

# EXHIBIT E

# THE NATIONAL LAW JOURNAL

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## The Plaintiffs'



Barroway Topaz Kessler Meltzer & Check ■ Berger &  
Montague ■ Bernstein Liebhard ■ Bernstein Litowitz  
Berger & Grossmann ■ Grant & Eisenhofer ■ Hagens  
Berman Sobol Shapiro ■ Hausfeld ■ Labaton Sucharow  
■ Lief Cabraser Heimann & Bernstein ■ **Milberg** ■  
Phillips & Cohen ■ Quinn Emanuel Urquhart & Sullivan

# THE PLAINTIFFS' LIST



## MILBERG

The New York firm scored as the top firm for lead counsel participations in 2009. It secured \$1.44 billion in total recovery for its clients and achieved 10 settlements. A federal district judge went on record that the firm has “perhaps unrivaled experience in securities class actions.”

### NOTEWORTHY CASES

• *In re Vivendi Universal S.A. Sec. Litig.*, No. 02-5571 (S.D.N.Y.). Lead attorneys Matthew Gluck, Michael Spencer. In this rare securities jury verdict, the French media conglomerate was found to have made 57 false or misleading statements concerning its financial status, with the result that Milberg’s clients could recover as much as \$9.3 billion, which would be the largest jury verdict in the history of securities class action litigation. Vivendi is only one of nine securities class actions since the enactment of the Private Securities Litigation Reform Act of 1995 to have reached a verdict.

• *In re Converse Tech. Inc. Deriv. Litig.*, No. 601272/2006 (New York Co., N.Y., Sup. Ct.). Co-lead attorneys Benjamin Kaufman, Neil Fraser. The technology company agreed to pay \$62 million to settle this stock-options backdating complaint and to initiate governance reforms, including removal of the offending directors and approval of all equity grants by both the compensation committee and a majority of nonemployee members of the board. Meanwhile, the firm obtained an appellate ruling stripping directors of immunity when there is evidence of self-dealing or poor judgment.

• *In re Initial Pub. Offering Sec. Litig.*, No. 21 MC 92 (S.D.N.Y.). Lead attorney Ariana Tadler, Robert Wallner. Co-lead counsel Barroway Topaz Kessler Meltzer & Check; Bernstein Liebhard; Sirota & Sirota; Stull, Stull & Brody; Wolf Haldenstein Adler Freeman & Herz. Milberg represented more than 300 institutional investors in this epic class action arising from alleged market manipulation during the high-tech bubble, serving as plaintiffs’ liaison counsel and arguing before the district court. The judge formally signed off on a \$586 million settlement.

The **\$9.3 billion**

verdict in the Vivendi securities case represents nearly

**50%**

of all recoveries reported by Hot List firms.\*

## Three firms

on the Hot List including Milberg also ranked in the Top 5 on RiskMetrics’ list of firms having the

**highest settlement value** in 2009.

\* \$18.5 billion is the approximate value of 2009-10 verdicts, settlements and recoveries reported by Hot List Firms.

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**MILBERG** LLP

# These are the firms to watch

Michael Moline

October 5, 2009

Who would have thought we'd be handing out kudos to Milberg LLP three years after firm predecessor Milberg Weiss Bershad & Schulman was indicted for kicking back legal fees to class action plaintiffs? Who would have thought the firm would survive in any way, shape or form — much less that it would continue scoring significant settlements?

Funny thing about plaintiffs' attorneys: They're a tenacious bunch. Milberg partner Brad Friedman summed up the mindset when the NLJ's Jeff Jeffrey asked him recently why he hadn't jumped ship during the drama.

"I was going to be good and damned if the government was going to chase me out of my firm and away from the people I liked working with," he said.

The other firms we included in this eighth annual *National Law Journal* Plaintiffs' Hot List didn't tend to have Milberg's kind of problems, but they had plenty to contend with. To name one cause of action, securities class action filings declined by 22.3% during the first half of 2009, according to Stanford Law School's Securities Class Action Clearinghouse. That organization counted 87 filings during the period, compared to 112 in each half of 2008. Of course, 2008 saw a 19% surge in such filings compared to 2007, with almost half targeting — surprise! — the financial sector. Financial services firms remain a frequent target this year, representing 66.7% of filings through June. Still, U.S. securities filings during the second quarter fell 11% below the average for the past 12 years. Plaintiffs, the clearinghouse explained, were running out of major financial houses to sue.

We asked our readers to nominate firms in the United States that did exemplary, cutting-edge work on the plaintiffs' side between the summer of 2008 and the summer of 2009. Firms needed at least one significant win and an impressive track record within the previous three to five years. A "significant" win meant prevailing in a bench or jury trial when the stakes were high, meaning that a substantial amount of money was at issue, or that the case could affect the litigation strategy or outcome of similar cases nationally. We also looked for wins that could effect significant social change or civil rights gains. Firms needed to devote at least 50% of their litigation resources to plaintiffs' work.

We don't pretend this is anything but our subjective take on the major players in the plaintiffs' bar. We looked for firms that struck us as representing the bar's best qualities and that demonstrated unusual flair and creativity. We understand that major class litigation is a collaboration and regret that space doesn't permit us to credit every firm that contributed to the cases we highlight here.

Milberg, for example, has been missing from this list since the indictment, even as it continued to score in court. By this time, the firm has purged its ethically-challenged attorneys and otherwise cleaned up its act. Beyond that, it helped win a \$750 million recovery in a case alleging accounting shenanigans by Xerox Corp. As Jeffrey explains in his article ["Milberg lives long after all — and prospers," Page S3], the firm threw lawyers with serious accounting skills at the Xerox files. "It was possible to look at a highly incriminating report and not know you had gold in your hand without some pretty sophisticated knowledge of accounting principles and practices," Friedman said.

Less money but plenty of principle was at stake in litigation undertaken on behalf of an aging cadre of Mexican "braceros," laborers recruited to work in U.S. fields, beginning during World War II. Their employers withheld part of their wages, ostensibly to save it on the workers' behalf, but government-affiliated Mexican banks refused to hand over the money. The challenge against powerful defenses including sovereign immunity scared off the plaintiffs' bar until 2001, when Chicago-based Hughes Socol Piers Resnick & Dym and San Francisco's Loeff Cabraser Heimann & Bernstein joined forces on the workers' behalf.

The team prevailed, regular NLJ contributor Emily Heller reports. But it was a matter of refusing to take "no" for an answer through three — count 'em — reversals in federal court. The U.S. government extracted itself from the litigation. The Mexican government and banks finally bowed to moral pressure that the litigation helped to stoke.

"I actually expected, to tell you the truth, at some point that the plaintiffs would just give up because it was so hard, but they never did," U.S. District Judge Charles R. Breyer remarked. [See "Advocates for 'braceros' wore opposition down," Page S4.]

Speaking of tenacity, here's Coughlin Stoia Geller Rudman & Robbins (formerly affiliated with Milberg Weiss; we must note that former partner William Lerach is now in jail for participating in the kickback scheme). The firm took long odds in 2002 that any money it could squeeze out of Enron Corp.'s enablers would cover its litigation expenses in a climate growing ever more hostile to scheme-liability suits. The firm extracted \$7.2 billion in settlements and a nice share of \$688 million in attorney fees.

"It was the biggest securities fraud going on, and we're the biggest securities class action firm, so we wanted to be involved, even with those risks," Coughlin told the NLJ's Amanda Bronstad. ["Risky investment in Enron case paid dividends." See Page S14.]

Yeah. That's what we're talking about.

# THE PLAINTIFFS' HOT LIST

## BARROWAY TOPAZ KESSLER MELTZER & CHECK

Barroway Topaz Kessler Meltzer & Check is a 72-attorney plaintiffs' firm with active practices in shareholder, ERISA, consumer and corporate governance litigation. The firm reports recoveries of nearly \$900 million for plaintiffs during the past year and has obtained more than \$1 billion since the beginning of 2008. It has expanded its practice into Canada and Europe. Based in Radnor, Pa., Barroway Topaz recently opened an office in San Francisco.

### NOTEWORTHY CASES

• *In re Genentech Inc. Shareholders Litig.*, No. 3911-VCS (New Castle Co., Del. Ch.). Co-lead counsel Marc A. Topaz, Lee D. Rudy, Michael Wagner and James Miller. Roche Holding Ltd.'s offer to buy Genentech Inc. for \$43.7 billion, or \$89 per share, looked a little too cozy for a group of institutional investors. They challenged the deal and eventually the companies agreed to a more palatable \$95 per share, adding \$3.9 billion to the pot. Barroway Topaz, representing Alameda County, Calif., helped negotiate the higher price.

• *In re Tenet Healthcare Corp. Sec. Litig.*, No. CV-02-8462 (C.D. Calif.). Lead attorneys David Kessler, Gregory Castaldo and Andrew L. Zivitz. In one of the highest payouts from an external auditor in a securities-fraud class action, the team secured a \$65 million settlement with Tenet's auditor KPMG LLP. Tenet allegedly misled investors about its financial strength and was accused of insider trading. KPMG allegedly aided and abetted. This win boosted total recoveries to \$281.5 million.

• *In re Brocade Sec. Litig.*, No. 3:05-CV-02042 (N.D. Calif.). Co-lead attorneys Sean M. Handler and John A. Keboe. The firm represented two union retirement funds in this stock-options backdating class action against Brocade Communications Systems Inc. The \$160 million settlement amounted to nearly a 100% recovery.

## BERGER & MONTAGUE

Philadelphia-based Berger & Montague can claim 39 years of successful practice, primarily in complex plaintiffs' litigation in securities, antitrust, consumer fraud, environmental and employment law. During the past year, the Philadelphia firm reached nine-figure settlements on behalf of two large classes.

### NOTEWORTHY CASES

• *In re Merrill Lynch & Co. Inc. Sec., Derivative & ERISA Litig.*, No. 07-CV-09633 (S.D.N.Y.). Co-lead counsel Lawrence J. Lederer. The team negotiated a \$475 million settlement in one of the first securities class actions arising from the subprime mortgage meltdown. Getting there meant surmounting six separate motions to dismiss and the argument that Merrill Lynch & Co. Inc., various officers, Deloitte & Touche LLP and lead underwriters didn't display the usual indicators of fraud. The judge commended the "very fine" work done by the plaintiffs' attorneys.

• *In re TriCor Direct Purchaser Antitrust Litig.*, No. 05-340 (D. Del.). Shareholders Eric Cramer and Peter Kohn served on the plaintiffs' executive committee and the three-firm lead trial team. It took three years to wrest a \$250 million class settlement out of Abbott Laboratories and Fournier Industrie et Sante for alleged "product hopping"—introducing nominally

but not actually improved versions of a brand-name drug (in this case cholesterol drug TriCor) to artificially extend the patent and impede generic competitors.

• *New Jersey v. Qwest Communications Int'l.*, No. MER-L-3738-02 (Mercer Co., N.J., Super. Ct.). Lead counsel Merrill G. Davidoff, Peter Nordberg, Michael Dell'Angelo and Ellen T. Noteware. By opting out of a class settlement involving allegedly inflated earnings, the firm managed a separate deal giving the state of New Jersey \$45 million—rather more than the wider settlement would have brought. The case established that, in New Jersey, unlike in federal court, plaintiffs can go after auditors and other enablers of fraud.

## BERNSTEIN LIEBHARD

New York's Bernstein Liebhard represents institutional and individual investors in shareholder class and derivative litigation. Some of the largest pension, health and welfare funds engage it to monitor their assets and pursue action when necessary. Established in 1993 as a boutique, it now has 30 attorneys.

### NOTEWORTHY CASES

• *In re Initial Public Offering Sec. Litig.*, No. 21 MC 92 (S.D.N.Y.). Lead counsel Stanley D. Bernstein is chairman of the plaintiffs' executive committee. After more than eight years in litigation, the team reached a global settlement of \$586 million with 309 defendants in the largest securities class action on record. The suits alleged that, between 1998 and 2000, issuers and investment banks manipulated initial public offerings to artificially inflate the price of the securities.

• *In re Beazer Homes U.S.A. Inc. Sec. Litig.*, No. 1:07-CV-725-CC (N.D. Ga.). Co-lead counsel Jeffrey M. Haber and Joseph R. Seidman Jr. The firm represented a union trust fund in accusing Beazer Homes of making false and misleading statements about its loan and mortgage origination practices. The case settled for \$30.5 million after two years in court.

## BERNSTEIN LITOWITZ

Bernstein Litowitz Berger & Grossmann of New York and San Diego has been lead or co-lead counsel in five of the 10 largest securities fraud settlements on record. As a percentage of recoverable damages, the firm consistently achieves the highest returns for investors—multiples above the averages reflected in national studies by RiskMetrics Group, NERA Consulting and Cornerstone Research. The firm handles securities, transactional, copyright and civil rights litigation.

### NOTEWORTHY CASES

• *In re The Mills Corp. Sec. Litig.*, No. 06-CV-00077 (E.D. Va.). Co-lead counsel Steven B. Singer and Hanna Greenwald Ross. The class recovered \$202.75 million—the largest recovery in a securities class action in Virginia and the second-largest within the 4th Circuit. Mills allegedly materially overstated the company's financial results and engaged in accounting improprieties.

• *La. Sheriffs Pension & Relief Fund v. Merrill Lynch & Co. Inc.*, No. 08-CV-09063 (S.D.N.Y.). Lead counsel Max W. Berger, John P. Coffee and Mark Lebovitch. The judge signed off in August on a \$150 million securities, derivative and ERISA settlement. Merrill allegedly published false and misleading bond prospectuses and failed to disclose its \$2 billion exposure to mortgage-backed and auction-rate securities.

• *In re Bristol-Myers Squibb Co. Sec. Litig.*, No. 07-CV-5867 (S.D.N.Y.). Lead counsel Salvatore J. Graziano and Jai K. Chandrasekhar. The plaintiffs alleged that Bristol-Myers worked out a series of disadvantageous deals with Canadian generic competitor Apotex Inc. that would prevent the latter from bringing a generic version of Bristol-Myers' best-selling drug, Plavix, to the U.S. market—and repeatedly neglected to inform to investors and regulators about its concessions. The maneuverings resulted in criminal charges and a police raid on Bristol-Myers' New York headquarters.

## COTCHETT, PITRE & MCCARTHY

Cotchet, Pitre & McCarthy of Burlingame, Calif., has a 45-year record of landmark court victories. So far this year, the firm's 24 attorneys have recovered more than \$1 billion for its clients. It filed one of the first cases against Bernard L. Madoff's feeder funds—partners Joseph Cotchett and Nancy L. Fineman were the only attorneys to interview Bernard Madoff in prison after filing actions on behalf of his victims.

### NOTEWORTHY CASES

• *In re Bextra and Celebrex Mktg., Sales Practices and Prod. Liab. Litig.*, nos. 05-CV-01699-CRB, MDL-1699 (N.D. Calif.). Lead trial counsel Frank M. Pitre. Pfizer Inc. agreed to pay \$894 million to settle consolidated litigation and class actions related to its painkillers Bextra and Celebrex, resolving some 90% of the personal injury suits over the drugs. Thirty-three states will share in the recovery.

• *In re Apple Computer Inc. Stock Option*, Master File No. C-06-4128 (N.D. Calif.). Lead counsel Mark C. Molumph, Philip L. Gregory and Laura E. Schliemann. The firm uncovered the machinery behind 12 grants of backdated stock options to Apple executives including Steve Jobs between 1997 and 2001. The \$14 million settlement on Oct. 31, 2008, was the largest backdating recovery to that time and led to big changes in Apple's internal controls, accounting and the general counsel's duties.

• *Plan Trust of Touch America Holdings Inc. v. Goldman, Sachs & Co.*, No. 04-87 (D. Mont.). Co-counsel Joseph W. Cotchett and Nancy L. Fineman, with Mark Baker of Helena, Mont. The team extracted \$37 million from Goldman Sachs and New York law firm Milbank, Tweed, Hadley & McCloy for advising a power company to turn itself into a telecommunications company at time when telecom was in decline.

## COUGHLIN STOIA

Coughlin Stoia Geller Rudman & Robbins is making headlines by recovering billions of dollars for its clients and less so for the kickback scandal that landed former partner William Lerach in prison. During the past 12 months or so it secured victories against Enron Corp.'s enablers and a rare jury verdict in a securities case. The 190-lawyer firm is headquartered in San Diego and has offices in San Francisco, Los Angeles, New York, Washington, Philadelphia, Atlanta and Boca Raton, Fla.

### NOTEWORTHY CASES

• *In re Enron Corp.*, No. MDL-1446 (S.D. Texas). Lead counsel Patrick Coughlin and Helen Hodges. Coughlin Stoia led 16 firms in bringing the epic Enron Corp. scheme liability case over the finish

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# THE PLAINTIFFS' HOT LIST

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line in September 2008. The \$7.3 billion recovery represents the largest securities fraud settlement to date; the firms will share a record \$688 million in legal fees. "[T]he skills, expertise, commitment, and tenacity of Lead Counsel in this litigation cannot be overstated," U.S. District Judge Melinda Harmon wrote, praising the firm's "clearly superlative litigating and negotiating skills."

• *Lawrence E. Jaffe Pension Plan v. Household Int'l Inc.*, No. 02-cv-05893 (N.D. Ill.). When this case went to a jury in May, only six securities class actions had been tried to verdict in which the alleged fraud took place after the passage of the Private Securities Litigation Reform Act. A federal jury in Chicago found that Household International, now a part of HSBC Holdings PLC, and four former officers and directors made fraudulent statements regarding its mortgage-lending practices. The victory opened the defendants to \$1 billion in damages.

• *In re UnitedHealth Group Sec. Litig.*, No. 06-CV-01691 (D. Minn.). Lead counsel Darren Robbins, Michael Dowd, Ramzi Abadou and Andrew Brown. The firm followed its \$895 million stock-options backdating settlement with UnitedHealth Group in September 2008 by extracting another \$30 million out of former chief executive William McGuire in a separate settlement just about one year later. He abandoned options to purchase 3.68 million shares. The initial settlement represented more than twice the total recoveries from the 11 other options backdating cases completed at the time, the firm said.

## GRANT & EISENHOFER

Grant & Eisenhofer ranked No. 5 on RiskMetrics Group's list of top firms in 2008 in terms of settlement value, bringing in \$109 million. The Wilmington, Del.-based firm was lead counsel in six of the largest securities class action recoveries in U.S. history. Founded in 1997, it now has more than 40 lawyers in Delaware, New York and Washington.

## NOTEWORTHY CASES

• *In re Genentech Inc. Shareholders Litig.*, No. 3911-VCS (New Castle Co., Del. Ch.). Co-lead counsel Stuart Grant and Michael Barry. The team filed a derivative claim on behalf of institutional investors opposed to the \$43.7 billion, \$89 per share buyout of Genentech Inc. by health care company Roche Holding Ltd. The plaintiffs contended that a 1999 purchase contract prevented the board from fulfilling its duty to negotiate the best possible deal. A settlement was reached for \$95 per share, adding \$3.9 billion to the pot.

• *Teachers' Retirement Sys. of La. v. Greenberg and American Int'l Group Inc.*, No. 20106-VCS (New Castle Co., Del. Ch.). Lead attorneys Stuart Grant, Cynthia Calder, Jennifer Heisinger, Catherine Pratinakis and David Straite. A shareholder suit against former American International Group Inc. executives for breach of fiduciary duty resulted in a \$115 million settlement. AIG had paid hundreds of millions of dollars in commissions to affiliates held and controlled by the company's chairman and other directors.

• *In re General Motors Corp. Sec. and Derivative Litig.*, No. MDL-1749 (E.D. Mich.). Lead counsel James J. Sabella and Sharan Nirmul. The securities class action concluded with a mediated \$303 million settlement at the expense of General Motors Corp. and its auditor, Deloitte & Touche. The crux of the case was the automaker's nearly 10 years of misstating its financial reports.

## HAGENS BERMAN SOBOL SHAPIRO

Forty-three attorneys in six offices power this Seattle-based plaintiffs' firm. It has a nationally recognized practice in class action and complex litigation. This year, the firm forced a rollback of prescription drug prices and remedied travelers' reservation overpayments. It is in the process of challenging a multinational mining corporation, Rio Tinto PLC, accused of war crimes and atrocities on the Pacific island of Bougainville.

## NOTEWORTHY CASES

• *San Francisco Health Plan v. McKesson Corp.*, No. 1:08-cv-10843 (D. Mass.). Lead counsel Steve W. Berman, Sean Matt and Barbara Mahoney. The decade-long litigation centered on allegations that McKesson Corp., in concert with First DataBank Inc., manipulated wholesale drug-pricing benchmarks to inflate the price of more than 400 commonly prescribed drugs. A \$350 million RICO settlement was reached, as was a \$24 million settlement in similar litigation against AstraZeneca PLC.

• *In re Expedia Hotel Taxes and Fees Litig.*, No. 05-2-02060-1 (King Co., Wash., Super. Ct.). Lead attorneys Steve W. Berman and Andrew Volk. The firm settled a Consumer Protection Act case against online travel firm Expedia for \$123.4 million, the largest judgment in Washington state history for a consumer class action. Expedia allegedly charged service fees under false pretenses in millions of transactions and deceptively camouflaged the amount of the service fees.

## LABATON SUCHAROW

The firm's 60-plus attorneys responded to the economic meltdown by a series of high-profile securities class actions against corporate defendants. The New York firm, with four decades of achievements, is a founding member of the plaintiffs-friendly Institute for Law and Economic Policy.

## NOTEWORTHY CASES

• *In re American Int'l Group Inc. Sec. Litig.*, No. 04 Civ. 8141 (S.D.N.Y.). Co-lead counsel Thomas A. Dubbs and Louis Gontlieb. The plaintiffs obtained a \$97.5 million settlement with accounting firm PricewaterhouseCoopers International Ltd. for its role in the American International Group fraud. AIG Chief Executive Officer Hank Greenberg and three other executives allegedly were responsible for accounting irregularities that led to a \$3.9 billion restatement.

• *In re HealthSouth Corp. Sec. Litig.*, No. CV-03-BE-1500-S (N.D. Ala.). Co-lead counsel Thomas A. Dubbs and James W. Johnson. Accounting firm Ernst & Young Global Ltd.'s failure to conduct audits of HealthSouth Corp. and its now-imprisoned CEO Richard Scrushy culminated in a \$109 million settlement, the eighth largest with an outside auditor.

• *In re TriCor Indirect Purchasers Antitrust Litig.*, No. 05-360 (D. Del.). Co-lead counsel Christopher J. McDonald. The team secured a \$65.7 million settlement of its share of claims that individuals and insurers paid an inflated amount for TriCor, a leading cholesterol medication. Abbott Laboratories and Fournier Industrie et Sante were accused of "product hopping"—jiggering a brand-name drug's formula to illicitly extend the patent.

## LIEFF CABRASER HEIMANN & BERNSTEIN

San Francisco-based Lieff Cabraser Heimann & Bernstein litigates across a range of cause of action: products safety, civil rights, securities and more. The plaintiffs-only firm also maintains offices in New York and Nashville, Tenn., and is associated with Toronto's Rochon Genova. Founded in 1972, today Lieff Cabraser boasts more than 50 attorneys.

## NOTEWORTHY CASES

• *In re Bextra and Celebrex Mktg. Sales Practices and Prod. Liab. Litig.*, nos. 05-cv-01699-CRB, MDL-1699 (N.D. Calif.). Co-lead counsel Elizabeth J. Cabraser and Scott P. Nealey. The firm was appointed to oversee all personal injury and consumer litigation nationwide arising from the sale and marketing of COX-2 inhibitors manufactured by Pfizer Inc., Pharmacia Corp. and G.D. Searle Inc. The team overcame the fact that the drugs had dissimilar regulatory histories and different liability issues, plus the risk of dismissal on pre-emption ground. A global resolution resulted in a Pfizer payout of at least \$850 million.

• *In re Broadcom Corp. Derivative Litig.*, No. 06-3252-R (C.D. Calif.). Lead counsel Richard M. Heimann and Joy A. Kruse. The plaintiffs entered into a partial \$118 million settlement with Broadcom Corp. and various officers and directors, alleging that for five years they manipulated stock-options grant dates at shareholders' expense. It was the second-largest settlement of a stockholders' derivative action involving options backdating.

• *Cruz v. U.S.*, No. 01-0892-CRB (N.D. Calif.). Co-lead attorneys Kelly M. Dermody and Daniel M. Hutchinson. The team prevailed on behalf of Mexican laborers ("braceros") who were never reimbursed for wages deducted and placed in Mexican savings accounts on their behalf, beginning during World War II. Survivors or their families will receive approximately \$3,500 each. Getting there required the plaintiffs to overcome statutes of limitations, defenses to claims under international and contract law, and the demise of many of the workers in the intervening years.

## MILBERG

Milberg returns to this list for the first time since its indictment in 2006 for kicking back fees to lead plaintiffs. Since then, the reorganized firm has jettisoned the offending partners, reached a nonprosecution agreement with the government and persevered. In fact, it's growing, having added eight attorneys this year. Milberg has launched a new bankruptcy practice and bolstered practices in anti-trust litigation, litigation support and discovery. New York-based Milberg opened offices in Tampa, Fla., and Detroit to complement its Los Angeles and New York locations. It has 76 attorneys.

## NOTEWORTHY CASES

• *In re Initial Public Offering Sec. Litig.*, No. 21, MC 92 (SAS) (S.D.N.Y.). Co-lead counsel Ariana J. Tadler, Robert A. Wallner and Peter Safirstein. Milberg, a member of the court-appointed plaintiffs' executive committee, helped obtain preliminary approval for a \$586 million settlement in this consolidated class action. Complaints against underwrit-

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ers of technology company stocks during the dot-com boom, implicating 55 investment banks and 300 corporate issuers, were largely sustained.

• *Carlson v. Xerox*, No. 3:00-CV-1621 (D. Conn.). Lead counsel Brad N. Friedman. This securities class action resulted in a \$750 million cash settlement (\$670 million paid by Xerox Corp., \$80 million by auditor KPMG). It was the 11th-largest recovery in the annals of securities litigation. Xerox's alleged massive and global accounting improprieties led to the suit.

• *In re General Electric Co. ERISA Litig.*, No. 1:06-cv-00315 (N.D.N.Y.). Lead attorney Lori G. Feldman. As lead settlement counsel, Milberg obtained a \$40 million award for former General Electric Co. employees who claimed the company imprudently sank more than two-thirds of their 401(k) assets in G.E. stock.

## PHILLIPS & COHEN

Phillips & Cohen, with offices in San Francisco and Washington, represents whistleblowers in qui tam lawsuits and prosecutes tax fraud and securities law violations. Of the \$13.6 billion in government recoveries under the False Claim Act, the firm was responsible for more than \$3.5 billion. Its qui tam targets have included Wall Street figures, companies that engaged in bid-rigging in the government's program to fund Internet technology in poor schools and a drug company for off-label marketing of a drug that can be used for date rape.

## NOTEWORTHY CASES

• *U.S. ex rel. Bruce Boise v. Cephalon Inc.*, No. 04cv4401-TON (E.D. Pa.). Lead attorney Peter W. Chatfield. Biopharmaceutical company Cephalon Inc. agreed to pay \$425 million (including \$50 million criminal fine) to resolve allegations of off-label marketing of Actiq, a painkiller for cancer patients; anti-epilepsy drug Gabitril; and anti-narcolepsy drug Provigil; and resultant false claims by medical providers to federal insurance programs.

• *U.S. ex rel. Ferro v. Northrop Grumman Corp.*, No. 02-9934 (C.D. Calif.). Lead attorney Eric R. Havian. This \$325 million payout was the second-largest qui tam settlement to date against a defense contractor. The lawsuit contended that TRW Inc. tried to enforce a nondisclosure agreement to prevent an outside researcher from revealing that electronic components of military and intelligence-gathering satellites didn't work.

• *U.S. ex rel. Cantor v. Nichols Institute Diagnostics Inc.*, No. 04-1494 (E.D.N.Y.). Lead counsel Mary Louise Cohen and Erika A. Kelton. Quest Diagnostics Inc. paid \$302 million to settle civil qui tam and criminal allegations that a subsidiary touted the accuracy of a parathyroid hormone test for kidney dialysis patients that it knew wasn't always accurate, causing patients to undergo unnecessary surgery and causing medical providers to make fraudulent claims against government insurance programs. A biochemist for a competitor blew the whistle.

## QUINN EMANUEL URQUHART OLIVER & HEDGES

Los Angeles-based Quinn Emanuel is the largest plaintiffs' firm in the United States specializing in business litigation. It fields approximately 400 attorneys and has obtained \$10 billion in judgments and settlements. The firm recently severed ties with major financial institutions and their advisers to focus instead on suing them. Intellectual property litigation represents another substantial segment of Quinn Emanuel's business.

## NOTEWORTHY CASES

• *Mattel Inc. v. MGA Entertainment Inc.*, No. 2:2005cv027 (C.D. Calif.). Lead counsel John Quinn, William Price and Michael Zeller. In a multiphase trial culminating in a \$100 million jury verdict, MGA Entertainment Inc. and its chief executive were found guilty of copyright-related violations. MGA had to turn over the billion-dollar Bratz doll franchise to Mattel, whose former employee had created the designs on Mattel's dime.

• *Micron Technology Inc. v. Rambus Inc.*, No. 5:2006cv00244 (D. Del.). Lead counsel William C. Price and Robert J. Becher. In a case that could mean billions of dollars for the high-tech industry, the court decided that 12 dynamic random access memory patents asserted against Micron were unenforceable.

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able due to Rambus' bad-faith spoliation. Rambus' stock price dropped by 39%.

• *Town of Mammoth Lakes v. Mammoth Lakes Land Acquisition LLC*, No. 15954 (Mono Co., Calif. Superior Court). Lead counsel Daniel L. Brockert, Robert P. Feldman and John M. Pierce. Quinn Emanuel obtained a \$30 million unanimous jury verdict against the town from a panel composed of Mammoth Lake residents. The town was found to have breached a development agreement to construct a 250-unit hotel and condominium. It represents the largest victory in the county's history.

## SEEGER WEISS

New York-based Seeger Weiss is a self-described "renaissance litigation boutique," handling a broad span of cases apart from its core strengths in pharmaceuticals and mass torts. Ten years since its founding, Seeger Weiss has about 30 lawyers and 100 staff professionals in five offices. During the past 12 months, Seeger Weiss put together a string of favorable verdicts and settlements, in pharmaceutical-related matters alone recovering more than \$1 billion. Name partner Stephen Weiss was among the first to bring Madoff-related investor suits.

## NOTEWORTHY CASES

• *In re Bextra and Celebrex Mktg., Sales Practices and Prod. Liab. Litig.*, nos. 05-cv-01699-CRB, MDL-1699

(N.D. Calif.). Co-lead counsel Christopher Seeger and David R. Buchanan. The firm was among the first to file complaints over the pain medications Bextra and Celebrex and sat on the plaintiffs' steering committee. Seeger was one of the first attorneys to reach specific settlement terms with Pfizer. The settlement provides \$745 million for 7,000 claimants.

• *Speisman v. Hoffmann-La Roche Inc.*, No. ATL-L-196-05 (Atlantic Co., N.J., Super. Ct.). David R. Buchanan, backed by Michael L. Rosenberg, was co-lead counsel in two consolidated cases on behalf of plaintiffs who traced their inflammatory bowel disease to their use of Hoffman La Roche Inc.'s anti-acne drug Accutane. The team recovered \$23.5 million for four plaintiffs. Buchanan and Christopher are primary or liaison counsel on another 600 Accutane cases.

• *In re New Jersey Vioxx Litig.*, No. 825, No. ATL-L-2534-08 (Atlantic Co., N.J., Super. Ct.). Lead counsel Christopher Seeger, Stephen Weiss, David Buchanan and Michael L. Rosenberg. Having helped secure the \$5 billion settlement in the first round of Vioxx litigation, the firm went back after Merck & Co. Inc. on behalf of third-party purchasers of the drug, securing an \$80 million settlement. In total, it recovered \$140 million for third-party payors during the past year.

## WOODCOCK WASHBURN

Woodcock Washburn's 90 attorneys provide a full range of intellectual property services across a wide

swath of industries and technologies. One-quarter of the firm's equity partners are women, many of whom populate top management, practice groups and committees. The firm, founded in 1946, has headquarters in Philadelphia and offices in Atlanta and Seattle.

## NOTEWORTHY CASES

• *Centocor Ortho Biotech Inc. v. Abbott Labs.*, No. 07cv139 (E.D. Texas). Lead attorneys Dianne B. Elderkin, Barbara Mullin, Steven Maslowski, Angela Verrecchio, Matthew Pearson and James Vaughn Spencer, with local counsel Sayles Werbner. The largest verdict in the history of patent litigation, with damages to the tune of \$1.67 billion, capped this case centering on rheumatoid arthritis palliatives. The court determined that anti-inflammatory proteins in Centocor's Remicade drug were in use two years before Abbott's Humira. The court ruled that the plaintiff's patent was valid and willfully infringed. The team secured almost all of the \$2.2 billion remedy it had sought.

• *TruePosition Inc. v. Andrew Corp.*, No. 05-747 (D. Del.). Co-lead counsel Paul Milcetic, Dale Heist, Kathleen Milsark, Daniel Goeltte and Amanda Kessel. A federal judge in May added \$20 million in compensatory and punitive damages to a \$24 million award granted by a jury in September 2007. The panel found willful infringement by the defendant of a cellphone technology patent that was held by True Position. ■