

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IRVING H. PICARD,	:	
	:	
Plaintiff,	:	
	:	
- against -	:	11-CV-03605 (JSR) (HBP)
	:	
SAUL B. KATZ, et al.,	:	
	:	
Defendants.	:	
	:	
-----	x	

**DECLARATION OF DAVID C. NEWMAN IN SUPPORT OF
DEFENDANTS' MOTION TO STRIKE THE EXPERT REPORTS AND
TESTIMONY OF STEVE POMERANTZ AND HARRISON J. GOLDIN**

I, David C. Newman, declare, pursuant to 28 U.S.C. § 1746, that the following is true:

1. I am an attorney with the firm of Davis Polk & Wardwell LLP, attorneys for Defendants. I submit this declaration in support of Defendants' motion to strike the expert reports and testimony of Steve Pomerantz and Harrison J. Goldin.
2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the deposition of Bruce G. Dubinsky, taken January 11, 2012.
3. Attached hereto as Exhibit B is a true and correct copy of the Initial Expert Report of Dr. Steve Pomerantz, dated November 22, 2011.
4. Attached hereto as Exhibit C is a true and correct copy of the Rebuttal Expert Report of Dr. Steve Pomerantz, dated December 13, 2011.

5. Attached hereto as Exhibit D is a true and correct copy of excerpts from the deposition of Dr. Steve Pomerantz, taken January 8, 2012.

6. Attached hereto as Exhibit E is a true and correct copy of the Expert Report of Harrison J. Goldin, dated November 22, 2011.

7. Attached hereto as Exhibit F is a true and correct copy of excerpts from the deposition of Harrison J. Goldin, taken January 12, 2012.

Dated: New York, New York
January 26, 2012



David C. Newman