

AUDET & PARTNERS, LLP

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE PET FOODS PRODUCTS)	MDL Docket No. 1850 (All Cases)
LIABILITY LITIGATION)	Master Docket: 3:07 CV 2867 (NLH)(AMD)
)	
)	

**DECLARATION OF WILLIAM M. AUDET IN
SUPPORT OF THE MOTION OF NATIONAL PLAINTIFFS
GROUP FOR APPROVAL OF LEAD PLAINTIFF'S SELECTION OF
LEAD COUNSEL PURSUANT TO THIS COURT'S AUGUST 14, 2007 ORDER**

William M. Audet declares under penalty of perjury this 5th day of September 2007:

1. I am partner at the law firm of Audet & Partners, LLP. I submit this declaration in support of the motion for approval of National Plaintiffs Group's selection of lead counsel and liaison counsel. My CV and firm resume are attached as Exhibit 1.

2. I am the managing partner of Audet & Partners, LLP. My firm concentrates its practice on mass torts and consumer class actions.

3. After obtaining my J.D. in 1984, I received an L.L.M. in 1987. During that three-year period, I also was a clinical professor at the University of Wisconsin School of Law. As a clinical professor, I taught courses in civil procedure and consumer rights.

4. After I was awarded an L.L.M., I clerked for the Ninth Circuit Court of Appeals. I was then fortunate enough to serve as a law clerk to the Honorable Fern M. Smith and Alphonso J. Zirpoli. After my clerkships, I was an attorney at Lieff Cabraser. In 1996, I left to expand my practice with another firm. Since that time, I have focused my practice on class actions and mass torts. I also am a co-author of a guidebook to federal discovery entitled *Handling Federal Discovery* (10th Ed.) (the commentator is the Honorable Fern M. Smith (Ret.)).

5. I have served as class counsel in dozens of consumer cases and in leadership positions in mass tort/class actions (such as *Baycol* MDL, *Zyprexa* MDL, and *Vioxx* MDL). I was class counsel in a multinational settlement (U.S.A. and Canada), involving defective tubing. In that case, we dealt with not only complicated insurance issues, but obtained one of the earliest coordinated multinational class-wide settlements with Canadian counsel. *Galanti v. Goodyear*, D.N.J. Case No. 03-209 (Honorable Stanley R. Chesler) (three hundred plus million settlement

involving defective heating tubing).

6. In addition, I served as class counsel in a number of cases involving class-wide emotional distress claims. *Sconce Lamb Cremation Litigation*, J.C.C.P. (Los Angeles); *Mission City Crematory Litigation*, J.C.C.P. (Santa Clara); *In re Neptune Society*, J.C.C.P. (Northern California); *In re Pomona Cemetery Association Litigation*, J.C.C.P. (Southern California).

7. This lead application is submitted not only on behalf of the attorneys who have appeared before this Court in the litigation, but is also presented on behalf of each of more than a dozen law firms who filed, throughout the United States, similar class-wide claims against Defendants, relating to the Menu Foods recall. The National Plaintiffs Group worked together to ensure that this litigation would be prosecuted in an efficient and cost-effective manner.

8. Since the news of a possible recall was posted on the Internet, attorneys at my firm and I have been involved in investigating and prosecuting the case against Menu Foods and other defendants almost on a daily basis. Among other client-related activities, we have:

- (i) created a database of over 1,000 individuals with potential claims against the defendants;
- (ii) set up an Internet-based "memorial" (<http://audetlaw.com/petstories2/guestbook.php>) for clients and non-clients to post pictures of their recently deceased beloved pets;
- (iii) been retained by in excess of 500 individual clients;
- (iv) gathered critical information about the case, including interviews with our clients and others with claims, as well as with a number of veterinary hospitals.

In addition to the above, I have been on CNN and a number of other regional television news programs regarding the recall and other issues relating to China-based companies. My firm was also one of the first (and only) plaintiffs law firms in the United States

to name a Chinese company as a defendant for violations of Chinese consumer laws in a complaint filed in the United States.

9. I also provided support and briefing assistance, by sending briefs and other material, to any plaintiffs firm that requested my help. We provided briefing support on a host of issues, including oppositions to stays filed by the defendants and in support of remand motions. We provided this assistance without any *quid pro quo* or other requirement that any firm using the work product of my firm “vote” for my firm or “support” my firm for lead counsel.

10. Among other support, I worked with Jason Hatfield, an attorney based in Arkansas, on a number of issues. Apparently, he and other attorneys were initially “advised” by members of the self-appointed four-way lead counsel to not oppose any motion to stay filed by Menu Foods. After some discussion, he and I both agreed that this was not in the best interest of the case or our clients. Accordingly, I provided his office with a number of briefs that my firm had filed in other cases on that exact issue. I was later informed by Mr. Hatfield that he in fact had “won” his motion and his case was not stayed by the Court. After his “victory,” Mr. Hatfield and I remained in constant contact to discuss his case and the cases overall. I also worked with a number of attorneys who had filed cases in the Central District of California on the same issue.

11. I have spent a considerable amount of time and energy coordinating the filings of briefs in my case and other cases, including submitting various papers to the MDL. My firm assisted Mr. Kamber’s firm and Mr. Edelson’s firm in filing the supplemental papers submitted regarding the injunction motion filed by another firm. My firm also filed papers in New Jersey regarding consolidation issues and in response to the stay motion.

12. When the first of the Menu Foods class actions were filed, the National Plaintiffs Group was far from being a defined group, let alone a cohesive one. At no time prior to the filing of our own respective cases, did this group of firms meet to discuss a group strategy regarding either the representation of their respective clients, or their decision to file their cases. The separate filings resulted from the considered judgment of the respective attorneys from each group regarding how best to pursue their respective clients' claims.

13. As a result of my efforts (and, of course, the efforts of others), the attorneys in the individual groups commenced discussions regarding how the separate cases would interact, and whether or not a common ground could be found to pursue these cases collectively, in a united front.

14. In our earliest discussions, members of the National Plaintiffs Group agreed immediately that it would be in the best interests of all involved to coordinate, as much as reasonably practical, the efforts of all of the cases pending around the country, so as to avoid inefficiencies and duplication of effort. Over the course of the next few months, my firm and others in the National Plaintiffs Group attempted to work through their differences regarding how various actions could best be coordinated.

15. At the same time, in the very first weeks of this case, a small contingent of four firms unilaterally decided to "anoint" themselves as the purported "four-way" co-lead counsel. Unfortunately, in order to obtain support for this four-way lead, a number of these firms apparently promised "committee" or other assignments. Soon thereafter, I received an "invitation" to attend a meeting in Chicago arranged by members of the purported "four-way co-

lead.” I declined the invitation.

16. After the “Chicago” meeting, I was contacted by a number of firms who believed that the case needed to be more efficiently prosecuted, without the appointment of a number of undisclosed “committees.” Most of the attorneys I spoke to also were disappointed with the notion that the Chicago meeting was not really an effort to coordinate work product by attorneys with filed cases, but an effort by four firms to unilaterally claim “leadership” in the case.

17. As the case progressed, it became clear to me based on my emails and telephone calls with other lawyers that the claimed “four-way” lead counsel were seeking “support” for their leadership structure by promising “committee” positions to attorneys with cases. In certain cases, particularly complex securities and antitrust cases, committees can serve a valuable function in a case. In this case, in view of the nature of the claims and the nature of the damages, such committees could in fact result in duplication and overlapping of work, leading to inefficiencies. Accordingly, my firm and none of my co-counsel have made any improper commitments of any kind to any firm joining in our motion for lead.

18. Less than two months after I filed my case in New Jersey federal court, I was in contact with counsel for Menu Foods to discuss a variety of issues regarding the litigation. As a result, I have spent a considerable amount of time and energy devoted to working on a host of issues with Menu Foods and other defendants in this case. Initially, I met with Menu Foods in house and outside counsel, as well as with its Canadian attorneys. I have also met with Canadian Plaintiffs attorneys in Toronto who have filed a number of class action cases in Canada. In addition, working with certain members of the purported “Berger/Wexler” group, I spent a

significant amount of time making arrangements for a number of meetings in New York and Chicago with Menu Foods and the other named defendants and their Counsel.

19. Notwithstanding our group's disagreement with the "Berger/Wexler" group's approach to leadership and committee assignments, over the past few months I have worked very constructively on a host of issues with certain members of that group. I have worked very well with Ken Wexler, in particular, over the past few months. During our interactions, we have been able to work for the common good. Based on my contacts with him, Mr. Wexler clearly is an excellent and straightforward attorney. Despite our differences of opinion on the leadership and other issues, we have been able to put aside such differences to work on a unified front against the defendants.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Date: September 5, 2007



William M. Audet

EXHIBIT 1

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

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William M. Audet is the founding partner of Audet & Partners, LLP, a law firm recognized for its aggressive prosecution of mass torts, class action, and individual cases involving defective pharmaceutical drugs and devices, product defect, construction defect, toxic tort, 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. Subsequently, Mr. Audet had the honor to serve as a Law Clerk to the Honorable Fern M. Smith (Judge of the United States District Court for the Northern District of California), and as a Law Clerk to the Honorable Alfonso J. Zirpoli (Judge of the United States District Court for the Northern District of California). After his two clerkships, Mr. Audet was employed at Lieff, Cabraser, Heimann & Bernstein, where he became a partner in 1996. In 1996, Mr. Audet joined with Richard Alexander and Amanda Hawes and formed Alexander, Hawes & Audet, LLP. In 2007 Mr. Audet founded Audet & Partners, LLP.

Mr. Audet is currently a member of the California and Wisconsin bars, and has been admitted to practice before dozens of federal and state courts throughout the United States.

Mr. Audet is a coauthor of a book on federal discovery: *Handling Federal Discovery*, Jakab, Audet & Fanady (James Publishing) (now in its 9th 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 actions and mass tort cases in state and federal court, including, but not limited to: *In re Baycol Products Liability Litigation*, D. Minn., MDL No. 1431 (Executive Committee); *In re: Metabolife Products Liability Litigation*, JCCP 4360(Executive Committee); *In re PRK/Lasik Consumer Litigation*, Santa Clara Superior Court, Master File No. CV772894 (Lead Counsel); *In re Ancure/Guidant Litigation*, N.D. Cal. (San Jose), Master File No. 09-02797-JF (Lead Counsel).

Mr. Audet has spoken at a number of 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. Mr. Audet was recently 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.

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Audet & Partners, LLP, is a nationally recognized trial firm with offices in San Francisco and New York, and affiliated offices throughout the United States. The attorneys at Audet & Partners, LLP, have concentrated their practice on the prosecution of complex individual, mass tort and class action cases. The firm represents individuals, governmental entities, small businesses and institutional shareholders in product liability, tort, negligence, consumer, construction defect, investment fraud, securities, insider trading, antitrust, environmental, whistleblower, 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 served as Court-appointed Plaintiffs Counsel in dozens of federal and state cases throughout the United States. Below is a sampling of our cases:

Product Defect and Mass Tort Litigation

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. William M. Audet, the firm's principal partner, 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 (California). William M. Audet serves as a court-appointed member of the State Steering Committee.

In Vioxx Litigation, MDL 1657, New Jersey State Court. The firm and its affiliated counsel have filed in excess of 300 cases against Defendants Merck & Company arising out of injuries associated with the defective drug Vioxx.

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

In re Intergel Litigation, Florida State Court. William M. Audet and Susanne Scovern filed dozen of cases on behalf of women injured using a Johnson & Johnson product called Intergel. The firm and its co-counsel have recovered tens of millions of dollars for their clients in a confidential settlement with the company.

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.

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

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. The firm members 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. The firm serves as one of four co-lead counsel in a national class action involving allegations of defective roofing products.

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 violates their civil rights.

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.

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

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.

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.

Consumer Litigation

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 represents 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. Through television commercials, direct mail and the internet, the Providian Defendants purported to facilitate the issuance of credit cards to people with damaged credit histories. William M. Audet served as Class Counsel.

In re Google Litigation, Northern District of California, San Jose Division. The firm members represent advertisers on Google's web pages who claim to have been overcharged for advertising through a complicated monthly charge program.

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. 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 of the firm serves 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 was 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. William M. Audet and Michael McShane of the firm serve as Court appointed members of the Executive Committee, representing Plaintiffs in a nation-wide 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. William M. Audet of the firm is one of 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. William M. Audet and Joseph Russell served as Court-appointed Liaison Counsel in a nationwide class action case alleging antitrust violations against 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 in 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 is pending 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 members 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. Founded in 1984, Sybase makes computer database management systems. Clients include financial service, telecommunication, energy, government, retail, manufacturing, media, entertainment and healthcare providers.

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. He completed his formal legal education with a Masters of Law from the University of Wisconsin School of Law in 1987. 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. 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. Mr. Audet's practice focuses on complex litigation, including class and non-class action claims involving mass torts, product liability, antitrust and consumer class actions. Mr. Audet is a frequent speaker on a variety of topics and is a co-author of *Handling Federal Discovery* (9th Ed.) (James Publishing Company). In 2005, Mr. Audet was awarded the Justice Award from the San Francisco Bar Foundations for his financial contribution to the legal community and for his firm's pro bono work over the years. Over the years, Mr. Audet has been appointed to leadership positions in a number of important and groundbreaking cases.

Michael 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.

Susanne N. Scovern, received a B.A. with highest honors and distinction in Russian/East European Studies and Political Philosophy from the University of Michigan in 1985. In 1990, Ms. Scovern was awarded a Juris Doctorate from the University of Iowa where she was a member of the *University of Iowa Law Review*. Over the years, she has practiced a broad range of product liability, mass tort, class action, employment and commercial litigation. Ms. Scovern is a member of the American Bar Association, the California Bar Association and the San Francisco Bar Association. She is active in the Science & Technology and Labor and Employment Sections of the ABA and State Bar. She is also a member of the Association of Trial Lawyers of America and the San Francisco Trial Lawyers Association. She is admitted to practice in California and the District of Columbia. Ms. Scovern focuses her work at the firm on defective medical devices and drugs, and is currently heavily involved in the prosecution of the Firm's Vioxx cases.

Kevin L. Thomason earned a B.A. in Interdisciplinary Studies from California State University at Dominguez Hill in 1991 and a Juris Doctor from the University of California, Hastings College of the Law in 1994. Kevin has extensive experience in internet and computer technology and has taught MCLE classes on the internet throughout California. He has written extensively for the legal press on these topics. His practice focuses on complex litigation and class actions. Kevin also handles the firm's internet marketing.

Joshua C. Ezrin received a B.A. with honors in Sociology from the University of California at Santa Cruz in 1995, and a Juris Doctor from the University of San Francisco School of Law in 2001. Mr. Ezrin has focused his practice on complex litigation and toxic torts and is currently working on a number of cases, including the Bextra, Vioxx and Zyprexa pharmaceutical litigation for the firm.

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Saviz Sebghati attended the University of California at Berkeley from 1979 through 1983, graduating with a B.A. in economics before earning his Jurisprudence Doctorate from Boston University School of Law in 1986. Saviz has over fifteen years experience in litigation and general corporate law, including securities, banking, and real estate. Saviz has represented manufacturers, institutions, internet providers as well as organizations providing entertainment. Saviz holds membership on several State Bar of California committees: Business Law, Intellectual Property Law, International Law, Labor and Employment, Law Practice Management and Technology, Litigation and Real Property Law. (Of Counsel)