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12 *Proposed Lead Counsel*

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15 In Re: Facebook Privacy Litigation

CASE NO. C 10-02389 JW

CLASS ACTION

**DECLARATION OF ERIC H. GIBBS
 ISO PLAINTIFFS BRYANT AND
 O’HARA’S REQUEST TO:**

**(1) Consolidate the Zynga Actions as the
In re: Zynga Litigation**

**(2) Appoint O’Hara & Bryant Lead
 Plaintiffs**

**(3) Appoint Milberg LLP and
 Girard Gibbs LLP Lead Counsel**

24 THIS DOCUMENT ALSO RELATES TO:

25 Graf v. Zynga Game Network, Inc.

CASE NO. 10-4680

26 Albini v. Zynga Game Network, Inc., et al.

CASE NO. 10-4723

27 Gudac et al. v. Zynga Game Network, Inc.

CASE NO. 10-4793

28
 DEC. OF ERIC H. GIBBS ISO REQUEST TO (1) CONSOLIDATE ZYNGA ACTIONS, (2) APPOINT O’HARA &
 BRYANT LEAD PLAINTIFFS, AND (3) APPOINT MILBERG & GIRARD GIBBS LEAD COUNSEL
 CASE NO. C 10-02389-JW

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Schreiber v. Zynga Game Network, Inc.	CASE NO. 10-4794
Swanson v. Zynga Game Network, Inc.	CASE NO. 10-4902
Carmel-Jessup v. Facebook, Inc., et al.	CASE NO. 10-4930
Phee et al. v. Facebook Inc., et al.	CASE NO. 10-4935
Bryant et al. v. Facebook, Inc. et al.	CASE NO. 10-5192

1 I, Eric H. Gibbs, hereby declare as follows:

2 1. I am a member in good standing of the State Bar of California and a partner in the law
3 firm of Girard Gibbs LLP, counsel of record for Plaintiffs Karen Bryant and Christopher Brock in
4 *Bryant*, 10-cv-5192-JW (N.D. Cal.). I respectfully submit this declaration in support of Plaintiff O’Hara
5 and Bryant’s request to consolidate the Zynga Actions as the In re: Zynga Litigation, to appoint O’Hara
6 and Bryant lead plaintiffs, and to appoint Milberg LLP and Girard Gibbs LLP lead counsel.

7 2. Girard Gibbs is an AV-rated law firm based in San Francisco, California. The firm has a
8 nationwide practice that focuses on complex and class action litigation involving consumer fraud,
9 securities violations, and antitrust violations, among other things. Girard Gibbs represents individual
10 consumers, small businesses, large corporations and public pension funds. Attached hereto as **Exhibit**
11 **A** is a true and correct copy of Girard Gibbs’s current firm résumé, showing the firm’s experience in
12 complex and class action litigation.

13 3. I am the lead attorney for Girard Gibbs in the instant litigation. I have extensive
14 experience in litigating consumer class actions, having served as court-appointed lead or co-lead counsel
15 in many of the matters cited below. In addition, I devote my time and that of my firm to various
16 professional organizations that focus on consumer rights and the continuing education of the bar, have
17 lectured and written on a variety of issues arising from and related to consumer class actions, and serve
18 on the Board of Governors of the Consumer Attorneys of California and as the editor of the American
19 Association for Justice’s Class Action Litigation Group’s quarterly newsletter.

20 4. As part of our investigation in the case, Girard Gibbs, and my co-counsel identified in
21 paragraph 9 below, interviewed a number of consumers about their experiences, investigated the
22 technological aspects of the cases, reviewed studies, reports, and articles, and consulted with experts
23 concerning the underlying conduct. My firm also performed the legal research necessary to understand
24 and develop a strategy for the issues likely to arise during the litigation. As a result of our investigation
25 and research and conversations with plaintiffs’ and defense counsel, we have concluded that the Zynga
26 Actions would best be litigated separately from and coordinated with the *In re: Facebook Privacy*
27 *Litigation*. If appointed lead counsel of the Zynga Actions, we presently intend to remove Facebook,
28 Inc., as a defendant, which will streamline and expedite the cases to the benefit of the class and the

1 Court.

2 5. Girard Gibbs has a demonstrated record of commitment to high standards of practice in
3 federal courts. As reflected on the firm’s résumé, Girard Gibbs has served in a leadership capacity in a
4 number of complex, precedent-setting actions in federal courts. One of the firm’s partners, Daniel
5 Girard, serves on the United States Judicial Conference Advisory Committee on the Rules of Civil
6 Procedure. As a member of the Civil Rules Advisory Committee, Mr. Girard was an active participant
7 in the development of the e-discovery amendments that took take effect in 2007.

8 6. In particular, Girard Gibbs possesses extensive knowledge and experience in the field of
9 consumer protection law, where the firm has achieved meaningful recoveries for consumer classes in
10 courts throughout the country. Girard Gibbs and its attorneys have substantial experience managing
11 large and complex matters, many of which involved new technologies as well as privacy and proprietary
12 issues, including:

- 13 ■ *Smith v. The Regents of the Univ. of Cal.*, No. RG08-410004 (Cal. Super. Ct., Alameda
14 Cnty.) (Class Counsel) (this pending class action involves allegations that confidential
15 medical information was transmitted in violation of privacy laws—the court certified the
16 class and denied defendants’ motion for summary judgment).
- 17 ■ *In re PayPal Litig.*, No. CV-02-01227-JF-PVT (N.D. Cal.) (Co-lead Counsel) (Girard
18 Gibbs helped obtain injunctive relief and a \$14 million settlement in this class action
19 involving PayPal’s restriction of consumers’ access to their accounts and electronic funds
20 transfers).
- 21 ■ *In re iPod Cases*, JCCP No. 4355 (Cal. Super. Ct., San Mateo Cnty.) (Co-Lead Counsel)
22 (Judge Beth L. Freeman praised Girard Gibbs and co-counsel as having provided
23 “significant and substantial benefit” for the class and describing counsel as “extremely
24 well qualified.”).
- 25 ■ *In re Sony BMG CD Techs. Litig.*, No. 1:05-cv-09575-NRB (S.D.N.Y.) (Co-Lead
26 Counsel) (in a class action involving digital rights management software and the
27 Computer Fraud and Abuse Act, Girard Gibbs helped bring the class a settlement
28 providing both cash compensation and substantial injunctive relief).

- 1 ▪ *In re America Online, Inc. Version 5.0 Software Litig.*, MDL No. 1341 (S.D. Fla.) (Co-
2 lead Counsel). The MDL proceeding, which centralized 45 class actions, featured
3 allegations that defendant violated the Computer Fraud and Abuse Act, federal antitrust
4 laws and state consumer protection statutes. The Honorable Alan S. Gold granted final
5 approval of a \$15.5 million cash settlement.
- 6 ▪ *In re Literary Works In Electronic Databases Copyright Litig.*, MDL No. 1379
7 (S.D.N.Y.) (Co-lead Counsel). Class action alleging licensing of literary works without
8 the authors' permission. After five cases were consolidated for pretrial proceedings, a
9 settlement was reached that provided \$18 million to the plaintiff class. *See also In re*
10 *Literary Works in Elec. Databases Copyright Litig.*, 509 F.3d 116 (2nd Cir. 2007)
11 (vacating for lack of subject matter jurisdiction), *rev'd, Reed Elsevier, Inc. v. Muchnick*,
12 130 S. Ct. 1237 (2010).

13 7. Girard Gibbs' skill and expertise in consumer class actions continues to be recognized by
14 courts throughout the country, resulting in Girard Gibbs appointment as class counsel under Rule 23(g)
15 and state law equivalents. Among the cases where Girard Gibbs recently represented or currently
16 represents putative or certified consumer classes are:

- 17 ▪ *In re: Chase Bank USA, N.A. "Check Loan" Contract Litigation*, MDL No. 2032 (N.D.
18 Cal.) (J. Chesney). Milberg LLP and Girard Gibbs serve on the executive committee in
19 this litigation, in which plaintiffs allege that Chase Bank has breached the covenant of
20 good faith and fair dealing. The firms recently filed a motion to certify a nationwide
21 class.
- 22 ▪ *In re Mercedes-Benz Tele Aid Litigation*, MDL No. 1914 (D.N.J.). Girard Gibbs serves as
23 co-lead counsel in this litigation, in which the United States District Court for the District
24 of New Jersey has certified a nationwide class arising from Mercedes' failure to disclose
25 that certain safety equipment installed in consumers' vehicles would soon stop working.
- 26 ▪ *In re Intel Laptop Battery Litigation*, No. 09-CV-02889-JW (N.D.Cal.). Girard Gibbs
27 serves as interim class counsel in a proposed class action before this Court involving
28

1 allegations that Intel designs computer benchmarks to favor its own computers and then
2 “donates” them to a supposedly neutral and objective company for public release.

- 3 ■ *Browne, et al. v. Am. Honda Motor Co., Inc.*, No. 09-cv-06750 (C.D.Cal.). Girard Gibbs
4 helped negotiate a settlement featuring \$150 cash reimbursements to a class of more than
5 700,000 people, which was granted final approval less than one year after filing suit.
- 6 ■ *Parkinson v. Hyundai Motor Am.*, No. SACV 06-345 (C.D. Cal.). As co-lead counsel,
7 Girard Gibbs achieved nationwide class certification and then a settlement providing for
8 cash reimbursements to owners of 2003 Hyundai Tiburons.

9 8. Girard Gibbs has jointly prosecuted class action cases with Milberg LLP. For example,
10 Girard Gibbs and Milberg LLP serve as members of the executive committee in the *In re: Chase Bank*
11 *USA, N.A. “Check Loan” Contract Litigation*, MDL No. 2032 (N.D. Cal.), and have leadership roles as
12 co-counsel in other cases as well.

13 9. Girard Gibbs is committed to technology and has substantial technology resources to
14 support the litigation, including complex litigation software tools that allow the firm to litigate a case of
15 any size and scope. The firm likewise has San Francisco facilities capable of accommodating large
16 meetings of counsel. Girard Gibbs has already allocated, and will continue to allocate, all resources
17 necessary to successfully prosecute this matter. The proposed leadership structure of Milberg LLP and
18 Girard Gibbs as lead counsel enjoys the support of the following firms: Reese Richman LLP, Cohen
19 Milstein Sellers & Toll PLLC, and Friedman Law Offices, PLLC. Attached hereto as **Exhibit B** and
20 **Exhibit C** are true and correct copies of the firm resumes of Cohen Milstein Sellers & Toll PLLC and
21 Friedman Law Offices PLLC respectively.

22 I declare under penalty of perjury under the laws of the United States of America that the
23 foregoing facts are true and correct. Executed this 22nd day of November, 2010, at San Francisco,
24 California.

25
26 /s/ Eric H. Gibbs
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EXHIBIT A

FIRM RESUME

Girard Gibbs LLP specializes in class action and complex business litigation. Founded in 1995, the firm represents clients throughout the United States in securities, antitrust, product liability, and consumer protection actions. Girard Gibbs is currently prosecuting securities actions on behalf of Allianz of America, Inc., Fireman's Fund Insurance Company, Jefferson Life Insurance Company, Preferred Life Insurance Company, AGF Asset Management, Cornhill Life Insurance Company and Merchant Investors Insurance Company Ltd. The firm has represented the Kansas Public Employees Retirement System (KPERS) in several securities actions and currently serves as outside counsel to KPERS with respect to all securities litigation. Girard Gibbs has also served as outside counsel to the California Public Employees Retirement System (CalPERS), the California State Teachers' Retirement System (CalSTRS), the State of Wisconsin Investment Board, the Louisiana Teachers' Retirement System, the Louisiana State Employees Retirement System, and the Los Angeles County Employees Retirement Association.

The firm's partners are experienced in all aspects of class action practice and complex securities and business litigation. Girard Gibbs seeks to apply its experience as plaintiffs' attorneys to manage and resolve civil litigation effectively and efficiently on behalf of all the firm's clients. The firm also provides consulting and preventive counseling services to corporate clients and professionals on a variety of legal issues.

PARTNERS

Daniel C. Girard serves as the firm's managing partner and coordinates the prosecution of various securities, antitrust and consumer legal matters handled by the firm.

He has successfully prosecuted over 75 class action matters and served in leadership positions in a number of precedent-setting cases. Some of the cases in which Mr. Girard served as lead counsel include In re American Express Financial Advisors Securities Litigation, (\$100 million settlement), In re Prison Realty Securities Litigation, (\$104 million settlement), In re i2 Technologies Securities Litigation, (\$88 million settlement), and In re MCI Non-Subscriber Rates Litigation, (\$90 million). He served as a member of the Executive Committee in the Natural Gas Antitrust Cases I, II, III and IV, antitrust litigation against numerous natural gas companies for manipulating the market for natural gas in California. The Natural Gas litigation resulted in total settlements of nearly \$160 million. Mr. Girard also represented the California State Teachers Retirement System in litigation in a non-class securities action against Qwest Communications, Inc. and outside auditor Arthur Andersen, resulting in a recovery of \$45 million for CalSTRS.

Mr. Girard currently serves as lead counsel in the In re Royal Bank of Scotland Group plc Securities Litigation, representing investors who held the company's Non-cumulative Dollar Preference Shares (preferred share group). He also serves as lead counsel in the In re SLM Corporation Securities Litigation, representing purchasers of SLM Corp. stock (commonly known as Sallie Mae). He is a member of the executive committee charged with managing In re Lehman Brothers Holdings Securities and ERISA Litigation, multidistrict proceedings arising out of the collapse of Lehman Brothers Holdings, Inc., the largest bankruptcy in United States history. Mr. Girard serves as lead counsel in actions brought against UBS, Bank of America, Merrill Lynch, Wachovia and others on behalf of purchasers of auction rate securities. He represents Nashville country music publisher Cal IV Entertainment LLC in copyright litigation against YouTube and Google, Inc. He also represents Allianz of America, Inc., Fireman's Fund and other private institutional investors in litigation arising out of their investments in Winstar Communications, Inc., and serves as lead counsel in the H&R Block Express IRA Litigation. Mr. Girard also advises institutional investors in the United States and Europe on securities litigation matters.

Mr. Girard was appointed by Chief Justice Rehnquist in 2004 and re-appointed by Chief Justice Roberts in 2007 to the Federal Civil Rules Advisory Committee, where he has participated in the Committee's recent drafting of amendments governing electronic discovery and consideration of possible changes to the Rules governing summary judgment and expert discovery. He is a member of the American Law Institute. He serves on the Advisory Board of the Institute for the Advancement of the American Legal System, a national, non-partisan organization dedicated to improving the process and culture of the civil justice system.

Mr. Girard is the co-author of *Limiting Evasive Discovery: A Proposal for Three Cost-Saving Amendments to the Federal Rules*, 87 DENV. U. L. REV. 213, 473 (2010). He is a frequent speaker on issues of electronic discovery, class actions and financial fraud, including the following recent presentations: Panel on Dispositive Motions, 2010 United States Judicial Conference Advisory Committee on Civil Rules, Litigation Conference, Duke Law School, May, 2010; "*Iqbal/Twombly Fallout- Are General Federal Rules Passé?*," ABA, Section of Litigation Annual Conference, April 22, 2010; "*Opportunities for Cooperation between Plaintiffs' Counsel in Global Financial Frauds*," Financial Fraud- Background and Litigation Panel, Global Justice Forum, October 16, 2009; "*Les tendances des contentieux Américains issus de la crise financière*," Paris, France, May 12, 2009; "*Ethical Issues in E-Discovery*," Electronic Discovery and Records Retention Conference, Thomson Reuters, December 10, 2008; "*How the Economic Crisis is Affecting U.S. Class Actions*," Asset Managers Working Group on U.S. Class Actions, Paris, France, October 14, 2008; "*Auction Rate Securities: The Real Story*," NERA's Eleventh Annual Finance, Law and Economics Securities Seminar, July 2008; "*Electronic Discovery and the Amended Rules After a Year...What's New? What's Next?*," Emerging Ethics Issues in E-Discovery, West LegalWorks, February 26, 2008; "*The Subprime Loan Crisis- Strategies for Pension Fund Counsel*," 2008 NAPPA Investment Roundtable, February 7, 2008; "*Class Action Litigation in the United States*," Presentation for Japanese Fact-Finding Mission on Class Actions in the United States, June 13, 2007.

Mr. Girard is a member of the Business Law Section and currently serves as Section's representative on the Task Force on Federal Preemption. He is past Chair of the American Bar Association Business Law Section Subcommittee on Class Actions, Co-Chair of the Business and Corporate Litigation Committee's Task Force on Litigation Reform and Rule Revision, and Vice-Chair of the Business and Corporate Litigation Committee. He has served as a guest lecturer on class actions and complex litigation at the UC Davis Law School, UC Berkeley (Boalt Hall), UC Hastings College of the Law, and Stanford Law School.

Mr. Girard was honored as a *Northern California Super Lawyer* in 2007, 2008, 2009 and 2010 by Law & Politics Magazine, where he was recognized in the top 5-percent of attorneys practicing in Northern California. He served as a member of the Board of Trustees of St. Matthew's Episcopal Day School in San Mateo, California from 2003-2008, including three years as board chair from 2005-2008. He has been a volunteer conservation easement monitor for the Peninsula Open Space Trust since 1991.

He is a 1984 graduate of the School of Law, University of California at Davis, where he served as an editor of the Law Review. He received his undergraduate degree from Cornell University in 1979. Mr. Girard is a member of the California Bar.

Eric H. Gibbs specializes in the prosecution of consumer and employment class actions. Mr. Gibbs has served as court-appointed lead counsel, class counsel and liaison counsel in numerous class actions throughout the United States.

He has successfully prosecuted more than 50 class action matters, including cases involving privacy and proprietary issues, defective products, telecommunications, credit cards, unfair competition, false advertising, truth-in-lending, product liability, credit repair, employment misclassification and wage and hour under both state and federal law.

Mr. Gibbs currently serves as Court-appointed co-lead counsel in In Re Mercedes-Benz Tele Aid Contract Litigation, multi-district litigation alleging that Mercedes-Benz failed to disclose to its customers that the "Tele Aid" equipment installed in their vehicles would soon be obsolete and require an expensive replacement to keep working. He also serves as lead counsel in Smith vs. The Regents of the University of California, where he represents a certified class of current and former patients of the UCSF medical center for unlawful disclosure of confidential medical information. He was appointed as interim class counsel on the Plaintiffs' Executive Committee in the In re Chase Bank U.S.A., N.A. "Check Loan" Contract Litigation, multi-district litigation alleging that Chase Bank wronged consumers by offering them long-term fixed-rate loans, and then attempting to deny them the benefit of their bargain by more-than-doubling their loan payments. Mr. Gibbs also serves as co-lead counsel in De La Cruz v. Masco Retail Cabinet Group, a class action brought on behalf of current and former account representatives of Masco, alleging employment misclassification in violation of the FLSA. He represents Toyota Prius drivers and lessees in Collado v. Toyota Motor Sales, U.S.A., Inc., a product liability class action alleging a material defect in the HID Headlight System in certain Prius models. He also serves as interim class counsel in Milano v. Interstate Battery System of America, Inc., representing purchasers of automobile batteries in a breach of warranty action.

Some of the recent cases in which Mr. Gibbs served as court appointed class counsel and achieved favorable results for class members include In Re: Pre-Filled Propane Tank Marketing and Sales Practices Litigation (negotiated cash reimbursements of up to \$75 per class member for the purchase of allegedly under-filled propane tanks- Court approval pending), Browne et al. v. American Honda Motor Co., Inc., (negotiated class settlement providing for cash reimbursements of up to \$150 for rear brake pad replacement expenses in certain Honda and Acura vehicles), Parkinson v. Hyundai Motor America (achieved nationwide class certification and settlement providing for cash reimbursements for certain flywheel / clutch parts repairs in 2003 Hyundai Tiburons), Refuerzo v. Spansion LLC, (negotiated more than \$8.5 million in cash settlements on behalf of a certified class of former employees in a class action for violations of the WARN Act), In Re General Motors Dex-Cool Cases (negotiated cash reimbursements from \$50 to \$800 per class member vehicle repair), Bacca v. BMW of North America (negotiated reimbursement for sub-frame repair expenses and Nationwide Sub-frame Inspection and Repair Program), and Piercy v. NetZero (achieved nationwide class settlement providing cash reimbursements, and changes in billing and account practices).

Other consumer class actions in which Mr. Gibbs acted in a leadership role include Mitchell v. American Fair Credit Association and Mitchell v. Bankfirst, N.A., which generated one of the largest settlements in the United States under the credit services laws (over \$40 million); Providian Credit Card Cases, which resulted in one of the largest class action recoveries in the United States arising out of consumer credit card litigation (\$105 million); In Re Ipod Cases (achieved settlement in California state-court class action alleging material misrepresentations respect to the battery life providing for warranty extensions, battery replacements, cash payments, and store credits to those class members who experienced a battery failure), Roy v. Hyundai Motor America (negotiated nationwide class settlement providing for the repair of allegedly defective passenger-side airbags, reimbursement for transportation related expenses, and an alternative dispute resolution program allowing for trade-ins and buy-backs), Paul v. HCI Direct (achieved nationwide class certification and settlement on behalf of consumers charged for merchandise they allegedly did not knowingly order), Kim v. BMW of North America (negotiated nationwide class settlement providing for notification program and free vehicle repair related to passenger-side airbags), In re LookSmart Litigation, a nationwide class action settlement providing cash and benefits valued at approximately \$20 million; and Fantauzzo v. Razor, where plaintiffs alleged that defendant marketed and sold electric scooters with defective stopping mechanisms, the court approved a nationwide class action settlement providing for, among other things, a recall of the potentially defective electric scooters.

Mr. Gibbs has lectured on consumer class actions, including as a featured speaker addressing *Strategic Considerations Under CAFA following Supreme Court's Rulings in Shady Grove and Purdue* at the Bridgeport 9th Annual Class Action Litigation Conference; *Current Issues Arising in Attorney Fee Negotiations, Including Best Practices* at the 2010 AAJ Annual Convention; *Dealing With Objectors* at the Consumer Attorneys of California 3rd Annual Class Action Seminar; *What is a Class Action?* at the CAOC Annual Ski Seminar; *After the Class Action Fairness Act* at CAOC's 1st Annual Class Action Seminar; *Class Certification In Consumer Cases* for the Litigation Section of the Barristers Club of the San Francisco Bar Association; and *Successfully Obtaining Attorneys' Fees Under Fee-Shifting Statutes* for the Consumer Rights Section of the Barristers Club of the San Francisco Bar Association. Mr. Gibbs is the co-author of *Consumer Class Actions in the Wake of Daugherty v. American Honda Motor Company*, CAOC's Forum Magazine, January/February 2009.

Mr. Gibbs was honored as a Northern California *Super Lawyer* in 2010 by Law & Politics Magazine, where he was recognized in the top 5-percent of attorneys practicing in Northern California. He has earned an AV-Preeminent rating from Martindale Hubbell, recognizing him in the highest class for professional ethics and legal skills. Mr. Gibbs is the co-chair and editor of the Quarterly Newsletter for the Class Action Litigation Group of the American Association for Justice (AAJ), and is a member of the Board of Governors of the Consumer Attorneys of California. He is a member of Public Justice, serving on the Class Action Preservation Project Committee. He is also a member of the American Bar Association, the National Association of Consumer Advocates, the Alameda County Bar Association, and the San Francisco Trial Lawyers Association.

Mr. Gibbs is a 1995 graduate of the Seattle University School of Law. He received his undergraduate degree from San Francisco State University in 1991. Before joining Girard Gibbs, he worked for two years as a law clerk for the Consumer Protection Division of the Washington Attorney General's Office. He is a member of the California Bar.

A. J. De Bartolomeo has eighteen years of experience in complex litigation, including the prosecution and defense of class actions arising under the securities, communications, consumer protection and copyright laws, and experience in the collection of class action recoveries and claims administration in bankruptcy proceedings. Ms. De Bartolomeo has served as court-appointed lead counsel and class counsel in several class actions throughout the United States.

Ms. De Bartolomeo served as Lead Counsel in Telstar v. MCI, Inc. (S.D.N.Y) (achieved settlement for over \$2.8 million in cash on behalf of class of commercial subscribers alleging FCA violations), Lehman v. Blue Shield (Cal. Super. Ct. San Francisco County) (parties negotiated a settlement for over \$6.5 million in cash on behalf of class of subscribers overpaying insurance premiums), Powers Law Offices v. Cable & Wireless, USA (D. Mass.) (Bankr. D. Del.) (achieved settlement for over \$2.2 million in cash after Chapter 7 filing on behalf of Rule 23(b)(3) certified class of commercial customers alleging FCA violations), and In re Cosmo Store Services, (Bankr. C.D. Cal.) (achieved settlement for \$1 million in cash after Chapter 11 filing on behalf of class of unsecured creditor employees). Ms. De Bartolomeo has also held a Leadership position in In re American Express Advisors Securities Litigation (S.D.N.Y), CALSTRS v. Quest Communications, et al. (Cal. Super. Ct. San Francisco County), Cromwell v. Sprint Communications (D. Kan), and Brennan v. AT&T Corp. (S.D. Ill.). Ms. De Bartolomeo served as second chair in In re MCI Non-Subscriber Rates Litigation (MDL, S.D. Ill.) (\$88 million settlement). From 2005 to 2008, A. J. De Bartolomeo served on the Discovery and Law Committees in the In Re Medtronic, Inc. Implantable Defibrillators Product Liability Litigation, MDL No. 05-1726 (JMR/AJB) (D.Minn.).

Ms. De Bartolomeo currently serves on the Plaintiffs' Steering Committee of the In Re: Yasmin and YAZ (Drospirenone) Marketing, Sales Practices and Products Liability Litigation, she is Co-Lead counsel in In re Electronic Database Copyright Litigation, (MDL, S.D.N.Y) (now pending before the United States Supreme Court), and In re Girls Gone Wild Litigation (Los Angeles Super. Ct.).

She is a member of the American Bar Association Sections on Litigation, Business Law and Communications, the American Bankruptcy Institute, Consumer Attorneys of California and the American Association for Justice. She also is also a former member of the National Association of Public Pension Attorneys, where she was an active participant in the Task Force on Securities Litigation and Damage Calculation, as well as a member of the Council of Institutional Investors. Ms. De Bartolomeo has been invited to speak on consumer and securities class actions, as well as the settlement approval process before defense law firms, institutional investors and government committees; most recently, for the Women's Leadership Summit at the AAJ Annual Convention and the Fact-finding Mission to Class Actions in the United States, sponsored by the Japan Federation of Bar Associations and Kyoto Bar Association. She is the author of "*Facilitating the Class Action Approval Process*," AAJ's Women Trial Lawyers Caucus Newsletter, Summer 2010.

Ms. De Bartolomeo is a 1988 graduate of the University of California, Hastings College of the Law. She received her undergraduate degree from Fairfield University in 1982, and a General Course degree in Economics from the University of London, London School of Economics and Political Science (1981). Before joining Girard Gibbs, Ms. De Bartolomeo was an associate with Robins Kaplan Miller & Ciresi and a Staff Attorney with the Securities and Exchange Commission (Enforcement Division). She is admitted to the California Bar. She also is admitted to practice before the United States Supreme Court, the United States Courts of Appeals for the First and Ninth Circuits, and the United States District Courts for the District of Michigan, the Southern District of Texas, the Eastern District of Wisconsin, and the Northern, Eastern, Central and Southern Districts of California.

Jonathan K. Levine has more than 20 years of experience prosecuting complex securities fraud, accounting fraud and class action litigation. He has served and is serving in a leadership capacity in numerous complex class actions in federal courts throughout the United States and in state courts in California. Mr. Levine has prosecuted over 20 securities fraud actions successfully, including cases of complex accounting fraud. Some of the cases in which Mr. Levine served in a leadership role include In re American Express Financial Advisors Securities Litigation (\$100 million settlement), Rosen v. Macromedia, Inc. (\$48 million settlement), In re Gupta Corporation Securities Litigation (\$15 million settlement), Provenz v. Miller (\$15 million settlement), and Providian Credit Card Cases, where as co-lead counsel he obtained a class action settlement of \$105 million, one of the largest class action recoveries in the United States arising out of consumer credit card litigation.

Mr. Levine currently leads the firm's pre-trial preparation in securities litigation on behalf of Allianz of America, Inc., Fireman's Fund and other large private institutional investors against Grant Thornton LLP arising out of their investments in Winstar Communications, Inc. He also leads the pretrial preparation in the In re SLM Securities Litigation. He participates in firm's representation of purchasers of auction rate securities in actions against several investment banks and broker-dealers, structured note holders in the In re Lehman Brothers Equity/Debt Securities Litigation. Mr. Levine serves as co-lead counsel in an action against Wyndham Resort Development Corp. on behalf of members of WorldMark, a time-share club. He also has had a leadership role in two significant date security breach cases, In re Countrywide Financial Corp. Customer Data Security Breach Litigation and Beringer v. Certegy Check Services, Inc.

Mr. Levine is the author of “*E-Mail and Voice Mail Discovery Issues*,” Glasser LegalWorks (1998), “*Discovery Techniques in Commercial Litigation and Recent Developments In the Rules of Discovery*,” American Trial Lawyers Association (1991), and the co-author of “*The Business Judgment Rule and Derivative Actions*,” Practising Law Institute (1989). He has lectured on securities litigation under the Private Securities Litigation Reform Act of 1995, consumer fraud and predatory lending litigation, and computer discovery and electronic data retention risk control. Mr. Levine is a member of the Committee on Federal Courts of the State Bar of California. He is the past chair of the American Bar Association Litigation Section Subcommittee on Officers and Directors Liability. He also currently serves on the Piedmont Planning Commission.

For nine years prior to joining Girard Gibbs, Mr. Levine was a partner of a New York law firm, where he specialized in securities fraud, accounting fraud and consumer class action litigation. Mr. Levine is a 1988 graduate of Fordham University School of Law. He received his undergraduate degree from Columbia University in 1985. Mr. Levine is a member of the California, New York and Connecticut Bars, and is admitted to practice in federal courts throughout the United States.

Elizabeth C. Pritzker is a seasoned litigation and trial attorney with broad experience in complex litigation matters, including the prosecution of antitrust, consumer, product liability, and securities class actions.

Ms. Pritzker serves in a leadership capacity in a number of antitrust matters. She received appointment to serve as Liaison Counsel for the Direct Purchaser Plaintiffs in In Re TFT-LCD (Flat Panel) Antitrust Litigation, MDL No. 1897, N.D.Cal. Master File No. C-07-1827-SI (multi-district class action alleging price-fixing by foreign and domestic manufacturers of Thin Film Transistor Liquid Crystal Display (TFT-LCD) products), and as Interim Co-Lead Class Counsel in In Re California Title Insurance Antitrust Litigation, N.D. Cal. Master File No. C-08-CV-1341-JSW (coordinated class action alleging unfair business practices in California title insurance market). She performs an ESI discovery chair function in In Re: Chocolate Confectionary Antitrust Litigation, MDL No. 1995, E.D. Pa. Master File No. 08-MDL-1995-CCC (multi-district class action alleging price-fixing by foreign and domestic chocolate confection manufacturers). Ms. Pritzker also has an active and ongoing role in other antitrust matters, including In Re Flash Memory Antitrust Litigation, MDL No. 1852, N.D. Cal. Master File No. 07-0086-SBA (executive committee) (multi-district class action alleging price-fixing by foreign and domestic manufacturers of flash memory); In Re International Air Transportation Surcharge Antitrust Litigation, MDL No. 1913, N.D. Cal. Master File No. M-06-1793-CRB (executive committee) (multi-district class action alleging fuel surcharge price-fixing by airlines in the transpacific passenger airline market); Dolan et al v. Fidelity National Title Insurance Co. et al., E.D.N.Y. Case No. 08-cv-0466-TCP (class action alleging price fixing in New York State title insurance market); and In re: Hawaiian and Guamanian Cabotage Antitrust Litigation, W.D.Wash. Case No. 08-md-01972-TSZ (multi-district class action alleging price-fixing in ocean shipping between the mainland United States and Hawaii and Guam.)

She serves as Class Counsel in In Re General Motors Cases, JCCP No. 4396, a certified state court class action against General Motors alleging violations of California's "Secret Warranty" law, California Civil Code § 1795.90 *et seq.*, that resulted in a final settlement on behalf of California owners and lessees model year 1999-2003 Chevrolet Silverado vehicles in March 2009. She also currently represents plaintiffs in Wixon v. Wyndham Resort Development Corporation (a/k/a Trendwest Resorts, Inc.), N.D. Cal. Case No. C-07-02361-JSW, a certified class and derivative action alleging, among other things, violations of the California Time-Share Act, Cal. Bus. & Prof. Code §§ 11210 *et seq.*

Ms. Pritzker's consumer and product liability experience extends to new and emerging technologies. She served as co-lead counsel in a multi-district class action alleging that SONY BMG Music Entertainment had violated the Computer Fraud and Abuse Act by placing digital rights management software on music CDs distributed to the public (In re SONY BMG Technologies Litigation, S.D.N.Y. Case No. 1:05-cv-09575 (NRB)), and as co-lead counsel in a California state-court class action against Apple, Inc., alleging that Apple had made material misrepresentations and omissions with respect to the battery life of its early-generation iPod music players (In Re iPod Cases, J.C.C.P. No. 4335).

Ms. Pritzker is a member of the American Bar Association, the American Association for Justice, Bay Area Lawyers for Individual Freedom, California Women Lawyers, Consumer Attorneys of California, Public Justice, the Alameda County Bar Association, the Bar Association of San Francisco, and the San Mateo County Bar Association.

She is a 1989 graduate of the University of San Francisco School of Law and received her undergraduate degree in Economics from McGill University in 1983. She is admitted to the State Bar of California. She also is admitted to practice before the United States Supreme Court, the United States Courts of Appeals for the Ninth Circuit, the District of Colorado, and the Northern, Eastern, Central and Southern Districts of California.

Aaron M. Sheanin has extensive experience in complex litigation matters, including the prosecution of securities fraud and corporate governance cases on behalf of individual and institutional investors, as well as antitrust and complex consumer actions. He also advises several state pension funds and private institutional investors with respect to securities matters. Mr. Sheanin directs pre-trial matters in several class action lawsuits arising out of the manipulation of the \$330 billion market for auction rate securities and is a member of the attorney teams prosecuting the In re SLM Securities Litigation, In re Lehman Brothers Equity/Debt Securities Litigation, and In re Royal Bank of Scotland Securities Litigation. He also serves as one of the lead attorneys prosecuting the In re: National Association of Music Merchants, Musical Instruments and Equipment Antitrust Litigation and In re: California Title Anti-Trust Litigation.

Mr. Sheanin is a 1999 graduate of Columbia University School of Law, where he was a James Kent Scholar and a Harlan Fiske Stone Scholar. He received his undergraduate degree from the University of California at Berkeley in 1993, where he was elected to Phi Beta Kappa. Mr. Sheanin is a member of the American Bar Association and the San Francisco Bar Association. He has presented before the American Bar Association's Task Force on Contingent Fees (Tort Trial and Insurance Practice Section), and is a contributing author to "*California Class Actions Practice and Procedure*" (Matthew Bender, 1st Ed. 2003). From 1999 to 2001, Mr. Sheanin was a Pro Se law clerk for the United States Court of Appeals for

the Second Circuit. Prior to joining Girard Gibbs, Mr. Sheanin was an associate with Lief, Cabraser, Heimann & Bernstein LLP, where he prosecuted class actions involving consumer protection, product defect and employment discrimination. In 1997, he was a judicial extern to the Honorable Barrington D. Parker, Jr. of the United States District Court, Southern District of New York. He is admitted to the California, New York and New Jersey Bars.

Amanda M. Steiner is a 1997 graduate of the University of California at Berkeley, Boalt Hall School of Law, where she served as an Associate Editor for the *Berkeley Journal of Employment and Labor Law* (1995-96) and Articles Editor for the *Berkeley Women's Law Journal* (1994-97). She received her undergraduate degree, *cum laude*, from Carleton College in 1991. Prior to joining Girard Gibbs, Ms. Steiner practiced at Wendel, Rosen, Black & Dean, LLP in Oakland, CA, where she handled a variety of complex litigation matters, including real estate development, construction issues, commercial and real estate contracts, mortgages and trust deeds, and lender-related disputes.

Ms. Steiner was previously associated with law firms in San Francisco and Seattle, representing plaintiffs in all phases of class action litigation, with a focus on consumer protection, defective product and employment matters. Prior to obtaining her law degree, Ms. Steiner served as an extern for U.S. District Court Judge Marilyn Hall Patel, and also worked as a law clerk for the Criminal Division of the U.S. Attorney's Office, the Alameda County District Attorney, and the Hopi Appellate Court Clinic and Tribal Law Project. She is admitted to the California and Washington Bars. She is also admitted to practice before the United States Court of Appeals for the Ninth Circuit as well as the United States District Court for the Northern District of California and the Western and Eastern District of Washington.

Dylan Hughes specializes in the prosecution of consumer and employment class actions. He represents consumers in cases involving defective products, telecommunications, credit cards, product liability, credit repair, employment misclassification and wage and hour under state and federal laws. Mr. Hughes has extensive experience prosecuting complex automobile-defect cases and helped achieve recoveries on behalf of class members in the In Re General Motors Dex-Cool Cases (settlement of \$50 to \$800 cash reimbursements per class member vehicle repair) and In Re General Motors Cases, a certified California state court class action against General Motors alleging violations of California's "Secret Warranty" law, California Civil Code § 1794.90 et seq. Mr. Hughes is currently involved in the Parkinson v. Hyundai Motor America lawsuit, a class action against Hyundai for engaging in unfair and deceptive practices by selling vehicles with defective flywheel systems, which was recently granted class certification.

Mr. Hughes is a 2000 graduate of the University of California, Hastings College of Law. He received his undergraduate degree from the University of California at Berkeley in 1995. Mr. Hughes was a spring 2000 extern for the Honorable Charles A. Legge of the United States District Court, Northern District of California. Before joining Girard Gibbs, he was a law clerk for the Honorable Paul A. Mapes, Administrative Law Judge of the Office of Administrative Law Judges, United States Department of Labor. He is a member of the American Bar Association, Consumer Attorneys of California, the Class Action Litigation Group of the American Association for Justice and the Consumer Rights Section of the Barristers Club. He is admitted to the California Bar and is admitted to practice before the United States Court of

Appeals for the Ninth Circuit as well as the United States District Courts for the Northern and Central Districts of California.

OF COUNSEL

Anthony K. Lee has over fifteen years of experience prosecuting and resolving class and complex actions in federal and state courts around the country. His cases have included securities actions brought on behalf of investor classes and institutional investors, derivative shareholder and corporate governance suits, and a wide range of consumer class actions concerning automobiles and other consumer products, telecommunications billing practices, credit card charges, and other matters. Mr. Lee is a 1991 graduate of Harvard Law School and received his undergraduate degree, with distinction, from Stanford University in 1988. He is admitted to the California Bar. He is also admitted to practice before the United States Court of Appeals for the Ninth Circuit, as well as the United States District Courts for the Northern, Central, Eastern, and Southern Districts of California.

ASSOCIATES

Christina Connolly Sharp is a 2006 graduate, *cum laude*, of the University of California, Hastings College of Law, where she was a member of the Thurston Society and was the recipient of the Best Oral Advocate Award. She was also the recipient of the Witkin award in her Legal Writing and Criminal Law courses. She received her undergraduate degree in history, *magna cum laude*, from Brown University in 1997. Ms. Sharp was a summer 2005 extern for the Honorable Phyllis J. Hamilton of the United States District Court, Northern District of California. Ms. Sharp also served as a spring 2005 extern for the Honorable John E. Munter, San Francisco Superior Court.

She was twice selected as a *Rising Star* by Law & Politics Magazine (in 2009 and 2010), recognizing her as one of the best young attorneys practicing in Northern California. She is a member of the American Bar Association, the Bar Association of San Francisco and the San Francisco Trial Lawyers Association. Ms. Sharp is admitted to the California Bar. She is also admitted to practice before the United States District Courts for the Northern, Central, Eastern and Southern Districts of California.

Todd Espinosa is a 2000 graduate of Harvard Law School, where he participated in the Harvard Legal Aid Bureau and Tenant Advocacy Project. He received his undergraduate degree from Harvard College in 1997 and a Master of City Planning degree from University of California at Berkeley in 2006. Before joining Girard Gibbs, Mr. Espinosa was a law clerk for the Honorable Claudia Wilken, United States District Court for the Northern District of California. He also worked as a legal research attorney for the Superior Court of California, County of Santa Clara. Mr. Espinosa is admitted to the California Bar. He is also admitted to practice before the United States District Court for the Central District of California.

Matthew B. George is a 2005 graduate of the University of Michigan Law School. He received his undergraduate degree, *magna cum laude*, from Chapman University in 2002, where he was a Presidential Scholar. Before joining Girard Gibbs, Mr. George was an associate with Rains Lucia Stern, P.C., where he successfully litigated a number of complex labor and employment actions on behalf of employees in both federal and California state courts. Mr. George is admitted to the California Bar, as well as the United States District Court for the Northern, Central, and Eastern Districts of California and the District of Colorado.

Geoffrey A. Munroe is a 2003 graduate of the University of California at Berkeley, Boalt Hall School of Law, where he was the recipient of the American Jurisprudence Award in Torts, Business Law & Policy and Computer Law. He received his undergraduate degree in chemistry from the University of California at Berkeley in 2000. Since joining Girard Gibbs in 2007, Mr. Munroe has worked on several high-profile consumer protection class action matters involving complex issues in both federal and state courts throughout the United States.

He was selected as a *2010 Rising Star* by Law & Politics Magazine, recognizing him as one of the best young attorneys practicing in Northern California. He is the co-author of “*Consumer Class Actions in the Wake of Daugherty v. American Honda Motor Company*,” CAOC’s Forum Magazine, January/February 2009, and a frequent contributor to the Class Action Litigation Group Newsletter of the American Association for Justice. Mr. Munroe is a member of the Public Justice Class Action Preservation Project Committee, the Class Action Litigation Group of the American Association for Justice and the Consumer Attorneys of California. He is a member of the California Bar and is admitted to practice before the United States Court of Appeals for the Ninth Circuit, as well as the United States District Courts for the Northern, Central and Southern Districts of California.

Philip B. Obbard. Philip Obbard's experience in complex litigation matters extends to class actions and mass torts arising under personal injury, labor and employment, civil rights, antitrust and consumer laws.

Mr. Obbard served for eleven years as a Research Attorney for the Alameda County Superior Court, analyzing complex motions and drafting opinions. Throughout his tenure with the Court, Mr. Obbard also mediated discovery and other disputes and worked with counsel on ex-parte motions. Previously, Mr. Obbard was a partner with the law firm of Corbett & Kane, where he specialized in employment litigation with an emphasis on discrimination and harassment matters.

Mr. Obbard is a 1986 graduate of the Georgetown University Law Center and received his undergraduate degree, *with honors*, in history from Haverford College in 1982.

Mr. Obbard is admitted to the California and Delaware Bar (inactive). He is a member of the Alameda County Bar Association, Association of Business Trial Lawyers and the Earl Warren American Inn of Court. He is a frequent speaker on complex litigation topics throughout the San Francisco Bay Area.

David Stein is a 2007 graduate of the Emory University School of Law, where he was the Executive Notes & Comments Editor for the *Emory Bankruptcy Developments Journal* and authored *Wrong Problem, Wrong Solution: How Congress Failed the American Consumer*, 23 Emory Bankr. Dev. J. 619 (2007). He received his undergraduate degree in philosophy from the University of California at Santa Barbara in 2003. Before joining Girard Gibbs, Mr. Stein was served as judicial law clerk to the Honorable Keith Starrett, United States District Court for the Southern District of Mississippi and to Magistrate Judge Karen L. Hayes, United States District Court for the Western District of Louisiana. Mr. Stein is admitted to the California Bar.

SIGNIFICANT RECOVERIES

Some of the cases in which the firm has had a leadership role are described below:

In re Sony BMG CD Technologies Litigation, Case No. 1:05-cv-09575-NRB (S.D.N.Y.). Girard Gibbs served as co-lead counsel in this class action for violation of the Computer Fraud and Abuse Act, 18 U.S.C. § 1030, *et seq.* on behalf of millions of consumers who purchased SONY BMG music compact discs encoded with digital rights management (“DRM”) software which limited CD functionality and acted as spyware on the users’ computers. The Hon. Naomi Reice Buchwald granted approval to a settlement that provided for a nationwide recall of certain CDs, the dissemination of software utilities to remove the offending DRM, cash and other compensation for consumers, and injunctive relief governing SONY BMG’s use of DRM.

In re iPod Cases, JCCP No. 4355 (Cal. Super. Ct. San Mateo County). Girard Gibbs, as court appointed co-lead counsel, negotiated a settlement conservatively valued at approximately \$15 million which provided warranty extensions, battery replacements, cash payments, and store credits for those class members who experienced a battery failure. In granting final approval of the settlement, the Hon. Beth L. Freeman said that the class was represented by “extremely well qualified” counsel who negotiated a “significant and substantial benefit” for the class members.

In re PayPal Litigation, Case No. C-02-1227-JF (PVT) (N.D.Cal., S.J. Div. 2002). Girard Gibbs served as co-lead counsel in this nationwide class action brought against PayPal alleging violations of the Electronic Funds Transfer Act (“EFTA”) and California consumer protection statutes. The plaintiffs alleged that PayPal did not comply with the EFTA when restricting access to consumers’ PayPal accounts, initiating certain electronic funds transfers or its error resolution processes. On September 24, 2004, Judge Fogel granted final approval to a settlement valued at \$14.35 million in cash and returned funds, plus injunctive relief to ensure compliance with the EFTA.

In re America Online, Inc. Version 5.0 Software Litigation, MDL Docket No. 1341 (S.D. Fla.). Girard Gibbs served as co-lead counsel in this MDL proceeding, which centralized 45 class actions. The action involved alleged violations of the Computer Fraud and Abuse Act, 18 U.S.C. §§ 1030 *et seq.*, federal antitrust laws and state consumer protection statutes based on AOL’s distribution of its Version 5.0 software upgrade. The Honorable Alan S. Gold granted final approval to a \$15.5 million cash settlement on August 1, 2002.

In re Literary Works In Electronic Databases Copyright Litigation, MDL No. 1379 (GBD) (S.D.N.Y. 2000). Girard Gibbs served as co-lead counsel in this class action brought on behalf of freelance authors alleging that after freelance authors’ works were published in newspapers, magazines, and other print publications with the authors’ permission, those publications then licensed the works without the authors’ permission to the commercial databases for electronic publication, in violation of the Federal Copyright Act. Five cases were consolidated for pretrial proceedings before the Honorable George B. Daniels, U.S. District Judge for the Southern District of New York. On September 27, 2005, Judge Daniels granted final approval of an \$18 million cash settlement. On November 29 2007, the U.S.

Court of Appeals for the Second Circuit vacated the District Court's ruling, citing lack of subject-matter jurisdiction. On March 2, 2010, the United States Supreme Court unanimously reversed the Second Circuit's ruling, holding that section 411(a) of the Copyright Act does not restrict a federal court's subject-matter jurisdiction over infringement lawsuits.

In Re General Motors Dex-Cool Cases. Case No. HG03093843 (Cal. Super Ct. Alameda County). In these class action lawsuits filed throughout the country, plaintiffs alleged that General Motors' Dex-Cool engine coolant caused damage to certain vehicles' engines, and that in certain other vehicles, Dex-Cool formed a rusty sludge, which caused the vehicles' cooling systems to overheat. After successfully certifying consumer classes in both Missouri and California, General Motors agreed to pay cash reimbursements to class members ranging from \$50 to \$800 per vehicle. On October 27, 2008 the California court granted final approval to the cash settlement.

In Re Medtronic, Inc. Implantable Defibrillators Product Liability Litigation, MDL No. 05-1726 (JMR/AJB) (D.Minn.). Girard Gibbs served on the Discovery and Law Committees and provided legal, discovery and investigative support in this lawsuit, following a February 2005 recall of certain models of Medtronic implantable cardioverter defibrillator ("ICD") devices. Approximately 2,000 individual cases were filed around the country and consolidated in an MDL proceeding in District Court in Minnesota. The approximate 2,000 cases were settled in 2007 for \$75 Million.

In re Providian Credit Card Cases, J.C.C.P. No. 4085 (Cal. Super. Ct. San Francisco County). Girard Gibbs served as court-appointed co-lead counsel in this nationwide class action suit brought on behalf of Providian credit card holders. The lawsuit alleged that Providian engaged in unlawful, unfair and fraudulent business practices by charging its customers unauthorized fees and charges. The Hon. Stuart Pollack approved a \$105 million settlement, plus injunctive relief, which is one of the largest class action recoveries in the United States arising out of consumer credit card litigation.

In re Hyundai and Kia Horsepower Litigation, Case No. 02CC00287 (Cal. Super. Ct. Orange County). Girard Gibbs served as lead counsel in this coordinated nationwide class action against Hyundai for selling more than 1 million vehicles with overstated horsepower ratings over a ten year period. The case was aggressively litigated on both sides over several years. In all, over 850,000 Hyundai owners received notice of the settlement, resulting in over 165,000 claims for up to \$225 in cash and \$325 in services, and a total payout of approximately \$30 million.

In re America Online Spin-Off Accounts Litigation, MDL No. 04-1581-RSWL (C.D. Cal.). Girard Gibbs served as court-appointed co-lead counsel in this nationwide class action suit brought on behalf of America Online subscribers who were billed for a second account without their knowledge, authorization or consent. The litigation settled for \$25 million and certain changes in AOL's billing and account practices.

Lehman v. Blue Shield of California, Case No. CGC-03-419349 (Cal. Super. Ct. San Francisco County). In this class action lawsuit alleging that Blue Shield engaged in unlawful, unfair and fraudulent business practices when it modified the risk tier structure of its individual and family health care plans, a \$6.5 million settlement was negotiated on behalf of former and current Blue Shield subscribers residing in California. The Honorable James L. Warren granted final approval of the settlement in March 2006.

Roy v. Hyundai Motor America, Case No. SACV 05-483-AHS (C.D. Cal.). Girard Gibbs served as court appointed co-lead counsel in this nationwide class action suit brought on behalf of Hyundai Elantra owners and lessees, based on allegations that the passenger air bag system installed on the Elantras was defective. A settlement was negotiated whereby Hyundai agreed to repair the air bag systems, provide reimbursement for transportation related expenses and an alternative dispute resolution program allowing for trade-ins and buy-backs. In approving the settlement negotiated by Girard Gibbs, the Honorable Alicemarie H. Stotler presiding, described the settlement as “pragmatic” and a “win-win” for all involved.

Telestar v. MCI, Inc., Case No. C-05-Civ-10672-JGK (S.D.N.Y). This class action was brought on behalf of MCI commercial subscribers who were charged both interstate and intrastate fees for the same frame relay on prorated line service during the same billing period. On April 17, 2008, the Honorable John G. Koeltl granted final approval of a settlement for over \$2.8 million in cash.

Powers Law Offices, P.C. v. Cable & Wireless USA, Inc., Case No. 99 CV 12007 (EFH) (D. Mass 1999). Class action brought on behalf of all Cable & Wireless subscribers who were overcharged for recurring and incorrect fees on lines that were not presubscribed to C&W at the time. Girard Gibbs prosecuted the case from 1999 through 2005, and on October 27, 2005, Judge Harrington granted final approval of the \$8 million settlement and the Bankruptcy Judge approved the 30% distribution from the unsecured creditors’ fund of the bankruptcy liquidation proceeds.

Allen Lund Co., Inc. v. AT&T Corp., Case No. C 98-1500-DDP (AJW) (C.D. Cal.). This class action lawsuit was brought on behalf of small businesses whose long-distance service was switched to Business Discount Plan, Inc. Girard Gibbs was appointed class counsel by the Honorable Dean D. Pregerson. The settlement, providing for full cash refunds and free long-distance telephone service, was approved in December 1999.

In re MCI Non-Subscriber Telephone Rates Litigation, MDL Docket No. 1275 (S.D. Ill.). This class action lawsuit was brought on behalf of all MCI subscribers who were charged MCI’s non-subscriber or “casual caller” rates and surcharges instead of the lower rates which MCI advertises and which subscribers expect to be charged. Ten cases were consolidated for pretrial proceedings before the Honorable David R. Herndon, U.S. District Judge for the Southern District of Illinois. Judge Herndon appointed Girard Gibbs as co-lead counsel for the consolidated actions. On March 29, 2001, Judge Herndon granted final approval of a settlement for over \$90 million in cash.

Mitchell v. American Fair Credit Association, Case No. 785811-2 (Cal. Super. Ct. Alameda County); ***Mitchell v. Bankfirst, N.A.***, Case No. C-97-1421-MMC (N.D. Cal.). This class action lawsuit was brought on behalf of California residents who became members of the American Fair Credit Association (“AFCA”). Plaintiffs alleged that AFCA operated an illegal credit repair scheme. The Honorable James Richman certified the class and appointed the firm as class counsel on April 12, 1999. In February 2003, Judge Ronald Sabraw of the Alameda County Superior Court and Judge Maxine Chesney of the U.S. District Court for the Northern District of California granted final approval to settlements valued at over \$40 million. *See Mitchell, et al., v. American Fair Credit Association, Inc., et al.*, 99 Cal. App. 4th 1345 (2002) (first reported decision under the California Credit Services Act of 1984).

In re LookSmart Litigation, Case No. 02-407778 (Cal. Super. Ct. San Francisco County). This nationwide class action suit was brought against LookSmart, Ltd. on behalf of LookSmart’s customers who paid an advertised “one time payment” to have their web sites listed in LookSmart’s directory, only to be later charged additional payments to continue service. The action involved claims for breach of contract and violation of California’s consumer protection laws, among other things. On October 31, 2003, the Honorable Ronald M. Quidachay granted final approval of a nationwide class action settlement providing cash and benefits valued at approximately \$20 million.

Steff v. United Online, Inc., Case No. BC265953, (Los Angeles Super. Ct.). This nationwide class action suit was brought against NetZero, Inc. and its parent, United Online, Inc., by former NetZero customers. The Plaintiffs alleged that Defendants falsely advertised their internet service as being unlimited and guaranteed for a specific period of time when it was not, in violation of Consumers Legal Remedies Act, Civil Code §§ 17500 *et seq.* and the Unfair Competition Law, Business And Professions Code §§ 17200 *et seq.* The Honorable Victoria G. Chaney of the Los Angeles Superior Court granted final approval of a settlement that provides full refunds to customers whose services were cancelled and additional cash compensation. The settlement also places restrictions on Defendants’ advertising.

Mackouse v. The Good Guys - California, Inc., Case No. 2002-049656, (Alameda County Super. Ct.). This nationwide class action lawsuit was brought against The Good Guys and its affiliates alleging violations of the Song-Beverly Warranty Act and other California consumer statutes. The Plaintiff alleged that The Good Guys failed to honor its service contracts, which were offered for sale to customers and designed to protect a customer’s purchase after the manufacturer’s warranty expired. In May 9, 2003, the Honorable Ronald M. Sabraw granted final approval of a settlement that provides cash refunds or services at the customer’s election.

Stoddard v. Advanta Corp., Case No. 97C-08-206-VAB (Del. Superior Ct.). This nationwide class action lawsuit was brought on behalf of cardholders who were promised a fixed APR for life in connection with balance transfers, whose APR was then raised pursuant to a notice of change in terms. The Honorable Vincent A. Bifferato approved a \$7.25 million settlement and appointed firm as co-lead counsel for the settlement class.

Mager v. First Bank of Marin, CV-S-00-1524-PMP (D. Nev.). This nationwide class action was brought on behalf of people who were enrolled in First Bank of Marin's credit card program. In May 2002, the Judge Pro of the U.S. District Court for the District of Nevada approved a settlement providing for cash and non-cash benefits to class members.

In re American Express Financial Advisors Securities Litigation, Case No. 04-cv-01773-DAB (S.D.N.Y.). Girard Gibbs served as co-lead counsel in this class action, brought on behalf of individuals who bought financial plans and invested in mutual funds from American Express Financial Advisors. The case alleged that American Express steered its clients into underperforming "shelf space funds" to reap kickbacks and other financial benefits. On July 13, 2007, the Court granted final approval to a cash settlement of \$100 million in addition to other relief.

Scheiner v. i2 Technologies, Inc., et al., Case No. 3:01-CV-418-H (N.D. Tex.). Girard Gibbs represented lead plaintiff, the Kansas Public Employees Retirement System, and served as co-lead counsel in this securities fraud class action on behalf of investors in i2 Technologies. The Hon. Barefoot Sanders approved cash settlements for \$88 million from the company, its officers and its former auditor, Arthur Andersen LLP. As part of the settlement, i2 agreed to institute significant corporate governance reforms.

CalSTRS v. Qwest Communications, et al., Case No. 415546 (Cal. Super. Ct. San Francisco County). Girard Gibbs represented the California State Teachers Retirement System in this opt-out securities fraud case against Qwest Communications, Inc. and certain of its officers and directors, as well as its outside auditor Arthur Andersen. The case resulted in a precedent-setting \$45 million settlement for California school teachers.

In re Winstar Communications Securities Litigation, Case No. 01 Civ. 11522 (S.D.N.Y) Girard Gibbs represents Allianz of America, Inc., Fireman's Fund and other large private institutional investors in federal securities litigation against Grant Thornton and other defendants arising out of their investments in Winstar Communications, Inc. The firm has obtained settlements to date from Lucent Technologies and the individual officers and directors of Winstar, and is continuing to prosecute the case against Grant Thornton, outside auditor to Winstar.

In re Prison Realty Securities Litigation, Case No. 3:99-0452 (M.D. Tenn.). Girard Gibbs served as co-lead counsel in this securities class action brought on behalf of investors against a real estate investment trust and its officers and directors, following defendants' alleged false statements made in the context of a merger between Corrections Corporation of America and CCA Prison Realty Trust and subsequent operation of the merged entity. On February 13, 2001, the Court granted final approval to a settlement for over \$104 million in cash and stock.

In re Digex, Inc. Shareholder Litigation, Consol. Case No. 18336 (Del. Ch. Ct. 2000). Girard Gibbs represented the Kansas Public Employees Retirement System, one of two institutional lead plaintiffs in this lawsuit whereby minority shareholders of Digex, Inc. sued to enjoin MCI WorldCom's planned acquisition of a controlling interest in Digex through a merger with Intermedia Communications, Inc., the majority shareholder. In a settlement approved by Delaware Chancery Court on April 6, 2000, a fund consisting of \$165 million in MCI WorldCom stock and \$15 million in cash was secured for Digex shareholders, as well as non-cash benefits valued at \$450 million.

In re Oxford Tax Exempt Fund Securities Litigation, Case No. WMN-95-3643 (D. Md.). Girard Gibbs served as co-lead counsel in this class and derivative litigation brought on behalf of a real estate limited partnership with assets of over \$200 million. Settlement providing for exempt issuance of securities under section 3(a)(10) of Securities Act of 1933, public listing of units, and additional settlement benefits valued at over \$10 million approved January 31, 1997.

Calliott v. HFS, Inc., Case No. 3:97-CV-0924-L (N.D. Tex.). Girard Gibbs intervened on behalf of an institutional client in this securities class action arising out of bankruptcy of Amre, Inc., a seller of home remodeling and repair services. Girard Gibbs was designated lead plaintiff's counsel under Private Securities Litigation Reform Act. Settlements for \$7.3 million were approved August 1999 and December 2000.

In re Total Renal Care Securities Litigation, Case No. 99-01750 (C.D. Cal.). This securities fraud action arose out of restatement of earnings by healthcare provider, brought under the PSLRA by the Louisiana Teachers' Retirement System and the Louisiana School Employees Retirement System. Settled for \$25 million and issuer's commitment to adopt comprehensive corporate governance reforms. Girard Gibbs served as liaison counsel.

In re Towers Financial Corporation Noteholders Litigation, MDL No. 994 (S.D.N.Y.). This securities and RICO class action was brought against promoters and professionals associated with failed investment scheme described by United States Securities and Exchange Commission as "largest Ponzi scheme in U.S. history." \$6 million in partial settlements. \$250 million judgment entered against four senior Towers executives. Girard Gibbs served as liaison counsel and as a plaintiffs' executive committee member. See Dinsmore v. Squadron, Ellenoff, Plesent, Sheinfeld & Sorkin, 945 F. Supp. 84 (S.D.N.Y.1996), rev'd, No. 97-7011, 1998 U.S. App. LEXIS 1448 (2d Cir. Jan. 28, 1998); In re Towers Financial Corporation Noteholders Litigation, 177 F.R.D. 167 (S.D.N.Y. 1997) ("class counsel--particularly Plaintiffs' Liaison counsel, Daniel Girard--has represented the plaintiffs diligently and ably in the several years that this litigation has been before me").

In re Natural Gas Antitrust Cases I, II, III and IV, J.C.C.P. No. 4221 (Cal. Super. Ct. San Diego County). Girard Gibbs served in a leadership capacity in this coordinated antitrust litigation against numerous natural gas companies for manipulating the California natural gas market, which has achieved settlements of nearly \$160 million to date.

Ho v. San Francisco Unified School District, Case No. C-94-2418-WHO (N.D. Cal.). This civil rights action was brought on behalf of a certified class of San Francisco public school students of Chinese descent to terminate racial and ethnic quotas imposed under 1983 desegregation consent decree. See Ho v. San Francisco Unified Sch. Dist., 965 F. Supp. 1316 (N.D. Cal. 1997), aff'd 147 F.3d 854 (9th Cir. 1998); see also 143 Cong. Rec. S6097, 6099 (1997) (statement of United States Senator Hatch referring to testimony of class representative before Senate Judiciary Committee).

EXHIBIT B



COHEN MILSTEIN

Firm Resume

Cohen Milstein Sellers & Toll PLLC

For decades, Cohen Milstein Sellers & Toll PLLC has represented individuals, small businesses, institutional investors, and employees in many of the major class action cases litigated in the United States for violations of the antitrust, securities, consumer protection, civil rights/discrimination, environmental, ERISA and human rights laws. Cohen Milstein is also at the forefront of numerous innovative legal actions that are expanding the quality and availability of legal recourse for aggrieved individuals and businesses both domestic and international. Over its history, Cohen Milstein has obtained many landmark judgments and settlements for individuals and businesses in the United States and abroad. The firm's most significant past and present cases include:

- In re Vitamins Antitrust Litigation, MDL No. 1285 (D.D.C.). Cohen Milstein served as co-lead counsel for two certified classes of businesses that directly purchased bulk vitamins and were overcharged as a result of a ten year global price-fixing and market allocation conspiracy. Chief Judge Hogan approved four major settlements between certain vitamin defendants and Class Plaintiffs, including a landmark partial settlement of \$1.1 billion. In a later trial before Chief Judge Hogan concerning four Class Plaintiffs' remaining unsettled Vitamin B4 (choline chloride) claims, a federal jury in Washington unanimously found Japan's second largest trading company, Mitsui & Co., Ltd., its wholly-owned U.S. subsidiary Mitsui & Co. (U.S.A.), Inc., DuCoa, LP, a choline chloride manufacturer based in Highland, Illinois, and DuCoa's general partner, DCV, Inc. liable for participating in the conspiracy and ordered them to pay \$49,539,234, which is trebled to \$148,617,702 under the federal antitrust laws. The case was subsequently settled against those defendants.

- Dukes v. Wal-Mart Stores, Inc., No. C-01-2252 (N.D. Cal.). Cohen Milstein is one of the co-lead counsel in this discrimination case. In June 2004, U.S. District Court Judge Martin Jenkins ruled that six current and former Wal-Mart employees from California may represent all female employees of Wal-Mart who worked at its U.S. stores anytime after December 26, 1998 in a nationwide sex discrimination class action lawsuit (appeal pending). As the largest civil rights class action ever certified against a private employer, the Judge described the case as "historic in nature, dwarfing other employment discrimination cases that came before it." The action charges that Wal-Mart discriminates against its female retail employees in pay and promotions. The class in this case includes more than 1.5 million current and former female employees of Wal-Mart retail stores in America, including Wal-Mart discount stores, super centers, neighborhood stores, and Sam's Clubs. In April 2010, the U.S. Court of Appeals for the Ninth Circuit ruled that hundreds of thousands of female Wal-Mart current and former employees who have worked at Wal-Mart stores at any time since June 2001 are entitled to proceed with a massive class action lawsuit charging sex discrimination by America's largest retailer.

- In re Parmalat Securities Litigation, No. 04 MD 1653 (S.D.N.Y.). In this ongoing litigation, Cohen Milstein has successfully negotiated two partial settlements totaling approximately \$90 million. At the second partial settlement hearing, Judge Lewis A. Kaplan remarked that plaintiffs counsel "did a wonderful job here for the class and were in all respects totally professional and totally prepared. I wish I had counsel this good in front of me in every case." Our clients, four large European institutional investors, were appointed as co-lead plaintiffs and we were appointed as co-lead counsel. Most notably, this case allowed us the opportunity to demonstrate our expertise in the bankruptcy area. During the litigation, the

company subsequently emerged from bankruptcy and we added “New Parmalat” as a defendant because of the egregious fraud committed by the now-bankrupt old Parmalat. New Parmalat strenuously objected and Judge Kaplan of the Southern District of New York ruled in the class plaintiffs’ favor, a ruling which was affirmed on appeal. This innovative approach of adding New Parmalat enabled the class to obtain an important additional source of compensation, as we subsequently settled with New Parmalat.

- Keepseagle v. Vilsack, Civil Action No. 1:99CV03119 (D.D.C.). A class of Native American farmers and ranchers allege that they have been systematically denied the same opportunities to obtain farm loans and loan servicing that have been routinely afforded white farmers by the USDA. A class was certified in 2001 by Judge Emmet Sullivan, District Judge for the U.S. District Court for the District of Columbia, and the D.C. Circuit declined USDA's request to review that decision. On October 19, 2010, the case reached a historic settlement, with the USDA agreeing to pay \$680 million in damages to thousands of Native American farmers and ranchers and forgive up to \$80 million worth of outstanding farm loan debt.

- In re Lucent Technologies Securities Litigation, Civ. Action No. 00-621 (JAP) (D.N.J.). A settlement in this massive securities fraud class action was reached in late March 2003. The class portion of the settlement amounts to over \$500 million in cash, stock and warrants and ranks as the second largest securities class action settlement ever completed. Cohen Milstein represented one of the co-lead plaintiffs in this action, a private mutual fund.

- Nate Pease, et al. v. Jasper Wyman & Son, Inc., et al., Civil Action No. 00-015 (Knox County Superior Court, Me.). In 2004, a state court jury from Maine found three blueberry processing companies liable for participating in a four-year price-fixing and non-solicitation conspiracy that artificially lowered the prices defendants paid to approximately 800 growers for wild blueberries. The jury ordered defendants Cherryfield Foods, Inc., Jasper Wyman & Son, Inc., and Allen’s Blueberry Freezer, Inc. to pay \$18.68 million in damages, the amount which the growers would have been paid absent the defendants’ conspiracy. After a mandatory trebling of this damage figure under Maine antitrust law, the total amount of the verdict for the plaintiffs is just over \$56 million. The Firm served as co-lead counsel.

- In re StarLink Corn Products, Liability Litigation, MDL No. 1403. (N.D. Ill.). Cohen Milstein successfully represented U.S. corn farmers in a national class action against Aventis CropScience USA Holding and Garst Seed Company, the manufacturer and primary distributor of StarLink corn seeds. StarLink is a genetically modified corn variety that the United States government permitted for sale as animal feed and for industrial purposes, but never approved for human consumption. However, StarLink was found in corn products sold in grocery stores across the country and was traced to widespread contamination of the U.S. commodity corn supply. The Firm, as co-lead counsel, achieved a final settlement providing more than \$110 million for U.S. corn farmers, which was approved by a federal district court in April 2003. This settlement was the first successful resolution of tort claims brought by farmers against the manufacturers of genetically modified seeds.

- In re Diet Drug Litigation (Fen-Phen), MDL No. 1203 (E.D. Pa.). As a member of the Plaintiffs’ Management Committee and Sub-Class Counsel, Cohen Milstein played a major part in the success of the Fen-Phen diet drug litigation and settlement (*In re: Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Products Liability Litigation*, MDL 1203). Cohen Milstein and other plaintiffs’ counsel achieved the largest settlement ever obtained in a

mass tort case - \$3.75 billion – on behalf of millions of U.S. consumers who used Pondimin (fenfluramine) or Redux (dexfenfluramine), either alone or in combination with phentermine, diet drugs that are associated with heart valve damage.

- Snyder v. Nationwide Mutual Insurance Company, No. 97/0633 (Sup. Ct. N.Y. Onondaga Cty.). Cohen Milstein served as one of plaintiffs’ principal counsel in this case on behalf of persons who held life insurance policies issued by Nationwide through its captive agency force. The action alleged consumer fraud and misrepresentations. Plaintiffs obtained a settlement valued at more than \$85 million. The judge praised the efforts of Cohen Milstein and its co-counsel for having done “a very, very good job for all the people.” He complimented “not only the manner” in which the result was arrived at, but also the “time ... in which it was done.”

- Oncology & Radiation Associates, P.A. v. Bristol Myers Squibb Co., et al., No. 1:01CV02313 (D.D.C.). Cohen Milstein has been co-lead counsel in this case since its inception in 2001. Plaintiffs alleged that Bristol-Myers Squibb unlawfully monopolized the United States market for paclitaxel, a cancer drug discovered and developed by the United States government, which Bristol sells under the brand name Taxol. Bristol’s scheme included a conspiracy with American BioScience, Inc., a generic manufacturer, to block generic competition. Cohen Milstein’s investigation and prosecution of this litigation on behalf of direct purchasers of Taxol led to a settlement of \$65,815,000 that was finally approved by U.S. District Judge Emmet G. Sullivan on August 14, 2003 and preceded numerous Taxol-related litigations brought by the Federal Trade Commission and State Attorneys General offices.

- Kruman v. Christie’s International PLC, et al., Docket No. 01-7309. A \$40 million settlement on behalf of all persons who bought or sold items through Christie’s or Sotheby’s auction houses in non-internet actions was approved in this action. Cohen Milstein served as one of three leading counsel on behalf of foreign plaintiffs. The Court noted that approval of the settlement was particularly appropriate, given the significant obstacles that faced plaintiffs and plaintiffs’ counsel in the litigation. The settlement marked the first time that claims on behalf of foreign plaintiffs under U.S. antitrust laws have been resolved in a U.S. court, a milestone in U.S. antitrust jurisprudence.

- In re Infant Formula Consumer Antitrust Litigation (multiple state courts). Cohen Milstein instituted price-fixing cases on behalf of indirect-purchasers in 17 states under state antitrust laws against three companies who conspired to drive up the price of infant formula. The cases resulted in settlements of \$64 million for purchasers of infant formula.

- Domestic Air Transportation Antitrust Litigation (N.D. Ga.) Plaintiffs alleged a conspiracy among major airlines to set prices. In one of the largest consumer class actions ever brought to a successful conclusion, Cohen Milstein was one of the lead counsel and obtained a settlement of travel discounts and cash totaling \$458 million for the class of individuals and businesses.

- In re The Exxon Valdez Litigation, No. A89-095 Civ. (D. Ak.). The firm was selected from dozens of law firms around the country by federal and state judges in Alaska to serve as co-lead counsel for plaintiffs in the largest environmental case in United States history that resulted in a jury verdict of more than \$5 billion (reversed and remanded for revised punitive damages award; further proceedings pending).

- Holocaust Litigation. In the historic Swiss Banks litigation, Cohen Milstein served, *pro bono*, as co-lead counsel for Holocaust survivors against the Swiss banks that collaborated with the Nazi regime during World War II by laundering stolen funds, jewelry and art treasures. Cohen Milstein obtained a \$1.25 billion settlement, leading the presiding judge to call the firm’s work “indispensable.” See *In re Holocaust Victim Assets Litig.*, Case No. CV 96-4849 (ERK) (MDG) (Memorandum of Chief Judge Korman dated July 26, 2002). The Firm was also a lead counsel in litigation by survivors of World War II-era forced and slave labor in litigation against the German companies that profited from using the labor of concentration camp inmates. This litigation, which resulted in an unprecedented settlement of \$5.2 billion, was resolved by multinational negotiations involving the defendants, plaintiffs’ counsel, and the governments of several countries for approximately two million claimants.

Cohen Milstein has contributed over 37,000 hours of time to human rights and *pro bono* cases since 1996. As an example, the Firm represented eight survivors and/or families of the victims of the September 11, 2001 attack on the Pentagon before the Federal compensation fund. Cohen Milstein has obtained a substantial recovery for each, including the highest recovery to date, \$6.8 million, for an injured individual.

- Roberts v. Texaco, Inc., 94-Civ. 2015 (S.D.N.Y.). Cohen Milstein represented a class of African-American employees in this landmark litigation that resulted in the then-largest race discrimination settlement in history (\$176 million in cash, salary increases and equitable relief). The Court hailed the work of class counsel for, *inter alia*, “framing an imaginative settlement, that may well have important ameliorative impact not only at Texaco but in the corporate context as a whole ...”.

- Conanan v. Tanoue, No. 00-CV-3091 (ESH). Cohen Milstein represented African-American employees at the Federal Deposit Insurance Corporation (FDIC) in this race discrimination suit, which settled for \$14 million. The settlement provides the largest payment made in an employment discrimination class action based on race against a federal agency.

- Trotter v. Perdue Farms, Inc., Case No. 99-893 (RRM) (JJF) (MPT), D. Del. This suit on behalf of hourly workers at Perdue’s chicken processing facilities – which employ approximately 15,000 people – forced Perdue to pay employees for time spent “donning and doffing,” that is, obtaining, putting on, sanitizing and removing protective equipment that they must use both for their own safety and to comply with USDA regulations for the safety of the food supply. The suit alleged that Perdue’s practice of not counting donning and doffing time as hours worked violated the Fair Labor Standards Act and state law. In a separate settlement with the Department of Labor, Perdue agreed to change its pay practices. In addition, Perdue is required to issue retroactive credit under one of its retirement plans for “donning and doffing” work if the credit would improve employees’ or former employees’ eligibility for pension benefits. Cohen Milstein was co-lead counsel.

In addition, Cohen Milstein is an innovator in new areas of the law. Cohen Milstein was in the forefront of filing antitrust claims on behalf of indirect purchasers in 1993 and 1994, when it filed state-court actions in 18 states on behalf of indirect purchasers of infant formula. This was the first effort to systematically and simultaneously pursue treble damages claims on behalf of indirect-purchasing consumers in all states where antitrust laws permitted such claims. This approach, and variations of it, has since become the accepted model for pursuing antitrust damages on behalf of indirect-purchasing consumers. The Firm also has been in the forefront of the development of

international antitrust theory and litigation of claims. As the global economy has produced worldwide conglomerates, so, too, has the nature of antitrust violations changed. For example, in *Kruman v. Christie's International PLC, et al.* Docket No. 01-7309 and *In re Bulk Vitamins Antitrust Litigation*, MDL 1285 (D.D.C.), both the parties and the anticompetitive actions were played out on a world, rather than domestic, stage. The firm also represents and won Lead Plaintiff status for domestic and foreign investors in a foreign company's bonds, in a PSLRA litigation being pursued in the United States, *In re Parmalat Securities Litigation*, Master Docket 04 Civ 0030 (LAK) (S.D.N.Y.).

Cohen Milstein has also served as lead or co-lead counsel, or on Plaintiffs' Executive Committee(s), in many dozens of antitrust, securities, consumer protection or product liability, civil rights, and human rights class action cases.

Awards & Recognition

In 2010, Partner Joseph Sellers was selected as one of "**The Decade's Most Influential Lawyers**" by *The National Law Journal*.

In 2010, Partner Steven J. Toll was named one of Law360's "**Most Admired Attorneys**".

In 2010, Partner Linda Singer was selected as one of "**Washington's Most Influential Women Lawyers**" by *The National Law Journal*.

In 2010, Partner Agnieszka Fryszman was selected as a finalist for the **Trial Lawyer of the Year Award** from the Public Justice Foundation.

In 2010, Partners Joseph Sellers and Agnieszka Fryszman were both selected as one of the **Lawdragon 500 Leading Lawyers in America**.

In 2010, Cohen Milstein was once again ranked as a **Leading Plaintiff Class Action Antitrust Firm in the United States** by the Legal 500

In 2010, Partner Joseph Sellers was selected as a **Washington DC Super Lawyer**. Mr. Sellers was also selected for this prestigious award in 2007, 2008 and 2009.

In 2010, Partner Steven Toll was selected as a **Washington DC Super Lawyer**. Mr. Toll was also selected for this prestigious award in 2007 and 2009.

In 2010, Partner Andrew Friedman was selected as a **Washington DC Super Lawyer**.

In 2010, Partner Carol V. Gilden was selected as an **Illinois Super Lawyer**. Ms. Gilden was also selected for this prestigious award in 2005, 2006, 2007, 2008 and 2009.

In 2009, Partner Steven Toll was named a **Top Attorney in Corporate Litigation for Securities Litigation** by Super Lawyers.

In 2009, Partners Joseph Sellers and Christine Webber were named as **Top Washington Lawyers** by the Washingtonian Magazine.

In 2009, Cohen Milstein was recognized as **one of the top 50 law offices in Washington D.C. for diversity efforts**.

In 2009, Cohen Milstein was nominated for the prestigious **Class Action Law Firm of the Year** award by Global Pensions magazine for the third year in a row.

Cohen Milstein ranked as a **2009 Leading Plaintiff Class Action Antitrust Firm in the United States** by *The Legal500*.

The **2008 SCAS Report on Total Securities Class Action Settlements** ranked Cohen Milstein as a top firm for the second year in a row

In 2008, Cohen Milstein was nominated for the prestigious **Class Action Law Firm of the Year** award by Global Pensions magazine for the second year in a row.

In 2008, Managing Partner Steven J. Toll was named one of LawDragon's **100 Lawyers You Need to Know in Securities Litigation**.

In 2008, Steven J. Toll and Joseph M. Sellers were both named as one of Lawdragon's "**500 Leading Lawyers in America**."

500 Leading Plaintiffs' Lawyers in America

Lawdragon

January-February, 2007

Top Antitrust Plaintiffs' Firm

Competition Law 360

February 14, 2007

Cohen Milstein named #1

Joseph Sellers has been selected by his peers to be included in the upcoming 2007 edition of **The Best Lawyers in America®** in the specialty of Civil Rights Law.

Beacon of Justice Award

From the National Legal Aid and Defender Association

Summer 2007

For Cohen Milstein's work on the Guantanamo cases.

Fierce Sister Award

Summer 2007

For Cohen Milstein's work on the comfort woman case.

The Plaintiffs' Hotlist

The National Law Journal

October 9, 2006

Runner up for Matter of the Year

Global Competition Review

February, 2005

On Empagran matter, praised for ingenuity in how the case was prosecuted

Attorney Profiles – Partners

Herbert E. Milstein

Herbert E. Milstein began practicing law with Jerry S. Cohen in 1970 – the birth of the Firm. Mr. Milstein has been lead or principal counsel in many of the best known securities class actions litigated during the past 40 years. He is the senior member of the Securities Fraud/Investor Protection practice group.

Mr. Milstein is the author of numerous articles on topics involving class action litigations and the Federal securities laws. He recently authored an article on current issues involving federal securities laws. He also wrote a separate article in the book entitled *The Burger Years*. He is the author of a monograph on the attorney-client privilege.

As an adjunct Professor of Law at Georgetown University Law Center from 1980-1987, he taught complex litigation and continues to lecture on securities litigation and class actions at law schools and seminars sponsored by the American Bar Association, state bar associations, and continuing legal education organizations. In 1985, he received a Silver Gavel award from the American Bar Association for his distinguished example of public service.

Mr. Milstein formerly served on the staff of the Securities and Exchange Commission for five and one-half years, and last held the position of Chief Enforcement Attorney, Division of Corporate Regulation. From 1976-1980, Mr. Milstein served as Equity Receiver for National American Life Insurance Company, appointed by Judge Charles R. Richey, in *SEC v. National Pacific Corp.* For that work, the Chairman of the SEC said Mr. Milstein and the Firm served “with distinction.”

Formerly the President of the National Association of Securities and Commercial Law Attorneys (NASCAT), he also served as Treasurer of that organization for six years. He is a member of the American Law Institute, and a member and former Chairman of the Executive Council of the Securities Law Committee of the Federal Bar Association.

Mr. Milstein is currently on the Board of Directors of several organizations, including The Studio Theatre of Washington, DC.

Mr. Milstein graduated from Harvard College (*cum laude*, 1958) and Columbia University School of Law (LL.B., 1961).

Mr. Milstein is admitted to practice in the District of Columbia and Massachusetts.

Steven J. Toll

Steven J. Toll joined the Firm in 1979 and has been lead or principal counsel in some of the most highly publicized stock fraud cases over the past 28 years. He has been Managing Partner of the Firm since 1997 and is co-chair of the Securities Fraud/Investor Protection practice group. Mr. Toll was profiled in the February 1996 *Washington Business Journal* as one of five attorneys that stand out as the “cream of the crop” in the Washington D.C. legal community. *Lawdragon* named him as one of the 500 Leading Lawyers in America in 2006-07-08, as well as naming him one of the 100 Lawyers You Need to Know in Securities Litigation in 2008. In 2010, Mr. Toll was named to *Law360*'s "Most Admired Attorneys".

In July 2005, Mr. Toll was lead trial counsel in one of the few securities class actions to go to trial involving Globalstar, a satellite manufacturer. Mr. Toll successfully argued the motions before and during trial and ultimately achieved a settlement of \$20 million shortly before the case was scheduled to go to the jury. In approving the settlement, U.S. District Judge Kevin Castel remarked that Mr. Toll and his colleagues had “done a terrific job in presenting the case for the plaintiffs.”

Some of Mr. Toll’s other notable cases include those against Lucent Technologies, which was settled in 2001 for approximately \$575 million, at the time, the second largest securities class action settlement ever achieved; *Converium*, where he negotiated a global settlement in the U.S. courts and the courts in Amsterdam of \$135 million; *Southmark Securities Litigation*, where he helped achieve a settlement of \$70 million from the company’s auditors, Drexel Burnham and Michael Milken; *Norman v. Salomon Smith Barney*, where he negotiated a \$50 million settlement on behalf of customers of Salomon’s Guided Portfolio Management Program, who alleged that Salomon invested their money in companies in order to boost Salomon’s investment banking business.

Mr. Toll also served as co-lead counsel in one of the most publicized frauds of the 1990s -- Cascade International (S.D. Fla.) where the mastermind of the fraud, Victor Incendy, is still a fugitive from justice. The case settled on the eve of trial against Raymond James Inc. -- the only securities class action ever successfully litigated against a brokerage firm for its role as a research analyst.

He is currently leading the Firm’s team serving as co-lead counsel in one of the most highly publicized fraud cases of this era, the securities fraud class action involving Parmalat, the Italian dairy manufacturer; the case is known as Europe’s “Enron,” because of the similarities of the fraudulent schemes and the non-existence of billions of dollars of assets that had been recorded on Parmalat’s financial statements. He is also co-lead counsel in a major securities fraud action against the Royal Bank of Scotland, who in early 2009 announced the largest loss in British corporate history of over \$30 billion.

He has written for and spoken at various conferences about securities law and corporate governance issues, including, *inter alia*, *The Plaintiffs’ Perspective, Securities Regulation and the New Law*, National Legal Center for the Public Interest, No. 1, Sept. 1996; *The Sarbanes-Oxley Bill Provides No Assistance To Investors Seeking To Recovery From Corporate Fraud*, ABA Annual Meeting, August 2002; and *The Analyst Cases Involving Merrill Lynch, and Its Internet Analyst Henry Blodget, and Salomon Smith Barney and Its Telecommunications Analyst Jack Grubman*, Mass Torts Made Perfect (presented January 2003); *Coming to Terms with Loss Causation after Dura: A Response to Professors Portnoy, Ferrell, and Saha*, Journal of Corporation Law (publication pending).

Mr. Toll is an honors graduate of the Wharton School of the University of Pennsylvania (B.S., Accounting, *cum laude*, 1972). He graduated from Georgetown University Law Center (J.D., 1975) where he was Special Project Editor of the Tax Lawyer.

Mr. Toll is admitted to practice in Virginia and the District of Columbia.

Joseph M. Sellers

Joseph Sellers, a Partner at the Firm and head of the Civil Rights & Employment practice group, joined Cohen Milstein in 1997.

Mr. Sellers has represented victims of discrimination and other illegal employment practices individually and through class actions. He has tried several civil rights class actions to judgment before juries and has argued more than 25 appeals in the federal and state appellate courts, including the United States Supreme Court. He has served as class counsel, and typically lead counsel, in more than 30 civil rights and employment class actions.

Those cases have included: *Beck. v. Boeing Company* (W.D. Wash.), which included a class of more than 28,000 women employees at Boeing facilities in Washington state alleging sex discrimination in pay and overtime decisions; *Conway, et al. v. Deutsch* (E.D. Va.), for a class of all female undercover case officers at the CIA alleging sex discrimination in promotions and job assignments; *Dukes v. Wal-Mart Stores, Inc.* (N.D. Cal.), where the Court has certified the largest class in such a case: more than 1.5 million women employees at Wal-Mart stores, alleging sex discrimination in promotions and pay decisions; *Johnson, et al. v. Freeh* (D.D.C.), for a class of African-American FBI special agents alleging racial discrimination in promotion and job assignments; *Keepseagle v. Veneman* (D.D.C.), for a class of Native American farmers and ranchers denied equal credit opportunities by USDA; *Neal v. Director, D.C Dept. of Corrections* (D.D.C.), the first sexual harassment class action tried to a jury, for a class of women correctional employees and women and men subject to retaliation at the D.C. Department of Corrections; and *Trotter, et al. v. Perdue Farms* (D.Del.), for a company-wide collective action brought under the Fair Labor Standards Act for violations of federal wage and hour law.

Throughout his career, Mr. Sellers has also been active in legislative matters. He has testified more than 20 times before Committees of the United States Senate and House of Representatives on various civil rights and employment matters. He worked on the passage of the Civil Rights Act of 1991, the Americans with Disabilities Act of 1990, and the Lily Ledbetter Fair Pay Restoration Act of 2009.

Mr. Sellers has trained lawyers at the U.S. Equal Employment Opportunity Commission and the U.S. Department of Justice on the trial of civil rights cases and has lectured extensively throughout the country on various civil rights and employment topics. He was an Adjunct Professor at the Washington College of Law at American University, where he taught Employment Discrimination law, and at the Georgetown University Law Center, where he taught a course on Professional Responsibility.

He served on the Clinton/Gore Transition Team in 1992 and 1993. He headed the teams reviewing the operations of the EEOC, the Office of the Assistant Attorney General for Civil Rights, and various sections of the Civil Rights Division of the Department of Justice. He also served as a Co-Chair of the Task Force of the D.C. Circuit on Gender, Race and Ethnic Bias and was appointed by panels of the D.C. Circuit Court of Appeals and the U.S. District Court for the District of Columbia.

At the request of the Ford Foundation and the American Bar Association, Mr. Sellers delivered a series of lectures and designed and delivered a mock trial on civil rights law to Chinese judges, lawyers and other government officials in China.

Mr. Sellers has been recognized as one of the top lawyers in Washington and as one of the top 10 plaintiffs' employment lawyers in the country. In 2010, he was recognized as one of "The Decade's Most Influential Lawyers" by *The National Law Journal*. He is a professionally-trained mediator and has served as the President of the Washington Council of Lawyers.

Prior to joining Cohen Milstein, Mr. Sellers served as head of the Employment Discrimination Project of the Washington Lawyers' Committee for Civil Rights and Urban Affairs for over 15 years.

Mr. Sellers received a J.D. from Case Western Reserve School of Law (1979), where he served as Research Editor of the *Case Western Reserve Law Review*, and a B.A. in American History and Literature from Brown University (1975).

Mr. Sellers is admitted to practice in the District of Columbia.

Lisa M. Mezzetti

Lisa Mezzetti, a Partner at Cohen Milstein, joined the Firm in 1984, and is a member of the Securities Fraud/Investor Protection and the Consumer Protection & Unsafe Products practice groups.

In her securities work, Ms. Mezzetti has represented the corporate plaintiff in a private litigation alleging damages from the purchase of a healthcare technology company; in a separate matter, she represented 1,900 plaintiffs in a series of 25 federal court suits concerning municipal bonds. Her shareholder class actions include *In re VeriSign Securities Litigation* (settled for approximately \$78 million); *Murphy, Derivatively On Behalf of Nominal Defendant National Health Laboratories Inc. v. Perelman* (Cal. Super. San Diego Cty.) (global settlement of class and derivative litigations for total of \$65 million); *Flecker v. Hollywood Entertainment Corp.* (D. Or.) (\$15 million settlement, reached the day before trial was to begin); *Biben v. Card* (W.D. Mo.) (93% of class members' damages recovered in settlement) and, currently, *In re Parmalat Securities Litigation* (S.D.N.Y.), which is litigating one of the alleged largest corporate frauds in European history (thus far, settlements totaling approximately \$85 million). She also has represented parties in securities arbitrations (both as claimant's counsel or defense counsel for the broker) and defended clients in investigations and enforcement actions of the Securities and Exchange Commission.

In consumer cases, Ms. Mezzetti is or was one of the lead counsel in *In re Lupron Marketing and Sales Practices Litigation* (D. Mass.) (brought against pharmaceutical companies on pricing policies and methods; combined \$150 million settlement); *Howard v. Ford Motor Co.* (Cal. Sup. Ct.) (order of the Court on equitable count required prospective recall of 1.7 million cars; settled immediately before scheduled second jury trial); and *Fischl v. Direct Merchants Credit Card Bank, N.A.* (Henn. Cnty. Minn.) (brought by credit card consumers, alleging improper charges and payment processes; settlement included credits for overpayments and changes in business practices). She has litigated class actions under the ERISA laws, and brought one of the first class actions filed under the federal Family and Medical Leave Act.

Ms. Mezzetti is a public arbitrator for FINRA (the Financial Industry Regulatory Authority), hearing disputes between customers and brokers. She regularly speaks at legal education seminars and has been quoted in the media on issues concerning both consumer law and securities class actions. On securities issues, she has spoken on foreign class actions and the protection of foreign shareholders in U.S. class actions, and on settlement concerns. She also speaks on corporate governance issues at conferences of institutional investors, and was a guest panelist on a Washington, D.C. cable television show concerning hiring and working with stock brokers and financial advisors. On consumer issues, Ms. Mezzetti has been a panelist at the Federal Trade Commission's Workshop on Consumer Class Actions and at an annual conference of the Association of Trial Lawyers of America on unfair trade practices and deceptive trade practices statutes. The transcript of the FTC workshop, and her related article, *The Coupon Can Be the Ticket: The Use of "Coupon" and Other Non-Monetary Redress in*

Class Action Settlements (co-authored with Whitney Case) are published at 18.4 Geo. J. Legal Ethics 1431 (2005).

Before joining Cohen Milstein, Ms. Mezzetti was a litigation associate of Shea & Gould of New York City.

Ms. Mezzetti serves as a member of the Boards of Directors of The International Alliance for Women (a global umbrella organization that unites, supports and promotes professional women and their networks) and The Financial Women's Association of New York. She has served on the D.C. Advisory Board of The Joffrey Ballet of Chicago.

Ms. Mezzetti graduated from the Columbus School of Law, Catholic University of America in 1980, where she served as a Vice-Chancellor of the Moot Court Board. In 1986, she received a Master of Laws degree, with a specialty in Securities Regulation, from Georgetown University Law Center. Her bachelor's degree was awarded by Stonehill College (B.A, English., *magna cum laude*, 1977).

Ms. Mezzetti is admitted to practice in the District of Columbia and New York.

Andrew N. Friedman

Andrew Friedman, a Partner at the Firm, joined Cohen Milstein in 1985. He is a member of the Securities Fraud/Investor Protection practice group and the head of the Consumer Protection & Unsafe Products practice group.

Mr. Friedman has been involved in many successful securities class actions. In July, 2005, Mr. Friedman served as one of lead trial counsel at the trial of a certified class action in *In re Globalstar Securities Litigation* in the United States District court for the Southern District of New York. Near the end of the second week of trial, a cash settlement of \$20 million was reached for the benefit of the certified class. The settlement was approved by Judge P. Kevin Castel, who was highly complimentary of counsel: "This case has been litigated by top trial lawyers, each of whom, as to both lead counsel and the other counsel in the case, have been exceptionally fine in their presentation of the evidence. Mr. Toll, Mr. Friedman, Mr. Shalov, their colleagues Mr. Devore, Ms. Peterson, have all done a terrific job in presenting the case for the plaintiffs."

In addition, Mr. Friedman served as one of co-lead or principal counsel in *Norman Frank et al. v. David L. Paul* (recovery of over \$18 million); *In re Jiffy Lube Securities Litigation* (D. Md.) (recovery of over \$12 million); and *In re Immunex Securities Litigation* (W.D.Wash.) (recovery of \$14 million, then the largest securities class action settlement in Seattle). Mr. Friedman was one of the Firm's attorneys selected by the County of Cuyahoga, Ohio to prosecute a lawsuit that sought to recover losses from the County's Secured Assets Fund Earnings Program (S.A.F.E.). The lawsuit alleged that broker/dealers and a financial institution assisted the County in engaging in unsuitable and inappropriate investments and trading activity. The case settled favorably for \$9.5 million.

In the consumer protection area, Mr. Friedman has been instrumental in securing significant recoveries on behalf of thousands of consumers. He was one of the principal counsel in *Snyder v. Nationwide Mutual Insurance Company* (Sup. Ct., Onondaga Cnty, N.Y.), a class action that resulted in a settlement valued at between \$85 million and \$103 million. As one of two co-lead counsel in a class action against Thomson Consumer Electronics, Mr. Friedman reached a court-approved agreement that made up to \$100 million available for persons who paid for unreimbursed repairs to televisions. He

was also part of the plaintiffs' team that secured nationwide benefits for GM vehicle purchasers as the result of defective automobile engine coolants. *In re General Motors Dex-Cool Products Liability Litigation* (S.D. Ill).

Mr. Friedman has been a speaker on numerous panels for legal education seminars and institutional investor conferences on the issues of securities class actions, securities fraud monitoring, accounting fraud and corporate governance. He was featured in a November 15, 1997 Washington Post article about securities class actions and profiled in the April 14, 2000 edition of The Washington Business Journal. In 2007, LawDragon named Mr. Friedman as one of the 3,000 Leading Plaintiffs' Lawyers in America.

Prior to joining Cohen Milstein, Mr. Friedman served as an attorney with the U.S. Patent and Trademark Office.

Mr. Friedman graduated from Tufts University with a B.A. in Psychology (1980, *magna cum laude*, Phi Beta Kappa) and is a 1983 graduate of the National Law Center, George Washington University.

Mr. Friedman is admitted to practice in the District of Columbia and New York.

Daniel S. Sommers

Daniel Sommers, a Partner at the Firm, joined Cohen Milstein in 1988. He is co-chair of the Firm's Securities Fraud/Investor Protection practice group and is a member of the Firm's Executive Committee.

During his career at Cohen Milstein, Mr. Sommers served as lead or co-lead counsel or otherwise played a significant role in numerous securities fraud class actions in federal courts throughout the United States. Many of those cases resulted in multi-million dollar recoveries for individual and institutional investors. For example, these cases include: *Steiner v. Southmark Corporation* (N.D.Tex.) (over \$70 million recovery); *In re PictureTel Inc. Securities Litigation* (D.Mass.) (\$12 million recovery); *In re Physician Corporation of America Securities Litigation* (S.D. Fla.) (\$10.2 million recovery); *In re Gilat Satellite Securities Litigation* (E.D.N.Y.) (\$20 million recovery); *In re Pozen Inc. Securities Litigation* (M.D.N.C.) (\$11.2 million recovery); *In re Montoya v. Mamma.com* (\$3.25 million recovery); *In re Nextel Communications Securities Litigation* (D.N.J.) (up to \$27 million recovery); *In re PSINet Inc. Securities Litigation* (E.D. Va.) (\$17.8 million recovery); *In re Cascade International Inc. Securities Litigation*, (S.D. Fla.) (global recovery of approximately \$10 million); and *In re ECI Telecom Securities Ltd. Litigation* (E.D.Va.) (\$21.75 million recovery). He currently is actively involved in the prosecution of the *In re Fannie Mae Securities Litigation* (D.D.C).

Mr. Sommers is also experienced in non-class action litigation. He represented TBG Inc., a multi-billion dollar privately-held overseas corporation, in a multi-party, complex action alleging fraud in a corporate acquisition and represented individuals in connection with investigations brought by the United States Securities and Exchange Commission. He also has represented publicly traded corporations in the prosecution and defense of claims. Mr. Sommers has litigated cases covering a wide-range of industries including the financial services, computer software, pharmaceutical, insurance, real estate and telecommunications industries among others. He also has substantial experience in cases presenting complex accounting and auditing issues.

Mr. Sommers is a frequent commentator on the federal securities laws and corporate governance issues and addresses institutional investor groups and others on these topics as illustrated below:

- Guest panelist on “It’s Your Business,” a nationally syndicated television program, where he spoke on investor lawsuits.
- Panelist at the George Washington University Law School, where he spoke on the practice of law from the plaintiff’s perspective.
- Addressed the California State Association of County Retirement Systems, to whom he spoke on corporate governance and fiduciary duties and liabilities.
- Spoke at a District of Columbia Bar Association program in 2005 where he addressed “Attorney Liability in the Post-Enron, Post Sarbanes-Oxley Era.”
- Panelist at a 2006 presentation to Illinois-based institutional investors on the topic of "The Growing Emphasis on Fiduciary Responsibility: Implications For Illinois Pension Funds and the Emergence of Guiding Principles."
- Addressed the Professional Liability Underwriting Society in 2007 on the topic of "Global Companies, Global Risk: Exposure Arising Outside the U.S."
- Panelist at a 2008 District of Columbia Bar Association Program where he addressed "Developing Pleading Standards in Securities Cases."
- Spoke at a 2008 IQPC Forum on Subprime and Structured Finance Litigation on the topic of "Understanding the Plaintiff's View in the Subprime Crisis."
- Panelist at District of Columbia Bar Association Program in 2009 on "Public and Private Perspectives on the Enforcement of the Federal Securities Laws in our Global Markets."

In 2007, Mr. Sommers was appointed to serve as the chairman of the Investor Rights Committee of the Corporation, Finance and Securities Law Section of the District of Columbia Bar. In addition, he is a member of the Securities Litigation Committee of the American Bar Association and is a member of the National Association of Public Pension Attorneys.

He is a 1983 graduate of Union College, earning a B.A. in Political Science (magna cum laude), and a 1986 graduate of the George Washington University Law School. Mr. Sommers is admitted to practice in federal courts including the United States District Courts for the Districts of New Jersey, Maryland, Eastern District of Michigan and the District of Columbia as well as the United States Courts of Appeals for the District of Columbia, Fourth, Ninth, Tenth and Eleventh Circuits. Mr. Sommers is also admitted to practice before the Supreme Court of the United States.

Mr. Sommers is a member of the bar of the states of New York and New Jersey as well as the District of Columbia.

Daniel A. Small

Dan Small has been a partner at Cohen Milstein for over 14 years and has chaired the firm’s antitrust practice group since 2008.

Mr. Small has represented plaintiff classes, often as lead counsel, in numerous antitrust cases over the last 21 years, and has recovered hundreds of millions of dollars. He has tried cases to verdict before juries and has argued cases in several appellate courts including the United States Supreme Court.

Among the cases on which Mr. Small has worked are: *In re Intel Corp. Microprocessor Antitrust Litig.* (D. Del.), where he serves as co-lead counsel on behalf of a putative class of purchasers of Intel-

powered PCs asserting monopolization claims; *Meijer, Inc. v. 3M* (E.D. Pa.), a monopolization case in which Mr. Small, as lead counsel, negotiated a \$30 million settlement on behalf of direct purchasers of transparent tape; *In re Buspirone Antitrust Litig.* (S.D.N.Y.), in which the plaintiff class alleged that Bristol Myers-Squibb Co. unlawfully excluded generic drug competition, and Mr. Small, as co-lead counsel, helped negotiate a \$90 million settlement; and *Pease v. Jasper Wyman & Son, et al.*, (Super. Ct., Knox Cty., Maine), a price-fixing class action on behalf of Maine wild blueberry growers in which Mr. Small successfully tried the case to a jury, obtaining a judgment of nearly \$60 million.

Mr. Small has substantial appellate experience, including briefing and arguing *Free v. Abbott Laboratories*, No. 99-391, in the United States Supreme Court. That case presented the issue of whether a supplemental jurisdiction statute overruled *Zahn v. International Paper Co.* The Court split 4-4, with Justice O'Connor recusing herself. Additionally, Mr. Small successfully briefed and argued appeals before the Seventh Circuit Court of Appeals in *In re Brand Name Prescription Drug Antitrust Litig.*, 123 F.3d 599 (7th Cir. 1997), regarding whether the district court had subject matter jurisdiction, and in *Paper Systems, Inc. v. Nippon Paper Industries Co., Ltd.* (7th Cir. 2002), arguing that the federal direct purchaser rule does not immunize a defendant from liability for the direct sales of its co-conspirators. Finally, he briefed and argued the appeal in *Mack v. Bristol-Myers Squibb Co.*, 1996-1 Trade Cas. (CCH) ¶¶ 71,401 (Fla. 1st DCA 1996), obtaining the first opinion construing the Florida Deceptive and Unfair Trade Practices Act to permit indirect purchasers to sue for damages for antitrust violations.

Mr. Small is a member of the Advisory Board of the American Antitrust Institute and he chairs the committee that selects the annual winner of the Jerry S. Cohen Memorial Writing Award for the best antitrust scholarship. He has been invited to speak on antitrust and class action topics at events organized by the American Bar Association, the District of Columbia Bar, the Conference Board, and the American Antitrust Institute, among others.

Mr. Small is a 1981 graduate of Colgate University, receiving a B.A. (*cum laude*) in History. He graduated from American University's Washington College of Law in 1986, and joined Cohen Milstein after serving as a law clerk to the Honorable Roger Vinson, United States District Court for the Northern District of Florida (1986-1988). Mr. Small is admitted to practice in Maryland and the District of Columbia.

Marc I. Machiz

Marc Machiz, a Partner at Cohen Milstein, joined the Firm in 2000 and is the head of the Employee Benefits (ERISA) practice group. He is the resident Partner of the Philadelphia office.

Mr. Machiz litigates ERISA class actions involving a range of benefits cases including inappropriate pension plan investments, the inappropriate investment in company stock by 401(k) plans, discharges to interfere with pension rights and illegal plan terminations including, among others, *Hans v. Tharaldson et al.* (D.N.D.) (purchase by ESOP of employer stock allegedly imprudently and for more than adequate consideration); *Mehling, et al. v. New York Life Insurance Co., et al.*, (E.D. Pa.) (investment in allegedly overpriced mutual funds proprietary to the sponsor) and *In re Williams Company ERISA Litigation* (N.D. Okla) (investment by 401(k) plan in allegedly inflated company stock); *In re Dynegy ERISA Litigation* (S.D. Texas) (same); *Simpson v. Firemen's Fund Insurance Co.* (N.D. Cal.) (discharge of disabled employees allegedly to interfere with their attainment of health benefits); *Stoeffels v. SBC Communications, Inc.*, (S.D. Texas). (termination of retiree telephone concession alleged to be a pension plan); *Wagener v. SBC Communications Inc. Pension Plan*

(D.D.C.) (alleged failure to pay promised pension benefits); *Zhu v. Fujitsu*, N.D. Cal. (alleged vesting violation); *Banyai v. Mazur* (S.D.N.Y.) (alleged illegal transfer of fund assets). Mr. Machiz has submitted amicus curiae briefs to the Supreme Court and lower courts on behalf of the Pension Rights Center and the National Association of Insurance Commissioners. He consults with the AFL-CIO on state legislation to expand healthcare coverage so as to minimize the chance that such legislation will be held preempted, and he represents Fiduciary Counselors, Inc. in evaluating the adequacy of both ERISA and Securities settlements on behalf of plans participating in settlements with their plan sponsors and the officers of the plan sponsors, including evaluation of settlements in the Enron Securities litigation.

He joined the Plan Benefits Security Division ("PBS") of the Office of the Solicitor of Labor as a trial attorney in 1978, and was appointed Assistant Counsel for Fiduciary Litigation in 1982. At the start of 1984, he joined Beins, Axelrod and Osborne, P.C. practicing general labor and ERISA law on behalf of unions and multiemployer plans. In 1986 he returned to the Department of Labor as Counsel for General Litigation at PBS, and from 1988 to 2000 held the position of Associate Solicitor, heading the Division. As Associate Solicitor, Mr. Machiz was the Department of Labor's chief ERISA lawyer charged with responsibility for all enforcement litigation brought by the Secretary of Labor under the statute, which governs the vast majority of privately sponsored health, welfare and pension plans. He was also responsible for all legal advice under the statute provided to the Pension & Welfare Benefits Administration, which administers Title I of ERISA.

Mr. Machiz worked to institute the Department's innovative amicus program which aggressively advocated the Department's views throughout the judicial system on a wide range of ERISA issues ranging from the need to limit ERISA preemption of state worker and consumer protection laws to the need to strengthen participants' rights and remedies under the Act.

Mr. Machiz's expertise in ERISA has been recognized by his colleagues in the ERISA bar, who made him a Charter Fellow of the American College of Employee Benefits Counsel. Mr. Machiz is a frequent speaker on ERISA issues for the ABA, ALI-ABAPLI, and private seminars, and has served as plaintiffs' co-chair of a subcommittee of the Employees Benefits Committee of the ABA's Labor Section. He is also a member of the *BNA Pension and Benefits Reporter* Advisory Board.

Mr. Machiz has authored several articles including *Understanding DOL's New Class Exemption for the Release of Claims and Extensions of Credit in Connection with Litigation*, Pension & Benefits Reporter, Vol. 31, No. 2, January, 2004; and *ESOPS, ERISA, and Employer Stock: A Litigator's Approach*, ATLA Commercial Litigation Section Newsletter, Volume 7, Number 3 (Spring/Summer 2001).

He attended the University of Pennsylvania, where he earned a B.A. in History, and received his law degree from the University of California at Berkeley (Boalt Hall) in 1978.

Mr. Machiz is admitted to practice in the District of Columbia and Pennsylvania.

Christine E. Webber

Christine Webber, a Partner at the Firm and a member of the Civil Rights & Employment practice group, joined Cohen Milstein in 1997. She is the Partner in charge of the law clerk and summer associate program.

Ms. Webber represents plaintiffs in class action employment discrimination and Fair Labor Standards Act cases. Ms. Webber's current docket includes *Dukes v. Wal-Mart Stores, Inc.* (N.D. Cal.), a certified class action for over 1.6 million current and former female employees of Wal-Mart with complaints of discrimination in pay and promotion; *O'Connor v. BASF*, (N.J.), a certified class action alleging age discrimination by BASF in a series of RIF's; and *In re Tyson Foods FLSA MDL*, (M.D. Ga.), a collective action involving FLSA claims at over 40 Tyson chicken processing plants.

She represented plaintiffs in *Beck v. The Boeing Co.* (W.D. Wash.), a class action alleging sex discrimination in compensation and promotions which settled in 2004 for \$72.5 million. She was also lead counsel in *Hnot v. Willis* (S.D.N.Y.), representing a class of women at the vice-president level and above whose challenge to sex discrimination in compensation resulted in a settlement averaging \$50,000 per class member in 2008. She was counsel in *Trotter v. Perdue* (D. Del.), representing plaintiffs who were wrongly denied payment of overtime wages, and obtaining a \$10 million settlement.

In 2004 and 2007, Ms. Webber was named one of the Top Lawyers in Washington, D.C. by Washingtonian Magazine and was named one of the 2007 Washington, D.C. Superlawyers in the Civil Rights category.

Prior to joining Cohen Milstein, Ms. Webber received a Women's Law and Public Policy fellowship and worked for four years at the Washington Lawyers' Committee for Civil Rights and Urban Affairs in their Equal Employment Opportunity Project. She worked on a variety of employment discrimination cases, and focused in particular on the sexual harassment class action *Neal v. Director, D.C. Department of Corrections, et al.* Ms. Webber participated in the trial of this ground-breaking sexual harassment class action in 1995. Ms. Webber also tried the race discrimination case *Cooper v. Paychex* (E.D. Va.), and successfully defended the plaintiffs' verdict before the Fourth Circuit.

Ms. Webber is a member of the National Employment Lawyers' Association (NELA) and co-chair of their Class Action Committee. She is also co-chair of the Class Action Sub-committee of the D.C. Bar Labor and Employment Law Section. She speaks regularly at CLE programs on employment discrimination and class actions, including presentations for NELA.

She graduated from Harvard University with a B.A. in Government (*magna cum laude*, 1988) and the University of Michigan Law School (J.D., *magna cum laude*, 1991, Order of the Coif). Following law school, Ms. Webber clerked for the Honorable Hubert L. Will, United States District Judge for the Northern District of Illinois.

Ms. Webber is admitted to practice in Illinois and the District of Columbia.

Richard A. Koffman

Richard Koffman, a Partner at the Firm, joined Cohen Milstein in 2003 and is a member of the Antitrust practice group. He is also Chair of the Firm's Ethics Committee.

Mr. Koffman is currently serving as co-lead counsel for plaintiffs in, among other cases, *In re Urethane Antitrust Litigation* (D. Kan.), in which plaintiffs allege price-fixing of chemicals used in the manufacture of polyurethanes; *In re Endosurgical Products Antitrust Litigation* (C.D. Cal.), in which plaintiffs allege that defendants unlawfully monopolized the market for medical devices used in keyhole surgery; and *Coalition for Elders' Independence, Inc., et al. v. Biovail Corp., et al.* (Cal.

Super. Ct.), in which plaintiffs allege unlawful allocation of the market for branded and generic Nifedipine, a drug used to treat hypertension. Mr. Koffman also served as co-lead counsel for plaintiffs in *In re Rubber Chemicals Antitrust Litigation* (N.D. Cal.), which settled for a total of approximately \$320 million; and *In re Polyester Staple Antitrust Litigation* (W.D.N.C.), which settled for a total of \$46 million.

Mr. Koffman came to Cohen Milstein after four years with the Antitrust and Civil Rights Divisions of the United States Department of Justice. In the Antitrust Division, Mr. Koffman served as a Senior Trial Attorney with the Computers and Finance Section (now Networks and Technology), which is responsible for antitrust enforcement and competition policy in the areas of information technology, Internet-related businesses, financial services, and the securities industry. In the Civil Rights Division, he served as a Senior Trial Attorney with the Housing and Civil Enforcement Section, where he worked to enforce the Fair Housing Act, the Equal Credit Opportunity Act, the Religious Land Use and Institutionalized Persons Act, and Title II of the Civil Rights Act of 1964.

Prior to joining the Department of Justice, Mr. Koffman spent seven years in private practice, first with Fine, Kaplan and Black in Philadelphia (working primarily on antitrust class actions and other complex commercial litigation) and then with Bernabei & Katz in Washington, D.C. (handling employment discrimination cases). While at Fine Kaplan, Mr. Koffman was actively involved in litigating several successful antitrust class actions on behalf of plaintiffs and classes, including *In re Nasdaq Market-Makers Antitrust Litigation* (S.D.N.Y.) (settled for more than \$1 billion); *In re Polypropylene Carpet Antitrust Litigation* (N.D. Ga.); *In re Commercial Explosives Antitrust Litigation* (D. Utah); and *In re Drill Bits Antitrust Litigation* (S.D. Tex.). He was also co-counsel, along with John G. Roberts, Jr., who was then a Partner at Hogan & Hartson and is now Chief Justice of the United States Supreme Court, for Respondents in *First Options of Chicago, Inc. v. Kaplan*, 514 U.S. 938 (1995). In that case, argued by Mr. Roberts with Mr. Koffman assisting on the briefs, Mr. Koffman's clients won a unanimous ruling by the United States Supreme Court.

Immediately after law school, Mr. Koffman served as a judicial clerk for Judge James B. McMillan of the Western District of North Carolina, and for Judge Anthony J. Scirica of the United States Court of Appeals for the Third Circuit.

Mr. Koffman is a graduate of Yale Law School (J.D., 1990), where he was a Senior Editor of the *Yale Law Journal*, and Wesleyan University, from which he received a B.A., with honors, in English (1986).

Mr. Koffman is admitted to practice in the District of Columbia, the United States Supreme Court, and the United States Courts of Appeals for the Eighth and Tenth Circuits.

Agnieszka M. Fryszman

Agnieszka Fryszman, a Partner at the Firm, joined Cohen Milstein in 1998 and is a member of the International Human Rights and Antitrust practice groups.

She currently represents Indonesian villagers in a lawsuit against Exxon Mobil over torture and extrajudicial killings allegedly committed by the defendant's security forces (a unit of the Indonesian military). For the past several years, she has represented the former "comfort women," women and girls who were forced into sexual slavery by the government of Japan during World War II. Her past successes include cases brought by survivors of Nazi-era forced and slave labor against the German

and Austrian companies that allegedly used and profited from slave labor, which were resolved by international negotiations that resulted in multi-billion dollar settlements.

In the Antitrust practice group, she represents small businesses that have been victims of alleged price-fixing in the polyester staple and rubber chemicals markets.

She has represented, *pro bono*, a number of victims of the September 11 attack on the Pentagon and obtained significant recoveries, including one of the highest awards for an injured survivor, from the Victim's Compensation Fund. She also represents, *pro bono*, individuals indefinitely detained without charge by the United States at Guantanamo Bay.

Before joining the Firm, Ms. Fryszman was Democratic counsel to the United States House of Representatives Committee on the Judiciary, Subcommittee on Commercial and Administrative Law. She also served as counsel to Representative Henry Waxman, Ranking Member on the House Government Reform and Oversight Committee.

In 2010, Ms. Fryszman was recognized as a "Leading Lawyer in America" by Lawdragon and was also selected as a finalist for the 2010 Trial Lawyer of the Year Award from the Public Justice Foundation.

Ms. Fryszman graduated from Brown University with a B.A. in International Relations and Georgetown University Law Center (J.D., *magna cum laude*, 1996, Order of the Coif), where she was a Public Interest Law Scholar.

Ms. Fryszman is admitted to practice in the District of Columbia and New Jersey.

Julie Goldsmith Reiser

Julie Goldsmith Reiser, a Partner at the Firm, joined Cohen Milstein in 1999. Ms. Reiser is a member of the Securities Fraud/Investor Protection and Civil Rights & Employment Practice Groups. Ms. Reiser has extensive experience with motion practice, developing and implementing discovery strategies, depositions, expert discovery and case resolution.

Ms. Reiser focuses much of her practice on enforcement of the federal securities laws on behalf of sophisticated domestic and international institutional investors. She has represented these investors in class action and individual "opt-out" securities litigation as well as in transaction-related litigation in Delaware Chancery Court.

Ms. Reiser currently works on several active securities fraud actions seeking to return to investors monies lost due to corporate fraud. She represents Massachusetts Pension Reserves Investment Management Board in a securities class action against the Royal Bank of Scotland and certain of its former officers, directors and investment bankers. She also acts as co-lead counsel representing investors in the largest fraud in European corporate history, *In re Parmalat Sec. Litig.* (S.D.N.Y.). In that case she represents Italian, French and Belgian institutions. She acted as co-lead counsel in *In re SCOR Holding (Switzerland) Securities Litigation* (S.D.N.Y.) and was a member of the team representing Pacific Life Insurance Company in an opt-out against WorldCom.

In the employment area, Ms. Reiser is a member of the legal team working on *Dukes v. Wal-Mart Stores, Inc.* (N.D. Cal.), the largest Title VII class action that has ever been certified, for current and former female employees of Wal-Mart with complaints of discrimination in pay and promotion. Ms.

Reiser also represents African American employees who claimed that Kroger discriminated against them in pay and promotions in *Wade v. Kroger* (W.D. Ky.). She was involved in the litigation and successful settlement of *Beck v. The Boeing Co.* (W. D. Wash.), which alleged sex discrimination in compensation and promotions and was successfully resolved for \$72.5 million.

Ms. Reiser co-authored *Opt-Outs: Making Private Enforcement of the Securities Laws Even Better*, featured in the Winter/Spring 2008 edition of the ABA's Class Action and Derivative Suit Committee Newsletter. She also co-authored *Companies in the Cross Hairs: When Plaintiffs Lawyers Choose Their Targets, They Look for These Employment Practices*, The Legal Times, February 21, 2005. In 1999, she co-authored *Antitrust Introduction for the General Practitioner*, a chapter in the Washington Lawyer's Practice Manual.

Prior to joining Cohen Milstein, Ms. Reiser worked in Seattle. She was President of the Board of Directors of Seattle Works and on the Executive Committee for the Board of Directors of the Eastside Domestic Violence Program. She also served a term as a Trustee for the Pacific Northwest Ballet. In 1997, Ms. Reiser worked as a Legal Intern for U.S. Senator Patty Murray.

Ms. Reiser graduated from Vassar College (B.A. with honors 1992) and the University of Virginia Law School (J.D. 1997). While in law school, she was a member of the Virginia Journal of Law and Social Policy.

Ms. Reiser is admitted to practice in Washington State and the District of Columbia.

Victoria S. Nugent

Victoria Nugent, a Partner at the Firm, joined Cohen Milstein in 2000 and is a member of the Consumer Protection & Unsafe Products practice group.

Ms. Nugent has focused on consumer protection and public health litigation throughout her career. Past cases include *In re StarLink Product Liability Litigation*, in which she represented farmers suing Aventis CropScience after an unapproved variety of genetically modified corn was detected in the U.S. corn supply and drove down prices for all U.S. corn exports. More than \$100 million was recovered for the class in a landmark settlement. She also represented car owners seeking to enforce product warranties for an extended life coolant in *In re General Motors Dex-Cool Products Liability Litigation*. The Dex-Cool litigation ended with a settlement under which General Motors reimbursed its customers for repairs. Ms. Nugent has argued cases before the high courts of Georgia, Nebraska and the District of Columbia, as well as the federal D.C. Circuit Court of Appeals.

Ms. Nugent is currently working on cases against Sallie Mae, alleging excessive interest and late fee charges on student loans, and Vonage, alleging deceptive business practices in advertising and administering promotional offers.

Before joining Cohen Milstein, Ms. Nugent worked for seven years at Public Citizen, a national consumer advocacy organization. During that time, she worked on many legislative and regulatory campaigns addressing issues that ranged from automobile safety to international trade policy. In 1998, Ms. Nugent received a two-year fellowship sponsored by the National Association for Public Interest Law (NAPIL). As a NAPIL Fellow, she worked at Trial Lawyers for Public Justice (TLPJ), where she

helped develop and prosecute impact litigation in the areas of arbitration, banking, credit and insurance.

Ms. Nugent received her undergraduate degree in History from Wesleyan University in 1991 and graduated from Georgetown University Law Center in 1998.

Ms. Nugent is admitted to practice in the District of Columbia and Maryland.

Benjamin D. Brown

Benjamin Brown, a Partner at Cohen Milstein, joined the firm in 2005 and is a member of the Antitrust practice group. He has extensive experience leading complex litigation, particularly class actions.

In 2010, the Legal 500 recognized Mr. Brown as one of the nation's leading class action antitrust attorneys. Mr. Brown is a contributing author of the ABA's Antitrust Class Actions Handbook, and, since 2005, has served as a state editor for the ABA's Survey of State Class Action Law. He co-authored chapters on private antitrust recovery actions for the 2008 and 2010 Global Competition Review's Antitrust Review of the Americas. Most recently, Mr. Brown co-authored with fellow partner Douglas Richards a forthcoming article for the Rutgers Law Journal entitled, Predominance of Common Questions – Common Mistakes in Applying the Class Action Standard. He discussed joint civil and criminal investigations and litigation as a featured panelist on both the National Association of Criminal Defense Lawyers (NACDL) 2009 Summer CLE Program and the 2010 University of Texas Law School's Review of Litigation Symposium. Mr. Brown has been honored by the United States District Court for the District of Columbia for outstanding commitment in pro bono litigation. He has been a guest on CNBC's "Power Lunch" and has also been interviewed regarding antitrust class actions by various television affiliates and radio networks.

Mr. Brown currently serves as co-lead counsel or on steering committees for plaintiffs in, among other cases, *In re Aspartame Antitrust Litigation* (E.D. Pa.); *In re Plasma-Derivative Protein Therapies Antitrust Litigation* (N.D. Ill.); *Allen, et al. v. Dairy Farmers of America, Inc.* (D. Vt.); *In Re Puerto Rican Cabotage Antitrust Litigation*. (S.D. Fla.); and *Carlin, et al. v. DairyAmerica, Inc.* (E.D. Ca.). He has served as class counsel in numerous other successful cases litigated across the country at all levels of federal appeals, helping to achieve over one hundred million dollars worth of recoveries on behalf of clients.

Mr. Brown came to Cohen Milstein after four years as a trial attorney with the Antitrust Division of the United States Department of Justice. While there, Mr. Brown led and assisted in numerous investigations, litigations and trials involving anticompetitive conduct and mergers. Mr. Brown also prosecuted criminal cases as a Special Assistant United States Attorney in the Eastern District of Virginia. Prior to joining the Department of Justice, he was in private practice with Covington & Burling in Washington, D.C., handling insurance coverage and antitrust litigation. Prior to entering private practice, Mr. Brown served as a judicial law clerk for Chief Judge Juan R. Torruella of the U.S. Court of Appeals for the First Circuit.

Mr. Brown graduated *cum laude* from Harvard Law School and Phi Beta Kappa from the University of Wisconsin – Madison.

Mr. Brown is admitted to practice in California and the District of Columbia.

Carol V. Gilden

Carol Gilden, a Partner at Cohen Milstein, is a member of the Securities Fraud/Investor Protection practice group. She is the resident Partner at the Firm's Chicago office.

Ms. Gilden represents public pension funds, Taft-Hartley Benefit Funds, private pension funds and high net worth individuals.

Ms. Gilden has extensive experience in protecting the rights of investors, including five years of experience as an enforcement attorney in the Securities and Exchange Commission. Prior to joining Cohen Milstein, Ms. Gilden worked at the Chicago law firm of Much Shelist, where she was the head of the securities class action practice and the Vice Chair of the firm's Class Action Department.

Ms. Gilden has served as co-lead counsel in the Sears/Sears Acceptance Corp. Securities Litigation, Sara Lee Securities Litigation, 99 Cents Only Stores Securities Litigation, and the City of Chicago's case against on-line travel providers. Ms. Gilden also served on the Executive Committees of the Global Crossing Securities Litigation (settlements of \$448 million) and the Merrill Lynch & Co. Research Reports cases (\$125 million settlement). Among other notable cases, Ms. Gilden served as co-lead counsel in the ML Lee Securities Litigation and Smith Kline Litigation which settled for \$33 million and \$30 million respectively, as well as lead counsel in Pacha et. al. v. McKesson Corporation, et.al., a private action which settled for a confidential sum, and as liaison counsel and a litigation team member in the Waste Management Litigation, which settled for \$220 million. Under her leadership, the firm also served as active members of the litigation teams in the AOL Time Warner Securities Litigation (\$2.5 billion settlement) and Salomon Analyst Litigation/In re AT&T (\$75 million settlement).

In addition to her work on behalf of clients, Ms. Gilden publishes scholarly articles and course materials, and lectures at key industry conferences and seminars. She is an author and co-author of articles published by the National Law Journal, *Courts Grapple with Lead-Counsel Auctions*; *IICLE on Illinois Causes of Action, Shareholder Derivative Suits*; the American Bar Association, *The Impact of Central Bank on Securities Fraud Litigation: The Plaintiffs' Perspective*; Illinois Bar Journal, *Proposed Rule 225: A Death Warrant for Class Actions in Illinois*; and Practising Law Institute on *Class Actions Litigation (2006 and 2007): A Hybrid 23(B)(2) Rule For Hybrid Class Actions? New Developments In The Use Of Rule 23(b)(2) In Class Certification*; and *The Evolving Use of Rule 23(b)(2) in Hybrid Class Actions Seeking Monetary Damages: A Hybrid Approach*. In January 2005, Ms. Gilden testified against Proposed Rule 225 before the Illinois Supreme Court's Rules Committee.

Ms. Gilden is a regular presenter at conferences and seminars around the country, including investor conferences and symposiums. She has spoken on shareholder rights, corporate ethics and financial regulatory reform, as well as various aspects of securities litigation and class action law, including class certification standards and trends, financial reporting, officer and director liability, insurance risks, deferred prosecution agreements, the Private Securities Litigation Reform Act of 1995, the Sarbanes-Oxley Act of 2002, companies in financial crisis, settlements and best practices in claims administration. These conferences and seminars were held by such diverse organizations as the American Bar Association, Practising Law Institute, National Institute on Class Actions, Illinois CPA Foundation, Hines Insurance Symposium, the Ohio and Wisconsin Bar Associations, Chicago Bar Association, Vanderbilt Law School, the National Association of Shareholder and Consumer Attorneys, and other organizations.

Ms. Gilden was selected as an "Illinois Super Lawyer" in 2005, 2006, 2007, 2008, 2009 and 2010 by Law & Politics, which published its selections in Chicago magazine. Only 5 percent of Illinois attorneys are awarded this honor. Ms. Gilden also has achieved the "AV" Peer Review Rating by Martindale-Hubbell.

Ms. Gilden is a frequent commentator in the national media on market scandals, recent developments and trends in securities law and high profile securities fraud cases. She has frequently appeared on CNBC, including an appearance on a special segment titled *I Want My Money Back* where she was described as "one of the top investor advocacy attorneys in the country." She also has been featured on the ABC news programs *World News Tonight*, *World News Now* and *Good Morning America*, as well as numerous appearances on *First Business* and an appearance on *BBC World News*. In addition to television appearances, Ms. Gilden has been quoted by prominent publications such as the *Associated Press*, *Bloomberg News*, *Crain's*, *CFO.Com*, *Fortune* magazine, the *National Law Journal*, *USA Today*, *London Mail*, *Chicago Tribune*, *Dow Jones*, *Business Insurance* and *Corporate Legal Times*. Ms. Gilden recently appeared on the cover of *Chicago Lawyer* in connection with a feature article on The Ebb and Flow of Securities Class Actions.

Ms. Gilden served as the President of the National Association of Shareholder and Consumer Attorneys (NASCAT), which is the preeminent trade association for securities class action attorneys, from April 2007-April 2009, where she actively worked to promote the interests of investors. Ms. Gilden currently serves on its Executive Committee. Prior to becoming President, she first served as Treasurer, then President-Elect for NASCAT. Ms. Gilden is the first woman in NASCAT's 18-year history to be elected Treasurer, President-Elect and subsequently, President. Ms. Gilden is also Vice President of the Institute for Law and Economic Policy (ILEP). She also was a member of Illinois Attorney General Lisa Madigan's Prescription Drug Transition Working Group. Ms. Gilden is a member of the American Bar Association, Illinois State Bar Association, Chicago Bar Association and the Association of Securities and Exchange Commission Alumni.

Ms. Gilden is a graduate of the University of Illinois (B.S., Business Administration). She graduated from Chicago-Kent College of Law (J.D., with honors) where she served as a member of the Chicago-Kent Law Review.

Ms. Gilden is admitted to practice in Illinois, the federal district court for the Northern District of Illinois, the United States Circuit Court of Appeals for the Seventh Circuit and the United States Supreme Court, as well as on a pro hac basis before other federal and state courts throughout the country.

Jenny R. Yang

Jenny Yang joined Cohen Milstein in 2003 and is a Partner in the Civil Rights & Employment practice group.

Currently, Ms. Yang works on *Aaron v. Pilgrim's Pride Corp.*, Civ. No. 06-1082 (W.D. Ark.), and related actions in a multi-district litigation proceeding, in which workers seek redress for unpaid overtime. Ms. Yang is also litigating *Dukes v. Wal-Mart Stores, Inc.* (N.D. Cal.), the largest certified Title VII class action in history, in which female employees allege sex discrimination in promotions and pay decisions. In addition, Ms. Yang represented the plaintiffs and class in *Beck v. The Boeing Company* (W.D. Wash.), a class action alleging gender discrimination, which settled in 2004 for \$72.5

million. She is also working on *Jenkins v. BellSouth* (N.D. Ala.), a race discrimination case alleging systemic discrimination in pay and promotions and *Robinson-Smith v. GEICO* (D.D.C.) and *Lindsay v. GEICO* (D.D.C.), two separate nationwide lawsuits challenging GEICO's refusal to pay auto damage adjusters overtime.

Ms. Yang is a contributing editor of the American Bar Association, Labor & Employment Law Section's employment discrimination treatise, Lindemann & Grossman, *Employment Discrimination Law*, upcoming 4th Edition. She is a member of the National Employment Lawyers Association (NELA) and has served as a speaker on race discrimination issues at their National Convention.

Prior to joining the Firm, Ms. Yang was a Senior Trial Attorney with the United States Department of Justice, Civil Rights Division, Employment Litigation Section, where she worked for five years on both pattern or practice and individual federal employment discrimination cases against state and local governments. She litigated cases involving discrimination based on race, sex, and national origin. Before her work at the Department of Justice, Ms. Yang received a community service fellowship to work at the National Employment Law Project in New York City, a non-profit organization focusing on low-wage workers' rights. While there, she worked on ground-breaking joint-employer liability litigation to hold garment manufacturers liable for unpaid wages owed to garment workers under the Fair Labor Standards Act. After law school, Ms. Yang clerked for the Honorable Edmund Ludwig on the United States District Court for the Eastern District of Pennsylvania. In 1992-1993, Ms. Yang worked on the Presidential Transition and at the White House, Office of Presidential Personnel.

Ms. Yang serves as a member of Board of Directors of the Asian Pacific American Legal Resource Center. From 2001-2003, she served as a government fellow for the American Bar Association, Labor and Employment Section, Equal Employment Opportunity Committee. She also served as a National Co-Chair and Board Member of the National Asian Pacific American Women's Forum from 1998-2004.

Ms. Yang graduated from Cornell University (B.A., Government, *with distinction*, 1992) and New York University School of Law (J.D., *cum laude*, 1996) where she was a Root-Tilden Public Interest Scholar and a Note and Comment Editor of the Law Review.

Ms. Yang is admitted to practice in the District of Columbia, New York, and New Jersey.

Kit A. Pierson

Kit Pierson, a Partner, joined the Firm in 2009 and is a member of the Antitrust practice group.

Mr. Pierson has spent the last two decades handling civil litigation matters in antitrust cases and other complex litigation. As a Shareholder at Heller Ehrman from 1997-2008, Mr. Pierson represented clients in large antitrust class action litigation and False Claims Act litigation, including significant jury trials. Mr. Pierson also has a longstanding commitment to civil rights matters and pro bono representation and recently was lead counsel for one of the Guantanamo detainees in a successful habeas corpus challenge to the legality of his confinement.

As a Shareholder at Heller Ehrman, Mr. Pierson was involved in class actions and other antitrust cases of national significance. Mr. Pierson represented Microsoft Corporation in antitrust class action litigation and other matters and was one of the trial attorneys representing Microsoft in jury trials in *Gordon v. Microsoft* (Minnesota) and *Comes v. Microsoft* (Iowa). Mr. Pierson represented 3M

Company in antitrust class actions challenging bundled discounted in federal and state court. He represented the American Booksellers Association in antitrust litigation on behalf of its members (independent bookstores across the country) in *American Booksellers Association v. Houghton Mifflin* (S.D.N.Y.). These cases resulted in the entry of consent decrees against several of the leading publishers in the United States, and were followed by successful litigation against one of the publishers based on violations of the consent decrees. Mr. Pierson represented dock and trucking companies in *Erie Port Authority v. Chesapeake & Ohio Railroad* (E.D. Pa.), an antitrust case challenging a conspiracy by large railroad companies to restrain trade in the shipment of iron ore and resulted in a substantial jury verdict for the plaintiffs.

Mr. Pierson has represented parties in a broad range of other complex civil litigation matters. He represented the plaintiff in *United States ex rel. Loughren v. UnumProvident* (D. Mass.), a qui tam action in which the jury found that the largest disability carrier in the United States violated the False Claims Act by causing the submission of false claims for social security disability benefits to the United States. He successfully defended a hospital and surgeon in *Pallin v. Singer* (D. Vt.) after they were sued by a physician for allegedly infringing a patent relating to their method for performing cataract surgery. Mr. Pierson successfully represented health policy researchers at the Urban Institute, a non-profit think tank, after they were sued in *Minntech v. Held* (D. Minn.), for allegedly defaming the plaintiff-corporation by publishing research relating to the safety of dialysis products used by thousands of dialysis patients. Mr. Pierson has represented parties in numerous cases involving constitutional issues, including the National Association of Broadcaster's successful defense of the "must carry" provisions in *Turner Broadcasting Systems v. FCC* (S. Ct.). He has also represented the nation's leading association of psychologists in various litigation matters, including cases successfully defending the association's decisions to discipline members for unethical conduct.

Mr. Pierson is chair of Cohen Milstein's pro bono committee. From 2005-2008, he was the chair of Heller Ehrman's pro bono and community service program for the firm's thirteen offices. Mr. Pierson has been actively involved in pro bono representation, including his representation of Guantanamo detainees as well as representation of various non-profit entities and individuals in recent FOIA litigation that successfully exposed unlawful spying activities by police in the State of Maryland. Mr. Pierson is a Member of the ACLU of Maryland's Committee on Litigation and Legal Priorities and a Member of the Board of Trustees for the Lawyers' Committee for Civil Rights Under Law.

Mr. Pierson is a 1979 graduate of Macalester College, where he received a B.A. (*magna cum laude*) in Economics and Political Science. He graduated from the University of Michigan Law School (*magna cum laude*) in 1983, where he was a Note Editor of the Michigan Law Review and a member of the Order of the Coif. Mr. Pierson served as a Law Clerk for the Honorable Harry T. Edwards, United States Court of Appeals for the District of Columbia Circuit, from 1983-1984 and a law clerk for the Honorable Chief Judge John Feikens, United States District Court for the Eastern District of Michigan, from 1984-1985.

J. Douglas Richards

J. Douglas Richards joined Cohen Milstein as the Managing Partner of its New York office in 2009. Mr. Richards is a member of the Antitrust practice group.

Prior to joining the firm, he specialized in antitrust class actions for approximately ten years as a partner at two leading plaintiffs' class action firms, Pomerantz Haudek Block Grossman & Gross and Milberg Weiss. Mr. Richards served for more than two years in 1997-2000 as Deputy General Counsel

of the Commodity Futures Trading Commission, where he supervised approximately twenty-five staff attorneys in the Office of General Counsel and managed more than 35 appeals in the United States Courts of Appeals. Mr. Richards was responsible for the management of all litigation by and against that federal agency as well as its appellate adjudicatory function, and was the recipient from the agency of a Special Act or Service Award for greatly reducing the agency's longstanding adjudicatory backlog and successfully defending its opinions on appeal to the Circuit Courts. Before working for the Commission, Mr. Richards was a litigation partner for more than eight years with O'Sullivan Graev & Karabell (which merged into O'Melveny & Myers in 2002 and became its New York office). While with O'Sullivan, he participated in diverse commercial litigation including antitrust cases such as *In re Beer Industry Antitrust Litigation*, 86 CV 2400 (E.D.N.Y.), in which he was a lead trial counsel for defendant Stroh Brewery Company and successfully obtained a directed verdict for it after a two-week jury trial. Mr. Richards has broad experience with the litigation of antitrust and trade regulation matters at the trial and appellate levels.

Mr. Richards has especially extensive experience in the successful prosecution of antitrust class actions. He was co-lead counsel for the plaintiffs in a class action against Microsoft in New York state court, which resulted in a settlement providing benefits of more than \$120 million for New York consumers and needy public schools. He was co-lead counsel in *In re Buspirone Antitrust Litigation*, MDL No. 1410 (S.D.N.Y.), which led to a \$90 million settlement and in which presiding Judge Koeltl stated that the plaintiffs' attorneys had done "a stupendous job." He was co-lead counsel in *In re Relafen Antitrust Litig.*, No. 01-12239 (D. Mass.), which led to a \$75 million settlement and in which presiding Judge Young stated that the settlement was "the result of a great deal of very fine lawyering." He was co-lead counsel in *In re Reformulated Gasoline (RFG) Antitrust & Patent Litig.*, MDL No. 05-1671 (C.D. Cal.), which led in 2008 to a \$48 million settlement. He was co-lead counsel for international customers of Christie's Sotheby's in connection with class action claims against them for price-fixing, in connection with which presiding Judge Kaplan observed that the representation of the plaintiffs had been "tenacious and skillful" and in which a \$40 million settlement was achieved for foreign auction house customers. He also made a substantial contribution to the record-setting recovery of more than \$3 billion in the antitrust class action against Visa and Mastercard in *In re Visa Check/Mastermoney Antitrust Litig.*, CV-96-5238 (E.D.N.Y.), which is the largest antitrust settlement in the over 100 year history of the Sherman Act, and was formally credited by lead counsel Lloyd Constantine at the end of that case for having been a "consistent source of helpful high level advice."

Mr. Richards has argued more than twenty-five appeals in the federal and state courts of appeals. In recent years, he has argued appeals on several cutting-edge issues of antitrust law, including to the United States Supreme Court in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). He also is participating in 2009 in briefing to the Supreme Court in *Stolt-Nielsen S.A. v. Animalfeeds International Corp.*, No. 08-1198, a case concerning when arbitration proceedings may be conducted on a class basis, and in briefing to the Supreme Court in *Credit Suisse (USA) LLC v. Billing*, 127 S.Ct. 2383 (2007), a case concerning the scope of operation of antitrust law in regulated industries. He also has argued such leading appellate cases as *In re Ciprofloxacin Hydrochloride Antitrust Litig.*, 544 F.3d 1323 (Fed. Cir. 2008), cert. denied, 77 U.S.L.W. 3690 (June 22, 2009); *In re Tamoxifen Citrate Antitrust Litig.*, 429 F.3d 370 (2d Cir. 2005), cert. denied, 127 S.Ct. 3001 (2007); *JLM Industries, Inc. v. Stolt-Nielsen SA*, 387 F.3d 163 (2d Cir. 2004); *Kruman v. Christie's Int'l PLC*, 284 F.3d 384 (2d Cir. 2002); and *Sperry v. Crompton Corp.*, 8 N.Y. 3d 204 (2007).

Mr. Richards also has been a frequent speaker on issues of antitrust law. In January 2009 he was a panelist at a meeting of the Standing Committee on the Federal Rules of Civil Procedure for a presentation concerning the extent of recent increased discovery burdens in federal litigation, and

possible revisions to the rules to address them. In September 2008 he was a panelist at the annual meeting of the National Association of Attorneys General for a presentation entitled “Recent Developments in Intellectual Property.” In November 2007 he was a panelist at the ABA Fall Forum for a presentation entitled “Litigation an Antitrust Case After Twombly.” In October 2007 he was a panelist at the 2007 Fall Bench and Bar Retreat of the Federal Bar Council, titled “Rule 23 in the Second Circuit: Post-CAFA and Post-IPO.” In October 2007 he was a panelist at the ABA’s Antitrust Litigation Course, commenting on class certification in antitrust class actions. In August 2007 he was a panelist in a presentation at the ABA Annual Meeting titled “2007 Supreme Court Antitrust Findings: The Insider’s Perspective.” In July 2007 he was a speaker in an ABA Webcase program titled “The Supreme Court’s Revolutionary Decision on Pleadings – Will Your Pleadings Pass the New Test?” In April 2007 he was a speaker at the “Hot Topics 2007” presentation at the ABA Antitrust Section 55th Annual Spring Meeting. In November 2006 he was a speaker at a Federal Bar Council presentation titled “Antitrust Issues in Patent Litigation Settlements: the Divergent Views of Federal Courts and Agencies.” In September 2006 he was a speaker in a Federalist Society presentation at NYU Law School, titled “Does Procedure Dominate Substance? Of Class Actions and Pretrial Motions.” He also recently authored *Class Action Standards in Crisis: Whether Common Merits Questions Predominate Does Not Depend on the Questions’ Answers*, Global Competition Policy (May 2009); *Three Limitations of Twombly: Antitrust Conspiracy Inferences in a Context of Historical Monopoly*, 82 St. John’s L.Rev.849 (2008); and *What Makes An Antitrust Class Action Remedy Successful?: A Tale of Two Settlements*, 80 Tulane L. Rev. 621 (2005).

Mr. Richards is a member of the Board of Directors of the Appleseed Foundation, a non-profit network of 16 public interest justice centers in the United States and Mexico.

Mr. Richards is admitted in New York, as well as the United States District Court for the Southern and Eastern Districts of New York, the District of Connecticut, all Circuit Courts of the United States and the United States Supreme Court. He is a graduate of Harvard Law School (J.D. 1981) and the University of Chicago (AB 1977).

Linda Singer

Linda Singer, a Partner, joined Cohen Milstein in 2009 as head of the Public Client practice group. Ms. Singer is the former Attorney General for the District of Columbia. In 2010, Ms. Singer was selected as one of "Washington's Most Influential Women Lawyers" by *The National Law Journal*.

Ms. Singer brings her extensive experience to lead the practice in supporting state Attorneys General, who serve as the critical front line in litigation protecting consumers, workers, and public resources. In addition to government clients, Ms. Singer represents other public-sector clients, including non-profit organizations and labor unions, in their efforts to ensure enforcement of laws protecting workers and consumers.

Ms. Singer currently represents Attorneys General in investigations and litigation involving fraudulent mortgage lending, unsafe and deceptive practices in the sale of prescription drugs, and misclassification of independent contractors in violation of state tax and employment laws.

In particular, Ms. Singer has:

- Represented a state Attorney General in the landmark proceedings against Countrywide Financial (and its parent, Bank of America), which resulted in mortgage modifications and

other relief valued at approximately \$8.6 billion. As a result of the settlement, Countrywide agreed to provide loan modifications to 400,000 borrowers nationwide and financial relief to the states and borrowers.

- Served as co-counsel to the Borrowers' Committee in the bankruptcy of American Home Mortgage, one of the largest non-prime mortgage lenders. The Borrowers' Committee was appointed by the bankruptcy court to ensure that the interests of American Home's borrowers were protected in the company's dissolution.
- Represented unions in consumer-related investigations.
- Served as co-counsel to a state in an opt-out case seeking to recover its investment losses in Lehman Brothers.
- Advised a state in multi-state action against a Fortune 100 company for its employment practices.

Before entering the private sector, Ms. Singer led the seventh-largest state Attorney General's office in the nation, overseeing the litigation and policy initiatives carried out by her staff of more than 350 lawyers. As the chief law enforcement officer for the District of Columbia, she was responsible for overseeing all of the District's litigation, providing legal advice to the Mayor and the Directors of other District agencies, and for representing the interests of District residents through enforcement initiatives focused on consumer protection, public safety, and the environment. During her tenure as Attorney General, Ms. Singer successfully petitioned the Supreme Court to hear its first Second Amendment case in more than 70 years; developed new initiatives to combat gun violence; and expanded enforcement litigation aimed at protecting consumers, children, tenants, and victims of domestic violence.

Prior to serving as Attorney General, Ms. Singer was the Executive Director of the Appleseed Foundation, a national network of public interest law centers. Earlier in her career, Ms. Singer served as a staff attorney in the Criminal Defense Division of the Legal Aid Society of New York City. She has spoken extensively before legal and other audiences and is a frequent contributor to numerous legal trade publications.

Ms. Singer is a graduate of the Harvard College (B.A., magna cum laude, 1988) and of Harvard Law School (J.D., magna cum laude, 1991).

Ms. Singer is admitted to practice in the District of Columbia and New York.

R. Joseph Barton

Joseph Barton, a Partner at the Firm, joined Cohen Milstein in 2001 and is a member of the Employee Benefits practice group.

Prior to joining the firm, Mr. Barton served as a judicial law clerk to the Honorable Lenore C. Nesbitt, United States District Judge for Southern District of Florida (2000-2001). Since joining the firm, Mr. Barton has been actively involved in a variety of class action cases involving employee benefits as well as antitrust and securities cases.

Mr. Barton has been actively involved in a diverse number of employee benefit cases. He has litigated

or is litigating a number of private ESOP cases. In litigation challenging the sale of stock for \$25 million by the family shareholders to the Azon Corporation ESOP, Mr. Barton defeated defendants' summary judgment motions and obtained partial summary judgment and obtained a settlement of \$9.25 million for the ESOP participants. In litigation challenging a sale of stock to the Tharaldson Motels Inc. ESOP (one of the largest ESOP's in the country) for \$500 million, Mr. Barton obtained a determination that former employees had standing to sue as participants of the plan. Mr. Barton has also been involved in a number of cases alleging breach of fiduciary duty by investing the 401k plan in company stock of publicly traded companies. Additionally, in *Simpson v. Fireman's Fund Insurance Company* (N.D. Cal.), Mr. Barton represented a class of active and terminated employees alleging that FFIC's policy of terminated persons on disability violated the discrimination provisions of ERISA, and obtained a settlement restoring their right to benefits for a period of years and also reimbursement of past expenses. Finally, Mr. Barton led a trial team in *Stoffels et al. v. SBC Communications* (W.D. Tex.) that resulted in the determination that AT&T's practice of providing cash payments to certain of its retirees to pay for their telephone expenses via a program known as Telephone Concession constituted a pension plan under ERISA.

Mr. Barton has been active in a number of securities fraud lawsuits including *In re Physician Corporation of America Securities Litigation* (S.D. Fla.) (settlement of \$10.2 million), and *In re MCI Securities Litigation* (D.D.C.) (settlement of \$4.5 million) and also represented a small class of former Sterling shareholders who received Uniroyal stock in a merger in *Avery v. Uniroyal Technology Corp.*, (M.D. Fla.) (settlement of \$2.3 million). Mr. Barton represents limited partners of Lipper Convertibles, a now-defunct hedge fund, in an arbitration against the fund's former general partners, *Levitt v. Lipper Holdings et al.* (AAA), and in litigation against the outside auditor in federal district court, *Levitt v. PricewaterhouseCoopers* (S.D.N.Y.) in connection with their investments in the Partnership which were allegedly overvalued for over 5 years.

Mr. Barton has also worked on a number of antitrust actions. Mr. Barton was a part of the team that engaged in intensive trial preparations in *In re High Fructose Corn Syrup Antitrust Litigation*, (C.D. Ill.), a class action alleging price-fixing by the manufacturers of high fructose corn syrup, which settled for more than \$500 million shortly before trial. Mr. Barton litigated *In re Mercedes-Benz Antitrust Litigation* (D.N.J.), a class action alleging price-fixing of new Mercedes-Benz vehicles in the New York Region, which settled for \$17.5 million or 50% of Plaintiffs' calculation of actual damages. In connection with the Mercedes-Benz litigation, Mr. Barton briefed and argued and obtained summary judgment on an issue of first impression that established that lessee-plaintiffs had standing to sue as direct purchasers under the federal antitrust laws.

Mr. Barton has also provided pro bono representation. Along with the non-profit law firm Midwest Environmental Advocates, Mr. Barton provided pro bono representation to the grassroots citizens action group Clean Water Action Council of Northeastern Wisconsin, in objecting to a settlement by the United States Department of Justice and the State of Wisconsin concerning natural resource damages in the Fox River area of Wisconsin. Mr. Barton also represented a client in D.C. Superior Court against her former employer who refused to pay her wages and overtime, in which the Judge described Mr. Barton's representation as follows: "everything done on behalf of the Plaintiff has been professional, timely and thorough."

Mr. Barton received his undergraduate degree from the College of William & Mary (B.A. 1991) where he majored in History and minored in Classical Studies, and graduated Order of the Coif from the College of William & Mary, Marshall-Wythe School of Law (J.D. 2000). At law school, he received the Lawrence W. I'Anson Award for outstanding student scholarship, character and leadership, the

William B. Spong Award for professionalism and ethics, the Robert R. Kaplan Award for excellence in legal writing and Order of the Barristers. He served on the editorial board of the William & Mary Law Review and was a staff member of the William & Mary Bill of Rights Journal. Mr. Barton was a member of the William & Mary National Trial Team and served as Vice-President of the William & Mary Chapter of the Association of Trial Lawyers of America.

Mr. Barton is the author of *Determining the Meaning of "Direct Evidence" in Discrimination Cases Within the Eleventh Circuit: Why Judge Tjoflat was (W)right*, 77 Fla. B.J. 42 (2003), *Drowning in a Sea of Contract: Application of the Economic Loss Rule to Fraud and Negligent Misrepresentation Claims*, 41 Wm. & Mary L. Rev. 1789 (2000), and *Utilizing Statistics and Bellwether Plaintiff Trials: What do the Constitution and the Federal Rules of Civil Procedure Permit?*, 8 Wm. & Mary Bill Rts. J. 199 (1999). Each of Mr. Barton's published articles has been cited by both courts and commentators.

Mr. Barton is the current Secretary/Treasurer for the American Association of Justice (AAJ) Employment Rights section, which focuses on all aspects of employment and labor law including Title VII, ADA, ADEA, FMLA and wrongful discharge cases.

Mr. Barton is admitted to practice in the State of California and the District of Columbia and is listed in the Marquis' Who's Who in American and Who's Who in American Law.

Joshua S. Devore

Joshua Devore, a Partner at the Firm, joined Cohen Milstein in 2000 as a member of the Securities Fraud/Investor Protection practice group.

He is currently working on several securities fraud class actions (including the litigation on the collapse of the Italian dairy conglomerate Parmalat), and has been heavily involved in litigation regarding Wall Street research analysts. He has actively participated in a number of cases that resulted in substantial recoveries for investors, including *In re Lucent Technologies, Inc. Securities Litigation* (settlement of approximately \$575 million); *In re Merrill Lynch Research Reports Securities Litigation* (settlement of \$125 million); *In re VeriSign Corp. Securities Litigation* (settlement of \$78 million); and *Norman v. Salomon Smith Barney* (settlement of \$51 million on behalf of Guided Portfolio Management Account holders).

Mr. Devore has been the primary author of numerous briefs addressing complex and novel issues of the federal securities laws, leading to notable reported decisions such as *In re Parmalat Securities Litigation*, 376 F.Supp.2d 472 (S.D.N.Y. 2003), that affirmed claims of "scheme" liability against a corporation's outside investment banks, and *Lentell v. Merrill Lynch & Co.*, 396 F.3d 161 (2d Cir. 2005), that reversed a dismissal on statute of limitations grounds and reset the standards for pleading loss causation. He was also a member of the trial team in *In re Globalstar Securities Litigation*, which settled for \$20 million during trial after Plaintiffs had fully presented their case.

Mr. Devore is actively involved in the representation of the firm's institutional investor clients and personally developed and oversees the analysis of the firm's clients' investments in securities that may have been affected by fraud.

Mr. Devore graduated from Rice University in 1997 with a B.A. in Chemistry, and obtained his law degree from Georgetown University Law Center in 2000. While at Georgetown, Mr. Devore served as an Executive Editor of the Georgetown International Environmental Law Review. Mr. Devore is co-

author of *State Court Class Actions: Trends and Issues*, in National Institute on Class-Actions, C-1 (ABA CLE 1999).

Mr. Devore is admitted to practice in the District of Columbia and the Commonwealth of Virginia.

Attorney Profiles – Of Counsel & Associates

S. Douglas Bunch

Doug Bunch, an Associate at the Firm, joined Cohen Milstein in 2006 and is a member of the Securities Fraud/Investor Protection practice group.

Mr. Bunch is currently working on multiple active securities fraud class actions, including class actions on behalf of investors in funds which served as so-called "feeder funds" for Bernard L. Madoff's Ponzi scheme; class actions on behalf of investors in mortgage-backed securities; and class actions against various Oppenheimer mutual funds for failing to disclose the risks of investing in those funds.

Mr. Bunch is a graduate of the William & Mary School of Law (2006), where he was a recipient of the Benjamin Rush Medal. A member of Phi Beta Kappa, he graduated summa cum laude from the College of William & Mary in 2002 with a Bachelor's degree in Government and Classical Studies. Mr. Bunch is also a 2003 graduate of Harvard University's Graduate School of Education, from which he holds a Master's degree in Administration, Planning, and Social Policy. At Harvard, he served as an intern in the Boston office of the U.S. Department of Education's Office for Civil Rights, where he worked closely with attorneys to enforce federal laws that protect students from discrimination on the basis of race, gender, age, and disability.

Mr. Bunch is actively involved in several nonprofit endeavors. He serves as Chairman of Global Playground, Inc., an organization which promotes education in developing countries; as Executive Director of Ascanius: The Youth Classics Institute, which promotes the study of classics in the elementary school; and as a member of the Board of Directors of the Northeast Conference on the Teaching of Foreign Languages, which promotes the study of world languages more broadly.

Mr. Bunch is admitted to practice in New York, the District of Columbia, the Court of Appeals for the Second Circuit, and the U.S. District Courts for the District of Columbia, District of Colorado, and Southern District of New York. Mr. Bunch works in the Firm's Washington D.C. office.

Monya M. Bunch

Monya M. Bunch joined Cohen Milstein as an Associate in 2009 and is a member of the Employee Benefits practice group.

Prior to joining the firm, Ms. Bunch was an associate in the Litigation Department of Wilmer Cutler Pickering Hale and Dorr LLP, where she focused on litigation in federal court, and federal criminal and regulatory investigations. While there, Ms. Bunch successfully represented the relator in a rare and complex False Claims Act trial in the United States District Court for the District of Columbia, helping the United States to win a jury verdict of just over \$103 million in damages against several defendants who had participated in a bid-rigging conspiracy. Ms. Bunch then clerked for the Honorable Damon J. Keith of the United States Court of Appeals for the Sixth Circuit.

During law school, Ms. Bunch interned with the U.S. Attorney's Office for the Southern District of New York. Her work focused on white-collar matters within the Securities and Commodities Fraud and General Crimes units. Ms. Bunch also held a summer position with a large international law firm in New York City, where she gained experience in trade practices, intellectual property and antitrust matters.

Prior to earning her law degree, Ms. Bunch dedicated her career to community activism and development as a local planner for the organization Agenda for Children Tomorrow (A.C.T.), in New York City. While working for A.C.T., she supported a neighborhood-planning coalition by linking community projects related to child welfare, family planning and youth services.

Ms. Bunch received her undergraduate degree from Hampton University (B.S., 1991) and her graduate degree from the University of Hartford (M.P.A., 1994). She received her law degree from Howard University School of Law (J.D., 2004), where she served as editor-in-chief of the *Howard Law Journal* and authored a Comment, *Juvenile Transfer Proceedings: A Place for Restorative Justice Values*, 47 How. L.J. 909 (2004), for which she received the 2005 Burton Award for Excellence in Legal Writing.

Ms. Bunch is admitted to practice in New York and the District of Columbia.

Robert A. Cacace

Robert Cacace joined Cohen Milstein as an Associate in 2010 and is a member of the Antitrust practice group.

Prior to joining the firm, Mr. Cacace was a law clerk for the Honorable Gladys Kessler at the U.S. District Court for the District of Columbia, where he handled a variety of civil and criminal matters, including the habeas corpus petitions of Guantanamo Bay detainees.

Mr. Cacace graduated from Harvard College with a B.A. in History (2003, *cum laude*), Oxford University (M.St., 2005), and Harvard Law School (J.D., *cum laude*, 2008). During law school, Mr. Cacace served as an Executive Editor for the *Civil Rights-Civil Liberties Law Review* and the *BlackLetter Law Journal*. He also worked with asylum-seekers and legal issues related to refugee law as a member of Harvard's clinical programs. Mr. Cacace spent two summers working with the Department of Justice. In addition, he worked as a summer associate for Paul, Weiss, Rifkind, Wharton & Garrison in New York, NY.

Mr. Cacace is admitted to the New York State Bar and he is practicing under the supervision of Daniel S. Small, a member of the D.C. Bar.

Whitney R. Case

Whitney R. Case joined Cohen Milstein as an Associate in 2005 and is a member of the Consumer Protection & Unsafe Products practice group.

Ms. Case has been actively involved in a number of class action cases, including a case against SBC Communications, Inc., *Wagener, et al. v. SBC Pension Benefit Plan - Non-Bargained Program* (D.D.C.), which alleged widespread miscalculation of pension benefits owed to its employees in violation of ERISA. That case resulted in a \$16 million settlement for retirees. She has also represented Fiduciary Counselors, Inc. in their capacity as independent fiduciary for the Enron Savings Plan, including evaluating settlements reached in the *Newby v. Enron Corp.* (S.D.Tex.) securities class action case.

Currently, Ms. Case represents the City of Chicago in a case against online travel companies, alleging a systematic failure to pay taxes owed under Chicago's Hotel Tax Ordinance. Ms. Case is also

involved in cases against Sallie Mae related to excessive interest and late fee charges on student loans, and against Vonage related to deceptive business practices in advertising and administering promotional offers.

Ms. Case is the author of “The Coupon Can Be the Ticket: The Use of ‘Coupon’ and Other Non-Monetary Redress in Class Action Settlements,” 18 Geo. J. Legal Ethics 1431 (2005) (co-authored with Lisa Mezzetti).

Prior to joining Cohen Milstein, Ms. Case served as a law clerk at the District of Columbia Bar’s Board on Professional Responsibility. She also studied International Law at University College in London, England and was a student attorney in the Domestic Violence Clinic at Georgetown University Law Center.

Ms. Case received her law degree from Georgetown University Law Center in 2005. She received her undergraduate degree from Tulane University (B.A., Political Economy and French, cum laude, 2002) during which time she spent a year studying at Universite de Paris IV, La Sorbonne.

Ms. Case is admitted to practice in New York, New Jersey and the District of Columbia.

Christopher J. Cormier

Christopher J. Cormier joined Cohen Milstein in 2003 as an Associate in the Antitrust Practice Group. He is actively involved and has obtained significant experience in all phases of antitrust actions alleging concerted and unilateral anticompetitive conduct.

Mr. Cormier currently represents certified or proposed plaintiff classes in, among other cases: *In re Plasma-Derivative Protein Therapies Antitrust Litigation* (N.D. Ill.) (serving on plaintiffs' steering committee on behalf of proposed class of direct purchasers alleging a nationwide output restriction and price-fixing conspiracy); *In re Urethane Antitrust Litigation* (Polyether Polyol Cases) (D. Kan.) (serving as co-lead counsel on behalf of a certified class of direct purchasers of several types of chemicals that were overcharged as a result of a nationwide price-fixing and market allocation conspiracy; one defendant, Bayer, has settled for \$55.3 million); *In re Endosurgical Products Direct Purchaser Antitrust Litigation* (C.D. Cal.) (serving as co-lead counsel on behalf of a proposed class of direct purchasers of medical instruments used in laparoscopic surgery that were overcharged pursuant to alleged monopolistic conduct; in 2009, the Court approved class settlements valued at more than \$39 million); and *In re Parcel Tankers Shipping Services Antitrust Litigation* (D. Conn.) (serving as co-lead counsel on behalf of direct purchasers of parcel tanker shipping services alleging price-fixing and market allocation).

Mr. Cormier also has served in leadership positions on various other antitrust matters, including *McIntosh, et al. v. Monsanto Co., et al.* (E.D. Mo.) (served as co-lead counsel on behalf of farmers alleging a price-fixing conspiracy concerning genetically modified soybean seeds; following the Court’s denial of the remaining defendant’s motion for summary judgment, the plaintiffs settled with that defendant on confidential terms), and *Nate Pease, et al. v. Jasper Wyman & Son, Inc., et al.* (Knox County Superior Court, Me.) (served as co-lead counsel on behalf of a class of Maine wild blueberry growers; in 2004, a Maine state court jury found the processing companies liable for participating in a four-year price-fixing and non-solicitation conspiracy, and ordered the defendants to pay over \$56 million in damages).

In addition, Mr. Cormier helps manage the firm's paralegal program and serves on the Antitrust Practice Group's New Case Committee.

Mr. Cormier is one of the authors of "Perspectives on the Future Direction of Antitrust," Antitrust, Vol. 22, No. 3, Summer 2008, © 2008 by the American Bar Association. He also is a co-author of "Private Recovery Actions in the United States," *The Antitrust Review of the Americas 2010*, Global Competition Review, September 2009.

Prior to joining Cohen Milstein, Mr. Cormier practiced at a Baltimore-based law firm, where he focused on commercial and antitrust litigation. After his first year of law school, he served as a judicial intern to the Honorable Deborah K. Chasanow, United States District Court for the District of Maryland. During his second year of law school, he served as a legal intern in the National Criminal Enforcement Section of the United States Department of Justice's Antitrust Division.

Mr. Cormier graduated from the University of Virginia with a B.A. in Government in 1999 and from the American University's Washington College of Law (*magna cum laude*) in 2002.

Mr. Cormier is admitted to practice in Maryland, the District of Columbia, the U.S. District Court for the District of Maryland, the U.S. Court of Appeals for the 9th Circuit; the U.S. Court of Appeals for the 10th Circuit; and the U.S. Supreme Court.

Michael Eisenkraft

Michael Eisenkraft joined Cohen Milstein in 2009 as an Associate and is a member of its Securities Fraud/Investor Protection and Human Rights practice groups.

Prior to joining the firm, Mr. Eisenkraft was associated with Kramer Levin Naftalis & Frankel LLP and, before that, with Milberg Weiss. Mr. Eisenkraft also clerked for the Honorable Barrington D. Parker of the United States Court of Appeals for the Second Circuit.

While associated with Milberg Weiss, Mr. Eisenkraft represented a lead plaintiff in a number of securities fraud class actions, including *In re CVS Securities Litigation* (D. Mass.), which settled on the eve of trial for \$110 million; *In re Novastar Financial Securities Litigation* (W.D. Mo.), which eventually settled for \$7.25 million; *In re McLeodUSA Inc. Securities Litigation* (N.D. Iowa), which settled for \$30 million; and *In re Regeneron Pharmaceuticals Inc.* (S.D.N.Y.), which settled for \$4.7 million.

Mr. Eisenkraft graduated *Magna Cum Laude* and Phi Beta Kappa from Brown University (2001) and *Cum Laude* from the Harvard Law School (2004). He is admitted in New York, New Jersey, the S.D.N.Y., the E.D.N.Y., the D.N.J., and the Second Circuit.

George F. Farah

George F. Farah joined the Firm as an Associate in September, 2005 and is a member of the Antitrust and Human Rights practice groups.

Since joining the firm, Mr. Farah has represented direct purchasers who were allegedly injured by price-fixing conspiracies in cases such as *In re Hydrogen Peroxide Antitrust Litigation* (E.D.Pa.) and *In re OSB Antitrust Litigation* (E.D. Pa.). Mr. Farah also represented the City of Milwaukee in a

lawsuit against lead paint manufacturers for allegedly causing childhood lead poisoning, and survivors of Nazi-era slave labor against German companies that profited from the labor.

Mr. Farah is currently involved in several antitrust cases alleging concerted or unilateral anticompetitive conduct. In *In re Publication Paper Antitrust Litigation* (D. Ct.), he serves on the executive committee representing a class of direct purchasers who allege that publication paper manufacturers conspired to reduce capacity and fix prices. In *In re Intel Corporation Microprocessor Antitrust Litigation* (D. Del.), Mr. Farah represents a proposed class of direct purchasers who allege that Intel's monopoly over microprocessors increased the prices consumers paid for them. Mr. Farah also represents individuals detained without charge at the U.S. Naval base in Guantanamo Bay, Cuba and a Nepali citizen in political asylum proceedings before a United States Immigration Court.

Prior to joining the Firm, Mr. Farah focused on electoral reform and inequality issues. He is the founder of Open Debates, a nonprofit, nonpartisan organization working to reform the presidential debate process. Before attending law school, Mr. Farah worked to expose the harms of media concentration and the IMF's structural adjustment programs at The Center for the Study of Responsive Law.

Mr. Farah is the author of the book *No Debate: How the Republican and Democratic Parties Secretly Control the Presidential Debates* from Seven Stories Press. His articles addressing legal and electoral issues have been published in *The Washington Post*, *The Boston Globe*, *The Philadelphia Inquirer*, *The Denver Post*, *The Christian Science Monitor*, *Fort Lauderdale Sun-Sentinel*, *Extra! Magazine*, and other publications.

Mr. Farah has appeared on dozens of television programs, including "Nightline," "NOW with Bill Moyers," "20/20," "CBS Evening News," "NBC Nightly News," "CNN Lou Dobbs Tonight," "CNN's Market Call," "FOX and Friends," and "Countdown with Keith Olbermann." Mr. Farah has been interviewed on over 100 radio shows, including NPR's "To the Point," "Keep Hope Alive With Jesse Jackson," "Democracy Now!," "CounterSpin," and "Judicial Watch Report."

Mr. Farah has given several talks on the political process and electoral reform issues at colleges and universities, has hosted numerous televised press conferences, and was a Newsmaker at the National Press Club.

Mr. Farah is a graduate of Harvard Law School (J.D., 2005), and Princeton University (B.A., Woodrow Wilson School of Public and International Affairs, 2000). Mr. Farah was the recipient of a Paul and Daisy Soros Fellowship, and was a delegate to the 2005 International Achievement Summit.

Mr. Farah is admitted to practice in New York.

Seth R. Gassman

Seth R. Gassman joined Cohen Milstein as an Associate in 2007 as a member of the Antitrust practice group.

Since joining the firm, Mr. Gassman has represented victims of alleged domestic and international anticompetitive behavior in such cases as *Molecular Diagnostics Laboratories v. Hoffman-La Roche, Inc.* (D.D.C.), in which purchasers sued two companies for the unlawful monopolization of an enzyme used in DNA amplification, human-genome research, and medical diagnostics, and *Brookshire*

Brothers, Ltd. v. Chiquita Brands International, Inc. (S.D. Fla.), which alleged a cartel in the banana industry.

Mr. Gassman is currently involved in several antitrust cases alleging concerted or unilateral anticompetitive conduct. In *In re Plasma-Derivative Protein Therapies Antitrust Litigation* (N.D. Ill.), in which he represents a proposed class that includes hospitals, pharmacies and doctor's offices alleging that manufacturers of life-saving plasma-derivative protein therapies conspired to reduce supply and increase prices, he works as a member of the Plaintiffs Steering Committee. In *In re Chocolate Confectionary Antitrust Litigation* (M.D. Pa.), he serves on the executive committee representing a proposed class of direct purchasers of chocolate products who allege that the major U.S. chocolate manufacturers and certain of their affiliated foreign entities conspired to fix prices. In appointing Cohen Milstein to the executive committee, from where the firm will "provide leadership and direction" as the case progresses, the Court noted Mr. Gassman's "significant knowledge of the legal and factual issues presented by the pending action." In *In re Intel Corporation Microprocessor Antitrust Litigation* (D. Del.), Mr. Gassman represents a proposed class of computer purchasers who allege that Intel's monopoly over microprocessors increased the prices consumers paid for computers.

In recognition of his work, *The Legal 500*, a publication that touts itself as offering the definitive judgment of law firm capabilities, has noted that Mr. Gassman is an extremely promising associate.

Mr. Gassman also represents Indonesian villagers in a lawsuit against Exxon Mobil over torture and extrajudicial killings allegedly committed by the defendant's security forces (a unit of the Indonesian military).

Mr. Gassman is the author of:

- *Direct Democracy As Cultural Dispute Resolution: The Missing Egalitarianism Of Cultural Entrenchment*, 6 *NYU Journal of Legislation and Public Policy* 525 (2002-2003).

and the co-author of:

- *Antitrust Class Actions: Continued Vitality*, *Global Competition Review, The Antitrust Review of the Americas* (2008).
- *Global Enforcement of Anticompetitive Conduct*, presented in Florence, Italy at The Tenth Annual Sedona Conference on Antitrust Law & Litigation: The Globalization of Antitrust Enforcement (September 2008).

In addition, Mr. Gassman provided input and assisted in the organization of the ABA Transition Task Force, a working group the American Bar Association established to make recommendations to the incoming Obama administration on various aspects of competition law, and was mentioned in *The Legal 500* in an article ranking Cohen Milstein as one of the top antitrust class action firms in the country.

Before joining Cohen Milstein, Mr. Gassman worked for Cahill Gordon & Reindel, where he worked on complex civil and commercial litigation with a focus on antitrust law. He also performed merger clearance and corporate counseling antitrust work related to several mergers.

Mr. Gassman graduated from New York University School of Law (J.D., 2003), where he was

awarded the Newman Prize, and the University of California at Berkeley with a B.A. in English (1999), where he delivered the commencement address at his departmental graduation.

Mr. Gassman is admitted to practice in New York, and in the United States District Court for the Southern District of New York.

Besrat Gebrewold

Besrat J. Gebrewold joined Cohen Milstein as an Associate in 2007 and is a member of the Antitrust practice group.

Ms. Gebrewold works on *In re Air Cargo Shipping Services Antitrust Litigation* (E.D.N.Y.), a multi-billion dollar antitrust action alleging that the world's major cargo airlines colluded in setting the amounts of various surcharges they imposed on their customers, and on *In re Urethane Antitrust Litigation (Polyether Polyol Cases)* (D. Kan.), in which she represents a class of direct purchasers of several types of chemicals who allegedly were overcharged as a result of a nationwide price-fixing and market allocation conspiracy. One defendant, Bayer, has already settled for \$55.3 million and is providing cooperation pursuant to its obligations under the settlement agreement. Ms. Gebrewold also represents Registered Nurses employed by hospitals in Albany, Detroit and Memphis in lawsuits alleging that their employers unlawfully fixed their wages in violation of federal antitrust laws.

Prior to joining Cohen Milstein as an associate, Mr. Gebrewold was a summer associate with the firm in 2006, and worked as a law clerk while still in law school.

Ms. Gebrewold has an LL.B from Addis Ababa University, Faculty of Law in Ethiopia. She was also a Fulbright Scholar at Georgetown University Law Center, where she received an LL.M in Common Law Studies for her thesis "The Role of International Law as a Deterrent to Aggression." She received a J.D. from the American University Washington College of Law in May 2007, where she was a member of the *Journal of Gender, Social Policy & the Law*.

Ms. Gebrewold is admitted to practice in Maryland and the District of Columbia, and is a member of the U.S. District Court for the District of Columbia.

Matthew K. Handley

Matthew Handley, an Associate at the Firm, is a member of the Securities Fraud/Investor Protection and Human Rights practice groups.

Mr. Handley focuses much of his practice on enforcement of the federal securities laws on behalf of both domestic and international investors. He currently works on several active securities fraud actions, including *In re Royal Bank of Scotland Group PLC Securities Litigation* (S.D.N.Y.), *In re Converium Holding AG Securities Litigation* (S.D.N.Y.) and *In re Fannie Mae Securities Litigation* (D.D.C.).

Mr. Handley is also involved in the Firm's civil rights and international human rights actions. Current active matters include:

- Representation of a class of Indian residents who have suffered from groundwater pollution;

- Representation of disability groups against a nationwide builder for failing to design and build accessible apartments; and
- Representation of the families of Nepali laborers who were trafficked and killed while working in Iraq.

In his pro bono work, Mr. Handley has represented Nepali citizens in United States Immigration Court in political asylum proceedings and individuals indefinitely detained without charge by the United States at Guantanamo Bay.

Mr. Handley has been a frequent speaker at institutional investor and international law conferences in Europe including the U.K. and Irish Pension Summit in Dublin, the European Pension Investment Forum in Paris and the Annual Conference of the British Institute of International and Comparative Law.

Prior to joining the Firm, Mr. Handley was a litigation associate at Covington & Burling in Washington, D.C. He began his legal career as a law clerk for the Honorable William Wayne Justice, United States District Judge for the Eastern District of Texas. Before attending law school, Mr. Handley served two years as a Peace Corps Volunteer in Nepal, working as a rural construction engineer.

Mr. Handley graduated from Princeton University with a B.S.E in Civil and Environmental Engineering (1997) and attended the University of Texas School of Law where he graduated with high honors in 2002 and was selected for the Order of the Coif and Chancellors Honor Society. While at the University of Texas, he was an Articles Editor for the Texas Law Review and author of *Why Crocodiles, Elephants, and American Citizens Should Prefer Foreign Courts: A Comparative Analysis of Standing to Sue*, 21 Rev. Litig. 97 (2002). Mr. Handley also recently co-authored *Combating Human Trafficking in Iraq: Adhikari v. Daoud* for the ABA's International Law News.

Mr. Handley is admitted to practice in the state of New York, the District of Columbia, the United States District Courts for the Southern District of New York and the District of Columbia, and the United States Court of Appeals for the Second Circuit.

Karen L. Handorf

Karen Handorf joined the Firm in 2007 as Of Counsel, is a member of the Employee Benefits (ERISA) practice group and is the head of the Employee Benefits Appellate Practice.

Ms. Handorf is currently involved in litigation and appeals involving a broad range of employee benefits issues including ESOPs, employer stock, and the termination of benefits. She represented a class of 30,000 Goodyear union retirees in litigation in which Cohen Milstein obtained approval of a class action settlement between the retirees, Goodyear and the United Steel Workers, resulting in the establishment of a \$1 billion trust through which retiree healthcare benefits will be provided in the future. *Redington v. Goodyear* (N.D. Ohio). She has co-authored amicus briefs filed by the firm on behalf of the Pension Rights Center in the U.S. Supreme Court (*LaRue v. DeWolff, Boberg & Associates*) and in the Third Circuit (*In re Schering-Plough Corporation ERISA Litigation*). She also played a primary role in drafting the appellate brief in *In re Citigroup ERISA Litigation* (2d Cir.) (challenging the dismissal of a complaint alleging the imprudent purchase of employer stock) and in *Boos v. AT&T* (5th Cir.) (involving the issue of whether a program providing cash payments to certain

“pension eligible” retirees to reimburse them for their personal telephone expenses during retirement is a pension plan).

Prior to joining the firm, Ms. Handorf was an attorney for the U.S. Department of Labor (the “DOL”) where she litigated ERISA cases in federal appellate and district courts for twenty five years. She began her ERISA career in 1982 as a trial attorney in the Plan Benefits Security Division (PBSD) where she litigated actions brought by the Secretary of Labor for violations of the fiduciary standards of ERISA and handled a number of appellate matters.

In 1989, she was appointed Counsel for Decentralized and Special Litigation responsible for supervising the DOL’s ERISA appellate litigation, district court litigation brought by regional offices of the Solicitor of Labor and administrative litigation involving the civil penalty provisions of ERISA. In that position at the DOL, Ms. Handorf (along with Marc Machiz, now head of the firm’s ERISA practice group) was responsible for establishing and supervising PBSD’s amicus brief writing program which addressed a wide range of novel and difficult ERISA issues in both state and federal court. While at the DOL, she also played a major role in formulating the Government’s position on ERISA issues expressed in amicus briefs filed by the Solicitor General in the United States Supreme Court.

In 2001, she was appointed Deputy Associate Solicitor of PBSD. As the Deputy Associate Solicitor, she was responsible for overseeing litigation brought by the Secretary of Labor and legal advice provided to the Employee Benefit Security Administration, which administers Title I of ERISA. In 2005, she returned to her position as supervisor of the ERISA appellate and amicus brief writing program, serving as Counsel for Appellate and Special Litigation.

Ms. Handorf is a recipient of the Department of Labor Distinguished Career Service Award, and received Exceptional Achievement Awards for her work on ERISA 401(k) plan remedies, the amicus brief in the Enron litigation, retiree health care, the amicus program in general, the appellate brief in the Department’s Tower litigation, termination annuities litigation and multiple employer welfare arrangement (MEWAs) litigation.

Ms. Handorf has been recognized for her expertise by her colleagues in the ERISA bar, who made her a Fellow of the American College of Employee Benefits Counsel. She is a frequent speaker on ERISA issues for the ABA, various bar associations and private seminars, and serves as plaintiffs' co-chair of a subcommittee on civil procedure of the Employees Benefits Committee of the ABA's Labor Section.

Ms. Handorf received her law degree from the University of Wisconsin Law School in 1975. Prior to law school, she attended the University of Wisconsin-River Falls where she received a B.S. in Speech and History.

Ms. Handorf is a member of the bars of Wisconsin and the District of Columbia, and is admitted to practice before the United States Court of Appeals for the Second Circuit, Third Circuit, Fifth Circuit, Seventh Circuit, Ninth Circuit and Tenth Circuit.

Brent W. Johnson

Brent W. Johnson, an Associate at the Firm, joined Cohen Milstein in 2009 and is a member of the Antitrust practice group. Mr. Johnson has considerable expertise in complex antitrust litigation, including class actions.

Mr. Johnson represents businesses and individuals as plaintiffs in federal and state civil actions with a focus on multi-district class actions. His class action experience spans across multiple industries, such as private equity, automotive filters, adhesive labelstock, chemicals, milk, dairy products and others. His practice encompasses a broad variety of antitrust claims, including Sherman Act Section 2 conspiracies to monopolize and monopsonize as well as Section 1 restraints of trade.

Mr. Johnson is currently involved in the following matters, among others:

- *In re Urethane Antitrust Litigation* (D. Kan.), in which he serves as co-lead counsel on behalf of a certified class of direct purchasers of several types of chemicals who were overcharged as a result of a nationwide price-fixing and market allocation conspiracy (one defendant, Bayer, has settled for \$55.3 million);
- *Carlin v. Dairy America, Inc.* (E.D. Cal.), in which he serves as co-lead counsel on behalf of a proposed class of dairy farmers paid artificially deflated prices for raw milk due to the negligence of defendants;
- *Allen vs. Dairy Farmers of America* (D. Vt.), in which he represents a proposed class of Northeast dairy farmers against the Dairy Farmers of America and Dean Foods Company who monopolized a level of distribution of fluid milk in the Northeast and forced dairy farmers to join DFA or its affiliate Dairy Marketing Services;
- *In re Online DVD Rental Antitrust Litigation*, (N.D. Cal.), in which he represents a proposed class of direct purchasers of online DVD rentals who were overcharged as a result of a market allocation conspiracy by defendants; and
- *In re Wellpoint, Inc. Out-of-Network "UCR" Rates Litigation* (C.D. Cal.), in which he represents a proposed class of health insurance subscribers who were overcharged for services provided by a doctor or medical provider that was not in their insurer's "network" due to the insurer's use of a faulty database to determine reimbursement rates.

Prior to joining Cohen Milstein, Mr. Johnson practiced at Latham & Watkins LLP in its Washington, D.C. and New Jersey offices for six years, where he focused on antitrust litigation. Some of Mr. Johnson's matters included:

- *Feesers, Inc. v. Michael Foods, Inc. and Sodexo, Inc.* (M.D. Pa.), in which he was a member of the successful trial team that represented Michael Foods, a manufacturer of processed egg products and refrigerated potato products, in a three week trial of a Robinson-Patman Act action brought by a broad-line distributor of food products;
- *National Laser Technology, Inc. v. Biolase Technology, Inc.* (S.D. Indiana), in which he represented Biolase, the country's largest manufacturer of lasers for dental applications, in a civil action brought by an after-market dental laser support company resulting in a favorable settlement for the client. The plaintiff alleged that Biolase had monopoly power over the hard tissue dental laser market and used that power to coerce dentists into purchasing products from it in violation of Sections 1 and 2 of the Sherman Act;
- *Dahl, et al. v. Bain Capital, et al.* (D. Mass.), in which he represented The Carlyle Group in a class action where plaintiffs alleged collusion among certain private equity firms and investment banks in specific going-private transactions in violation of Section 1 of the Sherman Act; and
- *In re Aftermarket Filters Antitrust Litigation* (N.D. Ill.), in which he represented Champion Laboratories, a manufacturer of aftermarket automotive filters, in a class action where plaintiffs

alleged a conspiracy among manufacturers to fix prices in violation of Section 1 of the Sherman Act.

Mr. Johnson also advised clients in the insurance, commodities exchange, chemical and energy industries in obtaining clearance of mergers, acquisitions and joint ventures from the Federal Trade Commission and the Antitrust Division of the Department of Justice in connection with pre-merger notification proceedings under the Hart-Scott-Rodino Antitrust Improvements Act.

Mr. Johnson also has significant experience in other complex civil and criminal litigation and investigations. He has substantial mass torts experience and represented the City of New York and others in multiple federal actions related to the September 11th attacks. He has litigated government contracts matters and was a member of a team handling a GAO administrative hearing concerning a \$1.1 billion Air Force procurement contract. He has conducted internal investigations in response to criminal investigations and inquiries by the Department of Justice and U.S. Attorney's office. He has argued before state trial and appellate courts. He has first-chaired hearings before administrative law judges for the Department of Health and Human Services and the District of Columbia.

Mr. Johnson graduated *magna cum laude* from Duke University in 2000 with a B.A. in Political Science and Spanish. He obtained his law degree from Stanford Law School in 2003.

Mr. Johnson is admitted to practice in the District of Columbia, New York and New Jersey, as well as the U.S. District Courts for the Districts of the District of Columbia and New Jersey. He is a member of the ABA Section of Antitrust Law.

Mr. Johnson currently serves on the firm's New Case and Ethics committees.

Matthew B. Kaplan

Matt Kaplan joined the Firm in 2005 as an Associate in the Securities Fraud Practice Group.

Mr. Kaplan focuses his practice on litigation on behalf of individual and institutional investors and his work in federal securities fraud class actions has allowed investors to recover millions of dollars. Among the cases he has worked on are *In re Buca Inc. Securities Litigation*, *In re C.P. Ships Securities Litigation*, *In re Dura Pharmaceuticals Securities Litigation*, and *In re ProQuest Securities Litigation*. Mr. Kaplan also represented the plaintiff class in *In re LDK Solar Securities Litigation*, a case in which, despite jurisdictional and practical obstacles created by the fact that the defendant company had virtually all of its operations in China, Cohen Milstein negotiated a settlement which required defendants and their insurers to pay sixteen million dollars.

Mr. Kaplan currently represents the plaintiff in *Conrad v. Blank*, a derivative case in Delaware Chancery court which seeks damages from Staples, Inc. executives who the plaintiff alleges were improperly awarded backdated stock options. He also represents investors who seek to recover hundreds of millions of dollars that they lost as a result of the 2009 collapse of the multibillion dollar Ponzi scheme perpetrated by Minnesota businessman Thomas Petters.

Mr. Kaplan is also involved in the Firm's Human Rights Practice Group. He currently represents several detainees at the U.S. Naval base in Guantanamo Bay, Cuba in proceedings before U.S. Courts.

Mr. Kaplan is a graduate of Georgetown University's School of Foreign Service (B.S.F.S., with honors). He received his law degree from The George Washington University Law School (J.D., With Highest Honors, Order of the Coif).

Before coming to Cohen Milstein, Mr. Kaplan was a litigation associate with White & Case, LLP. Prior to becoming an attorney he was a Foreign Service Officer with the U.S. Department of State and was stationed in Venezuela, Colombia, The Bahamas and Nicaragua.

Mr. Kaplan is admitted to practice in the District of Columbia and Virginia

Joshua Kolsky

Joshua Kolsky joined Cohen Milstein in 2009 as an Associate and is a member of the Securities Fraud/Investor Protection practice group.

Prior to joining the firm, Mr. Kolsky served as a law clerk to the Honorable Barry G. Silverman of the U.S. Court of Appeals for the Ninth Circuit. He previously practiced at Gibson, Dunn, & Crutcher in Los Angeles and, immediately following law school, Mr. Kolsky served as a special assignment law clerk to the Honorable David O. Carter and the Honorable George H. King of the U.S. District Court for the Central District of California.

Mr. Kolsky graduated from the University of Virginia with a B.S. in Engineering Science (2001) and from Columbia Law School (J.D., 2006), where he was a Harlan Fiske Stone Scholar. While at Columbia, Mr. Kolsky served as the production editor of the Columbia Human Rights Law Review. He also interned at the American Civil Liberties Union's National Legal Department and Public Citizen's Global Trade Watch, and participated in the Morningside Heights Environmental Law Clinic.

Mr. Kolsky is admitted to practice in Maryland and is practicing under the supervision of Steven Toll, a member of the D.C. Bar.

Kathleen M. Konopka

Kathleen Konopka, Of Counsel at the Firm, joined Cohen Milstein in December 2006 as a member of the Antitrust practice group.

In addition to representing purchasers of such products as self-adhesive labels, aspartame, and publication paper in lawsuits against manufacturers of those products alleging price-fixing, Ms. Konopka has represented the City of Milwaukee against a lead paint manufacturer to recover damages associated with the abatement of lead paint hazards in that city.

Ms. Konopka is currently representing Indonesian villagers against ExxonMobil in a suit alleging damages based on ExxonMobil's negligent hiring and supervision of members of the Indonesian military as security who perpetrated offenses of murder, kidnapping, torture, and sexual assault while under ExxonMobil's employ. Additionally, Ms. Konopka represents purchasers of lights cigarettes in a suit against Phillip Morris, alleging damages based on the companies misrepresentations regarding lower deliveries of tar and nicotine.

Prior to joining the firm, Ms. Konopka served as an Assistant United States Attorney for the District of Columbia. In that capacity, she prosecuted criminal defendants in both the local and federal courts and defended the United States in civil litigation at both the trial and appellate levels. Ms. Konopka also conducted a large-scale review of the Federal Bureau of Investigation as an attorney advisor with the Department of Justice's Office of the Inspector General. In the area of international and comparative law, Ms. Konopka has spent time in Sweden studying the impact of litigation on the enforceability of discrimination laws in that country.

Ms. Konopka graduated from Northeastern University School of Law and Vassar College with a B.A. in Feminist Theory.

Ms. Konopka is admitted to practice in Maryland and the District of Columbia.

Kalpana Kotagal

Kalpana Kotagal joined the firm as an Associate in November, 2006 and is a member of the Civil Rights & Employment practice group.

Ms. Kotagal currently is involved in *Aaron v. Pilgrim's Pride Corp.*, Civ. No. 06-1082 (W.D. Ark.), representing workers seeking redress for unpaid overtime, and *Jock, et al. v Sterling Jewelers Inc.* (AAA Case No.11 160 00655 08), representing female employees alleging sexual discrimination against one of the nation's largest jewelry chains.

Ms. Kotagal is the co-author of "Innovation, Economics and the Law: The Health Care Industry's Exposure to Antitrust Liability," published by the ABA Antitrust Law Section in 2007.

Before attending law school, Ms. Kotagal worked in the environmental community as Assistant National Field Director of the United States Public Interest Research Group, running national legislative campaigns on energy and environmental issues, and as an organizer with Green Corps. In 2006, she served as an advisor to a Congressional candidate. Ms. Kotagal served as an honorary chair of the National Finance Committee of Young Lawyers for Obama.

While in law school, Ms. Kotagal was a summer associate at Cohen Milstein and served as law clerk in the Chambers of the Honorable J. Curtis Joyner, Eastern District of Pennsylvania. She was also involved in litigation under the Alien Tort Claims Act and RICO on behalf of Haider Mushin Saleh against contractors CACI and Titan for human rights abuses in Abu Ghraib prison. She served on the Editorial Board of the University of Pennsylvania Law Review as an Articles Editor.

Following law school, Ms. Kotagal clerked for the Honorable Betty Binns Fletcher, United States Court of Appeals for the Ninth Circuit.

Ms. Kotagal received her undergraduate degree with honors from Stanford University (A.B., economics, B.S., earth systems, 1999) and was a Morris K. Udall Scholar. She received her law degree *cum laude* from the University of Pennsylvania (2005), where she was a James Wilson Fellow.

Ms. Kotagal is admitted to practice in New York and the District of Columbia.

Joel P. Laitman

Joel P. Laitman joined Cohen Milstein as Of Counsel in 2009. He is a member of the Securities Fraud/Investor Protection practice group.

Education: Columbia University B.A. 1981 *magna cum laude* (member Phi Beta Kappa); Georgetown University Law Center J.D. 1986. For the last fourteen years, Joel Laitman has been a partner at Schoengold Sporn Laitman & Lometti.

At his former firm, Joel Laitman litigated numerous national securities and consumer class actions including many securities class action cases where the firm served as sole lead counsel, including *Westar Energy Securities Litigation* (D. Kansas) (\$30 million recovery); *Nicor, Inc. Securities Litigation* (N.D. Ill.) (\$39 million recovery); *SPX Corporation Securities Litigation* (W.D.N.C.) (\$20 million recovery); *Maley v. Del Global* (\$11.5 million recovery) and *Tidel Technologies* (S.D. Tex) (\$4.05 million recovery in cash and stock). In *Del Global* Judge McMahon commended him as an attorney who she “respected” and in approving the settlement stated that plaintiffs’ counsel “had gone the extra mile” for the class.

Emmy Levens

Emmy Levens joined Cohen Milstein as an Associate in 2009. She is a member of the Antitrust practice group.

Prior to joining the firm, Ms. Levens was a staff law clerk at the U.S. Court of Appeals for the Seventh Circuit, where she handled a variety of cases including employment discrimination, bankruptcy, immigration, criminal appeals, civil rights, and habeas corpus.

Ms. Levens graduated from the University of Kansas with a B.A. in Political Science (2004, with honors) and UCLA Law School (J.D., *order of the coif*, 2007). During law school, Ms. Levens served as the Managing Editor for the UCLA Journal of Environmental Law and Policy, the Director of the Downtown Legal Housing Clinic, and the president of Moot Court. She also worked as a summer associate for Morrison & Foerster, LLP in San Francisco.

Ms. Levens’ admission to the Illinois Bar is pending and she is practicing under the supervision of Daniel S. Small, a member of the D.C. Bar.

Matthew Liles

Matthew Liles joined Cohen Milstein as an Associate in 2010 and is a member of the Public Client practice group.

Currently, Mr. Liles represents state Attorneys General in investigations, litigation and enforcement actions involving fraudulent mortgage lending, unsafe and deceptive practices in the sale of prescription drugs, and misclassification of independent contractors in violation of state tax and labor laws. In addition to government clients, Mr. Liles represents other public-sector clients, including non-profit organizations and labor unions, in their efforts to ensure enforcement of laws protecting workers and consumers.

Prior to joining Cohen Milstein, Mr. Liles was an Honors Program Attorney in the Office of Litigation for the United States Department of Housing and Urban Development (HUD). Mr. Liles served on the legal team that successfully defended the Real Estate Settlement Procedures Act (RESPA), HUD's consumer protection statute, against lawsuits brought by homebuilders' and mortgage brokers' national associations, which challenged the legality of the statute. Mr. Liles also litigated cases enforcing HUD mortgages as well as the Agency's mandate to provide decent, safe, and sanitary housing for all. While at HUD, Mr. Liles also handled numerous politically sensitive cases involving issues of bankruptcy and foreclosure.

Mr. Liles has also worked in several political positions, including in the office of United States Representative Bob Etheridge (D-NC) and the North Carolina Senate Democratic Caucus.

Mr. Liles received his degree in Economics and Political Science from the University of North Carolina at Chapel Hill, *with distinction* (B.A., 2005). He received his law degree from the University of North Carolina School of Law (J.D., 2008). In law school, Mr. Liles focused on public interest law and was a Board Member of the UNC Pro Bono Program. Mr. Liles organized and led several groups to New Orleans to address the legal issues during the Hurricane Katrina recovery. Mr. Liles was recognized for his exemplary public service by the Louisiana State Supreme Court for his contributions to the recovery efforts.

During law school Mr. Liles was on the Holderness Moot Court. Mr. Liles also worked on the North Carolina Journal of International Law and Commercial regulation and is the author of *Did Kim Jong-Il Break the Law? A Case Study on How North Korea Highlights the Flaws of the Non-Proliferation Regime*, 33 N.C. J. Int'l L. & Com. Reg. 103 (Fall 2007).

Mr. Liles is admitted to practice in the state of North Carolina.

Christopher Lometti

Christopher Lometti joined Cohen Milstein in 2009 as Of Counsel. Prior to that time, he was a member of Schoengold Sporn Laitman & Lometti, P.C. ("SSLL"), where he practiced for more than thirteen years in the area of securities class action litigation.

While at SSLL, Mr. Lometti oversaw the firm's institutional client development efforts. Under his supervision, the firm established relationships with dozens of Taft-Hartley pension and benefit funds whom the firm represented in numerous securities class action lawsuits over the years. In addition, Mr. Lometti participated in the litigation of many of these and other cases while at his former firm, including WorldCom, Bank One, USN Communications, Nicor, PNC, Westar, SpectraVision and SPX.

In re WorldCom, Inc. Securities Litigation, 02-CV-3288 (S.D.N.Y.), Mr Lometti represented an additional named plaintiff and certified class representative with a significant financial interest in WorldCom bonds. That case was settled in 2005 for over \$6.15 billion, the second-largest securities fraud settlement of all time. A majority of the settlement proceeds in the WorldCom case was allocated to the bond claims of Mr. Lometti's client. In addition, in *In re Nicor Securities Litigation*, 02-CV-5168 (N.D. Ill.), Mr Lometti represented a Taft-Hartley pension and benefit fund as sole lead counsel. Despite the fact that the case asserted claims under Section 10b of the Securities Exchange Act of 1934 which centered on complex accounting rules governing the financial reporting of natural gas leases, the case was eventually settled for \$39 million.

Prior to SSSL, Mr. Lometti was associated with Shea & Gould, a large New York City-based commercial litigation firm, where he practiced in the Litigation Department. While there, he represented an array of clients, including several Fortune 500 companies, in a wide variety of commercial litigation disputes, including SEC investigations and enforcement proceedings, securities class actions and ERISA matters.

In addition to serving as a commercial mediator for the New York State Unified Court system for many years, Mr. Lometti has served as an arbitrator for the New York Stock Exchange and the National Association of Securities Dealers since approximately 1991.

Mr. Lometti received a Bachelor of Arts from Fordham College in 1983, and his J.D. from Fordham Law School in 1986. He is a member of the New York State Bar Association and the Association of the Bar of the City of New York.

Mr. Lometti is admitted to practice in the State of New York, and is resident in the firm's New York office.

Douglas J. McNamara

Douglas McNamara, Of Counsel at the Firm, joined Cohen Milstein in 2001 as a member of the Antitrust and Consumer Protection & Unsafe Products practice groups.

Mr. McNamara has worked on numerous cases involving dangerous pharmaceuticals and medical devices, light cigarettes, defective consumer products, and environmental torts.

Prior to joining Cohen Milstein, Mr. McNamara was a litigation associate at Arnold & Porter, specializing in pharmaceutical and product liability cases. He started his career at New York City's Legal Aid Society, defending indigent criminal defendants at trial and on appeal.

He has authored two law review articles: *Buckley, Imbler and Stare Decisis: The Present Predicament of Prosecutorial Immunity and An End to Its Absolute Means*, 59 Alb. L. Rev. 1135 (1996); and *Sexual Discrimination and Sexual Misconduct: Applying New York's Gender-Specific Sexual Misconduct Law to Minors*, 14 Touro L. Rev. 477 (Winter 1998). He is presently teaching a course on environmental and toxic torts as an adjunct at George Washington University School of Law.

Mr. McNamara graduated from SUNY Albany with a B.A. in Political Science (*summa cum laude*, 1992) and New York University School of Law (J.D., 1995).

Mr. McNamara is admitted to practice in New York and the District of Columbia.

Betsy A. Miller

Betsy A. Miller joined the firm as Of Counsel in 2009 and is a member of the Public Client practice group.

Named one of Washington's *Top 40 Under 40 Rising Legal Stars* by the National Law Journal, Ms. Miller is an experienced labor, employment and commercial litigator. Currently, Ms. Miller represents state Attorneys General in investigations, litigation and enforcement actions involving fraudulent mortgage lending, unsafe and deceptive practices in the sale of prescription drugs, and

misclassification of independent contractors in violation of state tax and labor laws. In addition to government clients, Ms. Miller represents other public-sector clients, including non-profit organizations and labor unions, in their efforts to ensure enforcement of laws protecting workers and consumers.

Since 2001, Ms. Miller has served on the adjunct faculty of Georgetown University Law Center, where she teaches courses on mediation strategy and negotiation skills. Ms. Miller's dispute resolution experience also includes serving as a mediator, arbitrator, mediation coach and negotiation skills trainer. She has taught negotiation skills courses at Harvard Law School and for a variety of federal and state government clients, law firms, corporations and non-profit organizations. As a consultant for the Kennedy School of Government, Ms. Miller traveled to Central America to evaluate mediation and arbitration programs in Guatemala, Costa Rica, El Salvador and Nicaragua.

Prior to joining Cohen Milstein, Ms. Miller served as the Chief of Staff and Senior Counsel to Linda Singer, the former Attorney General for the District of Columbia. In that capacity, Ms. Miller managed high-profile legal issues and policy initiatives for the Attorney General and was the Mayor's lead labor and employment lawyer overseeing the transition of the D.C. Public Schools to mayoral control. Ms. Miller also supervised the General Counsels' offices of three District agencies, including the D.C. Public Schools and the Office of the State Superintendent for Education. Her other government experience includes serving as Counsel to the U.S. Senate Committee on the Judiciary, where she worked for Chairman Patrick J. Leahy (VT), and clerking for the Honorable Thomas Penfield Jackson in the U.S. District Court for the District of Columbia. In addition, Ms. Miller spent seven years as a litigator in the private sector, working for Jones Day and Crowell & Moring, LLP.

Ms. Miller's recent publications include "Untapped Potential: Creating a Systematic Model for Mediation Preparation," *Dispute Resolution Journal* (May-August, 2009) and "WARNings for Firms Facing Layoffs or Bankruptcy," *Law360* (January, 2009).

Ms. Miller received her undergraduate degree in Comparative Literature from Dartmouth College, *magna cum laude* and Phi Beta Kappa (A.B., 1996). She received her law degree from Harvard Law School, where she was an editor on the Harvard Human Rights Journal and the Harvard Latino Law Review (J.D., 1999). After graduating, Harvard awarded Ms. Miller the Heyman Fellowship for government service and academic excellence and the Kaufman Fellowship for public service.

Ms. Miller is admitted to practice in Massachusetts and the District of Columbia.

Stefanie M. Ramirez

Stefanie M. Ramirez joined Cohen Milstein as an Associate in 2010. She is a member of the Consumer Protection & Unsafe Products practice group.

Prior to joining the firm, Ms. Ramirez was an associate in the litigation departments of Tannenbaum Helpert Syracuse & Hirschtritt LLP and Proskauer Rose LLP, both in New York, NY. Her practice primarily focused on commercial litigation, labor and employment, bankruptcy, securities, intellectual property and class actions. While in law school, Ms. Ramirez worked as a legal intern at the Alabama American Civil Liberties Union (ACLU).

Ms. Ramirez received her undergraduate degree from the University of Alabama (B.A., *summa cum laude*, 2004) and her graduate degree in English from the University of Alabama (M.A., 2004). She received her law degree from Columbia University School of Law (J.D., 2007), where she was Membership Chair of the Columbia Law Students for Choice, served on the staff of the Journal of Gender and Law, and was a three-time recipient of the Thomas G. Shearman Scholarship.

Ms. Ramirez is admitted to practice in New York, the United States District Court for the Southern District of New York, and the United States District Court for the Eastern District of New York. Her admission to the D.C. Bar is pending.

Daniel B. Rehns

Daniel B. Rehns joined Cohen Milstein as an Associate in 2009 and is a member of the Securities Fraud/Investor Protection practice group. Prior to that time, Mr. Rehns was an Associate at Schoengold Sporn Laitman & Lometti, P.C. (“SSLL”), where he practiced in the areas of securities fraud and consumer class action litigation since 2007.

While at SSLL, Mr. Rehns devoted his practice to the representation of individual and institutional shareholders who had been injured as the result of corporate fraud or corporate malfeasance. Notably, Mr. Rehns represented numerous Taft-Hartley pension funds in securities class actions suits arising from material misstatements in Registration Statements and Prospectuses issued in connection with purchases of Mortgage-Backed Securities (MBS) collateralized by “toxic loans,” including sub-prime, Alt-A and other fraudulently originated mortgages. In addition, Mr. Rehns represented a Taft-Hartley pension fund in a securities fraud class action against SPX Corporation arising from material misrepresentations about SPX’s business segments, free cash flow, and \$45 million of alleged insider sales in the weeks leading up to SPX’s negative disclosure. This matter was successfully litigated and resulted in a \$10 million cash settlement.

Mr. Rehns has also represented classes of consumers of both manufactured and banking products who had purchased defective products or had been defrauded by unfair business practices.

Mr. Rehns earned his Juris Doctorate from New York Law School in 2005 as a Dean’s List recipient. While in law school, Mr. Rehns participated in Froessel Moot Court and was a member of the New York Law School Corporate & Business Law Society. Notably, Mr. Rehns co-authored the first edition of West’s Nutshell on Corporate Financial Law.

Prior to law school, Mr. Rehns received a Bachelor of Arts from Bucknell University in 2002, with a double major in Economics and Finance, and minors in Legal Studies and Philosophy. Mr. Rehns was involved in several school and philanthropic groups, including Sigma Alpha Epsilon Fraternity, Big Brothers/Big Sisters of America and the Dean’s Student Alumni Association.

Mr. Rehns is a resident of Cohen Milstein’s New York office.

Admissions and Affiliations

- New York State
- United States District Court for the Southern District of New York
- United States District Court for the Eastern District of New York

- United States District Court for the District of New Jersey
- American Bar Association
- New York State Bar Association

Kenneth M. Rehns

Kenneth M. Rehns joined Cohen Milstein as an Associate in April 2009 and is a member of the Securities Fraud/Investor Protection practice group. Prior to joining Cohen Milstein, Mr. Rehns was an Associate at Schoengold Sporn Laitman & Lometti, P.C. (“SSL”) where he practiced in the area of securities fraud.

Mr. Rehns earned his law degree from Syracuse University College of Law in 2008 graduating cum laude. While in law school, Mr. Rehns was an associate editor on two of the School’s academic journals, *The Syracuse Journal of International Law and Commerce* and *The Digest*. Mr. Rehns was also a member of the Syracuse University Community Development Law Clinic where he assisted several not-for-profit organizations attain tax-exempt status and served as general counsel to both for-profit and not-for-profit businesses. During the summer of 2007, Mr. Rehns worked at Cohen Milstein in the firm’s International Group.

Before law school, Mr. Rehns received a Bachelor of Business Administration from The George Washington University in 2005, graduating cum laude, with a concentration in Business, Economics and Public Policy and a minor in Economics.

Mr. Rehns is a resident of Cohen Milstein’s New York office.

Admissions and Affiliations

- State of New York
- State of New Jersey
- United States District Court for the Southern District of New York
- United States District Court for the District of New Jersey
- New York State Bar Association
- New York County Lawyers Association

Bruce F. Rinaldi

Bruce Rinaldi joined the Firm in 2004 as Of Counsel and is a member of the Employee Benefits practice group.

After clerking for United States District Judge James A. Walsh in Tucson, Arizona, Mr. Rinaldi taught at the University of Arizona School of Law and was in private practice in Tucson before serving as a Special Counsel in the Office of the General Counsel at the Securities and Exchange Commission. In 1979 he joined the Special Litigation Division in the Office of the Solicitor of Labor as Supervisory Trial Attorney, where he ran the litigation of *Donovan v. Fitzsimmons* (N.D. Ill.), negotiating and drafting a consent decree governing the management of billions of dollars in assets of the Teamsters Central States Pension Fund, which remains in effect today. Mr. Rinaldi also conducted a four month trial of allegations of ERISA fiduciary breaches with respect to the Teamsters Central States Health and Welfare Fund in *Brock v. Robbins* (D.C. N.D. Ill.).

In 1985 Mr. Rinaldi became the Senior Trial Attorney in the Plan Benefits Security Division of the Department of Labor. Mr. Rinaldi litigated a wide range of major fiduciary breach cases brought by the Secretary of Labor under ERISA including the seminal case of *Reich v. Valley National Bank* (S.D.N.Y.), concerning fiduciary breaches in the acquisition of employer stock by an ESOP. In 1989 Mr. Rinaldi joined the Office of Thrift Supervision (“OTS”) as the Associate Chief Counsel for Litigation and directed investigations and enforcement actions under the Financial Institutions Reform, Recovery, and Enforcement Act (“FIRREA”) for fiduciary breaches arising out of failures of thrifts and savings and loan organizations. He directed all of the enforcement actions taken by the OTS against officers, directors, accountants, and attorneys associated with Lincoln Savings and Loan Association, the largest thrift failure in history. *See In re American Continental Corp./Lincoln Sav. & Loan Securities Litigation* (D.C. Ariz.).

In 2000, Mr. Rinaldi left the government for private practice. As the senior litigator at the McTigue Law Firm, Mr. Rinaldi was responsible as co-lead counsel for several cases, including the approved settlement of a case against the fiduciaries of the Morrison Knudson 401(k) plan; *In re McKesson HBOC, Inc. ERISA Litigation* (N.D. Cal.); and *In re CMS Energy ERISA Litigation* (E.D.Mich.).

Mr. Rinaldi earned a B.A. in Political Science from the University of California at Berkeley in 1969, after spending three years as a Peace Corps volunteer in Venezuela, and then received his law degree from the University of California at Davis (King Hall) in 1972.

Mr. Rinaldi is admitted to practice in the District of Columbia and is an inactive member of the Arizona and California Bars.

Sharon K. Robertson

Sharon K. Robertson joined Cohen Milstein as an Associate in 2007 and is a member of the Antitrust practice group.

Ms. Robertson currently represents Registered Nurses employed by hospitals in Albany, Detroit and Memphis in lawsuits alleging that their employers unlawfully fixed their wages in violation of federal antitrust laws. Ms. Robertson is also working on *In re Urethane Antitrust Litigation (Polyether Polyol Cases)* (D. Kan.), where she represents a class of direct purchasers of several types of chemicals who allegedly were overcharged as a result of a nationwide price-fixing and market allocation conspiracy. One defendant, Bayer, already has settled for \$55.3 million and is providing cooperation pursuant to its obligations under the settlement agreement.

Ms. Robertson also represents Indonesian villagers in a lawsuit against Exxon Mobil over torture and extrajudicial killings allegedly committed by the defendant’s security forces (a unit of the Indonesian military).

Before attending law school, Ms. Robertson worked on the campaign committee of Councilman John Liu, the first Asian-American to be elected to New York City’s City Council.

During law school, Ms. Robertson served as an Alexander Fellow. In that capacity, she spent a semester interning full-time for the Honorable Shira A. Scheindlin, United States District Court for the Southern District of New York. She was also an intern in the Litigation Bureau of the Office of the New York State Attorney General and the United States Court of Appeals for the Second Circuit.

Ms. Robertson graduated from the State University of New York at Binghamton, where she received a B.A. in Philosophy, Politics and Law (*magna cum laude*, 2003). She received her law degree from the Benjamin N. Cardozo School of Law (J.D., 2006). She served as Notes Editor of the Cardozo Public Law, Policy and Ethics Journal.

Ms. Robertson is admitted to practice in New York and New Jersey.

Peter Romer-Friedman

Peter Romer-Friedman joined Cohen Milstein in 2009 as an Associate and is a member of the Civil Rights and Employment Practice Group.

Prior to joining the firm, Mr. Romer-Friedman served as labor counsel for the U.S. Senate Committee on Health, Education, Labor and Pensions and its Chairman, Senator Edward M. Kennedy. Mr. Romer-Friedman assisted Chairman Kennedy and other Senators in drafting legislation, speeches, and regulatory comments, and holding hearings on a range of labor, employment, and civil rights issues.

Prior to his work in the Senate, Mr. Romer-Friedman served as a law clerk to the Honorable Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit in Los Angeles.

Mr. Romer-Friedman graduated from the University of Michigan at Ann Arbor with a B.A. in Honors Economics and Social Science (*cum laude* and Phi Beta Kappa, 2001) and Columbia Law School (J.D., 2006), where he was a James Kent Scholar and a Harlan Fiske Stone Scholar. While at Columbia, Mr. Romer-Friedman served as managing editor of the Columbia Journal of Law & Social Problems, authored a Note, *Eliot Spitzer Meets Mother Jones: How State Attorneys General Can Enforce State Wage and Hour Laws*, 39 Colum. J.L. & Soc. Probs. 495 (2006), and was as an extern to the Honorable Shira Scheindlin, U.S. District Court for the Southern District of New York. In addition, he was the recipient of the Emil Schlesinger Labor Prize and the ABA-BNA Award for Excellence in the Study of Labor and Employment Law.

While at Michigan, he received the national Harry S. Truman Scholarship for Public Service and co-founded the Worker Rights Consortium, a non-profit organization that monitors labor rights in apparel factories worldwide.

Prior to law school, Mr. Romer-Friedman was a Legislative Representative for the United Steelworkers of America, and worked for several other labor organizations, including the AFL-CIO, UNITE!, and SEIU.

Mr. Romer-Friedman is admitted to practice in New York, and is practicing under the supervision of Joseph M. Sellers, a member of the D.C. Bar.

Abby Shafroth

Abby Shafroth joined Cohen Milstein as an Associate in 2010 and is a member of the Civil Rights & Employment practice group.

Prior to joining the firm, Ms. Shafroth was a fellow and associate counsel for the Lawyers' Committee for Civil Rights Under Law in the Fair Housing and Employment Discrimination Projects, where she litigated complex civil rights cases challenging exclusionary zoning and employment discrimination.

She also served as a law clerk for the Honorable Richard A. Paez of the United States Court of Appeals for the Ninth Circuit.

Ms. Shafroth graduated from Harvard College with an A.B. in Psychology (*cum laude*, 2004) and Harvard Law School (*cum laude*, 2008). During law school, Ms. Shafroth served as Articles Editor for the *Harvard Law Review* and as Editor for the *Civil Rights - Civil Liberties Law Review*. She also assisted in the employment civil rights group at the WilmerHale Legal Services Center and worked with Ghana Legal Services in studying local health care delivery in rural Ghana. In addition, Ms. Shafroth spent summers working with the Lawyers' Committee for Civil Rights Under Law, Covington & Burling, and the Civil Rights Bureau of the New York State Office of the Attorney General.

Ms. Shafroth is admitted to the New York State Bar and she is practicing under the supervision of Joseph M. Sellers, a member of the D.C. Bar.

John Sifton

John Sifton is the Director of Investigations at Cohen Milstein. He joined the firm in 2010 and is currently working with all of the firm's practices.

Mr. Sifton is an attorney and private investigator. He has experience conducting investigations in the United States and in the Middle East, Asia, and Europe.

Prior to working at Cohen Milstein, Mr. Sifton served as the executive director of One World Research, a public interest research firm, from 2007 to 2010. He also worked at Human Rights Watch from 2001 until 2007: from 2005 to 2007 as the Senior Researcher on Terrorism and Counterterrorism, focusing on the Middle East, South Asia, and Europe, and from 2001 to 2004 as a researcher in Human Rights Watch's Asia Division, focusing on Afghanistan, India and Pakistan. Mr. Sifton worked in 2000 and 2001 for a humanitarian organization, primarily in Afghanistan and Pakistan, and in 1999 for a refugee advocacy organization in Albania and Kosovo.

He has written extensively on human rights, humanitarian aid, security, terrorism and counterterrorism, publishing articles in the International Herald Tribune, Slate, Salon, and the New York Times Magazine and New York Times Book Review. He has testified in the U.S. Congress and before European Parliament and Council of Europe committees.

Mr. Sifton is a graduate of New York University School of Law (JD), with honors, and St. John's College, Annapolis (BA), with honors.

He is admitted to practice in New York and the United States District Court for the Southern District of New York. He is licensed as a private investigator in New York and the District of Columbia.

Richard A. Speirs

Richard A. Speirs joined Cohen Milstein as Of Counsel in 2010 and is a member of the Securities Fraud/Investor Protection practice group. For the past ten years, Mr. Speirs was a partner at Zwerling, Schachter & Zwerling, LLP.

At his former firm, Mr. Speirs served as lead or co-lead counsel in numerous securities fraud class actions throughout the United States. Mr. Speirs successfully litigated numerous national securities

class actions as lead counsel, achieving significant recoveries for investors. Mr. Speirs was also lead or co-lead attorney in several cases where the court issued a seminal decision involving the following subjects: (i) the improper grouping of unaffiliated investors in a lead plaintiff motion; (ii) recommendation of default sanction against auditing firm for discovery misconduct involving electronic audit workpapers; and (iii) the liability under Section 10(b) of a non-issuer for disclosures made by the issuer. Among the successful cases litigated by Mr. Speirs are: *In re BP Prudhoe Bay Royalty Trust Securities Litigation*, (W.D. Wa.) (\$43.5 million recovery); *In re First BanCorp Securities Litigation*, (D.P.R.) (\$74.5 million recovery); *In re Telxon Corp. Securities Litigation*, (N.D. Ohio) (\$40 million recovery); and *Hayman v. PricewaterhouseCoopers, LLP*, (N.D. Ohio) (\$27.9 million recovery). Mr. Speirs has over twenty years of experience representing investors in cases involving complex financial, accounting and auditing issues. He has also represented investors who were victims of fraudulent Ponzi schemes and the sale of unregistered securities. Mr. Speirs also has substantial experience in stockholder litigation involving corporate takeovers and in derivative actions.

Mr. 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, and the United States Court of Appeals for the Second, Ninth and Tenth Circuits. He is a member of the New York State Bar Association. In January 2007 Mr. Speirs was a panelist at the Public Funds Summit and spoke on the topic of *Alternative Investments: Regulatory Landscape and Lessons from the Ashes*.

Education: Brooklyn College of the City University of New York in 1976 cum laude; Brooklyn Law School J.D. 1985 (Order of the Coif).

Robyn Swanson

Robyn Swanson joined Cohen Milstein as an Associate in 2010 and is a member of the Employee Benefits practice group.

Prior to joining the firm, Ms. Swanson worked as a trial attorney in the Plan Benefits Security Division of the U.S. Department of Labor, Office of the Solicitor. While there, she litigated actions brought by the Secretary of Labor under Title I of ERISA, obtaining significant recoveries for plan participants and beneficiaries in cases including *Solis v. Couturier* (E.D.Ca.) (\$12 million) and *Chao v. Magnuson* (N.D.N.Y.) (\$8.6 million). She also represented the Secretary as amicus curiae in matters involving novel and difficult ERISA issues before district courts and the Second, Sixth, Eighth, and Ninth Circuit courts of appeals. She received numerous Annual Achievement Awards from the Secretary for, among other things, her contributions in protecting participant standing to sue under ERISA and preventing the unlawful indemnification of plan fiduciaries.

Ms. Swanson began her legal career in the Department of Labor's Honors Program, where she was responsible for the enforcement and administration of a variety of labor statutes. During law school she worked at the National Center on Poverty Law, the Chicago Legal Clinic, and the Foundation for Human Rights Initiative in Uganda.

Ms. Swanson received her law degree from Northwestern University School of Law in 2004, where she received a certificate in recognition of her distinguished public service. She received her B.A. in International Studies (*cum laude*, Phi Beta Kappa) from the University of Washington.

Ms. Swanson is admitted to practice in Illinois. Her admission to the D.C. Bar is pending.

Catherine A. Torell

Catherine A. Torell is Of Counsel at Cohen Milstein. She joined the Firm in 2002 and is a member of the Securities Fraud/Investor Protection practice group.

Currently, Ms. Torell is involved in the *In re Parmalat Securities Litigation* (S.D.N.Y.) in which Cohen Milstein serves as co-lead Counsel. She also conducts investigations of securities fraud cases for the practice group, working with all of its litigators.

Prior to joining Cohen Milstein, Ms. Torell was associated with the firm of Entwistle & Cappucci LLP, where she served as one of co-lead counsel in *In re Providian Financial Securities Litigation* (\$38 million settlement). In approving the settlement, the Court remarked on the "extremely high quality" and "skill and efficiency" of plaintiffs' counsel's work throughout the litigation. Ms. Torell also was previously associated with Goodkind Labaton Rudoff & Sucharow LLP, where she served as counsel to the New York City Pension Funds in *In re Orbital Sciences Corp. Securities Litigation* (\$22.5 million settlement), and was a key member of the litigation team that successfully resisted defendants' efforts to dismiss the case. Ms. Torell also served as counsel to the Florida State Board of Administration in *LaPerriere v. Vesta Insurance Group, et al.*, and as counsel to Amalgamated Bank of New York in *In re Bristol-Myers-Squibb Securities Litigation* (\$61 million settlement).

Ms. Torell received a B.A. in Political Science from Stony Brook University (1984) and her law degree from St. John's University School of Law (1990) where she was the recipient of the Federal Jurisprudence Award.

Ms. Torell is admitted to practice in New York.

Michelle C. Yau

Michelle Yau joined Cohen Milstein as an Associate in August 2007 and is a member of the Employee Benefits practice group.

Prior to joining the firm Ms. Yau was an attorney in the Solicitor's Office of the U.S. Department of Labor, where she was responsible for the enforcement and administration of a variety of labor statutes. She started with the Department of Labor in the Honors Program where she was involved in several litigation matters, including the Department of Labor's Enron litigation alleging violations of ERISA. During law school Ms. Yau worked in the Employee Benefits and Executive Compensation Group of Shearman & Sterling, at the labor law firm of Segal Roitman & Coleman, and in the New York office of Tibetan Government in exile. Before law school, Ms. Yau worked as a financial analyst at Goldman, Sachs & Co. in the Financial Institutions Group of the Investment Banking Division.

Ms. Yau received her law degree from Harvard Law School in 2003, where she was awarded several public interest fellowships, including the Heyman Fellowship for academic excellence and a demonstrated commitment to federal public service. Ms. Yau received a B.A. in Mathematics (with

distinction, 1997) from the University of Virginia, where she was a member of Phi Beta Kappa and Phi Mu Epsilon (mathematics honors fraternity). Ms. Yau was also selected as an Echols Scholar and awarded the Student Council Scholarship for leadership, academic achievement and community service.

Ms. Yau is admitted to practice in the District of Columbia, Massachusetts, and the United States Court of Appeals for the Fourth Circuit.

David Young

David Young joined Cohen Milstein as an Associate in 2010. He is a member of the Antitrust practice group.

Prior to joining Cohen Milstein, Mr. Young practiced at Arnold & Porter LLP's and Heller Ehrman LLP's Washington, D.C. offices. His litigation practice focused on antitrust, trademark, business, and False Claims Act litigation. He represented the plaintiff in *U.S. ex rel. Loughren v. UnumProvident Corp.* (D. Mass), where a jury found that UnumProvident violated the False Claims Act by causing the submission of false claims for social security disability benefits. He also represented U.S. trademark holders suing to prevent the illegal importation of products bearing their marks in federal court and administrative actions, as well as pro bono clients in discrimination actions before the D.C. Circuit and D.C. District courts. While in law school, Mr. Young worked as a legal intern at the Whitman-Walker Clinic in Washington, D.C.

Mr. Young graduated from Bridgewater College with a B.A. in Physics (2001) and from Harvard Law School (J.D., 2006), where he served as an Executive Editor for the *Harvard Civil Rights-Civil Liberties Law Review* and a research assistant for Professor Christine Jolls.

Mr. Young is admitted to practice in Washington, D.C. and New York, as well as in the U.S. Court of Appeals for the D.C. Circuit, the U.S. Court of Appeals for the Federal Circuit, and the U.S. District Court for the District of Columbia. He is a member of the ABA Section of Antitrust Law.

EXHIBIT C

Friedman Law Offices, PLLC, a nationally recognized law firm based in Washington, DC (with offices in Maryland and California), is particularly well-known for its successful prosecution of consumer class actions. The firm's principal attorney, Philip Friedman, is listed in the Bar Register of Preeminent Lawyers, Maryland Super Lawyers and the District of Columbia Super Lawyers. In addition, Mr. Friedman has similarly obtained Martindale-Hubbell's highest rating for professional legal standards and ethics. Mr. Friedman is a Phi Beta Kappa graduate of the University of California, Berkeley and Stanford Law School.

Mr. Friedman has served as lead counsel in numerous consumer class action, including *Burch v. United Cable Television of Baltimore*, Cir. Ct. Balt. City, Case No. 953111038/CL204287 (Cir. Ct. Balt. City)(1999); *Bassin v. District Cablevision*, Supr. Ct. D.C. Case No. 94 CA11754; *Chmil v. Telecommunications, Inc.* Cir. Ct. Cook Ct., IL Case No. 95 CH 11993; *Marzelek v. Multimedia*, Cir. Ct. Kane County, IL, Case No. LKA 97-0285; *Marshall v. Mile High Cable Partners, L.P.*, D.Ct. Denver County, Co Case No. 95 C.V. 5195; *Littel v. Telecommunications Inc.*, Cir. Ct. Morgan County, IN, Case No. 55D01 9709-CP-00415; *Owens v. Telecommunications, Inc.*, D. Ct., Jefferson County, TX, Case No. E-157-770; *Green v. Adelpia*, Cir. Ct. Kane Cty, IL Case No. LKA 97-0285; *Mannibog v. MediaOne*, Supr. Ct. Los Angeles, Case No. B.C. 195925; *Dua v. Comcast Cable Communications*, Cir. Ct. Balt. County, Case No. 03-C-99-002158; *Grunewald v. Storage USA*, Cir. Ct. Mont. County, Case No. 201546; and *Maisonette v. Comcast Cable Communications*, Cir. Ct. P.G. County, CAL 98-02283; all of which resulted in recoveries and/or substantial equitable relief for the respective plaintiff classes.

More recently, Mr. Friedman has been appointed class counsel *Woods v. Stewart Title Guaranty Company* 2007 WL 2872219 (D. Md. Sept. 17, 2007) (certification granted against title insurer alleging failure to provide consumers with discounted title insurance rates); *Mitchell-Tracey v. United General Title Insurance Co.*, 237 F.R.D. 551 (D. Md. 2006) (class certification granted against title insurers alleging failure to provide discounted rates for title insurance). *Markocki v. Old Republic National Title Insurance Co.*, C.A. No. 06-2422 (E.D. Pa. Nov.6, 2006) (Tucker, J.);(class certification granted against title insurers alleging failure to provide discounted rates for title insurance). *Cohen v. Chicago Title Insurance Company*, C.A. No.06-00873 (E.D. Pa. Sept. 12, 2006) (Sánchez, J.).(class certification granted against title insurers alleging failure to provide discounted rates for title insurance). Interim class counsel appointments in similar title insurance litigation have also been made in *O'Day v. Ticor Title Insurance Company of Florida*, C.A. No. 06-4660 (E.D. Pa. Nov. 7, 2006) (Fullam, J.) and *Guizarri v. Ticor Title Insurance Company*; C.A. No. 06-4630 (E.D. Pa. Nov. 7, 2006) (Fullam, J.) *Wu v. Mamsi Life and Health Company, et al.* CA No. RDB-07-1170 (D.Md.) (class certification granted against health insurer alleging illegal coordination of insurance benefits).

Of notable importance to this litigation, Mr. Friedman has long been involved with privacy rights. In this capacity he currently serves as a board member of the Electronic Privacy Information Center (www.epic.org), the nation's leading advocate of internet privacy rights. EPIC has been at the forefront of exposing the privacy concerns associated with social

networking sites, internet search engines, electronic medical data, and the reidentification of supposedly anonymous consumer data.

In addition to pursuing class litigation, Mr. Friedman is also involved with preserving the integrity of the class action device, particularly in litigation involving privacy concerns. Thus, when a recent case settled in the Northern District of California concerning claims that Facebook violated users' privacy regarding Facebook's collection and use of users' personal information, Mr. Friedman, along with Public Citizen, objected to the settlement on the grounds that Facebook's control of cy pres distributions to a foundation established by Facebook was not fair, reasonable or adequate to the class. See *Lane et al. v. Facebook, Inc. et al.*, Case No. 5:08-CV-03845-RS (N.D. Cal filed Aug. 12, 2008). The propriety of the settlement is presently pending in the Ninth Circuit Court of Appeals.

In addition to trial work, Mr. Friedman is a noted specialist in election law, an expertise that led to his selection as the Deputy General Counsel of the 1992 Clinton/Gore campaign. Mr. Friedman is also the General Counsel of the American-Israel Public Affairs Committee, rated by *Fortune Magazine* as one of the most powerful lobbying groups in Washington, DC.

Reported Cases

Mr. Friedman's work on behalf of consumers has resulted in landmark decisions and several published opinions in multiple courts, including:

Ben-Rafael v. Islamic Republic of Iran, 540 F.Supp.2d 39 (D.D.C. 2008) (awarding family \$65 million against Iran for perpetrating the 1992 bombing of the Embassy of Israel in Argentina)

Snowder v. District of Columbia, 949 A.2d 590 (D.C. 2008) (expanding reach of consumer protections under the District's consumer protection act)

Markocki v. Old Republic National Title Ins. Co. 2008 WL 5159252 (certification of class action against title insurance company for charging excessive title insurance premiums); *see also* 527 F.Supp.2d 413 (denying motion to dismiss underlying claims).

Wood v. Stewart Title Guaranty Co. 2007 WL 2872219 (D.Md. 2007) (certification of class action against title insurance company for charging excessive title insurance premiums)

Cohen v. Chicago Title Insurance Co., 242 F.R.D. 295 (E.D. Pa 2007) (certification of class action against title insurance company for charging excessive title insurance premiums)

Mitchell-Tracey v. United General Title Ins. Co., 237 F.R.D. 551 (D. Md. 2006) (certification of class action against title insurance company for charging excessive title insurance premiums)

Boyd v. Bell Atlantic-Maryland, Inc. 390 Md. 60, 887 A.2d 637 (2005) (successful challenge to settlement of class action that would have paid more to the attorneys than to the class the attorneys purported to represent)

District Cablevision Limited Partnership v. Bassin, 828 A.2d 714 (D.C. 2003) (affirming \$20 million judgment against cable company for charging excessive late fees and establishment of dramatic expansion of remedies under the District's Consumer Protection Procedures Act)

Dua v. Comcast Cable of Maryland, Inc. 370 Md. 604, 805 A.2d 1061 (2002) (affirming vested rights of consumers to claims against cable company and declaring unconstitutional efforts to eliminate such rights retroactively)

United Cable v. Burch, 354 Md. 658, 732 A.2d 887 (1999) (affirming \$13.7 million judgment against cable company for charging excessive late fees)

Federal Election Commission v. Akins, 524 U.S. 11 (1998) (amicus brief arguments adopted in declaring that Federal Election Campaign Act provisions would not apply to membership group)