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**THE WESTON FIRM**  
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8 **Interim Class Counsel**

10 **UNITED STATES DISTRICT COURT**  
 11 **SOUTHERN DISTRICT OF CALIFORNIA**

13 IN RE FERRERO LITIGATION

CASE NO: 3:11-CV-00205 H CAB  
 Pleading Type: Class Action  
 Action Filed: February 01, 2011

16 **DECLARATION OF JACK**  
 17 **FITZGERALD IN SUPPORT OF**  
 18 **PLAINTIFFS' MOTION FOR CLASS**  
 19 **CERTIFICATION**

Judge: Hon. Marilyn L. Huff  
 Date: October 11, 2011  
 Time: 10:30 a.m.  
 Location: Courtroom 13

1 I, Jack Fitzgerald, declare:

2 1. I am a member in good standing of the State Bars of California and New York;  
3 and of the United States District Courts for the Northern, Central and Southern Districts of  
4 California and the Southern and Eastern Districts of New York; and of the United States Court of  
5 Appeals for the Ninth Circuit. I make this Declaration in support of Plaintiff's Motion for Class  
6 Certification and Appointment of Class Counsel.

7 2. I am a graduate of Cornell University *magna cum laude*, and New York  
8 University School of Law, where I was Editor of the New York University Law Review.

9 3. Before joining the Weston Firm, I was associated with the law firms of Baker &  
10 Hostetler, LLP, in New York, New York, and Mayer Brown LLP in Palo Alto, California. While  
11 at Mayer Brown, I defended the class action, *In Re: Openwave Secs. Sys., Inc. Secs. Litig.*, No.  
12 07-cv-1309 (S.D.N.Y.). While at both Baker & Hostetler and Mayer Brown, my practice was  
13 always focused on large-scale, complex litigation including, for example, representing plaintiffs  
14 asserting antitrust and false advertising claims against various telephone calling card  
15 manufacturers.

16 4. I began working at the Weston Firm in January, 2010. Since then, I have  
17 dedicated virtually my entire practice to representing plaintiffs in class actions, including in all  
18 the actions identified in the declaration of my partner, Gregory S. Weston.

19 I declare under penalty of perjury under the laws of the United States that the foregoing is  
20 true and correct.

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22 Executed on August 1, 2011 in Westport, Massachusetts.

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/s/ Jack Fitzgerald  
Jack Fitzgerald

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DATED: August 1, 2011

Respectfully Submitted,

/s/Jack Fitzgerald  
Jack Fitzgerald

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