

M:09-CV-2015-JF

CLASS ACTION

**[PROPOSED] ORDER DESIGNATING
CLASS COUNSEL STRUCTURE**

1 Having considered the agreement of Plaintiffs' counsel, and good cause appearing therein, and
2 for the reasons set forth in the Status Report to the Court, this Court orders as follows:

- 3 1. That David M. Arbogast and Jeffrey K. Berns of Arbogast & Berns LLP shall be
4 appointed Lead Counsel;
- 5 2. The Chairperson of the Executive Steering Committee shall be Jeffrey K. Berns of
6 Arbogast & Berns LLP;
- 7 3. In addition to the Chairperson, referenced above, the Executive Steering Committee shall
8 be comprised Christopher Seeger of Seeger Weiss, Gerson Smoger of Smoger and
9 Associates, Brian Kabateck of Kabateck Brown & Kellner, Eric George of Browne
10 Woods George, Mark Cuker, of Williams, Cuker & Berezofsky, A. Hoyt Rowell of
11 Richardson, Patrick, Westbrook & Brickman, and Evan Buxner of The Buxner Law
12 Firm; and
- 13 4. David M. Arbogast shall be appointed Liaison Counsel.

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15 **IT IS SO ORDERED.**

16 DATED: 4/13, 2009

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18 HON. JEREMY FOGEL
19 UNITED STATES DISTRICT COURT JUDGE
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