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HORST LEONHARDT, on Behalf of Himself :
and All Others Similarly Situated, :

Plaintiff, :

Civil Action No.: 09-cv-02032-UA

v. :

BERNARD L. MADOFF, BANK MEDICI :
S.A., SONJA KOHN, PETER :
SCHEITHAUER, HERALD USA FUND, :
HERALD LUXEMBURG FUND, BANK :
AUSTRIA CREDITANSTALT, UNICREDIT :
S.A., PRIMEO SELECT FUND, PRIMEO :
EXECUTIVE FUND, PIONEER :
ALTERNATIVE INVESTMENTS, THEMA :
INTERNATIONAL FUND PLC, HELMUTH :
E. FREY, FRIEDRICH PFEFFER, FRANCO :
MUGNAL, ALBERTO BENBASSAT, :
STEPHANE BENBASSAT, GENEVALOR, :
BENBASSAT & CIE, DAVID T. SMITH, :
GERALD J.P. BRADY, DANIEL :
MORRISSEY, ERNST & YOUNG S.A., :
ERNST & YOUNG GLOBAL LIMITED, :
HSBC HOLDINGS PLC, HSBC :
INSTITUTIONAL TRUST SERVICES :
(IRELAND) LIMITED, HSBC SECURITIES :
SERVICES (IRELAND) LIMITED, HSBC :
SECURITIES SERVICES, S.A., :
PRICEWATERHOUSECOOPERS, :
CHARTERED ACCOUNTANTS, :
PRICEWATERHOUSECOOPERS :
INTERNATIONAL LIMITED and :
FRIEHLING & HOROWITZ, :

Defendants. :

----- X

Exhibit A

CERTIFICATION OF PROPOSED LEAD PLAINTIFF
PURSUANT TO THE FEDERAL SECURITIES LAWS

I, Willard Foxtan, declare the following as to the claims asserted, or to be asserted, under the federal securities laws:

1. I have reviewed the complaint on file in this case – *Perrone v. Benbassat et al.*, Case No. 09-cv-2558 (S.D.N.Y.), with my counsel.
2. I did not acquire the securities that are the subject of this action at the direction of my counsel or in order to participate in any private action under the federal securities laws.
3. I am willing to serve as a lead plaintiff in these cases. I understand that a lead plaintiff is a representative party who acts on behalf of other class members in directing the litigation, and whose duties may include testifying at deposition or trial, if necessary. As indicated below, my deceased father had his entire life savings invested in the Herald USA Fund and Herald Luxembourg Fund. My father’s estate has authorized me to pursue a claim on behalf of the Estate of William Foxtan (the “Estate”) in this case in an attempt to recover the losses suffered by my father in the Herald USA Fund and Herald Luxembourg Fund.
4. I will not accept any payment for serving as a representative party beyond my pro rata share of any recovery, except reasonable costs and expenses - such as lost wages and travel expenses - directly related to the class representation, as ordered or approved by the Court pursuant to law.
5. I have not sought to serve or served as a representative party for a class in an action under the federal securities laws within the past three years.

6. I understand that this is not a claim form, and that my ability to share in any recovery as a class member is not affected by my decision to serve as a representative party.

7. I have had numerous telephonic meetings and discussions with my counsel regarding this case. In addition, I met in person with my one of my attorneys, Frank A. Bottini, Esq., on May 1, 2009 in San Diego, California to discuss the case and my participation in it. Despite the fact that I live in England, and the case is pending in New York, I am willing to be, and want to be, actively involved in this litigation. The litigation has extreme personal importance to me and my family due the fact that my father William Foxton, a decorated British soldier knighted by the Queen, took his own life earlier this year due to losing his entire life savings which he had invested in the Herald USA Fund and Herald Luxembourg Fund. Late last year, after returning from working in Afghanistan as a defense contractor, my father discovered that his entire life savings had been unbeknownst to him invested by the Herald USA Fund and Herald Luxemburg Fund with Bernard Madoff and therefore lost.

8. On learning the Herald funds had collapsed, my father took his own life on February 10, 2009. Shortly before his suicide, he sent me the following email:-

“Dear Will, I will be brief. I had some in fact all my money in two funds Herald USA Fund and Herald Luxemburg Fund invested in Austria. I have now found out that the office is closed and the money was invested in Hedge funds of Madoff of the Ponzi scheme. I have lost everything. I am now considering whether or not to get myself declared bankrupt. Feeling pretty low and depressed. Thats about it for the moment.”

9. It has been extremely hard for my family to find any of my father's documents, and we have no idea where he may have kept them, despite repeated searches of the family home. However, my family did confirm with my father in 2006 that he had invested approximately 1.6 million British Pounds in an investment, which due to my father's email quoted above we came to subsequently learn was invested in the Herald USA Fund and Herald

Luxembourg Fund through Bank Medici's Vienna, Austria office. Moreover, shortly prior to his death, he told me that he was having disagreements with the bank in Austria regarding his investments there. Moreover, I believe he invested in the funds in approximately late 2004 or early 2005, as he was nearing retirement. He retired in November 2008, and shortly thereafter, on December 10, 2008, learned about the Madoff Ponzi scheme and that his entire life savings were lost. During late 2004 and early 2005, the British Pound traded between approximately \$1.80 and \$1.95 United States Dollars. Thus, I believe that my father's investments in the Herald USA Fund and Herald Luxembourg Fund were between approximately \$2.88 million U.S. Dollars and \$3.12 million U.S. Dollars.

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

Executed this 2nd day of May, 2009.

/s Willard Foxton

WILLARD FOXTON

CERTIFICATION OF PROPOSED LEAD PLAINTIFF
PURSUANT TO THE FEDERAL SECURITIES LAWS

I, Neville Seymour Davis, declare the following as to the claims asserted, or to be asserted, under the federal securities laws:

1. I have reviewed the complaint on file in this case – *Perrone v. Benbassat et al.*, Case No. 09-cv-2558 (S.D.N.Y.), with my counsel.
2. I did not acquire the securities that are the subject of this action at the direction of my counsel or in order to participate in any private action under the federal securities laws.
3. I am willing to serve as a lead plaintiff in these cases. I understand that a lead plaintiff is a representative party who acts on behalf of other class members in directing the litigation, and whose duties may include testifying at deposition or trial, if necessary.
4. I will not accept any payment for serving as a representative party beyond my pro rata share of any recovery, except reasonable costs and expenses - such as lost wages and travel expenses - directly related to the class representation, as ordered or approved by the Court pursuant to law.
5. I have not sought to serve or served as a representative party for a class in an action under the federal securities laws within the past three years.
6. I understand that this is not a claim form, and that my ability to share in any recovery as a class member is not affected by my decision to serve as a representative party.
7. My purchases and sales during the Class Period of the securities which are the subject of this case are listed below:

THEMA INTERNATIONAL FUND

	<u>DATE</u>	<u>SHARES</u>	<u>Share Price</u>	<u>US \$ VALUE</u>
BOUGHT	24MAY2006	4466	\$ 296.686	1,325,000. 00

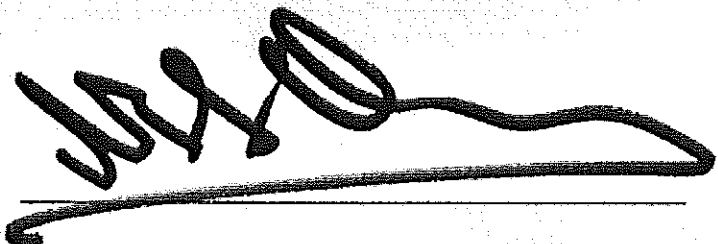
SOLD	29DEC2006	-75		22,251. 75
SOLD	31JAN2007	-95.4472		28,318. 23
SOLD	28FEB2007	-178.5430		52,971. 92
SOLD	31MAR2007	-125.0469		37,100. 16
SOLD	13APR2007	-93.6650		27,789. 47
SOLD	02JAN2007	-35.3035		10,474. 20
SOLD	18MAR2007	-49.3885		14,653. 07

SOLD	TOTAL			193,558. 80

TOTAL LOSS: U.S. DOLLARS: \$1,131,441. 20

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

Executed this 03 day of May, 2009.



NEVILLE SEYMOUR DAVIS

**CERTIFICATION OF PLAINTIFF PURSUANT
TO THE FEDERAL SECURITIES LAWS**

I, Chia-Hung Kao, declare the following as to the claims asserted, or to be asserted, under the federal securities laws:

1. I have reviewed the complaint with my counsel and authorize its filing.

2. I did not acquire the securities that are the subject of this action at the direction of plaintiff's counsel or in order to participate in any private action or any other litigation under the federal securities laws.

3. I am willing to serve as a representative party on behalf of the class, including testifying at deposition or trial, if necessary.

4. Attached as Exhibit 1 are my transactions during the Class Period in the securities that are the subject of this action.

5. I will not accept any payment for serving as a representative party beyond my pro-rata share of any recovery, except reasonable costs and expenses – such as lost wages and travel expenses – directly related to the class representation, as ordered or approved by the Court pursuant to law.

6. I have not sought to serve or served as a representative party for a class in an action under the federal securities laws within the past three years.

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

Executed this 7th day of March, 2009.

Chia-Hung Kao
CHIA-HUNG KAO

Exhibit B

More

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PRESS RELEASE

New Madoff Related Class Action Law suit Filed Against the Primeo Select Fund, Primeo Executive Fund, Thema International Fund, Herald USA Fund, and Herald Luxemburg Fund by Stull, Stull & Brody

Last update: 6:43 p.m. EST March 5, 2009

LOS ANGELES, Mar 05, 2009 (BUSINESS WIRE) -- On March 5, 2009, attorneys at Stull, Stull & Brody filed a new Class Action lawsuit in the United States District Court for the Southern District of New York on behalf of a Class, consisting of all persons and entities who invested in the Primeo Select Fund, Primeo Executive Fund, Thema International Fund, Herald USA Fund, and Herald Luxemburg Fund ("collectively, the "Funds") between January 12, 2004 through and including January 12, 2009 (the "Class Period").

The Complaint alleges that, unknown to their investors, the Funds concentrated almost 100% of their investment capital in the massive, fraudulent scheme perpetrated by defendant Bernard L. Madoff and his firm Bernard L. Madoff Investment Securities. Defendants include the various Funds' directors, their auditors (the accounting firms Ernst & Young and PricewaterhouseCoopers) and the custodian for the various Funds (HSBC).

If you invested in either the Primeo Select Fund, Primeo Executive Fund, Thema International Fund, Herald USA Fund, or Herald Luxemburg Fund during the Class Period and your investment declined due to the Madoff fraud, you now have until May 4, 2009 to request the Court appoint you as lead plaintiff. Your ability to share in any recovery is not, however, affected by the decision whether or not to serve as a lead plaintiff. You may retain Stull, Stull & Brody as your counsel to represent you in this action.

Stull, Stull and Brody is currently the only law firm to file suit on behalf of the Funds' investors under the United States' securities laws. The attorneys at Stull, Stull & Brody have over 30 years of experience litigating securities class action cases, and have played lead roles in major cases resulting in the recovery of hundreds of millions of dollars for investors. The reputation and expertise of Stull, Stull & Brody in shareholder and other class litigation has been repeatedly recognized by courts throughout the United States, which have continually appointed the firm to major positions in complex securities multi-district and consolidated litigation. Stull, Stull & Brody maintains offices in New York and Los Angeles.

If you would like to discuss this action or if you have any questions concerning this Notice or your rights as a potential class member or lead plaintiff, you may contact:

Timothy J. Burke, Esq. at Stull, Stull & Brody by e-mail at Tburke@ssbla.com, or by calling toll-free 1-888-388-4605, or by fax to 1-310-209-2087, or by writing to Stull, Stull & Brody, 10940 Wilshire Boulevard, Suite 2300, Los Angeles, CA 90024. You can also visit our website at www.ssbny.com.

SOURCE: Stull, Stull & Brody

Stull, Stull & Brody
Timothy J. Burke, Esq., 1-888-388-4605
Fax: 1-310-209-2087
Tburke@ssbla.com

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Your Answer

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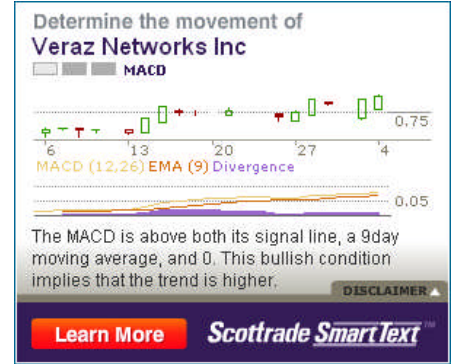
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Exhibit C

PROPOSED LEAD PLAINTIFF FOXTON GROUP'S LOSS SHEET

I. Summary

During the class period – between January 1, 2004 and December 10, 2008, the Foxton Group – consisting of three victims of Bernard Madoff’s scheme, Willard Foxton,¹ Neville Seymour Davis, and Chia-Hung Kao – suffered between \$4,211,441.20 and \$4,451,441.20 in damages.

II. Detailed Loss Calculation

A. Willard Foxton

(1) Purchases During the Class Period

Transaction Dates	Bought/Sold	Shares	Price	Total Investment
Late 2004 – Early 2005	Bought	Unspecified	Unspecified	\$2,880,000.00 - \$3,120,000.00

(2) Loss Calculation

Net Investment	\$2,880,000.00 - \$3,120,000.00
Net Loss	\$2,880,000.00 - \$3,120,000.00

B. Neville Seymour Davis

(1) Purchases During the Class Period

Date	Bought/Sold	Shares	Price	Total Investment
05/24/2006	Bought	4,466	\$296.686	\$1,325,000.00

(2) Sales During the Class Period

Date	Bought/Sold	Shares	Price	Total Gain
12/29/2006	Sold	75	\$296.690	\$22,251.75
01/02/2007	Sold	35.3035	\$296.690	\$10,474.20
01/31/2007	Sold	95.4472	\$296.690	\$28,318.23

¹ As stated in Willard Foxton’s Certification, his father, William Foxton, invested approximately 1.6 million British Pounds in the subject funds between late 2004 and early 2005. Based on the currency exchange rate during this period – between approximately \$1.80 and \$1.95 for the Pound, Mr. Foxton’s investment is between \$2.88 million and \$3.12 million in U.S. Dollar.

Date	Bought/Sold	Shares	Price	Total Gain
02/28/2007	Sold	178.5430	\$296.690	\$52,971.92
03/18/2007	Sold	49.3885	\$296.690	\$14,653.07
03/31/2007	Sold	125.0469	\$296.690	\$37,100.16
04/13/2007	Sold	93.6650	\$296.690	\$27,789.47
Total Sales		652.3941		\$193,558.80

(3) Loss Calculation

Net Investment in 4,466 Shares	\$1,325,000.00
Net Sale Price of 652.3941 Shares	\$193,558.80
Net Loss	\$1,131,441.20

C. Chia-Hung Kao

(1) Purchases During the Class Period

Date	Bought/Sold	Shares	Price	Total Investment
07/01/2008	Bought	2,805.83	\$35.640	\$100,000.00
10/01/2008	Bought	2,738.97	\$36.510	\$100,000.00
Total		5,544.80		\$200,000.00

(2) Loss Calculation

Net Investment in 5,544.80 Shares	\$200,000
Net Loss	\$200,000

Exhibit D

MURRAY, FRANK & SAILER LLP

ATTORNEYS AT LAW

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MURRAY, FRANK & SAILER LLP concentrates its practice in class action litigation, particularly in cases involving federal securities law, federal antitrust law, ERISA, and state consumer protection law. The Firm is also active in mass tort litigation.

SECURITIES FRAUD

MURRAY, FRANK & SAILER has represented lead plaintiffs as lead counsel or a member of the executive committee and has also represented class representatives in successful securities actions throughout the United States, including the following:

In re Royal Ahold Securities Litigation (recovery of \$1.1 billion); *In re Williams Sec. Litig.* (\$311 million); *In re Merrill Lynch & Co., Inc. Research Reports Sec. Litig.* (\$125 million); *In re JWP Inc. Sec. Litig.* (\$40 million); *In re Turkcell Iletisim Hizmetleri A.S. Sec. Litig.* (\$19.2 million); *In re PictureTel Inc. Sec. Litig.* (\$14 million); *In re Marion Merrell Dow Inc. Sec. Litig.* (\$14 million); *LaVallie v. Owens-Corning Fiberglas Corp.* (\$10 million); *In re USX Sec. Litig.* (\$9 million); *Feiner v. SS&C Tech., Inc.* (\$8.8 million); *Lowry v. Andrx Corp.* (\$8 million); *In re Xybernaut Corp. Securities MDL Litigation* (\$6.3 million); *Brody v. Zix Corp.* (\$5.6 million); *In re ContiFinancial Sec. Litig.* (\$5.5 million); *In re EIS Int'l Inc. Sec. Litig.* (\$3.8 million); *In re Quintiles Transnational Sec. Litig.* (\$3 million).

The firm is currently lead or co-lead counsel, a member of the executive committee, or counsel to a class representative in many cases, including the following:

In re New Century; In re Merrill Lynch & Co., Inc. Securities, Derivative and ERISA Litig.; In re Vivendi Universal, S.A. Sec. Litig.; The 60223 Trust v. Goldman Sachs & Co.; In re General Motors Corp. Sec. Litig.; In re Harley-Davidson, Inc. Sec. Litig.; In re Infineon Technologies AG Sec. Litig.; In re Crompton Sec. Litig.; Steinberg v. Ericsson LM Telephone Co.

MURRAY, FRANK & SAILER also represented institutional plaintiffs in individual actions against AOL Time Warner and Royal Dutch Petroleum for violations of the United States securities laws.

SHAREHOLDER RIGHTS AND DERIVATIVE ACTIONS

MURRAY, FRANK & SAILER is very active litigating actions on behalf of companies against their officers and directors for breach of fiduciary duties or against third parties for breach of contract. MURRAY, FRANK & SAILER is also co-lead counsel in a derivative action for the benefit of nVidia Corp. against its officers and directors involving backdated stock options. MURRAY, FRANK & SAILER is also co-lead in a derivative action for the benefit of Krispy Kreme Doughnuts, Inc. for breach of fiduciary duties. In addition, MURRAY, FRANK & SAILER is or has

been lead or co-lead counsel or represented a plaintiff in derivative actions for the benefit of The Limited, Inc., Gilman and Ciocia, Inc., Norland Medical Systems, Foundry Networks, Inc., Jabil Circuits, Inc., Equinix, Inc, Arbitron, Inc., PMC Sierra, Inc., First Marblehead Corp., and Microtune, Inc.

MURRAY, FRANK & SAILER is also active representing shareholders of companies being acquired for inadequate takeover premiums or failure to maximize shareholder value. MURRAY, FRANK & SAILER is currently lead counsel representing shareholders of Northstar Neuroscience, Inc. and has represented shareholders in cases involving Claire's Stores, Inc., Sirna Therapeutics, Inc., Chaparral Resources, Inc., The Topps Company, Inc., Genentech, Inc., Jacuzzi Brands, Inc., and Northstar Neuroscience, Inc.

ANTITRUST

MURRAY, FRANK & SAILER has represented plaintiffs in federal and state class actions arising out of antitrust law violations, including *Bar-Bri*, *Infant Formula*, *Brand Name Pharmaceutical*, *Nasdaq*, *VISA/MasterCard*, *Playmobil*, *Disposable Contact Lens*, and *Time Warner* cases.

MURRAY, FRANK & SAILER is currently counsel in many cases involving Sherman Act violations including: *In re American Express Antitrust Litigation*; *Dahl v. Bain Capital Partners*; *In re*

Trans Pacific Passenger Air Transportation Antitrust Litig.; *In re Flat Glass Antitrust Litig.*; *Schwartz v. The Thompson Corp.*; *In re Hydrogen Peroxide Antitrust Litig.*; *In re Air Cargo Carrier Antitrust Litig.*; *Slattery v. Apple Computer Inc.*; *Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*; *McDonough v. Toys "R" Us*; *In re Fasteners Antitrust Litig.*; *In re Cathode Ray Tube (CRT) Antitrust Litig.*; *In re Korean Airlines Co. Ltd. Antitrust Litig.*

In the *Playmobil* case MURRAY, FRANK & SAILER was co-lead counsel representing a class of purchasers of Playmobil products. MURRAY, FRANK & SAILER was successful in obtaining certification of a plaintiff class in an oft-cited opinion and settling the case on favorable terms to the class. The Court, at the fairness hearing, "compliment[ed] both counsel in the fine job done negotiating with each other and also the legal work that has been submitted to the Court." In the *Disposable Contact Lens* case, MURRAY, FRANK & SAILER represented a class of purchasers of disposable contact lenses in California, and eventually obtained reversal in the California appellate courts of a denial of class certification. In the *Time Warner* case MURRAY, FRANK & SAILER was co-lead counsel representing a class of subscribers of Time Warner's high speed internet service. MURRAY, FRANK & SAILER successfully overcame an arbitration clause and obtained favorable settlement for the class.

CONSUMER PROTECTION

In the consumer protection area, MURRAY, FRANK & SAILER as lead counsel has represented consumers in class actions involving, *inter alia*, mold in front-loading washing machines; wrongful billing practices and poor service by wireless communications providers; wrongful billing practices by credit card companies, banks and retailers; problems with appliances and their installation; mislabeling of imported olive oil; mislabeling of domestic pasta; brokerage fees imposed with no or insufficient notice; Medicaid overcharges; and faulty automobile seat heaters.

Among its cases of note, MURRAY, FRANK & SAILER recovered benefits worth \$40 million in *Naevus Int'l v. AT&T Corp.*, a consumer class action brought in New York State Supreme Court on behalf of consumers who subscribed to AT&T's Digital One Rate wireless service. In 2005, the firm settled with Volkswagen of America, forcing a recall of all 2003 and 2004 Volkswagen Jettas for faulty automobile seat heaters.

In *Sclafani v. Barilla America, Inc.*, a consumer class action brought in New York State Supreme Court on behalf of consumers who purchased Barilla brand pasta, MURRAY, FRANK & SAILER successfully argued that Barilla's packaging misled consumers into believing the company's pasta

was made in Italy, obtaining a reversal of a trial court dismissal.

Similarly, in *Lorenzo v. Bertolli USA Inc.*, a consumer class action brought in New York State Supreme Court on behalf of consumers who purchased Bertolli brand olive oil, MURRAY, FRANK & SAILER successfully argued that Bertolli's labeling misled consumers into believing the company's olive oil was Italian.

ERISA

MURRAY, FRANK & SAILER is prosecuting several actions in federal court against employers on behalf of employees for employee investment fund mismanagement; knowingly offering, marketing, and selling improper investments to employees for their retirement accounts; and knowingly misrepresenting the prospects of the employees' company in order to sell company stock to them. The firm served as co-lead counsel in *Winn-Dixie Stores, Inc. ERISA Litig.*, which settled for \$3 million and plaintiffs' class counsel in *In re AON ERISA Litig.* and *In re Cardinal Health, Inc. ERISA Litig.*

MASS TORT

Mass Torts occur when large numbers of people are similarly injured by the same defective product. These products are often prescription drugs and medical devices. MURRAY, FRANK & SAILER is

currently counsel in *In re Avandia Marketing, Sales Practices and Products Liability Litigation* alleging, on behalf of its clients, that they were injured in connection with the design, development, manufacture, distribution, labeling and marketing of a widely used diabetes prescription drug.

MURRAY, FRANK & SAILER is currently on the class action committee and co-chair of the e-discovery committee in the Avandia Litigation.

FIRM HIGHLIGHTS

In ISS's "Accountability Goes Global," 2008 Report, MURRAY, FRANK & SAILER was ranked fifth in representing international lead plaintiff movants.

MURRAY, FRANK & SAILER is also a member of the Executive Committee of the National Association of Shareholder and Consumer Attorneys (NASCAT).

MAJOR ONGOING CASES

The Police and Fire Retirement System of the City of Detroit v. Jen-Hsun Huang – MURRAY, FRANK & SAILER is co-lead counsel in a derivative action for the benefit of nVidia Corporation arising out of backdated option grants.

In re Infineon Technologies A.G. Securities Litigation – MURRAY, FRANK & SAILER is co-lead counsel representing a class of investors of Infineon Technologies securities.

Kosseff v. Ciocia – MURRAY, FRANK & SAILER is lead counsel representing shareholders in a derivative action alleging breach of fiduciary duty.

Scapini v. Argentina – MURRAY, FRANK & SAILER is lead counsel representing a class of investors who purchased government bonds from Argentina.

In re General Motors Corp. Securities Litigation – MURRAY, FRANK & SAILER was lead counsel and currently represents two classes of investors in General Motors securities.

Meissner v. Bailey – MURRAY, FRANK & SAILER is co-lead counsel in a derivative action for the benefit of PMC-Sierra, Inc. arising out of backdated option grants.

In re Crompton Corp. Securities Litigation – MURRAY, FRANK & SAILER is co-lead counsel representing a class of investors in Crompton Corp. securities.

Steinberg v. Ericsson LM Telephone Co. – MURRAY, FRANK & SAILER is lead counsel representing a class of

investors of Ericsson LM Telephone Co. securities.

Mofidi v. Levy – MURRAY, FRANK & SAILER is lead counsel representing Northstar Neuroscience shareholders alleging a failure to maximize shareholder value.

JUDICIAL COMMENDATIONS

Kosseff v. Gilman & Ciocia, Inc., C.A. No. 188-MG (Del. Ch. Oct. 31, 2008), in which the Court stated “I note that plaintiff’s attorneys are capable of sophisticated corporate litigation and have a good reputation within the bar.”

Park v. The Thompson Corp., 2008 WL 4684232 (S.D.N.Y. Oct. 22, 2008), in which the court stated “class counsel have provided extremely high-quality representation.”

In re Merrill Lynch & Co., Inc. Research Reports Sec. Litig., 246 F.R.D 156, 164, 174 (S.D.N.Y. 2007), in which the Court commend MURRAY, FRANK & SAILER’s “skillful and zealous representation over a six-year period,” and finding the “high quality of representation provided by Lead Counsel is evident from the extensive record of this case.”

In re Qiao Xing Universal Telephone, Inc., 07-cv-7829 (S.D.N.Y.), in which the court stated “I think they performed extraordinarily well in the settlement process and this is an

extraordinarily positive settlement for the class and I have to attribute that significantly to the performance of class counsel in the settlement discussion process.”

In re General Motors Corp. Sec. Litig., 05-CV-8088 (S.D.N.Y. 2006), in which the Court, before appointing the firm lead counsel, stated: “we know Mr. Frank very well, so they are both esteemed and experienced attorneys in these matters, and I don’t think anybody could go wrong with either one of them to be honest with you.”

In re EIS International, Inc. Sec. Litig., 97-cv-813 (D. Conn. 2006), in which the Court stated: “I wanted to compliment counsel . . . We have been together quite a long time in the case and I appreciate all the fine legal work that you’ve done.”

Kinney v. Metro Global Media, Inc., 170 F. Supp. 2d 173 (D.R.I. 2001), in which the court expressed an “appreciation for how difficult this case was for all sides, for how hotly contested many of the issues in this case were from the get-go and how reaching a settlement, given all of those considerations, was particularly difficult; so I commend all of you for persevering in the efforts that you made toward reaching a settlement . . . [and] for achieving what I find to be a fair, adequate and reasonable result[.]”

Miller v. Bonmati, Del. Ch., C.A. No. 15849, Lamb, V.C. (Del. Ch. March 18, 1999), in which the Court stated “I am quite pleased by the work that was done by the plaintiffs’ counsel. They seem to have done a very professional job of dealing with a difficult situation and have obtained, from everything I can ascertain from the record in front of me, quite a beneficial settlement that gives an opportunity for this situation to work itself out.”

Adair v. Bristol Tech. Systems, Inc., 179 F.R.D. 126 (S.D.N.Y. 1998), in which Judge Robert Sweet stated plaintiffs’ counsel were “skilled advocates and negotiators.”

Adair v. Microfield Graphics, Inc. (D. Or. 1998), in a case that recovered 47% of estimated damages, the Court noted “Plaintiff’s counsel have exhibited a high quality of work in prosecuting this action.”

Steffen v. Playmobil USA, Inc., Civ No. 95-2896 (E.D.N.Y.), in which the Court “compliment[ed] both counsel in the fine job done negotiating with each other and also the legal work that has been submitted to the Court.”

PRECEDENT SETTING DECISIONS

In *Cambridge Biotech Corp. v. Deloitte and Touche LLP*, 6 Mass. L. Rptr. 367 (Mass. Super. Jan 28, 1997), on a case of first impression, the

Superior Court of Massachusetts applied the doctrine of continuous representation for statute of limitations purposes to accountants for the first time in Massachusetts.

In *Kinney v. Metro Global Media, Inc.*, 170 F. Supp. 2d 173 (D.R.I. 2001), MURRAY, FRANK & SAILER successfully argued on a case of first impression in the District of Rhode Island for the pleading standard for claims against an auditor under the Private Securities Litigation Reform Act of 1995.

In *Feiner v. SS&C Tech., Inc.*, 11 F. Supp. 2d 204 (D. Conn. 1998), MURRAY, FRANK & SAILER prevailed on an issue of first impression concerning the liability of a qualified independent underwriter for an initial public offering.

In *Adair v. Bristol Tech. Sys., Inc.*, 179 F.R.D. 126 (S.D.N.Y. 1998), MURRAY, FRANK & SAILER prevailed on an issue of first impression in the Southern District of New York, successfully arguing that standing under the Securities Act of 1933 was not limited to buyers who purchased directly on an initial public offering. The opinion was subsequently cited in decisions and secondary sources over 70 times.

THE PARTNERS

BRIAN MURRAY, a partner, was admitted to the bars of Connecticut in 1990, New York and the United States District Courts for the Southern and Eastern Districts of New York in 1991, the Second Circuit in 1997, the First and Fifth Circuits in 2000, and the Ninth Circuit in 2002. He received Bachelor of Arts and Master of Arts degrees from the University of Notre Dame in 1983 and 1986, respectively. He received a Juris Doctor degree, *cum laude*, from St. John's University School of Law in 1990. At St. John's, he was the Articles Editor of the ST. JOHN'S LAW REVIEW. Mr. Murray co-wrote: *Jurisdição Estrangeira Tem Papel Relevante Na De Fiesa De Investidores Brasileiros*, ESPAÇA JURÍDICO BOVESPA (August 2008); *The Proportionate Trading Model: Real Science or Junk Science?*, 52 CLEVELAND ST. L. REV. 391 (2004-05); *The Accident of Efficiency: Foreign Exchanges, American Depository Receipts, and Space Arbitrage*, 51 BUFFALO L. REV. 383 (2003); *You Shouldn't Be Required To Plead More Than You Have To Prove*, 53 BAYLOR L. REV. 783 (2001); *He Lies, You Die: Criminal Trials, Truth, Perjury, and Fairness*, 27 NEW ENGLAND J. ON CIVIL AND CRIMINAL CONFINEMENT 1 (2001); *Subject Matter Jurisdiction Under the Federal Securities Laws: The State of Affairs After Itoba*, 20 MARYLAND J. OF INT'L L. AND TRADE 235 (1996); *Determining Excessive Trading in Option Accounts: A Synthetic Valuation Approach*, 23 U. DAYTON L. REV. 316 (1997); *Loss Causation Pleading Standard*, NEW YORK LAW JOURNAL (Feb. 25, 2005); *The PSLRA 'Automatic Stay' of Discovery*, NEW YORK LAW JOURNAL (March 3, 2003); and *Inherent Risk In Securities Cases In The Second Circuit*, NEW YORK LAW JOURNAL (Aug. 26, 2004). He also authored *Protecting The Rights of International Clients in U.S. Securities Class Action Litigation*, INTERNATIONAL LITIGATION NEWS (Sept. 2007); *Lifting the PSLRA "Automatic Stay" of Discovery*, 80 N. DAK. L. REV. 405 (2004); *Aftermarket Purchaser Standing Under § 11 of the Securities Act of 1933*, 73 ST. JOHN'S L. REV. 633 (1999); *Recent Rulings Allow Section 11 Suits By Aftermarket Securities Purchasers*, NEW YORK LAW JOURNAL (Sept. 24, 1998); and Comment, *Weissmann v. Freeman: The Second Circuit Errs in its Analysis of Derivative Copyrights by Joint Authors*, 63 ST. JOHN'S L. REV. 771 (1989).

Mr. Murray was on the trial team that prosecuted a securities fraud case under Section 10(b) of the Securities Exchange Act of 1934 against Microdyne Corporation in the Eastern District of Virginia and he was also on the trial team that presented a claim under Section 14 of the Securities Exchange Act of 1934 against Artek Systems Corporation and Dynatach Group which settled midway through the trial.

Mr. Murray's major cases include *In re Eagle Bldg. Tech. Sec. Litig.*, 221 F.R.D. 582 (S.D. Fla. 2004), 319 F. Supp. 2d 1318 (S.D. Fla. 2004) (complaint against

auditor sustained due to magnitude and nature of fraud; no allegations of a “tip-off” were necessary); *In re Turkcell Iletisim A.S. Sec. Litig.*, 209 F.R.D. 353 (S.D.N.Y. 2002) (defining standards by which investment advisors have standing to sue); *In re Turkcell Iletisim A.S. Sec. Litig.*, 202 F. Supp. 2d 8 (S.D.N.Y. 2001) (liability found for false statements in prospectus concerning churn rates); *Feiner v. SS&C Tech., Inc.*, 11 F. Supp. 2d 204 (D. Conn. 1998) (qualified independent underwriters held liable for pricing of offering); *Malone v. Microdyne Corp.*, 26 F.3d 471 (4th Cir. 1994) (reversal of directed verdict for defendants); and *Adair v. Bristol Tech. Systems, Inc.*, 179 F.R.D. 126 (S.D.N.Y. 1998) (aftermarket purchasers have standing under section 11 of the Securities Act of 1933). Mr. Murray also prevailed on an issue of first impression in the Superior Court of Massachusetts, in *Cambridge Biotech Corp. v. Deloitte and Touche LLP*, in which the court applied the doctrine of continuous representation for statute of limitations purposes to accountants for the first time in Massachusetts. 6 Mass. L. Rptr. 367 (Mass. Super. Jan. 28, 1997). In addition, in *Adair v. Microfield Graphics, Inc.* (D. Or.), Mr. Murray settled the case for 47% of estimated damages.

Mr. Murray served as a Trustee of the Incorporated Village of Garden City (2000-2002); Commissioner of Police for Garden City (2000-2001); Co-Chairman, Derivative Suits Subcommittee, American Bar Association Class Action and Derivative Suits Committee, (2007-Present); Member, Sports Law Committee, Association of the Bar for the City of New York, 1994-1997; Member, Litigation Committee, Association of the Bar for the City of New York, 2003-2007; Member, New York State Bar Association Committee on Federal Constitution and Legislation, 2005-2008; Member, Federal Bar Council, Second Circuit Committee, 2007-present.

Mr. Murray has been a panelist at CLEs sponsored by the Federal Bar Council and the Institute for Law and Economic Policy, at the German-American Lawyers Association Annual Meeting in Frankfurt, Germany, and is a frequent lecturer before institutional investors in Europe and South America on the topic of class actions.

MARVIN L. FRANK, the managing partner, was admitted to the bars of New York, New Jersey, and the United States District Court for the District of New Jersey in 1991, the United States District Courts for the Southern and Eastern Districts of New York in 1992, the Second Circuit in 1998, the Seventh Circuit in 1999, the United States Supreme Court in 2004, the District of Nebraska in 2005, the Eastern District of Michigan in 2006, the Northern District of Texas in 2006, the Western District of New York in 2008, and the Northern District of Illinois in 2008. Mr. Frank graduated with a Bachelor of Arts degree from The City College of New York in 1969, a Master of Business Administration degree from Bernard M. Baruch College in 1974, and received his Juris Doctor degree, *magna cum laude*, from New York Law School in 1991. At New York Law School, he received the Kaplun Foundation Award For Academic Excellence.

Mr. Frank's major cases include *In re General Motors Corp. Sec. Litig.*, 05-CV-8088 (S.D.N.Y.), in which the Court, before appointing the firm lead counsel, stated "we know Mr. Frank very well, so they are both esteemed and experienced attorneys in these matters, and I don't think anybody could go wrong with either one of them to be honest with you"; *Kosseff v. Gilman & Ciocia, Inc.*, C.A. No. 188-MG (Del. Ch. Oct. 31, 2008), in which the Court stated "I note that plaintiff's attorneys are capable of sophisticated corporate litigation and have a good reputation within the bar"; *Sclafani v. Barilla America, Inc.*, 2004-03542 (N.Y. App. Div.), in which Mr. Frank successfully argued before the Supreme Court's Appellate Division that General Business Law § 349(d) did not establish a complete defense to a plaintiff's allegation that Barilla's packaging misled consumers into believing the company's pasta was made in Italy, obtaining a reversal of a trial court dismissal; *Miller v. Bonmati*, Del. Ch., C.A. No. 15849 (Lamb, V.C.) (Del. Ch. Mar. 18, 1999), in which the Court stated, while approving a \$9.9 million recovery: "I am quite pleased by the work that was done by the plaintiffs' counsel. They seem to have done a very professional job of dealing with a difficult situation and have obtained, from everything I can ascertain from the record in front of me, quite a beneficial settlement that gives an opportunity for this situation to work itself out."; *In re JWP Inc. Sec. Litig.* (S.D.N.Y.) (\$40 million recovery); *In re Marion Merrell Dow Inc. Sec. Litig.* (W.D. Mo.) (\$14 million); *In re PictureTel Inc. Sec. Litig.* (D. Mass.) (\$14 million); *In re ContiFinancial Sec. Litig.* (S.D.N.Y.) (\$5.5 million); *In re EIS International, Inc. Sec. Litig.*, 97-cv-813 (D. Conn. 2006), in which the Court stated: "I wanted to compliment counsel . . . We have been together quite a long time in the case and I appreciate all the fine legal work that you've done."; and *In re Quintiles Transnational Sec. Litig.* (M.D.N.C.) (\$3 million).

Mr. Frank is the firm's representative on the Executive Committee of the National Association of Shareholder and Consumer Attorneys (NASCAT). He is also Vice President of the Institute for Law and Economic Policy (ILEP), a public policy

research and educational foundation established to preserve, study, and enhance access to the civil justice system by shareholders and consumers and is Vice President of the Emerald Green Property Owners Association in Rock Hill, New York.

Mr. Frank co-wrote *Staying Derivative Actions Pursuant to PSLRA and SLUSA*, NEW YORK LAW JOURNAL (Oct. 21, 2005) and the SECURITIES REFORM ACT LITIGATION REPORTER, Vol. 20, No. 3 (Dec. 2005). Mr. Frank has been a panelist at the American Banker's Association Operations Conference for Securities, Brokerage & Trust in Memphis, Tennessee; a panelist at the Magenta One Conference for Securities and Trust on the Isle of Jersey, United Kingdom; and a panelist at the Global Pensions' Conference on Shareholder Responsibility and Class Action Law in London.

JACQUELINE SAILER, a partner, was admitted to the bars of Delaware in 1990, the United States District Court for the District of Delaware in 1991, New York and the United States District Courts for the Southern and Eastern Districts of New York in 1996, the United States Court of Appeals for the Sixth Circuit and the United States District Court for the District of Colorado in 1997, the United States Court of Appeals for the Second Circuit in 1998, and the United States Supreme Court in 2005. She graduated with honors from Smith College with a Bachelor of Arts degree in 1985. She received a Juris Doctor degree from St. John's University School of Law in 1990. Ms. Sailer is fluent in French. She is a member of the Federal Bar Council; the New York State Bar Association; and the Association of the Bar for the City of New York, including the Sex and Law Committee, 1996-1999. Ms. Sailer is the co-author of *Loss Causation Pleading Standards*, NEW YORK LAW JOURNAL (Feb. 25, 2005).

Among the major cases in which Ms. Sailer has served as Lead or Co-Lead Counsel, Ms. Sailer served as Co-Chair of the Executive Committee of Lead Counsel in *In re Merrill Lynch & Co., Inc. Research Reports Sec. Litig.* (S.D.N.Y.), in which \$125 million was recovered on behalf of investors in settlement of claims of misrepresentations in published analyst reports. In approving that settlement, the court commended MURRAY, FRANK & SAILER's "skillful and zealous representation over a six-year period," and found that the "high quality of representation provided by Lead Counsel is evident from the extensive record of this case." *In re Merrill Lynch & Co., Inc. Research Reports Securities Litigation*, 246 F.R.D 156, 164, 174 (S.D.N.Y. 2007). Ms. Sailer was also responsible for the recovery of \$40 million worth of benefits for a plaintiff class of wireless consumers in a state consumer class action, *Naevus Int'l, Inc. v. AT&T Corp.*; \$8 million cash for purchasers of generic drug manufacturer Andrx Corp. common stock; and \$6.3 million cash for purchasers of Xybernaut Corp. common stock. Her major reported cases as lead counsel include *Naevus Intl., Inc. v. AT&T Corp.*, 713 N.Y.S.2d 642 (Sup. Ct. New York Co. 2000) (establishing limits on the reach of the Federal Communications Act on state consumer fraud claims), in which she successfully argued against a motion to dismiss on behalf of a class of current and former subscribers to AT&T's wireless service; and a federal securities class action: *Baffa v. Donaldson, Lufkin & Jenrette Securities Corp.*, 999 F. Supp. 725 (S.D.N.Y. 1998) (denying underwriters' motion to dismiss securities fraud claims); *Kinney v. Metro Global Media, Inc.*, 170 F. Supp. 2d 173 (D.R.I. 2001) (addressing the pleading standard for fraud under the Private Securities Litigation Reform Act of 1995 for claims against an auditor, an issue of first impression in the District of Rhode Island), in which she successfully argued and opposed an auditor's motion to dismiss claims under Section 10(b) of the Securities Exchange Act of 1934. At the fairness hearing in *Metro Global*, the court expressed an "appreciation for how difficult this case was for all sides, for how hotly contested many of the issues in this case were from the get-go and how reaching a settlement, given all of those considerations, was particularly difficult; so I commend all of you

for persevering in the efforts that you made toward reaching a settlement . . . [and] for achieving what I find to be a fair, adequate and reasonable result[.]”

Ms. Sailer’s trial experience includes the prosecution of a breach of contract case that was tried successfully before a jury in the United States District Court for the District of Delaware.

Currently Ms. Sailer’s major case responsibilities include serving as lead counsel in *60223 Trust v. Goldman Sachs & Co.* (S.D.N.Y.) (securities class action); *Cunningham et al v. National City Bank* (D. Mass.) (consumer class action) and *Glennon v. P.C. Richard and Son L.L.C.* (E.D.N.Y.) (consumer class action).

LEE ALBERT, a partner, was admitted to the bars of the Commonwealth of Pennsylvania, the State of New Jersey, and the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey in 1986. He received his B.S. and M.S. degrees from Temple University and Arcadia University in 1975 and 1980, respectively, and received his J.D. degree from Widener University School of Law in 1986. Upon graduation from law school, Mr. Albert spent several years working as a civil litigator in Philadelphia, PA. In 2001, he joined Mager White & Goldstein, subsequently Mager & Goldstein, and was named partner in January, 2005.

Mr. Albert represents clients in all types of complex litigation including matters concerning violations of federal and state antitrust and securities laws, mass tort/product liability, and unfair and deceptive trade practices. Some of Mr. Albert's major cases include *In re Ortho Evra Birth Control Patch Litigation* (N.J. Super. Ct., Middlesex County, NJ); *In re Broadcom Securities Litigation* (C.D. Cal.); *In re AOL Time Warner, Inc. Securities Litigation* (S.D.N.Y.); *In re WorldCom, Inc. Securities Litigation* (S.D.N.Y.); *In re Canadian Car Antitrust Litigation* (D. Me.); and *In re Microsoft Corporation Massachusetts Consumer Protection Litigation* (Mass. Super. Ct.). Mr. Albert has obtained injunctive relief in federal court to enforce a five-year contract not to compete on behalf of a national health care provider and injunctive relief on behalf of an undergraduate university.

Mr. Albert has extensive litigation and appellate practice experience having argued before the Supreme and Superior Courts of Pennsylvania and has over fifteen years of trial experience in both jury and non-jury cases and arbitrations.

Mr. Albert is active in local politics and has served as his party's representative as Municipal Chair of Whitemarsh Township, PA.

SPECIAL COUNSEL

RANDALL H. STEINMEYER, Special Counsel, is admitted to the bars of Minnesota and the United States District Court for the District of Minnesota. He earned his Bachelor of Science degree from the University of Southern California in 1993, and his Juris Doctor degree, *cum laude*, from Hamline University School of Law in 1996, where he was a member of the Hamline Law Review. He is the author of *The Interrelationship Between NASD Arbitrations and NASD Disciplinary Proceedings*, 281 Practising Law Institute (1998). Prior to joining MURRAY, FRANK & SAILER Mr. Steinmeyer was a partner with Coughlin Stoia Geller Rudman & Robbins LLP and Milberg Weiss LLP. Before that, Mr. Steinmeyer headed the securities litigation department of Reinhardt & Anderson in St. Paul, Minnesota. Mr. Steinmeyer is a former securities broker and held Series 7 and Series 63 licenses with the National Association of Securities Dealers.

In 2003, Mr. Steinmeyer was a guest lecturer at Oxford University on the impact of corporate and broker dealer fraud on the investment community. He also sits on the Board of Directors of the Hedge Fund Association. He has authored numerous articles on the hedge fund industry and offshore financial community.

Mr. Steinmeyer focuses on class actions on behalf of defrauded investors.

THE ASSOCIATES

GREGORY B. LINKH, an associate, was admitted to the bars New York and the United States District Court for the Southern and Eastern Districts of New York in 2000. He graduated from the State University of New York at Binghamton with a Bachelor of Arts degree in 1996 and received a Juris Doctor degree from the University of Michigan in 1999. Mr. Linkh is the co-author of *Inherent Risk In Securities Cases In The Second Circuit*, NEW YORK LAW JOURNAL (Aug. 26, 2004); *Staying Derivative Action Pursuant to PSLRA and SLUSA*, NEW YORK LAW JOURNAL (Oct. 21, 2005) and the SECURITIES REFORM ACT LITIGATION REPORTER, Vol. 20, No. 3 (Dec. 2005). Prior to joining MURRAY, FRANK & SAILER, Mr. Linkh was associated with the law firms Dewey Ballantine LLP and Pomerantz Haudek Block Grossman & Gross LLP.

THOMAS J. KENNEDY, an associate, was admitted to the bars of New York and the United States District Courts for the Southern and Eastern Districts of New York in 1996. He received a Juris Doctor degree in 1995 from St. John's University School of Law and a Bachelor of Science in Accounting from Miami University in 1992. Mr. Kennedy passed the Certified Public Accounting exam in 1998.

BRIDGET V. HAMILL, an associate, was admitted to the bars of New Jersey in 2001 and New York in 2005. She received a Juris Doctor degree in 2000 from Rutgers School of Law and a Bachelor of Arts from Douglass College of Rutgers University, where she was one of twelve members of her graduating class in the Douglass Scholars Academic Scholarship Program, in 1985. Her primary area of practice is securities class action. Prior to joining MURRAY, FRANK & SAILER, Ms. Hamill was law clerk to United States Magistrate Judge Mark Falk in the District of New Jersey. While attending law school, she was an employee stock options/stock purchase plan administrator in New York City. Prior to entering law school, Ms. Hamill was a health care information systems manager.

BRIAN BROOKS, an associate, was admitted to the bar of Louisiana in 2003, New York in 2006, and the United States District Court for the Southern District of New York in 2006. Mr. Brooks received a Bachelor of Arts from Northwestern State University in 1998 and a Juris Doctor degree from Washington and Lee University in 2002. Prior to joining MURRAY, FRANK & SAILER he was associated with the firm of Percy, Smith & Foote, where his primary area of practice was antitrust law.

OLGA FORT, an associate, was admitted to the New York bar in 2005 and the United States District Courts for the Southern and Eastern Districts of New York in 2007. She graduated from Fordham University School of Law with a Master of Laws degree in Banking, Corporate and Finance Law in 2004. She received a Juris Doctor degree in 1998 from the Moscow Institute of Economics and Law and a Bachelor of Arts degree in Commerce and Marketing from Moscow University for the Humanities in 1995. She attended the Russian State Institute of Intellectual Property from 1998 to 2000. Ms. Fort is the author of “International Exhaustion of Intellectual Property Rights”, PATENT AFFAIRS, #8, Moscow, 2000 and “Exhaustion of Intellectual Property Rights”, RUSSIAN STATE INSTITUTE OF INTELLECTUAL PROPERTY JOURNAL, Moscow, 1999 (Presentation at the Conference on Legal Protection, Commercial Use and Problems associated with Intellectual Property organized by the Russian State Agency on Patents and Trademarks, December 16-17, 1999). While attending law school, Ms. Fort clerked for a Judge in Moscow Military Court. She worked as a legal counsel for the Savings Bank of the Russian Federation where she specialized in banking, finance, and corporate law. Prior to joining MURRAY, FRANK & SAILER, Ms. Fort was associated with the Law Offices of Peter E. Finning, where her primary area of practice was insurance defense litigation. She is a member of the American Bar Association, New York State Bar Association, and New York County Lawyers’ Association. Ms. Fort is fluent in Russian.

EVA HROMADKOVA, an associate, was admitted to the New York bar in 2005 and the United States District Courts for the Southern and Eastern Districts of New York in 2008. She received a Master of Laws degree in Corporate Law from New York University School of Law in 2004 and a Master’s degree from Comenius University, Slovakia in 2001. At NYU, Ms. Hromadkova completed courses of corporate law and related directed research with former Chancellor of the Delaware Court of Chancery William T. Allen, and a mergers and acquisitions course with Vice Chancellor Stephen P. Lamb of the Delaware Court of Chancery. Ms. Hromadkova is fluent in Slovak and Czech.

SCOTT H. LEVY, an associate, was admitted to the New York bar in 2006 and the United States District Courts for the Southern and Eastern Districts of New York in 2007. He received a Bachelor of Arts degree in History from the University of California at Berkeley in 2001 and a Juris Doctor degree from the Fordham University School of Law in 2005. At Fordham, he was a staff member of the FORDHAM URBAN LAW JOURNAL.

OF COUNSEL

DONALD J. WALLACE was admitted to the New York bar in 1992. He earned a B.S. from the New York Institute of Technology in 1987 and a Juris Doctor degree from St. John's University School of Law in 1991. While at St. John's, he was a member of the Law Review and was awarded the American Jurisprudence Award for Contracts I. He co-authored *You Shouldn't Be Required To Plead More Than You Have To Prove*, 53 BAYLOR L. REV. 783 (2001); *Jehovah's Witnesses and the Refusal of Blood Transfusions: A Balance of Interests*, 33 CATHOLIC LAWYER 361 (1991). Prior to entering law school, Mr. Wallace was a licensed stockbroker in Garden City, New York.

ANGELA M. FINLAY was admitted to the Washington State bar in 2000. She received a Juris Doctor degree from New York Law School in 1999 and a Bachelor of Arts from Loyola College in Maryland in 1991. She holds a Certificate in Advanced Accounting from the University of Washington Business School.

CHARLES CLAY CARROLL was admitted to the bars of Alabama and the United States District Courts for the Northern, Middle, and Southern Districts of Alabama in 2003, and the bar of Kentucky in 2005, the United States Court of Appeals for the Sixth Circuit in 2007, the United States Court of Appeals for the Eleventh Circuit in 2007, the United States Court of Appeals for the Federal Circuit in 2007, the United States Court of International Trade in 2007, and the Supreme Court of the United States in 2007. He earned his Juris Doctor degree in 2002 from the University of Alabama, where he received the Balch & Bingham/Harold A. Bowron Award for Academic Achievement in Labor and Employment Law. After graduating from the University of Alabama with Bachelor of Arts degrees in Political Economics (1994) and Geography (1995), Mr. Carroll earned graduate degrees in International Business Management from Schiller University and Heidelberg University in Germany in 1996; Public Administration from the University of Alabama in 1998; and Mediation and Conflict Resolution from Erasmus University in The Netherlands in 1999.

Exhibit E

FIRM RESUME

Johnson Bottini, LLP is committed to providing the highest quality legal services expected at a large law firm with the efficiency and personal touch that only a small firm can offer. Prior to opening their own law firm, the founding partners of Johnson Bottini, LLP were both partners at two of the largest and most preeminent law firms in the country.

The attorneys at Johnson Bottini, LLP have the “big firm” experience to offer clients, but at a more affordable price. Johnson Bottini, LLP provides efficient and excellent legal services to its clients. With lawyers experienced in representing large publicly-traded corporations, Johnson Bottini, LLP now represents clients from defrauded individuals to large corporations in complex civil trials.

REPRESENTATIVE MATTERS

The attorneys at Johnson Bottini, LLP, have been Lead Counsel, Co-Lead Counsel, or played a significant role in the following matters:

- *In re Brocade Communications, Systems, Inc. Derivative Litig.*, Case No. 1:05cv41683 (Superior Court for the State of California, County of Santa Clara). Johnson Bottini, LLP is Co-Lead Counsel in one of the highest-profile cases in the country challenging the award of backdated stock options by executive officers of Brocade. The case was filed in May 2005 and is currently pending. On August 8, 2008, Johnson Bottini, LLP was retained as co-counsel to Brocade by the Special Litigation Committee of the Board of Directors of Brocade to help litigate the company’s claims against ten former officers and directors of the company. The case, *In re Brocade Communications Systems, Inc.*, Case No. 05-02233, is pending before the Honorable Charles R. Breyer in the United States District Court for the Northern District of California.
- *In re DRAM Antitrust Litig.*, MDL No. 1486 (United States District Court for the Northern District of California). Mr. Bottini was Co-Lead Counsel for the Class; \$325,997,000 in settlements were obtained for the Class from nine defendants in one of the largest and most complex civil antitrust class actions in the country. Mr. Bottini was involved in all aspects of the case

from the filing of the first complaint in 2002 to the final approval of the settlements which occurred in August 2007. Mr. Bottini was part of the trial team that was set to try the case against the two remaining defendants – Mosel Vitelic, Inc. and Nanya – when separate settlements with these last two defendants were reached on March 21, 2007, the day before oral argument was to be conducted on the *motions in limine* for trial. On August 15, 2007, Judge Phyllis J. Hamilton granted final approval to the settlements.

- In *Karlin v. Alcatel*, Case No. SA cv00-214 (DOC) (C.D. Cal.). Mr. Bottini represented investors who received a tender offer for their shares from Alcatel S.A., a French telecommunications company. Mr. Bottini served as Co-Lead Counsel and the case settled for \$10.5 million on the eve of trial. See *Karlin v. Alcatel*, 2001 WL 1301216, Fed. Sec. L. Rep. (CCH) ¶ 91,526 (C.D. Cal. 2001) (denying defendants' motion for summary judgment).
- *Bamboo Partners LLC v. The Robert Mondavi Corp., et al.*, Case No. 26-27170 (Superior Court for the State of California, County of Napa). Mr. Bottini represented the plaintiff common shareholders of the Mondavi Corporation in connection with the acquisition of the company by Constellation Brands, Inc. Mondavi had a dual-class stock structure pursuant to which the common shareholders owned Class A shares and the Mondavi family members owned Class B shares. Plaintiffs alleged that the insider Class B Mondavi family members improperly received more consideration for their shares than the common Class A public shareholders. The case was settled when defendants agreed to pay an additional \$10.8 million to the Class A shareholder plaintiffs.
- *In re the Titan Corp. Derivative Litig.*, Case No. GIC 832018 (Superior Court for the State of California, County of San Diego). Mr. Johnson was Co-Lead Counsel in the derivative lawsuit that involved claims against Titan's officers and directors for breach of fiduciary duty. The claims were settled after plaintiffs negotiated \$29 million in increased consideration to Titan's shareholders in an all-cash merger acquisition.
- *In re Dole Shareholder Litig.*, Case No. B281969 (Superior Court for the State of California, County of Los Angeles). In this mergers & acquisitions, going-private class action case, Mr. Bottini was Co-Lead Counsel for the plaintiffs and was involved in all aspects of the litigation. A \$172 million settlement was obtained for the Class when the tender offer price was increased by \$4 per share.

- *In re Mentor Corp. Shareholder Litig.*, Case No. 1304537 (Superior Court for the State of California, County of Santa Barbara). Johnson Bottini, LLP was appointed Co-Lead Counsel (along with Coughlin, Stoia, Geller, Rudman & Robbins LLP) in this shareholder class action case which challenges the fairness of the tender offer submitted by Johnson & Johnson for all the public shares of Mentor Corp.
- *Nickell v. Shanahan et al.*, Case No. 4:07-cv-01406-SNL (United States District Court for the Eastern District of Missouri). Johnson Bottini, LLP is Lead Counsel in this shareholder derivative action challenging the backdating of stock options which occurred at Engineered Support Systems, Inc. The case is pending before Judge Limbaugh. In July 2008, two of the defendants, Michael F. Shanahan, Sr. and Gary C. Gerhardt, pled guilty in related criminal cases brought by the United States Department of Justice.
- *In re Heritage Bond Litig.*, Case No. 02-MDL-1475-DT (United States District Court for the Central District of California). In this class action bondholder litigation, which was ordered consolidated in Los Angeles by the Panel on Multidistrict Litigation, Mr. Bottini was lead counsel for the outside director defendants. After obtaining dismissal of most of the claims against the outside directors, Mr. Bottini obtained dismissal of the remaining claims against the outside directors for a combined payment of \$102,500. The other defendants not represented by Mr. Bottini paid \$27 million to settle the case. *See In re Heritage Bond Litig.*, 2005 U.S. Dist. LEXIS 13627 (C.D. Cal.).
- *Intel x86 Microprocessor Cases*, JCCP Case No. 4443 (Superior Court for the State of California, County of Santa Clara). In this complex class action antitrust case, the California Judicial Council coordinated the cases in Santa Clara before Judge Komar. Mr. Bottini is a member of the Plaintiffs' Executive Committee and is active in all aspects of the case. By order dated May 15, 2007, Judge Komar issued an order denying defendants' demurrer to the complaint in its entirety. The case is ongoing.
- *Green Meadows Partners, LLP v. Tompkinson (Impac Mortgage Securities Litig.)*, Case No. SACV 06-91 (United States District Court for the Central District of California), the Honorable Cormac Carney appointed Johnson Bottini, LLP Co-Lead counsel in a case where seven derivative complaints and competing motions for lead counsel had been filed. After a year and a half of litigation, Judge Carney approved the settlement agreement that required implementation of significant corporate therapeutic changes.

- *In re Dell, Inc. Derivative Litig.*, Case No. 1:06-cv-00839 (United States District Court for the Western District of Texas). By order dated March 1, 2007, the Honorable Sam Sparks appointed Johnson Bottini, LLP Co-Lead Counsel in this shareholder derivative action.
- *In re Sunterra Corp. Shareholder Litigation*, Case No. A525433 (Eighth Judicial District Court for the State of Nevada, County of Clark). Johnson Bottini, LLP was Co-Lead Counsel in this shareholder action challenging the fairness and disclosures made in SEC filings pertaining to a buyout offer for the company and certain actions by present and former officers and directors of Sunterra. The case was settled in 2007 when Sunterra agreed to file a supplemental filing with the United States Securities and Exchange Commission providing additional material information pertaining to the tender offer.
- *Deane v. Tombros et al.(NPS Pharmaceuticals Securities Litig.)*, Case No. 60913838 (Third Judicial District Court, Salt Lake City, Utah). Johnson Bottini, LLP is Lead Counsel in this shareholder derivative action filed against current and former officers and directors of NPS Pharmaceuticals, Inc. This matter was recently settled, subject to court approval, on terms that require the implementation of significant corporate therapeutic changes.
- *In re General Growth Properties, Inc. ERISA Litig.*, Case No. 08-cv-6791 (United States District Court for the Northern District of Illinois). Johnson Bottini, LLP is a member of Plaintiffs' Executive Committee in class action under ERISA seeking recovery of losses to plan participants.
- *Sewright v. ING Groep N.V., et.al*, Case No. 09-cv-400 (United States District Court for the Northern District of Georgia) (ERISA class action). Johnson Bottini, LLP represents participants in the ING 401k Plan in this class action ERISA suit seeking recovery of damages to the Plan and Plan Participants due to breaches of fiduciary duty by the defendants.
- *In re American Express ERISA Litig.*, Case No. 08-cv-10834 (JGK) (United States District Court for the Southern District of New York) (ERISA class action). Johnson Bottini, LLP represents the plaintiffs, who seek damages to the Plan and Plan Participants due to breaches of fiduciary duty by the defendants.
- *In re PFF Bancorp, Inc. ERISA Litigation*, Master File No. 5:2008cvl093

(United States District Court for the Central District of California) (ERISA class action; Johnson Bottini, LLP represents the plaintiffs).

- *In re Ambac Financial Group, Inc. Derivative Litigation*, Case No. 08-CV-854 (United States District Court for the Southern District of New York). Johnson Bottini, LLP is Co-Lead Counsel in this shareholder derivative action filed against current and former officers and directors of Ambac Financial Group, Inc.
- *In re Heelys Inc. Derivative Litigation*, Case No. 07-CV-1682 (United States District Court for the Northern District of Texas). Johnson Bottini, LLP is Co-Lead Counsel in this shareholder derivative action filed against current and former officers and directors of Heelys Inc. After more than a year of litigation and multiple mediations, this matter was recently settled, subject to court approval, on terms that require the implementation of significant corporate therapeutic changes.
- *In re Motorola, Inc. Derivative Litigation*, Case No. 07CH23297 (Circuit Court of Cook County, Illinois). Johnson Bottini, LLP is Co-Lead Counsel in this shareholder derivative action filed against current and former officers and directors of Motorola, Inc.
- *Baker v. Visa International Corp.*, Case No. 06cv0376 (Superior Court for the State of California, County of San Diego), Johnson Bottini, LLP is Co-Lead Counsel for this nationwide consumer class action that was filed in 2006 against Visa International Corp. for wrongfully assessing undisclosed fees on consumers by manipulating the currency conversion rates when consumers used their Visa Card for purchases in other countries. This matter was settled for a significant payment to class members, then removed to federal court, and transferred by the Judicial Panel on Multidistrict Litigation to the United States District Court for the Southern District of New York to be coordinated with the *In re Currency Conversion Fee Antitrust Litigation*. The settlement is awaiting court approval.
- *Edleson v. American Home Shield*, Case No. 37-2007-000-71725-CU-BT-CTL (Superior Court for the State of California, County of San Diego). Johnson Bottini, LLP is Lead Counsel for Plaintiffs in this consumer class action challenging the allegedly wrongful denial of home warranty claims by the defendants. Johnson Bottini, LLP negotiated a settlement pursuant to which AHS agreed to reconsider all denied claims and modified its home warranty plan contract to eliminate the lack of maintenance exclusion.

OUR ATTORNEYS

FRANK J. JOHNSON

Mr. Johnson is one of the founding partners of Johnson Bottini, LLP. Prior to starting his own law firm, Mr. Johnson was a partner in the law firm Sheppard, Mullin, Richter & Hampton LLP, a full-service Am Law 100 law firm with more than 400 attorneys in nine offices located throughout the country. Mr. Johnson has represented some of the largest well-known companies in the country in complex business disputes. He has conducted both jury and non-jury trials in state and federal court.

Areas of Practice: Mr. Johnson's practice focuses on complex litigation. Mr. Johnson has extensive experience in all aspects of trial practice, mediation, trial preparation, and non-jury and jury trials in state and federal court. In addition to his general trial practice, Mr. Johnson has both prosecuted and defended a number of cases involving securities fraud in class actions and derivative cases.

Professional Qualifications and Activities: Mr. Johnson was admitted to the State Bar of California in 1994. He has an AV rating with Martindale-Hubbe which indicates very high to preeminent legal ability and very high ethical standards as established by confidential opinions from members of the Bar. He is currently admitted in good standing with the following courts:

- All courts of the State of California
- The United States Court of Appeals for the Ninth Circuit
- The United States Court of Appeals for the Third Circuit
- The United States District Courts for the Southern, Central and Northern Districts of California
- The United States Court of Federal Claims

Mr. Johnson is also a member of the following professional organizations:

- The San Diego County Bar Association
- The Federal Bar Association
- The Litigation Section of the State Bar of California
- SD Regional Chamber of Commerce, Vice Chair Tech Comm. (2002-03, 2003-04, 2004-05)

Mr. Johnson completed the following trial advocacy programs:

- San Diego County District Attorney one-month misdemeanor jury trial program
- Louis M. Welsh American Inn of Court, one year program
- San Diego Inn of Court College of Advocacy, multi-week trial course
- San Diego Inn of Court College of Advocacy, multi-week evidence course

Following graduation from law school in 1994, Mr. Johnson served as a judicial law clerk for one year for the Honorable John S. Rhoades, a federal trial judge in the United States District Court for the Southern District of California.

Education and Awards: Mr. Johnson received his Juris Doctorate degree from Washington University School of Law in 1994, where he was in the top 10% of his class while in attendance. In his first year of law school, Mr. Johnson received the American Jurisprudence Award in Contracts. At both Washington University School of Law and the University of San Diego School of Law (where Mr. Johnson was a visiting student in his third year), Mr. Johnson won first place awards in each school's Moot Court Competition. He received his Bachelor of Science degree in Business Administration with an emphasis in Finance from San Diego State University in 1990, where he graduated second in his class major, with honors and *summa cum laude*.

FRANCIS A. BOTTINI, JR.

Mr. Bottini is one of the founding partners of Johnson Bottini, LLP. Prior to starting his own law firm, Mr. Bottini was a partner in the New York law firm Wolf Haldenstein Adler Freeman & Herz LLP, a full-service law firm that has provided legal services to its clients since 1888. Mr. Bottini has successfully achieved several multi-million dollar recoveries in securities and antitrust class action cases throughout the country. Mr. Bottini has served as an Adjunct Professor of Business Law at the University of San Diego in the past.

He is a 1991 graduate of St. Louis University (B.A. *magna cum laude*), and the University of San Diego School of Law (J.D. *cum laude* 1994), where he was the Lead Articles Editor of the San Diego Law Review and received the American Jurisprudence Award in Property. Mr. Bottini is admitted to practice before the United States Supreme Court, all California courts, and the Ninth Circuit Court of Appeals. He is AV-rated by Martindale-Hubbell.

Mr. Bottini practices in the areas of securities litigation (including securities fraud litigation under the PSLRA and Sarbanes-Oxley Act, mergers & acquisitions, and proxy litigation), antitrust, ERISA, consumer, and employment class action litigation. His published cases include *Karlin v. Alcatel*, 2001 WL 1301216, Fed. Sec. L. Rep. (CCH) ¶ 91,526 (C.D. Cal. 2001) (denying defendants' motion for summary judgment); *In re Imperial Credit Industries, Inc. Sec. Litig.*, 2000 WL 1049320, Fed. Sec. L. Rep. (CCH) ¶ 91,024 (C.D. Cal. 2000) (denying defendants' motion to dismiss in a securities fraud action under Section 10(b) of the Securities Exchange Act of 1934); *In re USA Talks.com Sec. Litig.*, 2000 WL 1887516 (S.D. Cal.) (denying defendants' motion to dismiss in 10b-5 case); *In re DRAM Antitrust Litig.*, 2006 U.S. Dist. LEXIS 39841 (N.D. Cal. June 5, 2006) (granting motion for class certification).

On April 18-20, 2005, Mr. Bottini accepted an invitation to give a presentation on Securities Class Action Litigation at the 2nd Annual CFO Forum in Seoul, South Korea.

BRETT M. WEAVER

Areas of Practice: In addition to complex business litigation, Mr. Weaver's practice areas include securities litigation, professional malpractice defense, malicious prosecution actions, employment law, and real estate disputes. Mr. Weaver has also handled a number of anti-SLAPP cases arising from the exercise of free speech and petitioning activities. Mr. Weaver has litigated cases in both state and federal court and has handled all aspects of litigation including mediation, trial preparation, jury trials and appeals.

Professional Qualifications and Activities: Mr. Weaver was admitted to the State Bar of California in 1999. He is currently admitted in good standing with the following courts:

- All courts of the State of California
- The United States District Court for the Southern and Central Districts of California

Mr. Weaver completed the following trial advocacy programs:

- Louis M. Welch American Inn of Court, one year program
- San Diego Inn of Court, multi-week evidence course

During law school, Mr. Weaver served as a judicial extern for Justice Judith L. Haller at the California Court of Appeal (4th District, Division 1) and Hon. J. Richard Haden (Ret.) at the San Diego Superior Court. Before joining the Johnson Bottini, Mr. Weaver was an associate at the mid-sized San Diego firms of Butz Dunn DeSantis & Bingham and Mazzarella Dunwoody & Caldarelli.

Education: Mr. Weaver received his Juris Doctorate degree from the University of Arizona College of Law in 1999. Mr. Weaver actively participated in Moot Court and was named a member of the Moot Court Board, National Moot Court Team and was named the school's Most Outstanding Oral Advocate. Mr. Weaver graduated with honors from the University of Arizona in 1996, receiving a B.A. in Political Science.

WHITTNEY GRAHAM-BEARD

Ms. Graham-Beard practices in the areas of complex business and securities litigation. Prior to joining Johnson Bottini, Ms. Graham-Beard practiced general corporate and securities law at Milbank, Tweed, Hadley & McCloy LLP, a global, Am Law 100 ranked law firm. Ms. Graham-Beard also served as a Teaching Fellow at California Western School of Law, teaching courses in Corporate Finance, Mergers & Acquisitions, and Remedies.

Ms. Graham-Beard is admitted to practice law before all courts in the State of California. She has achieved high honors in both law school and undergraduate school. In 2000, she graduated in the top 10% of her class and obtained her Juris Doctorate degree from UCLA School of Law. She graduated Phi Beta Kappa and magna cum laude from UCSD with a B.A. in Sociology.

After graduation, Ms. Graham-Beard served as a judicial law clerk for the Honorable Jerry Buchmeyer, Chief Judge of the U.S. District Court in the Northern District of Texas.

ALBERT CHANG

Areas of Practice: Mr. Chang practices in securities and ERISA class action litigation and complex civil litigation. He has extensive experience litigating insurance class actions, conducting corporate internal investigations, and responding to subpoenas from federal and state regulators. He has also litigated insurance coverage and employment actions.

Professional Qualifications and Activities: Before joining Johnson Bottini, LLP in 2009, Mr. Chang completed two federal clerkships. From September 2005 to October 2006, he served as a judicial law clerk to United States District Judge Suzanne B. Conlon for the Northern District of Illinois. From April 2008 to April 2009, he served as a judicial law clerk to United States District Judge Roger T. Benitez for the Southern District of California. As a judicial law clerk, Mr. Chang performed duties not only at the trial court level but he also worked on appeals before the United States Court of Appeals for the Ninth Circuit.

In addition to his judicial clerkships, Mr. Chang worked for six years as a litigation associate at the New York office of Dewey & LeBoeuf LLP (formerly LeBoeuf, Lamb, Greene & MacRae LLP), where he represented insurers in numerous complex cases, including:

- a market-conduct class action that proceeded through jury trial and appeal;
- a coverage action involving post-September 11th clean-up efforts; and
- bid-rigging investigations conducted by state attorneys general.

He also defended executives, energy companies, trade associations, and co-op boards in high-stakes cases.

Mr. Chang is admitted to practice law in New York and sat for the California Bar Examination in February 2009. He is a member of the Hon. J. Clifford Wallace Chapter of the American Inns of Court. He is fluent in Cantonese and Mandarin.

Education: In 2001, Mr. Chang graduated from Indiana University School of Law-Bloomington, where he was an associate member of the Indiana Journal of Global Legal Studies. He earned his undergraduate degree at Beloit College in 1997.

ANNE B. BESTE

Ms. Beste practices complex civil litigation. She is a 1992 graduate of Northwestern University School of Law. She received her undergraduate degree in 1989 from Boston College, where she was Phi Beta Kappa and graduated *magna cum laude* with a B.A. in Economics. From 1996 to 2001, Ms. Beste practiced complex civil litigation at Swidler Berlin Shereff Freidman, LLP in Washington, D.C. Her practice included employment litigation, environmental litigation, and trade secret litigation. Ms. Beste is admitted to practice in Washington, D.C., Missouri, and Illinois.

DEREK J. WILSON

Areas of Practice: Mr. Wilson practices in the areas of securities litigation, antitrust, ERISA, consumer, and employment class action litigation. He has litigated cases in both state and federal court and has participated in all aspects of litigation including meeting with clients, drafting complaints, preparing briefing on complex motions, mediation, and resolution.

Professional Qualifications and Education: Mr. Wilson is admitted to practice law before all courts of the State of California. He received his Juris Doctorate degree from the University of San Diego in 2006. During law school, Mr. Wilson was a law clerk at the office of the Alternate Public Defender of San Diego County. He attended California State Polytechnic University, Pomona where he received a B.A. in Political Science, graduating *magna cum laude*. Mr. Wilson was also a scholarship athlete in baseball.

NINA M. KRAMPS

Nina M. Kramps is a 2001 graduate of Heinrich-Heine-University School of Law, Düsseldorf, Germany, and received an LL.M. degree (Masters in Comparative Law) from California Western School of Law in 2006. Ms. Kramps specializes in securities class action litigation, ERISA class action litigation, antitrust, securities, and shareholder derivative actions.

Her representative cases include *In re DRAM Antitrust Litig.*, MDL No. 1486 (United States District Court for the Northern District of California) and *In re Brocade Communications, Systems, Inc. Derivative Litig.*, Case No. 1:05cv41683 (Superior Court for the State of California, County of Santa Clara).

TESTIMONIALS

Johnson Law Firm, one of the founding partners of Johnson Bottini, LLP is “exceptionally qualified and experienced.” *Greenmeadows Partners LLP v. Tomkinson, et al.*, C.D. Cal. Case No. SACV 06-91 CJC (appointing Johnson Law Firm lead counsel in a complex shareholder derivative litigation in which six separate lawsuits were filed).

The Honorable Cormac J. Carney
United States District Court Judge
Central District of California

As chairman of the board of a public company, I retained Johnson Law Firm, one of the founding partners of Johnson Bottini, LLP, to pursue claims for breach of fiduciary duty for millions of dollars against former directors of a company formed in England. I have retained law firms throughout the world and found Johnson Law Firm and its lawyers to be superb. Mr. Johnson was very responsive and he grasped complex corporate matters involving international real estate transactions. Johnson Law Firm aggressively litigated my company’s claims against several defendants who were represented by one of the largest law firms in the world. This case was very complex and complicated and involved three jurisdictions (U.S., Europe, and Sweden). Johnson Law Firm played an instrumental role in bringing the whole case to a successful settlement out of court. We ultimately reached a resolution short of trial with which I was very pleased.

Rolf L. Nordström
Chairman of the Board
International Real Estate PLC

While I was the Executive Vice President and Chief Financial Officer for a publicly traded company, I consulted Frank Johnson on various legal issues. As CFO I was responsible for SEC reporting requirements and compliance with GAAP. In addition, I successfully completed the public offering of the company’s stock which was a consistent top performer on the NASDAQ from 1998 to 1999. During the ten years I’ve known him, I’ve been very impressed with Mr. Johnson’s integrity, business acumen, and understanding of complex securities issues. Based upon these factors, I retained Johnson Law Firm, one of the founding partners of Johnson Bottini, LLP, to represent me in matters where it appeared that a public company’s officers or directors engaged in fraudulent conduct to the detriment of the company’s shareholders (of which I was one). As a former CFO for a public company and as a shareholder, I can say with confidence that this firm has proven

to be aggressive and astute in identifying claims for fraudulent conduct in connection with the sale of publicly traded securities.

James Baker
Chief Cost Reduction Officer
DCI Solutions

While I was assistant general counsel for GNC Corporation, a publicly traded company at the time, I had the good fortune of working with Frank Johnson as GNC's lawyer. While he was at Sheppard Mullin, he successfully defended GNC in several matters, including a consumer class action and various business litigation matters. I have since left GNC Corporation and am now a partner at one of the largest law firms in the country. I have worked with Johnson Law Firm on various matters, including a jury trial in San Diego, California. Mr. Johnson proved to be an exceptional trial lawyer who assisted my firm in obtaining an outstanding verdict in our client's favor. I have recommended Johnson Bottini, LLP without reservation to both clients and lawyers who need highly skilled and effective representation.

Gerald J. Stubenhofer, Esq.
Partner
McGuire Woods LLP

In 2004, Axeus, Inc. was using Sheppard Mullin, a large law firm, for nearly all of its legal matters. When Frank Johnson, who was then a partner at Sheppard Mullin, announced that he was departing to start his own law firm, I did not hesitate in my decision to send all of Axeus's litigation work to Mr. Johnson. At the time, Axeus was embroiled in a huge legal battle involving more than 20,000 pages of evidence and millions of dollars. Johnson Law Firm, one of the founding partners of Johnson Bottini, LLP, helped Axeus successfully resolve that matter and has since handled several litigation matters for Axeus, all with outstanding results. I have worked with many different law firms over the years and I can say with confidence that Mr. Johnson is one of the best lawyers I've worked with. He understands what is important to his clients: excellent legal work and value. While other firms may be less expensive, Johnson Law Firm provides value for its fees.

Sean H. Mallean
President & CEO
Axeus, Inc.

Johnson Law Firm, one of the founding partners of Johnson Bottini, LLP, was Awesome! They were professional, organized and as evidenced by juror testimonials following a one-week jury trial.... extremely effective. On claims for breach of contract and fraud, Johnson Law Firm won a 7 figure verdict for me and my company and I will forever be grateful. You never realize how important it is to have a good attorney until you need one!

Ronald T. Fricke
President
Healthy Life Marketing, LLC

I am the owner of Natural Energy, which was established in 1977 and is the largest solar energy company in the western United States. Although we have an exceptional reputation, as with any large company, legal disputes are sometimes inevitable. After using a number of law firms, for the past several years Natural Energy has used Johnson Law Firm, one of the founding partners of Johnson Bottini, LLP, for all of its business litigation matters, from general business disputes to successfully getting a baseless class action dismissed. The lawyers at Johnson Bottini, LLP are aggressive, have a strong work ethic and, of utmost importance to me, have unquestionable integrity. I have the utmost faith and confidence in Johnson Bottini, LLP.

Ted Mount
Owner
Natural Energy

DECLARATION OF SERVICE

I am an attorney admitted to practice in this district. I hereby certify, under penalty of perjury, that on this 4th day of May, 2009, I caused a true and correct copy of the foregoing document to be served on the persons listed below, 1) through this court's ECF system, 2) by e-mail, and/or 3) by causing a true copy thereof to be delivered by mail, postage prepaid:

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