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Attorneys for Plaintiffs and the Proposed Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MATTHEW CAMPBELL and MICHAEL HURLEY, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

FACEBOOK, INC.,

Defendant.

Case No. 13-cv-5996 PJH (MEJ)

DECLARATION OF HANK BATES IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Date: March 16, 2016
Time: 9:00 a.m.
Judge: Hon. Phyllis J. Hamilton
Place: Courtroom 3, 3rd Floor

1 I, Hank Bates, declare as follows:

2 1. I am an attorney duly admitted to practice before all the courts of the State of
3 California. I am a partner with the law firm Carney, Bates and Pulliam, PLLC (“CBP”), and I am
4 one of the attorneys of record for Plaintiffs Matthew Campbell and Michael Hurley (“Plaintiffs”).
5 This Declaration is based upon my personal knowledge and is made in support of Plaintiffs’
6 Motion for Class Certification. If called as a witness to this matter, I could truthfully and
7 competently testify as to all matters stated herein.

8 **BACKGROUND AND EXPERIENCE**

9 2. I am a 1992 graduate of the Vanderbilt University School of Law. Since 1998, I
10 have almost exclusively represented plaintiffs in complex litigation and consumer protection class
11 actions. I have served as plaintiffs’ class counsel in numerous nationwide consumer class action
12 cases achieving significant recoveries on behalf of my clients.

13 3. Carney Bates & Pulliam, PLLC is recognized as one of the country’s premier law
14 firms in the areas of consumer protection and data privacy/security class actions. Having served
15 in lead and co-lead positions in dozens of actions, CBP is uniquely qualified to prosecute
16 consumer protection claims. Recently, CBP recovered over \$100 million for credit card holders in
17 various actions against Bank of America, Capital One, Chase, Discover and HSBC relating to
18 those banks’ credit card add-on products. After CBP filed these cases, which were the first in the
19 country relating to concerns about the Payment Protection product, the United States’
20 Government’s Consumer Financial Protection Bureau opened investigations into these banks’
21 practices which also resulted in large recoveries. In addition to representing private consumers in
22 class actions, the firm has represented the State of New Mexico in numerous lawsuits against
23 some of the largest financial service companies

24 4. The firm has positioned itself at the forefront of data security and data privacy
25 litigation. In addition to the instant litigation, we are counsel for the lead plaintiff in *In re: Target*
26 *Corporation Customer Data Security Breach Litigation*, 0:14-cmd-02522-PAM-JJK (D. Minn.),
27 where we represent Umpqua Bank and a putative class of financial institution plaintiffs over
28 injuries suffered from one of the largest data breaches in history. We were appointed to the

1 Plaintiffs’ Steering Committee in *In re: The Home Depot, Inc., Customer Data Security Breach*
2 *Litigation*, 1:14-md-02583-TWT (N.D. Ga.), which is also a putative class action brought on
3 behalf of injured financial institutions in the wake of a massive retailer data breach. We are co-
4 lead counsel in *Paul Jensen, et al. v Cablevision Systems Corporation*, 2:15-cv-04188-LDW-
5 ARL (E.D.N.Y.), a putative class action alleging violations of the federal Computer Fraud and
6 Abuse Act, arising from the defendant’s practice of providing its residential customers with
7 wireless routers that secretly emit secondary, public Wi-Fi networks over which the individual
8 consumer had no control. We are co-lead counsel in *Daniel Matera, et al. v. Google, Inc.*, 5:15-cv-
9 04062-LHK (N.D. Cal.), a putative class action involving allegations of email interception and violation of
10 state and federal anti-wiretapping laws. We are co-counsel in *Michael Levine, et al. v. Sony Pictures*
11 *Entertainment, Inc.*, 2:14-cv-09687-RGK-SH (C.D. Cal.), a putative class action brought on
12 behalf of current and former Sony employees whose personal information, along with that of their
13 families, was compromised in a data breach..

14 5. Attached hereto as **Exhibit A** is a true and correct copy of my firm’s resume,
15 which provides details of my firm’s practice and achievements, particularly in the class action
16 context.

17 **CBP’S WORK IN THIS LITIGATION**

18 6. Prior to filing the underlying complaint in this litigation, my firm, along with
19 Lieff, Cabraser, Heimann & Bernstein, LLP (“LCHB”), thoroughly investigated and researched
20 all potential claims in this action. Based on this research and investigation, on December 30,
21 2013, CBP and LCHB caused a complaint to be filed on behalf of Plaintiffs Campbell and
22 Hurley, and all others similarly situated, against Defendant Facebook, Inc. (“Facebook”), alleging
23 violations of federal and state law based on Defendant’s practice of scanning its users’ private
24 messages, which is styled *Campbell et al. v. Facebook, Inc.*, No. 13-CV-05996 (N.D. Cal.).

25 7. Since that time, CBP and LCHB have worked successfully with opposing counsel
26 in matters of scheduling and procedural advancement of this matter, including coordinating the
27 consolidation of the related case, *Shadpour v. Facebook*, No. 14-CV-00307 (N.D. Cal.), which
28 resulted in CBP and LCHB being appointed interim Co-Lead Counsel. Additionally, CBP

1 assisted in the drafting of the consolidated amended complaint in this case which was filed on
2 April 25, 2014. After the consolidated amended complaint was filed, CBP has worked actively
3 with LCHB on all aspects of the litigation, including: successfully opposing Defendant's Motion
4 to Dismiss as to the majority of Plaintiffs' claims; conducting ongoing factual investigation and
5 legal research on numerous issues; drafting a mediation statement and participating in a
6 mediation; drafting, propounding, and reviewing discovery (as well as drafting multiple letter
7 briefs arising from discovery disputes); and drafting and filing the instant Motion for Class
8 Certification.

9 8. In sum, as reflected by CBP's résumé and its efforts to date in this action, CBP
10 consists of attorneys who are well-versed, experienced, and dedicated to prosecuting the claims
11 alleged against Defendant in the best interests of all plaintiffs and the proposed Class. Moreover,
12 CBP can, and will, contribute all necessary resources to this litigation, as well as work
13 cooperatively with other Plaintiffs' counsel and draw from their resources when appropriate.

14 I declare under the penalty of perjury under the laws of the United States of America that
15 the foregoing is true and accurate.

16 Executed this 13th day of November, 2015 in Little Rock, Arkansas.

17
18 /s/ Hank Bates
19 Hank Bates, Esq

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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Michael W. Sobol, am the ECF user whose identification and password are being used to file this Declaration. I hereby attest that Hank Bates has concurred in this filing.

DATED: November 13, 2015

/s/ Michael W. Sobol
Michael W. Sobol

EXHIBIT A

CARNEY
—
BATES &
—
PULLIAM

PLLC

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The Firm's Practice and Achievements

Carney Bates & Pulliam, PLLC is a national law firm that represents clients in complex litigation ranging from data privacy/security to false advertising or deceptive marketing to securities fraud to environmental hazards. Carney Bates & Pulliam is recognized as one of the country's premiere firms in the areas of consumer protection class actions, securities fraud, environmental law and employment discrimination.

The firm has positioned itself at the forefront of data security and data privacy litigation. Our attorneys were appointed by the court as co-lead counsel in *Matthew Campbell, et al. v. Facebook, Inc.*, 4:13-cv-05996-PJH (N.D. Cal.), a putative class action involving allegations of email interception and violations of federal anti-wiretapping laws. In addition, we are counsel for the lead plaintiff in *In re: Target Corporation Customer Data Security Breach Litigation*, 0:14-cmd-02522-PAM-JJK (D. Minn.), where we represent Umpqua Bank and a putative class of financial institution plaintiffs over injuries suffered from one of the largest data breaches in history. We have been appointed to the Plaintiffs' Steering Committee in *In re: The Home Depot, Inc., Customer Data Security Breach Litigation*, 1:14-md-02583-TWT (N.D. Ga.), which is also a putative class action brought on behalf of injured financial institutions in the wake of a massive retailer data breach. We are co-lead counsel in *Paul Jensen, et al. v. Cablevision Systems Corporation*, 2:15-cv-04188-LDW-ARL (E.D.N.Y.), a putative class action alleging violations of the federal Computer Fraud and Abuse Act, arising from the defendant's practice of providing its residential customers with wireless routers that secretly emit secondary, public Wi-Fi networks over which the individual consumer had no control. We are also co-lead counsel in *Daniel Matera, et al. v. Google, Inc.*, 5:15-cv-04062-LHK (N.D. Cal.), a putative class action involving allegations of email interception and violation of state and federal anti-wiretapping laws. We are also co-counsel in *Michael Levine, et al. v. Sony Pictures Entertainment, Inc.*, 2:14-cv-09687-RGK-SH (C.D. Cal.), a putative class action brought on behalf of current and former Sony employees whose personal information, along with that of their families, was compromised in a data breach.

Beyond bringing suit on behalf of those injured by inadequate data security practices, Carney Bates & Pulliam is actively involved in building broader relationships with law enforcement and victims' assistance groups working in the data security space. In August, 2013, working in conjunction with the National Organization for Victim Assistance, the firm sponsored statewide cybersecurity training for Arkansas law enforcement and allied professionals, drawing attention to cutting edge criminal threats and risk mitigation strategies.

The attorneys at Carney Bates & Pulliam are uniquely qualified to prosecute consumer protection claims. For example, the firm has represented the State of New Mexico in numerous lawsuits against some of the largest financial service companies in connection with their practice of deceptively marketing and implementing Payment Protection Plans. Recently, the firm recovered over \$100 million for credit card holders in various actions against Bank of America, Capital One, Chase, Discover and HSBC.

Additionally, our attorneys possess expertise in issues related to complex accounting and financial fraud cases. The firm's attorneys include a CPA and a former investment banker with one of the nation's largest investment firms. The firm's reputation for excellence in accounting fraud and other complex class actions has been recognized on repeated occasions by federal and state court judges who have appointed the firm to serve as lead or co-lead counsel in numerous cases throughout the country. In this regard, the firm has successfully represented certain states throughout the country in matters

involving securities litigation such as in *Mississippi Public Employees Retirement System v. Semtech* and *In re Sterling Financial Corporation Securities Class Action*, representing Public Employees Retirement Association of New Mexico and the New Mexico Educational Retirement Board.

The firm has been successful at protecting shareholders in “change-of-control” transactions seeking to maximize shareholder value. For example, the firm represented shareholders of Nationwide Financial in a going private transaction, and was able to negotiate more than \$200 million for the public shareholders in the form of an increased share price. In a similar matter, attorneys at the firm represented shareholders of 7-Eleven and brokered an additional \$140 million in the sales price.

Additionally, our attorneys handling environmental litigation possess expert knowledge in issues related to groundwater and air pollution, toxic exposures, leaking pipelines and underground storage tanks, oil field contamination, and pesticides. The firm pursues claims against corporate polluters and governmental agencies on the state, local and federal level. For example, Carney Bates & Pulliam served as co-lead counsel on behalf of the Quapaw Tribe in a case that involved natural resources damages to tribe-related lands from lead and zinc mining, which resulted in an \$11.5 million settlement against Asarco, LLC, in addition to confidential settlements with four other mining companies.

In the employment context, Carney Bates & Pulliam served as co-lead counsel in *Nelson v. Wal-Mart Stores, Inc.*, 04-00171 (E.D. Ark.), a nationwide race discrimination class action on behalf of African-American truck drivers against Wal-Mart that provided \$17.5 million in recovery, as well as significant changes to Wal-Mart’s hiring policies and four years of court supervision of the settlement terms.

In addition to its strong personnel, Carney Bates & Pulliam is well-capitalized, allowing it to dedicate considerable resources and to advance expenses on a contingency fee basis to the fullest extent necessary to achieve the best possible result for class members. As a result of its successful track record and strong capitalization, the firm enjoys a high level of respect and credibility with the defense bar and insurance carriers that often defend and insure corporations and their officers and directors.

As a firm, Carney Bates & Pulliam values practicing in a small environment where professional and personal interaction among the partners, associates, paralegals, accounting staff and other personnel allow for a true “team approach” to litigation strategy that fosters an energetic exchange of ideas. The firm believes its size allows for a greater degree of independence, flexibility and satisfaction than a large firm environment, without sacrificing the quality of representation necessary to achieve successful results for its clients.

The Firm's Attorneys

ALLEN CARNEY

Mr. Carney is a graduate of the University of Arkansas, earning a degree in Finance. Subsequently, Mr. Carney graduated from the University of Arkansas at Little Rock School of Law.

Allen Carney concentrates his practice on prosecuting complex litigation on behalf of investors, consumers and employees. He has extensive experience in nationwide cases, including appointment as lead counsel in dozens of securities and consumer class actions. He has successfully represented investors and consumers in cases that achieved cumulative recoveries in the hundreds of millions of dollars for plaintiffs.

Mr. Carney played a key role in litigating the various Payment Protection actions against the largest credit card issuers. These actions resulted in significant recoveries for injured consumers. See *Kardonick v. JPMorgan Chase*, S.D. Florida, \$20 million; *Esslinger v. HSBC Bank Nevada*, E.D. Pennsylvania, \$23.5 million; *In re Discover Credit Card Payment Protection*, N.D. Illinois, \$10.5 million; *In re Bank of America*, N.D. California, \$20 million; *Spinelli v. Capital One*; M.D. Florida; more than \$100 million.

Mr. Carney was lead counsel in Semtech Securities Litigation, a federal securities fraud class action that settled prior to trial achieving a significant recovery for investors. Additionally, he has served as lead counsel in numerous other federal securities fraud class actions, including *In re Lernout & Hauspie Securities Litigation*, No. 00-11589-PBS (D. Mass.) (\$115 million settlement); *In re NewPower Securities Litigation*, No. 2-CV-1550 (S.D.N.Y.) (\$41 million settlement); *In re DQE, Inc. Securities Litigation*, No. 01-1851 (W.D. Pa.); *In re Ashanti Goldfields Securities Litigation*, No. CV-00-9717 (DGT) (RML) (E.D.N.Y.); *In re Central Parking Corporation Securities Litigation*, No. 03-CV-0546 M.D. Tenn.); *In re Keyspan Securities Litigation*, No. CV-01-5852 (ARR) (MDG) (E.D.N.Y.); *Paul Ruble, et. al. v. Rural Metro Corp., et. al.*, No. CV-99-822-PHX-RGS (D. Ariz.).

Prior to joining the firm, Mr. Carney was a partner with Jack, Lyon & Jones, P.A. in the Little Rock, Arkansas office, where he practiced extensively in the areas of complex commercial litigation, labor and employment litigation, and business transactions. Allen was involved in a number of high-profile cases, including the successful defense of Capital Cities/ABC News in an action brought by Tyson Foods regarding the secret videotaping of chicken processing plants. He was also a Contributing Author to "Arkansas Employment Law Letter," published by M. Lee Smith, 1995.

Mr. Carney is licensed to practice law in Arkansas state courts, the United States District Courts for the Eastern and Western Districts of Arkansas, and the United States Court of Appeals for the Third and Eighth Circuits. Mr. Carney has argued before the Arkansas Supreme Court. Additionally, Mr. Carney has appeared in numerous federal and state courts across the nation via admission *pro hac vice*.

HANK BATES

Mr. Bates graduated from Harvard College, where he was a National Merit Scholar. After college, Mr. Bates attended the University of Manchester, Manchester, Great Britain on a Rotary International Fellowship and then earned his juris doctorate from Vanderbilt University School of Law, where he was awarded the Andrew Ewing Scholarship and Order of the Coif and served as Articles Editor of Vanderbilt Law Review. Following law school, Mr. Bates clerked for the Honorable Danny J. Boggs, U.S. Court of Appeals, Sixth Circuit.

Mr. Bates focuses his practice on representing consumers, farmers, shareholders, small businesses and governmental entities in class actions and complex litigation involving environmental law, consumer fraud, securities fraud, employment issues, computer privacy, and corporate governance.

In the environmental context, Mr. Bates has represented numerous individuals and entire communities in Arkansas, California, Colorado, Kansas and Oklahoma involving air pollution, groundwater pollution and toxic exposures resulting in multi-million dollar recoveries and agreements and court orders requiring remediation of contamination and compliance with applicable environmental laws and regulations in the future. For example, Mr. Bates, as co-lead counsel for the Quapaw Tribe of Oklahoma, secured an \$11.5 million settlement in a case against Asarco, LLC involving damage to the Tribe's land from lead and zinc mining, in addition to confidential settlements from four other mining companies. Mr. Bates has also represented successfully numerous farmers in cases involving crop damage by defective pesticides. In addition, he has represented numerous conservation groups in actions to protect water quality, free-flowing streams from dams, critical habitat for endangered species and to remediate pollution at decommissioned military sites.

In the consumer fraud context, Mr. Bates was co-lead counsel in *Spinelli v. Capital One*, M.D. Florida, which resolved for more than \$100 million. Mr. Bates is currently serving as court-appointed lead counsel in two MDLs involving predatory tax refund loans – In re Liberty Refund Anticipation Loan Litigation, MDL No. 2334 (N.D. Ill) and In re H&R Block Refund Anticipation Loan Litigation, MDL No. 2373 (N.D. Ill). Mr. Bates is also lead counsel in several cases against airlines that have violated international regulations regarding flight delays and cancellations.

Mr. Bates' employment litigation includes acting as co-lead counsel in a nationwide race discrimination class action on behalf of African-American truck drivers against Wal-Mart that provided \$17.5 million in recovery, significant changes to Wal-Mart's hiring policies and four years of court supervision of the settlement terms.

Mr. Bates is listed in *The Best Lawyers in America* in the category of Environmental Law and has been named a "Super Lawyer" (among the top 5 percent of lawyers in Arkansas, Mississippi and Tennessee) by *Mid-South Super Lawyers Magazine* in the area of Environmental Litigation.

Mr. Bates is active in the bar, currently serving as Arkansas State Coordinator for Public Justice. In the past he has served as the Chairman of the Environmental Law Section of the Arkansas Bar Association and as Vice-Chairman of the American Bar Association's Committee on Pesticides, Chemical Regulation, and Right-to-Know. In his community, he currently serves on the Board of Directors for Arkansas Advocates for Children and Families.

Mr. Bates is licensed to practice in the State of Arkansas, the State of California, the U.S. Court of Federal Claims, the U.S. Circuit Court of Appeals for the Eighth and Ninth Circuits, the U.S. District Courts for the Eastern and Western Districts of Arkansas, and the U.S. District Courts for the Northern and Southern Districts of California.

RANDALL K. PULLIAM

Mr. Pulliam graduated from the University of Central Arkansas with a Bachelor of Business Administration degree, where he was nominated for Outstanding Management Student in the university's School of Business. Mr. Pulliam later earned his Master of Business Administration degree from the University of Arkansas, with an emphasis in Finance. Mr. Pulliam earned his juris doctorate from the University of Arkansas at Little Rock (UALR) School of Law where he received multiple American Jurisprudence Awards.

Mr. Pulliam has substantial experience in many areas of the securities industry, holding his Series 7 General Securities Representative license. Mr. Pulliam worked for Stephens, Inc. as an Equity Trader for four years, where he executed in excess of \$2 billion in securities transactions each year and participated in the firm's underwriting and Initial Public Offering allocation decisions. Prior to working at Stephens, Mr. Pulliam worked as an investment banker for Crews and Associates, Inc., where he was responsible for buying municipal bonds for both individual and institutional investors.

Mr. Pulliam has been appointed lead counsel in dozens of successful class actions relating to consumer and shareholder protection. Currently, Mr. Pulliam represents the State of New Mexico in a series of lawsuits asserting causes of actions for violations of the Dodd-Frank Act and state law against seven of the largest financial institutions in the world. Recently, Mr. Pulliam was co-lead counsel in a series of consumer class actions related to the practice of credit card companies selling payment protection, which resulted in significant recoveries for class members. *See Kardonick v. JPMorgan Chase & Co.*, S.D. Florida, \$20 million; *Esslinger v. HSBC Bank Nevada*, E.D. Pennsylvania, \$23.5 million; *In re Discover Credit Card Payment Protection*, N.D. Illinois, \$10.5 million; *In re Bank of America Credit Protection Marketing & Sales Practices Litig.*, N.D. California, \$20 million; *Spinelli v. Capital One*; M.D. Florida; more than \$100 million.

Mr. Pulliam has also represented investors seeking financial recovery for losses suffered as a result of securities fraud, as well as in "change-of-control" transactions seeking to maximize shareholder value. Mr. Pulliam represented shareholders of Nationwide Financial in a going private transaction, and was able to achieve more than \$200 million to the public shareholders. In a similar matter, Mr. Pulliam represented shareholders of 7-Eleven and helped negotiate an additional \$140 million in the sales price.

Prior to joining the firm, Mr. Pulliam had a successful law practice in a variety of legal areas, including commercial litigation, where he gained extensive courtroom experience, successfully trying several jury trials.

On the issues of securities fraud and fiduciary duty, Mr. Pulliam has been quoted in numerous publications, including the *New York Times* and the *Dallas Morning News*. Mr. Pulliam has also provided presentations about issues affecting institutional investors at conferences and to the boards of numerous public and union pension funds, including being a panelist on the 2005 Institutional Shareholder Services Annual Conference, *The Fiduciary Responsibility to Claim Securities Class Action Settlements*. Mr. Pulliam is past chair of the Arkansas Bar Association Securities Law Section.

CURTIS L. BOWMAN

Mr. Bowman began his legal career in 1986, with the Department of Justice Honors Program, a program created by Attorney General Robert Kennedy. Mr. Bowman worked for the Tax Division of the Department of Justice, in Washington, D.C. until October 1990. During his tenure with the DOJ, Mr. Bowman tried dozens of cases involving diverse and complex issues including tax fraud, amortization of core deposit intangibles, “Bivens” actions and judicial review ability of governmental action. While at the Justice Department, Mr. Bowman litigated a matter making it clear that certain action or inaction on the part of the Internal Revenue Service Commissioner is not subject to judicial review. See *Horton Homes, Inc. v. United States of America*, 727 F. Supp. 1450 (1990), affirmed by the Eleventh Circuit Court of Appeals and subsequently overturned prospectively by Congress. During his tenure at the Justice Department, Mr. Bowman was recognized as the “Outstanding Attorney” of the Tax Division (nationwide).

In 1990, Mr. Bowman returned to Little Rock, Arkansas, where he began his private practice of law with the firm of Jack, Lyon & Jones, P.A. In 1993, Mr. Bowman became a partner of Jack, Lyon & Jones and was head of the firm’s complex commercial and white collar defense litigation sections. Mr. Bowman has been involved in a number of high profile cases, including the criminal defense of a complex “Whitewater” matter wherein the former governor of Arkansas and his attorney were indicted by the Whitewater prosecutor, Kenneth Starr. In that case, *United States of America v. John H. Haley*, 898 F. Supp. 654 (1995), Haley and Tucker successfully argued to the District Court that Kenneth Starr had exceeded his jurisdiction in prosecuting citizens of the State of Arkansas as opposed to officers of the Executive Branch with whom Attorney General Reno had a conflict of interest. That case was subsequently reversed by the Eighth Circuit Court of Appeals.

Mr. Bowman’s litigation experience is broad and includes both the prosecution and defense of cases on behalf of individuals and classes involving death penalty matters; common law civil fraud; securities fraud; RTC savings and loan litigation; general commercial litigation; white collar crime; and tax matters. Mr. Bowman’s class action experience includes the successful defense of a string of related class actions brought against Rapid Acceptance Corporation alleging that Rapid had charged consumers an amount of interest in excess of the amount allowed by law.

Mr. Bowman was also actively involved in many of the firm’s securities class actions, particularly those involving accounting fraud, and took the lead role for the firm in such cases as *Rosa E. Garza v. J.D. Edwards & Co.*, U.S.D.C. District of Colorado, No. 99-1744, (\$15 million settlement); *Betty M. Lynch v. JDN Realty Corp., et al.*, U.S.D.C. Northern District of Georgia, Atlanta Division, No. 1:00-CV-2539 (settled for more than \$40 million in cash and stock with 11% of the total settlement allocated to Mr. Bowman’s clients); *In re Phycor Shareholder Litigation*, U.S.D.C., Middle District of Tennessee, Nashville Division, No. 3-99-0807 (\$11.2 million cash settlement); and *In re Vision America Securities Litigation*, U.S.D.C., Middle District of Tennessee, Nashville Division, No. 3-00-0279 (\$5.9 million settlement).

TIFFANY WYATT OLDHAM

Ms. Oldham graduated *cum laude* from the University of Arkansas at Fayetteville School of Law in 2001. She served as a member of the Board of Advocates and the W.B. Putman Inns of Court. In addition, Ms. Oldham served as President of Phi Delta Phi honors fraternity. During her law school career, Ms. Oldham participated in various trial competitions and moot court, where she was selected as a semi-finalist in the spring rounds. Ms. Oldham has a Bachelor's of Arts in English from the University of Arkansas at Fayetteville.

Ms. Oldham began her legal career with Carney Bates & Pulliam in 2002, and for over a decade now, she has focused her practice on securities and consumer fraud class actions.

Ms. Oldham has had a significant role in several of the firm's prominent cases, including: *Spinelli v. Capital One Bank*, No. 08-CV-132-T-33EAJ (M.D. Fla.); *In re Semtech Corp. Securities Litigation*, No. 07-cv-7114 (FMOx) (C.D. Cal.); *In re Fleming Companies, Inc. Securities and Derivative Litigation*, 5-030MD-1530 (TJW) (E.D. Tex.); *In re Keyspan Securities Litigation*, No. CV-01-5852 (ARR) (MDG) (E.D.N.Y.); *Freidman v. Rayovac Corporation*, No. 02-CV-0308 (W.D. WI); *In re IXL Enterprises, Inc. Securities Litigation*, No. 1:00-CV-2347-CC (N.D. Ga.); *Asher v. Baxter International, Inc.*, et. al., No. 02-CV-5608 (N.D. Il). Having prosecuted numerous class actions through all stages of the litigation process, Ms. Oldham has experience with the full range of litigation issues confronting investors and consumers in complex litigation.

Working together with her colleagues at Carney Bates & Pulliam, Ms. Oldham's work has contributed to hundreds of millions in recoveries for investors and consumers.

Immediately prior to joining Carney Bates & Pulliam, Ms. Oldham spent time overseas working for the Japanese municipal government in Okinawa, Japan. In addition, Ms. Oldham worked as an intern for the United States Bankruptcy Court, Western Division of Arkansas, where she assisted in researching bankruptcy issues and administrating bankruptcy proceedings.

Ms. Oldham is licensed to practice in the Arkansas state courts and the United States District Courts for the Eastern and Western Districts of Arkansas, and the United States Courts of Appeals for the Third Circuit. She is currently a member of the American, Arkansas and Pulaski County Bar Associations. Ms. Oldham has experience in a multitude of legal fields including securities law, corporate law, business litigation, real estate transactions, and insurance regulation.

DAVID SLADE

Mr. Slade's path to the law was a nontraditional one. After graduating from college at Yale, he moved to New York City, working at various jobs in the music industry, forming a band, and spending several years touring the country and recording albums. Throughout this period, his interest in the law was nurtured by a side job as a trial assistant in the hormone therapy litigation, *In re: Prempro Products Liability Litigation*, Case No. MDL 1507.

Following his work with the *Prempro* MDL, Mr. Slade attended the University of Arkansas at Little Rock William H. Bowen School of Law. While there, he co-founded the Arkansas Journal of Social Change and Public Service, an online, interdisciplinary publication for which he served as Editor-in-Chief. He oversaw the Journal's inaugural symposium, as well as a variety of community engagement efforts. In its first year, the Journal published submissions from authors throughout the world. Mr. Slade graduated from the University of Arkansas at Little Rock William H. Bowen School of Law in 2013 with high honors.

At Carney Bates & Pulliam, Mr. Slade's principal focus is on consumer protection, with an emphasis on data privacy and data security. Extending his advocacy beyond litigation, Mr. Slade organized a cyber safety training summit for Arkansas law enforcement and victim assistance professionals, in conjunction with the National Organization of Victim Assistance (NOVA). In addition to his work in the class action context, Mr. Slade is a member of the Volunteers Organization, Center for Arkansas Legal Services (VOCALS), an organization committed to pro bono advocacy.

Mr. Slade is licensed to practice law in the State of Arkansas and the U.S. District Courts for the Eastern and Western Districts of Arkansas.

Leadership Positions

Class Action, MLD and Complex Litigation Cases where the attorneys of Carney Bates & Pulliam have held a leadership position of Lead or Co-Lead Plaintiffs' Counsel or as a member of the Executive Committee of Counsels:

In re AFC Enterprises, Inc. Securities Litigation, United States District Court for the Northern District of Georgia, Case No. 1:03-cv-0817-TWT (\$15 million settlement).

Anderson, et al. v. Farmland Industries, Inc., United State District Court for the District of Kansas, Case No. 98-cv-2499-JWL (multi-party consolidated environmental litigation, Co-Lead Counsel; confidential settlement).

In re Ashanti Goldfields Securities Litigation, United States District Court for the Eastern District of New York, Case No. CV-00-0717 (DGT) (RML) (Co-Lead Counsel; \$15 million settlement).

Brian Asher v. Baxter International, Inc., et al., United States District Court for the Northern District of Illinois, Eastern Division, Case No. 02 C 5608 (Co-Lead Counsel).

In re Bank of America Credit Protection Marketing & Sales Practices Litig., United States District Court for the Northern District of California, Case No. 11-md-2269-THE (\$20 million settlement; member of Plaintiffs' Executive Committee).

Bland, et al. v. Petromark, Inc., et al., Circuit Court of Boone County, Arkansas, Case No. CV-2003-3-2 (multi-party consolidated environmental litigation, Co-Lead Counsel).

In re Central Parking Corporation Securities Litigation, United States District Court for the Middle District of Tennessee, Case No. 3:03-0546 (\$4.85 million settlement).

Desert Orchid Partners, LLC v. Transaction Systems Architects, Inc., United States District Court for the District of Nebraska, Case No. 02-cv-553 (\$24.5 million settlement; Co-Lead Counsel).

In re Discover Credit Card Payment Protection Plan Marketing and Sales Practices Litig., United States District Court for the Northern District of Illinois, Case No. MDL No. 2217 (\$10.5 million; Co-Lead Counsel).

In re DQE, Inc. Securities Litigation, United States District Court, Western District of Pennsylvania, Case No. 01-1851 (Co-Lead Counsel; \$12 million settlement).

In re Dynacq International, Inc. Securities Litigation, United States District Court for the Southern District of Texas, Houston Division, No. H-02-0377 (Co-Lead Counsel).

Eli Friedman v Rayovac Corporation, et al., United States District Court of the Western District of Wisconsin, Case No. 02-0308 (\$4 million settlement).

Esslinger v. HSBC Bank Nevada, United States District Court for the Eastern District of Pennsylvania, Case No. 2:10-cv-03213-BMS (\$23.5 million; Co-Lead Counsel).

In re Fleming Corporation Securities Litigation, United States District Court for the Eastern District of Texas, Texarkana Division, No. 5-02-CV-178 (Co-Lead Counsel for 33 Act Claims; \$93.75 million settlement).

Martin Gaynor v. Thorne, et al., Circuit Court of Cook County, Illinois County, Dept of Chancery, Case No. 07-CH-14381.

Rosa E. Garza v. J.D. Edwards & Co., United States District Court for the District of Colorado, Case No. 99-1744, (\$15 million settlement).

Hardin, et al. v. BASF, United States District Court for the Eastern District of Arkansas, Western Div., Consolidated No. 00-CV-00500 SWW (multi-party consolidated environmental litigation, Co-Lead Counsel; confidential settlement).

In re Keyspan Corporation Securities Litigation, United States District Court for the Eastern District of New York, Case No. 01-cv-5852 (ARR) (MDG).

Kardonick v. JPMorganChase, United States District Court for the Southern District of Florida, Case No. 1:10-cv-23235-WMH (\$20 million settlement; Co-Lead Counsel).

King, et al., v. Hamilton Sundstrand Corporation, District Court of Adams County, Colorado, Case No. 02-CV-2018 (Co-lead Counsel; \$2 million settlement of groundwater contamination case).

In re Lernout & Hauspie Securities Litigation, United States District Court for the District of Massachusetts, No. 00-CV-11589-PBS (Co-Lead Counsel; \$115 million settlement).

In re Liberty Refund Anticipation Loan Litigation, United States District Court for the Northern District of Illinois, Case No. MDL 2334 (Interim Co-Lead Class Counsel; currently pending litigation).

Betty M. Lynch v. JDN Realty Corp., et al., United States District Court for the Northern District of Georgia, Atlanta Division, Case No. 1:00-CV-2539 (settled for over \$40 million in cash and stock with 11% of the total settlement allocated to Mr. Bowman's clients).

Middlesex County Retirement System v. Semtech Corp. et al, United States District Court for the Southern District of New York, Case No. 07-Civ-7183 (DC) (Co-Lead Counsel; \$20 million settlement).

David Montalvo v. Triplos, Inc. et al., United States District Court for the Eastern District of Missouri, Eastern Division, Case No. 4:03CV995SNL (Co-Lead; \$3,150,000 settlement).

In re Monterey Pasta Company Securities Litigation, United States District Court for the Northern District of California, Case No. 3:03 CV 00632 MJJ (Co-Lead Counsel).

Matthew Campbell, et al. v. Facebook, Inc., United States District Court for the Northern District of California, Case No. 4:13-cv-05996-PJH (Co-Lead Counsel)

In re National Golf Properties, Inc. Securities Litigation, United States District Court for the Central District of California, Western Division, Case No. 02-1383-GHK RZX; (\$4.175 million settlement).

In re Nationwide Financial Services Litigation, United States District Court for the Southern District of Ohio, Case No. 08-CV-00249 (\$5.05 per share increase in offer price; \$232.8 million value).

Nelson, et al. v. Wal-Mart Stores, Inc., United States District Court for the Eastern District of Arkansas, Case No. 04-CV-00171 (Co-Lead Counsel; \$17.5 million).

In re NewPower Holdings Securities Litigation, United States District Court for the Southern District of New York, Case No. 01-cv-1550 (CLB) (Co-Lead Counsel; \$41 million settlement).

Pennsylvania Avenue Funds v. Gerard H. Brandi, et al., Common Wealth of Massachusetts Superior Court, Middlesex County, Case No. CV 08-1057.

Pierce v. Ryerson Inc. et al., Illinois Circuit Court, Cook County, Case No. 07 CH 21060.

City of Pontiac General Employees' Retirement System v. CBS Corp, United States District Court for the Southern District of New York, Case No. 08-CV-10816 (LBS).

In re Phycor Shareholder Litigation, United States District Court for the Middle District of Tennessee, Nashville Division, Case No. 3-99-0807 (\$11.2 million cash settlement).

The Quapaw Tribe of Oklahoma v. Blue Tee Corp., United States District Court for the Northern District of Oklahoma, Case No.03-cv-0846-CVE-PJC (\$11.5 million settlement in a case against Asarco, LLC).

Paul Ruble, et. al. v. Rural Metro Corp., et. al., United States District Court for the District of Arizona, Case No. 99-cv-822-PHX-RGS.

Sheet Metal Workers Local 28 Pension Fund v. Office Depot, Inc. et al., United States District Court for the Southern District of Florida, Case No. 07-81038-CIV-Hurley/Hopkins.

Simpson, et al., v. Koppers, et al., Pulaski County Circuit Court, Third Division, Case No. CV-00-1659 (multi-party consolidated environmental litigation, Co-Lead Counsel; confidential settlement).

Richard Slatten v. Rayovac Corporation, et al., United States District Court for the Western District of Wisconsin, Case No. 02 C 0325 C (Co-Lead Counsel; \$4 million settlement).

David Slone, et.al. v. Fifth Third, United States District Court for the Southern District of Ohio, Case No. 03-cv-00211 (\$15 million settlement).

Smith v. Intuit, Inc., United States District Court for the Northern District of California, Case No. 5:12-cv-00222 (\$6.55 million cash settlement).

Spinelli v. Capital One Bank (USA), et al., United States District Court for the Middle District of Florida, Case No. 8:08-cv-132-T-33EAJ (more than \$100 million settlement; Co-Lead Counsel).

State of New Mexico v. Discover Financial Services, Inc., et al., United States District Court for the District of New Mexico, Case No. 1:13-cv-00503 (\$2.15 million cash settlement).

State of New Mexico v. JPMorgan Chase & Co., et al., United States District Court for the District of New Mexico, Case No. 1:13-cv-00472 (\$2,146,750.00 million cash settlement).

In re Sterling Financial Corporation Securities Class Action, United States District Court of the Southern District of New York, Case No. CV 07-2171(Co-Lead Counsel; \$10.25 million settlement).

In re Supervalu, Inc. Securities Litigation, United States District Court for the District of Minnesota, Case No. 02-CV-1738 (JEL/JGL) (Co-Lead Counsel; \$4 million settlement).

Valuepoint Partners, Inc. v. ICN Pharmaceuticals, Inc. Et al., United States District Court for the Central District of California, Case No. 03-0989 (\$3,225,000 settlement)

In re Vision America Securities Litigation , United States District Court for the Middle District of Tennessee, Nashville Division, Case No. 3-00-0279 (\$5.9 million settlement).

White v. Minnesota Mining & Manufacturing Co., United States District Court for the Eastern District of Arkansas, Western Div., Case No. LR-C-98-362 (multi-party consolidated environmental litigation, Co-Lead Counsel; confidential settlement).

Wise, et al. v. Arkansas Aluminum Alloys, Inc., et al., Miller County Circuit Court; Case No. CIV-2003-14-1(multi-party consolidated environmental litigation, Co-Lead Counsel; confidential settlement).

Yvon DuPaul v. H. Edwin Trusheim, et al. (Rehabcare Group), Circuit Court of the County of St. Louis, Missouri, Case No. 02 CC 3039 (Lead Derivative Counsel).