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11 **IN THE UNITED STATE DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 **SAN JOSE DIVISION**

13 Nancy Graf,) NO. C 10-04680 WHA
/) NO. C 10-04723 JL
14 Shelly Albini,) NO. C 10-04793 EMC
/) NO. C 10-04794 JCS
15 Valerie Gudac, *et al.*,) NO. C 10-04902 HRL
/) NO. C 10-04930 MEJ
16 Howard L. Schreiber,) NO. C 10-04935 SC
/) No. C 10-05192 PVT

17 John Swanson,) **DECLARATION OF ADAM J. LEVITT**
/) **IN SUPPORT OF MAJORITY GROUP**
18 Zena Carmel-Jessup,) **PLAINTIFFS' RESPONSE TO COURT**
/) **ORDER DATED NOVEMBER 12, 2010**
19 Iris Phee, *et al.*,) **REQUESTING COURT SEPARATELY**
/) **CONSOLIDATE RELATED CASES AS**
20 Karen Bryant, *et al.*,) **IN RE: ZYNGA PRIVACY LITIGATION,**
/) **DESIGNATE LEAD PLAINTIFFS AND**
21 Plaintiffs,) **APPOINT CO-LEAD COUNSEL**
/)

22 v.)
23) DATE: N/A
24 Zynga Game Network, Inc., et al.) TIME: N/A
/) JUDGE: Hon. James Ware
25 Defendants.

26 THIS DOCUMENT RELATES TO:)
/)

27 ALL ACTIONS)
/)
28)

1 Pursuant to 28 U.S.C. § 1746, I hereby declare and state as follows:

2 1. I am an attorney admitted to practice in the State of Illinois, and represent Valerie
3 Gudac and Richard Beiles in the *Gudac v. Zynga Game Network, Inc.* putative class action. I am
4 over the age of eighteen and am fully competent to make this declaration. I have personal
5 knowledge of the matters set forth herein and, if called to testify, would be competent to do so.

6 2. In orders dated November 12 and 17, 2010 this Court related eight (8) putative
7 class actions – 1) *Graf v. Zynga*, Case No. CV 10-04680-WHA; 2) *Albini v. Zynga*, Case No. CV
8 10-04723-JL; 3) *Gudac v. Zynga*, Case No. CV 10-04793-EMC; 4) *Schreiber v. Zynga*, Case No.
9 CV 10-04794-JCS; 5) *Swanson v. Zynga*, Case No. CV 10-04902-HRL; 6) *Carmel-Jessup v.*
10 *Facebook; Zynga*, Case No. CV 10-04930-MEJ; 7) *Phee v. Facebook; Zynga*, Case No. CV 10-
11 04935-SC; and 8) *Bryant v. Facebook; Zynga*, Case No. CV 10-5192-PV (collectively, the “Zynga
12 Cases”) – to *In Re: Facebook Privacy Litigation*, Case No. CV-10-02389-JW (“*In Re Facebook*”).

13 3. In its November 12, 2010 Order (“Order”), the Court invited the parties in these
14 actions to brief whether the Zynga Cases should be consolidated into *In Re Facebook* or
15 consolidated into a separate action, *In Re: Zynga Litigation*, and further directed that “[i]n their
16 briefs, the parties shall nominate Lead Plaintiffs as well as Lead Counsel.” Order at 3:16-17.

17 4. As the result of a continuing private ordering process that began well before the
18 Court’s November 12, 2010 Order, which I detail further below, plaintiffs in the majority of the
19 Zynga Cases (*Graf, Albini, Gudac, Schreiber, and Swanson*, collectively, the “Majority Plaintiffs
20 Group”) decided it would be in the best interests of the putative class to jointly respond to the
21 Court’s November 12, 2010 Order.

22 5. I make this Declaration in support of the Majority Plaintiffs Group’s Response to
23 this Court’s Order Dated November 12, 2010. In their response, the Majority Plaintiffs Group
24 respectfully request that the Court consolidate all related Zynga Cases as *In Re Zynga Litigation*,
25 designate Richard Beiles, Nancy Graf, Howard L. Schreiber and John Swanson as Lead Plaintiffs
26 and appoint Adam J. Levitt of Wolf Haldenstein Adler Freeman & Herz LLP, Jonathan Shub of
27 Seeger Weiss LLP, and Michael Aschenbrener of Edelson McGuire LLC as Plaintiffs’ Co-Lead
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1 Counsel.

2 **Consolidation**

3 6. The Majority Group Plaintiffs support consolidation of the Zynga Cases as *In Re:*
4 *Zynga Litigation* and oppose consolidation of the Zynga Cases into *In Re Facebook*.

5 7. I have spoken with or attempted to speak with counsel for plaintiffs in the two
6 Zynga Cases (*Phee* and *Bryant*) that are not part of the Majority Plaintiffs Group. Based on these
7 conversations, it is my understanding that the *Phee* plaintiffs also support consolidation of the
8 Zynga Cases as *In Re: Zynga Litigation* and oppose consolidation of the Zynga Cases into *In Re*
9 *Facebook*. Despite my repeated efforts to meet and confer with counsel for the *Bryant* plaintiffs
10 about this consolidation issue, I was unable to obtain a response reflecting the *Bryant* plaintiffs'
11 position prior to the deadline for filing the Majority Plaintiffs Group's response to the Court's
12 November 12, 2010 order. On November 22, 2010, I spoke with Adam Gutride, plaintiff's
13 counsel in *Carmel-Jessup v. Facebook; Zynga*, Case No. CV 10-04930, who advised me that Ms.
14 Carmel-Jessup would be dismissing her lawsuit in its entirety.

15 8. I have also spoken with designated interim class counsel for plaintiffs in *In Re*
16 *Facebook*. Based on these conversations, it is my understanding that the *In Re Facebook* plaintiffs
17 also oppose consolidation of the Zynga Cases into *In Re Facebook* and believe that the Zynga
18 Cases should be collectively treated as a separate action.

19 9. It is thus my understanding that the vast majority of virtually all of the plaintiffs
20 and counsel in these actions oppose consolidation of the Zynga Cases into *In Re Facebook*.

21 10. Although plaintiffs in the Zynga Cases did not oppose the finding that the cases are
22 "related" to *In Re Facebook* within the meaning of Local Court Rule 3-12(a), the Majority Group
23 Plaintiffs oppose consolidation of the Zynga Cases into *In Re Facebook* for several reasons.

24 11. First, I have reviewed the complaints in all of the Zynga Cases as well as the
25 Consolidated Class Action Complaint in *In Re Facebook*, and they differ in a number of
26 substantial ways:

1 a. **Different Disclosing Parties:** The Zynga Cases allege Zynga committed
2 wrongs with regards to class members' personally identifiable information ("PII"); the *In Re*
3 *Facebook* complaint alleges Facebook committed wrongs with regards to class members' PII;

4 b. **Different Recipients of PII:** The Zynga Cases involve alleged PII
5 transmission to Zynga's advertisers; *In Re Facebook* involves alleged PII transmission to
6 Facebook's advertisers;

7 c. **Different Privacy Policies:** The common law claims in the Zynga Cases
8 involve Zynga's breach of Zynga's privacy policy; the common law claims in *In Re Facebook*
9 involve Facebook's breach of Facebook's privacy policy;

10 d. **Different Classes:** In several of the Zynga Cases, and in an anticipated
11 Consolidated Zynga Class Action Complaint, plaintiffs bring an action on behalf of a class of all
12 users of Zynga's Facebook applications; the *In Re Facebook* complaint names a class of "all
13 Facebook users in the United States who, at any time after May 28, 2006 clicked on a third-party
14 advertisement displayed on Facebook.com[.]" Although several individuals may indeed be
15 members of both classes, the acts that make an individual a member of either class are entirely
16 different (using a Zynga Facebook application versus clicking on an ad in Facebook); and

17 e. **Different Modes of PII transmission:** The Zynga Cases allege that Zynga
18 automatically transmitted user PII to third-parties when a Zynga user loaded a Zynga application
19 into their browser, without requiring users to click on advertisements. The *In Re Facebook*
20 plaintiffs, on the other hand, allege that Facebook transmitted PII to advertisers only when
21 Facebook users clicked on display advertisements.

22 12. Second, because of these differences, consolidating the Zynga Cases with *In Re*
23 *Facebook* will be to the detriment of both classes by requiring them to monitor and address issues
24 that only pertain to one of them.

25 13. Third, because of these differences, consolidating the Zynga Cases with *In Re*
26 *Facebook* will impede judicial efficiency.

1 14. Finally, as these cases have already been related, plaintiffs in the Zynga Cases can
2 enjoy the benefit of coordinated discovery without the corresponding detriment of consolidation.

3 **Leadership**

4 15. As noted above, the Majority Plaintiffs Group, representing the majority of
5 plaintiffs and counsel in the Zynga Cases, have nominated Adam J. Levitt of Wolf Haldenstein
6 Adler Freeman & Herz LLP, Jonathan Shub of Seeger Weiss LLP, and Michael Aschenbrener of
7 Edelson McGuire LLP as Plaintiffs' Co-Lead Counsel.

8 16. On October 18, 2010, one of Proposed Co-Lead Counsel filed *Graf v. Zynga*, Case
9 No. CV 10-04680-WHA, the first filed of the now-related Zynga Cases.

10 17. From the earliest stages of this litigation, Proposed Co-Lead Counsel have
11 communicated via email, phone, and/or in person with plaintiffs' counsel in all of the Zynga Cases
12 and with counsel for Zynga, and in doing so have built constructive relationships with all counsel.

13 18. Proposed Co-Lead Counsel have also undertaken substantial steps to move to the
14 merits of the Zynga Cases as quickly as possible.

15 19. Specifically, Proposed Co-Lead Counsel:

16 a. Sent a letter to Zynga's general counsel respectfully requesting that they
17 immediately commence and implement a specific course of corrective and remedial conduct on
18 October 26, 2010;

19 b. Sent letters to all plaintiffs' counsel in the as-then-filed Zynga Cases on
20 October 27, 2010 to set up an organizational conference call;

21 c. Led such an organizational conference call on October 29, 2010 in which
22 plaintiffs discussed substantive aspects of the Zynga Cases and began to reach consensus
23 regarding private ordering of case leadership in the best interests of the class;

24 d. Engaged in E-discovery preparation and document preservation efforts by
25 sending a document preservation request to Zynga's general counsel on October 29, 2010 and
26 developing electronic discovery protocols;

27 e. Consulted with the top experts in the Internet privacy field;

1 f. Reached out to counsel in the *Phee* and *Bryant* cases after those plaintiffs
2 placed complaints on file in an attempt to continue the Majority Plaintiffs Group largely
3 successful private ordering of plaintiffs;

4 g. Led another organizational conference call among plaintiffs counsel in the
5 all as-then-filed Zynga Cases on November 1, 2010;

6 h. Worked with all plaintiffs' counsel to develop a uniform position on
7 relatedness to minimize duplication of effort;

8 i. Corresponded with Zynga's counsel by e-mail and phone on several
9 occasions on the relatedness issue;

10 j. Met with Zynga's counsel in person in San Francisco on November 16,
11 2010 to further address procedural and substantive aspects of the Zynga Cases; and

12 k. Began the process of coordinating the research and preparation of a
13 consolidated amended complaint based on the likelihood of the Zynga Cases being consolidated so
14 that a Consolidated Amended Complaint can be filed within twenty-one (21) days of these cases
15 being consolidated.

16 20. As a result of the above leadership and extensive case preparation efforts, the
17 Majority Plaintiffs Group nominated Proposed Co-Lead Counsel as such even though each of the
18 complaints prepared by the firms comprising the Majority Plaintiffs Group were investigated and
19 prepared independently from each other.

20 21. Thus, Proposed Co-Lead Counsel have worked closely with counsel for all
21 plaintiffs in the Zynga Cases. They have demonstrated an active interest in reaching out to other
22 plaintiffs' firms so as to share information and maximize the coordination of efforts on behalf of
23 the putative class members. From the beginning of this litigation, members of the Proposed Co-
24 Lead Counsel team contacted every law firm involved in these actions to not only discuss and
25 share information and analysis about the legal landscape, but also to offer cooperation and
26 assistance going forward. Indeed Proposed Co-Lead Counsel have discussed the merits and issues
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involved in this litigation, and have organized these firms to the maximum extent possible with respect to these related proceedings.

Experience

22. Proposed Co-Lead Counsel's firms are each highly respected leaders in the plaintiffs' class action bar and have notable experience in complex class action litigation and large, highly publicized consumer protection matters, including specifically internet privacy class litigation. A true and accurate copy of each firm's resume is attached hereto as **Exhibits 1, 2 and 3**, respectively.

23. Proposed Co-Lead Counsel also have extensive individual electronic privacy class action experience:

a. I was lead or co-lead counsel in all of the following seminal electronic privacy actions: In re Amazon.Com, In. / Alexa Internet Privacy Litigation (W.D. Wash.), In re RealNetworks, Inc. Privacy Litigation (N.D. Ill.), In re DoubleClick, Inc. Privacy Litigation (S.D.N.Y.), and Chance v. Avenue A, Inc. (W.D. Wash.). Moreover, several of the Internet privacy cases I have led, including those listed above, are the key cases in the Internet privacy field and have been instrumental in creating the jurisprudential framework for this type of class and direct litigation. *See, e.g., Supnick v. Amazon.com, Inc.*, No. C00-0221P, 2000 U.S. Dist. LEXIS 7073, 3-5 (W.D. Wash. May 18, 2000) (first ECPA case in which nationwide class was certified; court held that "interpretation of the relevant privacy policies presents a common question of law or fact that can be resolved by this Court."); *Chance v. Avenue A, Inc.*, 165 F. Supp. 2d 1153, 1162 (W.D. Wash. 2001) (denying defendant's summary judgment motion and defining the "consent" issue in the ECPA context, holding, inter alia, that "[i]t is implicit in the web pages' code instructing the user's computer to contact Avenue A, either directly or via DoubleClick's server, that the web pages have consented to Avenue A's interception of the communication between them and the individual user."); *Blumofe v. Pharmatrak, Inc. (In re Pharmatrak, Inc. Privacy Litig.)*, 329 F.3d 9, 21-22 (1st Cir. 2003) (reversing district court on grounds that defendant pharmaceutical companies did not give data aggregator the requisite

1 consent to collect PII from website users and that and that collection of information from URL
2 query string referrer header constitutes an interception under the ECPA).

3 b. Jonathan Shub has extensive experience in privacy and electronic
4 communications class actions. He was actively involved in the early privacy cases against Real
5 Networks and DoubleClick. *In re RealNetworks, Inc. Privacy Litigation* (N.D. Ill.), and *In re*
6 *DoubleClick, Inc. Privacy Litigation* (S.D.N.Y.). Most recently, he served as counsel in a class
7 action against Google related to privacy violations relating to its social networking program
8 known as “Buzz.” *In re: Google Buzz Privacy Litigation* (N.D.Ca.). Mr. Shub was also recently
9 appointed interim class counsel in *In Re Facebook PPC Advertising Litig.*, (N.D.Ca.); and

10 c. Michael Aschenbrener has litigated some of the largest electronic privacy
11 class actions in the country, including *Gawronski, et al. v. Amazon* (W.D. Wash.), *In Re: T-Mobile*
12 *Sidekick Litigation*, (N.D. Cal.) (in which Mr. Aschenbrener was appointed interim class co-
13 counsel), *Claridge v. RockYou* (N.D. Cal.), *Turner v. Storm8* (N.D. Cal.) (in which Mr.
14 Aschenbrener is lead counsel), *Simon v. AdZilla*, (N.D. Cal.), *Valentine v. NebuAd*, (N.D. Cal.),
15 *Standiford v. Palm* (N.D. Cal.) and *Robins v. Spokeo* (C.D. Cal.). He was also appointed to serve
16 as interim class counsel in *In Re: Facebook Privacy Litigation*.

17 24. Members of the Proposed Co-Lead Counsel group have prosecuted electronic
18 privacy actions against other leading technology companies. By directing and participating in
19 these other litigations, Proposed Co-Lead Counsel bring a unique perspective to the claims at issue
20 here and through their in-court efforts and their outside work as well, have acquired an
21 unparalleled in-depth familiarity with the applicable law.

22 25. Members of the Proposed Co-Lead Counsel group have lectured at data security
23 and privacy conferences and class action conferences. For example, I was the sole plaintiffs’
24 lawyer invited to address the International Association of Privacy Professionals at its 2009
25 conference: “Privacy Litigation: The Evolution in Theories and Outcomes,” International
26 Association of Privacy Professionals “Privacy Academy” 2009 (Boston, Massachusetts,
27 September 2009).

1 26. Members of the Proposed Lead Counsel group's firms also have extensive
2 electronic discovery experience. For example, Edelson McGuire partner Steven Teppler serves on
3 the Seventh Circuit's eDiscovery Committee and as co-Chair of the American Bar Association's
4 Electronic Discovery and Digital Evidence Committee. And in May 2010, Edelson McGuire co-
5 hosted the Electronic Discovery and Digital Evidence Practitioners' Workshop at Chicago-Kent
6 College of Law.

7 **Commitment**

8 27. Proposed Co-Lead Counsel members are committed to prosecuting this action to
9 the benefit of putative class members.

10 28. Proposed Co-Lead Counsel have the resources necessary to represent the proposed
11 class and have already demonstrated a willingness to expend these resources to properly and
12 efficiently prosecute these actions. Moreover, not only have Proposed Co-Lead Counsel already
13 expended and otherwise committed significant resources to this litigation through their factual and
14 legal research, claims crafting and organizational leadership, but, based on their extensive
15 experience in the Internet privacy class action litigation field, my Firm and the Seeger Weiss and
16 Edelson McGuire firms each understand the personnel and capital resources required to litigate
17 these types of cases and are prepared to expend those resources, as needed, to successfully
18 prosecute these claims on behalf of the proposed Class.

19 29. Proposed Co-lead Counsel's three-firm leadership group is also appropriate. In *In*
20 *re Google, Inc. Street View Elec. Comm'n Lit.*, No. C 10-MD-02184 JW (N.D. Cal. Oct. 8, 2010)
21 (ECF No. 47) ("*Google Street View*"), this Court appointed a majority-supported, three-firm
22 leadership group, holding that a critical factor in appointing interim leadership is whether the
23 proposed lead counsel have the majority support of counsel in the related actions. *See Google*
24 *Street View* at 3 ("More importantly, [proposed Co-Lead Counsel] share the support of a majority
25 of counsel and Plaintiffs in this action and would be best positioned to leverage the resources,

26 //

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1 energy and experience of the various firms involved.”). A copy of this opinion is attached hereto
2 as **Exhibit 4.**

3 DATED: November 22, 2010

4 /s/ Adam J. Levitt

ADAM J. LEVITT

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EXHIBIT 1

**FIRM
RESUME**

**WOLF
HALDENSTEIN
ADLER FREEMAN
& HERZ LLP**

WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP

Founded in 1888, Wolf Haldenstein Adler Freeman & Herz LLP is a full service law firm with practice groups in corporate/tax, pension/benefits, real estate, trusts and estates, healthcare, bankruptcy, limited partnerships, and civil and commercial litigation. The Firm has a particular specialty in complex class action litigation – including shareholder, antitrust, ERISA, consumer, and technology litigation – under both federal and state law.

Wolf Haldenstein's total practice approach, supported by the Firm's mid-range size, distinguishes the Firm from other firms. Our longstanding tradition of a close attorney/client relationship ensures that each one of our clients receives prompt, individual attention and does not become lost in an institutional bureaucracy. Our team approach is at the very heart of Wolf Haldenstein's practice. All of our lawyers are readily available to all of our clients and to each other. The result of this approach is that we provide our clients with an efficient legal team having the broad perspective, expertise and experience required for any matter at hand. We are thus able to provide our clients with cost effective and thorough counsel focused on our clients' overall goals.

The Firm's offices are located at Symphony Towers, 750 B Street, Suite 2770, San Diego, California 92101, telephone: (619) 239-4599, fax: (619) 234-4599; 55 West Monroe Street, Suite 1111, Chicago, Illinois 60603, telephone: (312) 984-0000, fax: (312) 984-0001 (Wolf Haldenstein Adler Freeman & Herz LLC); 270 Madison Avenue, New York, New York 10016, telephone: (212) 545-4600, fax: (212) 545-4653; and 625 North Flagler Drive, West Palm Beach, Florida 33401. The Firm's web site address is www.whafh.com.

THE FIRM

Wolf Haldenstein's Class Action Litigation Group has been recognized by courts throughout the country as being highly experienced in complex litigation, particularly with respect to securities, consumer, ERISA, and antitrust class actions and shareholder rights litigation. The Class Action Litigation Group consists of 35 attorneys and 10 paraprofessional assistants. Brief resumes of these attorneys begin on page 19.

Also included are the resumes of attorneys from other areas of the Firm's practice who routinely lend their expertise to the Firm's class action litigators in the areas of tax, bankruptcy, corporate, trusts, labor, and ERISA law. The ability to call upon the internal expertise of practitioners in such varied areas of the law greatly enhances the strength and efficiency of the Firm's representative litigation practice and, indeed, makes Wolf Haldenstein unique among national firms specializing in class action litigation.

The nature of the Firm's activities in representative litigation is extremely broad. In addition to a large case load of securities fraud and other investor class actions, Wolf Haldenstein has represented classes of corn and rice farmers in connection with the devaluation of their crops; contact lens purchasers for contact lens manufacturers' violations of the antitrust laws; merchants compelled to accept certain types of debit cards; insurance policyholders for insurance companies' deceptive sales practices; victims of unlawful strip searches under the civil rights laws; and various cases involving violations of Internet users' privacy rights.

The Firm's experience in class action securities litigation, in particular public shareholder rights under state law and securities fraud claims arising under the federal securities laws and regulations, including the Private Securities Litigation Reform Act of 1995 ("PSLRA"), is particularly extensive. The Firm was one of the lead or other primary counsel in securities class action cases that have recouped billions of dollars on behalf of investor classes, in stockholder rights class actions that have resulted in billions of dollars in increased merger consideration to shareholder classes, and in derivative litigation that has recovered billions of dollars for corporations.

Among its colleagues in the plaintiffs' securities bar, as well as among its adversaries in the defense bar, Wolf Haldenstein is known for the high ability of its attorneys, the exceptionally high quality of its written and oral advocacy on behalf of class action clients, and its pioneering efforts in difficult or unusual areas of securities or investor protection laws, including: groundbreaking claims that have been successfully brought under the Investment Company Act of 1940 regarding fiduciary responsibilities of investment companies and their advisors toward their shareholders; claims under ERISA involving fiduciary duties of ERISA trustees who are also insiders in possession of adverse information regarding their fund's primary stockholdings; the fiduciary duties of the directors of Delaware corporations in connection with change of control transactions; the early application of the fraud-on-the-market theory to claims against public accounting firms in connection with their audits of publicly traded corporations; and the application of federal securities class certification standards to state law claims often thought to be beyond the reach of class action treatment.

Wolf Haldenstein's performance in representative litigation has repeatedly received favorable judicial recognition. The following representative judicial comments over two decades indicate the high regard in which the Firm is held:

- *K.J. Egleston L.P. v. Heartland Industrial Partners, et al.*, 2:06-13555 (E.D. Mich.) – where the Firm was Lead Counsel, Judge Rosen, at the June 7, 2010 final approval hearing, praised the Firm for doing “an outstanding job of representing [its] clients,” and further commented that “the conduct of all counsel in this case and the result they have achieved for all of the parties confirms that they deserve the national recognition they enjoy.”
- *Parker Friedland v. Iridium World Communications, Ltd.*, 99-1002 (D.D.C.) – where the Firm was co-lead counsel, Judge Laughrey said (on October 16, 2008), “[a]ll of the attorneys in this case have done an outstanding job, and I really appreciate the quality of work that we had in our chambers as a result of this case.”
- *In re Dynamic Random Access Memory Antitrust Litigation*, MDL-02-1486 (N.D. Cal.) – where the Firm was co-lead counsel, Judge Hamilton said (on August 15, 2007), “I think I can conclude on the basis with my five years with you all, watching this litigation

progress and seeing it wind to a conclusion, that the results are exceptional. The percentages, as you have outlined them, do put this [case] in one of the upper categories of results of this kind of [antitrust] class action. I am aware of the complexity . . . I thought that you all did an exceptionally good job of bringing to me only those matters that really required the Court's attention. You did an exceptionally good job at organizing and managing the case, assisting me in management of the case. There was excellent coordination between all the various different plaintiffs' counsel with your group and the other groups that are part of this litigation. . . . So my conclusion is the case was well litigated by both sides, well managed as well by both sides."

- *In re Comdisco Sec. Litigation*, 01 C 2110 (N.D. Ill. July 14, 2005) – Judge Milton Shadur observed: "It has to be said . . . that the efforts that have been extended [by Wolf Haldenstein] on behalf of the plaintiff class in the face of these obstacles have been exemplary. And in my view [Wolf Haldenstein] reflected the kind of professionalism that the critics of class actions . . . are never willing to recognize. . . . I really cannot speak too highly of the services rendered by class counsel in an extraordinary difficult situation."
- *In re MicroStrategy Securities Litigation*, 150 F. Supp. 2d 896, 903 (E.D. Va. 2001) – where the Firm was co-lead counsel, Judge Ellis commented: "Clearly, the conduct of all counsel in this case and the result they have achieved for all of the parties confirms that they deserve the national recognition they enjoy."
- *In Re Toys R Us Antitrust Litigation*, 98 MDL 1211 (NG), 191 F.R.D. 347, 351, 356 (E.D.N.Y. 2000) – where the Firm served as co-lead and liaison counsel, Judge Gershon wrote: "Class counsel are highly skilled and experienced and can fairly and adequately represent the interests of the class Counsel for both the class plaintiffs and the States have well-earned the compensation that they request."
- *Yud v. Saf T Lok*, No. 98-8507-Civ-Hurley (S.D. Fla. Dec. 15, 1999) – where the Firm was sole lead counsel, the court stated: "The attorneys have done an outstanding amount of work and fine legal

work in a short period of time to bring this class action to resolution in a successful fashion.”

- *Kurzweil v. Philip Morris Companies*, 94 Civ. 2373, 94 Civ. 2546 (MBM) (S.D.N.Y. Nov. 13, 1998) – where the Firm was sole lead counsel, then Chief Judge Mukasey, in approving a \$116.5 million settlement stated: “In this case, this represents a lot of good, hard, serious work by a lot of talented lawyers and I appreciate it on both sides.”
- *Paramount Communications v. QVC Network Inc.*, 637 A.2d 34, 37 n.2 (Del. 1994) – where the Firm was co-lead counsel for the Paramount shareholders, the Supreme Court of Delaware noted “its appreciation of . . . the professionalism of counsel in this matter in handling this expedited litigation with the expertise and skill which characterize Delaware proceedings of this nature.” The Court further “commended the parties for their professionalism in conducting expedited discovery, assembling and organizing the record, and preparing and presenting very helpful briefs, a joint appendix, and oral argument.”
- *In re Laser Arms Corp. Securities Litigation*, 794 F. Supp. 475, 496 (S.D.N.Y. 1989) – where the Firm was lead counsel, the Court stated “plaintiffs’ counsel have demonstrated their experience in securities litigation and the Court is confident that counsel will proceed vigorously on behalf of all class and subclass members.”
- *In re Public Service Co. of Indiana Derivative Litigation*, 125 F.R.D. 484, 486 (S.D. Ind. 1988) – concerning the construction of the Marble Hill Nuclear Power Plant, where the Firm was lead counsel, the court said: “Throughout the life of this litigation, it has been both vigorously prosecuted and aggressively defended by thoroughly competent counsel on all sides.”
- *In re Public Service Co. of New Hampshire Derivative Litigation*, 84-220-D (D.N.H. 1986) – involving the construction of the Seabrook Nuclear Power Plant, where the Firm was lead counsel, the court said of plaintiffs’ counsel that “the skill required and employed was of the highest caliber.”

- *In re Warner Communications Securities Litigation*, 618 F. Supp. 735, 749 (S.D.N.Y. 1985) – where the Firm served as co-lead counsel, the court noted the defendants’ concession that “‘plaintiffs’ counsel constitute the cream of the plaintiffs’ bar.’ The Court cannot find fault with that characterization.”
- *Steiner v. Equimark Corp.*, No. 81-1988 (W.D. Pa. 1983) – a case involving complex issues concerning banking practices in which the Firm was lead counsel, then District Judge Mannsman described, in part, the work the Firm performed:

We look at the complexity of the issue, the novelty of it, the quality of work that, as the trial judge, I am able to perceive, and then, finally, the amount of recovery obtained: I think I have certainly said a lot in that regard. I think it’s been an extraordinary case. I think it’s an extraordinary settlement. Certainly defense counsel and plaintiffs’ counsel as well are all experienced counsel with a tremendous amount of experience in these particular kinds of cases. And under those circumstances . . . I think it was, really, the strategy and ingenuity of counsel in dividing up the workload and strategizing the cases as to who was to do what and what ultimately should be done to bring about the settlement that was achieved.

CURRENT CASES

Wolf Haldenstein is a leader in the class action litigation field and is currently the court-appointed lead counsel, co-lead counsel, or executive committee member in some of the largest and most significant class action lawsuits currently pending across the United States, including:

- *The Investment Committee of the Manhattan and Bronx Surface Transit Operating Authority Pension Plan v. JPMorgan Chase Bank., N.A.* (Securities Lending Class Action), 09-cv-4408 (SAS) (S.D.N.Y.).
- *Newman v. Family Management, et al.* (Madoff feeder fund litigation re FM Low Volatility Fund LP), 08-cv-11215 (LBS) (S.D.N.Y.).

- *In re Tremont Securities Law, State Law and Insurance Litigation, Insurance Action*, (Madoff related litigation against certain insurance companies, investment advisors and funds), 09-cv-557 (TPG) (S.D.N.Y.).
- *In re Initial Public Offering Securities Litigation*, 21 MC 92 (SAS) (S.D.N.Y.).
- *Inland Western Securities Litigation*, Case No. 07 C 6174 (N.D. Ill.)
- *In re Adelpia Communications Corp. Securities and Derivative Litigation* (“Adelpia Business Actions”), 03-ML 1529, 03 CV 5755 (LMM) (S.D.N.Y.).
- *In re Triad Hospitals, Inc. Shareholder Litigation*, Case No. 296-00435-07 (Tex. 296th Dist. Ct.).
- *Clear Channel Shareholder Litigation*, Cause No. 2006-CI-17492 (Tex. 408th Dist. Ct.)
- *In re American Pharmaceutical Partners, Inc. Shareholder Litigation*, Consolidated C.A. No. 1823-N (Del. Ch. Ct.).
- *In re Thornburg Mortgage, Inc. Securities Litigation*, No. 07-815 (D.N.M.).
- *In re General Growth Properties, Inc. ERISA Litigation*, Master File No. 08-cv-6680 (N.D. Ill.).
- *In re Lehman Brothers ERISA Litigation*, 08-CV-5598 (LAK) (S.D.N.Y.).
- *In re Schering-Plough Corporation ENHANCE ERISA Litigation*, No. 08 Civ. 1432 (D.N.J.).
- *In re UBS AG ERISA Litigation*, 1:08-cv-6696 (S.D.N.Y.).
- *In re Morgan Stanley ERISA Litigation*, 07 Civ. 11285 (S.D.N.Y.).
- *Harris v. Amgen, Inc., et al.*, Case No. CV 07-5442-PSG (C.D. Cal.).
- *Comcast Corp. ERISA Litigation*, C.A. No. 08-773 (E.D. Pa.).

- *In re American Express ERISA Litigation*, 08-CV-10834 (S.D.N.Y.).
- *In re Textron Inc. ERISA Litigation*, 09-CV-542 (D.R.I.).
- *In re Genetically Modified Rice Litigation*, MDL No. 1811 (E.D. Mo.).
- *In re Sulfuric Acid Antitrust Litigation*, Master File No. 03 C 4576 (N.D. Ill.).
- *In re McDonough, et al. v. Toys "R" Us, Inc., et al.*, No 2:06 CV 00242-AB (E.D. Pa.).
- *In re Evanston Northwestern Healthcare Corp. (ENH) Antitrust Litigation*, No. 07-4446-JHL (N.D. Ill.).
- *In re Vytarin/Zetia Marketing, Sales Practices and Products Liability Litigation*, No. 2:08-cv-285 (D.N.J.).
- *In re Northstar Education Finance, Inc. Contract Litigation*, No. 08-MD-01990 (D. Minn.).
- *In re Jamster Marketing Litigation*, MDL No. 1751 (S.D. Cal.).
- *In re Apple & AT&TM Antitrust Litigation*, Master File No. C07-5152 (N.D. Cal.).
- *In re Dairy Farmers of America, Inc. Cheese Antitrust Litigation*, MDL No. 2031 (N.D. Ill.).

Beginning on page 36 is a representative listing of cases in which the Firm has been lead or one of the plaintiffs' primary counsel and the results achieved in those cases. In addition, a representative list of published decisions in cases in which Wolf Haldenstein has played a lead or other significant role begins on page 40.

DERIVATIVE CASES

Wolf Haldenstein is a leader in the derivative litigation field and is currently leading counsel in some of the most significant derivative actions pending in the United States, including:

- *In re Mutual Fund Investment Litigation*, MDL No. 1586 (D. Md.).

- *AIG, Inc. Consolidated Derivative Litigation*, C.A. No. 769-N (Del. Ch. Ct.).
- *In re Bank of America Corporation Stockholder Derivative Litigation*, C.A. No. 4307-VCS (Del. Ch. Ct.).
- *In re Citigroup, Inc. Shareholder Derivative Litigation*, C.A. No. 3338-cc (Del. Ch. Ct.).
- *In re Ambac Financial Group, Inc. Shareholder Derivative Litigation*, C.A. No. 3521-VCL (Del. Ch. Ct.).
- *In re Silicon Storage Technology, Inc. Derivative Litigation*, No. 606-04310JF (N.D. Cal.).
- *In re MBIA Derivative Action*, 08 Civ. 1515 (KTK) (S.D.N.Y.).
- *In re Atmel Corp. Derivative Litigation*, Master File No. 06-4592 JF (HRL) (N.D. Cal.).
- *In re Novellus Systems, Inc. Derivative Litigation*, Master File No. C 06-03514 RMW (N.D. Cal.).
- *In re Verisign, Inc. Derivative Litigation*, Master File No. C-06-4165-PJH (N.D. Cal.).
- *In re Huron Consulting Group, Inc. Derivative Litigation*, 09-cv-6284 (N.D. Ill.).

ANTITRUST LITIGATION

Wolf Haldenstein is a leader in the field of antitrust and competition litigation. The Firm actively seeks to enforce the federal and state antitrust laws to protect and strengthen the rights and claims of businesses, organizations, and consumers throughout the United States. To that end, Wolf Haldenstein commences large, often complex, antitrust and trade regulation class actions and other cases that target some of the most powerful and well-funded corporate interests in the world. Many of these interests exert strong influence over enforcement policy that is in the hands of elected officials, so that private enforcement provides the only true assurance that unfair and anticompetitive conduct will be duly scrutinized for compliance with the law. These cases frequently bring to light

concealed, unlawful behavior such as price fixing, monopolization, market allocation, monopoly leveraging, essential facilities, tying arrangements, vertical restraints, exclusive dealing, and refusals to deal. Wolf Haldenstein's Antitrust Practice Group has successfully prosecuted numerous antitrust cases and aggressively advocates remedies and restitution for businesses and investors wronged by violations of the antitrust laws.

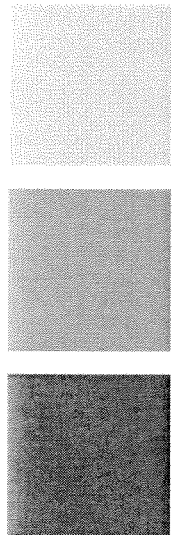
Wolf Haldenstein attorneys currently serve as lead counsel, co-lead counsel, or as executive committee members in some of the largest and most significant antitrust class action lawsuits, including:

- *In re Dairy Farmers of America, Inc. Cheese Antitrust Litigation*, MDL No. 2031 (N.D. Ill.) – Consolidated litigation alleging manipulation of cheese and milk futures to raise prices of dairy products.
- *In re Evanston Northwestern Healthcare Corp.*, No. 06-4446-JHL (N.D. Ill.) – Illegal monopolization and attempted monopolization of relevant market.
- *In re McDonough, et al. v. Toys “R” Us, Inc., et al.*, No 2:06 CV 00242-AB (E.D. Pa.) – Retail price maintenance antitrust litigation. Class certification was recently granted under the Third Circuit’s standards for class certification as clarified by *In re Hydrogen Peroxide*, 552 F.3d 305 (3d Cir. 2008).
- *In re Text Messaging Antitrust Litigation*, No. 08-C-7082-MFK (N.D. Ill.) – Horizontal price fixing litigation. Antitrust suit alleging that the four national wireless communications service providers implemented a price fixing conspiracy to raise and stabilize prices for text messaging services.
- *In re Sulfuric Acid Antitrust Litigation*, No. 03-4576, MDL No. 1536 (N.D. Ill.) – Horizontal price fixing and market allocation antitrust litigation.
- *Schoenbaum v. E.I. DuPont de Nemours & Co.*, No. 05-CV-01108 ERW (E.D. Mo.) – Consolidated antitrust case concerning price fixing and monopolization claims pertaining to soybean and corn seeds containing Monsanto’s Roundup Ready and/or YieldGard genetic traits.

In addition, Wolf Haldenstein attorneys have been involved in the following major antitrust class actions:

- *In re Packaged Ice Antitrust Litigation*, MDL No. 1952 (E.D. Mich.) – Horizontal price fixing antitrust litigation.
- *In re Chocolate Confectionary Antitrust Litigation*, MDL No. 1935 (M.D. Fla.) – Horizontal price fixing antitrust litigation.
- *In re LTL Shipping Services Antitrust Litigation*, MDL No. 1895 (D. Me.) – Horizontal price fixing antitrust litigation.
- *In re Rail Freight Fuel Surcharge Antitrust Litigation*, MDL No. 1536 (N.D. Ill.) – Horizontal price fixing antitrust litigation.
- *In re Cathode Ray Tube Antitrust Litigation*, No. 07-C-5944-SC (N.D. Cal.) – Horizontal price fixing antitrust litigation.
- *In re Graphic Processing Units Antitrust Litigation*, No. 07-CV-1823-WHA (N.D. Cal.) – Horizontal price fixing antitrust litigation.
- *In re Air Cargo Shipping Antitrust Litigation*, No. 06-MD-1775 CBA/VVP (E.D. N.Y.) – Horizontal price fixing antitrust litigation.
- *In re International Air Transportation and Surcharge Antitrust Litigation*, No. 06-M-1793 CRB (N.D. Cal.) – Horizontal price fixing antitrust litigation.
- *In re Publication Paper Antitrust Litigation*, No. 04-MD-1631 SRU (D. Conn.) – Horizontal price fixing antitrust litigation.
- *In re New Motors Vehicles Canadian Export Antitrust Litigation*, MDL No. 1532 (D. Me.) – Canadian export antitrust litigation.
- *In re Carbon Black Antitrust Litigation*, MDL No. 1543 (D. Mass.) – Horizontal price fixing antitrust litigation.
- *In re Rubber Chemicals Antitrust Litigation*, No. C 03 1496 (D. Conn.) – Horizontal price fixing antitrust litigation.
- *In re Urethane Antitrust Litigation*, MDL No. 1616 – Horizontal price fixing antitrust litigation.

- *In re Plastic Additives Antitrust Litigation*, MDL No. 1547 (E.D. Pa.) – Horizontal price fixing antitrust litigation.
- *In re OxyContin Antitrust Litigation*, MDL No. 1603 (S.D.N.Y.) – Patent monopolization antitrust litigation.
- *In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litigation*, MDL No. 1542 (D. Conn.) – Horizontal price fixing antitrust litigation.
- *In re Microcrystalline Cellulose Antitrust Litigation*, MDL No. 1402 – Horizontal price fixing antitrust litigation.
- *In re Compact Disc Minimum Advertised Price Antitrust Litigation*, MDL No. 1361 (D. Me.) – Horizontal and vertical price fixing antitrust litigation.
- *In re NASDAQ Market-Makers Antitrust Litigation*, MDL No. 1023 (S.D.N.Y.) – Market manipulation antitrust litigation.
- *Universal Delaware, Inc., et al. v. Ceridian Corporation, et al.*, No. 07-C-1078-JKG-HSP (E.D. Pa.) – Horizontal price fixing antitrust litigation.
- *Narendra Patel v. Next Card, Inc., et al.*, No. 01-C-8409 (N.D. Ill.) – Horizontal price fixing antitrust litigation.
- *Elliot Franklin v. Smithkline Beecham Corporation d/b/a GlaxoSmithKline, P.L.C., et al.*, No. 02-10671-RCL (D. Mass.) – Relafen patent monopolization antitrust litigation.
- *In re Neurontin Antitrust Litigation*, MDL No. 1479 – Patent monopolization antitrust litigation.
- *Robert Kapella v. Organon Inc. and Akzo Nobel N.V.*, 2:02 CV 02384, (D.N.J.) – Patent monopolization litigation.
- *Scott Jacobs v. McNeil-PPC, Inc.*, C.A. No. 02-6797 (E.D. Pa.) – Immodium AD patent monopolization litigation.
- *Sebo v. Rubenstein*, No. 98-C-8394 (N.D. Ill.) – Price fixing antitrust litigation.



- *Joanne Gaddy v. GlaxoSmithKline PLC and Smithkline Beecham Corp. d/b/a GlaxoSmithKline, Inc.*, C.A. No. 02-6707 (E.D. Pa.) – Wellbutrin patent monopolization litigation.
- *Charles D. Fredericks, Jr. v. Elan Corporation, PLC and Skyepharma, Inc. f/k/a Brightstone Pharma, Inc.*, C.A. No. 02 CV 3719 (E.D. Pa.) – Napreelan patent monopolization litigation.
- *Westwood Automotive, Inc. v. Akzo Nobel Coatings, Inc., et al.*, C.A. No. 3:01 CV 435-S (W.D. Ky.) – Automotive paint price fixing litigation.
- *In re Visa Check/Master Money Antitrust Litigation*, Master File No. CV-96-5238 (E.D.N.Y.) – Horizontal price fixing antitrust litigation.
- *In re Vitamins Antitrust Litigation*, No. 99-197-TFH (D.D.C.) – Price fixing antitrust litigation.
- *In re Industrial Gas Antitrust Litigation*, 80 C 3479 and related cases (N.D. Ill.) – Horizontal price fixing antitrust litigation.
- *In re Aluminum Siding Antitrust Litigation*, MDL No. 454 (D. Minn.) – Horizontal price fixing antitrust litigation.
- *In re Chor-Alkalai and Caustic Soda Antitrust Litigation*, No. 86-5428 and related cases (E.D. Pa.) – Horizontal price fixing antitrust litigation.
- *In re Infant Formula Antitrust Litigation*, MDL No. 878 (N.D. Fla.) – Horizontal price fixing antitrust litigation.
- *In re Brand Name Prescription Drug Antitrust Litigation*, MDL No. 940 (N.D. Ill.) – Horizontal price fixing antitrust litigation.
- *In re Cheese Antitrust Litigation*, Case No. 96 C 391 (N.D. Ill.) – Horizontal price fixing antitrust litigation.
- *In re Commercial Tissue Antitrust Litigation*, MDL No. 1189 (N.D. Fla.) – Horizontal price fixing antitrust litigation.
- *In re High Fructose Corn Syrup Antitrust Litigation*, MDL No. 1087 (C.D. Ill.) – Horizontal price fixing antitrust litigation.

- *J & J Produce & Deli, Inc., et al. v. Gustafson's Dairy, Inc.*, Civil Action Nos. 93-1077-CIV-T-23B, 93-1264-CIV-T-23A, 94-1437-CIV-T-23A (M.D. Fla.) – Horizontal price fixing antitrust litigation.
- *In re Flat Glass Antitrust Litigation*, MDL No. 1200 (W.D. Pa.) – Horizontal price fixing antitrust litigation.

OVERTIME AND COMPENSATION CLASS ACTIONS

Wolf Haldenstein is a leader in the field of class action litigation on behalf of employees who have not been paid overtime or other compensation they are entitled to receive, or have had improper deductions taken from their compensation. These claims for violations of the federal Fair Labor Standards Act and state labor laws, allege improper failure to pay overtime and other wages, and improper deductions from compensation for various company expenses. Wolf Haldenstein is currently lead or co-lead counsel, or other similar lead role, in some of the most significant overtime class actions pending in the United States, including those listed below:

- *Lavoie v. Citigroup Global Markets, Inc.*, 06-0756 (S.D.N.Y.)
- *Basile v. A.G. Edwards, Inc.*, 06-cv-0833 (N.D.N.Y.)
- *Rosenthal v. A.G. Edwards & Sons, Inc.*, 06-3995 (D.N.J.)
- *Palumbo v. Merrill Lynch*, 06-2104 (E.D.N.Y.)
- *Garrison v. Merrill Lynch*, 06-3553 (D.N.J.)
- *Roles v. Morgan Stanley*, 05-7889 (E.D.N.Y.)
- *Lenihan v. Morgan Stanley*, 06-00794 (D. Conn.)
- *Klein v. Ryan Beck*, 06-03460 (S.D.N.Y.)
- *Badain v. Wachovia*, 06-06321 (W.D.N.Y.)
- *Garcia v. Lowe's Home Centers, Inc.*, Case No. GIC 841120 (S.D. Supr.)
- *Weinstein v. MetLife, Inc.*, 06-cv-04444-SI (N.D. Cal.)

BIOTECHNOLOGY AND AGRICULTURAL LITIGATION

Wolf Haldenstein is a leader in biotechnology and agricultural litigation. The firm has represented U.S. row crop farmers and others harmed by crop supply contamination, price fixing of genetically-modified crop seeds, and false claims and representations relating to purportedly “organic” products. The firm has prosecuted actions in these fields against domestic and international biotechnology and crop science companies under the federal and state antitrust laws, consumer protection and deceptive trade practice statutes, and the common law. As a leader in this field, Wolf Haldenstein pioneered approaches now commonly used in these types of cases, including the use of futures-based efficient market analyses to fashion damages models relating to the underlying commodity crops. The firm has served or is currently serving as lead or co-lead counsel in some of the most significant biotechnology and agricultural class actions pending in the United States, including:

- *In re StarLink Corn Products Liability Litigation*, MDL No. 1403 (N.D. Ill.) – Class action that recovered \$110 million for U.S. corn farmers who sustained market losses arising from defendants’ contamination of the U.S. food corn supply with an improperly bioengineered corn seed product.
- *In re Genetically Modified Rice Litigation*, MDL No. 1811 (E.D. Mo.) – Multidistrict product liability litigation brought on behalf of United States long-grain rice producers seeking to recover damages they sustained resulting from the contamination of the U.S. rice supply with unapproved, genetically-modified rice seed traits developed and tested by Bayer CropScience LP and related entities.
- *Schoenbaum v. E.I. DuPont de Nemours and Company, et al.*, Case No. 4:05-cv-01108 ERW (E.D. Mo.) – Consolidated antitrust cases concerning genetically modified corn and soybean seeds.

INTERNET PRIVACY AND TECHNOLOGY LITIGATION

Wolf Haldenstein is a leader in the field of Internet privacy and technology law. The Firm’s attorneys have been pioneers in this field, have litigated some of the largest consumer class actions in the country on these issues,

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and were instrumental in formulating the initial theories and claims that underlie all Internet class action litigation. In addition, Firm attorneys have lectured on electronic privacy litigation issues and international privacy industry conferences. Wolf Haldenstein attorneys have served as lead or co-lead counsel in some of the most significant Internet privacy and technology class actions to date, including:

- *In re RealNetworks, Inc. Privacy Litigation*, MDL No. 1329 (N.D. Ill.)
- *In re DoubleClick, Inc. Privacy Litigation*, MDL No. 1352 (S.D.N.Y.)
- *Chance v. Avenue A, Inc.* 00-cv-01964 (W.D. Wash.)
- *In re Amazon.Com, Inc. / Alexa Internet Privacy Litigation*, MDL No. 1346 (W.D. Wash.)
- *In re Pharmatrak, Inc. Privacy Litigation*, MDL No. 1400 (S.D.N.Y.)
- *In re Jamster Marketing Litigation*, MDL No. 1751 (S.D. Cal.)

PRIVATE ACTIONS FOR INSTITUTIONAL INVESTORS

In addition to its vast class action practice, the Firm also regularly represents institutional clients such as public funds, investment funds, limited partnerships, and qualified institutional buyers. The Firm has represented institutional clients in non-class federal and state actions concerning a variety of matters, including private placements, disputes with investment advisors, and disputes with corporate management. Examples of such cases include:

- *Steed Finance LDC v. Laser Advisers, Inc.*, 99 Civ. 4222 (PKC) (S.D.N.Y.), a fraud, negligence, breach of contract and breach of fiduciary duty action brought by a hub fund, a related feeder fund and individual investors in the feeder fund against the funds' former investment advisors for mispricing certain securities and derivative instruments in the funds' fixed-income securities portfolio.
- *Diversified Asset Securitization Holdings I, L.P. v. Enterprise Mortgage Acceptance Co, LLC, et al.*, 02 Civ. 10228 (SWK) (S.D.N.Y.), a federal and state securities fraud action brought by limited partnerships that pooled the investments of various insurance companies against the issuer and management and controlling shareholder of

the issuer, concerning misrepresentations made in connection with a private placement of certificates representing interests in a securitized pool of loans made to franchise operations of car care businesses, gas stations, convenience stores and quick service restaurants.

- *Gramercy Park Investments v. Airfund International*, No. 97-22734B (Mass. Super. Ct.); *Gramercy Park Investments v. The Krupp Realty Fund*, No. 97-1612 (Mass. Super. Ct.); *Geodyne Resources v. Gramercy Park Investments*, No. CJ-96-05548 (Dist. Ct. Okla.); *Gramercy Park Investments v. Wells Real Estate Fund*, No. 97-A-0241-3 (Ga. Super. Ct.); *Gramercy Park Investments v. Swift Energy*, No. 96-61729 (Dist. Ct. Tex.); and *Lexington Family Investments v. Dean Witter*, No. 15217-96 (N.Y. Sup. Ct.); actions brought on behalf of institutional investors in state courts throughout the nation demanding inspection of investor lists and other corporate and partnership information.
- *Madison Partnership Liquidity Investors v. American Cable TV Investors*, 97 Civ. 4950 (JSM) (S.D.N.Y.); and *Madison Partnership Liquidity Investors v. PLM Equipment Growth Fund*, 98 Civ. 4057 (JSM) (S.D.N.Y.); actions brought on behalf of institutional investors against fund management for improper defensive actions taken in response to investors' acquisitions of large positions in funds.

The Firm has also acted as special counsel to investors' committees in efforts to assert the investors' interests without resort to litigation. For example, the Firm served as Counsel to the Courtyard by Marriott Limited Partners Committee for several years in its dealings with Host Marriott Corporation, and as Special Counsel to the Windsor Park Properties 7 and 8 limited partners to insure the fairness of their liquidation transactions.

THE CLASS ACTION LITIGATION GROUP

The qualifications of the attorneys in the Wolf Haldenstein Litigation Group are set forth below and are followed by descriptions of some of the Firm's attorneys who normally practice outside the Litigation Group who contribute significantly to the class action practice from time to time.

PARTNERS

DANIEL W. KRASNER: *admitted:* New York; Supreme Court of the United States; U.S. Courts of Appeals for the Second, Third, Fourth, Sixth, Eighth, Ninth, Tenth, and Eleventh Circuits; U.S. District Courts for the Southern and Eastern Districts of New York, Central District of Illinois, and Northern District of Michigan. *Education:* Yeshiva College (B.A., 1962); Yale Law School (LL.B., 1965). Mr. Krasner, a partner in the Firm's New York office, is the senior partner of Wolf Haldenstein's Class Action Litigation Group. He began practicing law with Abraham L. Pomerantz, generally credited as the first "Dean of the Class Action Bar." He founded the Class Litigation Group at Wolf Haldenstein in 1976.

Mr. Krasner received judicial praise for his class action acumen as early as 1978. *See, e.g.,* Shapiro v. Consolidated Edison Co., [1978 Transfer Binder] Fed. Sec. L. Rep. (CCH) & 96,364 at 93,252 (S.D.N.Y. 1978) ("in the Court's opinion the reputation, skill and expertise of . . . [Mr.] Krasner, considerably enhanced the probability of obtaining as large a cash settlement as was obtained"); Steiner v. BOC Financial Corp., [1980 Transfer Binder] Fed. Sec. L. Rep. (CCH) & 97,656, at 98,491.4, (S.D.N.Y. 1980) ("This Court has previously recognized the high quality of work of plaintiffs' lead counsel, Mr. Krasner"). The New York Law Journal referred to Mr. Krasner as one of the "top rank plaintiffs' counsel" in the securities and class action fields. In connection with a failed 1989 management buyout of United Airlines, Mr. Krasner testified before Congress.

More recently, Mr. Krasner has been one of the lead attorneys for plaintiffs in some of the leading Federal multidistrict cases in the United States, including the IPO Litigation in the Southern District of New York, the Mutual Fund Timing Litigation pending in the District of Maryland, and several Madoff-related litigations pending in the Southern District of New York. Mr. Krasner has also been lead attorney in several precedent-setting shareholder actions in Delaware Chancery Court and the New York Court of Appeals, including *American International Group, Inc. v. Greenberg*, 965

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A.2d 763 (Del. Ch. 2009) and the companion certified appeal, *Kirschner v. KPMG LLP*, Nos. 151, 152, 2010 N.Y. LEXIS 2959 (N.Y. Oct. 21, 2010); *Teachers' Retirement System of Louisiana and City of New Orleans Employees' Retirement System, derivatively on behalf of nominal defendant American International Group, Inc., v. PricewaterhouseCoopers LLP*, No. 152 (New York, October 21, 2010); *In re CNX Gas Corp. S'holders Litig.*, C.A. No. 5377-VCL, 2010 Del. Ch. LEXIS 119 (Del. Ch., May 25, 2010); *In re CNX Gas Corp. S'holders Litig.*, C.A. No. 5377-VCL, 2010 Del. Ch. LEXIS 139, (Del. Ch. July 5, 2010), appeal refused, 2010 Del. LEXIS 324, 2010 WL 2690402 (Del. 2010).

Mr. Krasner has lectured at the Practicing Law Institute; Rutgers Graduate School of Business; Federal Bar Council; Association of the Bar of the City of New York; Rockland County, New York State, and American Bar Associations; Federal Bar Council, and before numerous other bar, industry, and investor groups.

FRED TAYLOR ISQUITH: *admitted:* New York; District of Columbia; Supreme Court of the United States; U.S. Courts of Appeals for the First, Second, Third, Fourth and Eighth Circuits; U.S. District Courts for the Southern, Eastern and Northern Districts of New York, District of Arizona, District of Colorado, Northern and Central District of Illinois, Western District of Michigan and District of Nebraska. *Education:* Columbia University (J.D., 1971); City University of New York (Brooklyn) (B.A., 1968). *Publications:* "5 Cases Impacting Investors in Public Cos." (Law 360: September 2010); "Del Opinion to Inform Future Freeze Out Mergers" (Law 360: August 2010); "Case Study of Morrison v. National Australia Bank" (Law 360: July 2010); "Citizens United: A Congressional Opportunity"; Law 360 Securities. Law 360 Com (2010); "Spring Supreme Court Roundup." (Law 360 Securities; June 9, 2010); "Clarifying Jurisdiction for Foreign Claimants," Law 360 (May 18, 2010); Within the SEC (Securities Law 360, April 15, 2010); "A Third and Fourth Look at the Bank of America Opinion." Securities Law 360 (October 23, 2009); Guest Column: "New Ruling on Rating Agencies Responsibilities Bears Close Scrutiny." Securities Docket (September 18, 2009); "An SEC Monopoly Will Not Work" (Institutional Investors Services, 2007); "A Flexible Approach to Loss Causation" (2005); "Wolf in Sheep's Clothing: Tort Reform" (2004, SRI); "Ethics Going Astray By Small Steps" (2004); "The Seven Year Itch" (2003); "A Scalpel in Your Hand: Litigation as a Tool" (2002, SRI); "Anatomy of a Deposition . . . Complex Financial Case" (2002, NYC Bar); Federal Civil Practice Supplement, "Representative Actions," (NYSBA, 2000); "Post Arbitration

Remedies," for an Introduction to Securities Arbitration (NYSBA, 1994); "A Plaintiff's Lawyer Examines Limited Partnership Roll - ups for Real Estate Exit Strategies" (American Conference Institute, 1994); Editor and columnist for The Class Act, the weekly publication of the National Association of Shareholders and Consumer Attorneys. Lecturer, The Federal Pleading Standards after Twombly; Touro Law School (2010). Panelist with the Antitrust Committee of the New York City Bar Association Regarding Private Equity Transactions and the Implications of the Supreme Court's Recent Decisions (2008); Developments in Class Actions; (NYSBA, 2007); IPO Tie In/Claims Seminar, Professional Liability Underwriter Society; Securities Arbitration New York State Bar Association; Real Estate Exit Strategies, American Conference Institute; Fundamental Strategies in Securities Litigation (NYSBA, CLE Program). He is an arbitrator with the American Arbitration Association and with the Civil Court of the City of New York and a mediator for the ADR Program of the Supreme Court, County of New York; Complex Litigation Panel. Member: President's Committee on Access to Justice (2010); Committee on Evidence (2007 -); Commercial and Federal Litigation Section, 1989 -); Committees on Legislation and Federal Courts, 1984 - 1988), Committee on Securities, The Association of the Bar of the City of New York (Committee on Federal Courts; Committee on Antitrust); New York County Lawyers' Association (Former Chair: Business Tort/Consumer Fraud - Tort Law Section); Brooklyn (Member: Committee on Civil Practice Law and Rules, 1983 - 1987; New York State (Member: Committee on Legislation, Trial Lawyers Section, 1981 -); and American (Member: Sections on: Litigation; International Law; Individual Rights and Responsibilities); Bar Associations; the District of Columbia Bar; and Legislation and Civil Practice Law and Rules Committee of the Brooklyn Bar Association; Vice President if the Institute for Law and Economic Policy. Mr. Isquith has been Chairman of the Business Tort/Consumer Fraud Committee of the Tort Law Section of the New York State Bar Association and is a member of that Association's Committees on Securities Law and Legislation. He also serves as a judge for the Moot Court Competition of Columbia University Law School and has served on Fordham University's National Competition. Mr. Isquith served as President of the National Association of Securities and Commercial Law Attorneys in 2003 and 2004. Mr. Isquith is frequently quoted in the Wall Street Journal, the New York Times, and other national publications. The April 1987 issue of Venture magazine listed Mr. Isquith as among the nation's top securities class action attorneys. Since 2006 Mr. Isquith has been selected as among the top 5% of attorneys in the New York

City metropolitan area chosen to be included in the Super Lawyers Magazine. He was also selected by Lawdragon in its list of attorneys. Martindale Hubbell registers Mr. Isquith as one of the Preeminent Lawyers (2010), Avenue Magazine, Legal Elite (2010).

JEFFREY G. SMITH: *admitted:* New York; California; Supreme Court of the United States; U.S. Courts of Appeals for the Second, Third, Fourth, Fifth, Sixth, Eighth and Ninth Circuits; U.S. Tax Court; U.S. District Courts for the Southern and Eastern Districts of New York, Southern and Central Districts of California and the Districts of Colorado and Nebraska. *Education:* Vassar College (A.B., *cum laude generalis*, 1974); Woodrow Wilson School of Public and International Affairs, Princeton University (M.P.A., 1977); Yale Law School (J.D., 1978). At Yale Law School, Mr. Smith was a teaching assistant for the Trial Practice course and a student supervisor in the Legal Services Organization, a clinical program. Member: The Association of the Bar of the City of New York; New York State and American (Section on Litigation) Bar Associations; State Bar of California (Member: Litigation Section). Mr. Smith has frequently lectured on corporate governance issues to professional groups of Fund trustees and investment advisors as well as to graduate and undergraduate business student groups, and regularly serves as a moot court judge for the A.B.A. and at New York University Law School. Mr. Smith has substantial experience in complex civil litigation, including class and derivative actions, tender offer, merger, and takeover litigation. Mr. Smith was recently named a New York Super Lawyer.

FRANCIS M. GREGOREK: *admitted:* California; New York; United States Courts of Appeals for the Second and Ninth Circuits; United States District Courts for the Southern and Eastern Districts of New York and the Southern, Central, and Northern Districts of California. *Education:* University of Virginia (B.A., *magna cum laude*, 1975). Phi Beta Kappa, Phi Alpha Theta International Historical Honor Society; University College, Durham University, England; New York University School of Law (J.D., 1978). Mr. Gregorek is the Managing Partner of the Firm's San Diego office. Throughout his 32 year career, Mr. Gregorek's practice has focused on complex commercial litigation and class action practice on both the trial and appellate court levels, in federal and state courts nationwide, in the areas of securities, antitrust, consumer protection, and technology. Mr. Gregorek has also represented foreign governments involved in complex commercial litigation in United States federal courts. As part of that representation, Mr.

Gregorek has worked in conjunction with the heads of ministerial departments, ambassadors, and consular officials of those countries charged by their governments with overseeing the litigations, as well as the attorney general of a government he was representing. Throughout these litigations, Mr. Gregorek met with such government officials to advise and plan strategy in addition to keeping them fully up-to-date on the progress of the litigation.

Mr. Gregorek has served as lead counsel, co-lead counsel, or in other leadership positions in numerous class and other complex litigations throughout the United States. For example, *In re Dole Shareholder Litigation*, Case No. BC281949 (Super. Ct. Los Angeles County, 2003). Mr. Gregorek and the Firm served as co-lead counsel in this case, arising from a proposed going-private transaction in which Dole's Chief Executive Officer, David Murdock, sought to acquire the shares of Dole stock not then owned by him for \$29.50 per share. A settlement of the action for \$172 million, representing a payment of an additional \$4 per share over Murdock's offering price, was reached after months of intense litigation. Additionally, the settlement required improvements to the shareholder approval process, including a "majority of the minority" provision as well as enhanced disclosures regarding the merger terms, process, and financial operations of Dole designed to guarantee a fully informed shareholder vote. At the time of the case's settlement, the \$172 million recovered for the class was one of the top 10 recoveries ever achieved on behalf of a class. Judge Anthony J. Mohr, who presided over the action, stated at the final settlement hearing: "Co-Lead Counsel did excellent first class work." *Id.*

As an additional example, Mr. Gregorek and the Firm served as co-lead counsel in *Bamboo Partners LLC v. The Robert Mondavi Corp., et al.*, Case No. 26-27170 (Super. Ct. Napa County, 2004), a class action arising from an unsolicited \$1.3 billion offer (cash and debt assumption) from Constellation Brands, Inc. for The Robert Mondavi Corp. The plaintiffs challenged not only the valuations assigned to Mondavi's assets and the price of the deal, the process and the disclosures followed, but, most importantly, the allocation of the purchase price between the Mondavi family and Mondavi's public shareholders. Initially, the settlement required enhanced disclosures regarding the merger terms, process, and financial operations of Mondavi designed to guarantee a fully informed shareholder vote. Subsequently, a settlement of the action for \$10.8 million, representing some 30% of the alleged damages suffered by Mondavi's public shareholders,

was reached after years of intense litigation over the proper interpretation of Mondavi's Articles of Incorporation involving unprecedented questions of corporate governance under both California and Delaware law.

MARY JANE FAIT: *admitted:* New York; Illinois; U.S. District Courts for the Southern and Eastern Districts of New York, and Northern District of Illinois; U.S. Court of Appeals for the Seventh Circuit. *Education:* St. John's College and University of Illinois (B.A., Economics, 1976); Cornell Law School (J.D., 1979). Member: Chicago Bar Association; Illinois Bar Association; Antitrust Division of the American Bar Association.

PETER C. HARRAR: *admitted:* New York; U.S. District Courts for the Southern, Eastern and Northern Districts of New York. *Education:* Princeton University (A.B., with high honors, 1980); Columbia University (J.D., 1984). Phi Beta Kappa. Mr. Harrar has extensive experience in complex securities and commercial litigation on behalf of individual and institutional clients.

LAWRENCE P. KOLKER: *admitted:* New York; U.S. Courts of Appeals for the Second and Eleventh Circuits; U.S. District Courts for the Southern and Eastern Districts of New York, Western District of Michigan and the District of Colorado. *Education:* State University of New York at Binghamton (B.A., 1978); Brooklyn Law School (J.D., 1983). Editor, *Brooklyn Law Review*, 1982-1983. Panelist, Early Neutral Evaluator for the Eastern District of New York, 1992-1997. Lecturer, Brooklyn Law School, 1989. Assistant Corporation Counsel, City of New York, 1983-1987. Member: The Association of the Bar of the City of New York; New York State Bar Association. Mr. Kolker has spoken at numerous conferences of the Investment Program Association and the Strategic Research Institute concerning limited partnership tender offers and litigation strategies, and has published articles entitled "Litigation Strategies for Limited Partnership Tender Offers" (February 1996) and "Limited Partnership Five Percent Tender Offers" (October 1997) in *Standard & Poor's Review of Securities and Commodities Regulation*. Mr. Kolker has acted as lead counsel in numerous class and derivative actions asserting the rights of investors since joining Wolf Haldenstein in 1989. Mr. Kolker also counsels investment management firms in transactional and securities matters and represents them in corporate and business litigation.

MARK C. RIFKIN: *admitted:* New York; Pennsylvania; New Jersey; U.S. Supreme Court; U.S. Courts of Appeals for the Second, Third, Fifth, and D.C. Circuits; U.S. District Courts for the Southern and Eastern Districts of New York, the Eastern and Western Districts of Pennsylvania, the District of New Jersey, the Eastern District of Wisconsin and the Western District of Michigan. *Education:* Princeton University (A.B., 1982); Villanova University School of Law (J.D. 1985). Contributor, *PACKEL & POULIN, Pennsylvania Evidence* (1987). Mr. Rifkin has extensive experience in complex class and derivative actions in securities, ERISA, antitrust, intellectual property, and consumer protection litigation. Mr. Rifkin has extensive trial experience in class and derivative actions, including *In re National Media Corp. Derivative Litig.*, C.A. 90-7574 (E.D. Pa.), *Upp v. Mellon Bank, N.A.*, C.A. No. 91-5229 (E.D. Pa.), where the verdict awarded more than \$60 million in damages to the Class (later reversed on appeal, 997 F.2d 1039 (3d Cir. 1993)), and *In re AST Research Securities Litigation*, No. 94-1370 SVW (C.D. Cal.), as well as a number of commercial matters for individual clients. Mr. Rifkin has lectured before diverse business and professional organizations in the areas of securities and complex litigation and corporate governance, serves as a moot court judge for the A.B.A. and at New York University Law School, and is a frequent guest lecturer to graduate and undergraduate economics and finance students on corporate governance topics.

MICHAEL JAFFE: *admitted:* California; New York; U.S. District Courts for the Southern and Eastern Districts of New York. *Education:* University of California at Berkeley (B.S., with highest distinction, 1982); Hastings College of the Law, University of California (J.D., 1987). Judicial Extern to the Honorable Thelton E. Henderson, Northern District of California, 1986-1987. Member: The Association of the Bar of the City of New York. Languages: French.

BETSY C. MANIFOLD: *admitted:* Wisconsin; New York; California; U.S. District Courts for the Western District of Wisconsin, Eastern and Southern Districts of New York, and Northern, Central and Southern Districts of California. *Education:* Elmira College; Middlebury College (B.A., *cum laude*, 1980); Marquette University (J.D., 1986); New York University. Thomas More Scholar. Recipient, American Jurisprudence Award in Agency. Member: The Association of the Bar of the City of New York. Languages: French.

ALEXANDER H. SCHMIDT: *admitted:* New York; New Jersey; United States Supreme Court, United States Court of Appeals for the Second Circuit, and the United States Court of Federal Claims. *Education:* State University of New York, Stony Brook (B.A., 1981); Brooklyn Law School (J.D., 1985). Mr. Schmidt concentrates on sophisticated commercial litigation, including matters involving antitrust, class actions, banking, commercial factoring, securities fraud, civil RICO, real estate, intra-corporate and partnership disputes, and legal and accounting malpractice. His noteworthy, groundbreaking successes include *Dresses For Less, Inc. v. CIT Group/Commercial Services, Inc.*, 2002 U.S. Dist. LEXIS 18338; 2002-2 Trade Cas. (CCH) P73,828 (S.D.N.Y. Sept. 30, 2002) (sustaining Sherman Act claims against commercial factoring industry); *Atkins & O'Brien L.L.P. v. ISS Int'l Serv. Sys.*, 252 A.D.2d 446; 678 N.Y.S.2d 596 (1st Dep't 1998) (lawyers could recover future fees under estoppel exception to general rule that client can terminate relationship at any time as lawyers founded law firm and expended start-up costs based on client's promises of future fees); *Bank Brussels Lambert v. Credit Lyonnais (Suisse) S.A.*, 160 F.R.D. 437 (S.D.N.Y. 1995) (attorney client privilege held waived as to inadvertently disclosed documents not protected by "common interest" doctrine). Mr. Schmidt was an Assistant Adjunct Professor of Law at Brooklyn Law School in 1998 and 1999, where he co-taught a seminar on Federal Discovery Practice.

GREGORY M. NESPOLE: *admitted:* New York; U.S. District Courts for the Southern and Eastern Districts of New York. *Education:* Bates College (B.A., 1989); Brooklyn Law School (J.D., 1993). Member: The Association of the Bar of the City of New York; New York State Bar Association. Mr. Nespole's experience includes complex civil and criminal litigation.

DEMET BASAR: *admitted:* New York; New Jersey; U.S. District Court for the District of New Jersey, Southern District of New York, and Eastern District of Wisconsin. *Education:* Fairleigh Dickinson University (B.A., *summa cum laude*, 1984), Phi Omega Epsilon; Rutgers University School of Law (J.D., 1990). Recipient, West's Scholarship Award, Senior Notes and Comments Editor, *Rutgers Law Review*. Member: The Association of the Bar of the City of New York. Languages: Turkish.

ADAM J. LEVITT: *admitted:* Illinois; Supreme Court of the United States; U.S. Courts of Appeals for the First, Seventh, and Eighth Circuits; U.S. District Courts for the Northern and Southern Districts of Illinois, Northern

District of Indiana, District of Nebraska, District of Colorado, and the Northern and Eastern Districts of Texas. **Education:** Columbia College, Columbia University (A.B., *magna cum laude*, 1990); Northwestern University School of Law (J.D., 1993). **Member:** American Law Institute (Members Consultative Groups: Principles of the Law of Aggregate Litigation, the Restatement of the Law (Third) Restitution and Unjust Enrichment, and the Restatement of the Law (Third) Torts: Liability for Economic Loss); Seventh Circuit Contributing Editor, *Class Actions & Derivative Suits* (ABA); Consulting Participant: "Calculation of Securities Litigation Damages" (National Association of Public Pension Attorneys, Securities Litigation Damages Calculation Taskforce). **Publications:** CAFA and Federalized Ambiguity: The Case for Discretion in the Unpredictable Class Action, 120 YALE L.J. ONLINE __ (forthcoming 2011); Taming the Metadata Beast, New York Law Journal, May 16, 2008; Foreign Investors Serving as Lead Plaintiffs in U.S.-Based Securities Cases, International Practice Section Newsletter (Association of Trial Lawyers of America, Washington, D.C.), Winter 2004 and Spring 2005; Proposed Rule 225: A Death Warrant for Class Actions in Illinois, 93 Illinois Bar Journal 202 (2005); The Big Business Wish List: Proposed Illinois Supreme Court Rule 225 and the Demolition of Consumer Rights, The Class Act (The Newsletter of the National Association of Securities and Consumer Law Attorneys), February 25, 2005; and An Illinois Lawyer's Guide to Service of Process in Mexico, 82 Illinois Bar Journal 434 (1994).

Mr. Levitt has testified before the Illinois Supreme Court Rules Committee on class action practice and related issues. He has also spoken nationwide on a wide range of topics, including: (a) "Privacy Litigation: The Evolution in Theories and Outcomes," International Association of Privacy Professionals "Privacy Academy" 2009 (Boston, Massachusetts, September 2009); (b) "Securities Litigation Update," 2008 Class Action Institute, Illinois Institute of Continuing Legal Education (Chicago, Illinois, July 2008); (c) "Legal Strategies to Fight Negative Effects of Genetic Engineering," 2007 Public Interest Environmental Law Conference (Eugene, Oregon, March 2007); and (d) "Corporate Governance Developments," Financial Management Association 2005 Conference (Chicago, Illinois, October 2005).

Mr. Levitt regularly serves as a moot court judge in the Julius H. Miner Moot Court Competition, Northwestern University School of Law. In recognition of his achievements, Mr. Levitt was named one of the "40

Illinois Attorneys Under 40 Years Old to Watch” by the *Chicago Daily Law Bulletin* and the *Chicago Lawyer*. He is rated “AV” by Martindale-Hubbell and was named one of Avenue Magazine’s “Legal Elite” (2010).

Substantially all of Mr. Levitt’s practice is focused on complex commercial litigation and class action practice on both the trial and appellate court levels, in federal and state courts nationwide, in the areas of securities, antitrust, consumer protection, technology, and agricultural law. Since 1993, Mr. Levitt has served as lead counsel, co-lead counsel, or in other leadership positions in numerous class and other complex litigations throughout the United States, including *In re StarLink Corn Products Liability Litigation*, MDL No. 1403 (N.D. Illinois) (recovered \$110 million for U.S. corn farmers who sustained market losses arising from defendants’ contamination of the U.S. food corn supply with an improperly bioengineered corn seed product); *In re Vytorin/Zetia Marketing, Sales Practices and Products Liability Litigation*, Civil Action No. 08-285 (D.N.J.) (obtained \$41.5 million recovery on behalf of consumers who overpaid for Vytorin and Zetia, which defendants deceptively marketed as being more effective than other anti-cholesterol drugs); *Court Reporting Services, et al. v. Compaq Computer Corporation*, C.A. No. 02 CV 044 (E.D. Texas) (obtained full recovery, valued at not less than \$35 million, on behalf of Compaq Presario purchasers with improperly partitioned hard disk drives); and various Internet privacy cases, including *Supnick v. Amazon.com, Inc.* (W.D. Wash.) and *In re DoubleClick, Inc. Privacy Litigation* (S.D.N.Y.).

Mr. Levitt recently served as co-lead counsel in a series of thirteen antitrust class action lawsuits against the Monsanto Company, Pioneer Hi-Bred International, and E.I. DuPont de Nemours and Company, predicated upon those companies’ alleged improper conduct arising from their sale of genetically-engineered soybean and corn seeds or traits; has served as co-lead counsel in *In re Northstar Education Finance, Inc. Contract Litigation*, Case No. 01990-MD-08 (D. Minn.), in an action brought on behalf of student loan borrowers who were improperly denied prompt payment bonus rebates on their loan balances; is currently serving as Class Counsel in *In re Aon ERISA Litigation* (ERISA class action lawsuit on behalf of all participants and beneficiaries of Aon’s 401(k) savings plan against Aon and certain of its officers and directors, alleging that during the class period, defendants, as fiduciaries of the Plan, each violated ERISA by breaching their duties owed to plaintiffs and the other participants and beneficiaries of the Plan in connection with the Plan’s holding of Aon stock); is Designated Co-Lead

Counsel in *In re Genetically Modified Rice Litigation*, MDL 1811 (E.D. Mo.), in which he is representing the interests of United States long-grain rice producers seeking to recover damages they sustained resulting from the contamination of the U.S. rice supply with unapproved, genetically-modified rice seed traits developed and tested by Bayer CropScience LP and related entities. Mr. Levitt has also been actively involved in the *In re Initial Public Offering Sec. Litig.*, Master File No. 21 MC 92 (SAS) (S.D.N.Y.) (consolidated action against 309 issuers and 55 underwriters alleging manipulation, misrepresentations, and omissions relating to the market for various high-tech initial public offerings, resulting in a recovery of \$586 million), and also served as lead counsel in *In re Comdisco Securities Litigation* (securities class action lawsuit against former Comdisco executives relating to Comdisco's misrepresentations and omissions with respect to its Prism division). Mr. Levitt also provides, or has provided legal services to various private companies involving complex litigation and general corporate matters.

THOMAS H. BURT: *admitted:* New York; U.S. District Courts for the Southern and Eastern Districts of New York, Eastern District of Michigan. *Education:* American University (B.A., 1993); New York University (J.D., 1997). Articles Editor with New York University Review of Law and Social Change. Mr. Burt is a litigator with a practice concentrated in securities class actions and complex commercial litigation. After practicing criminal defense with noted defense lawyer Jack T. Litman for three years, he joined Wolf Haldenstein, where he has worked on such notable cases as *In re Initial Public Offering Securities Litigation*, No. 21 MC 92 (SAS) (S.D.N.Y.) (a novel and sweeping amalgamation of over 300 class actions which resulted in a recovery of \$586 million); *In re MicroStrategy Securities Litigation*, No. 00-473-A (E.D. Va.) (recovery of \$192 million); *In re DRAM Antitrust Litigation*, No. 02-cv-1486 (PJH) (N.D. Cal.) (antitrust case resulting in \$315 million recovery); *In re Computer Associates 2002 Class Action Securities Litigation*, No. 02-cv-1226 (TCP) (E.D.N.Y.) (settled, together with a related fraud case, for over \$133 million); *K.J. Egleston L.P. v. Heartland Industrial Partners, et al.*, 2:06-13555 (E.D. Mich.) (recovery included personal assets from former Reagan Administration budget director David A. Stockman); and *Parker Friedland v. Iridium World Communications, Ltd.*, 99-1002 (D.D.C.) (recovery of \$43.1 million). Mr. Burt has spoken on several occasions to investor and activist groups regarding the intersection of litigation and corporate social responsibility.

RACHELE R. RICKERT: *admitted:* California; U.S. District Court for the Southern District of California. *Education:* Point Loma Nazarene College (B.A., 1994); University of California, Hastings College of the Law (J.D., 1997). Member: State Bar of California. Former Deputy Alternate Public Defender for the County of San Diego.

OF COUNSEL

ROBERT ABRAMS: *admitted:* New York; U.S. Court of Appeals for the Third Circuit; U.S. District Courts for the Southern and Eastern Districts of New York, Eastern District of Missouri, District of Maryland, and District of Delaware. *Education:* Haverford College (B.A., 1961); Columbia University (Ph.D., 1966), Brooklyn Law School (J.D., 1992). Woodrow Wilson Fellow; International Business Law Fellow. Adjunct Professor, Mediation Clinic, Brooklyn Law School, 1983-1984. Mr. Abrams was formerly a Professor of Political Science at Brooklyn College and the Graduate Center of the City University of New York. Member: New York State Bar Association. Mr. Abrams is the author of books on the theory of collective choice (Columbia University Press) and voting theory (Sage), as well as articles on Soviet politics, game theory and bargaining and negotiations. He has focused his practice on complex securities, ERISA, and consumer actions.

He was co-lead counsel in *In re Tyson Foods, Inc.*, before the Delaware Chancery Court, which settled claims of breach of fiduciary duty in connection with related party transactions and spring loading of options for Tyson management.

He is currently active in litigation on behalf of securities brokers, bringing claims for overtime pay and improper deductions from compensation against six major brokerage houses under the federal Fair Labor Standards Act and New York, New Jersey and Connecticut Labor Law. These cases include *Lavoie v. Citigroup Global Markets, Inc.*; *Basile v. A.G. Edwards, Inc.*; *Rosenthal v. A.G. Edwards & Sons, Inc.*; *Palumbo v. Merrill Lynch*; *Garrison v. Merrill Lynch*; *Roles v. Morgan Stanley*; *Lenihan v. Morgan Stanley*; *Klein v. Ryan Beck*; and *Badain v. Wachovia*.

Mr. Abrams was the firm's primary representative to the executive committee representing NationsBank shareholders in *In re BankAmerica Corp. Sec. Litig.*, which resulted in an award of \$490 million to NationsBank

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and BankAmerica shareholders. He was also co-lead counsel in a New York state consumer protection class action against AT&T Wireless Corp., *Naevus v. AT&T Corp.*, which resulted in an award valued at \$40 million for the class members.

ROBERT B. WEINTRAUB: *admitted:* New York; Supreme Court of the United States; U.S. Court of Appeals for the Federal and Second Circuits; District of Columbia; U.S. District Courts for the Southern and Eastern Districts of New York. *Education:* Syracuse University (B.A., *cum laude*, 1972); Georgetown University Law Center (J.D., 1977). Member: 1975-1977, Articles Editor and Member: Executive Board, 1976-1977, Law and Policy in International Business, *Georgetown International Law Journal*. Assistant Editor, Competition Working Group, "The OECD Guidelines for Multinational Enterprises: A Business Appraisal," 1977. Author, "Law Backs Women Warriors," *National Law Journal*, June 7, 1993. Co-contributor: Chapter 7, "The Celler-Kefauver Act of 1950," 4 *Legislative History of the Federal Antitrust Laws and Related Statutes*, edited by E. Kintner, Chelsea House Publishers, 1980. Mediator, U.S. District Court, Southern District of New York. Member: The Association of the Bar of the City of New York (Member: Committee on Securities Regulation; Council on International Affairs; Chair, 1991-1994 and Member: 1987-1990, Committee on Military Affairs and Justice; International Arms Control and Security Affairs, 1990-1991); and American Bar Association. He has counseled corporations on contract negotiation and antitrust matters, and provided antitrust advice on mergers to the arbitrage department of a major brokerage house. He has served as an arbitrator for the NYSE, the NASD and the Municipal Securities Rulemaking Board and as a mediator for the federal District Court in New York. Mr. Weintraub also previously served as Senior Vice President and General Counsel of a broker-dealer investment bank which is a member of the NYSE, the NASD and other principal exchanges. Mr. Weintraub has particular experience in litigation involving investment firms and broker-dealers.

GUSTAVO BRUCKNER: *admitted:* New York; New Jersey; United States District Courts for the Districts of New Jersey, Eastern District of New York, and the Southern District of New York; the United States Court of Appeals for Second Circuit and the Supreme Court of the United States. *Education:* New York University (B.S., 1988); New York University (M.B.A. 1989); Benjamin N. Cardozo School of Law, Yeshiva University (J.D., 1992).

ASSOCIATES

THEODORE B. BELL: *admitted:* Michigan; Illinois; 7th Circuit Court of Appeals; United States District Courts for the Northern, Central and Southern Districts of Illinois. *Education:* University of Michigan (B.A., 1988); University of Detroit Mercy School of Law (J.D., 1992).

MALCOLM T. BROWN: *admitted:* New York, New Jersey, Pennsylvania, United States District Courts for the Southern and Eastern Districts of New York, District of New Jersey and Eastern District of Pennsylvania. *Education:* University of Pennsylvania (B.A., Political Science 1988) and Rutgers University School of Law (J.D. 1994).

SCOTT J. FARRELL: *admitted:* New York; New Jersey; U.S. District Courts for the Southern and Eastern Districts of New York, the District of New Jersey, and the District of Colorado. *Education:* Yeshiva University (B.A., *magna cum laude*, 1996), where he was a Max Stern Scholar and Gruss Scholar; New York University School of Law (J.D., 1999), where he was an Article and Note Editor of the *Journal of Legislation and Public Policy*. He is the co-author of "In re Gary Glass and Zoltan Guttman," CFTC Docket No. 93-4, *Futures & Derivatives Law Report*, July/August, 1998.

KATE MCGUIRE: *admitted:* New York; U.S. District Courts for the Southern and Eastern Districts of New York. *Education:* University of California at Santa Cruz (B.A. 1995), Georgetown University Law Center (J.D., 1998); Member: *Georgetown Immigration Law Journal*.

STACEY T. KELLY: *admitted:* New York; New Jersey; U.S. District Courts for the Southern and Eastern Districts of New York. *Education:* New York University (B.A., 1997); Rutgers School of Law - Newark (J.D., 2000). Member: New York State Bar Association; New York County Lawyers Association

PAULETTE S. FOX: *admitted:* New York; New Jersey U.S. District Courts for the Southern and Eastern Districts of New York. *Education:* Benjamin N. Cardozo School of Law (J.D. 2001); Syracuse University (B.A. in Public Policy, *summa cum laude*, Phi Beta Kappa, 1998).

MATTHEW GUINEY: *admitted:* New York. *Education:* The College of William & Mary (B.A. in Government and Economics 1998); Georgetown University Law Center (J.D. 2002).

MARTIN RESTITUYO: *admitted:* New York. *Education:* Queens College (B.A., 1998); Hofstra University School of Law (J.D. 2002); Hofstra University, Frank G. Zarb School of Business (M.B.A., Finance, 2005). Mr. Restituyo did postgraduate work at the Universidad Autonoma de Santo Domingo, Santo Domingo, in the Dominican Republic, and studied at Faculte de Droit de l'Universite de Nice, in Nice, France. Mr. Restituyo was the Assistant Town Attorney for North Hempstead, New York (2004-2006), an Adjunct Professor at John Jay College of Criminal Justice (2005), and was in the Nassau County Department of Economic Development (2002-2004). In 2003, he was awarded the "Distinguished Alumni Award" from Hofstra University's Clinical Program. He is a member of the Nassau County Bar Association, the Women's Bar Association, the Hispanic Bar Association, the Dominican Bar Association and Hofstra University School of Law, Alumni Board.

JOHN TANGREN: *admitted:* Illinois, the Northern District of Illinois and the District of Colorado. *Education:* The University of Chicago (A.B., Philosophy and Music, 2000) and the University of Chicago Law School with honors (J.D. 2003) where he was Executive Editor of the University of Chicago Legal Forum. Before joining Wolf Haldenstein, Mr. Tangren practiced complex commercial litigation as an associate in the Chicago office of a large global firm. His primary area of practice is class action litigation.

PATRICK H. MORAN: *admitted:* Wisconsin, the United States Court of Appeals for the Seventh Circuit and the United States District Court for the Eastern District of Wisconsin. *Education:* University of Iowa (B.A. Economics, 1999); Marquette University Graduate School of Business Administration (M.B.A., Accounting, 2004); Marquette University Law School (J.D. 2003), where he was a member of the Marquette University Law Review and published *The Federal and Ninth Circuits Square Off: Refusals to Deal and the Precarious Intersection between Antitrust and Patent Law*, 87 MARQ. L. REV. 387 (2003). Before joining Wolf Haldenstein, Mr. Moran served as a law clerk to the Hon. John L. Coffey of the United States Court of Appeals for the Seventh Circuit. In addition, Mr. Moran has held positions with a big four accounting firm as an international tax consultant

and as an associate for a large securities class action law firm, specializing in litigation concerning mergers and acquisition.

RACHEL S. POPLOCK: *admitted:* New York, U.S. District Courts for the Southern & Eastern Districts of New York. *Education:* Cornell University (B.S. Human Development, 2002), Fordham Law School (J.D. 2005) where she was a member of the Fordham Urban Law Journal and received the Archibald R. Murray Public Service Award for her participation in the Family Advocacy Clinic.

MICHAEL LISKOW: *admitted:* California, U.S. District Court for the Northern District of California. *Education:* University of Kansas (B.A., Psychology, 2001); University of Pennsylvania Law School (J.D. 2005), where he was the Symposium Editor of the Journal of Constitutional Law. Before joining Wolf Haldenstein, Mr. Liskow was a clerk for the Honorable Steven H. Levinson of the Supreme Court of Hawaii, and a Fulbright Teaching Assistant to the Slovak Republic.

EDMUND S. ARONOWITZ: *admitted:* New York (2006), U.S. District Court for the Southern District of New York (2008). *Education:* Cornell University (B.A. with honors, History, 2002); Cornell Law School (J.D. with honors, 2005), where he was a Managing Editor of the Cornell Journal of Law and Public Policy and a Bench Editor on the Moot Court Board. Prior to joining Wolf Haldenstein, Mr. Aronowitz served as a law clerk to the Hon. Robert L. Hinkle of the United States District Court for the Northern District of Florida and practiced complex commercial litigation as an associate in the New York office of a large global firm.

ZACHARY W. BIESANZ: *admitted:* New York (2009), United States District Courts for the Southern and Eastern Districts of New York (2009). *Education:* Minnesota State University, Mankato (B.S. *magna cum laude*, Philosophy and Political Science, 2004); University of Minnesota Law School (J.D. *cum laude*, 2008), where he was a student articles editor of Law and Inequality: A Journal of Theory and Practice, a student director of the Consumer Protection Clinic, and a Stone and MacKinnon scholar. Before joining Wolf Haldenstein, Mr. Biesanz was an intern in the Antitrust Bureau of the New York Attorney General's office.

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PROVIDE THEIR NON-LITIGATION EXPERTISE TO CLASS
ACTION LITIGATION MATTERS

CHARLES H. BALLER: *admitted:* New York. *Education:* New York University (B.S., *magna cum laude*, 1954); Columbia University (LL.B., 1957); New York University (L.L.M., Taxation, 1962). Beta Gamma Sigma; Beta Alpha Psi. Harlan Fiske Stone Scholar. Co-Editor and Contributing Author, April, 1981, with 1986 Supplement, *Business Acquisitions*, Practising Law Institute. Member: The Association of the Bar of the City of New York; New York State and American Bar Associations. Mr. Baller has worked in the office of Chief Counsel, Internal Revenue Service (Interpretative Division). A lecturer and author for the Practising Law Institute (co-editor of the reference work *Business Acquisitions: Planning and Practice*), Mr. Baller is a corporate and tax attorney with extensive expertise in mergers and acquisitions, complex estate planning (particularly relating to corporate and business holdings), and employee benefits and compensation, including ERISA.

ERIC B. LEVINE: *admitted:* New York; U.S. Courts of Appeals for the Second and Eleventh Circuits; U.S. District Courts for the Southern and Eastern Districts of New York, and Eastern District of Michigan; U.S. Tax Court. *Education:* State University of New York at Buffalo (B.A., *summa cum laude*, 1974); University of Pennsylvania (J.D., *cum laude*, 1977). Order of the Coif, Phi Beta Kappa. Associate Editor, *University of Pennsylvania Law Review*, 1976-1977. Member: The Association of the Bar of the City of New York; New York State Bar Association. Mr. Levine's practice focuses on complex commercial and civil litigation, including in the area of bankruptcy and receivership litigation, creditors' rights, and lender liability.

MARK C. SILVERSTEIN: *admitted:* New York. *Education:* State University of New York at Binghamton (B.S., *summa cum laude*, 1980); New York University (J.D., *cum laude*, 1983). Order of the Coif. Editor, *Journal of International Law and Politics*, 1982-1983. Member: the Association of the Bar of the City of New York; New York State; American Bar Associations. Mr. Silverstein serves as general counsel to corporations and handles matters involving tax planning and mergers and acquisitions. He also provides counseling in the structure of complex settlements and the administration of complex claims administrations.

ELI D. GREENBERG: *admitted:* New York. *Education:* New York University (B.S., *magna cum laude*, 1981). New York University (J.D., 1984). Beta Gamma Sigma. Lecturer, New York University. Member: American Health Lawyers Association. Mr. Greenberg has extensive experience in pension, tax, benefits, and ERISA.

SUBSTANTIAL RECOVERIES OBTAINED IN REPRESENTATIVE
PAST CLASS ACTION CASES IN WHICH WOLF HALDENSTEIN
WAS LEAD COUNSEL OR HAD ANOTHER SIGNIFICANT ROLE

- *In re BankAmerica Corp. Securities Litigation*, MDL Docket No. 1264 (JFN) (E.D. Mo.) (class recovered \$490 million).
- *In re Dynamic Random Access Memory Antitrust Litigation*, (MD-02 1486 (N.D. Cal.) (class recovered \$325 million).
- *In re MicroStrategy, Inc. Securities Litigation*, Civ. No. 00-473-A (E.D. Va.) (class recovered \$160 million in cash and securities).
- *Kurzweil v. Philip Morris Cos.*, 94 Civ. 2373, 94 Civ. 2546 (S.D.N.Y.) (securities fraud) (class recovered \$116.5 million in cash).
- *In re Starlink Corn Products Liability Litigation*, (N.D. Ill.) (class recovered \$110 million).
- *In Computer Associates 2002 Class Action Sec. Litigation*, 2:02-CV-1226 (E.D.N.Y.) (\$130 million settlement in this and two related actions).
- *In re Sepracor Inc. Securities Litigation*, Civ. No. 02-12338 (MEL) (D. Mass.) (classes recovered \$52.5 million).
- *In re Transkaryotic Therapies, Inc., Securities Litigation*, C.A. No. 03-10165-RWZ (D. Mass) (class recovered \$50 million).
- *In re Iridium Securities Litigation*, C.A. No. 99-1002 (D.D.C.) (class recovered \$43 million).
- *In re Merrill Lynch & Co., Inc. Global Technology Fund Securities Litigation*, 02 CV 7854 (JFK) (SDNY); and *In re Merrill Lynch & Co.*,

Inc. Focus Twenty Fund Securities Litigation, 02 CV 10221 (JFK) (SDNY) (class recovered \$39 million in combined cases).

- *In re CNL Hotels & Resorts, Inc. Securities Litigation*, No. 6:04-cv-1231 (Orl-31) (class recovered \$35 million, and lawsuit also instrumental in \$225 million benefit to corporation).
- *In re Cablevision Systems Corp. Shareholder Derivative Litigation*, Master File No. 06-CV-4130-DGT-AKT \$34.4 million recovery).
- *In re Monster Worldwide, Inc. Stock Option Derivative Litigation*, Master File No. 06cv4622 (S.D.N.Y.) (\$32 million recovery and corporate governance reforms).
- *Berger v. Compaq Computer Corp.*, Docket No. 98-1148 (S.D. Tex.) (class recovered \$29 million).
- *In re Arakis Energy Corporation Securities Litigation*, 95 CV 3431 (E.D.N.Y.) (class recovered \$24 million in cash).
- *In re E.W. Blanche Holdings, Inc. Securities Litigation*, Civ. No. 01-258 (D. Minn.) (class recovered \$20 million).
- *In re Globalstar Securities Litigation*, Case No. 01-CV-1748 (SHS) (S.D.N.Y.) (class recovered \$20 million).
- *In re Luxottica Group S.p.A. Securities Litigation*, No. CV 01-3285 (E.D.N.Y.) (class recovered \$18.25 million).
- *In re Musicmaker.com Securities Litigation*, CV-00-2018 (C.D. Cal.) (class recovered \$13.75 million).
- *In re Comdisco Securities Litigation*, No. 01 C 2110 (MIS) (N.D. Ill.) (class recovered \$13.75 million).
- *In re Acclaim Entertainment, Inc., Securities Litigation*, C.A. No. 03-CV-1270 (E.D.N.Y.) (class recovered \$13.65 million).
- *In re Concord EFS, Inc. Securities Litigation*, No. 02-2097 (MA) (W.D. Tenn) (class recovered \$13.25 million).
- *In re Bausch & Lomb, Inc. Securities Litigation*, 01 Civ. 6190 (CJS) (W.D.N.Y.) (class recovered \$12.5 million).

- *In re Allaire Corp. Securities Litigation*, 00-11972 (D. Mass.) (class recovered \$12 million).
- *Bamboo Partners LLC v. Robert Mondavi Corp.*, No. 26-27170 (Cal. Sup. Ct.) (class recovered \$10.8 million).
- *Curative Health Services Securities Litigation*, 99-2074 (E.D.N.Y.) (class recovered \$10.5 million).
- *City Partnership Co. v. Jones Intercable*, 99 WM-1051 (D. Colo.) (class recovered \$10.5 million).
- *In re Aquila, Inc.*, (ERISA Litigation), 04-865 (W.D. Mo.) (\$10,500,000 recovery for the class).
- *In re Tenfold Corporation Securities Litigation*, 2:00-CV-652 (D. Utah) (class recovered \$5.9 million).
- *In re Realogy Corp. Shareholder Litigation*, No. 2621-N (Del. Ch.).
- *In re Industrial Gas Antitrust Litigation*, 80 C 3479 and related cases (N.D. Ill.) (class recovered \$50 million in cash and coupons).
- *In re Chor-Alkalai and Caustic Soda Antitrust Litigation*, 86-5428 and related cases (E.D. Pa.) (class recovered \$55 million).
- *In re Infant Formula Antitrust Litigation*, MDL No. 878 (N.D. Fla.) (class recovered \$126 million).
- *In re Brand Name Prescription Drug Antitrust Litigation*, M.D.L. 940 (N.D. Ill.) (class recovered \$715 million).
- *Landon v. Freel*, M.D.L. No. 592 (S.D. Tex.) (class recovered \$12 million).
- *Holloway v. Peat, Marwick, Mitchell & Co.*, No. 84 C 814 EU (N.D. Okla.) (class recovered \$38 million).
- *In re The Chubb Corp. Drought Insurance Litigation*, C-1-88-644 (S.D. Ohio) (class recovered \$100 million.).
- *Wong v. Megafoods*, Civ-94-1702 (D. Ariz.) (securities fraud) (class recovered \$12.25 million).

- *In re Del Val Financial Corp. Securities Litigation*, 92 Civ 4854 (S.D.N.Y.) (class recovered \$11.5 million).
- *In re Home Shopping Network Shareholders Litigation*, Consolidated Civil Action No. 12868, (Del. Ch. 1995) (class recovered \$13 million).
- *In re Paine Webber Limited Partnerships Litigation*, 94 Civ 8547 (S.D.N.Y.) (class recovered \$200 million).
- *In re Bristol-Meyers Squibb Co. Securities Litigation*, 92 Civ 4007 (S.D.N.Y.) (class recovered \$19 million).
- *In re Spectrum Information Technologies Securities Litigation*, CV 93-2245 (E.D.N.Y.) (class recovered \$13 million).
- *In re Chase Manhattan Securities Litigation*, 90 Civ. 6092 (LJF) (S.D.N.Y.) (class recovered \$17.5 million).
- *Prostic v. Xerox Corp.*, No. B-90-113 (EBB) (D. Conn.) (class recovered \$9 million).
- *Steiner v. Hercules*, Civil Action No. 90-442-RRM (D. Del.) (class recovered \$18 million).
- *In re Ambase Securities Litigation*, 90 Civ 2011 (S.D.N.Y.) (class recovered \$14.6 million).
- *Steiner v. Phillips (In re Southmark Securities Litigation)*, CA No. 3-89-1402-D (N.D. Tex.) (class recovered \$70 million).
- *Steiner v. Ideal Basic Industries, Inc.*, No. 86-M 456 (D. Colo. 1989) (securities fraud) (class recovered \$18 million).
- *Tucson Electric Power Derivative Litigation*, 2:89 Civ. 01274 TUC. ACM (corporation recovered \$30 million).
- *Alleco Stockholders Litigation*, (Md. Cir. Ct. Pr. Georges County) (class recovered \$16 million).
- *In re Revlon Group, Inc. Shareholders Litigation*, No. 8362 (Del. Ch.) (class recovered \$30 million).

- *In re Taft Broadcasting Company Shareholders Litigation*, No. 8897 (Del. Ch.) (class recovered \$20 million).
- *In re Southland Corp. Securities Litigation*, No. 87-8834-K (N.D.Tex.) (class recovered \$20 million).
- *In re Crocker Bank Securities Litigation*, CA No. 7405 (Del. Ch.) (class recovered \$30 million).
- *In re Warner Communications Securities Litigation*, No. 82 Civ. 8288 (JFK) (S.D.N.Y.) (class recovered \$17.5 million).
- *Joseph v. Shell Oil*, CA No. 7450 (Del. Ch.) (securities fraud) (class recovered \$200 million).
- *In re Flight Transportation Corp. Securities Litigation*, Master Docket No. 4-82-874, MDL No. 517 (D. Minn.) (class recovered \$50 million.).
- *In re Whittaker Corporation Securities Litigation*, CA000817 (Cal. Super. Ct., Los Angeles County) (class recovered \$18 million).
- *Naevus International, Inc. v. AT&T Corp.*, C.A. No. 602191/99 (N.Y. Sup. Ct.) (consumer fraud) (class recovered \$40 million).
- *Sewell v. Sprint PCS Limited Partnership*, C.A. No. 97-188027/CC 3879 (Cir. Ct. for Baltimore City) (consumer fraud) (class recovered \$45.2 million).
- *In re Vytarin/Zetia Marketing, Sales Practices and Products Liability Litigation*, 2:08-cv-285 (D.N.J.) (class recovered \$41.5 million).

REPRESENTATIVE REPORTED OPINIONS SINCE 1990 IN
WHICH WOLF HALDENSTEIN WAS LEAD COUNSEL OR
HAD ANOTHER SIGNIFICANT ROLE

FEDERAL APPEALS COURT OPINIONS

- *Harzewski v. Guidant Corp.*, 489 F.3d 799 (7th Cir. 2007).
- *In re Pharmatrak, Inc. Privacy Litig.*, 2003 U.S. App. LEXIS 8758 (1st Cir. May 9, 2003).

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& HERZ LLP

- *Berger v. Compaq Computer Corp.*, 257 F.3d 475 (2001), clarified, 279 F.3d 313 (5th Cir. 2002).
- *In re Bankamerica Corp. Securities Litigation*, 263 F.3d 795 (8th Cir. 2001).
- *Wright v. Ernst & Young LLP*, 152 F.3d 169 (2d Cir. 1998).
- *Romine v. Compuserve Corp.*, 160 F.3d 337 (6th Cir. 1998).
- *Felzen v. Andreas*, 134 F.3d 873 (7th Cir. 1998).
- *Brown v. Radica Games (In re Radica Games Securities Litigation)*, No. 96-17274, 1997 U.S. App. LEXIS 32775 (9th Cir. Nov. 14, 1997).
- *Robbins v. Koger Properties*, 116 F.3d 1441 (11th Cir. 1997).
- *In re Painewebber Inc. Limited Partnerships Litigation*, 94 F.3d 49 (2d Cir. 1996).
- *Glassman v. Computervision Corp.*, 90 F.3d 617 (1st Cir. 1996).
- *Alpern v. Utilicorp United, Inc.*, 84 F.3d 1525 (8th Cir. 1996).
- *Shaw v. Digital Equipment Corp.*, 82 F.3d 1194 (1st Cir. 1996).
- *Riley v. Simmons*, 45 F.3d 764 (3d Cir. 1995).
- *Stepak v. Addison*, 20 F.3d 398 (11th Cir. 1994).
- *County of Suffolk v. Long Island Lighting Co.*, 907 F.2d 1295 (2d Cir. 1990).

FEDERAL DISTRICT COURT OPINIONS

- *Schoenbaum v. E.I. Dupont De Nemours and Co.*, 2007 WL 2768383 (E.D. Mo. Sept. 20, 2007).
- *Jeffries v. Pension Trust Fund*, 99 Civ. 4174 (LMM), 2007 U.S. Dist. LEXIS 61454 (S.D.N.Y. Aug. 20, 2007).
- *Klein v. Ryan Beck*, 06-Civ. 3460 (WCC), 2007 U.S. Dist. LEXIS 51465 (S.D.N.Y. July 13, 2007).

- *Cannon v. MBNA Corp.* No. 05-429 GMS, 2007 U.S. Dist. LEXIS 48901 (D. Del. 2007).
- *In re Aquila ERISA Litig.*, 237 F.R.D. 202 (W.D. Mo. 2006).
- *Smith v. Aon Corp.*, 238 F.R.D. 609 (N.D. Ill. 2006).
- *In re Sepracor Inc. Securities Litigation*, 233 F.R.D. 52 (D. Mass. 2005).
- *In re Transkaryotic Therapies, Inc. Securities Litigation*, No. 03-10165, 2005 U.S. Dist. LEXIS 29656 (D. Mass. Nov. 28, 2005).
- *In re Luxottica Group, S.p.A. Securities Litigation*, 2005 U.S. Dist. LEXIS 9071 (E.D.N.Y. May 12, 2005).
- *In re CNL Hotels & Resorts, Inc. Securities Litigation*, 2005 U.S. Dist. LEXIS 38876, No. 6:04-cv-1231-Orl-31KRS (M.D. Fla. May 9, 2005).
- *Johnson v. Aegon USA, Inc.*, 1:01-CV-2617 (N.D. Ga. Sept. 20, 2004).
- *Freeland v. Iridium World Communications, Ltd.*, 99-1002 (D.D.C. Aug. 31, 2004).
- *In re Acclaim Entertainment, Inc. Securities Litigation*, 03-CV-1270 (E.D.N.Y. June 22, 2004).
- *In re Sepracor Inc. Securities Litigation*, 308 F. Supp. 2d 20 (D. Mass. 2004).
- *In re Concord EFS, Inc. Securities Litigation*, No. 02-2697 (W.D. Tenn. Jan. 7, 2004).
- *In re Enterprise Mortgage Acceptance Co., LLC, Sec. Litig.*, 02-Civ. 10288 (SWK) (S.D.N.Y. Nov. 5, 2003).
- *In re PerkinElmer, Inc. Securities Litigation*, 286 F. Supp. 2d 46 (D. Mass. 2003).
- *In re Initial Public Offering Securities Litigation*, 241 F. Supp. 2d 281 (S.D.N.Y. 2003).
- *In re Comdisco Securities Litigation*, No. 01 C 2110, 2003 U.S. Dist. LEXIS 5047 (N.D. Ill. Mar. 31, 2003).

- *City Partnership Co. v. Cable TV Fund 14-B*, 213 F.R.D. 576 (D. Colo. 2002).
- *In re Allaire Corporation Securities Litigation*, Docket No. 00-11972 - WGY, 2002 U.S. Dist. LEXIS 18143 (D. Mass., Sept. 27, 2002).
- *In re StarLink Corn Products Liability Litigation*, 212 F.Supp.2d 828 (N.D. Ill. 2002)
- *In re Comdisco Securities Litigation*, 166 F.Supp.2d 1260 (N.D. Ill. 2001).
- *In re Crossroads Systems, Inc. Securities Litigation*, Master File No. A-00-CA-457 JN, 2001 U.S. Dist. LEXIS 14780 (W.D. Tx. Aug. 15, 2001).
- *In re MicroStrategy, Inc. Securities Litigation*, 150 F. Supp. 2d 896 (E.D. Va. 2001).
- *Lindelov v. Hill*, No. 00 C 3727, 2001 U.S. Dist. LEXIS 10301 (N.D. Ill. July 19, 2001).
- *In re MicroStrategy, Inc. Securities Litigation*, 148 F. Supp. 2d 654 (E.D. Va. 2001).
- *Jeffries v. Pension Trust Fund of the Pension, Hospitalization & Benefit Plan of the Electrical Industry*, 172 F. Supp. 2d 389 (S.D.N.Y. 2001).
- *Carney v. Cambridge Technology Partners, Inc.*, 135 F. Supp. 2d 235 (D. Mass. 2001).
- *Weltz v. Lee*, 199 F.R.D. 129 (S.D.N.Y. 2001).
- *Schoers v. Pfizer, Inc.*, 00 Civ. 6121, 2001 U.S. Dist. LEXIS 511 (S.D.N.Y. Jan. 23, 2001).
- *Kurzweil v. Philip Morris Cos.*, 94 Civ. 2373 (MBM), 2001 U.S. Dist. LEXIS 83 (S.D.N.Y. Jan. 9, 2001).
- *Goldberger v. Bear, Stearns & Co.*, 98 Civ. 8677 (JSM), 2000 U.S. Dist. LEXIS 18714 (S.D.N.Y. Dec. 28, 2000).

- *In re Newell Rubbermaid, Inc., Securities Litigation*, Case No. 99 C 6853, 2000 U.S. Dist. LEXIS 15190 (N.D. Ill. Oct. 2, 2000).
- *Stanley v. Safeskin Corp.*, Case No. 99 CV 454 BTM (LSP), 2000 U.S. Dist. LEXIS 14100, Fed. Sec. L. Rep. (CCH) P91, 221 (S.D. Cal. Sept. 18, 2000).
- *In re MicroStrategy, Inc. Securities Litigation*, 115 F. Supp. 2d 620 (E.D. Va. 2000).
- *In re USA Talks.com, Inc. Securities Litigation*, 2000 U.S. Dist. LEXIS 14823, Fed. Sec. L. Rep. (CCH) P91, 231 (S.D. Cal. Sept. 14, 2000).
- *In re Sotheby's Holdings, Inc. Securities Litigation*, 00 CIV. 1041 (DLC), 2000 U.S. Dist. LEXIS 12504, Fed. Sec. L. Rep. (CCH) P91, 059 (S.D.N.Y. Aug. 31, 2000).
- *Dumont v. Charles Schwab & Co., Inc.*, Civil Action No. 99-2840 2000 U.S. Dist. LEXIS 10906 (E.D. La. July 21, 2000).
- *Berger v. Compaq Computer Corp.*, Civil Action No. H-98-1148, 2000 U.S. Dist. LEXIS 21424 (S.D. Tex. July 17, 2000).
- *In re BankAmerica Corp. Securities Litigation*, 95 F. Supp. 2d 1044 (E.D. Mo. 2000).
- *In re Carnegie International Corp. Securities Litigation*, 107 F. Supp. 2d 676 (D. Md. 2000).
- *Berger v. Compaq Computer Corp.*, Civil Action No. H-98-1148, 2000 U.S. Dist. LEXIS 21423 (S.D. Tex. Mar. 13, 2000).
- *In re Imperial Credit Industries Securities Litigation*, CV 98-8842 SVW, 2000 U.S. Dist. LEXIS 2340 (C.D. Cal. Feb. 23, 2000).
- *Sturm v. Marriott Marquis Corp.*, 85 F. Supp. 2d 1356 (N.D. Ga. 2000).
- *In re Health Management Systems Securities Litigation*, 82 F. Supp. 2d 227 (S.D.N.Y. 2000).
- *Dumont v. Charles Schwab & Co., Inc.*, Civil Action No. 99-2840, 2000 U.S. Dist. LEXIS 619 (E.D. La. Jan. 19, 2000).

- *In re MicroStrategy, Inc. Securities Litigation*, 110 F. Supp. 2d 427 (E.D. Va. 2000).
- *In re BankAmerica Corp. Securities Litigation*, 78 F. Supp. 2d 976 (E.D. Mo. 1999).
- *Kurzweil v. Philip Morris Cos.*, 94 Civ. 2373 (MBM), 1999 U.S. Dist. LEXIS 18378 (S.D.N.Y. Nov. 24, 1999).
- *In re Nanophase Technologies Corp. Litigation*, 98 C 3450, 1999 U.S. Dist. LEXIS 16171 (N.D. Ill. Sept. 27, 1999).
- *In re Clearly Canadian Securities Litigation*, File No. C-93-1037-VRW, 1999 U.S. Dist. LEXIS 14273 Cal. Sept. 7, 1999).
- *Yuan v. Bayard Drilling Technologies, Inc.*, 96 F. Supp. 2d 1259 (W.D. Okla. 1999).
- *In re Spyglass, Inc. Securities Litigation*, No. 99 C 512, 1999 U.S. Dist. LEXIS 11382 (N.D. Ill. July 20, 1999).
- *Carley Capital Group v. Deloitte & Touche, L.L.P.*, 1:97-CV-3183-TWT, 1999 U.S. Dist. LEXIS 11595 (N.D. Ga. June 30, 1999).
- *Blue Cross & Blue Shield of N.J., Inc. v. Philip Morris, Inc.*, 98 CV 3287, 1999 U.S. Dist. LEXIS 11363 (E.D.N.Y. June 1, 1999).
- *Carley Capital Group v. Deloitte & Touche, L.L.P.*, 1:97-CV-3183-TWT, 1999 U.S. Dist. LEXIS 1368, Fed. Sec. L. Rep. (CCH) P90, 429 (N.D. Ga. Jan. 19, 1999).
- *Longman v. Food Lion, Inc.*, 186 F.R.D. 331 (M.D.N.C. 1999).
- *Walsingham v. Biocontrol Technology, Inc.*, 66 F. Supp. 2d 669 (W.D. Pa. 1998).
- *Sturm v. Marriott Marquis Corp.*, 26 F. Supp. 2d 1358 (N.D. Ga. 1998).
- *Carley Capital Group v. Deloitte & Touche, L.L.P.*, 27 F. Supp. 2d 1324 (N.D. Ga. 1998).

- *In re MobileMedia Securities Litigation*, 28 F.Supp.2d 901 (D.N.J. 1998).
- *Weikel v. Tower Semiconductor, Ltd.*, 183 F.R.D. 377 (D.N.J. 1998).
- *In re Health Management Systems Securities Litigation*, 97 Civ. 1865 (HB), 1998 U.S. Dist. LEXIS 8061 (S.D.N.Y. May 27, 1998).
- *In re Painewebber Ltd. Partnership Litigation*, 999 F. Supp. 719 (S.D.N.Y. 1998).
- *Carley Capital Group v. Deloitte & Touche, L.L.P.*, 1:97-cv-3183-TWT, 1998 U.S. Dist. LEXIS 23222 (N.D. Ga. Feb. 10, 1998).
- *In re TCW/DW North American Government Income Trust Securities Litigation*, 95 Civ. 0167 (PKL), 1997 U.S. Dist. LEXIS 18485 (S.D.N.Y. Nov. 20, 1997).
- *Wright v. Ernst & Young, LLP*, 97 Civ. 2189 (SAS), 1997 U.S. Dist. LEXIS 13630 (S.D.N.Y. Sept. 9, 1997).
- *Felzen v. Andreas*, No. 95-2279, 1997 U.S. Dist. LEXIS 23646 (C.D. Ill. July 7, 1997).
- *Felzen v. Andreas*, No. 95-2279, 1997 U.S. Dist. LEXIS 23647 (C.D. Ill. July 7, 1997).
- *A. Ronald Sirna, Jr., P.C. Profit Sharing Plan v. Prudential Securities, Inc.*, 964 F. Supp. 147 (S.D.N.Y. 1997).
- *Kurzweil v. Philip Morris Companies*, 94 Civ. 2373 (MBM), 1997 U.S. Dist. LEXIS 4451 (S.D.N.Y. April 8, 1997).
- *Bobrow v. Mobilmedia, Inc.*, Civil Action No. 96-4715, 1997 U.S. Dist. LEXIS 23806 (D.N.J. March 31, 1997).
- *Kalodner v. Michaels Stores, Inc.*, 172 F.R.D. 200 (N.D.Tex. 1997).
- *In re Painewebber Ltd. Partnerships Litigation*, 171 F.R.D. 104 (S.D.N.Y. 1997).

- *A. Ronald Sirna, Jr., P.C. Profit Sharing Plan v. Prudential Securities, Inc.*, 95 Civ. 8422 (LAK), 1997 U.S. Dist. LEXIS 1226 (S.D.N.Y. Feb. 7, 1997).
- *Dresner Co. Profit Sharing Plan v. First Fidelity Bank, N.A.*, 95 Civ. 1924 (MBM), 1996 U.S. Dist. LEXIS 17913 (S.D.N.Y. Dec. 3, 1996).
- *Simon v. American Power Conversion Corp.*, 945 F. Supp. 416 (D.R.I. 1996).
- *TII Industries, Inc.*, 96 Civ. 4412 (SAS), 1996 U.S. Dist. LEXIS 14466 (S.D.N.Y. Oct. 1, 1996).
- *In re TCW/DW North American Government Income Trust Securities Litigation*, 941 F. Supp. 326 (S.D.N.Y. Oct. 1, 1996).
- *In re Painewebber Ltd. Partnership Litigation*, 94 Civ. 8547 (SHS), 1996 U.S. Dist. LEXIS 9195 (S.D.N.Y. June 28, 1996).
- *In re Tricord Systems, Inc., Securities Litigation*, Civil No. 3-94-746, 1996 U.S. Dist. LEXIS 20943 (D. Minn. April 5, 1996).
- *In re Painewebber Limited Partnership Litigation*, 94 Civ. 8547 (SHS), 1996 U.S. Dist. LEXIS 1265 (S.D.N.Y. Feb. 6, 1996).
- *Zitin v. Turley*, [1991 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶ 96,123 (D. Ariz. June 20, 1994).
- *In re Southeast Hotel Properties Limited Partnership Investor Litigation*, 151 F.R.D. 597 (W.D.N.C. 1993).

STATE COURT OPINIONS

- *In re Tyson Foods, Inc., Consolidated Shareholder Litigation*, 919 A. 2d 563 (Del. Ch. 2007).
- *Naevus Int'l v. AT&T Corp.*, 283 A.D.2d 171, 724 N.Y.S.2d 721 (2001).
- *Paramount Communications, Inc. v. QVC Network, Inc.*, 637 A.2d 34 (Del. Super. Ct. 1994).

- *In re Western National Corp. Shareholders Litigation*, Consolidated C.A. No. 15927, 2000 Del. Ch. LEXIS 82 (May 22, 2000).
- *In re Cencom Cable Income Partners, L.P. Litigation*, C.A. No. 14634, 2000 Del. Ch. LEXIS 90 (May 5, 2000).
- *In re Cencom Cable Income Partners, L.P. Litigation*, Consolidated C.A. No. 14634, 2000 Del. Ch. LEXIS 10 (Jan. 27, 2000).
- *In re Marriott Hotels Properties II Limited Partnership Unitholders Litigation*, Consolidated C.A. No. 14961, 2000 Del. Ch. LEXIS 17 (Jan. 24, 2000).
- *Romig v. Jefferson-Pilot Life Insurance Company*, 132 N.C. App. 682, 513 S.E.2d 598 (Ct. App. 1999), *aff'd*, 351 N.C. 349, 524 S.E.2d 804 (N.C. 2000).
- *Wallace v. Wood*, 752 A.2d 1175 (Del. Ch. 1999).
- *Greenwald v. Batterson*, C.A. No. 16475, 1999 Del. Ch. LEXIS 158 (July 26, 1999).
- *Brown v. Perrette*, Civil Action No. 13531, 1999 Del. Ch. LEXIS 92 (May 18, 1999).
- *In re Cencom Cable Income Partners, L.P. Litigation*, C.A. No. 14634, 1997 Del. Ch. LEXIS 146 (Oct. 15, 1997).
- *In re Marriott Hotel Properties II Limited Partnership Unitholders Litigation*, Consolidated C.A. No. 14961, 1997 Del. Ch. LEXIS 128 (Sept. 17, 1997).
- *In re Cheyenne Software Shareholders Litigation*, Consolidated C.A. No. 14941, 1996 Del. Ch. LEXIS 142 (Nov. 7, 1996).
- *Seinfeld v. Robinson*, 246 A.D.2d 291, 676 N.Y.S.2d 579 (N.Y. 1998).
- *Werner v. Alexander*, 130 N.C. App. 435, 502 S.E.2d 897 (N.C. Ct. App. 1998).

NON-DISCRIMINATION POLICIES

Wolf Haldenstein does not discriminate or tolerate harassment against any employee or applicant because of race, creed, color, national origin, sex, age, disability, marital status, sexual orientation, or alienage or citizenship status and designs its hiring practices to ensure that minority group members and women are afforded equal employment opportunities without discrimination. The Firm is in compliance with all applicable Federal, State, County, and City equal employment opportunity laws.

Wolf Haldenstein is proud of its long history of support for the rights of, and employment opportunities for, women, the disadvantaged, and minority group persons, including the participation in civil rights and voter registration activities in the South in the early 1960's by partners of the Firm; the part-time employment of disadvantaged youth through various public school programs; the varied *pro bono* activities performed by many of the Firm's lawyers; the employment of many women and minority group persons in various capacities at the Firm, including at the partner level; the hiring of ex-offenders in supported job training programs; and the use of minority and women-owned businesses to provide services and supplies to the Firm.

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Firm Biography

SEEGER WEISS LLP is one of the nation's leading plaintiffs' law firms. The Firm currently numbers approximately 35 attorneys operating out of offices in New York City; Newark, NJ; Philadelphia, PA; Tulsa, OK; and Los Angeles, CA. It specializes in mass tort and class action litigation, with particular emphasis in the areas of products liability, pharmaceutical injury, consumer protection, environmental and toxic tort, securities fraud, antitrust, insurance, ERISA, employment, and *qui tam* litigation. The Firm is made up of experienced litigators, including former state and federal prosecutors. Seeger Weiss's reputation for leadership and innovation has resulted in its appointment to numerous plaintiffs' steering or executive committees in a variety of multidistrict litigations throughout the United States, and it regularly serves as court-appointed Liaison Counsel in New York and New Jersey federal and state courts.

The Firm's manifold accomplishments—including favorable jury verdicts for \$47.5 million in *Humeston v. Merck & Co.* (N.J. Super. Ct. Atlantic County); over \$10.5 million in *Kendall v. Hoffman-La Roche, Inc.* (N.J. Super. Ct. Atlantic County); \$4.5 million in *Adwell v. Contigroup Companies* (Mo. Cir. Ct., Jackson County); and \$25.16 million in *McCarrell v. Hoffman-La Roche, Inc.* (N.J. Super. Ct. Atlantic County)—earned it the distinction of being one of only 8 law firms named by the *National Law Journal* to its exclusive "Plaintiffs' Hot List" the past three years in a row. Reflecting their vast experience and proven leadership, founding partners Christopher A. Seeger and Stephen A. Weiss were appointed Co-General Counsel to the Badge of Honor Memorial Foundation, the national advocacy group for the widows and children of law enforcement officers that are killed in the line of duty.

Mass Torts and Pharmaceutical Litigation

During the past decade, Seeger Weiss has emerged as one of the premier mass torts firms in the United States, particularly in the area of pharmaceutical torts. The Firm's expertise in this area has been recognized by courts throughout the U.S. which have appointed the Firm to numerous plaintiffs' steering committees in a variety of multidistrict litigations, including, among others:

Major Achievements to Date

Vioxx. Seeger Weiss has served in the forefront of the nationwide Vioxx litigation since its inception, playing highly prominent roles in both the federal and New Jersey state court litigations against Merck & Co. relating to the prescription arthritis drug, Vioxx. On April 8, 2005, the Honorable Eldon E. Fallon, who presides over the Vioxx multidistrict litigation in New Orleans, Louisiana, appointed firm partner, Christopher A. Seeger, as Co-Lead of the Plaintiffs' Steering Committee. Additionally, partner David R. Buchanan was appointed Co-Liaison counsel in the New Jersey state Vioxx litigation before the Honorable Carol E. Higbee, J.S.C. In a 2005 class certification ruling involving claims brought on behalf of all third-party payors, including health-maintenance organizations, managed-care organizations, employers and unions, challenging Merck's advertising practices and pricing policies for the prescription arthritis drug Vioxx, Judge Higbee recognized Seeger Weiss's prominence in Vioxx-litigation in stating that "there is probably no other law firm as knowledgeable about Vioxx."

In 2007, Mr. Seeger served as Lead Co-Counsel in *Humeston v. Merck & Co.* in New Jersey Superior Court, Atlantic County. There, he and Seeger Weiss partners David R. Buchanan, Moshe Horn, Laurence Nassif, and Jeffrey Grand, obtained a \$47.5 million jury verdict for the Plaintiff for injuries caused by Vioxx—as cited in the "Top 20 Personal Injury Awards of the Year (2007)" published by the *New Jersey Law Journal*.

Only months after achieving that verdict, Mr. Seeger, along with co-counsel on the Vioxx Negotiating Committee, concluded a \$4.85 billion global settlement with Merck, covering more than 45,000 personal injury claims for heart attack, sudden cardiac death, and ischemic stroke. It represents the largest "global" settlement of personal injury claims stemming from a pharmaceutical product in U.S. history. The settlement was recently declared effective. As a result, as recently reported by the claims administrator and Merck to Judge Fallon in the Federal court in New Orleans (who is charged with overseeing the settlement), the claims administrator will begin disbursing interim settlement payments to participating claimants with approved claims for heart attacks in August 2008.

Zyprexa. In 2004, Seeger Weiss partner Christopher Seeger was appointed by the Honorable Jack B. Weinstein of the U.S. District Court for the Eastern District of New York to

serve as Liaison Counsel in the multidistrict litigation against Eli Lilly & Co. relating to the anti-psychotic drug Zyprexa. On June 7, 2005, Eli Lilly and Mr. Seeger, on behalf of the Plaintiffs' Steering Committee, announced a \$700 million settlement of over 8,000 Zyprexa claims alleging that Zyprexa caused diabetes and diabetes-related injuries. Mr. Seeger was one of the chief architects and leading negotiators of this landmark settlement. He also took a leading role in negotiating a second-round settlement of \$500 million between plaintiffs and Eli Lilly.

Accutane. In 2005, Seeger Weiss partners Christopher Seeger and Dave Buchanan were jointly named to serve on the Plaintiffs' Steering Committee in connection with consolidated litigation against New Jersey based Hoffman-LaRoche, Inc., involving the company's acne medication, Accutane. The mass tort litigation, which came before the Honorable Carole E. Higbee in Atlantic County, involved the consolidation of claims throughout the state of New Jersey alleging severe side effects resulting from the use of Accutane, including birth defects; suicidal impulses among young adults; and inflammatory bowel disease ("IBD"), including Crohn's disease and ulcerative colitis, a debilitating and life-altering disease with no known cure.

To date, Mr. Buchanan—who, with Seeger Weiss partner Christopher Seeger, served as liaison counsel for the New Jersey coordinated proceedings in the Accutane litigation—has served as co-trial counsel in the three cases tried in New Jersey that involved Accutane-related injuries, all of which resulted in verdicts for the Plaintiff. One, *McCarrell v. Hoffman-La Roche, Inc.*, in New Jersey Superior Court, Atlantic County, resulted in a \$26.16 million verdict for the Plaintiff, an Alabama resident who suffered IBD from using Accutane. Seeger Weiss partner Michael Rosenberg also served on the trial team in that case. Another, *Kendall v. Hoffman-La Roche, Inc.*, in the same court, resulted in a verdict for the Plaintiff, a Utah woman who suffered the same ailment from using Accutane, of nearly \$10.6 million. The third, a consolidated trial for *Mace v. Hoffmann LaRoche Inc.*, *Speisman v. Hoffmann LaRoche Inc.*, and *Sager v. Hoffmann LaRoche Inc.*, garnered a \$12.9 million award from the New Jersey jury in November 2008.

Rezulin. Seeger Weiss plays a major role in products liability actions against Pfizer and Warner Lambert involving Rezulin, a prescription drug used to treat Type II diabetes. The Firm is a court-appointed member of the Executive Committee in the federal suits coordinated by the Judicial Panel on Multidistrict Litigation ("JPML") before Judge Lewis A. Kaplan in the U.S. District Court for the Southern District of New York. The Firm is also a member of the New Jersey Rezulin Steering Committee in *In re: Rezulin Litigation*, currently pending before the Superior Court of New Jersey, Middlesex County. The Firm also successfully represented numerous individuals who commenced personal injury damage actions in various courts throughout the country, all of which claims have been resolved through confidential settlement.

Notably, in March 2003, following a six-week jury trial, the Firm achieved a \$2 million verdict against Pfizer on behalf of Concepcion Morgado, a Brooklyn resident who sustained liver injury and was hospitalized for 10 days following her Rezulin use. The case was the first and only Rezulin matter to be tried in New York and represented a watershed result in the nationwide Rezulin litigation.

Vytorin and Zetia. Seeger Weiss has taken the lead in Zetia and Vytorin litigation, negotiating a \$41.5 million settlement with Merck & Co., Inc and Schering-Plough Corporation, which resolved nationwide fraud claims that arose from the sale and marketing of the companies' co-ventured prescription drugs. Plaintiffs contend that Merck conspired with Schering-Plough in 2003 to combine Zocor—an enormously popular statin cholesterol drug, with Zetia—another widely used non-statin cholesterol drug, under the new name Vytorin. The two companies began marketing Vytorin as more effective in reducing cholesterol than Zetia and Zocor alone, as well as being effective in blocking arterial plaque that can cause heart attack and stroke. The lawsuits allege that the companies have known since 2006 that Vytorin was no more effective than the generic version of Zocor in blocking plaque, despite being effective in lowering LDL, or “bad” cholesterol. In failing to disclose these facts, Merck and Schering-Plough were allegedly able to cause consumers and third-party purchasers to pay significantly higher prices than the cost of equally effective alternatives available on the market.

Founding partners Christopher A. Seeger and Stephen A. Weiss served as Co-Liaison Counsel for the Plaintiffs' Executive Committee for *In Re Vytorin/Zetia Marketing, Sales Practices and Products Liability Litigation*, the coordinated group of 140 actions against the two pharmaceutical companies, located in Newark before the Honorable Dennis M. Cavanaugh of the United States District Court of New Jersey. Seeger acted as the principal negotiator for the Plaintiffs' Executive Committee, aided by Weiss and Seeger Weiss partners Diogenes P. Kekatos and Jeffrey S. Grand.

Noteworthy Current Pharmaceutical Mass Tort Prosecutions

Gadolinium. The Firm is at the forefront of litigation against multiple defendant manufacturers of Gadolinium-based contrast agents (“GBCAs”) used in certain diagnostic imaging procedures. In December 2006 the U. S. Food and Drug Administration (“FDA”) issued a second and stronger Public Health Advisory concerning a link between GBCAs used during Magnetic Resonance Imaging (“MRI”) and Magnetic Resonance Angiography (“MRA”) procedures, and a debilitating and potentially fatal skin disorder known as Nephrogenic Systemic Fibrosis or Nephrogenic Fibrosing Dermopathy (“NSF/NFD”). Since it released its first Public Health Advisory in June 2006, the FDA has been further investigating the apparent relationship between contrast agents containing gadolinium and NSF/NFD. As of December 2006, the FDA had received reports of 90 patients that developed NSF/NFD within 2 days to 18 months after exposure to such contrast agents.

In February 2008, the Judicial Panel on Multidistrict Litigation ordered all federal actions involving personal injuries stemming from Gadolinium-based contrast dyes centralized in the U.S. District Court for the Northern District of Ohio, before the Honorable Dan Aaron Polster, who has appointed Seeger Weiss partner Christopher Seeger to serve on the Plaintiffs' Steering Committee and Executive Committee in the multidistrict litigation against multiple defendant manufacturers of GBCAs used in MRI and MRA diagnostic imaging procedures. Partner Dave Buchanan serves as court-appointed Federal-State Liaison Counsel for the litigation. Also in 2008, Seeger Weiss partners Christopher Seeger and Dave Buchanan were appointed Liaison Counsel in connection with the consolidated mass tort litigation against manufacturers of GBCAs in New Jersey, before the Honorable Jamie D. Happs of the Superior Court of New Jersey, Middlesex County.

Fosamax. In August 2006, the JPML ordered all federal litigation involving Merck & Co.'s prescription medication Fosamax—used in the treatment of osteoporosis but found to have caused a number of adverse effects, in particular, osteonecrosis (death of bone tissue)—centralized in the U.S. District Court for Southern District of New York (Manhattan), before the Honorable John F. Keenan. Seeger Weiss partner Christopher Seeger has been appointed Plaintiffs' Liaison Counsel, and also served on the Executive Committee of the Plaintiffs' Steering Committee in the multidistrict litigation.

Yaz, Yasmin, and Ocella. In November 2009, Seeger Weiss partner Christopher A. Seeger was named to the Plaintiff's Steering Committee in the *Yasmin and YAZ (Drospirenone) Marketing, Sales Practices and Products Liability Litigation* (MDL No. 2100) by Judge David R. Herndon, United States District Court, Southern District of Illinois. More than a hundred lawsuits have been filed against Bayer Healthcare, the pharmaceutical giant that produces Yaz and Yasmin. This litigation, which is expected to include hundreds of women asserting severe health complications resulting from taking these birth control pills, was centralized in the Southern District of Illinois in October 2009 by order of the United States Judicial Panel on Multidistrict Litigation.

Other Pharmaceutical and Medical Device Prosecutions

PPA. Seeger Weiss remains actively involved in litigation against numerous manufacturers of pharmaceutical products containing PPA (phenylpropanolamine), until 2000 an ingredient in virtually every over-the-counter cold medication and many appetite suppressant products. The Firm serves on the Plaintiffs' Steering Committee in the federal suits consolidated by the JPML in the U.S. District Court for the Western District of Washington, and as the court-appointed Liaison Counsel in the New York PPA actions coordinated before Judge Helen Freedman. In 2003, the Firm was one of the lead negotiators of a nationwide settlement agreement with the manufacturers of Dexatrim, a leading over-the-

counter appetite suppressant that until 2000 contained PPA. The settlement covers the claims of all individuals who suffered stroke-related injuries resulting from the ingestion of PPA-containing Dexatrim.

Propulsid. Seeger Weiss held national leadership positions in pharmaceutical products liability litigation against Johnson & Johnson and Janssen Pharmaceutica, Inc., the manufacturers of Propulsid—a prescription drug used to treat nocturnal heartburn. Seeger Weiss LLP was a member of the court-appointed Plaintiffs’ Steering Committees in both the federal litigation, which have been consolidated by the JPML in the Eastern District of Louisiana, and in the statewide consolidated actions in Middlesex County, New Jersey. The Firm served as counsel to numerous individuals who have commenced personal injury damage actions in various courts throughout the country.

Guidant and Medtronic Heart Device Litigations. Seeger Weiss served as a court-appointed member of the Plaintiffs’ Steering Committee in multidistrict litigation in the U.S. District Court for the District of Minnesota against Medtronic and Guidant involving defective heart defibrillators and pacemakers. The heart devices at issue are surgically implanted in persons who have a type of heart disease that creates the risk of a life-threatening heart arrhythmia (abnormal rhythm). Both Medtronic and Guidant had disclosed defects in certain of their defibrillators that caused the devices to fail without warning. The Firm filed one of the first actions in the U.S. against Guidant on behalf of patients.

Other Pharmaceutical Products. In addition to aforementioned pharmaceutical, the Firm serves or has served as counsel in numerous lawsuits in state and federal courts throughout the country brought by individuals who have suffered personal injury or death resulting from the use of various pharmaceutical or medical device products, including **Baycol**, **Celebrex**, **Elidel**, **Ephedra**, **Fen-Phen**, **Kugel Mesh** hernia patches, **Lamisil**, **Neurontin**, **OxyContin**, **Ortho Evra** birth control patches, **Protopic**, **Serevent**, **Serzone**, and **Sporanox**.

Consumer Litigation

Seeger Weiss LLP has achieved notable recoveries and currently holds leadership roles in many major consumer class action litigations throughout the country. Among the consumer class action litigations in which Seeger Weiss LLP plays or has played a major role are, in alphabetical order:

In re AOL Version 5.0 Software Litigation: Pending in the United States District Court for the Southern District of Florida pursuant to a JPML consolidation order. Plaintiffs seek to recover damages for violations of federal antitrust laws, as well as for damage inflicted on their computers as a result of installing the software. Seeger Weiss LLP is a member of the proposed Plaintiffs' Steering Committee.

In re Armstrong World Industries, Inc.: \$7 million settlement achieved in the United States Bankruptcy Court for the District of Delaware after transfer. The Firm represented the State of Connecticut, one of numerous property damage claimants which sought injunctive relief and monetary damages resulting from the presence of Armstrong-manufactured asbestos-containing resilient floor tile and sheet vinyl in residences and buildings throughout the United States.

In re Bridgestone/Firestone, Inc. ATX, ATX II and Wilderness Tires Products Liability Litigation: Seeger Weiss represented Firestone tire owners and purchasers of Ford Explorers equipped with certain models of Firestone tires. Plaintiffs sought damages flowing from design defects that resulted in severe, life-threatening accidents. Specifically, the consumer class sought a tire recall, recovery for the cost of tire replacement, and recovery for the diminution in the value of Ford Explorer vehicles resulting from the subject design defects. Following the filing of a number of federal class actions, the litigations were transferred for pre-trial proceedings to the Federal court in Indianapolis. In those coordinated actions, which the JPML had centralized before the Honorable Sarah Evans Barker of the U.S. District Court for the Southern District of Indiana (Indianapolis), Seeger Weiss served as a member of the Plaintiffs' Law Committee. Following extensive discovery and motion practice, Plaintiffs achieved a favorable nationwide settlement of their class claims.

Ecker v. Ford: In 2008, the Superior Court of California granted final approval to the class action settlement in this litigation. The settlement provides full cash reimbursement for qualifying parts and labor for all California owners and lessees of Ford Focus vehicles who experienced premature front brake wear, including reimbursement for brake pads and rotors. The court had earlier appointed the Firm to act as co-lead counsel in the litigation. Seeger Weiss partner Christopher Seeger and associate Scott Alan George were primarily responsible for the litigation.

IBM Deskstar 75GXP Litigation: The Firm represents statewide classes of purchasers of an IBM manufactured hard disk drive, known as the Deskstar 75GXP, in 9 different state and federal courts throughout the country. The actions include claims for violations of consumer protection statutes and breach of warranty resulting from IBM's commercial practices in the marketing and sale of hard disk drives that it knew were inherently unreliable and that it knew would fail at epidemically high rates. In August 2003, Judge Ronald Sabraw issued a tentative ruling certifying a California statewide class of purchasers of the 75GXP in *Michael Granito v.*

IBM, pending in California Superior Court in Alameda County. In addition to California, cases are also pending in New Jersey, New York, Florida, Illinois, Connecticut, Ohio, Michigan, and Pennsylvania. The Firm serves as co-lead counsel in these cases.

In re Industrial Life Insurance Litigation: The Firm represents purchasers of industrial life insurance policies who were charged race-based and discriminatory rates. The Firm serves on the Plaintiffs' Steering Committee in connection with the several cases that have been sent to the Eastern District of Louisiana by the JPML.

Lester v. Percudani: Pending in the U.S. District Court for the Middle District of Pennsylvania. The Firm represents over 170 first-time homeowners who purchased homes at inflated valuations based upon fraudulent appraisals and in violation of federal mortgage lending guidelines. The action includes federal civil RICO and state consumer fraud claims against a group of RICO co-conspirators. In 2008, the district court denied motions for partial summary judgment that had been filed by two of the Defendants (Chase Home Finance LLC and one of its officers), and later denied their motion for reconsideration of that ruling. Following those rulings, the parties entered court-approved mediation, which recently resulted in a settlement that will provide millions of dollars' worth of relief to the aggrieved homeowners, including substantial mortgage rate reductions.

In re MCI Non-Subscriber Telephone Rates Litigation: \$88 million class settlement completed in the United States District Court for the Southern District of Illinois following a transfer to that district by the JPML. Final approval of the class settlement was entered in March 2001 resolving claims brought by class members to recover overcharges arising from MCI's improper imposition of non-subscriber rates and surcharges on certain of its customers. Seeger Weiss LLP was a member of the Plaintiffs' Steering Committee and served as Chair of the Discovery Committee.

Sims v. Allstate and *Dorries v. State Farm*: Pending in Illinois state court. The Firm serves as co-counsel in these separate class actions, representing automobile policyholders seeking to recover payment for the diminution in value of their vehicles following accidents in which certain types of body damage was sustained. These cases were certified as class actions in December 2000.

Sternberg v. Apple Computer, Inc. and *Gordon v. Apple Computer, Inc.*: Nationwide settlement completed in California state court. Plaintiffs recovered class-wide damages resulting from Apple's deceptive advertisements for its iMac and G4 brand computers—specifically the functionality of the DVD playback feature. Seeger Weiss LLP served as co-lead counsel for the classes.

Truth-in-Lending Act Litigation: The Firm serves as co-counsel in several dozen proposed nationwide class actions that were filed in 2007 and 2008 in the various federal courts in California against banks and other mortgage lenders, asserting claims under the federal Truth-in-Lending Act (“TILA”), and California consumer fraud statutes and common law. These actions seek to recover damages as well as equitable relief, including rescission, in connection with highly-deceptive so-called Option Adjustable Rate Mortgage (“ARM”) loans. The loan documents given to Option ARM borrowers failed to adequately disclose to borrowers that the initial “teaser” interest rate of 1%-3% would last only 30 days and that, after that time, the minimum payment specified in the payment schedule would be insufficient to cover even monthly interest charges, let alone loan principal. As a result, borrowers who secured these deceptive loans have lost equity in their homes and are no longer able to secure the refinancing necessary to get out from under these loans.

Workers’ Compensation Litigation: The Firm served as co-counsel in proposed class actions brought in thirteen different states against most of the country’s largest workers’ compensation insurance carriers. The actions sought to recover damages on behalf of numerous corporate entities resulting from the inappropriate imposition of “residual market loads.” In 2006, these cases settled for an aggregate amount of \$25 million.

Securities Litigation

Seeger Weiss has emerged as a leading innovator in the realm of securities litigation, with special emphasis on IPO litigation, auction rate securities, securities fraud class action, and, recently, the Bernard Madoff Ponzi scheme. The Firm brought action against some of the largest financial entities in the world, including Goldman Sachs, Morgan Stanley, Credit Suisse, JPMorgan Chase, Bank of America and Merrill Lynch.

IPO Litigation

In Re: Initial Public Offering Securities Litigation is one of the largest and most significant coordinated securities fraud prosecutions in United States history. In this coordinated action, Seeger Weiss serves on the Plaintiffs’ Steering Committee and as Co-Chair of the Plaintiffs’ Legal Committee. The litigation consists of 310 class actions involving IPOs marketed between 1998 and 2000. The defendants include 310 individual companies and 55 investment bank underwriters, which includes Wall Street’s largest and most well-known investment houses, including Goldman Sachs, Morgan Stanley, and Credit Suisse. The class actions allege that the IPOs were manipulated by the issuers and investment banks to artificially inflate the market price of the securities of those companies by inducing customers to engage in aftermarket “tie-in” agreements in exchange for IPO allocations. The cases further allege that the investment banks extracted significant undisclosed compensation from their customers in exchange for

giving them the IPO allocations. The actions are coordinated before Judge Shira A. Scheindlin in the U.S. District Court for the Southern District of New York (Manhattan).

In connection with these actions, the Firm was instrumental in defeating a recusal motion brought by certain of the underwriter-defendants in 2001, and was the principal author of the electronic data preservation protocol that was entered by Judge Scheindlin in the litigation. The Firm has been extensively involved in all phases of the litigation, which recently entered a new phase of class certification proceedings following the U.S. Court of Appeals' 2007 reversal of Judge Scheindlin's certification of six test classes.

Auction Rate Securities

Seeger Weiss is part of a consortium of law firms that have taken a leading role in bringing actions against the broker-dealers involved in the auction rate securities market's collapse. Seeger Weiss has sued UBS, DeutscheBank, Merrill Lynch, Wachovia, TD Ameritrade, Morgan Stanley, JPMorgan Chase, E*Trade, Raymond James, Wells Fargo, Oppenheimer, Bank of America and Royal Bank of Canada, alleging that they knew, but failed to disclose material facts about the auction rates market and the securities they sold to their investors, including that the securities were not cash alternatives, like money market funds but, rather, were complex, long-term financial instruments with 30-year or longer maturity dates; and that they were only liquid at the time of sale because the broker-dealers were artificially supporting and manipulating the auction market to maintain the appearance of liquidity and stability. Indeed, the broker-dealers simultaneously withdrew their support of the auction rate securities market on the same day in February 2008, resulting in its collapse. One *New York Times* reporter has referred to the collapse of the auction rates market as a "hostage crisis," in which thousands of investors, including senior citizens, have hundreds of billions of dollars in investments that they cannot access despite having been told that they were liquid investments that were as good as cash.

The Honorable Shira A. Scheindlin of the U.S. District Court for the Southern District of New York (Manhattan) has appointed Seeger Weiss to serve as Liaison Counsel in *Waldman v. Wachovia*, No. 08 Civ. 2913 (SAS) (S.D.N.Y.). Seeger Weiss also was appointed as Liaison Counsel in *Chandler v. UBS AG*, No. 08 Civ. 2697 (SAS) (LMM) (S.D.N.Y.); *Humphrys v. TD Ameritrade*, No. 08 Civ. 2912 (PAC) (S.D.N.Y.); and *Ciplet v. JPMorgan Chase & Co.*, 08 Civ. 4580 (RMB) (S.D.N.Y.). Additionally, counsel with whom Seeger Weiss is working have been appointed Lead Counsel in these and several other cases against the broker-dealers.

Securities Fraud Class Actions

The Firm holds leadership roles in a variety of national securities class action litigations. For example, Seeger Weiss LLP served as lead counsel in an action against *ATEC Group, Inc.*, in which the Firm recovered \$1.7 million for the class in the United States District Court for the Eastern District of New York. Additionally, Seeger Weiss LLP serves as lead counsel in an action against *The MiiX Group*, a medical malpractice insurance carrier based in New Jersey, and several of its former and current directors and officers which is pending in the District of New Jersey, and chaired the Executive Committee in a derivative action against *Legato Systems, Inc.* in California.

The Firm also represents or has represented shareholders in a variety of securities litigations, including those against *ATEC Group* (E.D.N.Y.); *Axonyx* (S.D.N.Y.); *Bell South* (N.D. Ga.); *Bradley Pharmaceutical* (D.N.J.); *Broadcom Corp.* (C.D. Ca.); *Buca, Inc.* (D. Minn.); *Cryo-Cell International, Inc.* (M.D. Fl.); *eConnect, Inc.* (C.D. Ca.); *FirstEnergy Corp.* (N.D. Ohio); *Friedman, Billings, Ramsey Group* (S.D.N.Y.); *Gander Mountain* (D. Minn.); *Genta* (D.N.J.); officers and directors of *Global Crossing* (C.D. Ca.); *Grand Court Lifestyles, Inc.* (D.N.J.); *Impath* (S.D.N.Y.); *IT Group Securities* (W.D. Pa.); *Mattel, Inc.* (C.D. Ca.); *Matrixx Initiatives* (D. Ariz.); *MBNA* (D. Del.); *MIIX Group* (D.N.J.); *Molson Coors Brewing Company* (D. Del.); *Mutual Benefits Corp.* (S.D. Fla.); *New Era of Networks, Inc.* (M.D.N.C.); *Nuance Communications* (N.D. Ca.); *NVE Corporation* (D. Minn.); *Omnivision Technologies, Inc.* (N.D. Ca.); *Par Pharmaceuticals* (D.N.J.); *Pixelplus, Co.* (S.D.N.Y.); *Procter & Gamble Co.* (S.D. Ohio); *Priceline.com* (D. Conn.); *Purchase Pro* (S.D.N.Y.); *Quintiles Transnational* (D. Colo.); *Read Rite Corporation* (N.D. Ca.); *Sagent Technology* (N.D. Ca.); *Sina Corporation* (S.D.N.Y.); *The Singing Machine, Inc.* (S.D. Fl.); *Terayon, Inc.* (C.D. Ca.); and *Tesoro Petroleum Corp.* (E.D. Tex); *Viisage Technology, Inc.* (D. Mass.), among others.

Madoff Investment Securities Litigation

Seeger Weiss LLP has moved to the forefront of litigation against Bernard L. Madoff Investment Securities, the engine of Madoff's \$50 billion Ponzi scheme, and has been retained to represent more than \$500 million in claims from defrauded shareholders around the world. Madoff's brand of deception, though similar to a pyramid scheme, proved far more insidious because it relied Madoff's good standing and the fundamental trust the trading community placed in his abilities. Investors were lead to believe that their investments would be handled competently by Madoff and that their returns would be produced through sound investments. Thousands of investors and institutions have been defrauded by Madoff and his firm.

Seeger Weiss, along with co-counsel from Milberg LLP, filed a petition in April 2009 that, if granted, could make Madoff's personal assets available for investors to recover a portion of their investments. The petition was filed soon after Judge Louis Stanton reversed an earlier decision that blocked that option. The SEC and the prosecution maintained that nearly

all of Madoff's personal assets were linked to his financial crimes, and personal bankruptcy could delay recovery by victims of his Ponzi scheme, but Judge Stanton disagreed, and reversed the prior holding.

General Complex Class Action Litigation

Seeger Weiss has long excelled at general complex class action litigation, having achieved major victories in the past and working on several important class action cases in the present, against large agricultural and pharmaceutical corporations.

Bayer CropScience Rice Contamination MDL. The Firm represents five proposed statewide classes of rice growers (covering the five leading rice-growing states of Arkansas, Louisiana, Mississippi, Missouri, and Texas) who are seeking to recover damages against Bayer CropScience and numerous parents and affiliates to the value of their rice crops resulting from contamination by LLRICE 601 and LLRICE 604, varieties of long-grain rice that have been genetically modified to produce rice crops resistant to glufosinate—the active ingredient in Liberty® Herbicide, another Bayer product. This “glufosinate-tolerant” trait allows growers to spray Liberty® herbicide over the entire crop, killing all weeds without risking any damage to the rice crop. Following revelations in August 2006 and again in March 2007 that U.S. rice crops had been found to be contaminated with these varieties (which, at the time, had not been approved for commercial use), the world’s leading importers of American rice, including the European Union, Japan, and South Korea, quickly announced embargoes of U.S. rice, triggering sharp declines in the market price of U.S. rice. The JPML has centralized these actions, and others similar, before the Honorable Catherine D. Perry of the U.S. District Court for the Eastern District of Missouri (St. Louis). Following the district court’s denial of class certification, in which Seeger extensively participated in the briefing and hearing preparations, the cases have proceeded to completion of discovery and trial. The first two bellwether trials before Judge Perry both resulted in significant victories for the Plaintiffs, with verdicts awarding damages totaling approximately \$3.5 million.

In re “StarLink” Corn Products Litigation. Similar to the rice contamination litigation against the Bayer companies, this litigation was centralized by the JPML in the U.S. District Court for the Northern District of Illinois, Eastern Division (Chicago). The U.S. Environmental Protection Agency had licensed “StarLink” brand corn—which had been genetically-modified to create its own insecticidal protein, making it resistant to various corn pests—only for the growing of corn used for animal feed and industrial purposes (such as the growing of corn for manufacturing ethanol), was found to have entered the U.S. food chain. The news swiftly led to Japan and other major overseas buyers of U.S. corn placing embargoes on American corn, and the resulting collapse of the export market for U.S. corn and a sharp decline in the market price of U.S. corn. The Firm was one of four court-appointed co-lead

counsel for a class of corn farmers in various corn-belt states against Aventis CropScience USA—the developer of StarLink corn seed (which was later purchased by Bayer AG and became Bayer CropScience, the developer of the genetically-modified rice seeds that are the sources of the rice contamination litigation in which the Firm is currently involved)—and Garst Seed Company, the principal licensee and distributor of the corn seed. In the actions, the corn growers sought damages representing the loss in value of their corn crops due to the improper marketing, handling, and distribution of StarLink corn. In April 2003, following much discovery and the denial of the Defendants’ motion to dismiss the Plaintiffs’ claims, U.S. District Judge James B. Moran gave final approval to a \$110 million nationwide settlement of the class claims.

OxyContin Third-Party Payor Litigation. Seeger Weiss has been appointed co-lead counsel in a proposed class action pending in the U.S. District Court for the Southern District of New York (Manhattan) before the Honorable John G. Koeltl. The litigation against the drug’s maker, Purdue Pharma LLP, involves the marketing and promotion of OxyContin. In 2007, Purdue pled guilty to federal violations of misbranding of OxyContin, for which it was fined over \$600 million in criminal and civil penalties. The Firm represents insurance providers and other “third-party payors,” including self-funded health plans, which have purchased, reimbursed, or otherwise paid for OxyContin for their plan members or participants. The Plaintiffs assert violations of federal RICO and state consumer fraud statutes. Specifically, they allege that, as a result of Defendants’ fraudulent over-promotion and off-label promotion of OxyContin, members of the class paid a much higher price, for many more prescriptions, than they would have absent Defendants’ fraudulent over-promotion. After discovery, spirited negotiations, and briefing and argument on Purdue’s motion to dismiss the complaint, Seeger Weiss secured a \$20 million settlement, which received preliminary approval from the district court in December 2008. A final approval (fairness) hearing is scheduled for May 15, 2009.

Environmental and Toxic Tort Litigation

Seeger Weiss has brought several environmental and toxic tort cases on behalf of homeowners, small landowners and farmers who have suffered from environmental damage and degradation.

Factory Hog and Poultry Farm Environmental Litigation. The Firm is involved in the prosecution of various environmental and common law claims against several of the nation’s largest industrial hog and poultry farm operators. These cases, pending in several jurisdictions throughout the country, were brought on behalf of public citizens, riparian property owners and other residents in the vicinity of factory hog and poultry farms who have suffered from environmental and atmospheric degradation caused by the illegal discharge of harmful toxins and other pollutants contained in the enormous quantities of hog and poultry feces and other

wastes produced by the industrial farmer defendants. The Firm serves as co-lead counsel in several of these actions. For example, the Firm serves as court-appointed co-lead counsel in an action pending in the state District Court of Mayes County, Oklahoma pertaining to environmental damages to the Grand Lake O'Cherokees caused by the disposal of massive quantities of chicken litter by the operations of various major poultry integrators and their contract growers. In that action, the Firm achieved the certification of two classes of owners of property around the 44,000-acre lake after a three-day hearing by the District Court, and that ruling was only narrowly overturned by the Oklahoma appellate courts during nearly two and one-half years of appeals. The Firm continues to aggressively pursue these claims.

In September 2006, following a three-week trial in which Firm partner, Stephen A. Weiss, served as co-lead trial counsel, a state court jury sitting in Jackson County, Missouri returned a \$4.5 million combined verdict against industrial hog producers Premium Standard Farms, Inc. and ContiGroup Companies, Inc. in favor of six neighbors of the Defendants' vast farm operations in northern Missouri. In March 2010, a group of fifteen neighbors brought Premium Standard Farms before the state court again, alleging that the overpowering hog odors had not abated since the original trial. A Jackson County jury awarded the plaintiffs a \$11.05 million verdict. The Firm continues to represent over 250 remaining claimants against these Defendants.

Lead Poisoning Litigation. The Firm represents families and property owners living within Tar Creek, one of the nation's most notorious hazardous waste sites, situated within the former Picher Mining Field in Northeast Oklahoma. The site has ranked consistently near the top of EPA's National Priorities List for over a decade. Seeger Weiss is pursuing two types of cases on behalf of the residents: claims on behalf of seven minor children who have irreversible brain damage as a result of exposure to the lead left behind by the mining companies; and a prospective class of residents whose properties have been devalued and who have been exposed to this toxic mining waste.

Chinese-Manufactured Drywall. Seeger Weiss is currently pursuing action against Chinese manufacturers of contaminated drywall, which is reported to contain high levels of hydrogen sulfides, compounds that when exposed to prolonged heat or humidity, release sulfur gasses resulting in terrible odors, metal corrosion, and physical injuries. Christopher A. Seeger was named to the Plaintiff's Steering Committee in the Chinese-Manufactured Drywall Products Liability Litigation (MDL No. 2047) by Judge Eldon E. Fallon, United States District Court, Eastern District of Louisiana. This litigation, which includes thousands of claimants asserting property damage and personal injury claims, was centralized in the Eastern District of Louisiana in June 2009 by order of the United States Judicial Panel on Multidistrict Litigation. Mr. Seeger and fellow partner Jeffrey Grand tried the first defective Chinese-manufactured drywall case in the country, resulting in a \$2.6 million verdict for seven Virginia families. Mr. Seeger also tried the second bellwether case, which determined whether

manufacturers were responsible for damages the drywall's toxic fumes cause to plumbing, electronics, and appliances, securing a \$164,049.64 judgment for the Hernandez family. Mr. Seeger chairs a second committee of national trial teams pursuing Chinese-manufactured drywall cases.

Asbestos Litigation

Seeger Weiss handles numerous lawsuits seeking compensation for victims of asbestos and mesothelioma and has recovered millions of dollars for mesothelioma victims nationwide.

Fair Labor Standards Act Litigation

Seeger Weiss LLP is engaged in a wide variety of Fair Labor Standards Act ("FLSA") litigation matters representing aggrieved employees in courts throughout the country. The following are examples of such FLSA actions in which the Firm is involved:

Seeger Weiss serves as lead counsel in an action—titled *Schaefer-LaRose v. Eli Lilly & Co.*, which was filed in November 2006 and is pending in the U.S. District Court for the Southern District of Indiana—charging that Eli Lilly & Co. has a common practice of refusing to pay overtime compensation to its pharmaceutical representatives—including Sales Representatives, Senior Sales Representatives, Executive Sales Representatives, Senior Executive Sales Representatives, and those with similar job descriptions and duties—in violation of the federal FLSA. The plaintiffs, Lilly employees who promoted or detailed pharmaceutical products to medical professionals, allege that Lilly unlawfully characterizes its employees as exempt in order to deprive them of overtime pay. In February 2008, the court approved Plaintiffs' motion to conditionally certify the case as a collective action—the FLSA equivalent of a class action. The class consists of approximately 400 current and former pharmaceutical representatives employed by Lilly across America.

Seeger Weiss is also co-counsel in a similar federal collective action lawsuit charging that Pfizer Inc. has adopted a common practice of refusing to pay overtime compensation to its pharmaceutical representatives—including Professional Healthcare Representatives, Therapeutic Specialty Representatives, Institutional Healthcare Representatives, Specialty Healthcare Representatives, Specialty Representative, and Sales Representatives—in violation of the FLSA. That action, *Coultrip v. Pfizer Inc.*, was filed in October 2006, and is pending in the U.S. District Court for Southern District of New York. In August 2008, that court granted Plaintiffs' motion to certify the case as a FLSA collective action.

Pension and ERISA Litigation

Seeger Weiss has represented thousands of clients whose employers recklessly tampered with their retirement benefits.

In re Delta Air Lines Inc. Seeger Weiss served as Lead Counsel in a nationwide ERISA multidistrict litigation centralized by the JPML in the federal court in Atlanta, Georgia before the Honorable Julie E. Carnes. The Firm represented active and retired Delta Air Lines pilots challenging various company pension plan amendments and practices that had caused them to forfeit accrued and vested pension benefits. Plaintiffs challenged, among other things, the methodology employed by Delta in calculating and paying lump sums of pension benefits to pilots, the company's retroactive freeze of a benefit formula previously pegged to increases in investment performance, and automatic reductions of pension benefits of married retirees hired before 1972. In September 2005, the federal court in Atlanta granted final approval to a class action settlement providing for payment of \$16 million in cash to certain retired Delta pilots hired before 1972 or their spouses or beneficiaries and 1 million stock purchase warrants to lump sum pension benefits recipients. The settlement represented a significant recovery in light of Delta Air Lines' rapidly-deteriorating financial plight, with the court's final approval coming only days before Delta filed for bankruptcy protection. Seeger Weiss continued to represent Plaintiffs and class members through a number of twists and turns in the bankruptcy proceedings and beyond, and vigorously fought for and, in 2008, secured the complete and final distribution of all settlement proceeds to the class members.

In re BellSouth Corp. ERISA Litigation. Seeger Weiss represented tens of thousands of aggrieved BellSouth management employees in a class action suit against the company and the administrators of the employees' 401K plan, in connection with "Enron-like" breaches of fiduciary duty. These claims stemmed from Defendants' failures to advise employees of investment diversification options and their having created a falsely optimistic outlook in Defendant BellSouth's stock as a prudent investment for the plan. Defendants encouraged employees to invest their earnings in company stock at a time when the company was noting positive operating results, artificially-optimistic revenue growth, and other financial indicators that were found to be materially false, including revelations of accounting irregularities and losses from the company's risky venture into the highly-speculative Latin American wireless phone market. In 2006, after considerable motion practice and discovery in the litigation, the federal court in Atlanta, Georgia, which oversaw the litigation, granted final approval to a class action settlement that provides for, among other things, BellSouth to make matching 401K plan contributions to employees for a three-year period in cash rather than company stock; for employees during that period to have the same investment options for the company's matching contributions as they have for their own contributions; the availability of certain additional investment choices; and during that period a guaranteed minimum percentage for one of the components in the formula used to determine the company's matching contributions.

Insurance Litigation

For over a decade, the Firm has played a pivotal role in many notable insurance market practices class actions brought against members of the life insurance industry. These nationwide suits resulted from alleged misrepresentations made in connection with the sale of certain life insurance products, including “vanishing premium” policies which, due to market-sensitive dividend projections, required customers to pay premiums on a more prolonged basis than originally expected. The Firm has also reviewed annuity claims in the Claims Review Process.

In 2009, the firm was appointed Lead Counsel in the *WellPoint, Inc. Out-of-Network “UCR” Rates Litigation* (MDL No. 2074) by Judge Philip S. Gutierrez, United States District Court, Central District of California. This litigation, originally four antitrust cases, was centralized on August 27, 2009 by order of the U.S. Judicial Panel on Multidistrict Litigation. The plaintiffs allege that several large insurance companies, including WellPoint Inc., Anthem Inc., and Blue Cross of California colluded to lower reimbursement rates for out-of-network health care services. The insurers were reported to have knowingly created and used flawed data to produce reimbursements far below the usual, customary and reasonable rates. The plaintiffs’ claim that the insurance companies used a rigged database created by Ingenix, a subsidiary of UnitedHealth Group Inc., which was once the largest provider of health care billing information in the country. The briefing of Defendants’ motion to dismiss the consolidated class action complaint in that litigation was recently completed, and the court is to hear oral argument on that motion shortly.

The firm serves on the Plaintiffs’ Executive Committee in the analogous *Aetna UCR Litigation* (MDL No. 2010), pending before Judge Faith S. Hochberg in the United District Court, District of New Jersey. That litigation raises similar ERISA, civil RICO, federal antitrust, and other claims against Aetna, Ingenix, and UnitedHealth Group pertaining to reimbursement rates for out-of-network health care services. That court currently has Defendants’ motion to dismiss the consolidated class action complaint under advisement, and Plaintiffs are scheduled to file their motion for class certification shortly.

In 1995, the firm was appointed as the national Policyowner Representative in *Wilson v. New York Life Insurance Company* sales practices litigation, the first settlement of a nationwide class action relating to the vanishing premium insurance product. *Wilson* involved claims brought by a class of approximately 3.2 million New York Life policyowners who suffered damages as the result of allegedly improper sales practices by the company and its agents, including the alleged failure to properly disclose the market-sensitivity of the company’s premium payment projections. As Policyowner Representative, the firm served as the principal advocate on behalf of members of the class who elected to pursue individual claim relief before independent appeal boards.

Following its appointment in the *New York Life* litigation, the firm served as the Attorney Representative in the *In re Prudential Life Insurance Sales Practices Litigation*. In that role, the firm, and others serving under its auspices, represented individual class members in connection with over 53,000 separate claim arbitrations.

In addition to the *New York Life* and *Prudential* matters, the firm has served as the Policyowner Representative, Attorney Representative, or Claim Evaluator in the following insurance and annuity sales practices class actions: *Ace Seat Cover Company v. The Pacific Life Insurance Co.*; *Benacquisto v. American Express Financial Corporation*; *Duhaime v. John Hancock Mutual Life Ins. Co.*; *Garst v. The Franklin Life Insurance Co.*; *In re General American Life Insurance Co. Sales Practices Litigation*, *In re Great Southern Life Insurance Co. Sales Practices Litigation*; *Grove, et al. v. Principal Mutual Life Insurance Co.*; *Joseph F. Kreidler, et al. v. Western-Southern Life Assurance Co.*; *Lee v. US Life Corp.*; *In re Lutheran Brotherhood Variable Products Co. Sales Practices Litigation*; *Manners and Philip A. Levin v. American General Life Insurance Co.*; *In re Manufacturers Life Insurance Co. Premium Litigation*; *In re Metropolitan Life Insurance Co. Sales Practices Litig.*; *Moody v. American General Life and Accident Insurance Co.*; *In re New England Mutual Life Insurance Company Sales Practices Litigation*; *Roy v. Independent Order of Foresters*; *Murray v. Indianapolis Life Insurance Co.*; *Snell v. Allianz Life Insurance Company of North America*; *In re Sun Life Assurance Company of Canada Insurance Litigation*; *Varacallo, et al. v. Massachusetts Mutual Life Insurance Co.*; and *Wemer v. The Ohio National Life Insurance Co.*

Nursing Home Litigation

Seeger Weiss LLP has served as counsel in over two dozen personal injury and wrongful death actions on behalf of victims of severe nursing home abuses and neglect. These cases, both pending and settled, were litigated in various state courts throughout the country and have earned the Firm a national reputation in the area of nursing home litigation.

Personal Injury Litigation

The Firm maintains a highly-selective docket of matters involving serious personal injury or wrongful death. Unlike many personal injury practices in which attorneys may handle hundreds of slip-and-fall matters at a time, the Firm's philosophy is to allow its attorneys to concentrate on a smaller number of "high-end" catastrophic injury cases, thereby permitting the highest quality of attention and service available in the field.

In June, 2009, Seeger Weiss was lauded for its staunch representation of 11 victims and their families in the Wildcats Bus Accident Case, after the defendants' agreed during trial to

accept 100% of the responsibility for the tragic crash. The horrific accident, which resulted in four fatalities and countless other serious injuries, occurred when a Coach Canada bus carrying an “under 21” Canadian female hockey team named the Wildcats veered off of Interstate 390 near Rochester, New York and struck a parked tractor-trailer on the shoulder of the roadway. Led by Christopher Seeger, Moshe Horn and Marc Albert, the Seeger Weiss team took more than 20 depositions, reviewed thousands of pages of documents and retained multiple experts in preparation for the trial in the Supreme Court, Livingston County. Seeger Weiss represents a total of eleven victims of the accident and their families. In March 2010, a jury awarded \$2.25 million to three of the victims and their families, who were represented by partners Moshe Horn and Marc Albert. The damages trials for the remaining eight plaintiffs, during which juries will be asked to determine fair compensation for the catastrophic and in some cases fatal injuries suffered by each of the individual victims, will occur in the coming months.

Seeger Weiss secured a \$1.4 million verdict for our client, Debbie D'Amore in her case against Met Life and American Building Maintenance for serious injuries which she suffered as a result of a fall on July 13, 2004 at the Met Life Building in New York City. Ms. D'Amore was vigorously represented by Christopher Seeger and Marc Albert of Seeger Weiss LLP over the course of the week-long trial held before the Honorable Judge Michael Stallman of the Supreme Court, New York County. The jury deliberated over a two day period and returned with a \$1.4 million verdict, \$1 million of which was awarded for Ms. D'Amore's past pain and suffering, with \$400,000 awarded for future pain and suffering. The jury found defendants Met Life and its cleaning contractor, American Building Maintenance responsible for the fall and the serious injuries which Ms. D'Amore sustained as a result. Ms. D'Amore suffered a tri-malleolar ankle fracture in the fall which required multiple surgeries, including ultimately, an ankle fusion.

Seeger Weiss's continuing fight for rape victim Maria B., who was brutally assaulted inside a New York City subway station while two Transit employees watched and failed to take appropriate action received national attention in April, 2009. In the course of discovery on the case, we exposed the Transit Authority for its complete and utter disregard for safety, failing to equip their stations with such basic safety devices as a public address system or alarm. Seeger Weiss's efforts to change longstanding New York law which granted municipalities such as the NYC Transit Authority immunity from suits like Maria B's, including our recent filing of an Appeal on the issue, was greeted with widespread admiration and shows Seeger Weiss's willingness to take on the type of difficult case most firms routinely turn down.

Antitrust Litigation

Seeger Weiss LLP has been involved in nationally-prominent antitrust litigation, where it has recently expanded its presence.

Compact Disc Litigation. Seeger Weiss was involved in this consumer antitrust litigation, which sought damages against the wholesale sellers of pre-recorded music sold in the form of compact discs. The Plaintiffs alleged that the Defendants had conspired to artificially inflate the retail prices of compact discs in violation of the Sherman Act. The litigation was settled favorably in the United States District Court for the District of Maine, where the litigation had been centralized for coordinated pretrial proceedings by the JPML.

McDonough v. Toys “R” Us, Inc. Seeger Weiss represents a proposed class of consumers and smaller retailers of baby and juvenile products against Babies “R” Us (an affiliate of the Toys “R” Us chain) and several manufacturers of baby products, including strollers, bedding, car seats, and other items, in consolidated actions pending in the U.S. District Court for the Eastern District of Pennsylvania (Philadelphia) before the Honorable Anita B. Brody. The Plaintiffs allege that Babies “R” Us conspired with the manufacturers of baby products in a scheme whereby the manufacturers required other retailers to sell their products at prices above those being charged by Babies “R” Us. As a result, Babies “R” Us was able to monopolize the retail market, resulting in consumers being forced to pay more for baby products. The district court denied the Defendants’ motion to dismiss the consolidated complaints. Briefing of Plaintiffs’ motion for class certification has been completed, and a decision from the court is expected shortly.

Monsanto Genetically-Modified Soybean and Corn Seed Litigation. The Firm serves as Co-Lead Counsel in *Schoenbaum v. E.I. DuPont de Nemours and Company*, thirteen consolidated proposed class actions against Monsanto Company, E.I. DuPont de Nemours and Company, and Pioneer Hi-Bred International Inc. currently pending before the Honorable E. Richard Webber in the U.S. District Court for the Eastern District of Missouri (St. Louis). These lawsuits, brought on behalf of farmers who purchased genetically-modified Roundup Ready soybean and YieldGard corn seeds, allege violations of federal and state antitrust, state unfair trade practices statutes, and common law claims for unjust enrichment. The claims stem from the defendants’ conspiracy to fix the price of these seeds through the imposition of “technology fees,” ostensibly for the purpose of allowing Monsanto to recoup its research and development costs of those seed products but which, in reality, capitalized on and exploited Monsanto’s development of those seeds in order to monopolize -the market for those seeds and thereby charge and collect premium prices. After extensive briefing, both pre- and post-argument, and an all-day hearing on the Defendants’ motion to dismiss the Plaintiffs’ Master Consolidated Amended Action Complaint, the district court sustained most of Plaintiffs’ claims. Following spirited motion practice, which included discovery disputes and the Plaintiffs’ motion for leave to file an amended complaint in order to, among other things, assert additional claims against Monsanto for misuse of patent, Plaintiffs reached individual settlements with all of the defendants. The settlements will provide a significant recovery to each of the more than two dozen named Plaintiffs.

In re Packed Ice Antitrust Litigation. The Firm represents direct purchasers of packaged ice in a proposed class action brought against the five American and Canadian manufacturers and distributors who possess the dominant share of the \$2.5 billion per year packaged ice industry in North America. The Firm has been appointed Co-Chair of the Class Certification Committee in that litigation. Plaintiffs allege that Defendants have violated the antitrust laws by conspiring to fix prices and allocate market share for packaged ice. The U.S. Justice Department's Antitrust Division commenced an investigation into the packaged ice industry sometime prior to March 2008 and grand jury subpoenas were issued to the Defendants. The cases from around the country have been centralized in the U.S. District Court for the Eastern District of Michigan, and a hearing will be held in March 2009 respecting the selection of Lead Counsel.

In re Rail Freight Fuel Surcharge Antitrust Litigation. The Firm represents shipping customers in a proposed class action brought against the country's four major railroads for antitrust violations. The Defendants in this multidistrict litigation, pending in the U.S. District Court for the District of Columbia, are alleged to have conspired to fix the prices of "rail fuel surcharges" above competitive levels, causing the Plaintiffs to pay exorbitant rates for unregulated rail freight transportation services—rates that were unrelated to fuel costs. The district court denied the Defendants' motions to dismiss the direct purchasers' claims and the indirect purchasers' federal antitrust claims. The briefing of Plaintiffs' motion for class certification, on which a hearing will be held in late September 2010, is currently under way. Seeger Weiss serves as Co-Chair of the Law and Briefing Committee.

Other Commercial Litigation

In addition to its diverse complex litigation practice, Seeger Weiss LLP is engaged in a wide variety of commercial litigation matters representing individuals and businesses in state and federal courts throughout the country. The following are examples of such commercial actions in which the Firm is involved:

Automobile Dealership Warranty Litigation: The Firm represents dozens of franchised automobile dealerships located throughout New York State in separate actions against the "Big Three" automobile manufacturers — Ford, General Motors, and DaimlerChrysler. These actions are pending in federal court in New York and are based on the manufacturers' failure to comply with the New York State Vehicle & Traffic Law § 465. These actions assert claims that in violation of New York State statute and the franchise agreement that governs the relationship between the dealerships and the factories, the manufacturers have failed to adequately reimburse the dealerships for parts used in performing repairs pursuant to the manufacturers' warranties. In addition to the three federal court actions, the Firm also

represents close to a dozen franchised Chrysler dealerships in arbitrations pending before the American Arbitration Associations asserting the same claims.

Arzoomanian v. British Telecommunications PLC. The Firm represented a small businessman who had brokered a multi-million dollar global telecommunications deal between two multi-national corporations, British Telecommunications PLC (“BT”) and Unilever PLC, and then was cut out of the deal by the companies and refused his fee. In 2004, the Firm successfully overcame BT’s motion to dismiss the action on *forum non conveniens* grounds (in which BT argued that the action should not have been brought in the United States). After extensive discovery—both in the United States and overseas—and further motion practice, the case was settled in 2007. This is one of a number of cases that the Firm has handled on behalf of small businesses who have been wronged by behemoth corporations.

In re ETS Praxis Principles of Learning and Teaching: Grades 7-12 Litigation is a consolidated national class action on behalf of more than 4,100 prospective teachers as to whom ETS negligently and wrongfully reported failing scores on the Praxis Principles of Learning and Teaching test for grades 7 through 12 (the “PPLT” test) during the period from January 2003 through April 2004. The PPLT is a test that is required in many states in order for teachers to obtain their teaching certification. In December 2004, the various class actions filed around the country were transferred to the Honorable Sarah Vance of the United States District Court for the Eastern District of Louisiana (New Orleans). Judge Vance has since appointed Seeger Weiss LLP to the position of State Court Litigation Liaison Counsel.

HMO Litigation. The Firm is counsel to individual doctor-members of the Connecticut State Medical Society (“CSMS”) and the Medical Society of the State of New York (“MSSNY”) in connection with various putative statewide class actions filed in Connecticut and New York state courts, respectively against several national health management organizations (HMOs). The class members are seeking damages resulting from the defendants’ improper, unfair and deceptive practices designed to deny, impede or delay lawful reimbursement to CSMS and MSSNY physicians who rendered necessary healthcare services to members of the HMO managed care plans.



Selected Attorney Biographies

Partners

Christopher A. Seeger

Position: Member.

Admitted: New Jersey, 1990; New York, 1991;

U.S. District Court for the Southern District of New York and

U.S. District Court for the District of New Jersey, 1991; U.S. District Court for the Eastern District of New York, 2000.

Education: Hunter College of the City University of New York (B.A., *summa cum laude*, 1987); Benjamin N. Cardozo School of Law (J.D., *magna cum laude*, 1990).

Honors: Managing Editor, *Cardozo Law Review*.

Author: "The Fixed Price Preemptive Right in the Community Land Trust Lease," 11 *Cardozo Law Review* 471, 1990; "Developing Assisted Living Facilities," New York Real Estate Law Reporter, Volume XII, Number 10, August 1998.

Lecturer: "The Use of ADR in Class Actions and Mass Torts," New York University School of Continuing and Professional Studies, October 13, 2000.

Director: American Friends of Rabin Medical Center, Inc.; Benjamin N. Cardozo School of Law, Yeshiva University, 1999-2000.

Co-Chair: Cardozo Law School Alumni Annual Fund, 1998-2000.

Awards: New York Super Lawyer, 2007-2009; Law Dragon 500, 2007-2008; Hunter College Hall of Fame, 2007; Cardozo Alumnus of the Year, 2009.

Member: The Association of the Bar of the City of New York; New Jersey State Bar Association; Board of Advisors, New York Real Estate Law Reporter; Annual Fund Committee, 1999-present; American Bar Association; American Association for Justice, Trail Lawyers for Public Justice; Fellow, American Bar Foundation.

Practice Areas: Consumer Fraud, Products Liability, Antitrust; Insurance, Class Actions, Mass Torts.

Stephen A. Weiss

Position: Member.

Admitted: New York, 1991; U.S. District Courts for the Southern and Eastern Districts of New York, 1991.

Education: Brandeis University (B.A., 1986); Benjamin N. Cardozo School of Law (J.D., 1990).

Honors: Business Editor, *Cardozo Law Review*, 1989-1990.

Author: "Environmental Liability Disclosure Under the Federal Securities Law," *Law Education Institute, Inc.*, 1998; "Liability Issues and Recent Case Law Developments Under CERCLA, New Environmental Issues of Liabilities of Government Agencies & Government Contractors," *Federal Publications, Inc.*, Chapter 4, 1995; "New York Proposes Legislation to Restrict Shareholder Derivative Suits," *Insights*, Vol. 8, No. 3, p. 24, 1994; "Suretyship as Adequate Protection Under Section 361 of the Bankruptcy Code," *Cardozo Law Review*, Vol. 12, p. 285, 1990.

Director: Benjamin N. Cardozo School of Law, Yeshiva University, 1999-present.

Co-Chair: Cardozo Law School Alumni Annual Fund, 1998-2000.

Awards: International Humanitarian Achievement Award, Shaare Zedek Medical Center, 2002.

Member: Cardozo Capital Campaign Committee, Strategic Planning Committee, Membership Committee; American Association for Justice; American Bar Association.

Practice Areas: Complex Litigation, including Antitrust, Consumer, Employment, Environmental, Insurance, Products Liability, Pharmaceutical and Securities Litigation.

David R. Buchanan

Position: Member.

Admitted: New Jersey, 1993; New York, 1994; U.S. District Court for the District of New Jersey, 1993; U.S. District Court for the Southern District of New York, 1994; U.S. District Court for the Eastern District of New York, 1999

Education: University of Delaware (B.S., 1990); Benjamin N. Cardozo Law School (J.D., *magna cum laude*, 1993)

Honors: Samuel Belkin Scholar, 1993; Member, 1991-93, and Administrative Editor, 1992-93, *Cardozo Law Review*.

Awards: New York Super Lawyer, 2007; Legal 500; Law Dragon 3000; named "Years Best Lawyers in America"

Member: American Bar Association (Litigation, Intellectual Property sections).

Practice Areas: Complex and Mass Tort Litigation, including Antitrust, Consumer, Environmental, Insurance, Intellectual Property, Pharmaceutical, Products Liability, and Securities Litigation.

Diogenes P. Kekatos

Position: Member.

Admitted: New York, 1984; U.S. District Courts for the Southern and Eastern Districts of New York, 1984; U.S. Court of Appeals for the Second, Ninth, and Tenth Circuits, 1985, 2009, and 2008; U.S. Supreme Court, 1987.

Education: Columbia College, Columbia University (B.A., Dean's List all 8 semesters, 1980); Brooklyn Law School (J.D., 1983).

Honors: Recipient of letters of commendation from the U.S. Court of Appeals Staff Counsels and from Attorney General Janet Reno for outstanding performance and high level of professionalism in appellate mediation, 1999.

Experience: Special Assistant U.S. Attorney, 1986-88, and Assistant U.S. Attorney, 1988-2000; Office of the United States Attorney for the Southern District of New York, and Chief, Financial Litigation Unit, 1988-90; and Immigration Unit, 1990-2000. Has argued some 130 appeals and motions in the U.S. Court of Appeals for the Second Circuit, including a successful *en banc* rehearing, with scores of cases resulting in published opinions; and has handled hundreds of appellate mediations.

Awards: Executive Office for U.S. Attorneys Director's Award for Superior Performance as an Assistant U.S. Attorney, 1996; Award from U.S. Attorney Mary Jo White for Exceptional Achievement, 1995; and numerous other award nominations.

Practice Areas: Class Action and Complex Litigation, Federal Civil Litigation, Federal Appellate Litigation.

Moshe Horn

Position: Member.

Admitted: New York and New Jersey, 1994; U.S. District Courts for the Southern and Eastern Districts of New York.

Education: George Washington University (B.A., 1989); Benjamin N. Cardozo School of Law (J.D., 1993).

Honors: Member of Championship team in a national Securities Law Moot Court competition at Fordham University, 1993; Winner tri-state trial competition, runner up Best Advocate, 1993

Experience: Assistant District Attorney, New York County, 1993-2002 (where he held numerous supervisory positions and tried 50 jury cases); Senior Associate, Kaye Scholer LLP, 2002-2004. Member of the Firm's trial team that achieved a \$47.5 million verdict for Vioxx-related cardiovascular injury in *Humeston v. Merck & Co.* in 2007 in the New Jersey Superior Court, Atlantic County. Member of the Firm's trial team that achieved a \$1.4 million verdict for Currently an Adjunct Professor of Law at Benjamin N. Cardozo School of Law, teaching "Introduction to Trial Advocacy." Has previously taught "Advanced Trial Advocacy" and "Mass Torts," and served as advisor and coach to the law school's Mock Trial Team.

Member: American Bar Association, American Association for Justice, New York State Trial Lawyers Association.

Practice Areas: Pharmaceutical and Medical Device Litigation, Personal Injury Litigation, Complex Litigation, Asbestos Litigation, Criminal Defense.

Jeffrey S. Grand

Position: Member.

Admitted: New York, 2003: U.S. District Court for the Southern and Eastern Districts of New York.

Education: New York School of Visual Arts (B.F.A., 1990); Benjamin N. Cardozo School of Law (J.D., Order of the Coif, 2002).

Honors: Felix Frankfurter Award; Executive Editor, *Cardozo Law Review*, 2001-02; Treasurer, Cardozo Chapter of the American Constitution Society.

Author: "The Bleeding of America: Privacy and the DNA Dragnet," 23 *Cardozo Law Review*, 2002.

Experience: Previously an associate at Jones Day LLP. Member of the Firm's trial team that achieved a \$47.5 million verdict for Vioxx-related cardiovascular injury in *Humeston v. Merck & Co.* in 2007 in New Jersey Superior Court, Atlantic County. Focuses his practice on complex pharmaceutical injury litigation, including the day-to-day running of large multidistrict or statewide centralized litigation, and is an active member of the discovery and other administrative committees in several prominent pharmaceutical litigations, including high-profile actions involving the prescription drugs Vioxx, Fosamax, and Vytarin.

Member: American Bar Association; New York State Bar Association.

Practice Areas: Pharmaceutical and Medical Device Litigation.

Laurence V. Nassif

Position: Member.

Admitted: New York, 2000; New Jersey 1999.

Education: California State University, Northridge (B.A., 1995); Benjamin N. Cardozo School of Law (J.D., 1998).

Experience: Has tried several cases to verdict, and was a member of the Firm's trial team that achieved a \$47.5 million verdict for Vioxx-related cardiovascular injury in *Humeston v. Merck & Co.* in 2007 in the New Jersey Superior Court, Atlantic County, and was previously a member of the Firm's trial team that, in 2003, achieved a \$2 million verdict for the Plaintiff in *Morgado v. Pfizer*, in New York State Supreme Court, New York County, for Rezulin-related liver damage.

Practice Areas: Toxic and Pharmaceutical Injury Mass Tort Litigation, currently focusing on asbestos-related injury claims (where he heads up the Firm's practice group); General Personal Injury Litigation, including nursing home neglect claims.

Michael L. Rosenberg

Position: Member.

Admitted: New Jersey 1989; U.S. District Court, District of New Jersey 1989; New York 1990.

Education: Rutgers-Camden School of Law (J.D., 1989), University of Delaware (B.A. 1986).

Experience: Has been with the Firm since its 1999 inception. Has negotiated individual settlements on behalf of hundreds of clients injured by pharmaceutical products, including over-the-counter medicines containing PPA and the anti-cholesterol drug Baycol. Played an integral role in the settlement of personal injury claims against the manufacturers of Dexatrim, a PPA-containing weight loss product, on behalf of 500 stroke victims who claimed that their strokes were caused by Dexatrim. The settlement is valued at approximately \$200 million. Serves as a member of the Delaco Trust Advisory Committee tasked with overseeing the administration of the settlement. Was a member of the trial team that won a \$2.6 million verdict for the Plaintiff in *McCarrell v. Hoffman-La Roche, Inc.*, in New Jersey Superior Court, Atlantic County.

Member: American Bar Association and American Association for Justice.

Practice Areas: Complex and Mass Tort Litigation, including Pharmaceutical, Products Liability and Insurance Litigation.

Marc S. Albert

Position: Member.

Admitted: New York, 1996; U.S. District Courts for the Southern and Eastern Districts of New York.

Education: University of Wisconsin-Madison (B.A., 1992); New York Law School (J.D., 1995).

Experience: Has obtained numerous seven-figure recoveries for injured clients, several of which were in high profile cases that were widely reported by the press. Some of the recent cases of note included a \$1 million recovery for a construction worker injured while working in a trench at Ground Zero, a confidential seven-figure settlement on behalf of 11 children who were injured as a result of abuse by staff at a public act school and a \$2.9 million recovery for the family of a man who was tragically killed in a boating accident.

Member: New York State Trial Lawyers Association.

Practice Areas: Catastrophic Personal Injury and Medical Malpractice Litigation.

Jonathan Shub

Position: Member.

Admitted: Pennsylvania, 1988; District of Columbia, 1989; Eastern District of Pennsylvania, 1995; Eastern District of Michigan, 2002; California, 2005; Northern District of California and Central District of California, 2006; District of Colorado, 2009; and New York Supreme Court, Appellate Division, Third Department, 2009.

Education: American University (B.A. 1983); Delaware Law School of Widener University (J.D., *cum laude*, 1988).

Honors: Articles Editor, Law Review, *Delaware Journal of Corporate Law*, 1987-88; "Best Student Article Award," 1988; Wolcott Fellow Law Clerk to the Hon. Joseph T. Walsh, Delaware

Supreme Court, 1988 Academic Year.

Author: "Shareholder Rights Plans—Do They Render Shareholders Defenseless Against Their Own Management," 12 Del. J. Corp. L. 991, 1997; "Distinguishing Individual from Derivative Claims in the Context of Battles for Corporate Control," 13 Del. J. Corp. L. 579, 1998; co-author with Harvey L. Pitt, "Once Again, the Court Fails to Rein in RICO," *Legal Times*, April 27, 1992; "Failed One-Share, One Vote Rule Let SEC Intrude in Boardroom," *National Law Journal*, October 8, 1990.

Awards: Pennsylvania SuperLawyer, 2005-2009.

Member: American Trial Lawyers Association, American Bar Association, Consumer Attorneys of California.

Practice Areas: Complex Litigation, including Antitrust, Consumer, Employment, Environmental, Insurance, Products Liability, Pharmaceutical and Securities Litigation.

Counsel

Donald R. Bradford

Position: Counsel.

Admitted: Oklahoma, 1974; U.S. Courts of Appeals for the Fifth and Tenth Circuits (1996), U.S. Tax Court; registered to practice before the U.S. Patent and Trademark Office.

Education: University of Texas (B.S.E.E., 1967); University of Tulsa College of Law (J.D., 1974).

Honors: Member, Order of the Curule Chair. Member, *Tulsa Law Journal*, 1973-74. Law Clerk to Hon. Joseph W. Morris, Chief Judge, U.S. District Court, Eastern District of Oklahoma, 1974-76.

Member: Tulsa County (Chairman, Mineral Law Section, 1991-92) and Oklahoma Bar Associations.

Practice Areas: General Civil Litigation.

Terrianne Benedetto

Position: Counsel.

Admitted: Pennsylvania, 1990; New Jersey, 1991; U.S. District Courts for the District of New Jersey, 1991; Eastern District of Pennsylvania, 1991; Western District of Wisconsin, 1993; and New York Supreme Court, Appellate Division, Third Department, 2009.

Education: Franklin & Marshall College (B.A., 1986); Villanova University (J.D., 1990).

Honors: Member of the *Villanova Law Review*; Law Clerk to the Honorable Jacob Kalish of the Commonwealth Court of Pennsylvania, and the Honorable William W. Vogel of the Montgomery County Court of Common Pleas.

Author: "Database Technology: A Valuable Tool for Defeating Class Action Certification," published in *Pennsylvania Law Weekly*, Vol. XX, No. 47, November 24, 1997, and *Mealey's Litigation Report: Lead*, Vol. 7, No. 14, April 24, 1998.

Experience: At the beginning of her career as a class action litigator, was co-counsel for defendants in *Reilly v. Gould Inc.*, 965 F. Supp. 588 (M.D. Pa. 1997); *Dombrowski v. Gould Electronics Inc.*, 954 F. Supp. 1006 (M.D. Pa. 1996); and *Ascher v. Pennsylvania Insurance Guaranty Association*, 722 A.2d 1078 (Pa. Super. 1998). Thereafter, joined nationally recognized plaintiffs' firms where she represented individuals, small businesses and the Office of the Attorney General for the Commonwealth of Pennsylvania in numerous antitrust and consumer fraud class actions, many resulting multimillion dollar settlements, including *In re Lupron Marketing and Sales Practices Litigation*, MDL No. 1430 (D. Mass.); *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456 (D. Mass.); *In re Graphite Electrodes Antitrust Litigation*, No. 2:97-CV-4182 (E.D. Pa.); *In re Magnetic Audiotape Antitrust Litigation*, No. 99 Civ. 1580 (S.D.N.Y.); *In re Vitamins Antitrust Litigation*, MDL No. 1285 (D.D.C.); *In re Maltol Antitrust Litigation*, No. 99 Civ. 5931 (S.D.N.Y.); *In re Compact Disc Antitrust Litigation*, MDL No. 1216 (C.D. Cal.); *In re Flat Glass Antitrust Litigation*, MDL No. 1200 (W.D. Pa.); and *In re Carpet Antitrust Litigation*, MDL No. 1075 (N.D. Ga.).

Member: Pennsylvania Trial Lawyers Association, Philadelphia Bar Association.

Practice Areas: Complex Commercial and Class Action Litigation, including Consumer Protection, Antitrust, Products Liability, and Securities Litigation.

Sindhu Susan Daniel

Position: Counsel.

Admitted: New Jersey, Pennsylvania, and Michigan, 1994.

Education: Temple University (B.A., 1991; J.D., 1994).

Experience: Has represented clients injured by the prescription antidepressant Serzone; over-the-counter products containing PPA; and the prescription pain-killer drugs Vioxx, Celebrex, and Bextra.

Practice Areas: Pharmaceutical Injury Litigation.

James A. O'Brien III

Position: Counsel.

Admitted: New York, 2000; Massachusetts, 1988; U.S. District Court, District of Massachusetts, 1991.

Education: University of Massachusetts at Amherst (B.A., 1984); New England School of Law (J.D., 1988).

Experience: Attorney Advisor, U.S. Department of Labor, 1988-89; Assistant District Counsel, U.S. Immigration and Naturalization Service, 1990; Special Assistant United States Attorney, 1990-2001, Southern District of New York.

Practice Areas: Class Action and Complex Litigation, Federal Civil Litigation, Federal Appellate Litigation.

Associates

Parvin K. Aminolroaya

Position: Associate.

Admitted: New Jersey, 2008; New York, 2009; U.S. District Court, District of New Jersey, 2008.

Education: Fordham University (B.A., 2004, with honors); Benjamin N. Cardozo School of Law (J.D., 2008).

Honors: Jacob Burns Medal awarded for outstanding contribution to Moot Court; Benjamin N. Cardozo Writing Award; Editorial Board, Moot Court Honor Society; First Place Oralist Team and First Place Brief, Regional Competition of the New York City Bar Association, National Moot Court Competition, 2007; First Place Brief and Second Place Oralist Team, Fordham Irving Kaufman Securities Moot Court Competition, 2007.

Practice Areas: Securities Fraud, Investment Fraud, Complex Commercial Litigation.

Asim M. Badaruzzaman

Position: Associate.

Admitted: New York, pending; New Jersey, pending.

Education: Rutgers University (B.A., with honors, 2006); Seton Hall University School of Law (J.D., 2009).

Honors: Best Brief Author for Appellate Advocacy, 2008; William Paterson Award, New Jersey Lawyer Chapter of the American Constitution Society.

Experience: Marketing Contractor at Anadigics, Inc., 2006-2007; Research Assistant to Professor Mark P. Denbeaux, 2007; Legal Intern to Professor Meetali Jaine at the Center for Social Justice at Seton Hall, 2007; Intern at the Civil Litigation Clinic, 2009; Law clerk at Seeger Weiss LLP, 2008; Associate at Seeger Weiss LLP, 2009.

Member: American Bar Association, New Jersey State Bar Association.

Practice Areas: Pharmaceutical Drug Injury, Medical Device Liability, Mass Tort Litigation

Rick Barreca

Position: Associate.

Admitted: New York and New Jersey, 1999; U.S. District Courts for the Eastern and Southern Districts of New York and District of New Jersey; U.S. Court of Appeals for the Second Circuit.

Education: Montclair State University (B.A., 1992); Touro College Jacob D. Fuchsberg Law Center (J.D., 1998).

Practice Areas: Pharmaceutical; Mass Torts; Securities Fraud; Investment Fraud; Consumer Litigation; Complex Commercial Litigation.

Kevin G. Boisvert

Position: Associate.

Admitted: Rhode Island and New Jersey; U.S. District Courts for the District of Rhode Island and the District of New Jersey.

Education: Roanoke College (B.A., 1992); University of Dayton School of Law (J.D., 1995).

Experience: Has worked on the Firm's many notable life insurance class action cases, including *In re Prudential Life Insurance Sales Practices Litigation*; *In re Metropolitan Life Insurance Co. Sales Practices Litigation*; and *Duhaime v. John Hancock Mutual Life Insurance Company*. From 1999 to 2002, he represented hundreds of class members in individual mediations and arbitrations. Has more recently represented numerous clients in connection with the Firm's litigation involving over-the-counter products containing PPA, and currently represents clients in connection with the Firm's Vioxx litigation.

Practice Areas: Pharmaceutical Injury Litigation, Consumer Class Action Litigation involving insurance companies.

Asa R. Danes

Position: Associate.

Admitted: New York State (2004); United States District Courts for the Eastern and Southern Districts of New York (2006) and Western District of Tennessee (2009).

Education: Oberlin College (B.A., 1994); Brooklyn Law School (J.D., *cum laude*, 2001).

Honors: Notes and Comments Editor, *Brooklyn Journal of International Law*.

Experience: Associate at Paul, Hastings, Janofsky & Walker LLP; Law Clerk to the Honorable James T. Trimble, Jr. in the United States District Court for the Western District of Louisiana.

Practice Areas: Complex personal injury matters; mass tort, consumer fraud and securities class actions; shareholder derivative and corporate governance disputes and other commercial litigation.

Dennis M. Geier

Position: Associate.

Admitted: New Jersey, 2006; New York, 2007; U.S. District Court for the District of New Jersey, 2006.

Education: S.I. Newhouse School of Public Communications, Syracuse University (B.S., 2003); Seton Hall University School of Law (J.D., 2006).

Experience: Currently works primarily on cases in the Vioxx federal multidistrict litigation, as well as those filed in New Jersey.

Practice Areas: Pharmaceutical Products Liability Litigation.

Scott Alan George

Position: Associate.

Admitted: Pennsylvania and New Jersey, 1998; U.S. District Courts for the Eastern District of Pennsylvania and the District of New Jersey, 1998; U.S. Court of Appeals for the Third Circuit, 1998.

Education: Goddard College (B.A., 1989); Temple University School of Law (J.D., *cum laude*, 1998).

Honors: Member of the Moot Court Honor Society.

Practice Areas: Class Action Litigation.

Perpetua N. MgBada

Position: Associate.

Admitted: New York, 1995; Nigeria 1984.

Education: University of Maiduguri, Bornu State (LL.B., 1983); University of Nigeria, Enugu State (LL.M., 1998).

Experience: Works on various Mass Torts and Pharmaceutical Product Liability cases, including information management, maintaining spreadsheets, case reviews, all intake related functions, reviewing medical records, preparing settlement enrollment materials, reviewing cases for ineligibility and points, preparing appeals, preparing extraordinary injury claims and uploading relevant documents to the portal, as well as handling client contact.

Practice Areas: Mass Torts and Pharmaceutical Product Liability.

Andrea Mercedes Pi-Sunyer

Position: Associate.

Admitted: New York, 1996.

Education: Oberlin College (B.A., 1987); Northeastern University School of Law (J.D., 1994).

Experience: Processes settlements obtained in the firm's pharmaceutical injury practice; Has worked with hundreds of clients in this process and has guided them through complex issues, including helping them decide whether a structured settlement or a Special Needs Trust is most appropriate for their needs; Has significant experience negotiating with Medicare and Medicaid when clients have obtained relief in pharmaceutical injury cases and works extensively with co-counsel in states throughout the country to obtain court approval for certain settlements involving minors, estates, or guardianships; Has more than one hundred hours of training and practicum in both Basic Mediation Training and Divorce Mediation.

Practice Areas: Pharmaceutical Injury Litigation, focusing on settlement effectuation matters involving the Firm's clients.

Denise K. Stewart

Position: Associate.

Admitted: Florida, 1982 (currently inactive); New Jersey, 1990; U.S. District Court for the District of New Jersey, 1990.

Education: Monmouth University (B.A., 1972); University of Miami School of Law (J.D., 1982).

Experience: Prior to joining the Firm at its inception in 1999, litigated personal injury and

professional malpractice cases in Florida. Has been involved in state and federal complex mass tort and multidistrict litigation, including New Jersey litigation against Hoffmann-La Roche relating to gastrointestinal injuries stemming from use of the prescription acne drug Accutane; New Jersey litigation against Ortho-McNeil Pharmaceutical involving strokes, deep vein thromboses, and other thrombotic events related to use of the birth control patch Ortho Evra; and a nationwide settlement involving individuals who suffered strokes caused by use of over-the-counter products containing PPA.

Practice Areas: Pharmaceutical Product Liability Litigation.

Joseph Tsai

Position: Associate.

Admitted: New York, 2010; New Jersey, 2009.

Education: University of California, Berkley (B.A., 2003); Benjamin N. Cardozo School of Law (J.D., 2008).

Honors: "Promise in Journalism" Award, *Daily Californian*, 2000; Staff, *Cardozo Journal of Law and Gender*.

Experience: Summer Honors Associates at the New York City Housing Authority, 2007; Judicial Extern at the Kings County Family Court; Intern at the Investment Protection Bureau at the New York State Attorney General; Document Analyst at Skadden, Arps, Slate, Meagher & Flom LLP, 2005.

Member: New York County Lawyers' Association, Appellate Courts Section; Asian American Bar Association of New York; Asian Pacific American Lawyers Association of New Jersey.

Practice Areas: Pharmaceutical Injury and Mass Tort Litigation

Christopher Van de Kieft

Position: Associate.

Admitted: New York, 2003; U.S. District Courts for the Southern and Eastern Districts of New York, 2005.

Education: Johns Hopkins University (B.A., 1990), Benjamin N. Cardozo School of Law (J.D., 2002).

Honors: Editor-in-Chief, *Cardozo Law Review*; recipient of Cardozo Law School's prestigious Samuel Belkin Award, awarded each year to one graduating student for "exceptional contribution to the growth and development of the Law School."

Experience: Prior to attending law school, served in the U.S. Army from 1990-98, attaining rank of Captain. Prior to joining the Firm was an associate at Fried Frank Harris Shriver & Jacobson.

Practice Areas: Pharmaceutical and Medical Device Mass Tort Litigation; Class Action Litigation.

Daniel R. Wasp

Position: Associate

Admitted: New York, 1999; New Jersey, 2002; U.S. District Court for the District of New Jersey, 2002.

Education: New York Institute of Technology (B.S., *magna cum laude*, 1994); St. John's University School of Law (J.D., *cum laude*, 1998).

Experience: Prior to attending law school served on active duty in the U.S. Navy from 1985-1991, and in the U.S. Naval reserve from 1991-1994. Prior to joining the Firm, practiced with another plaintiffs' firm for eight years, focusing in the areas of mass torts and toxic torts, particularly asbestos litigation.

Practice Areas: Toxic Mass Tort Litigation, particularly Asbestos Litigation; Personal Injury Litigation.

Diana R. Zborovsky

Position: Associate

Admitted: New York, 2009; New Jersey, 2008.

Education: Lehigh University (B.A., *cum laude*, 2005); Benjamin N. Cardozo School of Law (J.D., 2008).

Honors: Associate Editor and Assistant Symposium Editor, *Cardozo Journal of Conflict Resolution*

Experience: Joined Seeger Weiss upon graduation from law school, previously interned at Mayerson & Associates and Ropes & Gray, LLP.

Practice Areas: Mass Tort Litigation, Consumer Fraud Litigation, Anti-Trust Litigation, Pharmaceutical Class Actions, and other Commercial Litigation.

EXHIBIT 3

EDELSON MCGUIRE, LLC FIRM RESUME

EDELSON MCGUIRE, LLC is a commercial litigation and legal consulting firm with attorneys in Illinois, New York, California, and Florida. The firm has five primary practice groups: plaintiffs' class action litigation (with a particular emphasis on technology cases), e-discovery and information technology, general commercial litigation, entertainment law, and legal and political consulting.

Our attorneys have been recognized as leaders in these fields by state and federal legislatures, national and international media groups, the courts, and our peers. Our reputation for leadership in class action litigation has led state and federal courts to appoint us lead counsel in many high-profile class action suits, including the recent Thomas the Tank Engine lead paint class actions, the AT&T mobile content class actions, the home equity credit reduction cases, and privacy class actions involving T-Mobile and Microsoft. We have testified before the United States Senate on class action issues and have repeatedly been asked to work on federal and state legislation involving cellular telephony, and other issues. Our attorneys have appeared on dozens of national and international television and radio programs to discuss our cases and class action and consumer protection issues more generally. Our attorneys speak regularly at seminars on consumer protection and class action issues, lecture on class actions at law schools and are asked to serve as testifying experts in cases involving class action and consumer issues.

PLAINTIFFS' CLASS AND MASS ACTION PRACTICE GROUP

EDELSON MCGUIRE is a leader in plaintiffs' class and mass action litigation, with a particular emphasis on technology class actions, and has been called a "class action 'super firm'" by a national organization. (Decalogue Society of Lawyers, Spring 2010.) As has been recognized by federal courts, our firm has an "extensive histor[y] of experience in complex class action litigation, and [is a] well-respected law firm[] in the plaintiffs' class action bar." *In re Pet Food Prod. Liab. Litig.*, MDL Dkt. No. 1850, No. 07-2867 (NLH) (D.N.J. Nov. 18, 2008). A leading arbitrator concurred: "The proof of [the firm's] experience, reputation, and abilities is extraordinary. . . . Each [of their cases] elaborates on the experience and unique success [they] have had in achieving leading roles in the area of 'technology consumer protection class actions.'" (Arbitration award in mobile content class action settlement, August 6, 2009) In appointing Edelson McGuire interim co-lead in one of the most high profile cases in the country, a federal court pointed to our ability to be "vigorous advocates, constructive problem-solvers, and civil with their adversaries." *-In Re JPMorgan Chase Home Equity Line of Credit Litig.*, No. 10 C 3647 (N.D. Ill., July 16, 2010).

We have several sub-specialties within our plaintiffs' class and mass action practice group:

Consumer Technology Class Actions: We have settled the only class actions to date alleging text message spam under the Telephone Consumer Protection Act, including a \$10,000,000 settlement with Simon & Schuster and a \$7,000,000 settlement with Timberland Co. We have prosecuted over 100 cases involving mobile content, settling numerous nationwide class actions, including against industry leader AT&T Mobility, and an injunctive settlement against Facebook, Inc., collectively worth over a hundred million dollars.

Representative Settlements:

- *Paluzzi v. Cellco Partnership*, No. 07 CH 37213 (Cook County, Illinois): Lead counsel in class action settlement involving 27 related cases alleging unauthorized mobile content charges. Case settled for \$36 million.
- *McFerren v. AT&T Mobility, LLC*, No. 08-CV-151322 (Fulton County Sup. Ct., GA): Lead counsel class action settlement involving 16 related cases against largest wireless service provider in the nation. “No cap” settlement provided virtually full refunds to a nationwide class of consumers who alleged that unauthorized charges for mobile content were placed on their cell phone bills.
- *Satterfield v. Simon & Schuster*, No. C 06 2893 CW (N.D. Cal.). Co-lead counsel in class action alleging that defendants violated federal law by sending unsolicited text messages to cellular telephones of consumers. Case settled for \$10,000,000.
- *Gray v. Mobile Messenger Americas, Inc.*, No. 08-CV-61089 (S.D. Fla.): Lead counsel in case alleging unauthorized charges were placed on cell phone bills. Case settled for \$12,000,000.
- *Parone v. m-Qube, Inc.* No. 08 CH 15834 (Cook County, Illinois): Lead counsel in class action settlement involving over 2 dozen cases alleging unauthorized mobile content charges. Case settled for \$12,254,000.
- *VanDyke v. Media Breakaway, LLC*, No. 08 CV 22131 (S.D. Fla.): Lead counsel in class action settlement alleging unauthorized mobile content charges. Case settled for \$7,600,000.
- *Weinstein, et al. v. Airt2me, Inc.*, Case No. 06 C 0484 (N.D. Ill): Co-lead counsel in class action alleging that defendants violated federal law by sending unsolicited text messages to cellular telephones of consumers. Case settled for \$7,000,000.
- *Gresham v. Cellco Partnership*, No. BC 387729 (Los Angeles Sup. Ct.): Lead counsel in case alleging unauthorized charges were placed on cell phone bills. Settlement provided class members with full refunds.
- *In Re: ATI Technologies HDCP Litigation*, No. 06-cv-1303 JW (N.D. Cal.): Co-Lead Counsel in a class action alleging deceptive trade practices against a graphics card manufacturer resulting in an \$11 million settlement.
- *Duffy v. Nevis Mobile, LLC*, No. 08 CH 21376 (Cir. Ct. Cook County, IL): Class counsel in certified class action against mobile content provider for unauthorized mobile content charges resulting in default judgment over \$10,000,000.

- *Shen v. Distributive Networks LLC*, No. 06 C 4403 (N.D. Ill.): Co-lead counsel in a class action alleging that defendant violated federal law by sending unsolicited text messages to the cellular telephones of consumers nationwide. The settlement – the first of its kind in the country – provided each class member with up to \$150 in cash.
- *Zurakov v. Register.com*, No. 01-600703 (New York County, NY): Co-lead counsel in a class action brought on behalf of an international class of over one million members against Register.com for its deceptive practices in registering Internet domain names. Settlement required Register.com to fully disclose its practices and provided the class with relief valued in excess of \$17,000,000.

Products Liability Class Actions: We have been appointed lead counsel in state and federal products liability class settlements, including a \$30,000,000 settlement resolving the “Thomas the Tank Engine” lead paint recall cases and a \$32,000,000 settlement involving the largest pet food recall in the history of the United States and Canada.

Representative Settlements:

- *Barrett v. RC2 Corp.*, No. 07 CH 20924 (Cir. Ct. Cook County, IL): Co-lead counsel in lead paint recall case involving Thomas the Tank toy trains. Settlement is valued at over \$30,000,000 and provides class with full cash refunds and reimbursement of certain costs related to blood testing.
- *In re Pet Food Products Liability Litig.*, No. 07-2867 (D. N.J.): Part of mediation team in class action involving largest pet food recall in United States history. Settlement provided \$24,000,000 common fund and \$8,000,000 in charge backs.

Banking Class Actions: Edelson McGuire has been at the forefront of class action litigation arising in the aftermath of the federal bailouts of the banks. Its suits include claims that the certain banks unlawfully suspended home credit lines based on pre-textual reasons, and that certain banks have failed to honor loan modification programs.

Representative Cases:

- *In re JP Morgan Chase Bank Home Equity Line of Credit Litig.*, 10-cv-3647 (N.D. Ill.): Court appointed interim co-lead counsel in nationwide putative class action alleging illegal suspensions of home credit lines.
- *Levin v. Citibank, N.A.*, C-09-0350 MMC (N.D. Cal.): Court appointed interim co-lead counsel in nationwide putative class action alleging illegal suspensions of home credit lines.

- Testified or slated to testify at town halls and/or state hearings in Florida and California on banks' suspensions of home credit lines.
- Settled numerous consumer class actions alleging fraud or other unconscionable behavior by banks and other lenders.

General Consumer Protection Class Actions: We have successfully prosecuted countless class action suits against health clubs, dating agencies, phone companies, debt collectors, and other businesses on behalf of consumers.

Representative Settlements:

- *Pulcini v. Bally Total Fitness Corp.*, No. 05 CH 10649 (Cir. Ct. Cook County, Ill.): Co-lead counsel in four class action lawsuits brought against two health clubs and three debt collection companies. A global settlement provided the class with over \$40,000,000 in benefits, including cash payments, debt relief, and free health club services.
- *Kozubik v. Capital Fitness, Inc.*, 04 CH 627 (Cir. Ct. Cook County, Ill.): Co-lead counsel in state-wide suit against a leading health club chain, which settled in 2004, providing the over 150,000 class members with between \$11,000,000 and \$14,000,000 in benefits, consisting of cash refunds, full debt relief, and months of free health club memberships.
- *Kim v. Riscuity*, No. 06 C 01585 (N.D. Ill.): Co-lead counsel in suit against a debt collection company accused of attempting to collect on illegal contracts. The case settled in 2007, providing the class with full debt relief and return of all money collected.
- *Jones v. TrueLogic Financial Corp.*, No. 05 C 5937 (N.D. Ill.): Co-lead counsel in suit against two debt collectors accused of attempting to collect on illegal contracts. The case settled in 2007, providing the class with approximately \$2,000,000 in debt relief.
- *Fertelmeyster v. Match.com*, No. 02 CH 11534 (Cir. Ct. Cook County, Ill.): Co-lead counsel in a state-wide class action suit brought under Illinois consumer protection statutes. The settlement provided the class with a collective award with a face value in excess of \$3,000,000.
- *Cioe v. Yahoo!, Inc.*, No. 02 CH 21458 (Cir. Ct. Cook County, Ill.): Co-lead counsel in a state-wide class action suit brought under state consumer protection statutes. The settlement provided the class with a collective award with a face value between \$1,600,000 and \$4,800,000.

Insurance Class Actions: We have prosecuted and settled multi-million dollar suits against J.C. Penney Life Insurance for allegedly illegally denying life insurance

benefits under an unenforceable policy exclusion and against a Wisconsin insurance company for terminating the health insurance policies of groups of self-insureds.

Representative Settlements:

- *Holloway v. J.C. Penney*, No. 97 C 4555, (N.D. Ill.): One of the primary attorneys in a multi-state class action suit alleging that the defendant illegally denied life insurance benefits to the class. The case settled in or around December of 2000, resulting in a multi-million dollar cash award to the class.
- *Ramlow v. Family Health Plan* (Cir. Ct., Wis.): Co-lead counsel in a class action suit challenging defendant's termination of health insurance to groups of self-insureds. The plaintiff won a temporary injunction, which was sustained on appeal, prohibiting such termination and eventually settled the case ensuring that each class member would remain insured.

Privacy/Data Loss Class Actions: We have litigated numerous class actions against Facebook, Sears, Storm 8, Google, T-Mobile, Microsoft and others involving the failure to protect customers' private information, some resulting from security breaches.

Representative Settlements:

- *In re Sidekick Litig.*, No. C 09-04854-JW (N.D. Cal.): Co-lead counsel in cloud computing data loss case against T-Mobile and Microsoft.
- *Abrams v. Facebook, Inc.*, No. 07-05378 (N.D. Cal.): Lead counsel in injunctive settlement concerning the transmission of allegedly unauthorized mobile content.
- *Desantis v. Sears*, 08 CH 00448 (Cir. Ct. Cook County, Ill.): Lead counsel in injunctive settlement alleging national retailer allowed purchase information to be publicly available through the internet.

Mass/Class Tort Cases: Our attorneys were part of a team of lawyers representing a group of public housing residents in a suit based upon contamination-related injuries, a group of employees exposed to second-hand smoke on a riverboat casino, and a class of individuals suing a hospital and national association of blood banks for failure to warn of risks related to blood transfusions.

Representative Cases:

- *Aaron v. Chicago Housing Authority*, 99 L 11738, (Cir. Ct. Cook County, Ill.): Part of team representing a group of public housing residents bringing suit over contamination-related injuries. Case settled on a mass basis for over \$10,000,000.

- *Januszewski v. Horseshoe Hammond*, No. 2:00-CV-352JM (N.D. Ind.): Part of team of attorneys in mass suit alleging that defendant riverboat casino caused injuries to its employees arising from exposure to second-hand smoke.

The firm's cases regularly receive attention from local, national, and international media. Our cases and attorneys have been reported in the Chicago Tribune, USA Today, the Wall Street Journal, the New York Times, the LA Times, by the Reuters and UPI news services, and BBC International. Our attorneys have appeared on numerous national television and radio programs, including ABC World News, CNN, Fox News, NPR, and CBS Radio, as well as television and radio programs outside of the United States. We have also been called upon to give congressional testimony and other assistance in hearings involving our cases.

GENERAL COMMERCIAL LITIGATION

Our attorneys have handled a wide range of general commercial litigation matters, from partnership and business-to-business disputes, to litigation involving corporate takeovers. We have handled cases involving tens of thousands of dollars to "bet the company" cases involving up to hundreds of millions of dollars. Our attorneys have collectively tried hundreds of cases, as well as scores of arbitrations and mediations. All of our attorneys have regularly practiced in state and federal trial and appellate courts.

E-DISCOVERY AND INFORMATION TECHNOLOGY

Led by nationally-recognized eDiscovery expert Steven Teppler, our firm has taken the lead on eDiscovery issues including data protection, information technology, document management and retrieval, loss or destruction of information, and authentication and admissibility issues uniquely inherent to computer generated information. This includes spoliation allegations arising from acts of unauthorized or illegal data manipulation or alteration.

ENTERTAINMENT LAW

Led by legendary attorney Barry Reiss, EDELSON MCGUIRE represents producers, actors, writers, financiers in negotiations, creative matters, and related transactional and litigation matters.

LEGAL AND POLITICAL CONSULTING

Legal and political consulting is an area of practice that sets EDELSON MCGUIRE apart from other law firms. The firm advises on governmental and consumer issues and has helped its clients formulate business and legislative strategies, revise contractual and advertising material, and implement consumer protection strategies more generally. Our clients range from small Internet start-ups, to bricks and mortar companies, to one of the most trafficked Internet marketers, content and commerce firms in the country.

OUR ATTORNEYS

JAY EDELSON is the founder and managing partner of Edelson McGuire. He has been recognized as a leader in class actions, technology law, corporate compliance issues and consumer advocacy by his peers, the media, state and federal legislators, academia and courts throughout the country.

Jay has been appointed lead counsel in numerous state, federal, and international class actions, resulting in hundreds of millions of dollars for his clients. He is regularly asked to weigh in on federal and state legislation involving his cases. He testified to the U.S. Senate about the largest pet food recall in the country's history and is advising state and federal politicians on consumer issues relating to the recent federal bailouts, as well as technology issues, such as those involving mobile marketing. Jay also counsels companies on legal compliance and legislative issues in addition to handling all types of complex commercial litigation.

Jay has litigated class actions that have established precedent concerning the ownership rights of domain name registrants, the applicability of consumer protection statutes to Internet businesses, and the interpretation of numerous other state and federal statutes. As lead counsel, he has also secured settlement in cases of first impression involving Facebook, Microsoft, AT&T and countless others, collectively worth hundreds of millions of dollars.

In addition to technology based litigation, Jay has been involved in a number of high-profile "mass tort" class actions and product recall cases, including cases against Menu Foods for selling contaminated pet food, a \$30 million class action settlement involving the Thomas the Tank toy train recall, and suits involving damages arising from second-hand smoke.

Adding to the diversity of his practice, Edelson also advises major labor unions and Hollywood financiers and serves as a consultant on several film, television, and radio deals.

In 2009, Jay was named one of the top 40 Illinois attorneys under 40 by the Chicago Daily Law Bulletin. In giving Jay that award, he was heralded for his history of bringing and winning landmark cases and for his "reputation for integrity" in the "rough and tumble class action arena." In the same award, he was called "one of the best in the country" when it "comes to legal strategy and execution." Also in 2009, Jay was included in the American Bar Association's "24 hours of Legal Rebels" program, where he was dubbed one of "the most creative minds in the legal profession" for his views of associate training and firm management. In 2010, he was presented with the Annual Humanitarian Award in recognition of his "personal integrity, professional achievements, and charitable contributions" by the Hope Presbyterian Church.

Jay is frequently asked to participate in legal seminars and discussions regarding the cases he is prosecuting, including serving as panelist on national symposium on tort reform and, separately, serving as a panelist on litigating high-profile cases. He has also appeared on dozens of television and radio programs to discuss his cases. He has taught classes on class action law at Northwestern Law School and The John Marshall Law School, and has co-chaired a 2-day national symposium on class action issues. He is currently teaching a seminar on class action litigation at Chicago-Kent College of Law.

Jay is a graduate of Brandeis University and the University of Michigan Law School.

MYLES MCGUIRE is a partner at EDELSON MCGUIRE. His practice concentrates on consumer protection law, class actions, and legal and political consulting to technology companies. Prior to entering private practice, Myles spent several years operating an Internet advertising company, which was later sold, in addition to counseling high-tech companies on legal issues.

Since turning to plaintiffs' advocacy, Myles has had principal control over many nationwide and multi-state class actions. Drawing on his technological background, his specific area of emphasis is on emerging technology class actions, including those involving electronic commerce, cellular telephony and wireless media, among others. He has served in leadership positions in groundbreaking settlements involving Facebook, Verizon, Sprint, and T-Mobile.

Due to his diverse legal and business expertise, Myles has been asked by members of Congress to comment on proposed legislation in the mobile content industry and has worked with state regulatory bodies in related efforts.

Myles graduated from Marquette University Law School in 2000 and is admitted to practice in Wisconsin and Illinois. He is a member of the National Association of Consumer Advocates and the Chicago Bar Association.

MICHAEL J. MCMORROW is a partner at EDELSON MCGUIRE. His practice focuses on commercial litigation and class action law, and his recent experience includes representation of consumer classes in litigation under the federal Telephone Consumer Protection Act, the California Unfair Competition Law, several common law claims, and additionally, representation of corporate clients in the mobile telephone content industry in commercial and trade secret litigation.

Mike is an experienced trial and appellate commercial litigator who has represented clients in court and at trial across a full spectrum of issues, including trade secret litigation, commercial contracts, airplane leasing, airport construction, automotive manufacturing, commercial and consumer lending, product liability, and has represented clients in heavily-regulated industries including insurance, defense contracting, health care and energy. Prior to joining the firm, Mike was Senior Counsel at Foley & Lardner LLP, practicing commercial and energy regulatory litigation.

Mike graduated *magna cum laude* from the University of Illinois College of Law in 2000, where he was Associate Editor of the UNIVERSITY OF ILLINOIS LAW REVIEW, a Harbo Scholarship recipient, and President of the Prisoners' Rights Research Project. Mike received his B.A. in Political Science from Yale University in 1994. Mike has been a member of the Trial Bar for the Northern District of Illinois since 2005 and the Chicago Bar Association Judicial Evaluation Committee since 2003. His pro bono representations have included asylum applicants and prisoners' rights issues.

STEVEN W. TEPLER is a partner at EDELSON MCGUIRE. Steven concentrates his practice on data protection and information technology law, including electronic discovery, loss or destruction of information, authentication and admissibility issues uniquely inherent to computer generated information, including spoliation issues arising from unauthorized or illegal data

manipulation or alteration. He is the Co-Vice-Chair of the American Bar Association Information Security Committee as well as the Florida Bar's Professional Ethics Committee.

Steven has authored over a dozen articles relating to information technology law and routinely presents his work at conferences. Steven's recent publications include: *Spoliation in the Digital Universe*, *The SciTech Lawyer*, Science and Technology Law Section of the American Bar Association, Fall 2007; *Life After Sarbanes-Oxley – The Merger of Information Security and Accountability* (co-author), 45 JURIMETRICS J. 379 (2005); *Digital Signatures Are Not Enough* (co-author), Information Systems Security Association, January 2006; *State of Connecticut v. Swinton: A Discussion of the Basics of Digital Evidence Admissibility* (co-author), Georgia Bar Newsletter Technology Law Section, Spring 2005; *The Digital Signature Paradox* (co-author), IETF Information Workshop (The West Point Workshop) June 2005; *Observations on Electronic Service of Process in the South Carolina Court System*, e-filing Report, June 2005. Steven is also a contributing author to an American Bar Association book with the working title "Foundations of Digital Evidence" (publication expected March 2009).

Steven graduated from the Benjamin N. Cardozo School of Law in 1980 after earning his B.A., *summa cum laude*, from the City College of New York in 1977. Steven is admitted to the bars of New York, the District of Columbia and Florida.

BARRY REISS is Of Counsel to EDELSON MCGUIRE. After a short stint as a labor attorney representing the Teamsters, Barry entered the music business as a junior partner in the firm representing such artists as Herman's Hermits, Led Zeppelin and Jimi Hendrix.

After five years, Barry was lured out of private practice by the legendary Clive Davis to join him at CBS Records where he became Vice President of Talent Contracts. When Clive left CBS he asked Barry to join him to help form Arista Records where he served as Administrative Vice President from its inception for its first five years. When MCA Records decided to start an east coast record label ("Infinity Records") Barry moved from Arista to MCA as Executive Vice President of Infinity Records. When Infinity was merged into MCA Records, MCA asked him to stay on to help form its "ancillary" entertainment divisions. In that capacity Barry served as Vice President for Legal and Business Affairs from their inception of MCA Home Video, Universal Pay Television and MCA Video Disc. He also served as Vice President of Merchandising Corporation of America (the studio's merchandising arm) and of MCA's Trademark and Copyright division as well as continuing to service MCA Records' east coast operations. In 1986, Barry was additionally appointed East Coast General Counsel for MCA, Inc. responsible for all east coast legal matters for MCA Inc. including its corporate matters, feature film & television, book publishing, toy and Spencer Gifts divisions. In that capacity Barry helped guide MCA's acquisition of Grosset and Dunlap, Playboy Books and LJN Toys. In 1989, Barry left MCA to re-enter private practice representing such clients as U2, Valiant Comics, The Allman Brothers Band and Universal Television.

In January of 1995, Barry returned to the corporate world as Senior Vice President of Business and Consumer Affairs for The ColumbiaHouse Company responsible for Business, Consumer and Government Affairs which included negotiating the Company's major licensing agreements, as well as representing the company's interests in federal and state legislative matters, postal issues consumer relations activities and the Company's launching of its two internet sites. In

March of 2000 Barry left ColumbiaHouse to return to the private practice of law. Barry has served as a member of the Motion Picture Association of America (MPAA) and Record Industry Association of America (RIAA) Labor Negotiation and Anti-Piracy Committees, the RIAA Copyright Law Revision Committee, as a member of the Board of Directors of the Association for Postal Commerce and on the Government Affairs and Privacy Committees of the Direct Marketing Association. He is currently an Executive Committee member of the Music For Youth Foundation, serves as a mentor for Volunteer Lawyers for the Arts and was recently featured on Sky Radio's "Americas Best Lawyers".

Barry is a graduate of Columbia College and received a Bachelor of Law Degree, *cum laude*, from Columbia Law School.

SEAN P. REIS is Of Counsel to EDELSON MCGUIRE. Sean is an experience trial attorney and business litigator. Sean has experience in a wide-range of litigation matters, including those involving trade secrets, real estate fraud, employment, and consumer issues. Sean has tried sixteen cases, including several multi-week jury trials.

Prior to joining Edelson McGuire, Sean was trained at an international law firm and later founded his own practice. In 1993, Sean graduated from University of California at San Diego with a degree in quantative economics. Following that Sean graduated from Rutgers University School of Law, Newark where he was the business editor of the Rutgers Law Review and where he received a graduation award for appellate advocacy.

EVAN M. MEYERS is Senior Counsel at EDELSON MCGUIRE. Evan is an experienced trial and appellate litigator and has handled a broad range of complex litigation matters, including contract disputes, securities and consumer fraud, employment discrimination, insurance coverage, antitrust, shareholder and tax disputes, business torts and other matters. Evan has managed all aspects of the litigation process, including evaluation and strategic analysis, drafting pleadings in state and federal trial and appellate courts, taking and defending depositions, arguing motions, and representing clients in mediations and settlement conferences. He has also successfully tried cases in state court.

Prior to joining Edelson McGuire, Evan worked at Drinker Biddle & Reath LLP, where he was an associate in the firm's commercial litigation practice group and represented a wide range of clients in federal and state courts, including manufacturers, insurance and financial services companies, government agencies, close corporations, hospitals, colleges and universities and not-for-profit entities.

Evan received his J.D., *cum laude*, from the University of Illinois College of Law in 2002, where he was an associate editor of the Elder Law Journal. Additionally, he served as a judicial extern with the Hon. Wayne R. Andersen of the U.S. District Court for the Northern District of Illinois. Evan received his bachelor's degree, with distinction, in political science from the University of Michigan in 1999.

RYAN D. ANDREWS is a Chair at EDELSON MCGUIRE. He has been appointed class counsel in multiple complex high-stakes class actions, and actively involved in the litigation and

settlement of class actions focused on the mobile content industry and Internet privacy.

Prior to joining the firm, Ryan engaged in all aspects of the prosecution and defense of claims on behalf of individual and corporate clients, including motion practice, arbitration, mediation, trial to verdict, and appeals.

Ryan received his J.D. with High Honors from the Chicago-Kent College of Law in 2005 and was named *Order of the Coif*. While in law school, Ryan was a Notes & Comments Editor for THE CHICAGO-KENT LAW REVIEW, as well as a teaching assistant for both Property Law and Legal Writing courses. Ryan externed for the Honorable Joan B. Gottschall in the Northern District of Illinois, and earned CALI awards for the highest grade in five classes.

Ryan graduated from the University of Michigan in 2002, earning his B.A., *with distinction*, in Political Science and Communications.

MICHAEL J. ASCHENBRENER is a Chair at EDELSON MCGUIRE. Michael focuses his practice on high technology class actions, including Internet privacy rights and digital media and content rights, as well as intellectual property.

Before entering the legal field, Michael spent several years working in the cell phone, computer, and Internet marketing industries where he gained significant insight into the business of emerging technology.

Prior to joining EDELSON MCGUIRE, Michael served as an Assistant Attorney General for the State of Minnesota and as an associate at a large plaintiffs' consumer protection law firm.

Michael has served as Lead or Co-Lead Counsel in numerous class actions, which have resulted in settlements worth tens of millions of dollars. Michael has also served as lead attorney in other ground-breaking class actions, such as *Gawronski v. Amazon*, which alleged that Amazon remotely deleted copies of electronic books, *Eros v. Linden Research*, which seeks to enforce intellectual property rights for virtual goods, and *Earll v. eBay*, which seeks to establish rights for deaf users of the Internet under the Americans with Disabilities Act.

Michael has appeared in dozens of publications and numerous TV and radio programs, and frequently serves as a guest speaker at technology and class action conferences.

Michael graduated from Chicago-Kent College of Law, where he was an award-winning member of the Moot Court Honor Society, as well as Editor of the SEVENTH CIRCUIT REVIEW. Michael received his B.A. in Journalism from the University of Minnesota-Twin Cities.

RAFEY S. BALABANIAN is a Chair at EDELSON MCGUIRE. Rafey focuses his practice on prosecuting consumer technology class actions, banking class actions, and general consumer class actions. He is also co-chair of Edelson McGuire's business litigation group.

On the plaintiff's side, Rafey has been the court appointed lead counsel in numerous high-stakes class action litigation and has obtained settlements in excess of \$50 million.

On the business litigation side, Rafey has represented individual and corporate clients in a wide

variety of complex cases, including commercial disputes seeking damages of \$60 million and several “bet the company” case.

Rafey has first-chaired both jury and bench trials, engaged in extensive motion practice, and acted as lead counsel in several mediations and arbitrations.

Rafey received his J.D. from the DePaul University College of Law in 2005. While in law school, Rafey received a certificate in international and comparative law and earned the CALI award for the highest grade in advanced trial advocacy. Rafey received his B.A. in History, *with distinction*, from the University of Colorado – Boulder in 2002.

COLLIN BOND is an associate at EDELSON MCGUIRE. Mr. Bond focuses his practice on campaign and election law. He received his J.D. from Pace University School of Law in New York in 2008, earning a Certificate of International Law. During law school Mr. Bond served as a judicial intern for the Honorable Linda S. Jamieson of the Westchester County Supreme Court and as a legal extern for in-house counsel at Pernod Ricard USA. At Pernod Ricard he focused on contract law as well as intellectual property law.

Since then Mr. Bond has pursued a unique career in law and politics. He began his legal career by practicing election and campaign law for a top international political consulting firm. During his time at the firm he worked on the 2010 Ukrainian presidential election. Throughout the campaign and election Mr. Bond played an active role in political auditing, strategic planning, media management and election integrity. Collin graduated from Binghamton State University of New York, earning a B.A. in Political Science.

Steven received his B.A. in Political Science, *with Distinction*, from the University of Michigan—Ann Arbor in 2002.

LIZA DAVENPORT is an associate at EDELSON MCGUIRE. Liza practices in the areas of consumer class action and civil defense, focusing on complex class action cases in the mobile content industry.

Prior to joining Edelson McGuire, Liza engaged in the defense of claims on behalf of corporate clients as a summer associate in the litigation department at Arnstein & Lehr LLP, including claims involving real estate, bankruptcy, wills, products liability, and municipality law. She also assisted in the representation of plaintiffs’ with claims filed in the Federal Vaccine Courts, as well as social security disability claims while interning at the Chicago-Kent Law Offices, Health Law Clinic.

Liza received her J.D. from Chicago-Kent College of Law in May 2009. While in law school, Ms. Davenport was awarded the Chicago-Kent Alumni Board Scholarship for demonstrating academic merit. Additionally, she externed for the Honorable Arlander Keys, Federal Magistrate for the Northern District of Illinois.

Liza graduated with High Honor from Michigan State University, James Madison College of Public Affairs, in 2006, earning her B.A. in Political Theory and Constitutional Democracy. Ms. Davenport was also a member of the Michigan State University Honors College.

CHRISTOPHER L. DORE is an associate at EDELSON MCGUIRE. Chris focuses his practice on prosecuting consumer technology fraud, text-spam, and credit reduction class actions.

Chris graduated *magna cum laude* from The John Marshall Law School, where he served as the Executive Lead Articles for the Law Review, as well as a team member for the D.M. Harish International Moot Court Competition in Mumbai, India. His article, What to Do With Omar Khadr? Putting a Child Soldier on Trial: Questions of International Law, Juvenile Justice, and Moral Culpability appeared in the John Marshall Law Review. Throughout law school, Chris worked as a Legal Writing TA. He received a CALI Award for obtaining the highest grade in Voting and Election Law.

Before entering law school, Chris received his Masters degree in Legal Sociology, graduating *magna cum laude* from the International Institute for the Sociology of Law, located in Onati, Spain. Chris received his B.A. in Legal Sociology from the University of California, Santa Barbara.

WILLIAM C. GRAY is a Chair at EDELSON MCGUIRE. Bill has handled a broad range of complex litigation matters including; criminal matters, consumer and international fraud cases, labor and employment issues, and class actions. He has drafted pleadings and briefs, argued motions, and represented clients in mediations, arbitrations, state and federal courts, before human rights agencies, and before state and federal Department of Labor. Additionally, Bill has significant appellate advocacy experience and has argued in front of the Seventh Circuit Court of Appeals.

Bill previously worked at Sidley Austin LLP, and represented a wide range of clients, including Fortune 100 companies, in various forums, including manufacturers, insurance and financial services companies, government agencies, corporations, universities and not-for-profit entities. Additionally, he has participated in several high-profile cases resulting in favorable resolutions for his clients.

Bill received his J.D., *cum laude*, from Harvard Law School, where he was an editor of the Black Letter Law Journal. He also served as a research assistant for Professor Alan Dershowitz. Bill additionally spent a semester working in Jerusalem for the Simon Wiesenthal Center and was a member of the Criminal Code Commentary Committee for the country of Kosovo. Bill graduated from Indiana University with high honors. While at Indiana University, Bill was elected President of the Student Body for the campus's 40,000 students and was inducted into Phi Beta Kappa. He also appeared as an invited guest on MSNBC, The Mitch Albom Show, and The O'Reilly Factor.

Bill has been an active member of the legal community and has served in many pro bono matters. He currently serves on the Illinois State Bar Association Standing Committee on the Attorney Registration and Disciplinary Committee (ARDC), is a Board Member of the Decalogue Society of Lawyers (co-chair of the Young Lawyer's Committee), and is actively involved in the Anti-Defamation League and the American Cancer Society. Additionally, Bill has collaborated for years with the Northwestern Center on Wrongful Convictions in securing the release of wrongfully-convicted inmates.

STEVEN LEZELL is a Chair at EDELSON MCGUIRE and the firm's hiring attorney. Steven has successfully litigated and settled a number of consumer protection cases through trial, engaged in extensive motion practice, drafted appellate briefs, prosecuted class actions and participated in multi-session mediations.

Prior to joining the firm, Steven was a litigator at a Chicago boutique focusing on consumer protection matters, real estate disputes, fraudulent transfers in bankruptcy and the prosecution of white-knight mortgage fraud cases.

Steven received his J.D. from Chicago-Kent College of Law with High Honors, *Order of Coif*, while earning his certificate in litigation and alternative dispute resolution. During law school, he served as a Judicial Extern for the Honorable Ann C. Williams on the Seventh Circuit Court of Appeals and as President of the Student Bar Association. Steven also served as a Notes and Comments Editor for THE CHICAGO-KENT LAW REVIEW and represented Chicago-Kent at the National Sports Law Moot Court Competition in New Orleans in 2004. Steven was awarded the ABA-ALI Scholarship and Leadership Award for best representing the combination of leadership and scholarship in his graduating class and also received the Lowell H. Jacobson Memorial Scholarship, which is awarded competitively to a student from one of the law schools in the Seventh Circuit to recognize personal commitment and achievement.

JOHN OCHOA is an associate at EDELSON MCGUIRE. John's practice focuses on consumer class action litigation.

John graduated *magna cum laude* from the John Marshall Law School in May, 2010 and served as Managing Editor for the John Marshall Law Review. His student Comment, which examines bicycling and government tort immunity in Illinois, appears in Vol. 43, No. 1 of the JOHN MARSHALL LAW REVIEW. While in law school, John took advantage of various scholastic opportunities, serving as a research assistant, externing with Judge Thomas Hoffman at the Illinois Court of Appeals, and competing in the ABA National Appellate Advocacy Competition. John was awarded a Herzog scholarship for his academic performance and earned CALI awards for the highest grade in Torts, Property, and Administrative Law.

He received his B.A. with Honors in Political Science from the University of Iowa in 2004.

BENJAMIN H. RICHMAN is an associate at EDELSON MCGUIRE. Ben focuses his practice in the prosecution of consumer technology and other class actions, as well as general commercial litigation.

Ben received his J.D. from The John Marshall Law School, earning a Certificate in Trial Advocacy. During law school Ben served as Executive Student Publications Editor for The John Marshall Law Review and as a judicial extern for the Honorable John W. Darrah of the United States District Court for the Northern District of Illinois. Ben also acted as a teaching assistant in several torts courses and earned the CALI award for the highest course grade in Contracts II. Ben has since returned to the classroom as a guest-lecturer on issues related to class actions and complex litigation.

Ben graduated from Colorado State University, earning his B.S. in Psychology.

ARI J. SCHARG is an associate at Edelson McGuire LLC. He handles all aspects of litigation from pre-filing investigation through trial. In addition to class action litigation, Ari has substantial experience litigating commercial, real estate, employment, and constitutional matters. He also counsels entrepreneurs and works closely with startup companies to manage risk and raise capital.

Prior to joining the firm, Ari worked as a litigation associate at a large Chicago firm, where he represented a wide range of clients including Fortune 500 companies and local municipalities. His work included representing the Cook County Sheriff's Office in several civil rights cases and he was part of the litigation team that forced Craigslist to remove its "Adult Services" section from its website. He also regularly tries his cases before judges and juries, including a trial that spanned six months.

Ari is very active in community groups and legal industry associations. He is a member of the Board of Directors of the Chicago Legal Clinic, an organization that provides legal services to low-income families in the Chicago area. Ari acts as Outreach Chair of the Young Adult Division of American Committee for the Shaare Zedek Medical Center in Jerusalem, and is actively involved with the Anti-Defamation League. He is also a member of the Standard Club Associates Committee.

Ari received his B.A. in Sociology from the University of Michigan – Ann Arbor and graduated magna cum laude from The John Marshall Law School where he served as a Staff Editor for Law Review and competed nationally in trial competitions. During law school, he also served as a judicial extern to The Honorable Judge Bruce W. Black of the U.S. Bankruptcy Court for the Northern District of Illinois.

IRINA SLAVINA is an associate at EDELSON MCGUIRE. As a Russian attorney, Irina obtained her LL.M degree in International and Comparative Law, with High Honors, from Chicago-Kent College of Law in 2003. Since that time Irina has had a unique legal career in the United States that started in a boutique law office in Chicago and progressed to the legal department of a major gaming and entertainment company on the east coast.

While working in-house with General Counsel, Irina gained extensive experience in drafting and negotiating company contracts and addressing the day-to-day legal inquiries of management. Irina handled patrons' liability claims, worked with state and local government officials in obtaining and renewing company licenses, and assisted with all aspects of corporate governance and compliance.

Irina earned her J.D. from Chicago-Kent College of Law with High Honors, Order of Coif, in 2009. While in law school, Irina represented Chicago-Kent in the McGee National Civil Rights Moot Court Competition. Irina was also a member of the Chicago-Kent Law Review, and her student note on the issue of a casino liability to problem gamblers was published in the March 2010 issue, 85 Chi.-Kent L. Rev. 369. Irina externed for the Honorable Susan E. Cox in the Northern District of Illinois, and earned the CALI award for obtaining the highest grade in Constitutional Law, Evidence, and Legal Writing III courses.

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re Google Inc. Street View Electronic
Communications Litigation

NO. C 10-MD-02184 JW

**ORDER APPOINTING INTERIM CLASS,
CO-LEAD AND LIAISON COUNSEL**

Presently before the Court are the parties' various Motions to Appoint Interim Class Counsel.¹ Based on the parties' submissions, the Court finds that it can appoint counsel without further hearing.

Under Fed. R. Civ. P. 23(g)(3), a court "may designate interim counsel to act on behalf of a putative class before determining whether to certify the action as a class action." Although Rule 23(g)(3) does not provide any guidance for selecting interim class counsel, a court may consider the factors enumerated in Rule 23(g)(1). Under Rule 23(g)(1), a court considers "(i) the work counsel has done in identifying or investing potential claims in the action; (ii) counsel's experience in handling class actions, other complex litigation, and the types of claims asserted in the action;

¹ (Plaintiffs' Notice and Motion to Appoint Jeffrey Kodroff and Daniel Small as Interim Class Counsel and Elizabeth Cabraser as Interim Class and Liaison Counsel, hereafter, "Kodroff App.," Docket Item No. 35; Korein Tillery's Notice of Motion and Points and Authorities for Appointment of Interim Class Counsel and Request for Oral Argument, hereafter, "Korein App.," Docket Item No. 36; Advanced Technology Group's Notice of Motion to Appoint Jay Edelson and Scott A. Kamber Interim Class Counsel, hereafter, "Edelson App.," Docket Item No. 38.)

(iii) counsel's knowledge of the applicable law; and (iv) the resources that counsel will commit to representing the class."²

A. The Applications

The Court considers each application in turn.

1. Korein Tillery

Korein Tillery moves to be appointed Lead Counsel on the grounds that it has served in a leadership role in the litigation prior to the September 13, 2010 hearing and has consulted with experts and conducted analysis into the main points at issue in the case. (Korein App. at 10.) Korein Tillery represents that it has extensive class action experience, and has won awards for its class action representation. (*Id.* at 11.) Notably, Korein Tillery won a \$10 billion trial verdict for a class action suit against Phillip Morris. (*Id.*) Korein Tillery also has experience litigating technology related matters, including Barbara's Sales, Inc. v. Intel Corp. and Carr v. Gateway, Inc. (*Id.* at 25.)

2. Advanced Technology Group

The Advanced Technology Group requests appointment of counsel from the KamberLaw and Edelson McGuire law firms on the grounds that these firms have performed work identifying and investigating the relevant claims in this case, including reviewing public reports and undertaking factual investigation with private technology experts. (Edelson App. at 1, 4, 10.) In particular, KamberLaw and Edelson McGuire have committed and will further commit their extensive experience with high technology litigation to vigorously protect the interests of the class and tailor the litigation strategy to fit technology issues. (*Id.* at 4-8.)

3. Kodroff, Small and Cabraser

Kodroff, Small and Cabraser seek the appointment of: (1) Jeffrey Kodroff of Spector Roseman Kodroff & Willis, P.C. ("Spector Roseman") and Daniel Small of Cohen Milstein Sellers & Toll, PLLC ("Cohen Milstein") as Interim Class and Co-Lead Counsel; and (2) Elizabeth

² The Court may also consider "any other matter pertinent to counsel's ability to fairly and adequately represent the interests of the class." Fed. R. Civ. P. 23(g)(1)(B).

1 Cabraser of Lieff Cabraser Heimann & Bernstein, LLP (“Lieff Cabraser”) as Interim Class and
 2 Liaison Counsel. (Kodroff App. at 3.) Kodroff, Small and Cabraser have the support of eighteen
 3 other law firms with related cases in this action, representing thirteen of the sixteen Plaintiffs. (Id. at
 4 3, 5.) The group represents that it has invested a significant amount of time and energy to date in the
 5 litigation, including:

- 6 (1) conducting an extensive pre-filing investigation of Google’s misconduct, including
- 7 (2) filing comprehensive and detailed complaints;
- 8 (3) successfully advocating to the Judicial Panel on Multidistrict Litigation for
- 9 (4) centralization in this District; and consulting with multiple experts, including technical experts and former FCC officials to assist with the preparation of a Master Consolidated Complaint.

10 (Id. at 3-5.) Proposed counsel draw on their own extensive experience in managing national class
 11 actions, as well as plan to draw on the particular expertise of the eighteen firms in support of the
 12 proposed leadership structure. (Id. at 7.)

13 **B. The Appointment**

14 Upon review and consideration, the Court finds that appointment of Kodroff and Small as
 15 interim Co-Lead Counsel and Cabraser as Interim Class and Liaison Counsel will best serve the
 16 interests of the putative class. Proposed counsel have made a significant investment into this
 17 litigation, have sufficient resources to vigorously protect the interests of the class in future litigation
 18 and have a long history of managing national class actions. More importantly, Kodroff, Small and
 19 Cabraser share the support of a majority of counsel and Plaintiffs in this action and would be best
 20 positioned to leverage the resources, energy and experience of the various firms involved.

21 Accordingly, the Court GRANTS Plaintiffs’ Notice and Motion to Appoint Jeffrey Kodroff
 22 and Daniel Small as Interim Class and Co-Lead Counsel and Elizabeth Cabraser as Interim Class
 23 and Liaison Counsel and appoints interim class counsel as follows:

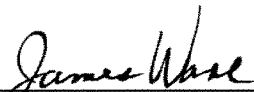
- 24 (1) Jeffrey Kodroff of Spector Roseman Kodroff & Willis, P.C. (“Spector Roseman”)
- 25 and Daniel Small of Cohen Milstein Sellers & Toll, PLLC (“Cohen Milstein”) as
- 26 Interim Class and Co-Lead Counsel; and

(2) Elizabeth Cabraser of Lieff Cabraser Heimann & Bernstein, LLP ("Lieff Cabraser") as Interim Class and Liaison Counsel.

In light of this Order, newly appointed counsel shall meet and confer with Defendant and draft a Proposed Order for the Court's approval with respect to (1) newly filed related actions and how they should be incorporated into this MDL action; and (2) prohibiting any new actions.

Further, pursuant to the Court's September 14, 2010 Order, on or before **November 8, 2010**, Plaintiffs shall file a Master Consolidated Complaint that includes all claims against Defendant Google, both Federal and State. Upon the filing of the Master Consolidated Complaint, the parties shall meet and confer and file a Joint Stipulation with respect to how this case should proceed including, a schedule for Defendant's response to the Complaint and anticipated dispositive Motions. The Joint Stipulation shall be filed on or before **November 19, 2010**.

Dated: October 8, 2010


JAMES WARE
United States District Judge

United States District Court
For the Northern District of California

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THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: October 8, 2010

Richard W. Wieking, Clerk

**By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy**