

EXHIBIT A



Benjamin W. D. Scher
Manager

Summary of Experience

Ben Scher is a Manager in the Antitrust Practice at Bates White, LLC. He performs economic analyses and research, provides discovery support, and leads teams that support testifying experts in their production of expert reports in litigation matters. He has worked on several major engagements involving antitrust issues, RICO disputes, product liability disputes, and corporate acquisitions. Mr. Scher has expertise in economic issues relating to class certification, firm conduct, market definition, market power, and competitive effects. He has focused extensively on projects in the health care industry and has also worked on projects in a variety of other industries including technology products, agricultural products, and alcoholic beverages.

Areas of Expertise

- Discovery Support
- Market Research
- Market Definition Analysis
- Market Power Analysis
- Competitive Effects Analysis
- Class Certification Analysis

Selected Experience

- Supporting expert's analyses of market definition, market power, and competitive impact for a printer systems manufacturer defending allegations of monopolization and attempted monopolization of an alleged aftermarket in toner cartridges. Worked with the expert to produce expert reports incorporating the results of those analyses. Managed review and analysis of information obtained through discovery and worked with counsel to coordinate discovery and prepare for depositions.

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- Supporting expert work of Eric M. Gaier, Ph.D., of Bates White on behalf of defendants in *State of Nevada v. American Home Products Corp.* and *State of Montana v. Abbott Labs.*, ongoing cases that involve allegations of Average Wholesale Price fraud affecting Medicaid, other state programs, and consumers in the states of Nevada and Montana. Responsibilities include managing the review and analysis of information obtained through discovery and working with counsel to coordinate discovery and prepare for depositions.
- Supporting expert work of Eric M. Gaier, Ph.D., of Bates White on behalf of joint defense group in *In re Pharmaceutical Industry Average Wholesale Price Litigation*, an ongoing case involving allegations of Average Wholesale Price fraud affecting a proposed nationwide class of consumers and third-party payers. Responsibilities included assisting expert with analyses of common impact, feasible damage methodologies, and merits; and working with expert to produce expert reports incorporating the results of those analyses. Responsibilities also include managing the review and analysis of information obtained through discovery.
- Supported the expert work of Eric M. Gaier, Ph.D., of Bates White on behalf of defendants in *Swanston v. TAP Pharmaceutical Products Inc.*, a case that involved allegations of Average Wholesale Price fraud affecting plaintiffs in Arizona. Responsibilities included managing the review and analysis of information obtained through discovery.
- Supported the expert work of Eric M. Gaier, Ph.D., of Bates White on market definition, market power, and competitive impact on behalf of the District of Columbia in *District of Columbia v. CVS Corporation*.
- Supported expert analysis for a top-tier academic expert working on behalf of a proposed class of medical residents alleging anticompetitive conduct in the determination of wages and working conditions. Assisted in analysis of class certification issues and development of appropriate damage methodologies.
- Analyzed future asbestos-related liability for a regional distributor of asbestos insulation during bankruptcy proceedings. Assisted in development of a regional disease incidence model and worked with expert to produce an expert report incorporating the results of this analysis.
- Supported expert work of Eric M. Gaier, Ph.D., on behalf of Augustine Medical, Inc. defending an illegal monopolization counterclaim in *Augustine Medical, Inc. v. Mallinckrodt, Inc.* Responsibilities included assisting the expert in analyses of market definition, market power, competitive impact, and damages; and working with the expert to produce an

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expert report incorporating the results of those analyses. The matter was dismissed by summary judgment, and the opinion of the opposing expert was excluded under *Daubert*.

- Supported expert work of Eric M. Gaier, Ph.D., of Bates White on market definition, market power, and competitive impact on behalf of an alcoholic beverage producer involved in a concerted refusal-to-deal litigation with its distributors in *Confre Cellars, Inc. v. Robinson*.

Education

- B.S., Policy Analysis and Management, Cornell University