

Court complimented the firm by declaring that “[t]his has been litigated very professionally from the beginning to the end.” Transcript of Hearing at p.116, September 28, 1998.

The Zwerling firm has also acted as one of the lead counsel in coordinated nationwide actions against America Online Inc. regarding its deceptive billing practices (*Boni v. America Online Inc.*, Del. Chancery, New Castle County, 95-C-07 and *Feige v. America Online Inc.*, Sup. Ct., N.Y. County, Index No. 118333/95); the firm serves as lead attorney in two cases challenging deceptive practices by New York Telephone (*Blair v. NYNEX Corp.*, Sup. Ct., Bronx Co., Index No. 14692-95, involving failure to refund over-deposits on pay phone calls, and *Forrest v. New York Telephone*, Sup. Ct., Albany Co., Index No. 1690-95, involving failure to properly implement line blocking against the Caller ID system).

The Zwerling firm has brought several actions against the computer industry involving deceptive practices in the sale of co-called new computers with used parts (*Zieniewicz v. Packard Bell Electronics*, Sup. Ct., Nassau Co., Index No. 012356-95 and *In re Packard Bell Consumer Class Actions Litigation*, Sup. Ct., L.A. County, Index No. 125671); the sale of computer monitors representing a larger screen size than actually had (*In Re Computer Monitor Cases*, Sup. Ct., S.F. County, Judicial Council Coordination Proceeding No. 3158); and in providing worthless warranties with the sale of computers (*Brummel v. Leading Edge Products Inc.*, Sup. Ct., N.Y. Co., Index No. 102081/96). The firm is also actively involved in litigation over the deceptive sales practices in the insurance industry (*In Re The Prudential Insurance Company of America Sales Practices Litigation*, MDL 1061, D.N.J., 95-4704 (AMW)).

In addition, the firm is involved in cases regarding defective automobile brakes (*McGill v. General Motors Corp.*, Sup. Ct., Bronx Co., Index No. 15525-95) (related to *Garcia v.*

General Motors Corp., N.J. Superior Ct., Docket No. L-4394-95) and defective pacemakers (*Gould v. Telectronics Pacing Systems*, S.D. Ohio, 95-726).

The firm was appointed Administrator for the General Motors Diesel Litigation Fund under the direction of Judge Henry Bramwell, District Judge, United States District Court, Eastern District of New York.

Constitutional and Civil Rights Litigation

The Zwerling firm has been counsel in high profile constitutional and civil rights actions. In *Haley v. Pataki*, N.D.N.Y., 95-CIV 550, the firm obtained an order forcing the Governor of the State of New York to stop withholding salaries from legislative employees in an attempt to coerce members of the State Legislature to vote on his State budget. In a related case, *Dugan v. Pataki*, Sup. Ct., Kings Co., Index No. 16341/95, the firm obtained the same relief for the elected members of the State Legislature.

The Zwerling firm has represented the New York City Council in *Mayor of the City of New York v. Council of the City of New York*, Sup. Ct., N.Y. Co., Index No. 402354/95, an action in which the Mayor challenged the legislative powers of the City Council in connection with the establishment of a board to review allegations of police corruption.

The Zwerling firm also represented the Straphangers Campaign, a mass transit advocacy group, in *New York Urban League v. Metropolitan Transportation Authority*, 95-CIV-9001 (RPP), an action to compel the State of New York and the MTA to allocate transit subsidies in a manner which does not have a discriminatory impact on minority ridership in New York City.

Members of the Firm

Jeffrey C. Zwerling

Jeffrey C. Zwerling was admitted to the bar of the State of New York in 1972 and to the bar of the State of Arizona in 1981; he is admitted to the following federal courts: the United States District Court for the Southern and Eastern Districts of New York and to the United States Court of Appeals for the Second Circuit. He received a Bachelor of Science degree with Honors from Lehigh University in 1968 and a Juris Doctor degree from Columbia University School of Law in 1971. He was Articles Editor of the Columbia Journal of Transnational Law. His professional affiliations include: New York State Bar Association, Association of the Bar of the City of New York, Nassau County Bar Association, and State Bar of Arizona.

Mr. Zwerling practiced law at the Law Offices of Jeffrey C. Zwerling for the period July 1, 1977 to December 31, 1984; on January 1, 1985 that firm became the Zwerling firm. Prior to 1977, Mr. Zwerling practiced law as an associate of the firms of Gasperini, Koch & Savage, Koch & Gluck, and Murray A. Gordon, P.C., with emphasis on civil litigation, real estate, general corporate and commercial matters. Mr. Zwerling has represented and advised the Uniformed Fire Officers Association in regard to its pension funds and annuity plans.

Robert S. Schachter

Robert S. Schachter was admitted to the bar of the State of New York in 1972; he is admitted to the following federal courts: the United States District Court for the Southern and Eastern Districts of New York, to the United States Court of Appeals for the Second, Fifth and Ninth Circuits, and to the Supreme Court of the United States. He received a Bachelor of Arts degree from Syracuse University in 1968 and a Juris Doctor degree from Brooklyn Law School

in 1971. His professional affiliations include The American Bar Association (Lecturer, Panels in Class Actions, 1980 and 1998) and the Second Circuit Federal Bar Council.

Prior to Mr. Schachter joining the firm, he was associated with the firm now known as Goodkind Labaton Rudoff & Sucharow LLP since 1973. Mr. Schachter became a partner of that firm on January 1, 1978, concentrating in complex multi-district litigation.

Robin F. Zwerling

Robin F. Zwerling was admitted to the bar of the State of New York in 1976; she is admitted to the following federal courts: the United States District Court for the Southern and Eastern Districts of New York, the United States Court of Appeals for the Second, Fourth and Seventh Circuits, and the Supreme Court of the United States. She received a Bachelor of Arts degree *cum laude* from Jackson College of Tufts University in 1972, and a Juris Doctor degree from Georgetown University Law Center in 1975. Her memberships include the American Bar Association, the National Institute of Trial Advocacy, the National Association of Securities and Commercial Law Attorneys, and the Second Circuit Federal Bar Council.

Ms. Zwerling has concentrated in litigation since her graduation from law school. At that time, she became associated with Martin, Clearwater & Bell and remained there, becoming a partner in 1982, until the formation of the Zwerling firm in 1985. Ms. Zwerling has extensive experience in all phases of litigation, including state and federal trials.

Susan Salvetti

Susan Salvetti was admitted to the bar of the State of New York in 1980; she is admitted to the following federal courts: the United States District Court for the Southern and Eastern Districts of New York. She received a Bachelor of Arts degree *summa cum laude* from Thomas More College of Fordham University in 1976 and a Juris Doctor degree from Fordham University School of Law in 1979. Her memberships include: the American Bar Association, the New York State Bar Association — Committee Member of the Commercial and Federal Litigation Section on Class Actions, Who's Who in American Women, and *Phi Beta Kappa*.

Ms. Salvetti has concentrated in litigation throughout her career, becoming a partner in the Zwerling firm on January 1, 1992. Prior to her association with the Zwerling firm in 1985, she was an associate with Martin, Clearwater & Bell. Prior to that time, Ms. Salvetti was associated with Newman, Tannenbaum, Helpen & Hirschtritt, a general practice firm.

Richard A. Speirs

Richard A. Speirs was admitted to the bar of the State of New York in 1986; he is admitted to the following federal courts: the United States District Court for the Southern and Eastern Districts of New York in 1987, and the United States Court of Appeals for the Tenth Circuit in 1997. He received a Bachelor of Arts degree *cum laude* from Brooklyn College of the City University of New York in 1976. Mr. Speirs received his Juris Doctor degree from Brooklyn Law School in 1985, where he was awarded the Order of the Coif and was the recipient of American Jurisprudence Awards in Conflicts of Law and Labor Law. He is also a member of the New York State Bar Association.

Mr. Speirs became a partner of the firm on January 1, 2000. Prior to his association with the firm in 1997, Mr. Speirs was an associate of Bernstein Litowitz Berger & Grossmann LLP, New York, where he concentrated primarily in securities and class action litigation.

Associates of the Firm

Hillary Sobel

Hillary Sobel was admitted to the bar of the State of New York in 1989; she is also admitted to the following federal courts: the United States District Court for the Southern and Eastern Districts of New York and the United States Court of Appeals for the Fourth and Ninth Circuits. She received a Bachelor of Arts Degree from Barnard College of Columbia University in 1985, and a Juris Doctor degree from the Benjamin N. Cardozo School of Law of Yeshiva University in 1988, where she was Editor of the ILSA International Law Journal. Her memberships include: The American Bar Association.

Sona R. Shah

Sona R. Shah was admitted to the bar of the State of New Jersey in 1997, and to the bar of the State of New York in 1998; she is also admitted to the following federal courts: the United States District Court for the Southern and Eastern Districts of New York. She received a Bachelor of Arts degree from New York University in 1994, and a Juris Doctor degree from Fordham University School of Law in 1997. Her professional affiliations include the New York State Bar Association.

Prior to her association with the Zwerling Firm, Ms. Shah was associated with the Center for Constitutional Rights.

Shaye J. Fuchs

Shaye J. Fuchs was admitted to the bar of the State of New Jersey in 1999 and to the bar of the State of New York in 2000; he is also admitted to the following federal courts: the United States District Court for the Southern and Eastern Districts of New York. He received a Bachelor of Arts degree *magna cum laude* from Queens College of the City University of New York in 1995, and a Juris Doctor degree from Brooklyn Law School in 1998. His memberships include the American Bar Association, the New York County Lawyers Association, and *Phi Beta Kappa*.

Prior to his association with the Zwerling firm, Mr. Fuchs interned in the New York Stock Exchange Enforcement Division and has been of counsel in securities class action lawsuits.

Anthony F. Prisco

Anthony F. Prisco was admitted to the bar of the State of New York in 1999; he is also admitted to the following federal courts: the United States District Court for the Southern and Eastern Districts of New York. He received a Bachelor of Science degree from Cornell University in 1995, and a Juris Doctor degree from Duke University School of Law in 1998, where he was a Contributions Editor for the Duke Environmental Law & Policy Forum.

After graduating from law school, Mr. Prisco served as a judicial law clerk to the Honorable Thomas C. Kleinschmidt of the Arizona Court of Appeals. Prior to joining the

Zwerling firm, he served as court attorney for the New York State Supreme Court, Appellate Division, Second Department.

Justin M. Tarshis

Justin M. Tarshis was admitted to the bar of the State of New York in 2003; he is also admitted to the United States District Court for the Southern and Eastern Districts of New York. He received a Bachelor of Science degree from the University of Wisconsin in 1999, and a Juris Doctor degree *cum laude* from Brooklyn Law School in 2002. While in law school, Mr. Tarshis was the recipient of the Samuel L. Sporn Academic Achievement Scholarship and the C.A.L.I. Excellence for the Future Award in Civil Practice. In addition, Mr. Tarshis served as an intern to the Honorable Shira A. Scheindlin of the Southern District of New York, as well as an intern in the New York State Attorney General's Office.

Kevin M. McGee

Kevin M. McGee was admitted to the bar of the State of New York in 1996 and to the bar of the State of Florida in 2003. He received a Bachelor of Arts degree *cum laude* from the State University of New York at Stonybrook in 1990, and a Juris Doctor degree from Fordham University School of Law in 1995. At Fordham, Mr. McGee was a member of the Moot Court Board. Prior to joining the Zwerling firm, Mr. McGee was a Senior Counsel in the Enforcement Division of the United States Securities and Exchange Commission.

Stephen L. Brodsky

Stephen L. Brodsky was admitted to the bar of the State of New York in 1994; he is also admitted to the United States District Court for the Southern and Eastern Districts of New York and the United States Court of Appeals for the Third and Eighth Circuits. He received a Bachelor of Arts degree *summa cum laude* and Phi Beta Kappa from the University of Pennsylvania in 1989, and a Juris Doctor degree from Columbia Law School in 1993, where he was a Harlan Fiske Stone Scholar and member of the Columbia Journal of Law and Social Problems.

Mr. Brodsky has published "Federal Courts in New York Provide Framework For Enforcing Preliminary Agreements," in the New York State Bar Association Journal (March/April 2001) and "Defending an Agent Against A Claim For Breach of Warranty of Authority," NY Litigator (Spring 2001). Prior to joining the Zwerling firm, Mr. Brodsky was associated with Sonnenschein Nath & Rosenthal, LLP, where he practiced commercial and civil litigation.

Paul Kleidman

Paul Kleidman was admitted to the bar of the State of New York in 2002; he is also admitted to the United States District Court for the Southern and Eastern Districts of New York. He received a Bachelor of Science degree from Boston University in 1998, and a Juris Doctor degree from the State University of New York at Buffalo School of Law in 2001. While in law school, Mr. Kleidman was the recipient of the Martin Feinrider Merit Scholarship. He served as Business Editor of the Buffalo Human Rights Law Review and was a Senior Member of the Jessup International Moot Court Board.

Prior to joining the Zwerling firm, Mr. Kleidman was an Assistant Corporation Counsel in the General Litigation Division of the New York City Law Department.

Of Counsel

Dan Drachler

Dan Drachler was admitted to the bar of the State of New York in 1988; he is also admitted to the bar of the States of Washington, New Jersey and Minnesota, he is admitted to the following federal courts: the United States District Court for the Southern and Eastern Districts of New York, the United States District Court for the Western and Eastern Districts of Washington, and the United States Court of Claims. Mr. Drachler received a Bachelor of Arts degree *cum laude* from the University of South Carolina in 1980, and his Juris Doctor degree *cum laude* from New York Law School in 1987. At New York Law School, Mr. Drachler was a member of the law review and was a John Ben Snow Merit Scholar. His professional affiliations include the American Bar Association, the Washington State Bar Association, the King County Bar Association and the National Association of Consumer Advocates.

Prior to joining the Zwerling firm, Mr. Drachler served as Chief Deputy Attorney General for the State of New York. In that position, Mr. Drachler regularly counseled State agencies and the Governor's office in a variety of legal and non-legal matters. From 1987 to 1993, Mr. Drachler was an associate and then partner of the firm of Koppell, Drachler & Lipofsky. At that firm, he concentrated in general civil litigation, real estate, and trusts and estates.

Mr. Drachler was an Adjunct Professor at New York Law School from 1992-97. He taught Negotiation, Counseling and Interviewing, a course designed to develop skills in counseling clients and conducting negotiations in simple and complex matters.

Mr. Drachler is resident in the Seattle office of the firm.

Joseph Lipofsky

Joseph Lipofsky was admitted to the bar of the State of New Jersey in 1972, and is also admitted to the bar of the States of New York, Missouri and Michigan; he is admitted to the United States District Court for the Southern and Eastern Districts of New York, the District of New Jersey, the Eastern District of Missouri, the Eastern District of Michigan, and to the Supreme Court of the United States. He received a Bachelor of Science degree from Rider College in 1969, and a Juris Doctor degree *cum laude* from Seton Hall University School of Law in 1972. His professional affiliations include: the American Bar Association; the New York State Bar Association, where he serves on the Executive Committee of the Antitrust Section; the National Lawyers Guild; and the National Association of Consumer Advocates. He also serves on a Board of Members for Brooklyn Legal Services Corporation A; and the Sugar Law Center for Economic and Social Justice.

Prior to joining the Zwerling firm, Mr. Lipofsky served as Deputy Counsel to the Attorney General of New York, and from 1991 to 1993, was counsel to the firm of Koppell & Drachler and then partner of Koppell, Drachler & Lipofsky. Prior to 1991, he served as an attorney and Executive Director with legal service programs in New Jersey, Missouri and Michigan, as well as with various labor unions including their ERISA funds.

Exhibit E

BIOGRAPHY OF LOVELL STEWART HALEBIAN LLP

Lovell Stewart Halebian LLP and its senior attorney, Christopher Lovell, have been appointed as sole lead counsel or co-lead counsel in numerous significant class actions, including actions in which they obtained reportedly the largest class action recovery under three separate federal statutes.^{1/}

Mr. Lovell has tried more than fifty cases, including some highly-publicized cases or cases that resulted in significant precedents in the United States Supreme Court or Second Circuit Court of Appeals. For example, after the government went to trial and lost, Mr. Lovell successfully obtained a jury verdict providing all damages requested on price fixing claims under Section 1 of the Sherman Antitrust Act. Compare, Wall Street Journal, November 21, 1983; Strobl v. New York Mercantile Exchange, 582 F. Supp. 770 (S.D.N.Y. 1984), aff'd, 768 F.2d 22 (2d Cir. 1985), cert. denied sub nom., Simplot v. Strobl, 474 U.S. 1006 (1985) with In the Matter of Peter J. Taggares,

^{1/} The three recoveries are:

- a \$1.027 billion recovery in 1998 on price-fixing claim under the Sherman Antitrust Act, 15 U.S.C. Section 1, et seq. In re NASDAQ Market-Makers Antitrust Litigation, 187 F.R.D. 465, 471 (S.D.N.Y. 1998) ("this all-cash settlement, achieved through 'four years of hard-fought litigation,' apparently is the largest recovery (class action or otherwise) in the hundred year history of the state and federal antitrust laws.");
- a \$145.35 million recovery in 1999 on price manipulation claims under the Commodity Exchange Act, 7 U.S.C. Section 1 et seq. In re Sumitomo Copper Litigation, 74 F. Supp. 2d 393, 395 (S.D.N.Y. 1999) ("The recovery is the largest class action recovery in the 75 plus year history of the Commodity Exchange Act"); and
- a \$76.5 million recovery in 1997 on impermissible investment and fraud claims under the Investment Company Act, 15 U.S.C. Section 80a-1 et seq. Blatt v. Merrill Lynch Fenner & Smith Incorporated, et al., 94 Civ. 2348 (JAG) (D.N.J.).

et al., 1993 WL 29450 (CFTC Jan. 11, 1983) (government failed to prove same claims of price manipulation).

Partners

Christopher Lovell

- A. has an "AV" rating from Martindale-Hubbell;
- B. was first appointed by a Court as class action or derivative action counsel in 1981, and has since then been appointed as class or derivative action counsel in more than forty cases, including
 - Co-Lead Counsel in In re NASDAQ Market-Makers Antitrust Litigation, M.D.L. No. 123 (RWS S.D.N.Y.) (\$1,027,000,000 settlement, see fn. 1);
 - Coordinating Chairman, Plaintiffs' Executive Committee in In re Initial Public Offering Antitrust Litigation, 01 Civ. 2014 (WHP)(S.D.N.Y.)(antitrust class action alleging underwriters' conspiracy to restrain trade in allocation of shares in initial public offerings).
 - Lead Counsel and Chairman of Executive Committee in several different class actions making commodity futures and antitrust claims, and consolidated as In re Sumitomo Copper Litigation, 96 Civ. 4584 (MP) (S.D.N.Y.)((\$145,900,000 settlement, see fn. 1);^{2/}
 - Co-Lead Counsel in Blatt v. Merrill Lynch Fenner & Smith Incorporated, et al., 94 Civ. 2348 (JAG) (\$76.5 million settlement providing claiming class

^{2/} Senior Judge Milton Pollack of the United States District Court for the Southern District of New York praised this firm's efforts in obtaining the settlements. In re Sumitomo Copper Litigation, 74 F. Supp. 2d supra at 396:

The unprecedented effort of Counsel exhibited in this case led to their successful settlement efforts and its vast results. Settlement posed a saga in and of itself and required enormous time, skill and persistence. Much of that phase of the case came within the direct knowledge and appreciation of the Court itself. Suffice it to say, the Plaintiffs' counsel did not have an easy path and their services in this regard are best measured in the enormous recoveries that were achieved under trying circumstances in the face of virtually overwhelming resistance.

members, after all attorneys fees and costs had been paid, with a positive return on their investment (exclusive of prejudgment interest));

- Co-Lead Counsel in In re Microsoft Litigation, M.D.L. No. 1332 (D. Md.); (nationally consolidated antitrust class actions alleging long term unlawful maintenance of a monopoly and other violation of the antitrust laws by Microsoft);
- Chairman of Co-Lead Counsel in Eugenia J. Fiala, et al. v. Metropolitan Life Insurance Company, et al., Index No. 00/601181 (N.Y.S. Sup. Ct.) (claims challenging the largest insurance company demutualization and the then largest initial public offering ever);
- Chairman of Co-Lead Counsel in In re Soybean Futures Litigation, 89 Civ. 7009 (N.D. Ill.) (CRN) (\$21,500,000 class settlement providing claiming class members/ soybean futures traders, after all attorneys fees and costs had been paid, with all of each class members' damages due under plaintiffs' expert's formula (exclusive of prejudgment interest));
- Lead Counsel in Kaplan v. E.F. Hutton Group, Inc., et al., Civ. Action No. 88-00889 (N.Y. Sup. Ct.) (\$8,180,000 settlement providing class of terminated executives, after all attorneys fees had been paid, with substantially all damages due on their equity share employee benefit interests and substantial damages on their "underwater" options (exclusive of prejudgment interest));
- sole Class Counsel in Moelis v. Hyperion Capital Management, Inc., et al., 94 Civ. 3328 (MBM)(S.D.N.Y.) (after the securities claims made in two separate suits had been dismissed totally^{3/}, this firm then pursued those claims but based them on somewhat different factual allegations and theories of recovery. Defendants paid \$5,000,000 to settle such different claims, resulting in praise from Judge Michael B. Mukasey of the United States

^{3/} In re Hyperion Securities Litigation, 1995 WL 422080 1995 U.S. Dist. LEXIS 10020, Fed. Sec. L. Rep. ¶ 98,096 (S.D.N.Y. July 14, 1995); reargument denied, In re Hyperion Securities Litigation, 1995 WL 539634 (S.D.N.Y. Sept. 11, 1995); (No. 93 Civ. 7179 (MBM), affirmed, Olkey v. Hyperion 1999 Term Trust, Inc., 98 F.3d 2, 65 USLW 2320, Fed. Sec. L. Rep. ¶ 99,335 (2d Cir. (N.Y.) Oct. 15, 1996) (No. 95-7823, 1023); cert. denied, Olkey v. Hyperion 1999 Term Trust, Inc., 520 U.S. 1264, 117 S.Ct. 2433, 138 L.Ed.2d 194, 65 USLW 3813, 65 USLW 3814 (U.S. June 9, 1997) (No. 96-1592); see also, Karpus v. Hyperion Capital Management Inc. [1996-97 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶ 99,366 at 96305 (S.D.N.Y. Nov. 18, 1996).

District Court for the Southern District of New York for this firm's resourceful work);

- member of the Executive Committee in numerous other cases, including In re TCW/DW North American Government Income Trust Securities Litigation, 95 Civ. 0167 (PKL) (S.D.N.Y.) (\$30,000,000 settlement); Krome, et al. v. Merrill Lynch, Pierce Fenner & Smith, et al., Consolidated 85 Civ. 0765 (DNE) (S.D.N.Y.) (all claiming class members who sold at a loss, recovered their losses (exclusive of prejudgment interest));
- graduated from New York University School of Law in 1976, receiving the Vanderbilt Award, and was associated with Beckman & Bogue from 1976 until 1980; and
- has maintained a private law practice since June 1980 including while being employed as Vice-President and General Counsel of a Fortune 500 company, American Bakeries Company, from 1981 until 1983.

Victor E. Stewart

- A. was named Valedictorian of St. Marks School Class of 1968;
- B. is a 1972 graduate of Yale, B.A., a 1975 graduate of Harvard Business School, M.B.A., and a 1979 graduate of the University of Virginia Law School, J.D.; and
- C. has extensive experience with securities litigation and securities offerings.

John Halebian

- A. graduated from Georgetown University (A.B., 1974) and Villanova Law School (J.D., 1977) where he served on the Law Review (1975-77) as a Case and Comments Editor and as Editor-in-Chief of The Docket, the law school newspaper.
- B. since graduating from law school in 1977, has specialized in federal and state corporate and commercial litigation with an emphasis on class actions and securities litigation. Has represented officers and directors, lawyers and accountants in defending securities class actions and has prosecuted numerous securities class actions against major public companies.
- C. was formerly a founding member of Wechsler Harwood Halebian & Feffer LLP (now Wechsler Harwood LLP) where he specialized in securities class action and derivative litigation (1989 to 2002) and had primary responsibility for numerous large complex corporate and commercial litigations.

- D. served as lead or co-lead counsel or as a member of an executive or steering committee in class action shareholder litigations around the country that were successfully prosecuted to conclusion, including:
- Howard Savings Bank Securities Litigation, 89-5148 (AMW) (D.N.J. 1989) (recovery of \$7.6 million in connection with claims alleging false and misleading statements relating to bank loan loss reserves);
 - Avon Products, Inc. Securities Litigation, 89 Civ. 6216 (MEL) (S.D.N.Y. 1989) (recovery of \$6.4 million relating to claims alleging false and misleading statements regarding earnings projections);
 - Goldsmith v. Technology Solutions Co., 92 C. 4374 (Judge Manning) (N.D. Ill. 1992) (recovery of \$4.6 million in connection with allegations of false and misleading statements regarding revenue recognition policy); and
 - NationsBank --was one of the lead attorneys in one of several actions pending in both federal and state court relating to NationsBank's sales of securities to bank customers, which collectively settled (in 1995 and 1998) for approximately \$60 million. Most of the recipients of the awards in the NationsBank litigation received between 50-100% of their recognized losses.
 - In re Global Crossing, Ltd. Securities Litigation, 02 Civ. 910 (GEL) (was appointed by the Court in December, 2002 to the Plaintiffs' Executive Committee to prosecute claims on behalf of the class).
- E. prosecuted, defended and tried to conclusion several complex commercial and securities fraud litigations on behalf of individual claimants and companies before the New York Stock Exchange the National Association of Securities Dealers and the American Arbitration Association. These actions generally involved brokerage customer claims of churning or unsuitable investments, and corporate wrongdoing.

Gary S. Jacobson

- A. has an "AV" rating from Martindale-Hubbell;
- B. is a 1972 graduate of Yale (with Honors), and a 1976 graduate of the University of Virginia Law School where he served as an editor of the Law Review (1974-76);
- C. has been litigating antitrust cases since 1976, including Westinghouse Electric Corp. v. Rio Algom Ltd., et al., (N.D. Ill.) and Age International, Inc. v. Southern Wine & Spirits, (E.D.N.Y.); and

- D. has tried more than twenty-five cases to verdict, involving claims of unfair competition, RICO, Lanham Act, patent infringement, misappropriation of trade secrets, negotiable instruments, sales and warranties, breach of fiduciary duty, fraudulent conveyance, and personal injury.

Peggy J. Wedgworth

- A. was named Valedictorian of Trinity Episcopal Day School, Class of 1979; 1986 graduate of the University of Alabama School of Law; and placed second in the National Moot Court Competition conducted by the Association of the Bar of the City of New York;
- B. tried more than twenty-five criminal cases as an Assistant District Attorney in Brooklyn, New York from 1986 to 1989; and
- C. has litigated class actions since 1989 including extensive experience with this firm in price fixing cases in, among others, In re Brand Name Prescription Drugs Antitrust Litigation, 1996 WL 351180 (N.D. Ill. June 24, 1996) (approving \$351 million settlements as fair) where, among other things, she was in charge of the preparation for the defendants' expert depositions and second chaired the lead counsel who conducted such depositions.

Of Counsel

Fredrick W. Gerkens III

- A. LL.M., Corporate Law, Fordham University School of Law (1997, cum laude); J.D., New York Law School (1995, cum laude), Executive Articles Editor, New York Law School Journal of International & Comparative Law, American Jurisprudence Award in Legal Writing & Research (1993); M.B.A., Temple University (1978); B.A., Temple University (1975, cum laude); C.P.A. (New York, since 1980).
- B. Prior to law school, Fred was employed at a major Wall Street investment firm as director of financial reporting and manager of regulatory reporting (1985-1992), and as an auditor in public accounting with mostly Wall Street firms as clientele (1978-1985).
- C. Since graduating law school, Fred was employed at United States Securities & Exchange Commission, Division of Market Regulation (1995); thereafter, he practiced principally in securities class actions, complex commercial litigation, and employment law.
- D. Prior to joining LSH, Fred was a partner at a firm that specializes in securities and other class action litigation. Fred has represented investors and others in securities and other complex litigation in several cases throughout the Country, including

the following class actions where Fred was employed at a firm that was either sole or co-lead counsel and substantial recoveries were made on behalf of the class and/or summary judgment has been denied:

- *In re Bank One Shareholders Litig.*, No. 00-CV-0880 (N.D. Ill.)
- *In re Harnischfeger Indus., Inc. Sec. Litig.*, No. 98-CV-0524 (E.D. Wis.)
- *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.)

- E. Fred is a Member of the Association of the Bar of the City of New York; American Bar Association (Litigation Section); and the American Institute of Certified Public Accountants.

Senior Attorneys

Robert W. Rodriguez

- A. is a graduate of Fordham University, B.S., 1971, Harvard University, Kennedy School of Government, M.P.P. 1984, and Columbia University School of Law, where he was an editor of the Columbia Business Law Review;
- B. was an active duty officer in the U.S. Army, 1972 to 1982, and Lieutenant Colonel, USAR, 1982 to 1997; and,
- C. has more than thirteen years' experience with complex commercial and securities litigation, including litigating primarily class actions since 1991 and authored "Hostile Takeover Contests: The Rise and Fall of Lock-up Options," Columbia Business Law Review, (Winter 1987).

Jody Krisiloff

- A. is a 1976 graduate of Mount Holyoke College, B.A., *summa cum laude*;
- B. is a 1979 graduate of Columbia University School of Law, J.D.; and
- C. has more than eighteen years' experience with commercial and securities litigation, including litigating primarily class actions since 1991, including primary responsibility for preparing this firm's argument in opposition to the motion to dismiss in In Re Microsoft.

Associates

Ian T. Stoll

- A. graduated from the University of California at Berkeley, A.B., in 1987, and the State University of New York, Buffalo School of Law, J.D., in 1996; and
- B. is admitted to practice in New York and before the United States District Courts for the Southern and Eastern Districts of New York.

Writer Cole Clayton

- A. is a 1998 graduate of The Florida State University, B.S.;
- B. is a 2001 graduate of The University of Georgia School of Law, J.D., cum laude, where he competed in the Willem C. Vis International Commercial Arbitration Moot, held annually in Vienna, Austria; and
- C. is admitted to practice in New York, Montana and before the United States District Courts for the Southern and Eastern Districts of New York.

James Bekier

- A. is a 1999 graduate of the University of Montana, B.A.;
- B. is a 2002 graduate of the University of Montana School of Law, J.D.
- C. is admitted to practice in New York and before the United States District Courts for the Southern and Eastern Districts of New York.

Fei-Lu Qian

- A. is a 1998 graduate of Union College, B.A.;
- B. is a 2003 graduate of Albany Law School of Union University, J.D, where he was an associate editor of the Albany Law Review; and
- C. is admitted to practice in New York.