

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

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

**SUPPLEMENTAL 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 supplemental 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 G is a true and correct copy of excerpts from the deposition of Dr. Steve Pomerantz, taken January 8, 2012.

Dated: New York, New York  
February 16, 2012

                                /s/ David C. Newman                                  
David C. Newman