

Mr. Emerson has represented numerous stockholders in shareholder derivative lawsuits brought against corporate boards. These suits sought to impose corporate governance reforms aimed at protecting shareholders and eliminating corporate waste and abuse. For example, Mr. Emerson served as one of the Lead Derivative Counsel in the *Federman v. Artz* derivative action brought on behalf of Computer Associates in the Federal District Court for the Eastern District of New York. This action was brought against the Computer Associates board of directors and led to the resignation of the Company's CFO, the resignation of two other senior financial officers, and the adoption of certain corporate governance measures that Computer Associates has represented as the "gold standard" of governance reform. Mr. Emerson was Co-Lead Counsel in the *In Re Nicor, Inc. Shareholder Derivative Litigation* in the Circuit Court of Cook County, Illinois County Department, Chancery Division. This action was brought against Nicor's board of directors and its settlement resulted in significant corporate governance improvements at Nicor. In 2005, Mr. Emerson was Co-Lead Counsel in the *In Re Cryolife Derivative Litigation* pending in the Superior Court of Fulton County, Georgia. The settlement of this action in 2005 resulted in wide-sweeping and significant corporate governance improvements at Cryolife. Mr. Emerson was also Co-Lead Counsel in the *AOL Time Warner Shareholder Derivative Litigation* which was settled in the Federal District Court for the Southern District of New York in 2006. This settlement resulted in wide ranging corporate governance and compliance changes and was a substantial factor in Time Warner's ability to obtain \$200 million from its Directors and Officers (D&O) insurance carriers.

In the tort area, Mr. Emerson, has represented plaintiffs against many of the country's largest Fortune 500 companies. He was a co-lead counsel in mass tort litigation in which he represented numerous plaintiffs who had been diagnosed with radiogenic cancers alleged to have been caused by exposure to radioactive materials associated with the mining and milling of uranium and the disposal and supposed storage of radioactive wastes and toxic chemicals. These cases involved the operations of Exxon, Conoco, U.S. Steel, Chevron, and others. These mass tort cases were settled under a confidential agreement. Mr. Emerson currently serves as Chairman of the Expert Witness Committee in the MDL Action *In Re Bisphenol-A (BPA) Polycarbonate Plastic Products Liability Litigation* on file in the Western District of Missouri.

Mr. Emerson has extensive jury trial experience over the past 28 years. As an example, nearly 20 years ago he was first chair in the team of plaintiff's counsel representing an insured against State Farm and Aberdeen for denial of coverage based upon alleged arson by the named insured. This first-party insurance litigation against State Farm and Aberdeen was tried for two months to a jury, with a verdict for Mr. Emerson's client. This case was settled on appeal for \$1.1 million dollars, a large sum at the time.

In the consumer class action area, Mr. Emerson represented one of the Lead Plaintiffs in the AOL Version 5.0 software litigation. He is also Co-Lead Counsel in litigation for consumers against the Farmers Insurance Group of Companies involving alleged violations of the Fair Credit Reporting Act.

In the antitrust area, Mr. Emerson has represented plaintiffs in the Compact Disc Antitrust Litigation filed against the music industry in the United States, and has represented plaintiffs in the High Pressure Laminates Antitrust Litigation in both the direct and indirect purchaser cases. Currently, Mr. Emerson is involved in the following Antitrust cases: CRT (Cathode Ray Tube) Antitrust Litigation; Flash Memory Antitrust Litigation; GPU (Graphics Processing Units) Antitrust Litigation; Packaged Ice Antitrust Litigation; Ocean Shipping Antitrust Litigation; SRAM (Static Random Access Memory) Antitrust Litigation; TFT-LCD (Flat Panel) Antitrust Litigation; and Trans-Pacific Airline Surcharge Litigation.


Mr. Emerson was also a consultant to Canadian plaintiffs' counsel in the Canadian Medtronic Pacemaker Pacing Lead Product Liability Litigation that was certified and settled in British Columbia as a Canadian national class action. He has also been a consultant to Canadian counsel in the Canadian compact disc antitrust litigation, the Canadian Publishers Clearing House litigation, and the Canadian AOL 5.0 Software Litigation, which were of course companion cases to those discussed above.

Mr. Emerson is committed to representing employees or former employees who participated in their public company's retirement plans and sustained significant losses in these plans due to corporate malfeasance. In this regard, he was appointed to the Plaintiffs' Counsel Steering Committee by Judge Melinda Harmon in the consolidated Enron ERISA Litigation, *Pamela M. Tittle v. Enron Corp., et al.*

Mr. Emerson was admitted to the Texas Bar in 1980. He is admitted to practice before the U.S. Supreme Court; U.S. Court of Appeals, 5th Circuit; U.S. Court of Appeals, 8<sup>th</sup> Circuit; U.S. District Courts for the Southern, Northern, Western and Eastern Districts of Texas; Western and Eastern Districts of Arkansas; Western District of Washington; District of Colorado; and all Texas, Washington and Arkansas state courts.

Mr. Emerson was affiliated with the fraternity Delta Theta Phi. He is a member of the American Bar Association (Tort and Insurance Practice Section, Legal Economics Section); American Association for Justice; Texas Trial Lawyers Association; State Bar of Texas (Grievance Committee 4-D, Houston, 7/91 through 7/94; Membership Services Committee, 91-92); Life Fellow Texas Bar Foundation; Bar Association for the United States District Court for the Eastern District of Texas; Houston Bar Association; Fellow of the Houston Bar Foundation; Washington State Bar; King County Bar Association; Pulaski County Bar Association; and, the Arkansas Bar Association.

Mr. Emerson's email address is jemerson@emersonpoynter.com.

 Scott E. Poynter	Partner
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Mr. Scott Poynter is also a founding partner of the Firm. He was born in Fayetteville, Arkansas and was raised in Mountain Home. Mr. Poynter earned his Bachelor of Science Degree in Accounting from Arkansas Tech University. He then earned his Juris Doctorate from the University of Arkansas in 1989. While in law school, Mr. Poynter was active in Phi Alpha Delta legal fraternity and was awarded a leadership scholarship from the school. After completing law school, Mr. Poynter joined the Judge Advocate Department of the United States Air Force and served six years of active duty as a Judge Advocate and litigated more than fifty jury trials. In 1995, then Captain Poynter was selected by the Air Force for its Advanced Trial Advocacy Course, a course reserved for the military's finest litigators. After leaving active duty, Mr.

Poynter was a partner at a national class action law firm, which focused its work on the representation of investors. He also continued his military career in the Arkansas Air National Guard and attained the rank of Major.

Currently, Mr. Poynter commits substantial portions of his practice to his service in two extremely large and complex MDL actions pending in Oklahoma and Missouri. As Plaintiffs' Co-Lead Counsel in the *Farmers MDL Action*, Mr. Poynter is devoted to recovering statutory damages in a certified class action brought on behalf of Farmers' customers who paid higher insurance premiums based upon credit information without their knowledge due to faulty FCRA notices prepared by Farmers. In another MDL action, Mr. Poynter serves as Co-Chair of Plaintiffs' Executive Committee on behalf of long-grain rice farmers who experienced a deflated rice market after America's rice supply was contaminated by Bayer's genetically modified rice in 2006 and markets in Europe and Asia were lost. Additionally, Mr. Poynter is Co-Lead Plaintiffs' Counsel in the *Tyson RWA Chicken MDL Action* before Judge Bennett in the District of Maryland.

Mr. Poynter is also an experienced ERISA litigator, having served as Co-Lead Plaintiffs' Counsel for retirement plan participants involving retirement plans at ADC Telecommunications, Inc. and Winn Dixie Stores, Inc. Due to Mr. Poynter's efforts, millions of dollars were recovered in those retirement plans in settlements approved by judges in the District of Minnesota in 2006 and the Middle District of Florida in 2008. Mr. Poynter was also instrumentally involved in ERISA Actions involving Enron, Reliant Energy, and he currently represents numerous Goodyear Tire & Rubber Company employees in an ERISA action brought in Ohio.

As an active participant in the representation of investors whose shares are acquired through leveraged buyouts, mergers, tender offers, and other "change of control" transactions, Mr. Poynter has challenged the fairness of such transactions, the adequacy of disclosures made in connection with the transactions, and the price offered to shareholders for their equity. These types of cases have resulted in the restructuring of scores of corporate transactions and the recovery of hundreds of millions of dollars in additional compensation for shareholders. Most recently, Mr. Poynter is a lead counsel in such litigation and represents Alltel shareholders in a case assigned to Pulaski Circuit Judge Chris Piazza. *In re Alltel Corp. Shareholders Litigation*, Circuit Court of Pulaski County, Arkansas, Case No. 07-6406. This case was settled in late August 2008.

Mr. Poynter also devotes a significant amount of his law practice to representing investors seeking financial recovery for losses suffered as a result of securities fraud.



Additionally, Mr. Poynter has represented stockholders in shareholder derivative lawsuits brought against corporate boards, seeking to impose corporate governance reforms aimed at protecting shareholders and eliminating corporate waste and abuse. For example, Mr. Poynter served as one of the counsel in *Perkins v. Sortwell, et al.*, brought on behalf of Aurora Foods, Inc. In this derivative action, certain corporate insiders were forced to relinquish more than 3.6 million of their personal shares to Aurora Foods representing nearly a \$15 million benefit to the Company. Additionally, significant corporate governance safeguards were implemented to significantly reduce the risk of accounting malfeasance. Mr. Poynter's experience in this action contributed significantly to the settlement achieved in a derivative action brought on behalf of Computer Associates, which led to the resignation of the Company's CFO and two other senior financial officers. Moreover, Mr. Poynter was one of the lead counsel in derivative litigation in Georgia involving Cryolife that led to the denial of the Cryolife's Board of Directors' motion to dismiss based upon the investigation and report of a special litigation committee. Through his effort in building Plaintiffs' case in discovery, the motion to dismiss was denied very quickly and a favorable settlement for Cryolife and its shareholders followed. Mr. Poynter has also led other derivative actions involving Nicor, AOL Time Warner, and Crompton Corporation.

Mr. Poynter has also been extensively involved in many telecommunications class action cases brought under consumer protection statutes, and recently appeared on the nationally syndicated television show *The Morning Show with Mike and Juliet* as an expert on the cell phone industry's early termination fees. Mr. Poynter provided viewers of this show with legal information regarding the response of consumers to such fees, and the Federal Communications Commission's recent hearings on the subject. In litigation in this area, Mr. Poynter recently settled a national class case against major cellular telephone carrier Alltel that resulted in over \$44 million of relief for class members. Presently, Mr. Poynter represents consumers against Apple bringing false advertising claims associated with the iPhone 3G, and is being proffered as a member of Plaintiffs' Executive Committee in the Central District of California.

Mr. Poynter is admitted to practice before: U.S. Court of Appeals for the Armed Forces; U.S. District Courts for the Western and Eastern Districts of Arkansas; 8<sup>th</sup> Circuit Court of Appeals; and all Arkansas State Courts.

Mr. Poynter's e-mail address is [scott@emersonpoynter.com](mailto:scott@emersonpoynter.com).



Terry M. Poynter

Of Counsel

Mr. Terry Poynter was born in Springfield, Missouri, and grew up in Mountain Home, Arkansas. He earned his Bachelor of Science Degree in Business Administration at the University of Arkansas in Fayetteville, Arkansas in 1962, and earned his Juris Doctorate from the same institution in January, 1965. Mr. Poynter was a part-time sports journalist during his undergraduate and law school days. He worked for the Arkansas Democrat, Arkansas Gazette, was an assistant to the sports information director, and, finally, in 1964, was the sports editor of the Northwest Arkansas Times in Fayetteville. During law school, he was Co-Editor-in-Chief of the Arkansas Law Review and Bar Journal.

During his distinguished legal career, Mr. Poynter served two terms as prosecuting attorney for the 16<sup>th</sup> Judicial District. He has, at one time or another, been primary counsel for six different financial institutions, in addition to serving on the Arkansas Supreme Court's Board of Legal Specialization from 1998 through 2002; the Arkansas Supreme Court Board of Bar Examiners from 1999 through 2003; and the Arkansas Bar Association's Board of Governors.

Mr. Poynter was appointed as Special Chief Justice of the Arkansas Supreme Court by Governor Bill Clinton in 1990, to sit for Mr. Jack Holt Jr., who had recused in a case.

Mr. Poynter devotes a substantial portion of his practice to litigation in the personal injury real estate and commercial areas along with representing creditors in bankruptcy proceedings.

Mr. Poynter has recently become involved in class action litigation in the areas of consumer fraud and insurance fraud. Mr. Poynter is admitted to the U.S. Court of Appeals for the 8th Circuit; U.S. District Court for the Eastern and Western Districts of Arkansas, and all Arkansas State Courts. He is a member of the American Association for Justice, the Arkansas Bar Association and the Baxter County Bar Association.

Mr. Poynter's email address is [pgatty@mtnhome.com](mailto:pgatty@mtnhome.com).



Robert Jigarjian

Of Counsel

Mr. Jigarjian received his Bachelor of Arts degree from Hamilton College in 1981, his Masters of Business Administration from Tulane University in 1985 and his Juris Doctorate from Golden Gate University in 1993. Prior to law school, Mr. Jigarjian worked as an institutional sales trader with Keefe Bruyette & Woods, Inc., where he specialized in sales and trading of equity securities in the bank and savings and loan sectors.

Mr. Jigarjian was a founding member of Green & Jigarjian LLP. He joined Emerson Poynter in 2007. Prior to founding Green & Jigarjian, Mr. Jigarjian was employed at Girard & Green LLP.

Mr. Jigarjian has substantial experience in the representation of individual and institutional investors in class action and derivative litigation. He represented one of the lead plaintiffs in the class action captioned *In re Prison Realty Securities Litigation*, Case No. 3:99-0452 (M.D. Tenn.) which resulted in a settlement that created a fund for the class valued at approximately \$105 million. He also represented one of the lead plaintiffs in the consolidated class and derivative action captioned *In re Digex, Inc. Shareholders Litigation*, C.A. No. 18336 NC (Del. Ch.), which resulted in a settlement that created a fund for the class valued at approximately \$180 million and provided for other non-cash benefits valued at approximately \$450 million. Mr. Jigarjian currently represents the derivative plaintiffs in *Saito, et al. v. McCall, et al.*, C.A. No. 17132-NC (Del. Ch.). The Delaware Chancery Court recently approved a settlement in the Saito litigation that provided for payment by directors and officers liability insurers to McKesson Corporation of \$30 million and certain corporate governance improvements. Mr. Jigarjian also represents the lead class plaintiffs in *In Re: Salomon Analyst XO Litigation*, 02-CV-8114 (GEL) (S.D.N.Y.).

Mr. Jigarjian is a member of the State Bar of California and is admitted to the United States District Courts for the Northern, Southern, Eastern and Central Districts of California and to the Ninth Circuit Court of Appeals.

Mr. Jigarjian's email address is [jigarjianlaw@gmail.com](mailto:jigarjianlaw@gmail.com).



Christopher J. Jennings

Associate



Mr. Jennings was born and raised in Little Rock, Arkansas. In 2001, Mr. Jennings obtained his Bachelor of Arts Degree in Political Science from the University of Arkansas with a Minor in History. He subsequently obtained his Masters in Public Administration (MPA) degree from the University of Arkansas. His area of emphasis while obtaining his Masters focused on state level corporate and non-profit lobbying efforts. In 2006, Mr. Jennings earned his Juris Doctorate from the William H. Bowen School of Law at the University of Arkansas – Little Rock.

Mr. Jennings was admitted to practice in Arkansas in 2006, and is also admitted to practice before the Eastern and Western Districts of Arkansas and the 8<sup>th</sup> Circuit Court of Appeals. He is a member of the American Association for Justice; Arkansas Bar Association; Pulaski County Bar Association; and the Arkansas Young Lawyers Section. He is also involved in the Little Rock community as an active member of the Centurion Circle and Legacy League.

Mr. Jennings' email address is [cjennings@emersonpoynter.com](mailto:cjennings@emersonpoynter.com).



Gina M. Dougherty

Associate



Ms. Dougherty was born and raised in Eastern Arkansas. In 1990, Ms. Dougherty obtained her Bachelor of Science Degree in Business Administration from the University of Arkansas at Little Rock. In 1998, Ms. Dougherty earned her Juris Doctorate with Honors from the William H. Bowen School of Law from the University of Arkansas at Little Rock. She served as the Assistant Research Editor for the UALR Law Review. While attending law school she clerked for the Arkansas Supreme Court for Justice David Newbern.

In 1999, Ms. Dougherty joined a national plaintiffs' law firm with offices in Little Rock, Arkansas. While there she managed the Pharmaceutical Tort Department handling approximately 500 claimants. She also represented the firm on various Plaintiffs' Steering Committees in federal multi-district litigation. In April 2004, Ms. Dougherty opened her private practice which focused on business startups, worker's compensation, and unemployment

appeals. Before coming to Emerson Poynter, Mr. Dougherty worked for the Arkansas Access to Justice Commission and the Center for Arkansas Legal Services. During her employment with the Commission and the Center, Ms. Dougherty presented CLE courses on Arkansas state and federal rules regarding attorneys' pro bono practice obligations.

Ms. Dougherty was admitted to practice in Arkansas in 1998. She is admitted to practice in the Eastern and Western Districts of Arkansas and the 8<sup>th</sup> Circuit Court of Appeals. Professionally, she is associated with the Arkansas Bar Association, the Pulaski County Bar Association and the American Association for Justice.

Ms. Dougherty's email address is [gdougherty@emersonpoynter.com](mailto:gdougherty@emersonpoynter.com).

# EXHIBIT 3



# **FIRM RESUME**

## **2009**

1050 30<sup>th</sup> Street, NW · Washington, DC 20007

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100 Bush Street, Suite 1450 · San Francisco, CA 94104

## **FINKELSTEIN THOMPSON LLP**

FINKELSTEIN THOMPSON LLP (“the firm”), is a seventeen-lawyer litigation firm, with offices in Washington, D.C. and San Francisco, CA, focusing primarily on complex financial litigation involving antitrust violations, fraud and crime in the banking, securities and commodities industries, and consumer fraud.

By concentrating exclusively on litigation, rather than a generalized transactional practice, the firm avoids the conflicts of interest, both actual and philosophical, that can arise from multi-faceted representation, and is able to offer the kind of hard-hitting approach that modern financial litigation demands. Since 1993, the firm has served in a leadership position in cases that have recovered many hundreds of millions of dollars for investors and consumers.

The firm’s professional staff includes not only experienced and expert lawyers but also a certified financial analyst with a financial market background. The firm draws on this in-house expertise to provide the cost-efficient and timely analysis of complex transactions needed in fast-moving litigation. In addition, because the outcome of litigation is often dependent on the strength of expert testimony, the firm has developed strong working relationships with nationally prominent outside consultants in the areas of securities, commodities, antitrust, banking, consumer fraud, marketing and economics.

### **HISTORY**

The firm was founded in 1977 by Burton H. Finkelstein and Douglas G. Thompson, Jr. Thomas J. Loughran (deceased) joined the firm in 1984, directly from his position as Director of the Division of Enforcement at the Commodity Futures Trading Commission. The firm's offices are located in Georgetown in the historic Duvall Foundry and in San Francisco in the Financial District.

### **EXPERIENCE**

Our named partners have over seventy years combined experience in the prosecution and defense of complex financial civil and criminal matters. Senior partner Burton H. Finkelstein is the former head of the Administrative and Criminal Trial Unit of the Securities and Exchange Commission. Douglas G. Thompson, Jr. is an alumnus of the securities litigation group of a major Washington, D.C. law firm. Thomas J. Loughran was a former Securities and Exchange Commission Special Counsel and former Director of the Division of Enforcement of the Commodity Futures Trading Commission. The other partners and associates have extensive experience in a variety of complex litigation fields. The firm has seventeen lawyers and a Chartered Financial Analyst. The firm has practiced before the Securities and Exchange Commission, Commodity Futures Trading Commission, Federal Trade Commission, Federal Communications Commission, U.S. Copyright Office, New York Stock Exchange, Chicago Board of Trade, National Association of Securities Dealers, National Futures Association, and in various state and federal trial and appellate courts across the country, in civil and criminal enforcement matters and in private damage litigation. The firm has considerable expertise and experience in defending and prosecuting complex financial class action claims.



The firm is involved in class action litigation in federal and state courts nationwide. We have developed a reputation for successful and thorough representation of class clients against many of the largest and most powerful companies in the country. As part of our efforts to serve our clients' interests in the most effective and efficient manner possible, the firm has established ongoing relationships with other class action law firms whose size, location or expertise complement our own. We have won judgments and negotiated settlements that have recovered an aggregate of over one billion dollars for class members.

The firm has managed prominent roles in many of the largest nationwide class actions, including:

- In re "Light" Cigarette Litigation, Case No. 04cv1945 (E.D.N.Y), more than a dozen suits in states across the country against tobacco manufacturers alleging consumer fraud relating to the manufacture and sale of so-called "light" cigarettes, in which the firm is pursuing claims on behalf of millions of class members.
- In re Natural Gas Commodity Litigation, Case No. 03cv6186 (S.D.N.Y.) –The lawsuit alleged that defendants violated the federal commodity laws by knowingly and deliberately reporting inaccurate, misleading and false trading information (including artificial volume and price information) to trade publications that compile and publish widely-followed indices of natural gas spot prices. In addition, the lawsuit alleged that defendants engaged in a variety of fraudulent trade reporting strategies, including wash trades, whose purpose was to create the perception of increased liquidity and demand for natural gas, and thus to manipulate the spot prices of natural gas.

## **SECURITIES & COMMODITIES CLASS ACTION LITIGATION**

Since its inception in 1977, the firm's securities litigation practice has extended across a wide range of shareholders' securities litigation, from accounting fraud, allegations of insider trading, proxy statement fights, and minority shareholder rights being violated, to cases alleging misstatements in prospectuses. The firm regularly litigates substantive federal issues under the Securities Act of 1933, the Securities Exchange Act of 1934, the Reform Act of 1995, tenders offers under the Williams Act, derivative suits under State and Federal law, and unfair business practices claims.

Our clients include institutional investors, pension funds, high-net worth individuals and retail investors. While few class action securities suits go to trial, substantial skill and experience is required to investigate, prepare, and litigate the underlying claims to successful resolution. The firm enjoys a national reputation for high-quality and successful recoveries for our clients.

The firm also selectively prosecutes actions pursuant to the Commodity Exchange Act regarding market manipulations involving commodity futures and options. To date, the firm has enjoyed considerable success in these matters, which are recognized as some of the most difficult causes of action to successfully pursue.

## SETTLED REPRESENTATIVE SECURITIES AND COMMODITIES CLASS ACTION CASES

1. In re Merrill Lynch & Co., Inc. Research Reports Litigation, MDL Docket No. 1484 (S.D.N.Y.) – Executive Committee member; Lead Counsel in six of the underlying actions; \$125 million settlement achieved.
2. In re Natural Gas Commodity Litigation, Case No. 03cv6186 (S.D.N.Y.) – Co-Lead Counsel; over \$100 million achieved in settlements.
3. PaineWebber Securities Litigation, Case No. 94cv8547 (S.D.N.Y.) – Executive Committee member; \$200 million settlement achieved.
4. Prudential Securities Litigation, MDL Docket No. 1005 (S.D.N.Y.) – Executive Committee member & Co-Chair of Settlement Committee; \$150 million settlement achieved.
5. Kidder Peabody Securities Litigation, Case No. 94cv3954 (S.D.N.Y.) – Executive Committee member; \$19 million settlement achieved.
6. Holly Glenn v. Polk Audio, Inc., Case No. 99cv4768 (Md. Cir. – Baltimore) – Co-lead Counsel; \$4.8 million settlement achieved (an increase of nearly 50% of shareholder buyout value).
7. Grecian v. Meade Instruments, Inc., Case No. 06cv908 (C.D. Cal.) – Sole Lead Counsel on behalf of shareholders claiming securities fraud violations related to alleged illegal backdating of executive stock options. \$3 million and corporate governance changes achieved.

## ONGOING REPRESENTATIVE SECURITIES AND COMMODITIES CLASS ACTION CASES

1. Freeland v. Iridium World Communications, Ltd., Case No. 99cv1002 (D.D.C.) – a consolidated securities fraud class action against Motorola, Inc. and other corporate entities in connection with the development and deployment of the Iridium satellite telephone network, in which the firm serves as Liaison Counsel and a member of the Lead Plaintiffs' Executive Committee.
2. In re Crude Oil Commodity Litigation, Case No. 06cv6677 (S.D.N.Y.) – the firm has been appointed an Executive Committee member in an action alleging that the defendants manipulated the market for crude oil.

3. Rudolph vs. UT Starcom, et al., No. 3:07-CV-04578-SI (N.D.Ca.) – The firm serves as sole Lead Counsel in a securities fraud class action against UT Starcom and certain officers in connection alleged illegal backdating of executive stock options.
4. In re Interbank Funding Corp. Securities Litigation (D.D.C.) – The firm serves as Lead Counsel in a securities fraud class action against Radin Glass and CIBC Oppenheimer’s alleging their lack of due diligence and compliance with accounting standards permitted InterBank’s continued operation of a Ponzi scheme. \$4.5 million settlement already achieved with Simon Hershon, President and CEO of InterBank.
5. In re Bear Stearns Litigation (N.Y. Sup.Ct.) – The firm serves as a member of the Lead Counsel team in a shareholder class action on behalf of minority stockholders of The Bear Stearns Companies, Inc. alleging The Bear Stearns Companies, Inc. and its officers and directors breached their fiduciary duty and/or violated state laws in an effort to sell the company to JPMorgan for inadequate and unfair consideration.

## **ANTITRUST CLASS ACTION LITIGATION**

Federal and state antitrust laws are primarily concerned with protecting the economy and promoting competition between businesses by preventing (i) collusion among “competitors” that might result in restraints on competition in a given industry or market, and (ii) anti-competitive conduct by a particular entity who holds monopoly power in a given industry or market.

The firm is involved in several cases on behalf of individuals and businesses that have been injured by the anti-competitive behavior of other companies. These cases involve allegations such as market manipulation, monopolization, price-fixing, and predatory practices. Below is a sample of the cases in which we are intensively involved:

### **SETTLED REPRESENTATIVE ANTITRUST CLASS ACTION CASES**

1. In re Relafen Antitrust Litigation, Case No. 01cv12239 (D. Mass.) – Executive Committee member in federal direct purchaser case, settlement achieved - \$175 million.
2. Heliotrope General, Inc. v. Sumitomo Corporation, et al., Master Case No. 701679 (Cal. Super. - San Diego) – Co-Lead Counsel; settlement achieved - \$100 million.
3. National Metals, Inc. v. Sumitomo Corp., Case No. 734001 (Cal. Super. - San Diego) – Co-Lead Counsel, settlements achieved with several defendants for \$81 million.
4. In re Warfarin Sodium Antitrust Litigation, MDL Docket No. 1232 (D. Del.) – Discovery Committee member and Co-lead Counsel in state case; settlement

achieved in the companion national case - \$44.5 million.

5. Ryan Rodriguez v. West Publishing Corp. and Kaplan, Inc., Case No. CV-05-3222 R(MCx) (Cal. Central District Court) – An antitrust class action where FT LLP served as one of three law firms alleging nationwide national antitrust violations. \$49 million settlement finally approved; appeals pending.

#### ONGOING REPRESENTATIVE ANTITRUST CLASS ACTION CASES

1. In re Reformulated Gasoline (RFG) Antitrust and Patent Litigation, Case No. 05cv1671 (C.D. Cal.) – Co-Lead Counsel in a certified class action lawsuit that alleges antitrust and common law violations which resulted in increased prices for RFG for purchasers.
2. In re Rambus Antitrust Litigation, Case No. 06-4852 (N.D. Cal.) – Co-Lead Counsel in class action alleging Rambus committed antitrust and common law violations resulting in higher prices for computer memory.

#### CONSUMER CLASS ACTION LITIGATION

In federal and state courts throughout the country, the firm represents consumers who have been injured or defrauded. Our cases involve individuals or classes of individuals who have been physically or economically damaged by the wrongdoing of others. Some of our cases seek to obtain financial relief, medical monitoring, injunctions and revised notification for classes of plaintiffs. Some of the cases we have brought include:

#### SETTLED REPRESENTATIVE SECURITY BREACH CLASS ACTION CASES

1. In Re TJX Companies Retail Security Breach Litigation, MDL Case No. 1838 (D.Mass.) Counsel in class action lawsuit alleging statutory and common law violations that resulted in a security breach of consumers' debit and credit card information. \$200 million settlement achieved.

#### SETTLED REPRESENTATIVE CONSUMER CLASS ACTION CASES

1. Gael M. Carter, et al. v. Associates Financial Services Co., Inc., et al., Case No. 96cv4652 (Tex. Dist. – Dallas County) – The firm played a pivotal role in pursuing the claims of millions of class members in a number of suits in states across the country against The Associates n/k/a Citifinancial, alleging consumer fraud relating to home equity and personal loan terms. Settlements achieved in the state, federal and companion FTC cases totaling \$240 million.
2. Cavan et al. v. Sears Roebuck & Co. and Whirlpool Corp., Case No. 04CH10354 (Ill. Circuit Court - Cook County) – Co-Lead counsel for consumer class action based upon the sale of Calypso® washing machines. Nationwide settlement reached and

approved by the Court.

3. In re The Coca-Cola Company Apple Juice Consumer Litigation, Master Case No. E-47054 (Ga. Super. - Fulton County). The firm served as Counsel in this consumer class action based upon the sale of adulterated juice products. \$5.25 million settlement achieved.
4. In re Nestle Juice Products Litigation, Master File No. 976510 (Cal. Super. Ct. San Francisco County) – \$3.5 million settlement achieved.
5. In re Diet Drugs Products Liability Litigation, MDL 1203 (E.D. Pa.). Co-Chair of the Non-PMC litigation group prosecuting class certification of claims not advanced by Plaintiffs’ Management Committee.

#### ONGOING REPRESENTATIVE SECURITY BREACH CLASS ACTION CASES

1. Ruiz v. Gap, Inc., Case No. CV07-05739-SC (N.D. Cal.) Co-Lead Counsel in a class action lawsuit that alleges statutory and common law violations that resulted in a security breach of employee applicants’ personal identifying information.
2. Irwin v. RBS Worldpay, Inc., Case No. 1:09cv0033 (N.D. Ga.) Proposed Co-Lead Counsel in a class action lawsuit alleging statutory and common law violations that resulted in a security breach of consumers’ personal and financial information.
3. In Re LendingTree , LLC Customer Data Security Breach, MDL Case No. 3:08-MD-1976 (W.N.C.) FT serves as a member of the Plaintiffs Executive Committee in a class action lawsuit alleging statutory and common law violations that resulted in a security breach of consumers’ personal and financial information.
4. In Re Hannaford Bros. Co. Customer Data Security Breach Litigation, MDL Case No. 2:08-md-1954 (D. Me.) Counsel in class action lawsuit alleging statutory and common law violations that resulted in a security breach of consumers’ debit and credit card information.

#### ONGOING REPRESENTATIVE CONSUMER CLASS ACTION CASES

1. In re Baycol Products Litigation, MDL Docket No. 1431 (D. Minn.) - Discovery Committee Member in this consolidated multidistrict litigation alleging that this commonly prescribed cholesterol lowering drug caused rhabdomyolysis, a disease which causes damage to muscle, kidney failure or other injuries.
2. In re “Light” Cigarette Litigation, Case No. 04cv1945 (E.D.N.Y) - Co-lead Counsel, more than a dozen suits in states across the country against major tobacco manufacturers alleging consumer fraud relating to the manufacture and sale of so-called “light” cigarettes, in which the firm has been successful in obtaining class certifications in

various states.

3. In re Mattel Toy Recall Litigation, MDL 1897 – Executive Committee member in an action against Fisher-Price and Mattel in D.C. Superior Court under the District’s Private Attorney General Action in connection with toys made with lead paint as well as a consumer action in the Central District of California against Mattel for the toys with magnetic parts which come loose. The suits allege that consumers were harmed not only by the defective design and manufacture, but also by a piecemeal recall that left many families confused as to the proper procedures to follow.
4. In re Avandia Marketing, Sales Practices and Products Liability Litigation, MDL 1871 - FT serves as a member of the Plaintiffs Steering Committee. The suit alleges that SmithKline Beecham Corporation d/b/a GlaxoSmithKline used marketing schemes to deliberately conceal and affirmatively misrepresent the significant heart attack or heart-disease related risks associated with the use of the Avandia, Avandamet and Avandaryl – medications used to treat Type II diabetes.

#### ONGOING REPRESENTATIVE THIRD-PARTY PAYOR CLASS ACTION CASES

1. Ironworkers Local No. 399 and Participating Employers Health And Welfare Funds v. Janssen, L.P., No. 3:06-cv-03044-FLW-JJH (D.N.J)- FT is serving as Lead counsel of third-party payor class actions. Janssen is alleged to have created, monitored and/or controlled various marketing firms, physicians and ghostwriters to promote and disseminate – through sponsored events and publications – misleading messages about safety and efficacy relating to the off-label use of Risperdal. The complaint alleges that as many as half of the prescriptions for Risperdal are for off-label use, helping to propel sales.
2. Ironworkers Local Union No. 68 And Participating Employers Health And Welfare Funds, Ironworkers Local Union No. 399 And Participating Employers Health And Welfare Funds, And Ironworkers District Council Of Philadelphia And Vicinity Benefit And Pension Plan, v. Astrazeneca Pharmaceuticals, LP, In re Seroquel Products Liability Litigation, MDL 1769 (M.D. Fla.)- the firm is serving as a member of the Steering Committee for third-party payor class actions alleging an off-label promotion and marketing scheme which resulted in as much as seventy-eight percent of the prescriptions for Seroquel are for off-label use, leading to increased sales and health risks.
3. Ironworkers Local Union No. 68 And Participating Employers Health And Welfare Funds; Ironworkers Local Union No. 399 And Participating Employers Health And Welfare Funds; and Ironworkers District Council Of Philadelphia And Vicinity Benefit And Pension Plan; v. Amgen, Inc., In Re Amgen Off-Label Marketing Litigation, MDL 1934 (pending at JPML). The suit details Amgen’s illegal promotion and marketing of the Anemia Drugs for off-label use or at doses that result

in levels of hemoglobin that are higher than those approved by the FDA as safe and effective. A significant percentage of the prescriptions written for Aranesp and Epogen are for off-label use. The suit alleges that increased demand also increased the price of the drugs.

## **COMMUNICATIONS AND COPYRIGHT LAW PRACTICE**

The firm lawyers have represented clients in federal courts and before administrative agencies (such as the Copyright Royalty Tribunal, the Copyright Office, and the Federal Communications Commission) and the U.S. Congress. Clients include foreign and domestic media firms with interests in broadcasting, entertainment, cable television and satellite communications.

## **FALSE CLAIMS ACT LITIGATION**

The firm maintains an active practice under the Federal False Claims Act (also known as the “*Qui Tam*” litigation). Through representation of whistleblowers who have independent knowledge of government contract fraud, the firm seeks to secure the return of millions of dollars to federal and state treasuries. Currently, the firm has investigated and filed *qui tam* claims in connection with the student loan industry.

## **BURTON H. FINKELSTEIN**

Partner

BURTON H. FINKELSTEIN has practiced securities litigation for more than forty years, first with the Securities and Exchange Commission, and then in private practice. At the SEC, he was special trial counsel and an Assistant Director of the Enforcement Division, where he was in charge of the administrative, civil and criminal litigation nationwide enforcement program. In 1970, he joined the New York firm of Phillips, Nizer, Benjamin, Krim & Ballon and was a partner in their Washington, D.C. office until 1977, when he and Mr. Thompson formed the firm now known as FINKELSTEIN THOMPSON LLP.

In private practice, Mr. Finkelstein has participated in more than twenty securities fraud trials in cities throughout the United States, representing broker-dealers, principals and securities salesmen, attorneys, accountants, publicly and privately held companies and officers and directors of such companies. He has also represented companies and individuals in SEC investigations, and has served as special counsel to public companies in conducting internal investigations.

Mr. Finkelstein earned a B.B.A. degree in accounting from City College of New York in 1959 and an L.L.B. degree from the University of Pennsylvania in 1962. After military service and a brief stint as law clerk to the General Counsel of the Federal Power Commission, he began his securities litigation career as trial counsel at the SEC's Washington Regional Office.

Mr. Finkelstein has appeared as a panelist in securities litigation and enforcement seminars for the Practising Law Institute, New York Law Journal and the American Law Institute - American Bar Association (ALI-ABA). He was an adjunct professor of law at Georgetown University Law School from 1979 to 1998. His course was entitled "Securities and Financial Frauds - Enforcement and Litigation."



**DOUGLAS G. THOMPSON, JR.**

Partner

DOUGLAS G. THOMPSON, JR. has specialized in administrative and civil trial and appellate litigation in private practice for over twenty years. His practice has been concentrated in the areas of securities, commodities, banking, communications, and other complex business and financial transactions. Mr. Thompson has represented clients in federal court and before the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Federal Trade Commission, the Federal Communications Commission, the Copyright Royalty Tribunal, and the Criminal Division of the Department of Justice. Over the past several years, Mr. Thompson has litigated securities and commodities claims in failed savings and loan cases on behalf of the RTC and FDIC. As lead counsel for the FDIC, Mr. Thompson recently won a jury verdict of more than \$1 million after a lengthy trial involving commodities fraud issues.

Mr. Thompson received his A.B. and M.A. degrees in economics from Stanford University and his J.D. degree from Stanford Law School in 1969. He taught at the Stanford Law School in 1969-70 and clerked for Judge Ben. C. Duniway of the United States Court of Appeals, Ninth Circuit, in 1970-71. Following his clerkship, Mr. Thompson joined the law firm of Wilmer, Cutler & Pickering, Washington, D.C., where he was a litigator in communications and securities law. In 1977, he joined with Mr. Finkelstein in the formation of the firm now known as FINKELSTEIN THOMPSON LLP.

Mr. Thompson is a member of the bar of the District of Columbia and the State of California and of several federal district and appellate courts.

**L. KENDALL SATTERFIELD**

Partner

KENDALL SATTERFIELD joined FINKELSTEIN THOMPSON LLP in 1985. Mr. Satterfield practices in the fields of both antitrust and consumer fraud class action litigation. Additionally, he has represented private clients and federal banking agencies in civil and administrative litigation involving securities and commodities fraud, federal banking law and accountant malpractice. Mr. Satterfield also represents Canadian broadcasters and television production companies in matters involving cable television copyright royalties before the United States Copyright Office and has practiced before the Federal Communications Commission.

Mr. Satterfield is a 1981 graduate of Ohio Northern University where he received a Bachelor of Sciences degree with Highest Honors in Business Administration. He then attended Emory University where he received his Juris Doctor in 1984. He is a member of the District of Columbia and Georgia Bars.

**MILA F. BARTOS**

Partner

MILA F. BARTOS has been with FINKELSTEIN THOMPSON LLP since January 1995. Ms. Bartos practices in the fields of both antitrust litigation and consumer fraud class action cases, including adulterated and toxic products. She is a 1990 graduate of the University of Wisconsin - Madison where she received a joint Bachelor of Arts degree in English and Communications. Ms. Bartos then attended the American University Washington College of Law where she received her Juris Doctor in 1993. At American University, Ms. Bartos was a co-founder of the *American University Journal of Gender and Law* and was a member of the Editorial Board.

Ms. Bartos is the author of the article, "Law Firm Collaboration Via Extranets" published in the Law Library Resource Xchange. She is also an active member of the Chairman's Council of the Appleseed Foundation. Ms. Bartos is a member of the Maryland and District of Columbia Bars.

## **DONALD J. ENRIGHT**

Partner

DONALD J. ENRIGHT joined FINKELSTEIN THOMPSON LLP as an associate in 1996, and became a partner in January 2004. He is a 1993 *cum laude* graduate of Drew University, where he earned a Bachelor of Arts in Political Science and Economics, and is a 1996 graduate of the George Washington University Law School, where he received his Juris Doctor. He was a Member Editor of *The George Washington University Journal of International Law and Economics* from 1994 to 1996, and clerked for the House Judiciary Committee in 1994. He is a member of the Bars of the District of Columbia, Maryland, and New Jersey, and is admitted to practice before several United States District Courts and Circuit Courts of Appeal.

Mr. Enright handles matters in the fields of securities, commodities, consumer fraud and commercial litigation, and on behalf of the firm represents several institutional investors in connection with the firm's shareholder litigation practice. He has a track record of achieving victories in federal trials and appeals, including *Nathenson v. Zonagen, Inc.* 267 F. 3d 400, 413 (5th Cir. 2001); *SEC v. Butler*, 2005 U.S. Dist. LEXIS 7194 (W.D. Pa. April 18, 2005); and *Belizan v. Hershon*, 434 F. 3d 579 (D.C. Cir. 2006). His recently published securities litigation-related articles include:

- SEC Enforcement Actions and Investigations in Private and Public Offerings, *Securities: Public and Private Offerings*, Second Edition, West Publishing 2007.
- *Dura Pharmaceuticals: Loss Causation Redefined or Merely Clarified?*, J. Tax'n & Reg. Fin. Inst., September/October 2007, at 5.

Mr. Enright practices in the firm's Washington, DC office, and has been named as one of Washington's "Top Lawyers" by *Washingtonian* magazine.

## **TRACY D. REZVANI**

Partner

TRACY D. REZVANI joined FINKELSTEIN THOMPSON LLP in September 1996. Ms. Rezvani practices in the fields of consumer, antitrust and securities fraud litigation. She is a 1993 graduate of the University of Maryland-College Park where she received a Bachelor of Science degree in Business & Management. Ms. Rezvani then attended the George Washington University Law School where she received her Juris Doctor in May 1996. At George Washington University, Ms. Rezvani was a member editor of *The George Washington Journal of International Law & Economics*.

Ms. Rezvani is a member of the District of Columbia and Maryland Bars and is admitted to practice before the United States Supreme Court, the United States Court of Appeals for the District of Columbia Circuit, and the U.S. District Courts for the Districts of Maryland the District of Columbia and the District of Colorado. Ms. Rezvani served as an editor for the Iranian-American Bar Association's *IABA Review* from 2005 to 2007.

Her published works include

- *From Marbury to Rasul: Two Centuries' Expansion on the Question of Jurisdiction*, 1 IABA Review 10 (Winter 2005)
- *The Plight of Padilla: The Impact of Supreme Court Decisions on the Future of Detainees*, 2 IABA Review 12 (Spring 2006).
- *Class Counsel: Conflicts Between Duties To The Class Representative And To The Class*, ABA Antitrust Compliance Bulletin, (Vol. 1, No. 4 November 2007).
- Contributor to The District of Columbia's Practice Manual, *Consumer Protection*, Chapter 8 (2007, 2009 editions)

Ms. Rezvani practices in the Washington, D.C. office.

**RICHARD M. VOLIN**

Partner

RICHARD M. VOLIN joined FINKELSTEIN THOMPSON LLP in September, 1997 and currently practices in the fields of antitrust and consumer fraud litigation. He is a 1991 graduate of the University of Michigan at Ann Arbor, where he received a Bachelor of Arts degree in English. Mr. Volin then attended the George Washington University Law School, where he received his Juris Doctor with Honors in 1996. During law school, Mr. Volin worked as an intern for the Honorable Marian Blank Horn in the United States Court of Federal Claims. Upon graduation, he served as a judicial law clerk to the Honorable Conrad N. Koch and the Honorable Betty J. Lester in the New Jersey Superior Court for Essex County.

He is a member of the Bars of Maryland, New Jersey and the District of Columbia, and is admitted to practice in the United States District Courts for the District of Columbia, the District of Maryland and the District of New Jersey.

Mr. Volin practices in the Washington, D.C. office.

**HALLEY F. ASCHER**

Partner

HALLEY F. ASCHER joined FINKELSTEIN THOMPSON LLP in September 2001. Ms. Ascher practices in the fields of securities, consumer fraud and antitrust litigation. She is a 1992 cum laude graduate of the University of Pennsylvania where she received a Bachelor of Arts degree in Elementary Education and a minor in English. Ms. Ascher then attended University of Pennsylvania Law School where she received her Juris Doctor with Honors in 1996. While in law school, Ms. Ascher was a research assistant for Professor Heidi M. Hurd specializing in the area of legal philosophy. She also participated in the University of Pennsylvania Civil Practice Clinic where she was responsible for family law and other civil cases. She is a member of the Maryland and District of Columbia bars.

Ms. Ascher was previously an associate at a large Washington, DC firm where she specialized in insurance coverage litigation, and has also worked at a large Philadelphia firm where she specialized in intellectual property litigation and import/export compliance.

Ms. Ascher practices in the Washington, D.C. office.

**ROSEMARY M. RIVAS**

Partner

ROSEMARY M. RIVAS joined FINKELSTEIN THOMPSON LLP in October 2006 and practices in the fields of antitrust, consumer fraud, and securities litigation. Before joining Finkelstein Thompson LLP, she worked at a San Francisco based law firm representing consumers in class action litigation. Ms. Rivas graduated from San Francisco State University in 1997 and received a B.A. in Political Science. She received her Juris Doctorate from the University of California, Hastings College of Law in 2000. While in law school, Ms. Rivas served as the Senior Note Editor for the Hastings Constitutional Law Quarterly and was honored with the American Jurisprudence Award in Wills and Trusts. Currently, she serves as a Board Member and as Diversity Director of the Barristers Club of the San Francisco Bar Association.

Ms. Rivas is a member of the California bar and is admitted to practice in the Central, Eastern, Northern, and Southern U.S. District Courts of California. Ms. Rivas is also admitted to practice before the Ninth Circuit Court of Appeals.

She practices in the San Francisco office.



**DON A. RESNIKOFF**  
Of Counsel

DON ALLEN RESNIKOFF joined FINKELSTEIN THOMPSON LLP as Of Counsel in January, 2009. Don practices in the fields of antitrust and consumer fraud litigation. Before joining Finkelstein, Thompson, LLP, he served as Senior Assistant Attorney General with the District of Columbia's Office of the Attorney General, where he specialized in affirmative antitrust litigation. Previously he served for more than twenty years as an antitrust litigator with the Antitrust Division, United States Department of Justice. His experience also includes private practice corporate litigation with a New York City firm, and four years as an Assistant U.S. Attorney in New Jersey. Mr. Resnikoff is active with the D.C. Bar and other lawyer groups. He is an active member of the D.C. Bar's Antitrust and Consumer Steering Committee, and is a past elected Treasurer of the D.C. Bar. He frequently organizes Bar programs on antitrust topics, and contributes articles to legal publications.

He is a graduate of Rutgers University and the NYU School of Law. Mr. Resnikoff is a member of the District of Columbia Bar, and admitted to practice in the U.S. District Court for the District of Columbia.

He practices in the Washington, D.C. office.

**KAREN J. MARCUS**

Associate

KAREN J. MARCUS joined FINKELSTEIN THOMPSON LLP in April 2004. Ms. Marcus practices in the fields of antitrust and consumer fraud litigation. She is a 1999 graduate of the University of Miami, where she received a Bachelor of Arts degree with honors in English. Ms. Marcus then attended The George Washington University Law School where she received her Juris Doctor, cum laude in 2002. During law school, Ms. Marcus worked as an intern for the Environmental Protection Agency in the Office of Enforcement. While in law school, Ms. Marcus worked as a research assistant for Professor Renee Lerner specializing in the areas of legal history and criminal procedure. She also participated in The George Washington University Law School Environmental Law Clinic and was Vice President of the Environmental Law Association during law school. Currently, she serves as a Board Fellow for the Sustainable Business Network of Washington.

Ms. Marcus is a member of the Virginia, Maryland and District of Columbia bars and is admitted to practice before the Eastern District of Virginia.

Ms. Marcus practices in the Washington, D.C. office.

**MICHAEL G. McLELLAN**

Associate

MICHAEL G. McLELLAN joined FINKELSTEIN THOMPSON LLP in May 2004. Mr. McLellan practices in the fields of securities, antitrust and consumer fraud litigation. He is a 1996 graduate of the University of South Carolina, where he received a Bachelor of Arts degree in English. Mr. McLellan also attended the University of South Carolina School of Law, where he received his Juris Doctor in 2003. During law school, Mr. McLellan served as Articles Editor for the South Carolina Law Review and was awarded membership in the Order of the Wig and Robe. Upon graduation, Mr. McLellan attended the American University Washington College of Law, where he received an LL.M. in Law and Government, magna cum laude in 2004. While pursuing his LL.M. degree, Mr. McLellan worked as an intern for the Securities and Exchange Commission in the Division of Enforcement and volunteered as a Constitutional Law teacher at Ballou Stay High School. He additionally worked as an independent researcher for the Association of Corporate Counsel.

Mr. McLellan is a member of the South Carolina and District of Columbia bars. He practices in the Washington, D.C. office.

**STAN M. DOERRER**

Associate

STAN M. DOERRER joined FINKELSTEIN THOMPSON LLP in March 2006. Mr. Doerrerr practices in the fields of securities, antitrust and consumer fraud litigation. He graduated cum laude from Colorado College in 1998, where he received a Bachelor of Arts degree in Economics. Mr. Doerrerr worked as a management consultant for four years prior to attending the George Washington Law School where he received his Juris Doctorate degree in 2005. While in law school, Mr. Doerrerr completed a legal internship with the U.S. Department of Justice Antitrust Division and served as an Articles Editor for the *American Intellectual Property Law Association Quarterly Journal*.

Mr. Doerrerr is a member of the Colorado and District of Columbia bars and practices in the Washington, D.C. office.

**ELIZABETH K. TRIPODI**

Associate

ELIZABETH TRIPODI has worked as an associate with FINKELSTEIN THOMPSON LLP since September 2006 and practices in the fields of antitrust, consumer fraud and securities litigation. She also served as a law clerk for the firm beginning in 2005. Ms. Tripodi graduated from Davidson College in 2000, where she received her Bachelor of Arts in Art History. She attended American University Washington College of Law and received her Juris Doctorate *cum laude* in 2006. While in law school, Ms. Tripodi was a participant in American University's Civil Practice Clinic, a member of the Environmental Moot Court Team, and served as Editor in Chief of the *Business Law Brief*. Prior to joining FT LLP, Ms. Tripodi completed an internship with the Environmental Enforcement Section at the Department of Justice.

Ms. Tripodi is a member of the Virginia and District of Columbia bars and is admitted to practice in the Eastern District of Virginia. She practices in the Washington, D.C. office.

**ROSALEE B. CONNELL**

Associate

ROSALEE CONNELL has been associated with FINKELSTEIN THOMPSON LLP since October 2006 and practices in the fields of antitrust, consumer fraud and securities litigation. Ms. Connell graduated from Columbia University in 1999, where she studied Political Science. She received her Juris Doctorate from Georgetown Law in 2004 and was recognized as a Pro Bono Pledge Honoree. While in law school, Ms. Connell participated in the Street Law Clinic and served as a student attorney with the D.C. Law Students in Court Clinical Program. Ms. Connell also completed a clerkship at the U.S. Consumer Product Safety Commission.

Ms. Connell is a member of the New Jersey and District of Columbia bars and is admitted to practice in the District of New Jersey. She practices in the Washington, D.C. office.

**DANIEL T. LEBEL**

Associate

DANIEL T. LEBEL has been associated with FINKELSTEIN THOMPSON LLP since July 2008. Mr. LeBel practices in the fields of consumer, antitrust and securities litigation. He graduated with Distinction in General Scholarship from University of California, Berkeley in 1999, where he received a Bachelor of Arts degree in Philosophy. During law school at the University of California, Hastings, Mr. LeBel completed a Concentration in Civil Litigation and a legal externship with the Hon. Paul Alvarado of the San Francisco Superior Court.

Mr. LeBel is admitted to practice before the California Supreme Court, the Ninth Circuit Court of Appeals, and the U.S. District Courts for the Northern, Central, Eastern, and Southern Districts of California. He is a member of the National Association of Consumer Advocates, the Litigation and Antitrust sections of the American Bar Association, and the San Francisco Bar association.

Mr. LeBel is a member of the California Bar and practices in the San Francisco office.

**MARK PUNZALAN**

Associate

MARK PUNZALAN has been associated with FINKELSTEIN THOMPSON LLP since June 2007. Mr. Punzalan practices in the fields of antitrust, consumer fraud, and securities litigation. He is a 2001 graduate of the University of California, Los Angeles, where he received his Bachelor of Arts in Political Science. Mr. Punzalan received his Juris Doctor from Santa Clara University in 2006. While in law school, he was the recipient of the Best Brief Award and the CALI Excellence for the Future Award in Appellate Advocacy. Additionally, Mr. Punzalan was a Committee Chair for the Honors Moot Court Board and also acted as a legal educator for Fresh Lifelines for Youth (F.L.Y.), teaching at-risk youth about the law and consequences of crime.

Mr. Punzalan is currently the Vice-Chair for the Intellectual Property and Internet Law Section for the Barristers Club of the San Francisco Bar Association. He is also the Secretary for the Filipino Bar Association of Northern California (FBANC) and a member of the Asian American Bar Association (AABA) of the Greater Bay Area. Mr. Punzalan is a member of the California Bar and is admitted to practice in the United States District Courts for the Central and Northern Districts of California. He practices in the San Francisco office.



**SHIVA SHARIFAHMADIAN**

Associate

SHIVA SHARIFAHMADIAN has been associated with FINKELSTEIN THOMPSON LLP since September 2007 and practices in the fields of antitrust, consumer fraud and securities litigation. Ms. Sharifahmadian graduated from the University of Virginia in 2003, where she received a Bachelor of Arts degree in French and Foreign Affairs. She received her Juris Doctorate from the George Mason University School of Law in 2007. While in law school, Ms. Sharifahmadian served on the Editorial Board of the *Journal of Law, Economics and Policy* and participated in the domestic relations clinic. She was a Writing Fellow for the George Mason Legal Research and Writing Program and a member of the American Inn of Court. She also worked as an intern for the Honorable Leslie M. Alden of the 19<sup>th</sup> Judicial Circuit Court of Virginia and at the FCC's Public Safety and Homeland Security Bureau.

Ms. Sharifahmadian is a member of the Virginia Bar. She practices in the Washington, D.C. office.

**EUGENE J. BENICK**

Associate

EUGENE BENICK has been associated with FINKELSTEIN THOMPSON LLP since September 2008 and practices in the fields of antitrust, consumer fraud and securities litigation. He also served as a law clerk for the firm beginning in May 2007. Mr. Benick graduated from The Richard Stockton College of New Jersey in 2005, where he received a Bachelor of Arts degree in Political Science. He attended the American University Washington College of Law and received his Juris Doctor *cum laude* in 2008.

While in law school, Mr. Benick interned at the United States District Court for the District of Columbia under the Honorable Royce C. Lamberth. He also clerked for the Environmental Protection Agency's Resource Conservation and Recovery Act Division and was a Summer Associate with the American International Group (AIG).

Prior to joining FT, Mr. Benick published an article in the Washington College of Law Business Law Brief titled, The Flood After the Storm: The Hurricane Katrina Homeowners' Insurance Litigation. Mr. Benick practices in the Washington, D.C. office.

**ROBERTO G. GARCIA, CFA, CFE**  
Financial Analyst

ROBERTO G. GARCIA, CFA, CFE joined FINKELSTEIN THOMPSON LLP in January 1992. Mr. Garcia received his Masters in Economics from the University of Missouri in 1982. He was awarded his Chartered Financial Analyst charter in 1989. In 2004, Mr. Garcia earned the Certified Fraud Examiner certificate. Mr. Garcia has experience as a financial analyst, portfolio manager, securities broker, bond trader, credit analyst, debt manager, and litigation analyst. As a financial institution liquidity manager, Mr. Garcia was responsible for up to \$200 million of short term investments, up to \$700 million of outstanding debt, and provided assistance to the RTC and FSLIC by valuing, analyzing, or directly selling over \$1 billion of assets. Mr. Garcia has constructed cash flow models for each loan of a \$400 million commercial real estate loan portfolio to ensure the accurate application of internal rate of return valuation measures, developed a bank credit scoring system to protect a \$100 million portfolio of Fed Funds investments, and created FHLMC securities from mortgage loans. Mr. Garcia has also analyzed the secondary market trading operations and determined the ongoing profitability of a mortgage banking subsidiary with over \$6 billion in loan servicing. He also priced branch purchases totaling over \$650 million in deposits, evaluated corporate acquisitions, made asset/liability strategy recommendations, and prepared bid packages for the sale of a \$2 billion savings association.

While at the firm, Mr. Garcia has valued the stock of companies involved in merger negotiations, computed damages, analyzed trading strategies, constructed trial exhibits, applied hedge accounting techniques, and reviewed portfolio compositions in cases involving stocks, options, swaps, caps, futures (equity, commodity, and fixed income), conventional mortgage-backed securities, MBS derivatives, loan servicing rights, limited partnership units, fixed income instruments, mutual funds, and synthetic securities. He has developed systematic damage computation techniques for large class action lawsuits including a case that involved more than 600 different limited partnerships and over \$3 billion in potential losses.

Ms. Garcia works in the Washington, D.C. office.

**IRENE KAUSHANSKY**

Paralegal

IRENE KAUSHANSKY joined FINKELSTEIN THOMPSON LLP in July 2008. She received her Master of Arts in International Communication from the School of International Service, American University. She also received her BA in History and International Relations at American University where she graduated cum laude and with university honors. During her studies she was a Research Analyst at an international development consulting firm that provides services to expand capital markets and enterprises, builds organizational capacity and strengthens the financial management and governance of private, community based and public organizations.

Ms. Kaushansky works in the Washington, DC office.

**JEREMY H. ROTHSTEIN**

Paralegal

JEREMY H. ROTHSTEIN joined FINKELSTEIN THOMPSON LLP in June 2008. He received a Bachelor of Arts in History from Boston University, where he graduated magna cum laude. Prior to joining FT, Mr. Rothstein worked as an intern at a legal aid firm in London.

Mr. Rothstein works in the Washington, D.C. office.

**SHEEREE I. RENWICK**

Paralegal

SHEREE RENWICK joined FINKELSTEIN THOMPSON LLP in September 2007. She is a graduate of University of Miami, where she received a Bachelor of Business Administration degree in Finance in 2007. Prior to joining FT LLP, Ms. Renwick worked as an immigration legal intern at a San Francisco law firm.

Ms. Renwick works in the San Francisco office.

# EXHIBIT 4

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**FIRM RESUME**

Glancy Binkow & Goldberg LLP has represented investors and consumers in federal and state courts throughout the United States for sixteen years. Based in Los Angeles, California and with offices in New York, New York and San Francisco, California, Glancy Binkow & Goldberg has developed expertise prosecuting securities fraud, antitrust and complex commercial litigation. As Lead Counsel or as a member of Plaintiffs' Counsel Executive Committees, Glancy Binkow & Goldberg has recovered in excess of \$1 billion for parties wronged by corporate fraud and malfeasance. The firm's efforts on behalf of individual investors have been the subject of articles in such publications as *The Wall Street Journal*, *The New York Times* and *The Los Angeles Times*.

Appointed as Lead or Co-Lead Counsel by federal judges throughout the United States, Glancy Binkow & Goldberg has achieved significant recoveries for class members, including:

In re Mercury Interactive Corporation Securities Litigation, USDC Northern District of California, Case No. 05-3395, in which Glancy Binkow & Goldberg served as Co-Lead Counsel and achieved a settlement valued at over \$117 million.

In re Lumenis, Ltd. Securities Litigation, USDC Southern District of New York, Case No.02-CV-1989, in which Glancy Binkow & Goldberg served as Co-Lead Counsel and achieved a settlement valued at over \$20 million.

In re Heritage Bond Litigation, USDC Central District of California, Case No. 02-ML-1475-DT, where as Co-Lead Counsel, Glancy Binkow & Goldberg recovered in excess of \$28 million for defrauded investors and continues to pursue additional defendants.

In re ECI Telecom Ltd. Securities Litigation, USDC Eastern District of Virginia, Case No. 01-913-A, in which Glancy Binkow & Goldberg served as sole Lead Counsel and recovered almost \$22 million for defrauded ECI investors.



Yaldo v. Airtouch Communications, State of Michigan, Wayne County, Case No. 99-909694-CP, in which Glancy Binkow & Goldberg served as Co-Lead Counsel and achieved a settlement valued at over \$32 million for defrauded consumers.

In re Infonet Services Corporation Securities Litigation, USDC Central District of California, Case No. CV 01-10456 NM, in which as Co-Lead Counsel, Glancy Binkow & Goldberg achieved a settlement of \$18 million.

In re Musicmaker.com Securities Litigation, USDC Central District of California, Case No. 00-02018, a securities fraud class action in which Glancy Binkow & Goldberg was sole Lead Counsel for the Class and recovered in excess of \$13 million.

In re ESC Medical Systems, Ltd. Securities Litigation, USDC Southern District of New York, Case No. 98 Civ. 7530, a securities fraud class action in which Glancy Binkow & Goldberg served as sole Lead Counsel for the Class and achieved a settlement valued in excess of \$17 million.

In re Lason, Inc. Securities Litigation, USDC Eastern District of Michigan, Case No. 99 76079, in which Glancy Binkow & Goldberg was Co-Lead Counsel and recovered almost \$13 million for defrauded Lason stockholders.

In re Inso Corp. Securities Litigation, USDC District of Massachusetts, Case No. 99 10193, a securities fraud class action in which Glancy Binkow & Goldberg served as Co-Lead Counsel for the Class and achieved a settlement valued in excess of \$12 million.

In re National TechTeam Securities Litigation USDC Eastern District of Michigan, Case No. 97-74587, a securities fraud class action in which Glancy Binkow & Goldberg served as Co-Lead Counsel for the Class and achieved a settlement valued in excess of \$11 million.

In re Ramp Networks, Inc. Securities Litigation, USDC Northern District of California, Case No. C-00-3645 JCS, a securities fraud class action in which Glancy Binkow & Goldberg served as Co-Lead Counsel for the Class and achieved a settlement of nearly \$7 million.

In re Gilat Satellite Networks, Ltd. Securities Litigation, USDC Eastern District of New York, Case No. 02-1510 CPS, a securities fraud class action in which Glancy Binkow & Goldberg served as Co-Lead Counsel for the Class and achieved a settlement of \$20 million.

Taft v. Ackermans (KPNQwest Securities Litigation), USDC Southern District of New York, Case No. 02-CV-07951, a securities fraud class action in which Glancy Binkow & Goldberg served as Co-Lead Counsel for the Class and achieved a settlement worth \$11 million.

Ree v. Procom Technologies, Inc., USDC Southern District of New York, Case No. 02CV7613, a securities fraud class action in which Glancy Binkow & Goldberg served as Co-Lead Counsel for the Class and achieved a settlement of \$2.7 million.

Capri v. Comerica, Inc., USDC Eastern District of Michigan, Case No. 02CV60211 MOB, a securities fraud class action in which Glancy Binkow & Goldberg served as Co-Lead Counsel for the Class and achieved a settlement of \$6.0 million.

Tatz v. Nanophase Technologies Corp., USDC Northern District of Illinois, Case No. 01C8440, a securities fraud class action in which Glancy Binkow & Goldberg served as Co-Lead Counsel for the Class and achieved a settlement of \$2.5 million.

In re Livent, Inc. Noteholders Litigation, USDC Southern District of New York, Case No. 99 Civ 9425, a securities fraud class action in which Glancy Binkow & Goldberg served as Co-Lead Counsel for the Class and achieved a settlement of over \$27 million.

Plumbing Solutions Inc. v. Plug Power, Inc., USDC Eastern District of New York, Case No. CV 00 5553 (ERK) (RML), a securities fraud class action in which Glancy Binkow & Goldberg served as Co-Lead Counsel for the Class and achieved a settlement of over \$5 million.

Glancy Binkow & Goldberg filed the initial landmark antitrust lawsuit against all of the major NASDAQ market makers and served on Plaintiffs' Counsel's Executive Committee in In re Nasdaq Market-Makers Antitrust Litigation, USDC Southern District of New York, Case No. 94 C 3996 (RWS), MDL Docket No. 1023, which recovered \$900 million for investors in numerous heavily traded Nasdaq issues.

In addition, Glancy Binkow & Goldberg serves as Class Counsel in In re Real Estate Associates Limited Partnership Litigation, USDC Central District of California, Case No. 98-7035 DDP, in which plaintiffs' Counsel achieved a \$184 million jury verdict after a complex six week trial in Los Angeles, California and later settled the case for \$83 million.

The firm currently serves as Lead or Co-Lead Counsel in numerous securities fraud and consumer fraud actions throughout the United States, including, among others:

Shah v. Morgan Stanley Co.,  
USDC Southern District of New York, Case No. 03 Civ. 8761 (RJH)

Lapin v. Goldman Sachs,  
USDC Southern District of New York, Case No. 03-0850-KJD

In re Heritage Bond Litigation,  
USDC Central District of California, Case No. 02-ML-1475-DT

Payne v. IT Group, Inc.,  
USDC Western District of Pennsylvania, Case No. 02-1927

Oscar Private Equity Investments v. Holland (Allegiance Telecom Securities Litigation),  
USDC Northern District of Texas, Case No. 3:-CV-2761-H

Winer Family Trust v. Queen (Pennexx Securities Litigation),  
USDC Eastern District of Pennsylvania, Case No. 2:03-cv-04318 JP

In re ADC Telecommunications Inc. Securities Litigation,  
USDC District of Minnesota, Case No. 03-1194 (JNE/JGL)

Porter v. Conseco, Inc.,  
USDC Southern District of Indiana, Case No. 02-1332 SEB

In re Simon Transportation Services, Inc. Securities Litigation,  
USDC District of Utah, Case No. 2:98 CV 0863 K

The firm has also recently acted as Class Counsel in obtaining substantial benefits for shareholders in a number of actions, including:

In re F & M Distributors Securities Litigation,  
Eastern District of Michigan, Case No. 95 CV 71778 DT (Executive Committee Member) (\$20.25 million settlement)

James F. Schofield v. McNeil Partners, L.P. Securities Litigation,  
California Superior Court, County of Los Angeles, Case No. BC 133799

Resources High Equity Securities Litigation,  
California Superior Court, County of Los Angeles, Case No. BC 080254

The firm has served and currently serves as Class Counsel in a number of antitrust class actions, including:

In re Nasdaq Market-Makers Antitrust Litigation,  
USDC Southern District of New York, Case No. 94 C 3996 (RWS), MDL Docket No. 1023

In re Brand Name Prescription Drug Antitrust Litigation,  
USDC Northern District of Illinois, Eastern Division, Case No. 94 C 897

Glancy Binkow & Goldberg LLP has been responsible for obtaining favorable appellate opinions which have broken new ground in the class action or securities fields, or which have promoted shareholder rights in prosecuting these actions. Glancy Binkow & Goldberg successfully argued the appeals in Silber v. Mabon I, 957 F.2d 697 (9th Cir. 1992) and Silber v. Mabon II, 18 F.3d 1449 (9th Cir. 1994), which are the leading decisions in the Ninth Circuit regarding the rights of opt-outs in class action settlements. In Rothman v. Gregor, 220 F.3d 81 (2d Cir. 2000), Glancy Binkow & Goldberg won a seminal victory for investors before the Second Circuit Court of Appeals, which adopted a more favorable pleading standard for investors in reversing the District Court's dismissal of the investors' complaint. After this successful appeal, Glancy Binkow & Goldberg then recovered millions of dollars for defrauded investors of the GT Interactive Corporation. The firm also argued Falkowski v. Imation Corp., 309 F.3d 1123 (9th Cir. 2002), *as amended*, 320 F.3d 905 (9th Cir. 2003) and favorably obtained the substantial reversal of a lower court's dismissal of a cutting edge, complex class action initiated to seek redress for a group of employees whose stock options were improperly forfeited by a giant corporation in the course of its sale of the subsidiary at which they worked. The revived action is currently proceeding in the California state court system.

The firm is also involved in the representation of individual investors in court proceedings throughout the United States and in arbitrations before the American Arbitration Association, National Association of Securities Dealers, New York Stock Exchange, and Pacific Stock Exchange. Mr. Glancy has successfully represented litigants in proceedings against such major securities firms and insurance companies as A.G. Edwards & Sons, Bear Stearns, Merrill Lynch & Co., Morgan Stanley, PaineWebber, Prudential, and Shearson Lehman Brothers.

One of firm's unique skills is the use of "group litigation" - the representation of groups of individuals who have been collectively victimized or defrauded by large institutions. This type of litigation brought on behalf of individuals who have been similarly damaged often provides an efficient and effective economic remedy that frequently has advantages over the class action or individual action devices. The firm has successfully achieved results for groups of individuals in cases against major corporations such as Metropolitan Life Insurance Company, and Occidental Petroleum Corporation.

Glancy Binkow & Goldberg LLP currently consists of the following attorneys:

### **THE FIRM'S PARTNERS**

**LIONEL Z. GLANCY**, a graduate of the University of Michigan Law School, is the founding partner of the firm. After serving as a law clerk for United States District Judge Howard McKibben, he began his career as an associate at Patterson Belknap Webb & Tyler LLP, concentrating in securities litigation. Thereafter, he started a boutique law firm specializing in securities litigation, and other complex litigation, from the Plaintiff's perspective. Mr. Glancy has established a distinguished career in the field of securities litigation over the last fifteen years, appearing as lead counsel on behalf of aggrieved investors in securities class action cases throughout the country. He

has appeared and argued before dozens of district courts and several appellate courts, and has recovered billions of dollars in settlement proceeds for large classes of shareholders. Well known in securities law, he has lectured on its developments and practice at CLE seminars and law schools.

**PETER A. BINKOW**, a partner in Glancy Binkow & Goldberg, was born in Detroit, Michigan on August 16, 1965. Mr. Binkow earned his degree in English Literature from the University of Michigan in 1988 and attended law school at the University of Southern California (J.D., 1994). Mr. Binkow joined the Law Offices of Lionel Z. Glancy upon graduation and became a partner in 2002.

Mr. Binkow has prosecuted lawsuits on behalf of consumers and investors in state and federal courts throughout the United States. He has served as Lead or Co-Lead Counsel in many class action cases, including In re Mercury Interactive Corp Securities Litigation (\$117.5 million recovery), In re Lumenis Ltd Securities Litigation (\$20.1 million recovery), In re Heritage Bond Litigation (\$28 million recovery), In re National Techtteam Securities Litigation (\$11 million recovery), In re Credit Acceptance Corporation Securities Litigation (\$2.5 million recovery), In re Lason Inc. Securities Litigation (\$12.68 million recovery), In re ESC Medical Systems, Ltd. Securities Litigation (\$17 million recovery) In re GT Interactive Securities Litigation (\$3 million recovery) and many others. Mr. Binkow has prepared and/or argued appeals before the Ninth Circuit, Sixth Circuit and Second Circuit Courts of Appeals.

Mr. Binkow is admitted to practice before the state of California, the United States District Courts for the Central, Northern and Southern Districts of California, the United States District Court for the Eastern District of Michigan and the Ninth Circuit Court of Appeals. He is a member of the Los Angeles County Bar Association and the American Bar Association.

**MICHAEL GOLDBERG**, a partner in Glancy Binkow & Goldberg, specializes in federal securities, federal and state antitrust, and consumer fraud class action lawsuits. He has successfully litigated numerous cases which resulted in multi-million dollar recoveries for investors, consumers and businesses.

Mr. Goldberg was born in New York on April 27, 1966. He earned his B.A. degree in 1989 from Pitzer College - The Claremont Colleges, and his J.D. degree in 1996 from Thomas M. Cooley Law School. After graduation from law school, Mr. Goldberg joined the Law Offices of Lionel Z. Glancy and became a partner of Glancy Binkow & Goldberg in 2003. He was admitted to both the California and Florida bars in 1997 and is admitted to practice in numerous courts.

**SUSAN G. KUPFER**, a partner of Glancy Binkow & Goldberg LLP, joined the firm in 2003, where she established its antitrust practice. She is a native of New York City and received her A.B. degree from Mount Holyoke College in 1969 and her J.D. from Boston University School of Law in 1973. She did graduate work at Harvard Law School. In 1977, she was named Assistant Dean and Director of Clinical Programs at Harvard, where she supervised that program of legal practice and taught its related academic components: Introduction to Advocacy (a NITA-style workshop), Lawyering Process and Professional Responsibility.

For much of her legal career, Ms. Kupfer has been a professor of law. She subsequently taught at Hastings College of the Law, Boston University School of Law, Golden Gate University School of Law and Northeastern University School of Law. From 1991 to 2002, she was a lecturer on law at University of California, Berkeley, Boalt Hall, teaching Civil Procedure and Conflict of Laws. Her areas of academic expertise are Civil Procedure, Federal Courts, Conflict of Laws, Constitutional Law, Legal Ethics and Jurisprudence. Her publications include articles on federal civil rights litigation, legal ethics and jurisprudence. She has also taught various aspects of practical legal and ethical training, including trial advocacy, negotiation and legal ethics, to both law students and practicing attorneys.

Ms. Kupfer previously served as corporate counsel to The Architects Collaborative in Cambridge and San Francisco and was the executive director of the Massachusetts Commission on Judicial Conduct. She returned to the practice of law in San Francisco with Morgenstein & Jubelirer and Berman DeValerio Pease Tabacco Burt & Pucillo before joining the Glancy Firm. Her practice is concentrated in antitrust, securities and consumer complex litigation. She has been a member of the lead counsel team which achieved significant settlements in the following cases: In re Sorbates Antitrust Litigation (\$96.5 million settlement), In re Pillar Point Partners Antitrust Litigation (\$50 million settlement), In re Critical Path Securities Litigation (\$17.5 million settlement).

Ms. Kupfer is a member of the Massachusetts and California State Bars and the United States District Courts for the Northern, Central and Southern districts of California, the District of Massachusetts, the First and Ninth Circuits Courts of Appeal and the U.S. Supreme Court. She was named one of Northern California's Super Lawyers of the Year in 2004, 2005, and 2006 in antitrust litigation.

Ms. Kupfer is currently serving in leadership positions in the following cases:

In re Korean Air Lines Co., Ltd. Antitrust Litigation, U.S.D.C., Central District of California, MDL 1891, No. 07-5107, Interim Co-Lead Counsel

In re: Urethane Antitrust Litigation, U.S.D.C., District of Kansas, No. 2:04-md-01616, Co-Lead Counsel.

In re: Western States Wholesale Natural Gas Antitrust Litigation, U.S.D.C., District of Nevada, No. 2:03-cv-01431, Co-Lead Counsel.

Sullivan et al v. DB Investments, Inc., et al., U.S.D.C, District of New Jersey, No. 3:04-cv-02819, Counsel for Reseller Subclass.

## OF COUNSEL

**ROBIN BRONZAFT HOWALD**, a native of Brooklyn, New York, returned home in 2001 to open the firm's New York City office. Ms. Howald graduated *magna cum laude* from Barnard College in 1980, with a B.A. in psychology. In 1983, she received her J.D. from Stanford Law School, where she served as an Articles Editor for the Stanford Law Review. In addition to her current focus on securities fraud and consumer class action matters, during her 20-year career Ms. Howald has handled cases in many different practice areas, including commercial disputes, professional malpractice, wrongful termination, bankruptcy, patent and construction matters. As outside counsel for the City of Torrance, California, she also handled a number of civil rights and land use matters, as well as a ground-breaking environmental action concerning Mobil Oil's Torrance refinery. Ms. Howald has experience in pre-trial and trial procedure and has successfully prosecuted post-trial motions and appeals.

Mrs. Howald is a member of the bar of both California (1983) and New York (1995), and is admitted to practice in all federal judicial districts in California, the Southern and Eastern Districts of New York, and the United States Supreme Court. She co-authored "Potential Tort Liability in Business Takeovers" (*California Lawyer*, September 1986), was a speaker and contributing author at the Eighth Annual Current Environmental and Natural Resources Issues Seminar at the University of Kentucky College of Law (April 1991), and served as a Judge Pro Tem for the Los Angeles County Small Claims Court (1996-1997). Married in 1985, Mrs. Howald and her husband have two sons. An avid runner, Mrs. Howald has completed six marathons.

**NEAL A. DUBLINSKY** was born in Flushing, New York on January 15, 1963. He earned his undergraduate degree from Yeshiva University in 1984, graduating *summa cum laude*, (highest-ranking graduate of his class) and was the recipient of the Dean Isaac Bacon Award for Excellence in the Humanities. Mr. Dublinsky earned his J.D. from New York University School of Law in 1987 where he participated in the Consumer Protection Clinical Program under renowned Professor Anthony G. Amsterdam. Mr. Dublinsky was admitted to the state bar of California in 1988.

Mr. Dublinsky played a strong part in the Firm's successful resolution of the aforementioned matters of In re ESC Medical Systems, Ltd. Securities Litigation, USDC Southern District of New York, Case No. 98 Civ. 7530 and In re Lason, Inc. Securities Litigation, USDC Eastern District of Michigan, Case No. 99 76079. The published opinions in which Mr. Dublinsky has played a primary role include: City of Sterling Heights Police and Fire Retirement System v. Abbey Nat., PLC, --- F.Supp.2d ----, 2006 WL 846261 (S.D.N.Y., Mar 31, 2006) (NO. 05 CIV. 2141 (DC)); Falkowski v. Imation Corp., 309 F.3d 1123 (9th Cir. 2002), *as amended*, 320 F.3d 905 (9th Cir. 2003); Falkowski v. Imation Corp., 132 Cal.App.4th 499, 33 Cal.Rptr.3d 724 (Cal.App. 2005), *reh. den.* (Sep 27, 2005), *rev. den.* (Nov 30, 2005), and; Mirpuri v. ACT Mfg., Inc., 212 F.3d 624 (1st Cir. 2000). In addition, he played a primary role in Caprin v. Simon Transportation Services, Inc., 99 Fed.Appx. 150 (not selected for publication), 2004 WL 326995 (10th Cir. 2004). He also was an important participant in Rothman v. Gregor, 220 F.3d 81 (2nd Cir. 2000) and Shah v. Meeker, 435 F.3d 244 (2nd Cir. 2006).

**KEVIN F. RUF** was born in Wilmington, Delaware on December 7, 1961. Mr. Ruf graduated from the University of California at Berkeley in 1984 with a B.A. in Economics and earned his J.D. from the University of Michigan in 1987. Mr. Ruf was admitted to the State Bar of California in 1988. Mr. Ruf was an associate at the Los Angeles firm Manatt Phelps and Phillips from 1988 until 1992, where he specialized in commercial litigation and was a leading trial lawyer among the associates there. In 1993 he joined the firm Corbin & Fitzgerald in order to gain experience in criminal law. There he specialized in white collar criminal defense work, including matters related to National Medical Enterprises, Cynergy Film Productions and the Estate of Doris Duke. Mr. Ruf joined Glancy Binkow & Goldberg in 2001 and has taken a lead trial lawyer role in many of the firm's cases. In 2006, Mr. Ruf argued before the California Supreme Court in the case *Smith v. L'Oreal* and achieved a unanimous reversal of the lower court rulings; the case established a fundamental right of all California workers to immediate payment of all earnings at the conclusion of employment. In 2007, Mr. Ruf took an important case before the Ninth Circuit Court of Appeals, convincing the Court to affirm the lower court's certification of a class action in a fraud case (fraud cases have traditionally faced difficulty as class actions because of the requirement of individual reliance). Mr. Ruf has extensive trial experience, including jury trials, and considers his courtroom and oral advocacy skills to be his strongest asset as a litigator. Mr. Ruf currently acts as the Head of the Firm's Labor and Consumer Practice, and has extensive experience in Securities cases as well. Mr. Ruf also has experience in real estate law and has been a Licensed California Real Estate Broker since 1999.

**FREDERICK W. GERKENS, III**, an of counsel to Glancy Binkow & Goldberg LLP, graduated from Fordham University Law School *cum laude* in 1997 with an LL.M. in Corporate, Banking, and Finance law. Mr. Gerkens received his J.D. degree from New York Law School, graduating *cum laude* in 1995, and an M.B.A. from Temple University in 1978. Mr. Gerkens received his undergraduate degree from Temple University (B.A. Psychology, *cum laude*) in 1975. Mr. Gerkens also is a Certified Public Accountant (New York, 1980).

After graduating law school, Mr. Gerkens was employed at the United States Securities and Exchange Commission, Division of Market Regulation, and thereafter practiced principally in securities class actions, complex commercial litigation, and employment law, and was a partner at another prominent class action litigation firm.

Prior to law school, Mr. Gerkens was employed at a major Wall Street investment firm as director of financial reporting and manager of regulatory reporting (1985-1992). Prior to that, Mr. Gerkens was an auditor employed by recognized public accounting firms, with mostly financial institution clientele (1978-1985).

Mr. Gerkens is a member of the American Bar Association (Litigation Section), the Association of the Bar of the City of New York and the American Institute of Certified Public Accountants.



Mr. Gerkens played a prominent role in prosecuting several securities class actions to successful conclusion, resulting in settlements to the respective shareholder classes, including In re BankOne Shareholders Litig., No. 00-CV-0880 (N.D. Ill.); In re UNUMProvident Sec. Litig., No. 99-CV-301 (D. Me.); In re Allied Products Sec. Litig., No. 99-CV-3597 (N.D. Ill.); In re Laidlaw Stockholders Litig., No. 3:00-CV-0855-17 (D.S.C.); In re Alliance Pharm. Corp. Sec. Litig., No. 01-CV-1674 (S.D.N.Y.); In re Warnaco Group, Inc. Sec. Litig. (II), No. 01-CV-3346 (S.D.N.Y.); In re Rediff Inc. Sec. Litig., No. 01-CV-3020 (S.D.N.Y.); In re Abercrombie & Fitch Co. Sec. Litig., M21-83 (S.D.N.Y.); In re Global Crossing, Inc. Sec. Litig., No. 02-CV-0910 (S.D.N.Y.); In re Amazon.com, Inc. Sec. Litig., No. C-01-0358-L (W.D. Wash.); In re Harnischfeger, Inc. Sec. Litig., Nos. 98-C-0524, 99-C-0598 (E.D. Wis.); In re American Bank Note Holographics, Inc. Sec. Litig., No. 99-C-0598 (S.D.N.Y.); and In re Avista Corp. Sec. Litig., No. CV-02-0328 (E.D. Wash.).

Mr. Gerkens is admitted to practice in New York (1995), the United States Supreme Court, the United States Courts of Appeals for the Second, Third, Fourth, Fifth and Sixth Circuits, and the United States District Courts for the Southern and Eastern Districts of New York and the Eastern District of Wisconsin.

**MICHAEL B. ACKERMAN** was born in Brooklyn, New York on June 30, 1962. He received his Bachelor of Arts from Columbia University in 1984 and attended Fordham University Law School (J.D. 1987). Mr. Ackerman was admitted to the New York bar in 1989 and the California bar in 1990. Mr. Ackerman is a member of the American Bar Association, the Los Angeles County Bar Association and the Association of the Bar of the City of New York.

**BRADLEY J. HILLIS** graduated from the University of Washington School of Law (J.D., 1988), where he was a member of Moot Court Honor Board. He received a B.A. from The Colorado College and M.A. in history from the University of Washington. Mr. Hillis is a member of the bars of New York, Massachusetts and Washington State, the U.S. District Courts for the Western District of Washington and Massachusetts, and the U.S. Courts of Appeal for the First and Ninth Circuits. He is the author of "Electronic Court Filing and the Internet," (The Journal of Appellate Practice and Process, volume 2:2, Winter 2000). He has previously worked as a deputy prosecuting attorney for the King County Prosecutor's Office, in Seattle, Washington, and was a member of the Advisory Board of Findlaw.com.

**ILANA KOHN** was born in Encino, California, on October 7, 1967. She earned her undergraduate degree from Mills College in 1993, with honors, and her J.D. from the University of San Francisco School of Law in 1999, with honors. Ms. Kohn was admitted to the State Bar of California in 1999, and is admitted to practice before the Northern, Central and Eastern Districts of California. Ms. Kohn specializes in class actions on behalf of defrauded investors and consumers. Prior to her class action work, Ms. Kohn was an associate in the San Francisco office of Schnader Harrison Segal and Lewis, where she specialized in commercial litigation. Since joining the firm in 2003, Ms. Kohn has been involved in the prosecution of the Initial Public Offering Securities Litigation pending in the United States District Court for the Southern District of New York, a coordinated proceeding of over

300 class action lawsuits based on market manipulation in initial public offerings during the high technology boom of the late 90s.

**JALA AMSELLEM** has been engaged in the private practice of civil litigation for over ten years. She has handled a broad variety of cases in the areas of corporate commercial, family law, personal injury and entertainment litigation. Jala is also a former legal writing professor who taught legal skills for twelve years. In her last academic position she was the Associate Director of the legal writing program at The George Washington School of Law. Recently, Jala founded The Bar Coach, a company dedicated to assisting bar takers pass the California Bar Exam.

Jala received her undergraduate degree from New York University in 1982 and her J.D. from Touro Law School in 1985. At Touro, Jala was the Senior Editor of the law review. Jala is admitted to the bars of California, New York, New Jersey, Michigan and the District of Columbia.

**KATHARINE A. KATES**, Of Counsel to the Firm in San Francisco, graduated from Hastings College of the law (1991, with honors) where she was a member of the Hastings Law Journal. She received a B.A. (1985, with high honors) and an M.A. (1988) in the History of Art from the University of California, Berkeley. After obtaining her law degree, Ms. Kates practiced at Sonnenschein Nath & Rosenthal in San Francisco. Ms. Kates was a staff attorney at the United States District Court for the Central District of California, then joined the Los Angeles litigation boutique O'Neill Lysaght & Sun and later, Murphy Rosen & Cohen. Prior to focusing on antitrust litigation, Ms. Kates' experience included complex commercial litigation and white collar criminal defense, with a particular emphasis on securities matters.

**SYLVIE KULKIN KERN** has been a commercial litigator for more than twenty years. She began her legal career as a law clerk to Justice John Holmdahl of the California Court of Appeal, First District, and then practiced law in San Francisco at Severson, Werson, Berke & Melchior (1985-1988); Brobeck Phleger & Harrison (1988-1993); and Morrison & Foerster LLP (1995-2004), where she was Of Counsel on the firm's securities litigation team. She joined Glancy Binkow & Goldberg LLP in 2005. In addition to her work in the securities field and her current focus on antitrust litigation, Ms. Kern has handled numerous complex commercial cases in state and federal court in the transportation, insurance, banking, real estate, and telecommunications industries, at both the law-and-motion and appellate stages.

Originally from France, Ms. Kern graduated from the University of California at Los Angeles in 1973, Magna cum Laude and Phi Beta Kappa with dual degrees in French and Political Science. She obtained her master's degree from the Johns Hopkins School of Advanced International Studies in 1975, and a law degree from Hastings College of the Law, where she served on the Hastings International and Comparative Law Review, in 1983. Prior to attending law school, Ms. Kern served as a Foreign Service officer with the United States Agency for International Development, managing foreign aid programs in El Salvador and Haiti. She speaks French, Spanish and Italian, and has lived or traveled in over thirty countries.

## ASSOCIATES

**MARCL. GODINO** has extensive experience successfully litigating complex, class action lawsuits as a plaintiffs' lawyer. Mr. Godino has played a primary role in cases resulting in settlements of more than \$100 million. He has prosecuted securities, derivative, ERISA, and consumer cases throughout the country in both State and Federal court as well as represented defrauded investors at NASD arbitrations.

While an associate with Stull Stull & Brody, Mr. Godino was one of the two primary attorneys involved in Small v. Fritz Co., 30 Cal. 4th 167 (April 7, 2003) in which the California Supreme Court created new law in the state of California for shareholders that held shares in detrimental reliance on false statements made by corporate officers. The decision was widely covered by national media including *The National Law Journal*, *Los Angeles Times*, *New York Times*, and the *New York Law Journal*, among others and was heralded as a significant victory for shareholders.

Other published decisions include: In re 2TheMart.com Securities Litigation, 114 F.Supp 2d 955 (C.D.Cal. 2002); In re Irvine Sensors Securities Litigation, 2003 U.S. Dist. LEXIS 18397 (C.D.Cal. 2003); Brown v. Computerized Thermal Imaging Inc., 2002 WL 31109563 (D.Or. 2002).

Mr. Godino received his undergraduate degree from Susquehanna University with a bachelor of science degree in Business Management. He received his J.D. from Whittier Law School in 1995.

Mr. Godino is admitted to practice before the state of California, the United States District Courts for the Central, Northern and Southern Districts of California, the District of Colorado, and the Ninth Circuit Court of Appeals.

**RICHARD A. MANISKAS** specializes in shareholder litigation. His practices focuses on the investigation and initiation of securities and shareholder class actions, shareholder derivative suits, and shareholder suits challenging management misconduct in connection with corporate takeovers and disputed contests for corporate control.

Mr. Maniskas received his juris doctor from Widener University School of Law and his BA from the University of Pittsburgh. While in law school, Mr. Maniskas served as Internal Editor of the Widener Journal of Public Law. Prior to joining the firm, Mr. Maniskas was an attorney at Schiffrin Barroway Topaz & Kessler, LLP. Mr. Maniskas also served as a law clerk to the Hon. Vincent A. Cirillo (deceased), President Judge Emeritus, Superior Court of Pennsylvania. Mr. Maniskas is admitted to practice law in the Commonwealth of Pennsylvania, the District of Columbia, the United States Supreme Court, and the United States District Court for the Eastern District of Pennsylvania.

**DALE MacDIARMID** is a native of Los Angeles, California. He holds a B.A. in Journalism (with Distinction) from the University of Hawaii, and a J.D. from Southwestern University School of Law, where he was a member of the Board of Governors of the Trial Advocacy Honors Program. He is admitted to practice in California, before the United States District Courts for the Southern, Central

and Northern Districts of California and the District of Colorado. Dale is a member of Kappa Tau Alpha, the national journalism honor society, and before joining Glancy Binkow & Goldberg he was a writer and editor for newspapers and magazines in Honolulu and Los Angeles.

**KARA M. WOLKE** graduated summa cum laude with a B.S.B.A. in Economics from The Ohio State University in 2001. Kara earned her J.D. (with honors) from Ohio State in May, 2005, where she was active in Moot Court and received the Dean's Award for Excellence for each of her three years. In 2005, she was a finalist in a national writing competition co-sponsored by the American Bar Association and the Grammy® Foundation. (7 Vand. J. Ent. L. & Prac. 411). Kara joined Glancy Binkow & Goldberg in the fall of 2005 and was admitted to the State Bar of California in January, 2006.

**ANDY SOHRN** joined Glancy Binkow & Goldberg LLP in 2006. He was admitted to the California Bar in January 2006 after receiving his J.D. from the University of California Los Angeles School of Law in May 2005. While attending law school, Andy was the Managing Editor of the Pacific Basin Law Journal, participated in Moot Court and was a Teaching Assistant for the Lawyering Skills program. He also holds a B.A. in Economics and Mathematics from Yale University (class of 2002).

**KATHERINE DEN BLEYKER** joined Glancy Binkow & Goldberg LLP in 2007. She holds a B.A. in Political Science from the University of Michigan and a J.D. from Fordham University School of Law (class of 2007). While in law school, Katherine received the Fordham Legal Writing Award, and her note on military blogging and the First Amendment, 17 Fordham Intell. Prop. Media & Ent. L.J. 401, was nominated for best student-written work. She was also a member of the Moot Court editorial board, an extern for the Honorable Magistrate Judge Patty Shwartz (D.N.J.), and an extern at Jazz at Lincoln Center. Katherine is a member of the California and New York bars, and is admitted to practice in all federal judicial districts in California, as well as the Southern and Eastern Districts of New York.

Katherine is admitted to practice before the states of New York and California, as well as the United States District Courts for the Southern and Eastern Districts of New York.

# EXHIBIT 5

## **CURRICULUM VITAE**

### **PERSONAL**

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Email: lewis@hgdlawfirm.com

### **PROFESSIONAL RATINGS**

*Martindale-Hubbell Law Directory: AV rated*

### **BAR ADMISSIONS**

Admitted to Alabama Bar in 1983. Admitted to Georgia Bar in 1984. Admitted to United States District Court for the Middle and Northern Districts of Alabama. Admitted to United States District Court for the Northern District of Georgia. Admitted to United States Court of Appeals, Third, Fourth, Fifth, and Eleventh Circuits. Admitted to United States Supreme Court.

### **PROFESSIONAL SOCIETIES**

American Bar Association; American Association for Justice; Birmingham Bar Association

### **MASS TORT AND MDL EXPERIENCE**

*In re Kugel Mesh Hernia Patch Litigation*, MDL No. 1842. Represent class of persons who suffered physical injuries from implanted medical device; Member, Plaintiffs' Steering Committee.

*In re Levaquin Products Liability Litigation*, MDL No. 1943. Member, Plaintiffs' Steering Committee. Represent persons who suffered adverse side effects from prescription antibiotic medicine.

*In re Bullitt County Train Derailment Litigation*, Case No. 3:07 CV-24-R, Plaintiffs' Class Counsel. Represent thousands of members of plaintiffs' class in a settlement pending final approval.

*In re Diet Drug Litigation*, MDL 1203 (pharmaceutical product liability). Obtained settlements in all Phase I cases (500-plus clients); obtained settlements for 1700-plus plaintiffs in Phase II cases in MDL and state court.

*In re Vioxx Litigation*, MDL No. 1657. Represent persons who suffered heart attacks and strokes due to ingestion of Vioxx. Member, Discovery and Science Subcommittees in the MDL.

*In re Zyprexa Litigation*, MDL No. 1596. Represent large number of persons who contracted diabetes mellitus after ingesting anti-psychotic medication Zyprexa. Member, Plaintiffs' Steering Committee.

*Baycol Multidistrict Litigation*, MDL No. 1431 (pharmaceutical product liability), U.S. Dist. Ct. for the Dist. of Minnesota. Represented over 600 clients. Member, Law and Briefing Subcommittee.

*Neurontin Sales Practices and Product Liability Litigation*, MDL No. 1629 (pharmaceutical product liability). Represent individuals injured as a consequence of off-label promotion and prescription of the drug.

*In re Sulzer Orthopedics Litigation*, MDL 1401. Represented clients who had claims against manufacturer of defective hip implants.

*In re Guidant Corp. Litigation*, MDL No. 1708. Represent clients who have claims against manufacturer of defective implantable cardiac defibrillators.

*In re Seroquel Litigation*, MDL No. 1769. Represent person who have been prescribed Seroquel and who have developed diabetes.

*In re Ortho Evra Litigation*, MDL No. 1742. Represent individuals injured by defective birth control patches.

*In re VTran Media Technologies, LLC Litigation*, MDL No. 1948. Represent owner of patent in infringement suits in various federal courts; Co-liaison counsel.

*In re Medtronic, Inc. Litigation*, MDL No. 1726. Represent clients who have claims against manufacturer of defective implantable cardiac defibrillators.

*In re MasterCard International, Inc. Internet Gambling Litigation, and Visa International Service Association Internet Gambling Litigation*, MDL Nos. 1321 and 1322. Member, Plaintiffs Steering Committee.

*In re American General Life and Accident Ins. Litigation*, MDL No. 1429 (racially discriminatory insurance pricing). Member, Plaintiffs' Executive Committee. Obtained settlements for 1500-plus clients in states of Alabama, Georgia, Mississippi, Florida, and Tennessee.

*In re Life of Georgia Industrial Ins. Litigation*, MDL No. 1390. Obtained settlements for over 600 clients who were charged racially-discriminatory insurance premiums.

*In re Unitrin* (same as *In re American General*, above), obtained settlements for 600-plus clients in states of Alabama, Georgia, Mississippi, Florida, and Tennessee.

*In re Prudential Sales Practices Litigation* (fraudulent or deceptive sales of insurance products), obtained settlements for 300-plus clients in Alabama and Georgia.

*In re Welding Fume Products Liability Litigation*, MDL No. 1535. Represent individuals injured by exposure to toxic welding rod fumes.

*Wayne et al. v. Pharmacia* (PCB litigation). In actions pending in state and federal courts in Alabama, represent over 1500 clients injured by PCB contamination.

*Martin v. BioLab, Inc.*, U.S. Dist. Ct., N.D. Ga. (catastrophic chlorine fire). Member, Plaintiffs' Management Committee.

#### **CLASS ACTIONS** (Lead or co-lead counsel for plaintiffs)

*Cusick v. Southwest Airlines Co., Inc.*, United States District Court for the Northern District of Alabama, Southern Division, Case No. 2:08-CV-650-RRA (pending class certification); *Lonnie & Dawn Glover v. Standard Federal Bank*, United States District Court for the District of Minnesota, Case No. 97-2068; *Hope v. STM Mortgage Co.*, Circuit Court of Jefferson County, Alabama, Case Number CV94-03194 (national class); *Thomason v. Litton Mortgage Servicing Center*, Circuit Court of Jefferson County, Alabama, Case Number CV94-02756 (national class); *Gray v. Columbia National, Inc.*, Circuit Court of Jefferson County, Alabama, Case Number CV94-06668 (national class); *Bell v. The Prudential Home Mortgage Co., Inc.*, Circuit Court of Montgomery County, Alabama, Case Number CV94-2717G (national class - settlement); *Huggins v. Compass Bank*, Circuit Court of Shelby County, Alabama, Case Number CV95-520 (national class - settlement); *Trotman v. Market Street Mortgage Co.*, Circuit Court of Montgomery County, Alabama, Case Number CV94-2716.80 (national class - settlement); *Williams v. First NH Mortgage Corp.*, Circuit Court of Jefferson County, Alabama, Case Number CV94-5993 (national class - settlement); *Dillon Equities d/b/a H.L. Franklin's Place v. Jefferson County, Alabama*, Circuit Court of Jefferson County, Alabama; *Wanda Chandler v. Molton, Allen & Williams Corp.*, Circuit Court of Jefferson County, Alabama, Case Number CV97-1989 (national class - settlement); *Popular Package Stores v. City of Montgomery*, Circuit Court of Montgomery County, Alabama, Case Number CV92-52; *Mabson v. GMAC and MIC Life Ins. Co.*, Circuit Court of Jefferson County, Alabama, Case Number CV94-6141 (State of Alabama class); *Vakakes Enterprises d/b/a P.T.'s Sports Grill v. City of Birmingham*, Circuit Court of Jefferson County, Alabama; *Dwyer v. J.I. Kislak Mortgage Corp.* Superior Ct. King County Washington, Case No. 97-2-10584-6 (national class certification and settlement); *George T. Ballance v. Hibernia National Bank and Progressive Casualty Insurance Company*, United States District Court for the Southern District of Mississippi, Southern Division, Case No. 1:96CV13GR (national class - \$10 million settlement);



*Gary Archer v. Wal-Mart*, Circuit Court of Shelby County, Alabama; *James Warren Wilson and Thelma Wilson v. Commercial Federal Mortgage Corporation*, United States District Court for the Northern District of Alabama, Southern Division, Case No. CV 98-J-0184-S (national class certification); *J.M. Maples, et al v. Jack Williams, et al*, Circuit Court of Jefferson County, Alabama, Case No. 97-058; *Brasher v. Norfolk Southern* (class settlement, co-lead class counsel), United States District Court for the Northern District of Alabama, Eastern Division, CV-06-BE-0198-ES; *Sanders v. Norfolk Southern* (putative class action), Court of Common Pleas of Aiken Co., South Carolina, No. 05-CP-02-68; *MNP Holdings, LLC, v. Smallwood*, Circuit Court of Jefferson Co., Alabama, Case No. 2007-900669 (class settlement, co-lead class counsel).

# EXHIBIT 6

## FIRM RESUME

In 1999, **HIDEN, ROTT & OERTLE, LLP (HR&O)** was selected by Legalease, in its Asia-Pacific Legal 500, as one of the top law firms in North America for Labor and Employment. □

At **HR&O**, our practice is organized into six departments of representation: *Civil Litigation, Family Law, Labor & Employment, Personal Injury, Wills & Trusts and Workers' Compensation*. These six departments are further divided into a number of smaller groups, giving **HR&O** the ability to operate as a full service law firm. □ □ Our diversified practice enables us to offer solutions to the most challenging legal issues in virtually every area of law, providing the specific legal guidance clients need to effectively compete in a constantly changing global business environment. □ □ We believe the key to our success is our spirit of teamwork and shared commitment to quality. These characteristics have long distinguished us from other firms. □

At **HR&O**, we are dedicated to providing consistent excellence and ingenuity in our work. **HR&O** attorneys are known for their ability to thoroughly explore alternatives and identify fresh approaches to complex litigation and sophisticated transactions. □ □ Today's communication technology allow our lawyers to communicate and effectively represent our clients, regardless of geographic location.

**Michael Ian Rott:**

mrott@hrollp.com

**Senior Partner** □

Labor and Employment Department □

Litigation Department □

Complex Litigation Department

Real Estate Department

**Education:** □

JD, Thomas Jefferson, 1992 □

BS, University of Arizona, 1987

**Experience:** □

Michael Ian Rott is a Founding Partner of Hiden, Rott & Oertle, LLP., and works in the Firm's San Diego and El Centro Offices. Mr. Rott's practice encompasses all areas of employment law litigation and related disciplines. □ □ Mr. Rott has served as general counsel for a professional sports team, Workers' Compensation defense counsel for 2-Major League Baseball (MLB) Teams (The Toronto Blue Jays and the Montreal Expos), and has served as general counsel to Labor Unions throughout California, some of which include the Communications Workers of America (AT&T Employees) and the Plumbers & Pipefitters. Mr. Rott has also negotiated collective bargaining agreements for the American Federation of Teachers. Mr. Rott represents the United Food and Commercial Workers, Local 135 and its members in civil litigation matters and workers' compensation matters (approximately 15,000 members) along with Teamsters, Local 542 in matters of civil litigation and workers' compensation. For nearly the past 15 years, Mr. Rott has served as group legal services counsel in matters of civil litigation, workers' compensation and labor & employment matters for the California Teachers Association.

Mr. Rott has experience in state and federal claims, including product liability and complex commercial and class action litigation. Mr. Rott

has served as lead counsel in the class action of *Elena Moore v. The Check Cashing Place*, San Diego Superior Court, Central District, Case No.: GIC 879665 (California Class - Settlement); *Donald Tormey v. The Vons Companies, Inc.*, Case No.: 37-2007-00069418-CU-OE-CTL (California Class Certification Pending –District Court Granted Remand to State Court- Pending Preliminary Settlement Approval).

Mr. Rott has served as co-counsel with Thorsnes, Bartolotta & McGuire in *Gwen Eagle, et al. v. Mercedes Benz USA*, Case No.:3:03-cv-00187-R-AJB (Nationwide – Individual Settlement) and *Kath Walker v. BMW of North America*, Case No.:3:03-cv-00325-W-JFS;

Mr. Rott has also represented and settled dozens of claims on behalf of teachers throughout California for claims against American Home Products Corporation regarding the defective diet drug Fen-Phen.

For Approximately Mr. Rott also served as lead counsel to the Communications Workers' of America, Local 9509 and approximately 20 of its officers and members in *Linda Imsande-Sexton v. Communications Workers of America, AFL-CIO, et al.*, Case No.: 05-CV0272 J (LSP).

Mr. Rott has experience in representing clients involved in multiparty litigation and indemnification disputes between past and current property owners concerning cleanup costs, and toxic tort cases. Mr. Rott also has experience negotiating environmental insurance and other environmental risk-transfer products.

Mr. Rott has advised clients in the regulation of commercial chemicals and products, including requirements arising under toxic substances control act (TSCA), hazard communication and right-to-know standards, and consumer product laws, along with related product liability issues. Mr. Rott also has experience in working with clients on matters involving chemical/product hazard and risk evaluations, and the legal implications of such evaluations.

Mr. Rott serves as a Civilian Attorney Panelist for General Civil Legal matters for the Military Personnel at Camp Pendleton, in Oceanside, California.

Mr. Rott is the author of "The Employee's Workers' Compensation Handbook" and is a sought after guest lecturer on labor issues and Legal Trends.

Mr. Rott is also a licensed California Real Estate Broker and the Founder of Union Real Estate, a Real Estate Brokerage Firm, which provides representation to clients in sales and acquisition of residential and commercial properties.

Mr. Rott has served in the past as a Judge Pro Tempore for the San Diego Superior Court, Small Claims Division and a past Committee Member for the San Diego County Bar Ethics Committee. In 1996, Mr. Rott was selected as an interviewee for the California State Bar Committee on Professional Rules and Conduct.

Mr. Rott's pro bono service includes the representation of Native Americans from the Dineh Tribe (Navajo), in the case of *Jenny Manybeads, et al. v. United States of America, et al.*, No. 90-15003 (1994).

**Practice Areas**

Labor & Employment Law

Product Liability and Mass Torts

Entertainment, Sports and Media

**Bar and Court Admissions**

California

District of Columbia

United States District Court, Northern, Southern, Eastern and Central  Districts of California

United States Court of Appeals for the Ninth Circuit

**Publications** □

“Video Game Law”, San Diego-Imperial Counties Labor Leader, February 2009 – Vol. C

“The Employees Workers’ Compensation Handbook”, May 2003

**David V. Hiden, Jr.:**

dhiden@hrollp.com

**Managing Partner** □

Litigation Department □

Entertainment, Sports and Media Law Department

**Education:** □

JD, Thomas Jefferson, 1993 □

BS, San Diego State University, 1990 □ cum laude

**Experience:** □

David V. Hiden, Jr., is the managing partner at Hiden, Rott & Oertle, LLP, and works in the Firm's San Diego Office with broad experience in complex commercial litigation. □ □ Mr. Hiden's practice focuses on counseling, litigation and transactions in a wide array of substantive areas, including unfair business practices, employment law, media, sports, entertainment, telecommunications, high tech and emerging technology matters. □ □ Mr. Hiden has been instrumental in procuring tens of millions of dollars in settlements for clients involved in major accidents, insurance coverage disputes, cost recovery, contracts and torts. □ □ Mr. Hiden has also served as defense counsel in multi-million dollar tort, personal injury and contract claims in court and private arbitration as well as business interruption, property damage and liability insurance coverage claims in state courts. □ □ Mr. Hiden has served as general counsel for The San Diego Riptide, an AF2 team, in San Diego, CA. □ □ Mr. Hiden also serves as legal counsel to numerous medical providers

throughout the United States in areas of lien enforcement.□□ Mr. Hiden is an appointed Arbitrator by the San Diego County Bar Association and actively participates in pro-bono representation.

**Practice Areas**□

Civil Litigation and Defense□

Product Liability and Mass Torts□

Employment Law□

Communications, Entertainment, Sports and Media

**Bar and Court Admissions**□

California□

United States District Court for Colorado□

United States District Court, Central District of California

**Publications**□

Questions and Answers on the use of Small Claims Court in Personal Injury Cases (California Chiropractic Journal, February 2000, Vol. 25, No.1)

**Candace A. Oertle (Retired)**

**Partner** □

Litigation Department

**Education**□

JD, California Western School of Law□

BS, University of California, Santa Barbara

**Experience**□

Candace A. Oertle retired from the Firm in January of 2000 to enjoy the gift of motherhood. Prior to that Mrs. Oertle worked in the Firm's San Diego office. Mrs. Oertle's practice encompassed all aspects of civil litigation.



Prior to joining HR&O, Mrs. Oertle worked as an associate with a mid-sized law firm in San Diego doing insurance defense work for Farmer's Insurance Company.

Mrs. Oertle has experience in product liability and consumer law actions. Prior to retiring from the Firm, Mrs. Oertle began pursuing her passion of equestrian law.

**Eric M. Overholt**

eoverholt@hrollp.com

**Senior Associate** □

Labor and Employment Law Department □

Litigation Department

Complex Litigation Department

**Education:** □

J.D., Thomas Jefferson School of Law, *cum laude*, May 2006 □

B.A., University of California, Santa Barbara, *cum laude*, June 2003

**Experience:** □

Eric M. Overholt is a senior associate of Hiden, Rott & Oertle, LLP, and works in the Firm's San Diego and El Centro Offices. He began as an intern at Hiden, Rott & Oertle in the summer of 2005 and began a position as a paid Legal Clerk until joining the firm as an attorney in 2007.

Mr. Overholt has represented clients in: securing meal and rest period wages and penalties, employment discipline hearings and appeals, and wrongful termination lawsuits. He is currently in litigation on products defect, breach of warranty and employment law cases. Mr. Overholt is currently assisting with several of the Firm's class action lawsuits. He has already been approved class counsel along with Michael Rott in at least one class action in San Diego Superior Court.

Mr. Overholt's practice encompasses all areas of Employment Law litigation, general litigation and related disciplines.

**Bar and Court Admissions**

California

United States District Court: Northern, Southern, Eastern and Central Districts of California

**Legal Articles and Publications**

“Contractual Development in Online Gaming”, San Diego Lawyer Journal, November/December 2006

“Supreme Court of California Upholds Employee’s Rights”, Labor Leader, May 2007- Vol. C

**Sabrina A. Stuart**

sstuart@hrollp.com

**Associate**

Family Law Department

Litigation Department

**Education**

JD, Thomas Jefferson School of Law, 2006

BA, California State University, Sacramento, 2003

**Experience**

Sabrina A. Stuart, is an Associate at Hiden, Rott & Oertle, LLP, and works in the Firm’s San Diego office with experience in family law matters.

Ms. Stuart’s practice focuses on multiple areas of family law, including: dissolution, legal separation, child custody and visitation, child and spousal support, domestic violence restraining orders, paternity, modifications, bifurcation of marital status, enforcement of

court orders, marital settlement agreements, and more.

In addition to family law, Ms. Stuart also practices in the areas of civil litigation, workers' compensation and personal injury.

Ms. Stuart received a Bachelor of Arts Degree in Communication Studies, with a concentration in Public Relations from California State University, Sacramento. Ms. Stuart graduated from CSUS with Departmental Honors and was a member of the Epsilon Phi, Chapter of Lambda Pi Eta: Communication Honor Society.

### **Bar and Court Admissions** □

California □

United States District Court: Northern, Southern, Eastern and Central Districts of California □

United States Court of Appeals for the Ninth Circuit

### **Yun-Shan Lee**

slee@hrollp.com

### **Associate** □

Labor and Employment Law Department □

Litigation Department

### **Education:** □

J.D., Villanova University School of Law, 2005

B.A., University of California, Berkeley, 2002

### **Experience:** □

Yun-Shan "Sandy" Lee is an associate of Hiden, Rott & Oertle, LLP, and works in the Firm's San Diego and El Centro Offices.

Prior to joining HR&O, Ms. Lee worked in Delaware and Pennsylvania. □ While in Delaware, Ms. Lee was an extern for U.S. Magistrate, Judge Mary Pat Thyng, where she researched patent law violations and pre-trial motions for suppression of evidence in criminal law cases.

After leaving the District Court, Ms. Lee worked for a Workers' Compensation Defense firm in Delaware and Pennsylvania.

Ms. Lee went on to explore a variety of other areas of law, which include, Family Law, Wills & Trusts, and Employment Law.

Realizing that Labor & Employment law is her true passion, Ms. Lee has immersed herself once again, in Workers' Compensation Law at HR&O.

## **Bar and Court Admissions**

California

### **Erich A. Drotleff**

edrotleff@hrollp.com

### **Associate**

Labor and Employment Law Department

Litigation Department

### **Education:**

J.D., California Western School of Law, September 2006

M.P.H., San Diego State University, June 1989

B.A., University of California, San Diego, June 1987

### **Experience:**

Law school represents a second career for Mr. Drotleff who has over 12 years health insurance experience. His practice encompasses all aspects of business and civil litigation, including labor and wage, business, employer liability, worker's compensation, personal injury, and general litigation. Prior to joining HR&O, Mr. Drotleff clerked at Procopio, Cory Hargreaves and Savitch and was a member of that firm's labor and employment, and litigation practice groups.

## **Bar and Court Admissions**

California ☐

United States District Court: Southern District of California

**Legal Articles and Publications** ☐

“The Medicare Part D Prescription Drug Benefit: Who Wins and Who Loses?” Marquette University School of Law, *Elder’s Advisor Law Journal*, Fall 2006.

**Teddy R. McNamara**

tmcnamara@hrollp.com

**Of Counsel** ☐

Wills & Trusts Department

**Education:** ☐

JD, Thomas Jefferson School of Law, *cum laude*, 2005 ☐

BA, Clemson University, *cum laude*, 1995

**Experience:** ☐

Teddy Robert McNamara is affiliated with HR&O as an “Of Counsel” member of the Firm’s Wills & Trusts’ Department. He is admitted to practice law in California.

# EXHIBIT 7

## **LITIGATION LAW GROUP**

1801 Clement Avenue, Suite 101  
Alameda, California 94501  
Telephone: 510-238-9610  
Facsimile: 510-337-1431

Web site:  
<http://www.classlitigation.com>

Electronic mail:  
[mail@classlitigation.com](mailto:mail@classlitigation.com)

### **FIRM RESUME**

Litigation Law Group focuses on effective representation of clients. With offices in the picturesque Alameda Marina, in Alameda, California, we have convenient access to all courts in the San Francisco Bay Area. Four nearby international airports give us access to other parts of California and the nation.

We pride ourselves on our legal expertise. The firm's lead attorney, Gordon M. Fauth, Jr., has a cutting edge background in complex litigation, with considerable experience in civil litigation, including class-action and anti-trust litigation, consumer litigation, civil rights, personal injury and business litigation. He has successfully prosecuted many actions in which multi-million dollar results were achieved for clients.

***Gordon M. Fauth, Jr.*** Mr. Fauth received his undergraduate degree in Government from Harvard University and his law degree from the University of California at Berkeley (Boalt Hall). From 1997 to 2001, Mr. Fauth was an associate at the law firm of Girard & Green, LLP. From 2001 to 2002, Mr. Fauth was a partner in the law firm of Green Fauth & Jigarjian, LLP. Today, in addition to managing Litigation Law Group, Mr. Fauth is active in various legal and public interest organizations.

Mr. Fauth is admitted to practice before both California and Federal courts, including all California trial courts; the California Court of Appeals; the California Supreme Court; the United State District Courts for the Northern, Eastern, and Central Districts of California; the United States Courts of Appeals for the Fifth and Ninth Circuits; and the United States Supreme Court. He has filed briefs with the California Supreme Court and the United States Supreme Court. Mr. Fauth is a recognized member of professional organizations including the California Bar Association, the Alameda County Bar Association, and the San Francisco Trial Lawyers Association. He is President of the American Legal Rights Foundation. He is an Advisory Board Member of the American Bar Association.

### **ASSOCIATED AND OF-COUNSEL ATTORNEYS**

Our associated and of-counsel attorneys include attorneys with extensive experience in diverse areas of litigation, including toxic tort, complex litigation and criminal law. We typically arrange to have at least two attorneys directly involved in each case, so that an attorney will always be available for hearings and any unexpected matters that may arise. While based in the San

Francisco Bay Area, we have working relationships with and are co-counsel with law firms in other parts of California and the nation.

**Alexis A. Phocas.** Mr. Phocas received a *Baccalaureate of Arts* degree in English from Hunter College, City University of New York, where he was a member of Phi Beta Kappa and graduated *summa cum laude*. He received his *Juris Doctorate* degree from Boalt Hall School of Law, University of California at Berkeley. He has also studied at the Catholic University of Rio de Janeiro (PUC), Brazil. Languages include Portuguese, Spanish and French.

While in law school, Mr. Phocas was a clerk at the San Francisco City Attorney's Office for the Public Utilities Commission, an extern at the San Francisco Superior Court in the Juvenile Department, and a member, editor and board member of the Ecology Law Quarterly. After pursuing other interests, including work with at-risk youth in Rio de Janeiro, he began litigation in 2000 at Jackson & Wallace in San Francisco, and continued from 2007 at Lewis Brisbois Bisgaard & Smith in San Francisco.

Mr. Phocas has represented numerous clients in toxic tort suits; practicing case management, deposition, motion and trial-preparation skills. He also developed expertise in and lectured on a variety of epidemiological and other health-related subjects. His publication credits include, *Runaways and California's Juvenile Law; The Emancipation Option*, Journal of Juvenile Law (1998).

**Tuan A. Lam.** Mr. Lam graduated from the University of California at Berkeley, Boalt Hall School of Law in 1997, where he served on the Moot Court Board. During his tenure on the Board, his duties included advising, evaluating and judging first and second year law students in Moot Court, Appellate Advocacy, legal research, writing and oral argument. A member of the California Bar since 1997, Mr. Lam first worked at one of the largest and most prestigious law firms in the State and then as a Deputy District Attorney. Wanting to have greater control over the management and direction of client files and cases Mr. Lam established Lam, Thompson & Park in 2001.

Mr. Lam has successfully defended multi-million dollar litigations against corporate giants such as Stanford University Hospital in Palo Alto and Portal Software in Silicon Valley, California. Mr. Lam's international clientele include individuals and corporations from Asia and Europe. He serves as general counsel for Progene and other prestigious corporate clients.

As part of his community outreach efforts, Mr. Lam has worked with abused and neglected children living in a group home environment at Olive Crest Treatment Centers. He has taught continuation high school in inner city Oakland, California. Currently, he is a volunteer teacher and serves as general counsel to a non-profit Vietnamese foreign language school in Orange County, California.

**Malcolm Bowen Feied.** Mr. Feied attended the San Francisco State University, where he was a staff writer for the San Francisco State Journal of International Relations (1988-1989), and from which he graduated *magna cum laude* with a B.A. in International Relations, in 1989. He then



worked for years as a California-licensed real estate agent. He next attended the John F. Kennedy University School of Law, where he was on the Dean's List all terms and where he was awarded the Witkin Award in Constitutional Law. He graduated from the JFK Law School with the *Juris Doctorate* degree in 2005.

Today, Mr. Feied practices both civil and criminal law. He is fluent in both English and Spanish. He is an active member of legal organizations including the California Bar Association, the Alameda County Bar Association and the California DUI Lawyers Association.

### **A FEW OF OUR CASES**

While many of our cases have national import, we also like to say that "no case is too large or too small." We believe that all litigants deserve vigorous and effective representation. Following are just a few of the cases in which the principal of the firm has worked to achieve successful results for clients:

***Korean Center, Inc. et al. v. Ahn, et al.*** Case brought on behalf of public-interest, non-profit corporations. In hearing of corporate governance disputes under Corporations Code 5617, obtained judgment upholding right of parent corporation to appoint the majority of subsidiary's directors.

***MCI Non-Subscriber Rates Litigation.*** Case brought on behalf of a class of MCI customers charged high "casual caller" rates for long distance calls (a surcharge plus rates of approximately \$0.40 per minute), instead of the direct-dial rates provided by MCI's subscriber plans. A \$90 million settlement was approved by the Court.

***Parents Involved In Community Schools v. Seattle School District No. 1, and Meredith v. Jefferson County Board of Education.*** Representing the Asian American Legal Foundation as *Amicus Curiae*, our attorneys filed a brief with the United States Supreme Court in support of petitioners in these coordinated cases. In its decision, the Supreme Court ruled for petitioners, finding that the Seattle, Washington and Jefferson County, Kentucky school districts had impermissibly classified K-12 schoolchildren by race for unequal treatment. This landmark decision limited a school district's discretion to use race for a non-remedial purpose.

***Allen Lund Co., Inc. v. AT&T Corporation.*** Case brought on behalf of long distance customers allegedly "slammed" to Business Discount Plan, Inc., a reseller for AT&T long distance, and charged extremely high rates. The court approved a settlement providing refunds or free long distance service (at the class member's election).

***Fricke-Parks Press, Inc. v. Fang, et al.*** Case brought on behalf of commercial printing plant, alleged violations of federal and state anti-trust statutes. After prevailing on motion to dismiss, obtained settlement safeguarding client's interests.

***Ho v. San Francisco Unified School District.*** Case brought on behalf of Chinese-American schoolchildren challenged school district's use of race in admission process. Alleged Fourteenth Amendment and other violations. After favorable rulings on legal standards by the Ninth Circuit Court of Appeals, defendants entered into settlement forbidding use of race.

***In Re: Providian Credit Card Cases.*** A settlement for \$105 million was approved by the court, settling claims that Providian assessed credit card customers improper late fees and other fees, including unauthorized charges for add-on products such as Credit Protection and for credit line increases.

***In Re: Digex, Inc. Shareholder Litigation.*** A settlement providing stock and cash totaling \$175, as well as non-cash benefits worth \$450 million, was obtained for shareholders of Digex, Inc. Shareholders had brought suit after MCI WorldCom entered into a merger agreement with Intermedia Communications, Inc., the majority shareholder in Digex, pursuant to which MCI WorldCom would acquire a controlling interest in Digex at allegedly bargain-basement prices.

***Brauer v. Primetime.*** The court approved a settlement valued at over \$40 million, providing free premium programming to a class of subscribers to satellite TV, whose network programming had been interrupted after defendants were found to have violated copyright laws by retransmitting ABC, CBS, NBC, and Fox programming to customers.

### **EFFECTIVE ADVOCACY, SUPERIOR RESULTS**

Litigation Law Group offers superior representation, with personalized, vigorous advocacy by skilled attorneys. Please check our website at <http://www.classlitigation.com> for further information. In consumer or injury cases, we generally undertake the litigation on contingency, receiving payment only if the litigation is successful, from the proceeds of the case. Please email or call us to discuss your problem, in confidence and without obligation.

# EXHIBIT 8

**ALAN M. MANSFIELD**  
**ROSNER & MANSFIELD LLP**  
**10085 Carroll Canyon Rd., Suite 100**  
**San Diego, CA 92131**  
**(858) 348-1005**

Attorney Alan M. Mansfield received his B.S. degree, *cum laude*, in Business Administration - Finance from California Polytechnic State University, San Luis Obispo in 1983 and his *Juris Doctorate* degree from the University of Denver School of Law in 1986. He is admitted to the bar of the State of California, to the United States District Courts for all Districts of California and to the Third, Fifth, Ninth and Tenth Circuit Courts of Appeal.

Mr. Mansfield has specialized in the area of national consumer class action and public interest litigation since 1991. He has been involved over the years in numerous significant matters, including the Joe Camel teen smoking case, *Mangini v. R.J. Reynolds Tobacco Co.* (1994) 7 Cal.4th 1057, and the DMV motor vehicle Smog Impact Fee refund case (*Jordan v. Department of Motor Vehicles* (1999) 75 Cal.App.4th 449). Mr. Mansfield joined the firm in 2001, having been responsible for several years for the consumer law group in the San Diego office of the largest class action firm in the United States, Coughlin Stoia Robbins Geller & Rudman. His present clients include the public interest groups the Utility Consumers' Action Network ("UCAN") and the Privacy Rights Clearinghouse.

Mr. Mansfield was recently one of the lead counsel in the *Garrett v. City of Escondido* action in the United States District Court for the Southern District of California, which successfully challenged the legality of Escondido's anti-immigration landlord-tenant enforcement ordinance. Based on that case and other work both he and his firm has performed in the community, his firm was awarded the 2007 Public Service by A Law Firm Award by the San Diego County Bar Association.

Since joining the firm, Mr. Mansfield has litigated a variety of class and private Attorney General actions to successful resolution in both federal and state court, including a class action involving billing customers for previously promised airtime, resulting in a class action settlement that resulted in the ability of over 1 million customers to claim full reimbursement for the uncredited airtime (*Nelson v. Virgin Mobile*, Case No. 05-CV-1594-AJB (U.S. District Court, Southern District of California)); an action involving the unauthorized billing of consumers for Internet dial-up service that resulted in full refunds of over \$1 million, significant practice changes and financial contributions to the California Consumer Protection Foundation (*UCAN v. Prodigy Communications*, San Diego Superior Court Case No. GIC 779435); a case challenging Sprint's failure to provide a cancellation window when it imposed certain additional fees against customers in July 2003, resulting in a class-wide settlement returning Early Termination Fees that had been charged consumers, as well as improving certain disclosure practices (*UCAN v. Sprint Spectrum LP*, San Diego Superior Court Case No. GIC 814461) and, most recently, in *UCAN v. PowerNet Global Telecommunications*, U.S. District Court, Southern District of California, Case No. 06-cv-1773-H (RBB), where the action challenged a practice of charging a "Network Access Charge" as a tax when it was not, PowerNet agreed to recalculate and classify

such fees and a class-wide resolution where current customers were able to obtain bill credits for a significant portion of such charges and former customers could obtain cash refunds or calling cards for such amounts, at the customers' option. The firm also represented UCAN in an action before the California Public Utilities Commission involving billing for Early Termination Fees, resulting in a refund of over \$18 million in fees to over 100,000 former Cingular Wireless customers (*In Re Cingular Wireless*, CPUC Case No. I.02-06-003).

Mr. Mansfield is a regular speaker and panelist in continuing legal education programs relating to California's consumer protection statutes, including making presentations to the California Center for Judicial Education and Research (July 2001), the Privacy Foundation (February 2007 and October 2005) and the Naval College for JAG Officers (May 2004). He was also a panelist in February 2008 for a Lexis-Nexis conference entitled "Weathering Mass Tort and Class Action Settlements and Negotiations" He has written extensively on a number of subjects, including a chapter and update on the scope of the Consumers Legal Remedies Act in *Anti-Trust and Unfair Competition Law - Third*, published by the California Bar Association; "Is Your Client Prepared to Comply With the Data Security Breach Notification Laws?", San Diego Association of Business Trial Lawyers Report (Spring 2007); "Has The Class Certification Inquiry Changed Due To Proposition 64?", State Bar of California Anti-Trust and Unfair Competition Section (May 2005); "Hartwell: Are Courtroom Doors Open To Litigation Involving Regulated Industries?", San Diego ABTL Report (August 2002); "Litigation Issues Arising from the Use of Websites," Practicing Law Institute (April 2001); "Kraus, Cortez and Future Battlegrounds In Representative Actions Under the Unfair Competition Law," Consumer Attorneys of California Forum (July/August 2000) (co-authored with Mark A. Chavez); "Private Enforcement of California's Consumer Protection Unfair Business Practices Act," CAOC Annual Meeting (November 1997); "Life After *BMW v. Gore* - Who Is Now The Trier of Fact?," PLI (Fall 1997).

Mr. Mansfield is the current editor of the ABTL newsletter for the San Diego Chapter of the Association of Business Trial Lawyers and on its Board of Governors, has previously served on the Board of Directors of the National Association for Consumer Advocates, and is a current member of the American Bar Association, the Anti-trust Section of the California Bar Association, the San Diego County Bar Association, the Federal Bar Association, the Consumer Attorneys of California and San Diego, and the William B. Enright Inn of Court, and is an alternate Lawyer Representative for the Southern District of California at the Ninth Circuit Judicial Conference.

# EXHIBIT 9

## SCHOENGOLD SPORN LAITMAN & LOMETTI, P.C.

### FIRM BIOGRAPHY

Schoengold Sporn Laitman & Lometti, P.C. was founded in 1962. For over 45 years, the firm has specialized in representing victims of securities fraud, and its attorneys have an average of over 17.5 years of experience. During that time, the firm has litigated dozens of highly complex class actions throughout the country and has helped recover hundreds of millions of dollars for injured shareholders.

Among the more prominent cases wherein the firm or its client served in a leadership capacity are the following:

- ☆ *In re WorldCom, Inc. Securities Litigation*, 02-CV-88 (S.D.N.Y.) (\$6.13 billion recovery, part of which is subject to court approval).
- ☆ *In re Wedtech Securities*, 86 Civ. 8628 (S.D.N.Y.) (\$77.5 million recovery).
- ☆ *In re Bank One Shareholders Class Actions*, 00-CV-880 (N.D. Ill.) (\$50 million recovery).
- ☆ *Danis v. USN Communications, Inc.*, 98-CV-7482 (N.D. Ill.) (\$44.7 million recovery).
- ☆ *In re PNC Financial Services Group, Inc. Securities Litigation*, 02-CV-271 (W.D. Penn.) (\$46.675 million recovery).
- ☆ *Singer v. Nicor, Inc.*, 02-CV-5168 (N.D. Ill.) (\$39 million recovery).
- ☆ *In re JWP Securities Litigation*, 92 Civ. 5815 (S.D.N.Y.) (\$36 million recovery).
- ☆ *In re First Investors Securities Litigation*, 90 Civ. 7225 (S.D.N.Y.) (\$33 million recovery).
- ☆ *In re DSC Communications Corp. Securities Litigation*, 85-2005-T (N.D. Tex.) (\$30 million recovery).
- ☆ *In re Westar Energy, Inc. Securities Litigation*, 03-cv-4003-JAR (D. Kan.) (\$30 million recovery).
- ☆ *Stern v. Jerome and Fisher Bond Fund v. Davis* (SpectraVision Securities Litigation), 3:94 CV-2236 and 3:95 CV-3062-D (N.D. Tex.) (\$28.2 million recovery).

- ☆ *In re APAC Teleservices, Securities Litigation, 97-CV-9145 (S.D.N.Y) (\$21 million recovery).*
- ☆ *In re ProNet Securities Litigation, 3:96-CV-1795-P (N.D. Tex.) (\$15 million recovery).*
- ☆ *Kriegel v. Pacific Scientific Corp., et al., Civil No. 98-4163 (C.D. Cal.) (\$14.8 million recovery).*
- ☆ *In re Anadigics, Inc. Securities Litigation, 98-917 (D.N.J.) (\$11.5 million recovery).*
- ☆ *Maley v. Del Global Technologies Corp., 00-CV-8495 (S.D.N.Y.) (\$11.5 million recovery).*
- ☆ *In re Datascope Corp. Securities Litigation, Civil No. 93-4954 (D. N.J.) (\$10.5 million recovery).*
- ☆ *Kassover v. Coeur d'Alene Mines Corporation Securities Litigation, Docket No. 92-0015-N-(HLR) (D. Ohio) (\$5.875 million recovery).*
- ☆ *In re Versatility, Inc. Securities Litigation, 98-CV-1676 (S.D.N.Y) (\$4.625 million recovery)*
- ☆ *In re Alcohol Testing of America, Inc. Securities Litigation, Case No. SA CV 92-123 LHM (JRX) (\$ 4.6 million recovery).*
- ☆ *Lehocky v. Tidel Technologies, Inc., 01-CV-3741 (S.D. Tex.) (\$4.04 million recovery).*
- ☆ *In re U.S. Homecare Corp. Securities Litigation, 93 Civ. 4060 (S.D.N.Y.) (\$3 million settlement).*

Schoengold Sporn Laitman & Lometti began specializing in shareholder class and derivative securities litigation with its representation of one of the parties in the seminal case of Escott v. Barchris Construction Corp.; 283 F.Supp. 643 (S.D.N.Y. 1968). The Barchris case is recognized as the leading securities case dealing with the appropriate standards of liability for issuers, underwriters, accountants and lawyers.

Federal courts throughout the country have long noted the firm's experience and ability in complex securities litigation. Among the cases in which the firm's credentials were specifically recognized are:



- ☆ In Maley v. Del Global Technologies Corp., 00-CV-8495 (S.D.N.Y.), a case in which Schoengold Sporn Laitman & Lometti acted as sole lead counsel, Judge McMahon commended the firm for "going the extra mile" in obtaining a settlement representing approximately 41 percent of the maximum recoverable damages incurred by the class, observing: "Through Schoengold [Sporn Laitman & Lometti]'s efforts, after intensive investigation, concentrated litigation and extensive arm's-length bargaining, and without the benefit of any governmental agency's investigation, Class Counsel have secured a settlement fund which confers an excellent benefit to the Class . . . I can't ever remember having participated as a lawyer or a judge in a settlement of a securities fraud class action that yielded in excess of a forty percent rate of recovery."
- ☆ In re Westar Energy, Inc. Securities Litigation, 03-CV-4003(D. Kansas), a case in which the class recovered over 34% of total damages, Judge Robinson noted "Class Counsel are highly skilled. They have brought some unique and creative allegations...not based solely on the work of others...but much of which has been based on their own work...the attorneys have great experience, a national reputation, and substantial ability. [T]hey are highly experienced...more than competent...and have diligently represented the class."
- ☆ In re SPX Corp. Sec. Litigation, 3:04-CV-99 (W.D.N.C.), the Court commended the firm for its "skill, perseverance[,] ... diligent advocacy" and "aggressive representation" of the class in achieving "from a financial standpoint, a very fair settlement" aggregating \$10 million, or approximately 22 percent of the maximum recoverable damages, noting that SSL&L is among the "leading attorneys in the country in the area of class actions" and is "extremely competent" and "very experienced."
- ☆ In Kriegel v. Pacific Scientific Co., 98-CV-4163 (C.D. Cal.), a case in which the class received approximately 27 percent of their claimed maximum damages (which was 25 times defendants' estimation of damages), Judge Morrow concluded that the firm's "significant expertise" and the "hard-fought" settlement that was obtained "on the eve of trial" directly contributed to the case's "positive outcome."
- ☆ In Behr v. APAC Teleservices, Inc., 97-CV-9145 (S.D.N.Y.), Judge Jones recognized the "long efforts" of counsel in litigating the case and their "thorough investigation" of plaintiffs' claims, concluding that the "substantial settlement" obtained "saved [the class] a lot of years of complex litigation."
- ☆ In In re Rite Aid Corp. Derivative Litigation, 99-CV-1349 (E.D.Pa.), Judge Dalzell noted that Schoengold Sporn Laitman & Lometti "worked efficiently to help produce a result that benefits the corporation and, through it, its shareholders."

- ☆ In *In re Datascope Corp. Securities Litigation*, 93-CV-4954 (D. N.J.), Judge Bassler observed: “I have been continually impressed with the quality of the work in the case . . . in terms of the way this matter was handled, the professionalism, quality of the legal work, I’ve never seen anything better, so and for that I’m very grateful to everybody.”
- ☆ In *In re Anadigics, Inc. Securities Litigation*, CV-98-917 (D.N.J.), a case in which the class received approximately 44 percent of their legally recoverable damages, Magistrate Judge Wolfson praised the firm’s achievement in resolving a difficult and complex case “without prolonging the litigation” and noted that the attorneys handling the matter were “well respected and experienced practitioners.”
- ☆ *In re Versatility, Inc. Securities Litigation*, 98-CV-1676 (S.D.N.Y.), Judge Sprizzo commended the firm for negotiating a settlement that “reflects . . . the best interests of the shareholders and the intelligence of the lawyers.”
- ☆ *In Ostroff v. Hemisphere Hotels Corp.*, (CCH) Fed. Sec. L. Rep. ¶ 94,713 (S.D.N.Y. 1974), Judge Bonsal observed that “Messrs. Schoengold and Sporn are able attorneys, especially in Securities acts cases.”

- ☆ In *Abramson v. Hyatt International*, (CCH) Fed. Sec. L. Rep. ¶ 98,447 (S.D.N.Y. 1982), Judge Lowe commented that “Counsel on both sides are highly respected members of the bar and have substantial experience in stockholder litigation, federal securities litigation and class action litigation.”
- ☆ In *IDI Securities Litigation*, 84-CV-3870 (S.D.N.Y.), where shareholders received over 95 percent of their recognized losses, Judge Broderick stated that the legal work done on behalf of the class was “excellent” and “the result was an excellent result.”

### **THE ATTORNEYS OF SCHOENGOLD SPORN LAITMAN & LOMETTI, P.C.**

**Samuel P. Sporn** is a graduate of the Brooklyn Law School, Class of 1953, where he distinguished himself as Editor-in-Chief of the Brooklyn Law Review and Class Valedictorian. He was admitted to practice in New York State in 1953, admitted to the bars of the Southern and Eastern Districts of New York in 1956, and thereafter admitted to the bars of the Supreme Court of the United States and the Second, Ninth and Washington, D.C. Circuit Courts of Appeal. Mr. Sporn served in the United States Army from 1953 to 1955 in the Judge Advocate General's Office. Thereafter, he was an attorney with the Port Authority of New York, and in 1956, became an associate at Israel & Taubenblatt in New York City, a firm specializing in tort and admiralty law. In 1959, Mr. Sporn began his own general practice, and in 1962, he co-founded the present firm of Schoengold & Sporn, P.C., which practiced general commercial law until it began specializing in securities law in 1968. He is an Adjunct Associate Professor of Law at the Brooklyn Law School, where he teaches a seminar in Federal and New York State Civil Practice. He has also lectured on class actions and the federal securities laws in various law schools in the metropolitan area.

**Joel P. Laitman** graduated from Columbia University in 1981 with a B.A. degree, *magna cum laude*, and received his J.D. degree from the Georgetown University Law Center, Washington, D.C. in June, 1986. Thereafter, he was associated with the firm of Shea & Gould,

one of the largest law firms in New York City, practicing in the field of general commercial litigation. In December, 1988, he became associated with the firm of Bernstein, Litowitz, Berger & Grossmann, specializing in federal securities class action litigation. In March 1992, he joined the firm of Schoengold & Sporn, P.C.

**Christopher Lometti** graduated from Fordham College in 1983 and Fordham Law School in 1986. While attending law school, Mr. Lometti interned with the United States Attorney's Office for the Eastern District of New York and clerked for Judge Jack Mackston of the Civil Court of the City of Long Beach. From 1986 through 1994, he was an associate in the Litigation Department of the New York Office of Shea & Gould. From 1994 through 1996, he was a sole practitioner, specializing in commercial litigation and securities arbitrations. Since September 1996, he has been affiliated with Schoengold & Sporn, P.C. He was admitted to the New York Bar in February 1987 and is also admitted in the Southern and Eastern Districts of New York, the District of Columbia and the U.S. Court of Appeals for the Second Circuit. He is a member of the American Bar Association and the New York County Lawyers Association, and he also serves as an arbitrator for the National Association of Securities Dealers and the New York Stock Exchange.

**Jay P. Saltzman** graduated from Columbia University in 1983 with a Bachelor of Arts degree where he was on the Dean's List throughout his attendance. From 1985-1990, Mr. Saltzman worked as an officer in the Corporate Trust department of the Bankers Trust Company, responsible for all aspects of Corporate Trust, from integrating new issues to ensuring the accuracy of dividends and stock splits. Mr. Saltzman earned a Masters of Business Administration degree with a major in Corporate Finance from New York University's Stern School of Business in 1991. He received his J.D. degree from the Benjamin N. Cardozo School

of Law in June, 1994. Mr. Saltzman was a member of the *Cardozo Law Review* for which he wrote his Note on International and Labor Law. While at Cardozo, he was an intern with the New York State Attorney General's Office and with the Lawyers' Committee for Human Rights. He is admitted to practice in the courts of the States of New York and New Jersey, in the Southern and Eastern Districts of New York, the District of New Jersey and the U.S. Court of Appeals for the Second and Third Circuits.

**Frank R. Schirripa**, graduated from the State University of New York at Albany School of Business in 1999, with a Bachelor of Business Administration with a concentration in Finance. Mr. Schirripa graduated *cum laude* from New York Law School in 2002, where he was Chairman of the Moot Court Association. During law school, he was an intern with the New York Stock Exchange, Office of the Special Counsel. Upon graduation, he was inducted into the Order of the Barristers. He is admitted to practice law in the States of New York and New Jersey and the United States District Courts for the Southern and Eastern Districts of New York, the District of New Jersey and the U.S. Court of Appeals for the Second Circuit.

**Daniel B. Rehns**, earned his Bachelors Degree from Bucknell University in 2002 where he double-majored in Economics and Finance, and double-minored in Philosophy and Legal Studies. Mr. Rehns graduated from New York Law School in 2005, where he earned the honor of Dean's List, was a member of the Corporate & Business Law Society and co-authored West's Nutshell on Corporate Financial Law. He is admitted to practice in the courts of the States of New York (2006) and New Jersey (2006), in the Southern and Eastern Districts of New York (2006), and the District of New Jersey (2006). Mr. Rehns is a member of the New York State Bar Association and the American Bar Association.

**Ruth Hershman**, a paralegal at Schoengold & Sporn, P.C., graduated from Kingsborough Community College in March 1984, where she obtained a Certificate of Completion in the Paralegal Program and Legal Research and Brief Writing. Since 1983, Ms. Hershman has been specializing in paralegal work involving federal and state securities class actions.

**Rachel Conaboy**, graduated magna cum laude from Keystone College in 2002 with a Bachelor of Science degree in Criminal Justice Administration. While attending college, Ms. Conaboy interned with the offices of the United States Attorney, United States Probation, and the Federal Public Defender's, all for the Middle District of Pennsylvania. With two years of law school experience, Ms. Conaboy currently specializes in paralegal work involving federal securities class actions.