



4. Larry Drury and I attended numerous and lengthy settlement negotiation sessions either in person in Illinois and/or via telephone over a four month period which culminated in a Memorandum of Understanding on behalf of 10 of the 12 Plaintiffs for a proposed nationwide class settlement.

5. We negotiated and are in the final stages of finalizing the settlement documents and motion for preliminary approval papers of this settlement on behalf of 10 of the 12 Plaintiffs. We also negotiated and continue to negotiate the nature of confirmatory discovery before the final settlement papers are filed.

6. Larry Drury and I have (and continue to) led, updated, conferenced, discussed and sought approval with and from all Plaintiffs in this cohesive Plaintiffs' team before finalizing any Memorandum of Understanding during this four month process.

7. A true and correct copy of the JPML Transfer Order and conditional Transfer Order #1 are attached hereto as Exhibit "A."

8. A true and correct copy of Plaintiff Snow's Complaint is attached hereto as Exhibit "B."

9. A true and correct copy of Plaintiff Vedral's Complaint is attached hereto as Exhibit "C."

10. A true and correct copy of Plaintiff Snow and Vedral's Affidavit of Service and/or waiver of service documents are attached hereto as Exhibit "D."

11. A true and correct copy of Plaintiff Snow's MDL Brief in Support of Transfer is attached hereto as Exhibit "E."

12. A true and correct copy of Plaintiff Vedral's MDL Brief is attached hereto

as Exhibit "F."

13. A true and correct copy of Plaintiff Snow's Request for status conference is attached hereto as Exhibit "G."

14. A true and correct copy of Brodsky & Smith, LLC's firm profile is attached hereto as Exhibit "H."

16. A true and correct copy of Larry D. Drury's firm profile is attached hereto as Exhibit "I."

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

Dated: September 22, 2006

/s/ Evan J. Smith, Esquire (ES3254)  
Evan J. Smith, Esquire (ES3254)