

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

)	
In re HERALD, PRIMEO and THEMA FUND)	Civil Action No. 09 CIV 289 (RMB)(HBP)
SECURITIES LITIGATION,)	(Consolidated with 09 CIV 2032 and
)	09 CIV 2558)
)	ECF Case
)	
)	Class Action
)	
)	
This Document Relates To:)	Case No. 09 Civ. 2558 (RMB)
)	
NEVILLE SEYMOUR DAVIS,)	Class Action
)	
Plaintiff,)	
)	
vs.)	
)	
ALBERTO BENBASSAT et al.,)	
)	
Defendants.)	
)	

**DECLARATION OF TIMOTHY J. BURKE IN SUPPORT OF LEAD PLAINTIFF
REPEX VENTURES, S.A.'s OPPOSITION TO LEAD PLAINTIFF
NEVILLE SEYMOUR DAVIS'S MOTION FOR PRELIMINARY APPROVAL OF
PARTIAL SETTLEMENT**

I, Timothy J. Burke, hereby declare:

1. I am an attorney at the law firm of Stull, Stull & Brody who is Lead Counsel for Plaintiff Repex Ventures S.A. (“Repex Ventures”) in the above entitled action. I submit this Declaration in support of Lead Plaintiffs’ Repex Ventures, S.A.’s Opposition to Lead Plaintiff Neville Seymour Davis’s Motion for Preliminary Approval of Partial Settlement. I have personal knowledge of the matters stated herein, and if called as a witness, I could and would competently testify thereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of the June 21, 2011 Email from Timothy J. Burke to Albert C. Chang.

3. Attached hereto as Exhibit 2 is a true and correct copy of the June 21, 2011 Email from Timothy J. Burke to Albert C. Chang and Evan A. Davis.

4. Attached hereto as Exhibit 3 is a true and correct copy of the June 22, 2011 Email from Timothy J. Burke to Albert C. Chang, Frank A. Bottini and Evan A. Davis.

5. Attached hereto as Exhibit 4 is a true and correct copy of the June 22, 2011 Email from Frank A. Bottini and June 24, 2011 from Evan A. Davis

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed this 30th day of June 2011, at Los Angeles, California

/s/ Timothy J. Burke
Timothy J. Burke