

EXHIBIT 2

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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**
11

12 In re iPhone Application Litigation) Case No.: CV-10-5878 LHK (PSG)
13)
14) **DECLARATION OF WILLIAM M.**
15) **AUDET REGARDING LEADERSHIP**
16) **STRUCTURE OF PLAINTIFFS'**
17) **COUNSEL**

18 I, William M. Audet, declare as follows:

19 1. I am an attorney licensed to practice before all courts of this State, and am
20 admitted to practice before the Northern District of California. I am a founding partner of the
21 law firm of Audet & Partners, LLP, counsel for the plaintiff class in the *Rodimer, et al. v. Apple,*
22 *Inc., et al.* action (CV-11-0700). I have personal knowledge of the matters stated herein, and if
23 called as a witness to testify, I would and could competently testify to the following.

24 2. My firm, Audet & Partners, LLP, focuses on complex, individual and class action
25 litigation.

26 3. As outlined in my CV (attached hereto as Exhibit 1), I received a J.D. from
27 Golden Gate University School of Law and an L.L.M. from University of Wisconsin, Madison
28 School of Law. I served as a staff attorney at the Ninth Circuit Court of Appeals and
subsequently served as a law clerk to the Honorable Fern M. Smith and the Honorable Alfonso J.

1 Zirpoli. Since the end of my clerkships in 1989, I have been appointed to leadership positions in
2 dozens of California class action cases. See, Exhibit 1.

3 4. My firm, Audet & Partners, LLP, founded in 2007, has extensive experience in
4 the litigation, trial and settlement of class action and complex cases. Attached hereto as Exhibit
5 2 is a true and correct copy of Audet & Partners, LLP's firm resume.

6 5. On February 15, 2011, my firm, along with the firm of Lockridge Grindal Nauen
7 P.L.L.P. and the Law Office of Joseph H. Malley, filed the *Rodimer* case (CV-11-0700) with this
8 Court naming Apple and a number of other Defendants. On March 15, 2011, this Court issued
9 its Order for consolidation of all pending related Apple cases, including my firm's case. The
10 Order contained a process with respect to "self organization" of plaintiffs' counsel.

11 6. On March 22, 2011, at Attorney Scott Kamber's request, all of the plaintiffs'
12 counsel with federal cases convened a conference call to discuss the issue of the leadership of the
13 Apple litigation. The call lasted approximately an hour. Initially, I suggested that my firm
14 should serve as Co-Lead Counsel with Scott Kamber in view of my firm's experience and
15 proximity to the Courthouse. In addition, as I noted during the call, I have been appointed as
16 Class Counsel in a number of Class Action cases against Apple over the past ten (10) years.
17 One of my *Apple* settlements, *Wershba v. Apple* (91 Cal.App.4th 224 (Oct. 11, 2001) resulted in
18 a landmark, often quoted case regarding nationwide class action settlements.

19 7. During the telephone call, it appeared that everyone, at least initially, agreed that
20 Scott Kamber of KamberLaw, LLC had the most experience in privacy rights cases. Soon
21 thereafter, it was suggested by one of the attorneys that Mr. Kamber should serve as *sole* Lead
22 Counsel, with the creation of an Executive Committee consisting of representatives from each
23 federal complaint. I and my *Rodimer* co-counsel supported the notion of one lead counsel (i.e.,
24 Scott Kamber) with an Executive Committee consisting of representatives of each complaint.

25 8. It appeared that everyone on the call but one firm agreed to this concept.

26 9. Specifically, Attorney Jeff Westerman, of Milberg, LLP, indicated that his firm
27 'had' to be either co-lead or they would apply to be sole lead. From my viewpoint, if the overall
28 majority agreed to only have one lead, then it would be better for the group as a whole to have

1 Scott Kamber as the lead counsel and a well defined, equitably selected Executive Committee.
2 My concern with respect to two co-lead in this case has to do with the fact that, given the nature
3 of the claims in this case, and the limited number of cases filed, my firm and others that filed
4 cases will not have the ability to significantly contribute to the litigation with two co-lead
5 counsel at the “top”. I have the utmost respect for Attorney Jeff Westerman, as I do the other
6 counsel that filed class action cases. Nonetheless, I believe that Plaintiffs in this case should
7 have one Lead Counsel that has significant experience in privacy rights cases, with an equitably
8 selected Executive Committee structure. To the extent that Mr. Westerman wants a role in the
9 case, I welcome his participation as an Executive Committee member.

10 10. In summary, I request that the Court appoint Mr. Kamber and his firm as sole
11 Interim Class Counsel, and appoint an Executive Committee consisting of two firms: Robert
12 Shelquist and Jeremy Wilson as the Committee Members.

13 11. Given my proximity to the Courthouse and in light of the fact that my firm is the
14 only one with an office in San Francisco, California, I respectfully request that my firm, Audet &
15 Partners, LLP, be appointed as Liaison Counsel for the Plaintiffs.

16 I declare under the penalty of perjury under the laws of the United States that the
17 foregoing is true and correct. Executed this 25th day of March, 2011 at San Francisco,
18 California.



WILLIAM M. AUDET

Exhibit 1

WILLIAM M. AUDET, J.D., L.L.M.

Audet & Partners, LLP
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William M. Audet is the founding partner of Audet & Partners, LLP. Audet & Partners, LLP is a San Francisco based law firm recognized for its aggressive prosecution of mass tort, class action, and individual cases involving defective pharmaceutical drugs and devices, product defects, privacy rights construction defects, toxic torts, business fraud, and antitrust claims.

Mr. Audet graduated (with highest honors) and earned a J.D. from Golden Gate University School of Law in 1983. In 1987, Mr. Audet earned an L.L.M. from the University Of Wisconsin School Of Law, where he was a Clinical Instructor and Staff Attorney at the University of Wisconsin (Legal Assistance to Institutionalized Persons Program). In 1987, Mr. Audet served as a staff attorney at the Ninth Circuit Court of Appeals. In 1988, Mr. Audet served as a Law Clerk to the Honorable Fern M. Smith (Judge of the United States District Court for the Northern District of California), and in 1989, as a Law Clerk to the Honorable Alfonso J. Zirpoli (Judge of the United States District Court for the Northern District of California). In 1990, Mr. Audet joined, as a senior associate at Lieff, Cabraser, Heimann & Bernstein, where he became a partner in 1996. In 1997, Mr. Audet joined with Richard Alexander and Amanda Hawes and formed Alexander, Hawes & Audet, LLP. In 2007, Mr. Audet established his own firm, Audet & Partners, LLP, as part of his effort to expand his practice nationwide.

Mr. Audet is a coauthor of a book on federal discovery: *Handling Federal Discovery*, Audet & Fanady (James Publishing) (now in its 11th edition).

The partners and associates at Mr. Audet's firm have collectively filed and prosecuted hundreds of personal injury and commercial business cases. Mr. Audet has been appointed to leadership roles in dozens of class action and mass tort cases in state and federal court.

Mr. Audet has spoken at numerous conferences on issues relating to mass torts and class actions, and he has sponsored and/or served on the panel of a number of Plaintiff "attorney-only" tutorial conferences relating to Vioxx, Bextra and other defective pharmaceutical drugs and devices. In 2005, Mr. Audet was named as the 2005 Champion of Justice by the San Francisco Bar Association Legal Foundation for his contribution to the legal community and his *pro bono* activities.

Exhibit 2

Firm Resume
AUDET & PARTNERS, LLP
Attorneys – at – Law

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Audet & Partners, LLP, is a nationally recognized trial law firm based in San Francisco, California, with affiliated offices and associated counsel located throughout the United States. The attorneys at Audet & Partners, LLP, have focused their practice on the prosecution of complex individual, mass tort and class action cases. The firm represents individuals, small businesses and institutional shareholders in product liability, tort, negligence, consumer, construction defect, investment fraud, securities, insider trading, antitrust, environmental, whistle blower, aviation and employment cases. In recognition of their commitment to the legal profession and outstanding abilities to get results for their clients, the firm and its members have been appointed to leadership positions in dozens of class action cases and serve as Court-appointed Plaintiffs' Counsel in federal and state litigation nationwide. Below is a sampling of Audet & Partners LLP's cases:

Product Defect Litigation

***Galanti v. Goodyear Tire & Rubber Company**, No. 03-209, United States District Court, District of New Jersey. Audet & Partners, LLP partners William M. Audet and Michael McShane served as Court-appointed Class Counsel with pending \$300 million settlement involving a defective radiant heating system.*

***In re Certainteed Corp. Roofing Shingles Products Liability Litigation**, MDL No. 1817, pending in the United States District Court, Eastern District of Pennsylvania. Audet & Partners, LLP partner Michael McShane serves as Court appointed co-lead counsel on behalf of plaintiffs in a nationwide class action involving claims of a defective roofing product.*

***In re Zurn Pex Plumbing Litigation**, MDL 08-MDL-1958, United States District Court, District of Minnesota. Audet & Partners, LLP partner Michael McShane serves as class counsel on behalf of plaintiffs in a nationwide class action involving claims of a defective plumbing product installed in thousands of residences throughout the United States.*

***In re Menu/Pet Food Recall Litigation**, MDL No. 1850. Audet & Partners, LLP partner William M. Audet was appointed on of the co-lead counsel in a case involving recalled pet food. The ground braking case resulted in a significant monetary settlement, along with court supervised remedial action to prevent similar recalls of potentially poisoned pet products in the future. Over 100 class action cases were filed and consolidated in New Jersey federal court.*



In re Toy Parts Recall – the firm was appointed lead counsel in a case involving recall of a well known toy product. The firm’s partner William M. Audet was directly involved in the negotiations and class wide resolution that provided for full refunds for class members, as well as other relief.

In re Planet Toys Recall, case no. 08-CV-0592(HB) (SDNY). The firm was appointed lead counsel in a case involving recall of certain of defendants’ toy products. Despite the fact that the company declared bankruptcy, lead counsel William m. Audet and his co counsel were able to obtain relief and compensation for class members..

In re Kitec Plumbing Litigation, pending in numerous District Courts throughout the United States. Audet & Partners, LLP partner Michael McShane serves as Court-appointed lead counsel in a nationwide class action prosecuting claims relating to defective plumbing products.

In re Uponor Plumbing Litigation, pending in numerous District Courts. Audet & Partners, LLP partner Michael McShane acts as class counsel in a nationwide class action alleging claims relating to a defective plumbing product.

In re Chinese Drywall Litigation, MDL 2047. Nationwide class action pending in the Eastern District of Louisiana involving claims relating to allegedly defective drywall manufactured in China. Audet & Partners, LLP partner Michael McShane represents putative class of plaintiffs seeking to recover damages as a result of the installation of the drywall in their homes.

Ross, et al., v. Trex Company, Inc. Case No. 09-670, United States District Court, Northern District of California. Audet & Partners, LLP partner Michael McShane serves as class counsel in a nationwide class action involving claims of defective composite decking sold by the defendant.

Williams v. Weyerhaeuser, San Francisco County Superior Court, California, No. 995787, and *Chambers, et al., v. Weyerhaeuser*, King County Superior Court, Washington, No. 98-2-21084-2 KNT. Audet & Partners, LLP’s attorneys served as one of three counsel in a class action involving allegations of defective siding manufactured by Weyerhaeuser.

Roy v. Cemwood Corporation, Contra Costa County Superior Court, California, No.: MSC99-00499. Audet & Partners, LLP firm attorneys serve as one of four co-lead counsel in a national class action involving allegations of defective roofing products.

In re Stucco Litigation (Ruff v. Parex) County of New Hanover, North Carolina, No. 96-CVS-0059. The firm’s principal partner, William M. Audet, serves on the Court-appointed Plaintiffs Steering Committee. The case was filed on behalf of



homeowners who had defective synthetic stucco installed in their homes.

Stuart Hanlon, et al., v. Chrysler Corporation, United States District Court, Northern District of California, No. C-95-2010 CAL. The Firm's attorneys worked on a case seeking correction of defective rear hatch door lock failures in nominal impacts for 3,300,000 owners of Chrysler minivans.

Mass Tort and Other Complex Litigation

Allen Loretz v. Regal Stone, Ltd. C 07-5800 SC and *John Tarantino v. Hanjin Shipping Co., Ltd.*, CGC 07 469379 (*In re Cosco Busan Oil Spill Litigation*). Filed Class and individual claims. Represented various individuals, corporations and small business groups, including seafood processors, crab and herring fisheries, marinas, and captains/crews of commercial and recreational vessels. Firm managing partner responsible for seizure of Cosco Busan, voiding waivers obtained by claims administrator and other significant orders that benefitted plaintiffs. Co-counsel in state case brought under Lampert-Keene Act.

In Zyprexa Litigation, MDL 1596, United States District Court, Eastern District of New York. The firm represents over 300 clients who developed diabetes after ingesting Zyprexa. Audet & Partners, LLP partner William M. Audet has been appointed a member of the Plaintiffs Executive Committee.

In Baycol Litigation, MDL 1431, United States District Court, Minnesota. William M. Audet serves as Court appointed member of the Plaintiffs Executive Committee relating to the defective drug Baycol.

In re Metabolife Litigation, JCCP 4360 (San Diego County, California). William M. Audet served as a member of the California State Steering Committee in personal injury cases arising out of injuries suffered due to Metabolife products.

In re Vioxx Litigation, New Jersey State Court and California State Court. The firm filed in excess of 100 cases against Defendants Merck & Company arising out of injuries associated with the defective drug Vioxx. The firm's cases were scheduled for trial. Susanne Scovern of the Firm played a crucial role in the litigation of the Vioxx cases in New Jersey State Court. The cases have been settled for in excess of \$4 billion.

In re Bextra Litigation, MDL No. 1699, United States District Court, Northern District of California. Audet & Partners, LLP partner William M. Audet serves as a Court appointed member of the Plaintiffs Steering Committee.

In re Intergel Litigation, Florida State Court. The firm filed dozen of cases on behalf of women injured using a Johnson & Johnson product called Intergel. The firm has recovered millions of dollars for their clients in confidential settlements with the



company. Firm attorney Susanne Scovern served as the principal attorney involved in the cases.

In re Defective Ancure Products Liability Litigation, United States District Court, Northern District of California and Santa Clara County Superior Court. The firm represents dozens of individuals who were implanted with a defective device. Joseph Russell serves as the lead attorney in the cases.

Table Bluff Reservation (Wiyot Tribe), et al., v. Philip Morris, et al., United States District Court for the Northern District of California, San Francisco Division, No. C 99-02621 MHP. The firm represented Native American Tribes challenging the \$200 billion plus state tobacco agreement on the grounds that it violated their civil rights. The case was argued in the Ninth Circuit Court of Appeals.

Fen-Phen Product Liability Litigation, MDL 1203, California State Court. The firm filed a medical monitoring and punitive damage claim on behalf of California residents.

In re Baxter Heparin Litigation, Wisconsin and Illinois State Courts (consolidated with MDL 1953). The firm represents a number of injured victims and their families arising out of contaminated heparin blood transfusion products imported from other countries. The firm has filed cases in Illinois and Wisconsin State Court. Audet & Partners, LLP partner/founder William M. Audet serves as court appointed liaison counsel in the Wisconsin cases. The firm continues to evaluate and file cases for seriously injured clients.

In re Pfizer Chantix Litigation, MDL No. 2092. Audet & Partners, LLP partner William M. Audet serves as a Court appointed member of the Plaintiffs Steering Committee. The firm represents dozens of families who were not properly and fully warned about the safety issues associated with use of Chantix. The firm has filed, with co-counsel, cases in state and federal court and continues to meet with potential clients who have claims against the defendants for failure to warn.

In re Glaxo Avandia Litigation. The firm represents dozens of families whose loved ones suffered heart attacks and other injuries relating to use of Avandia. The firm was one of the first plaintiffs' law firms in the United States to uncover the case and file cases against the manufacturer of Avandia. The firm continues to meet with potential clients about their claims. Along with William Audet, attorney Susanne Scovern heads up the firm team in reviewing potential cases and assisting in the prosecution of cases against the defendants.



Consumer Litigation

In re Google Litigation, Northern District of California, San Jose Division. Serving as Court-appointed Liaison Counsel, the firm represents advertisers on Google's web pages who claim to have been overcharged for advertising through a complicated monthly charge program.

Smith v. Hewlett-Packard, Santa Clara County Superior Court, CV 776794. The firm serves as Plaintiffs' Liaison Counsel. Contrary to HP's representations, the Recorders could only consistently and reliably record less user data than the industry standard. When attempting to record more, error messages appeared, previously recorded data was lost and the CD became useless.

In Re Whirlpool Litigation, class action litigated in nine states including California, Minnesota, Pennsylvania, Ohio and Tennessee. Audet & Partners, LLP partner Michael McShane served as Court appointed co-lead counsel in a multi-state class action involving claims of breach of warranty and product defect against both Whirlpool Corporation and Sears & Roebuck, Inc.

Palm Treo Litigation, Santa Clara County Superior Court. Audet & Partners, LLP partner Michael McShane served as class counsel in a nationwide class action involving claims of product defect against Palm, Inc.

Roberts v. Bausch & Lomb, United States District Court, Northern District of Alabama, No. CV-94-C-1144-W. William M. Audet, the firm's principal partner, served on the Plaintiffs' Committee in this nationwide consumer class action. A settlement against Bausch & Lomb was approved by the Court on August 1, 1996. Under the settlement, Bausch & Lomb agreed to \$68 million in cash and products to 1.5 million buyers of the Company's disposable contact lenses.

Hilla v. TCI Cablevision, Santa Clara County Superior Court, No. CV-769105. The firm represented California residents involving illegal overcharges by the cable company for late fees.

Plotkin v. General Electric, United States District Court, Northern District of California, Action No. C-92-4447. The firm filed a class action against General Electric for defrauding the American public in the sale of Energy Choice Light Bulbs, which were claimed to be energy efficient, required less electricity and would preserve the environment. General Electric subsequently settled this national class action.

Afanador v. H&R Block Tax Services, Inc., Santa Clara County Superior Court, California, No. CV-767677. The Firm's attorneys, along with other Plaintiffs' counsel, successfully represent consumers in claims against H&R Block arising out of its "Rapid Refund" program.



Sears Automotive Center Consumer Litigation, United States District Court, Northern District of California, No. C-92-2227. The firm filed a class action on behalf of consumers defrauded by Sears' Auto Centers. The case was successfully concluded in August 1992. William M. Audet was appointed to the Plaintiffs' Steering Committee.

Chamberlain v. Flashcom, Orange County Superior Court, Case No. 00 CC 04212. In this class action, William M. Audet, principal partner, along with other counsel successfully a remedy against Defendant's unlawful, unfair, and fraudulent business conduct.

Providian Credit Card Cases, San Francisco County Superior Court, JCCP No. 4085. The Providian Defendants purported to facilitate the issuance of credit cards to people with damaged credit histories. The case settled for in excess of \$10 million. William M. Audet served as Class Counsel.

In re Kia Litigation, Orange County Superior Court. William M. Audet served as class counsel in a number of jurisdictions in a case involving claims by Kia regarding its automotive products. The case was settled with a significant monetary and non-monetary recovery for the class.

Insurance/Healthcare Litigation

In re Unum Provident Litigation, United States District Court, Eastern District of Tennessee, MDL No. 1552. Audet & Partners, LLP firm partners William M. Audet and Michael McShane serve as Court-appointed Lead Counsel in a pending class action on behalf of Plaintiffs alleging the wrongful denial of benefits under long term disability policies.

In re Industrial Life Insurance Litigation, United States District Court, Eastern District of Louisiana., MDL Nos. 1371, 1382, 1390, 1391, and 1395. William M. Audet served on the Court-appointed Plaintiffs' Steering Committee. The class cases involve claims that insurance companies overcharge African-Americans for life and health insurance.

In re Life of Georgia Insurance Litigation, Thirteenth Judicial District, Shelby County, Memphis, Tennessee. Reached nationwide class settlement in 2002 on behalf of class of insureds discriminated against in the issuance of life insurance. William M. Audet served as Court-appointed Co-Lead Counsel.

Thorn v. Jefferson Pilot Insurance Co., United States District Court, South Carolina. Nationwide class on behalf of purchasers of life insurance. Michael McShane of the firm represents the proposed Plaintiffs class alleging racial discrimination in the issuance of life insurance policies



In re Average Wholesale Price Litigation, MDL Docket No. 1456. Audet & Partners, LLP partner William M. Audet and Michael McShane of the firm serve as Court appointed members of the Executive Committee, representing Plaintiffs in a nationwide class action allegedly the manipulation of pricing for prescription drugs.

In re Tenet Healthcare Litigation, Los Angeles County, Superior Court, California. Numerous actions coordinated in 2002 by the Judicial Council. Partners William M. Audet and Michael McShane served among three Court appointed Lead Counsel on behalf of nationwide class of individuals who were allegedly overcharged directly, or through their health insurance for medical services, products and medication.

Lawson, et al., v. Liberty Life, Birmingham, Alabama, No. 96-1119. William M. Audet of the firm, along with four other Plaintiffs' Counsel, represents a proposed class of life insurance policy holders of Liberty Life Corporation who were subjected to unlawful life insurance policy "churning" by Liberty Life.

Antitrust

In re PRK/Lasik, Laser Surgery Overcharges Litigation, Santa Clara County Superior Court, California, Master File No. CV772894. Audet & Partners LLP attorneys William M. Audet and Joseph Russell served as Court-appointed Liaison Counsel in a nationwide class action case alleging antitrust violations again Visx, Inc. and Summit, Inc.

Flat Glass Antitrust Litigation, United States District Court, Western District of Pennsylvania, MDL No. 1200 (and related cases). Mr. Audet of the firm serves as one of five Court-appointed Discovery Committee members and as Plaintiffs' Counsel in a national class action antitrust case pending against the manufacturers of flat glass.

Toys "R" Us Antitrust Litigation, United States District, Northern District of California, No. C-97-3931-TEM. The firm filed a national class action antitrust complaint on behalf of toy consumers.

Los Angeles Milk Antitrust Litigation, Los Angeles County Superior Court, California, No. BC 070661. William M Audet and other members of the firm, along with other Plaintiffs' Counsel, represents consumers arising out of claims of antitrust violations against Los Angeles supermarkets due to alleged price fixing of milk.

California Indirect Purchaser Auction House Cases, San Francisco County Superior Court, No. 310313. In this case against Christie's, Sotheby's and others, Defendants are charged with conspiring to fix commissions for the sale at auction of art and other items in California.



Pharmaceutical Antitrust Cases, San Francisco County Superior Court, California, Judicial Council Coordination Proceeding, No. 2969. The firm members worked on a case for independent pharmacies pursuing claims against major drug manufacturers for violation of California's price fixing statutes.

In re Vitamin Antitrust Litigation, California, North Carolina, Tennessee and Maine. William M. Audet serves as lead counsel in three states and on the Plaintiffs' Executive Committee in one state (California) in class claims involving alleged price fixing by the manufacturers of vitamin products.

In re Methionine Antitrust Litigation, MDL Docket No. 1311. William M. Audet serves as class counsel in a case involving allegations of price fixing in the Methionine industry.

In re Bromine Antitrust Litigation, Docket No. 1310. The firm serves as class counsel in a case involving allegations of antitrust violations in the Bromine industry.

In re Carbon Fiber Antitrust Litigation, C.D. Cal., C 99-11475 RJK. Manufacturers, sellers, and distributors of carbon fibers were sued by makers of airplanes, spacecraft parts, industrial and sporting equipment for conspiring to maintain an artificially inflated price for their product. The firm members served as one of Plaintiffs' counsel.

In re: Terazosin Hydrochloride Antitrust Litigation, S.D.Fla. MDL 1317. In this lawsuit Plaintiffs allege a conspiracy to create a monopoly and fix prices of this widely used prescription drug as well as preventing the sale of any generic bioequivalent to Hytrin. The firm members served as one of Plaintiffs' counsel.

In re Dram Antitrust, MDL 1486, Northern District of California. William M. Audet of the firm serves as class counsel in a class action case to recover money for class members due to antitrust activity in the DRAM industry.

In re Copper Tubings Litigation, United States District Court, District of Tennessee. William M. Audet of the firm was appointed as Co-lead Class Counsel in a case involving an alleged worldwide conspiracy to overcharge customers in the copper tubing industry.

Securities & Insider-Trading

In re CNET Derivative Litigation, William M. Audet and Michael McShane of the firm filed a case against the corporate Defendants for insider trading and back dating of options. The case was filed in San Francisco Superior Court, California.



Adaptec Derivative Litigation, Santa Clara County Superior Court, California, Master File No. CV 772590. The firm serves as Liaison Counsel in a derivative action filed on behalf of shareholders of Adaptec, Inc.

In re Genesis Securities Litigation, Northern District Court of California. William M. Audet serves as class counsel on a case filed against Genesis. After the case was dismissed by the District Court, the firm filed an appeal and ultimately settled the case for \$1.5 million.

Informix Derivative Securities Litigation, San Mateo Superior Court, California, Case No. 402254. The firm served as one of the Plaintiffs' Derivative Counsel in a shareholder lawsuit alleging derivative claims on behalf of Informix.

Solv-Ex Securities Litigation, Second Judicial District Court, County of Bernalillo, New Mexico, No. CV-96-09869. The firm serves as Plaintiffs' Class Counsel in a suit alleging securities fraud against Solv-Ex Corporation and other insider defendants.

Imp, Inc., Securities Litigation, Santa Clara County Superior Court, California, No. CV762109. The firm represents shareholders of Imp, Inc. in an action against certain insiders of Imp, Inc., for alleged insider trading of the Company's stock.

CBT Group Derivative Litigation, San Mateo County Superior Court, California, No. 406767. The Firm's founder, William M. Audet served as one of two plaintiffs' counsel representing shareholders of CBT Group, PLC, in a derivative action against officers and directors of the Company.

Oakley Technology Derivative Litigation, Santa Clara County Superior Court, California, No. CV75829. The Firm's members served as one of three Co-lead Counsel in a derivative securities case brought on behalf of shareholders of Oakley Technology, Inc., brought against certain Officers and Directors of the Company.

Horizon Securities Litigation, United States District Court for New Mexico, No. 96-0442 BB/LCS. William M. Audet of the firm serves as one of the Plaintiffs' Class Counsel in a securities case filed against New Mexico-based Horizon Corporation for alleged violation of federal securities laws.

Bay Networks Securities Litigation (*Garnier v. Bay Networks*, CV764357; *Greeneway v. Bay Networks*, CV765564), Santa Clara County Superior Court, California. The firm members served as one of four-plaintiffs' counsel representing shareholders of Bay Networks for alleged securities violations.

Unison Healthcare Corporation Litigation, United States District Court of Arizona, Case No. Civ. 97-0583-PHX. The firm members served as one of the Plaintiffs' Class Counsel representing investors in Unison Healthcare.



S3 Derivative Litigation, Santa Clara County Superior Court, California, No. CV770254. The firm members served as one of the Plaintiffs' Lead Counsel in a derivative action filed on behalf of shareholders of S-3, Inc.

In re Networks Associates Derivative Litigation, Santa Clara County Superior Court, Consolidated Case No. CV-781854. In this case, shareholders sued officers and directors of this leading manufacturer of anti-virus and protocol analyzer software who sold over 800,000 shares of their personal stock for more than \$33 million by misleading the public regarding its value. William M. Audet of the firm served as Liaison Counsel.

In re Oak Technology Derivative Action, Santa Clara County Superior Court, No. CV758629. Shareholders sued directors and officers to recover more than \$100 million Defendants made by artificially inflating the company's stock, representing that exceptional demand for the company's products existed. In fact, the company's shipments of CD-ROM controllers far exceeded what the market could absorb. Three related derivative cases were filed and subsequently consolidated. William M. Audet of the firm serves as Lead Counsel in this lawsuit.

In re Sybase Derivative Litigation, N.D.Cal., No. C-98-0252-CAL. The Firm's attorneys served as Plaintiffs' Counsel in this stockholder's derivative action brought on behalf of Sybase against certain of the Company's present and former officers and/or directors for insider trading.



About the Attorneys at the Firm

William M. Audet earned a B.A. from the University of California at Davis in 1981, a Juris Doctor from Golden Gate University School of Law in 1984, where he was the Editor of the Golden Gate University Law Review, and completed his formal legal education with a Masters of Law from the University of Wisconsin School of Law in 1987. While obtaining his Masters Degree in Law at the University of Wisconsin, Mr. Audet was also a clinical instructor at the faculty of the University of Wisconsin School of Law. After clerking for the Ninth Circuit Court of Appeals, Mr. Audet clerked for The Honorable Alfonso J. Zirpoli, United States District Judge for the Northern District of California and The Honorable Fern M. Smith, United States District Judge for the Northern District of California. Mr. Audet's practice focuses on complex litigation, including class and non-class action claims involving mass torts, product liability, antitrust, employment, and consumer litigation. Mr. Audet is a frequent guest speaker on a variety of topics at professional seminars. Mr. Audet is a co-author of *Handling Federal Discovery* (11th Ed.)(James Publishing Company). In 2005, Mr. Audet was awarded the Justice Award from the San Francisco Bar Foundations for his long standing contributions to the legal community and for his *pro bono* work over the years. Mr. Audet has been appointed to leadership positions in a number of important and groundbreaking cases.

Michael A. McShane earned his B.A. in Philosophy from the University of California at Santa Barbara, before earning his law degree from the University of Oregon in 1986, where he was the Articles Editor for the Journal of Environmental Law and Litigation. Since his admission to the California Bar, Mr. McShane's practice has been devoted exclusively to prosecuting complex class action litigation throughout the United States. His areas of practice include products liability, consumer claims, antitrust litigation, insurance fraud and medical/pharmaceutical overcharge cases.

Joseph E. Russell earned a B.S. in mathematics from Fresno State College in 1963. Mr. Russell earned his J.D. in 1969. During his law school, Mr. Russell was appointed Editor of Golden Gate's law review, *Cal Law, Trends & Developments*, and received the San Francisco Bar Association's award as Bay Area Scholar of the Year. In 1970, he received a Masters of Law from Southern Methodist University School of Law. Mr. Russell has tried dozens of cases, focusing on cases involving technical and scientific matters, including anti-trust, unfair business competition, construction and aviation cases. He is a member of the Association of Trial Lawyers of America and Consumer Attorneys of California. Mr. Russell serves as senior Trial Counsel at the firm.

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