

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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KYLE J. LIGOURI and TAMMY L.  
HOFFMAN individually and on behalf of all  
others similarly situated,

Plaintiffs,

vs.

WELLS FARGO & COMPANY, WELLS  
FARGO BANK, N.A., NORTH STAR  
MORTGAGE GUARANTY REINSURANCE  
COMPANY,

Defendants.

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CIVIL ACTION NO. 5:08-CV-00479-PD

**DECLARATION OF EDWARD W. CIOLKO  
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY  
APPROVAL OF SETTLEMENT**

I, EDWARD W. CIOLKO, declare as follows:

1. I am a Partner with the law firm of Kessler Topaz Meltzer & Check, LLP ("KTMC"). I am personally involved in the prosecution of this matter and have been since its inception and submit this declaration in Support of Plaintiffs' Unopposed Motion for Preliminary Approval. The information set forth in this Declaration is based upon my personal knowledge, as well as, information shared with me by my co-counsel in this litigation.

2. I am a graduate of Georgetown University Law Center, admitted to practice before the United States Courts of Appeal for the First, Third, Fourth, Ninth and Eleventh Circuit Court of Appeals, the United States District Court for the Districts of New Jersey, the Northern District of Illinois, the Northern District of Wisconsin and the Supreme Court of the State of New Jersey and the District of Columbia Court of Appeals. I am admitted *pro hac vice* to the

District Court for the Eastern District of Pennsylvania in connection with the above-captioned matter.

3. An identical case against the same Defendants was initially filed by KTMC on March 7, 2006 in the United States District Court for the Northern District of California, styled *Kay v. Wells Fargo & Co.*, No. C 07-01351 WHA (N.D. Cal.), which was dismissed on January 28, 2008, shortly after class certification. The instant case was filed in the United States District Court for the Eastern District of Pennsylvania on January 31, 2008, No. 5:08-cv-00479-PD (E.D. Pa.) (“This Action”) and this firm has taken the lead in prosecuting this action since its inception, working in conjunction with the law firms of Brahmson, Plutzik, Mahler & Birkhaeuser, LLP; Berke, Berke & Berke; and Travis, Calhoun & Conlon (collectively the four firms are referred to herein as “Class Counsel”). Class Counsel are all experienced attorneys who have litigated a wide variety of consumer and complex class action claims.

4. KTMC specializes in complex class action litigation, representing investors, employees and consumers in class actions pending in state and federal courts throughout the United States, including those involving mortgage loan transactions. This firm is composed of over 90 attorneys and a support staff of 100 located in two offices (Radnor, PA and San Francisco, CA) specializing in the prosecution of large, complex class actions nationwide and is currently prosecuting numerous RESPA-based class actions concerning, *inter alia*, mortgage lending and title insurance. KTMC is well-regarded nationally for their successful representation of clients. The firm has been appointed class counsel and lead counsel in a wide range of RESPA, ERISA, securities and consumer class actions and is currently prosecuting numerous RESPA-based or lending class actions concerning, *inter alia*, mortgage lending (discriminatory and predatory) and title insurance. Because of its track record of impressive results, courts have

not hesitated to appoint KTMC as class counsel or interim class counsel in numerous complex mortgage related consumer protection actions, such as *Alston v. Countrywide Fin. Corp.*, No. 07-cv-03508 (E.D. Pa.) (“*Alston*”) (an analogous case alleging violations of § 8 of RESPA); *In re Countrywide Fin. Corp. Mortg. Mktg. & Sales Practices Litig.*, 08-md-01988 (S.D. Cal.) (multi-district class case alleging RICO claims based upon predatory lending practices), *Rodriguez v. Nat’l City Bank*, 08-CV-02059-ER (E.D. Pa.) (class case alleging lending discrimination against minority borrowers) as well as others.

5. In addition, courts have not hesitated to appoint KTMC in a wide variety of complex class actions, such as *Nowak v. Ford Motor Co.*, 240 F.R.D. 355, 362 (E.D. Mich. 2006), where the Court specifically noted “[KTMC] has extensive experience litigating ERISA breach of fiduciary class actions,” and that “[i]n addition to its extensive litigation experience, the firm has also successfully engaged in extensive, intricate and successful settlement negotiations and mediation involving ERISA claims,” and *In re Sadia, S.A. Secs. Litig.*, 269 F.R.D. 298 (S.D.N.Y. 2010) where the Court noted that “[KTMC] [has] extensive experience in securities litigation and [has] successfully prosecuted numerous securities fraud class actions on behalf of injured investors [and are] qualified, experiences and able to conduct the litigation.” Recently, KTMC served as lead class counsel in *Alston* where it achieved a \$34 million settlement on behalf of Countrywide mortgage borrowers, and also recently served as co-lead class counsel in *In re: National City Corporation Securities, Derivative & ERISA Litigation*, Civil Action No. 70000 (N.D. Ill.); where it achieved a 43 million dollar settlement on behalf of retirement plan recipients. During its successful history, the firm has recovered over a billion dollars for class members. The firm has developed a nationwide reputation for excellence and is able to manage all aspects of complex class action litigation. See Firm Resume of KTMC,

attached hereto as Exhibit A. For example:

6. The skill and expertise of Class Counsel in this Action is best demonstrated by the fact that they obtained a multi-million dollar settlement in this case despite the quality and resources of Defendants' counsel—lawyers from highly skilled and highly respected law firms.

7. Defendants are represented in this case by, *inter alia*, Michael J. Steiner, Esq., John B. Sullivan, Esq., Mark D. Lonergan, Esq., and Joshua E. Whitehair, Esq. of Severson & Werson, P.C. and Lee Applebaum, Esq. of Fineman, Krekstein & Harris, P.C., all of whom are highly experienced and competent attorneys who vigorously and aggressively contested the claims asserted in this litigation.

8. Co-counsel in this case are also experienced and well-recognized attorneys with substantial experience in prosecuting both individual and class claims in consumer, RESPA, mortgage lending and lending discrimination cases. The Firm Resumes of Brahmson, Plutzik, Mahler & Birkhaeuser, LLP; Berke, Berke & Berke; and Travis, Calhoun & Conlon attached hereto as Exhibits B, C and D, respectively, reflect the depth and substance of that experience.

9. KTMC has effectively and efficiently collaborated with its co-counsel to vigorously pursue the litigation. Among other things, the work performed over the four years of active litigation that resulted in the proposed Settlement presented for Preliminary Approval (the time and cost related to same will be set out in detail should this Settlement ultimately be considered for Final Approval and an application for fees and costs be made) included the investigation and filing of original and amended pleadings; defeating and resolving dispositive motions; prevailing in an appeal to the Third Circuit Court of Appeals; pursuing discovery through the gathering, reviewing, and analyzing the substantial volume of documents and data produced by Defendants and numerous third-parties (including Genworth Mortgage Insurance

Corporation, Mortgage Guaranty Insurance Corporation, PMI Mortgage Insurance Company, Radian Guaranty Inc., Republic Mortgage Insurance Company, Triad Guaranty Insurance Corporation, United Guaranty Residential Insurance Company Insurance, and Milliman, Inc.), consulting with experts and performing analyses of loan data; and the taking and defending of depositions.

10. The Settlement presented for Preliminary Approval was negotiated at arm's length, and ultimately, an intense mediation process before an agreed-to, experienced class action mediator, the John G. Bickerman of Bickerman Dispute Resolution, PLLC.

11. More particularly, the mediation which resulted in the Settlement submitted for Preliminary Approval involved pre and post mediation telephone conversations with Mr. Bickerman, the exchange of lengthy mediation briefs addressing both legal and factual issues, extensive expert and rebuttal expert reports and a robust, day long mediation session in Washington, DC, followed by continuing negotiations to finalize and document the agreement reached. The nature of these mediation and negotiation sessions, the experience of all counsel, and the involvement of a skilled mediator are illustrative of the arm's-length nature of the negotiations that lead to the Settlement Agreement submitted for Preliminary Approval. Mr. Bickerman approved the mediation process, the ongoing negotiations and outcome.

12. The procedures established in the Settlement Agreement for identifying the members of the Settlement Class, providing direct mail notice of the proposed Settlement terms, and affording opportunities to object to or opt out of the Agreement are, in my view, based upon my experience in similar class action litigation, fulsome, fair and sufficient.

13. Through actively pursuing the litigation and engaging in the exchange of information in the discovery process, Class Counsel gained a thorough understanding of the

strengths and weaknesses of their case, the risks and the value of the case, and had more than sufficient information to determine, and to negotiate for, a fair resolution for the Class.

14. In my opinion, based upon my experience as outlined above, the prosecution of other similar cases, and my collaboration with Class Counsel, all of whom are experienced counsel, the Settlement presented warrants the Court's preliminary approval. Its terms are not only fair, reasonable and adequate, but also clearly an excellent result for the Class. The proposed Settlement will provide meaningful, timely and concrete monetary benefits, to members of the Settlement Class. Based upon all of these factors, I therefore recommend that the Court grant preliminary approval of the Settlement.

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

Executed on May 16, 2012

/s/ Edward W. Ciolko  
Edward W. Ciolko

**CERTIFICATE OF SERVICE**

I hereby certify that on May 16, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter who are registered on the CM/ECF.

/s/ Edward W. Ciolko  
Edward W. Ciolko

# EXHIBIT A



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## FIRM PROFILE

Barroway Topaz Kessler Meltzer & Check, LLP (“Barroway Topaz”), headquartered just outside of Philadelphia, Pennsylvania, specializes in representing shareholders and consumers in complex class action litigation in state and federal courts throughout the United States. Since the firm’s inception in 1987, Barroway Topaz has recovered billions of dollars on behalf of defrauded shareholders, employees and aggrieved consumers.

Recognized by courts and our clients for achieving exemplary results, Barroway Topaz has grown into one of the largest and most successful plaintiff’s class action firms in the country. With over eighty attorneys, a superior support staff and in-house investigative team, Barroway Topaz has emerged as the leading firm in the campaign to eradicate securities fraud and corporate malfeasance. Barroway Topaz’s considerable resources and extensive experience in prosecuting class actions place it in a unique position to track, advise, prosecute and resolve complex actions.

Barroway Topaz represents various institutional investors from the United States, Canada, Europe and around the world — including pension funds, mutual fund managers, investment advisors, insurance companies, and hedge funds — and has secured landmark recoveries on behalf of our clients and the classes we represent. The firm, with the guidance and assistance of our clients serving as lead plaintiff, is especially proud of our ability to create and structure resolutions with financially troubled companies and, when appropriate, to institute meaningful corporate governance reforms when serving as lead counsel in shareholder actions.

Barroway Topaz is also at the forefront of protecting the rights of employees. The firm’s nationally recognized ERISA Litigation Department specializes in breach of fiduciary duty actions brought pursuant to the Employee Retirement Income Security Act of 1974. Barroway Topaz has helped pensioners across the country recover hundreds of millions of dollars in retirement savings lost as a result of mismanaged pension assets. Further, Barroway Topaz’s Wage and Hour Department represents thousands of workers across the country pursuing claims for unpaid wages under the Fair Labor Standards Act and relevant state compensation laws.

Barroway Topaz’s Competition Group combats violations of federal and state antitrust laws (and deceptive trade practice laws) including price-fixing, bid-rigging, monopolization, resale price maintenance and price discrimination. The Group’s attorneys in this highly specialized area of the law have extensive experience and expertise and have been appointed by courts to leadership

positions in several important antitrust actions filed in state and federal courts throughout the country.

## **NOTEWORTHY ACHIEVEMENTS**

***During the firm's successful history, Barroway Topaz has recovered billions of dollars for defrauded stockholders and consumers. The following are among the firm's notable achievements:***

### ***In re Tyco International, Ltd. Sec. Litig., No. 02-1335-B (D.N.H. 2002):***

Barroway Topaz, which served as Co-Lead Counsel in this highly publicized securities fraud class action on behalf of a group of institutional investors, achieved a record \$3.2 billion settlement with Tyco International, Ltd. ("Tyco") and their auditor PricewaterhouseCoopers, LLP ("PwC"). The \$2.975 billion settlement with Tyco represents the single-largest securities class action recovery from a single corporate defendant in history. In addition, the \$225 million settlement with PwC represents the largest payment PwC has ever paid to resolve a securities class action and is the second-largest auditor settlement in securities class action history.

As presiding Judge Paul Barbadoro aptly stated in his Order approving the final settlement, "[i]t is difficult to overstate the complexity of [the litigation]." Judge Barbadoro noted the extraordinary effort required to pursue the litigation towards its successful conclusion, which included the review of more than 82.5 million pages of documents, more than 220 depositions and over seven hundred discovery requests and responses. In addition to the complexity of the litigation, Judge Barbadoro also highlighted the great risk undertaken by Co-Lead Counsel in pursuit of the litigation, which he indicated was greater than in other multi-billion dollar securities cases and "put [Plaintiffs] at the cutting edge of a rapidly changing area of law."

In sum, the Tyco settlement is of historic proportions for the investors who suffered significant financial losses and it has sent a strong message to those who would try to engage in this type of misconduct in the future.

### ***In re Tenet Healthcare Corp. Sec. Litig., No. CV-02-8462-RSWL (Rx) (C.D. Cal. 2002):***

Barroway Topaz serves as Co-Lead Counsel in this action. A partial settlement was approved on May 26, 2006. The partial settlement was comprised of three distinct elements, including a substantial monetary commitment by the company in the amount of \$215 million, personal contributions by two of the individual defendants totaling \$1.5 million and the enactment and/or continuation of numerous changes to the company's corporate governance practices, which have led various institutional rating entities to rank Tenet among the best in the U.S. in regards to corporate governance. The significance of the partial settlement was heightened by Tenet's precarious financial condition. Faced with many financial pressures — including several pending civil actions and federal investigations, with total contingent liabilities in the hundreds of millions of dollars — counsel was concerned that Tenet would be unable to fund a settlement or satisfy a judgment of any greater amount in the near future. By reaching the partial settlement, Barroway Topaz, on behalf of the Plaintiffs' class, was able to avoid the risks associated with a long and costly litigation battle and provide a significant and immediate benefit to the class. Barroway Topaz also obtained a rarity in securities class action litigation — personal financial contributions from individual defendants. Following the partial settlement with the Tenet defendants, Barroway Topaz actively litigated the case against Tenet's external auditor, KPMG. After more than two years of hard-fought litigation, including dispositive motion practice and merits and expert discovery, Barroway Topaz, on behalf of the Plaintiffs' class, settled the matter against KPMG for \$65 million. While the settlement is not yet final, Barroway Topaz is very pleased with the result as it stands, as one of the largest recoveries against an auditor in U.S. history.

### ***In re AremisSoft Corp. Sec. Litig., C.A. No. 01-CV-2486 (D.N.J. 2002):***

Barroway Topaz is particularly proud of the results recently achieved before the Honorable Joel A. Pisano in this case. This case was exceedingly complicated, as it involved the embezzlement of hundreds of millions of dollars by former officers of the Company, some of whom are now fugitives. In settling the action, Barroway Topaz, as sole Lead Counsel, assisted in reorganizing AremisSoft as a new Company which allowed for it to continue operations, while successfully separating out the securities fraud claims and the bankrupt Company's claims into a litigation trust. Pursuant to the Settlement, the litigation trust has distributed more than 16 million shares of the reorganized Company to members of the class. The Court-appointed co-trustees, Joseph P. LaSala, Esq. and Fred S. Zeidman, retained Barroway Topaz to continue prosecuting the actions on behalf of the litigation trust. After extensive litigation in the Isle of Man, including the successful freezing of more than \$200 million of stolen funds, the trust

settled its action against one of the principal wrongdoers and recovered approximately \$200 million. Thus far, the trust has distributed to beneficiaries of the trust more than 28% of their recognized losses (excluding the value of the equity of the new Company), and is poised to recover even more. Recently, the trust commenced further litigation in Cyprus, where it obtained a Mareva injunction and interim ancillary relief against various bank accounts and assets owned and/or controlled by the other principal wrongdoer.

***In re CVS Corporation Sec. Litig., C.A. No. 01-11464 JLT (D.Mass. 2001):***

After more than three years of contentious litigation and a series of protracted mediation sessions, Barroway Topaz, serving as Co-Lead Counsel, secured a \$110 million recovery for class members in the CVS Sec. Litig. Specifically, the suit alleged that CVS violated accounting practices by delaying discounts on merchandise in an effort to prop up its earnings. In addition, the suit charged that in 2001 the Company and its Chief Executive Officer, Thomas M. Ryan, improperly delayed announcement of its intention to close approximately 200 underperforming stores, and that an industry-wide pharmacist shortage would have a materially negative impact on the Company's performance. Settlement was reached just days prior to the commencement of trial, and shortly after the district court had denied the defendants' motions for summary judgment. This substantial recovery represents the third-largest settlement in a securities class action case in the First Circuit.

***In re Delphi Corp. Sec. Litig., Master File No. 1:05-MD-1725 (E.D. Mich. 2005):***

In early 2005, various securities class actions were filed against auto-parts manufacturer Delphi Corporation in the Southern District of New York. Barroway Topaz its client, Austria-based mutual fund manager Raiffeisen Kapitalanlage-Gesellschaft m.b.H. ("Raiffeisen"), were appointed as Co-Lead Counsel and Co-Lead Plaintiff, respectively. The Lead Plaintiffs alleged that (i) Delphi improperly treated financing transactions involving inventory as sales and disposition of inventory; (ii) improperly treated financing transactions involving "indirect materials" as sales of these materials; and (iii) improperly accounted for payments made to and credits received from General Motors as warranty settlements and obligations. As a result, Delphi's reported revenue, net income and financial results were materially overstated, prompting Delphi to restate its earnings for the five previous years. Complex litigation involving difficult bankruptcy issues has potentially resulted in an excellent recovery for the class, but is awaiting Delphi's exit from bankruptcy before the settlement of cash and stock, can be finalized. In addition, Co-Lead Plaintiffs have also reached a settlement of claims against Delphi's outside auditor, Deloitte & Touche, LLP, for \$38.25 million on behalf of Delphi investors, which has already been approved.

***Royal Dutch Shell European Shareholder Litigation:***

Barroway Topaz was instrumental in achieving a landmark settlement worth at least \$352million in cash on behalf of non-US investors with Royal Dutch Shell plc relating to Shell's 2004 restatement of oil reserves. This settlement of securities fraud claims on a class-wide basis under Dutch law was the first of its kind, and sought to resolve claims exclusively on behalf of European and other non-United States investors. Uncertainty over whether jurisdiction for non-United States investors existed in a 2004 class action filed in federal court in New Jersey prompted a significant number of prominent European institutional investors from nine countries, representing more than one billion shares of Shell, to actively pursue a potential resolution of their claims outside the United States. Among the European investors which actively sought and supported this settlement were Alecta pensionsförsäkring, ömsesidigt, PKA Pension Funds Administration Ltd., Swedbank Robur Fonder AB, AP7 and AFA Insurance, all of which were represented by Barroway Topaz. This settlement was approved by Order dated 6/26/08.

***In re The Interpublic Group of Companies Sec. Litig., No. 02 Civ. 6527 (S.D.N.Y. 2002):***

Barroway Topaz served as sole Lead Counsel in this action on behalf of an institutional investor and received final approval of a settlement consisting of \$20 million in cash and 6,551,725 shares of IPG common stock. As of the final hearing in the case, the stock had an approximate value of \$87 million, resulting in a total settlement value of approximately \$107 million. In granting its approval, the Court praised Barroway Topaz for acting responsibly and noted the firm's professionalism, competence and contribution to achieving such a favorable result.

***In re Digital Lightwave, Inc. Sec. Litig., Consolidated Case No. 98-152-CIV-T-24E (M.D. Fla. 1999):***

The firm served as Co-Lead Counsel in one of the nation's most successful securities class actions in history measured by the percentage of damages recovered. After extensive litigation and negotiations, a settlement consisting primarily of stock was worth over \$170 million at the time when it was distributed to the Class. Barroway Topaz took on the primary role in negotiating the terms of the equity component, insisting that the class have the

right to share in any upward appreciation in the value of the stock after the settlement was reached. This recovery represented an astounding approximately two hundred percent (200%) of class members' losses.

***In re Initial Public Offering Sec. Litig., Master File No. 21 MC 92 (SAS) (S.D.N.Y. Dec. 12, 2002):***

Barroway Topaz holds a prominent position as an Executive Committee member in this action. Of the sixty plaintiffs firms which originally filed actions in these coordinated proceedings, Barroway Topaz was one of only six firms selected to serve on the Executive Committee. The coordinated actions, which have been filed against 309 separate issuers of publicly traded securities, challenge the legality of the practices which accompany the allocations of shares in initial public offerings. In addition to suing the issuers of such securities, the 309 coordinated actions also name as defendants the primary investment banking firms which underwrote the offerings. This case, which has received a great deal of national and international media attention, is widely considered the largest securities class action litigation in history and has resulted in numerous important rulings by the Court.

***In re Global Crossing, Ltd. ERISA Litigation, No. 02 Civ. 7453 (S.D.N.Y. 2004):***

Barroway Topaz served as Co-Lead Counsel in this novel, complex and high-profile action which alleged that certain directors and officers of Global Crossing, a former high-flier of the late 1990's tech stock boom, breached their fiduciary duties under the Employee Retirement Income Security Act of 1974 ("ERISA") to certain company-provided 401(k) plans and their participants. These breaches arose from the plans' alleged imprudent investment in Global Crossing stock during a time when defendants knew, or should have known, that the company was facing imminent bankruptcy. A settlement of plaintiffs' claims restoring \$79 million to the plans and their participants was approved in November 2004. At the time, this represented the largest recovery received in a company stock ERISA class action.

***In re AOL Time Warner ERISA Litigation, No. 02-CV-8853 (S.D.N.Y. 2006):***

Barroway Topaz, which served as Co-Lead Counsel in this highly-publicized ERISA fiduciary breach class action brought on behalf of the Company's 401(k) plans and their participants, achieved a record \$100 million settlement with defendants. The \$100 million restorative cash payment to the plans (and, concomitantly, their participants) represents the largest recovery from a single defendant in a breach of fiduciary action relating to mismanagement of plan assets held in the form of employer securities. The action asserted claims for breach of fiduciary duties pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA") on behalf of the participants in the AOL Time Warner Savings Plan, the AOL Time Warner Thrift Plan, and the Time Warner Cable Savings Plan (collectively, the "Plans") whose accounts purchased and/or held interests in the AOLTW Stock Fund at any time between January 27, 1999 and July 3, 2003. Named as defendants in the case were Time Warner (and its corporate predecessor, AOL Time Warner), several of the Plans' committees, as well as certain current and former officers and directors of the company. In March 2005, the Court largely denied defendants' motion to dismiss and the parties began the discovery phase of the case. In January 2006, Plaintiffs filed a motion for class certification, while at the same time defendants moved for partial summary judgment. These motions were pending before the Court when the settlement in principle was reached. Notably, an Independent Fiduciary retained by the Plans to review the settlement in accordance with Department of Labor regulations approved the settlement and filed a report with Court noting that the settlement, in addition to being "more than a reasonable recovery" for the Plans, is "one of the largest ERISA employer stock action settlements in history."

***In re Honeywell International ERISA Litigation, No. 03-1214 (DRD) (D.N.J. 2004):***

Barroway Topaz served as Lead Counsel in a breach of fiduciary duty case under ERISA against Honeywell International, Inc. and certain fiduciaries of Honeywell defined contribution pension plans. The suit alleged that Honeywell and the individual fiduciary defendants, allowed Honeywell's 401(k) plans and their participants to imprudently invest significant assets in company stock, despite that defendants knew, or should have known, that Honeywell's stock was an imprudent investment due to undisclosed, wide-ranging problems stemming from a consummated merger with Allied Signal and a failed merger with General Electric. The settlement of plaintiffs' claims included a \$14 million payment to the plans and their affected participants, and significant structural relief affording participants much greater leeway in diversifying their retirement savings portfolios.

***In re Remeron Antitrust Litigation, No. 02-CV-2007 (D.N.J. 2004):***

Barroway Topaz was Co-Lead Counsel in an action which challenged Organon, Inc.'s filing of certain patents and patent infringement lawsuits as an abuse of the Hatch-Waxman Act, and an effort to unlawfully extend their monopoly in the market for Remeron. Specifically, the lawsuit alleged that defendants violated state and federal

antitrust laws in their efforts to keep competing products from entering the market, and sought damages sustained by consumers and third-party payors. After lengthy litigation, including numerous motions and over 50 depositions, the matter settled for \$36 million. The settlement is pending final approval by the court.

***Henry v. Sears, et. al., Case No. 98 C 4110 (N.D. Ill. 1999):***

The firm served as Co-Lead Counsel for one of the largest consumer class actions in history, consisting of approximately 11 million Sears credit card holders whose interest rates were improperly increased in connection with the transfer of the credit card accounts to a national bank. Barroway Topaz successfully negotiated a settlement representing approximately 66% of all class members' damages, thereby providing a total benefit exceeding \$156 million. All \$156 million was distributed automatically to the Class members, without the filing of a single proof of claim form. In approving the settlement, the District Court stated: ". . . I am pleased to approve the settlement. I think it does the best that could be done under the circumstances on behalf of the class. . . . The litigation was complex in both liability and damages and required both professional skill and standing which class counsel demonstrated in abundance."

***In re Transkaryotic Therapies, Inc. Sec. Litig., Civil Action No.: 03-10165-RWZ (D. Mass. 2003):***

After five years of hard-fought, contentious litigation, Barroway Topaz as Lead Counsel on behalf of the Class, has entered into one of largest settlements ever against a biotech company with regard to non-approval of one of its drugs by the U.S. Food and Drug Administration ("FDA"). Specifically, the Plaintiffs alleged that Transkaryotic Therapies, Inc. ("TKT") and its CEO, Richard Selden, engaged in a fraudulent scheme to artificially inflate the price of TKT common stock and to deceive Class Members by making misrepresentations and nondisclosures of material facts concerning TKT's prospects for FDA approval of Replagal, TKT's experimental enzyme replacement therapy for Fabry disease. With the assistance of the Honorable Daniel Weinstein, a retired state court judge from California, Barroway Topaz secured a \$50 million settlement from the Defendants during a complex and arduous mediation.

***In re Assisted Living Concepts, Inc. Sec. Litig., Lead Case No. 99-167-AA (D. Or. 1999):***

Barroway Topaz served as Co-Lead Counsel and was instrumental in obtaining a \$30 million recovery for class members from the Company, its executive officers and directors, and several underwriters for their role in an alleged complex accounting fraud involving the use of a purportedly independent joint venture to absorb the Company's start-up losses. Even after this \$30 million recovery, through counsel's efforts, an additional \$12.5 million was obtained from the auditors providing for a total recovery of \$42.5 million.

***Wanstrath v. Doctor R. Crants, et. al. Shareholders Litigation, No. 99-1719-111 (Tenn. Chan. Ct., 20th Judicial District, 1999):***

Barroway Topaz served as Lead Counsel in a derivative action filed against the officers and directors of Prison Realty Trust, Inc., challenging the transfer of assets from the Company to a private entity owned by several of the Company's top insiders. Numerous federal securities class actions were pending against the Company at this time. Through the derivative litigation, the Company's top management was ousted, the composition of the Board of Directors was significantly improved, and important corporate governance provisions were put in place to prevent future abuse. Barroway Topaz, in addition to achieving these desirable results, was able to effectuate a global settlement of all pending litigation against the backdrop of an almost certain bankruptcy. The case was resolved in conjunction with the federal securities cases for the payment of approximately \$50 million by the Company's insurers and the issuance of over 46 million shares to the class members.

***In re PNC Financial Services Group, Inc. Sec. Litig., Case No. 02-CV-271 (W.D. Pa. 2002):***

Barroway Topaz served as Co-Lead Counsel in a securities class action case brought against PNC bank, certain of its officers and directors and its outside auditor, Ernst & Young, LLP ("E&Y"), relating to the conduct of defendants in establishing, accounting for and making disclosures concerning three special purpose entities ("SPEs") in the second, third and fourth quarters of PNC's 2001 fiscal year. Plaintiffs alleged that these entities were created by defendants for the sole purpose of allowing PNC to secretly transfer hundreds of millions of dollars worth of non-performing assets from its own books to the books of the SPEs without disclosing the transfers or consolidating the results and then making positive announcements to the public concerning the bank's performance with respect to its non-performing assets. Barroway Topaz was instrumental in obtaining a \$30 million recovery for class members from PNC and the assignment of certain claims it may have had against its audit and other third party law firms and insurance companies. An additional \$6.6 million was recovered from the insurance company and the law firms and an agreement in principle has now been reached with the audit to resolve all claims for another \$9.075 million,

providing for a total recovery from the Sec. Litig. of \$45.675. When coupled with the \$156 million restitution fund established through government actions against some of the same defendants and third parties, the total recovery for class members exceeds \$200 million, which has now been distributed with PNC paying all costs associated with notifying the Class of the settlement.

***In re New Power Holdings, Inc. Sec. Litig., No. 02 Civ. 1550 (S.D.N.Y. 2002):***

Barroway Topaz served as Co-Lead Counsel and was instrumental in obtaining a recovery of \$41 million in cash for class members against a bankrupt company, certain of its officers and directors and the underwriters of the Company's offering. Claims involved New Power, an offshoot of Enron, that was formed to re-enter the deregulated energy market and pursued an IPO with no viable plan to hedge against volatile energy prices.

***In re Liberate Technologies Sec. Litig., No. C-02-5017 (MJJ) (N.D. Cal. 2005):***

Plaintiffs alleged that Liberate engaged in fraudulent revenue recognition practices to artificially inflate the price of its stock, ultimately forcing it to restate its earning. As sole Lead Counsel, Barroway Topaz successfully negotiated a \$13.8 million settlement, which represents almost 40% of the damages suffered by the class. In approving the settlement, the district court complimented Lead Counsel for its "extremely credible and competent job."

***In re Sodexo Marriott Shareholders Litigation, Consol. C.A. No. 18640-NC (Del. Ch. 1999):***

Barroway Topaz was Class Counsel in this case which was pending in Delaware Chancery Court, in which Class Counsel was partially responsible for creating an aggregate financial benefit of approximately \$166 million for members of the class.

***In re Riverstone Networks, Inc. Sec. Litig., Case No. CV-02-3581 (N.D. Cal. 2002):***

Barroway Topaz served as Lead Counsel on behalf of plaintiffs alleging that Riverstone and certain of its officers and directors sought to create the impression that the Company, despite the industry-wide downturn in the telecom sector, had the ability to prosper and succeed and was actually prospering. In that regard, plaintiffs alleged that defendants issued a series of false and misleading statements concerning the Company's financial condition, sales and prospects, and used inside information to personally profit. After extensive litigation, the parties entered into formal mediation with the Honorable Charles Legge (Ret.). Following five months of extensive mediation, the parties reached a settlement of \$18.5 million.

***In re McLeod USA Inc. Sec. Litig., No. C02-0001-MWB (N.D. Iowa 2002):***

Barroway Topaz served as Co-Lead Counsel on behalf of plaintiffs, alleging that McLeod USA and certain of its officers misrepresented the health and prospects of the company's business. After more than three years of litigation, Barroway Topaz helped obtain a settlement of \$30 million from the defendants.

***In re Viacom, Inc. Shareholder Derivative Litig., Index No. 602527/05 (New York County, NY 2005):***

Barroway Topaz represented the Public Employees Retirement System of Mississippi and served as lead counsel in a derivative action alleging that the members of the Board of Directors of Viacom, Inc. paid excessive and unwarranted compensation to Viacom's Executive Chairman and CEO, Sumner M. Redstone, and co-COOs Thomas E. Freston and Leslie Moonves, in breach of their fiduciary duties. Specifically, Barroway Topaz alleged that in fiscal year 2004, when Viacom reported a record net loss of \$17.46 billion, the board improperly approved compensation payments to Redstone, Freston, and Moonves of approximately \$56 million, \$52million, and \$52million, respectively. Judge Ramos of the New York Supreme Court denied Defendants' motion to dismiss the action as Barroway Topaz overcame several complex arguments related to the failure to make a demand on Viacom's Board; Defendants then appealed that decision to the Appellate Division of the Supreme Court of New York. Prior to a decision by the appellate court, a settlement was reached in early 2007. Pursuant to the settlement, Sumner Redstone, the company's Executive Chairman and controlling shareholder, agreed to a new compensation package that, among other things, substantially reduces his annual salary and cash bonus, and ties the majority of his incentive compensation directly to shareholder returns.

***In re Computer Associates Sec. Litig., No. 02-CV-1226 (E.D.N.Y. 2002):***

Barroway Topaz served as Co-Lead Counsel on behalf of plaintiffs, alleging that Computer Associates and certain of its officers misrepresented the health of the company's business, materially overstated the company's revenues, and engaged in illegal insider selling. After nearly two years of litigation, Barroway Topaz helped obtain a settlement of \$150 million in cash and stock from the company.

***Kaltman, et. al. v Key Energy Services, Inc., et. al., No. 04-CV-082-RAJ (W.D. Tex. 2004):***

Barroway Topaz served as sole Lead Counsel on behalf of plaintiffs, alleging that Key Energy, as well as certain of its officers and directors, had made materially false and misleading statements in the company's public filings and press releases relating to its financial results, particularly its net income and fixed asset records. After nearly four years of litigation, Barroway Topaz secured a settlement of \$15.425 million, which was recently approved by the Court.

***In re Family Dollar Stores, Inc. Derivative Litig., Master File No. 06-CVS-16796 (Mecklenburg County, NC 2006):***

Barroway Topaz served as Lead Counsel, derivatively on behalf of Family Dollar Stores, Inc., and against certain of Family Dollar's current and former officers and directors. The actions were pending in Mecklenburg County Superior Court, Charlotte, North Carolina, and alleged that certain of the company's officers and directors had improperly backdated stock options to achieve favorable exercise prices in violation of shareholder-approved stock option plans. As a result of these shareholder derivative actions, Barroway Topaz was able to achieve substantial relief for Family Dollar and its shareholders. Through Barroway Topaz's litigation of this action, Family Dollar agreed to cancel hundreds of thousands of stock options granted to certain current and former officers, resulting in a seven-figure net financial benefit for the company. In addition, Family Dollar has agreed to, among other things: implement internal controls and granting procedures that are designed to ensure that all stock options are properly dated and accounted for; appoint two new independent directors to the board of directors; maintain a board composition of at least 75 percent independent directors; and adopt stringent officer stock-ownership policies to further align the interests of officers with those of Family Dollar shareholders. The settlement was approved by Order of the Court on August 13, 2007.

***In re Barnes & Noble, Inc. Derivative Litig., Index No. 06602389 (New York County, NY 2006):***

Barroway Topaz served as Lead Counsel, derivatively on behalf of Barnes & Noble, Inc., and against certain of Barnes & Noble's current and former officers and directors. This action was pending in the Supreme Court of New York, and alleged that certain of the company's officers and directors had improperly backdated stock options to achieve favorable exercise prices in violation of shareholder-approved stock option plans. As a result of this shareholder derivative action, Barroway Topaz was able to achieve substantial relief for Barnes & Noble and its shareholders. Through Barroway Topaz's litigation of this action, Barnes & Noble agreed to re-price approximately \$2.64 million unexercised stock options that were alleged improperly granted, and certain defendants agreed to voluntarily repay approximately \$1.98 million to the Company for the proceeds they received through exercise of alleged improperly priced stock options. Furthermore, Barnes & Noble has agreed to, among other things: adopt internal controls and granting procedures that are designed to ensure that all stock options are properly dated and accounted for; at least once per calendar year, preset a schedule of dates on which stock options will be granted to new employees or to groups of twenty (20) or more employees; make final determinations regarding stock options at duly-convened committee meetings; and designate one or more specific officer(s) within the Company who will be responsible for, among other things, compliance with the Company's stock option plans. The settlement was approved by Order of the Court on November 14, 2007.

***In re Sepracor, Inc. Derivative Litig., Case No. 06-4057-BLS (Suffolk County, MA 2006):***

Barroway Topaz served as Lead Counsel, derivatively on behalf of Sepracor, Inc., and against certain of Sepracor's current and former officers and directors. This action was pending in the Superior Court of Suffolk County, Massachusetts, and alleged that certain of the company's officers and directors had improperly backdated stock options to achieve favorable exercise prices in violation of shareholder-approved stock option plans. As a result of this shareholder derivative action, Barroway Topaz was able to achieve substantial relief for Sepracor and its shareholders. Through Barroway Topaz's litigation of this action, Sepracor agreed to cancel or re-price more than 2.7 million unexercised stock options that were alleged to have been improperly granted. Furthermore, Sepracor has agreed to, among other things: adopt internal controls and granting procedures that are designed to ensure that all stock options are properly dated and accounted for; not alter the exercise prices of stock options without shareholder approval; hire an employee responsible for ensuring that the Company's complies with its stock option plans; and appoint a director of internal auditing. The settlement was approved by Order of the Court on January 4, 2008.

## PARTNERS

**RAMZI ABADOU**, a partner in the firm's San Francisco office, received his Bachelor of Arts from Pitzer College in Claremont, California in 1994 and his Master of Arts from Columbia University in the City of New York in 1997. Prior to attending law school, Mr. Abadou was a political science professor at Foothill College in Los Altos Hills, California. Mr. Abadou graduated from the Boston College Law School and clerked for the United States Attorney's Office in San Diego, California. Prior to joining the firm, Mr. Abadou was a partner with Coughlin Stoia Geller Rudman & Robbins LLP in San Diego, California.

Mr. Abadou concentrates his practice on prosecuting securities class actions and is also a member of the firm's lead plaintiff litigation practice group. Mr. Abadou has been responsible for a number of significant rulings and/or recoveries, including: *In re UnitedHealth Group, Inc. Sec. Litig.*, 2007 U.S. Dist. LEXIS 40623 (D. Minn. 2007) (settled - \$925.5 million); *In re Cardinal Health, Inc. Sec. Litig.*, 226 F.R.D. 298 (S.D. Ohio 2005); *In re Direct Gen. Corp. Sec. Litig.*, 2006 U.S. Dist. LEXIS 56128 (M.D. Tenn. 2006) (settled - \$15 million); and *In re AT&T Corp. Secs. Litig.*, Case No. 00-cv-5364 (D.N.J.) (settled - \$100 million).

Mr. Abadou was named as one of the *Daily Journal's* Top 20 lawyers in California under age 40 (2010) and was a featured panelist at the American Bar Association's 11th Annual National Institute on Class Actions and the Practising Law Institute's 2008 Advanced Securities Litigation Workshop. Mr. Abadou has also lectured on securities litigation at the University of San Diego and Boston College law schools. He is admitted to the California Bar and is licensed to practice in all California state courts, as well as the United States Court of Appeals for the Ninth Circuit and the United States District Courts for the Southern, Central and Northern Districts of California. Mr. Abadou is also a member of the San Francisco Trial Lawyers Association, the Bar Association of San Francisco and the Federal Bar Association (Northern District of California).

**ANDREW L. BARROWAY**, a partner of the firm, received his law degree from the University of Pennsylvania Law School, where he was a member of the ABA Negotiation team. He is licensed to practice law in Pennsylvania and New Jersey, and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania. Mr. Barroway frequently lectures on securities class action and lead plaintiff issues, and spoke at the 2005 Institutional Investor Hedge Fund Workshop in New York City and the Public Funds Summit 2005 in Phoenix, Arizona. Mr. Barroway has been actively involved in all aspects of litigation on behalf of the firm and has played pivotal roles in the resolutions of *In re The Interpublic Group of Companies Sec. Litig.*, No. 02Civ. 6527 (S.D.N.Y. 2002) (settled — settlement value of approximately \$107 million); *In re Digital Lightwave, Inc. Sec. Litig.*, Consolidated Case No. 98-152-CIVT-24E (M.D. Fla. 1999) (settled — settlement value of \$170 million); *In re Tyco International, Ltd. Sec. Lit.*, No. 02-1335-B (D.N.H. 2002) (settled — \$3.2 billion); and *Kaltman, et al. v Key Energy Services, Inc., et al.*, No. 04-CV-082-RAJ (W.D. Tex. 2004) (settled — \$15.425 million). Mr. Barroway also represents numerous public pension funds, private investment funds, money management firms, and individuals in securities fraud litigation in which Barroway Topaz has been appointed as Lead or Co-Lead Counsel.

**STUART L. BERMAN**, a partner of the firm, concentrates his practice on securities class action litigation in federal courts throughout the country, with a particular emphasis on representing institutional investors active in litigation. Mr. Berman regularly counsels and educates institutional investors located around the world on emerging legal trends, new case ideas and the rights and obligations of institutional investors as they relate to securities fraud class actions and individual actions. In this respect, Mr. Berman has been instrumental in courts appointing the firm's institutional clients as lead plaintiffs in class actions as well as in representing institutions individually in direct actions. Mr. Berman is currently representing institutional investors in direct actions against Vivendi and Merck, and took a very active role in the precedent setting Shell settlement on behalf of many of the firm's European institutional clients.

In connection with these responsibilities, Mr. Berman is a frequent speaker on securities issues, especially as they relate to institutional investors, at events such as The European Pension Symposium in Florence, Italy; the Public Funds Symposium in Washington, D.C.; the Pennsylvania Public Employees Retirement (PAPERS) Summit in Harrisburg, Pennsylvania; the New England Pension Summit in Newport, Rhode Island; the Rights and Responsibilities for Institutional Investors in Amsterdam, Netherlands; and the European Investment Roundtable in Barcelona, Spain.

Mr. Berman is an honors graduate from Brandeis University and received his law degree from George Washington University National Law Center.

**MICHAEL J. BONELLA**, a partner of the firm, concentrates his practice on intellectual property litigation and particularly complex patent litigation. He earned his law degree *magna cum laude* from the Duke University School of Law. Michael is one of a few attorneys who is both registered to practice before the Patent and Trademark Office and that also holds an LLM degree in Trial Advocacy, which he obtained from Temple University. In addition, Michael obtained a bachelor of science degree *cum laude* in mechanical engineering from Villanova University. Michael also served five years in the U.S. Naval Submarine program. While serving in the Navy, Michael was certified by the U.S. Navy as a nuclear engineer and received advance training in electrical engineering.

Michael is currently the co-chair of the firm's intellectual property department. Michael has served as the lead lawyer on patent litigations involved pharmaceutical and consumer products. Michael was the case manager for TruePosition, Inc. and was instrumental in achieving a settlement valued at about \$45 million for TruePosition, Inc. in *TruePosition, Inc. v. Allen Telecom, Inc.*, No. 01-0823 (D. Del.). Michael has also been the attorney that was primarily responsible for obtaining favorable settlements for defendants (e.g., *Codman & Shurtleff, Inc. v. Integra LifeSciences Corp.*, No. 06-2414 (D. N.J.) (declaratory judgment action). Michael has litigated patent cases involving a wide range of technologies including balloon angioplasty catheters, collagen sponges, neurosurgery, sutures, shoulder surgery, knee surgery, orthopedic implants, pump technology, immunoassay testing, cellular telephones, computer software, signal processing, and electrical hardware. Michael has also served as a case manager for a plaintiff in a multidistrict patent litigation (MDL) involving multiple defendants and complex signal processing

Michael has written numerous articles and most recently authored an article entitled *Valuing Patent Infringement Actions After the Supreme Court's eBay Decision* (2008). In 2005, Michael was named a Rising Star by Pennsylvania SuperLawyer.

**GREGORY M. CASTALDO**, a partner of the firm, received his law degree from Loyola Law School, where he received the American Jurisprudence award in legal writing. He received his undergraduate degree from the Wharton School of Business at the University of Pennsylvania. He is licensed to practice law in Pennsylvania and New Jersey.

Mr. Castaldo served as Barroway Topaz's lead litigation partner in *In re Tenet Healthcare Corp.*, No. 02-CV-8462 (C.D. Cal. 2002), securing an aggregate recovery of \$281.5 million for the class, including \$65 million from Tenet's auditor. Mr. Castaldo also played a primary litigation role in the following cases: *In re Liberate Technologies Sec. Litig.*, No. C-02-5017 (MJJ) (N.D. Cal. 2005) (settled — \$13.8 million); *In re Sodexo Marriott Shareholders Litig.*, Consol. C.A. No. 18640-NC (Del. Ch. 1999) (settled — \$166 million benefit); *In re Motive, Inc. Sec. Litig.*, 05-CV-923 (W.D. Tex. 2005) (settled — \$7 million cash, 2.5 million shares); and *In re Wireless Facilities, Inc., Sec. Litig.*, 04-CV-1589 (S.D. Cal. 2004) (settled — \$16.5 million).

**DARREN J. CHECK**, a partner of the firm, concentrates his practice in the area of securities litigation and institutional investor relations. He is a graduate of Franklin & Marshall College and received his law degree from Temple University School of Law. Mr. Check is licensed to practice in Pennsylvania and New Jersey.

Currently, Mr. Check concentrates his time as the firm's Director of Institutional Relations and heads up the firm's Portfolio Monitoring and Business Development departments. He consults with institutional investors from around the world regarding their rights and responsibilities with respect to their investments and taking an active role in shareholder litigation. Mr. Check assists clients in evaluating what systems they have in place to identify and monitor shareholder and consumer litigation that has an effect on their funds, and also assists them in evaluating the strength of such cases and to what extent they may be affected by the conduct that has been alleged. He currently works with clients in the United States, Canada, the Netherlands, United Kingdom, France, Italy, Sweden, Denmark, Finland, Norway, Germany, Austria, and Switzerland.

Mr. Check regularly speaks on the subject of shareholder litigation, corporate governance, investor activism, and recovery of investment losses. Mr. Check has spoken at or participated in panel sessions at conferences around the world, including MultiPensions; the European Pension Symposium; the Public Funds Summit; the European Investment Roundtable; The Rights & Responsibilities of Institutional Investors; the Corporate Governance & Responsible Investment Summit; the Public Funds Roundtable; The Evolving Fiduciary Obligations of Pension Plans: Understanding the New Era of Corporate Governance; the International Foundation for Employee Benefit Plans Annual Conference; the Florida Public Pension Trustees Association Annual Conference, the Pennsylvania Association of Public Employees Retirement Systems Annual Meeting; and the Australian Investment Management Summit.

Mr. Check has also been actively involved in the precedent setting Shell settlement, direct actions against Vivendi and Merck, and the class action against Bank of America related to its merger with Merrill Lynch.

**EDWARD W. CIOLKO**, a partner of the firm, received his law degree from Georgetown University Law Center, and an MBA from the Yale School of Management. He is licensed to practice law in the State of New Jersey, and has been admitted to practice before the United States District Court for the District of New Jersey and the United States Courts of Appeals for the First, Fourth, Ninth and Eleventh Circuits. Mr. Ciolko concentrates his practice in the areas of ERISA, Antitrust, RESPA and Consumer Protection.

Mr. Ciolko is counsel in several pending nationwide ERISA breach of fiduciary duty class actions, brought on behalf of retirement plans and their participants alleging, inter alia, imprudent investment of plan assets which caused significant losses to the retirement savings of tens of thousands of workers. These cases include: *In re Beazer Homes USA, Inc. ERISA Litig.*, 07-CV-00952-RWS (N.D. Ga. 2007); *Nowak v. Ford Motor Co.*, 240 F.R.D. 355 (E.D. Mich. 2006); *Gee v. UnumProvident Corp.*, 03-1552(E.D. Tenn. 2003); *Pettit v. JDS Uniphase Corp. et al.*, C.A. No. 03-4743 (N.D. Ca. 2003); *Hargrave v. TXU, et al.*, C.A. No. 02-2573 (N.D. Tex. 2002); *Evans v. Akers*, C.A. No. 04-11380 (D. Mass. 2004); *Lewis v. El Paso Corp.* No. 02-CV-4860 (S.D. Tex. 2002); and *In re Schering-Plough Corp. ERISA Litig.* No. 03-CV-1204 (D.N.J. 2003).

Mr. Ciolko's efforts have also helped achieve a number of large recoveries for affected retirement plan participants: *In re Sears Roebuck & Co. ERISA Litig.*, C.A. No. 02-8324 (N.D. Ill. 2002) (settled — \$14.5 million recovery); and *In re Honeywell Intern'l ERISA Litig.*, No. 03-CV-1214 (DRD) (D.N.J. 2003) (settled — \$14 million recovery, as well as significant structural relief regarding the plan's administration and investment of its assets).

Mr. Ciolko has also concentrated part of his practice to the investigation and prosecution of pharmaceutical antitrust actions, medical device litigation, and related anticompetitive and unfair business practices including *In re Wellbutrin SR Antitrust Litigation*, 04-CV-5898 (E.D. Pa. Dec. 17, 2004); *In re Remeron End-Payor Antitrust Litigation*, Master File No. 02-CV-2007 (D.N.J. Apr. 25, 2002); *In re Modafinil Antitrust Litigation*, 06-2020 (E.D. Pa. May 12, 2006); *In re Medtronic, Inc. Implantable Defibrillator Litigation*, 05-CV-2700 (D. Minn. 2005); and *In re Guidant Corp. Implantable Defibrillator Litigation*, 05-CV-2883 (D. Minn. 2005).

Before coming to Barroway Topaz, Mr. Ciolko worked for two and one-half years as a Law Clerk and Attorney Advisor to Commissioner Sheila F. Anthony of the Federal Trade Commission (“FTC”). While at the FTC, Mr. Ciolko reviewed commission actions/investigations and counseled the Commissioner on a wide range of antitrust and consumer protection topics including, in pertinent part: the confluence of antitrust and intellectual property law; research and production of “Generic Drug Entry Prior to Patent Expiration: An FTC Study,” and an administrative complaint against, among others, Schering-Plough Corporation regarding allegedly unlawful settlements of patent litigation which delayed entry of a generic alternative to a profitable potassium supplement (K-Dur).

**SEAN M. HANDLER**, a partner of the firm, received his Bachelor of Arts degree from Colby College, graduating with distinction in American Studies. Mr. Handler then earned his Juris Doctor, cum laude, from Temple University School of Law.

After law school, Mr. Handler practiced labor law at Reed Smith, LLP in Philadelphia. Since joining Barroway Topaz, Mr. Handler has concentrated his practice in the area of securities litigation, with a particular emphasis on litigation strategy and lead plaintiff litigation. In this role, Mr. Handler has been responsible for numerous reported decisions.

In addition to these responsibilities, Mr. Handler also spends considerable time litigating ongoing securities litigation matters on behalf of institutional clients including *In re Delphi Corporation Sec. Litig.*, No. 06-10026 (GER) (E.D. MI. 2006); *Smajlaj v. Brocade Communications Systems, Inc., et al.*, No. 05-cv-02042(CRB) (N.D. Cal. 2005); and *State of New Jersey and Its Division of Investment v. Sprint Corporation, et al.*, No. 03-2071-JWL (D. Kan. 2003).

**JOHN A. KEHOE**, a partner of the firm, received his B.A. from DePaul University and M.P.A., with high honors, from the University of Vermont. He earned his J.D., magna cum laude, from Syracuse University College of Law, where he was Associate Editor of the *Syracuse Law Review*, Associate Member of the Moot Court Board, and Alternate Member on the National Appellate Team.

Mr. Kehoe has litigated many high profile securities and antitrust actions in state and federal courts, including *Ohio Public Employees Retirement System et al. v. Freddie Mac et al.*, 03-CV-4261 (S.D.N.Y.) (resulting in a \$410 million combined class and derivative settlement); *In re Bristol-Myers Squibb Sec. Litig.*, 02-CV-22 51 (S.D.N.Y.) (resulting in a \$300 million class settlement); *In re Adelphia Communications Corp. Sec. & Der. Litig.*, No. 03 MD 1529 (S.D.N.Y.) (resulting in a \$460 million class settlement); and *In re Vitamins Antitrust Litig.*, MDL No. 1285 (D.D.C.) (resulting in more than \$2 billion in federal and state class and direct action settlements). Mr. Kehoe is currently among the lead trial attorneys representing individual and institutional investors in 309 separate class actions that have been consolidated for pretrial purposes in *In re Initial Public Offering Sec. Litig.*, No. 21 MC 92 (S.D.N.Y.).

Prior to joining Barroway Topaz Kessler Meltzer & Check, Mr. Kehoe spent six years as a litigation associate with Clifford Chance LLP, where he represented Fortune 100 corporations and their officers and directors in complex commercial litigation and criminal or civil actions brought by the Department of Justice, the Securities and Exchange Commission, and the Federal Trade Commission. From 1986 to 1994, he served as a police officer in the State of Vermont, where he was a member of the Special Reaction Team and Major Accident Investigation Team.

Mr. Kehoe is currently admitted to practice before the courts of Pennsylvania, New York State, the U.S. District Court for the Southern District of New York, the Court of Appeals for the Second Circuit, and the Court of Appeals for the Eleventh Circuit.

**DAVID KESSLER**, a partner of the firm, graduated with distinction from the Emory School of Law. He is licensed to practice in Pennsylvania, New Jersey and New York, and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania, the United States District Court for the District of New Jersey, and the United States District Court for the Southern District of New York. Prior to practicing law, Mr. Kessler was a Certified Public Accountant in Pennsylvania. In addition, Mr. Kessler often lectures on securities litigation related topics. Mr. Kessler also manages the firm's nationally recognized securities department and in this capacity, has achieved or assisted in obtaining Court approval for the following outstanding results in federal securities and consumer class action cases: *In re Tyco International, Ltd. Sec. Lit.*, No. 02-1335-B (D.N.H. 2002) (settled — \$3.2 billion); *In re PNC Financial Services Group, Inc. Sec. Litig.*, Case No. 02-CV-271 (W.D. Pa. 2002) (settled — \$45.675 million); *Henry v. Sears, et al.*, Case No. 98 C 4110 (N.D. Ill. 1999) (settled — \$156 million); *In re Assisted Living Concepts, Inc. Sec. Litig.*, Lead Case No. 99-167-AA (D. Or. 1999) (settled — \$42.5 million); *In re Tenet Healthcare Corp. Sec. Litig.*, No. CV-02-8462-RSWL (Rx) (C.D. Cal. 2002) (settled — \$216.5 million with Company and \$65 million with auditor). Mr. Kessler is also currently serving as the firm's primary litigation partner in what is widely recognized as the largest securities class action case in history in *In re Initial Public Offering Sec. Litig.*, Master File No. 21 MC 92(SAS) (S.D.N.Y. Dec. 12, 2002).

**PETER (“Tad”) H. LeVAN, Jr.**, a partner of the firm, graduated with distinction from the University of Cincinnati College of Law, where he was a member of the *University of Cincinnati Law Review* and received the Awards for Excellence in Criminal Law and Conflicts of Law. Mr. LeVan received his undergraduate degree, cum laude and Phi Beta Kappa, from Miami University. Upon graduating from law school, Mr. LeVan served as judicial clerk to the Honorable John M. Manos of the United States District Court for the Northern District of Ohio. Mr. LeVan is licensed to practice law in Pennsylvania, New Jersey and Ohio. In addition, he is admitted to practice before the United States District Courts for the Eastern District of Pennsylvania, the Middle District of Pennsylvania, the District of New Jersey, and the Northern District of Ohio, as well as the United States Courts of Appeals for the Third, Sixth and Federal Circuits.

Mr. LeVan's practice focuses on ERISA and other complex litigation. A Fellow of the Academy of Advocacy at the Temple University School of Law, Mr. LeVan was the Recipient of the Equal Justice Award, given in recognition of his outstanding dedication and pro bono service to the cause of equal justice.

Prior to joining Barroway Topaz, Mr. LeVan was a shareholder at the law firm of Hangley Aronchick Segal & Pudlin, where he also served on the firm's Board of Directors.

**JOSEPH H. MELTZER**, a partner of the firm and a member of Barroway Topaz's Management Committee, concentrates his practice in the areas of ERISA and Antitrust complex litigation.

Mr. Meltzer leads the firm's ERISA Litigation Department, which has excelled in the highly specialized area of prosecuting claims on behalf of participants in 401(k) and other retirement savings plans. Mr. Meltzer is lead counsel in numerous nationwide class actions brought under ERISA, including *Lewis v. El Paso Corp.*, 02-CV-4860 (S.D. Tex. Dec. 19, 2002); *In re Lorai Space ERISA Litig.*, 03-CV-9729 (S.D.N.Y. Dec. 8, 2003) and *In re Schering-Plough Corp. ERISA Litig.*, 03-CV-1204 (D.N.J. Mar. 18, 2003). Since founding the ERISA Litigation Department, Mr. Meltzer has recovered well over \$250 million for retirement plan participants, including in *In re AOL Time Warner ERISA Litig.*, C.A. No. 02-8853 (S.D.N.Y. 2002) (settled — \$100 million) and *In re Global Crossing Ltd. ERISA Litig.*, No. 02-7453 (S.D.N.Y. 2002) (settled — \$79 million).

A frequent lecturer on ERISA litigation and employee benefits issues, Mr. Meltzer is a member of the ABA's Section Committee on Employee Benefits and has been recognized by numerous courts for his ability and expertise in this complex area of the law.

Mr. Meltzer also manages the firm's Antitrust and Pharmaceutical Pricing practice groups. Here, Mr. Meltzer focuses on helping clients that have been injured by anticompetitive and unlawful business practices, including with respect to overcharges related to prescription drug and other health care expenditures. Mr. Meltzer serves as lead counsel in numerous nationwide actions representing such clients as the Pennsylvania Turnpike Commission, the Southeastern Pennsylvania Transportation Authority (SEPTA) and the Sidney Hillman Health Center of Rochester. Mr. Meltzer also serves as special assistant attorney general for the state of Montana. Examples of his success in these areas include *In re Remeron Antitrust Litig.*, 02-CV-2007 (D.N.J.) (settled — \$36 million) and *In re Augmentin Antitrust Litig.*, 02-442(E.D. Va.) (settled — \$29 million). Mr. Meltzer lectures on issues related to antitrust litigation and is a member of the ABA's Section Committee on Antitrust Law.

Mr. Meltzer is an honors graduate of the University of Maryland and received his law degree with honors from Temple University School of Law. Honors include being named a Pennsylvania Super Lawyer in 2008.

**PAUL B. MILCETIC**, a partner of the firm, concentrates his practice in the area of patent and intellectual property litigation. He earned his law degree from the Cornell Law School, received an LLM in trial advocacy from the Temple University School of Law and also holds a degree in Computer Science from Rutgers University, *summa cum laude*. Paul is licensed to practice law in Pennsylvania, New York and New Jersey.

He is currently co-chair of the firm intellectual property litigation department. Paul has been the lead trial lawyer on multiple patent litigations. In 2007, Paul achieved a \$45 million patent infringement verdict as lead trial lawyer in *TruePosition v Andrew Corp.* and in 2009 he successfully argued for a \$20 million post verdict punitive damages award. Paul was quoted in the following articles that spotlighted some recent achievements: "Philadelphia Lawyers Win \$45 Mil in Patent Case," *The Legal Intelligencer*, September 19, 2007 and "Cell Phone Co. Loses Gamble, Ordered to Pay \$20 Mil. More in Damages," *Delaware Law Weekly*, May 20, 2009. According to Chambers USA 2010, Paul is "confident and assertive in the courtroom."

Paul is a frequent speaker on topics relating to intellectual property. He was recently interviewed by the *Law Business Inside Radio Show*. He is also the author of a book about standards related patent litigation that was published in January 2008 entitled "Technology Patent Infringement Case Strategies." In 2009 and 2010, Paul was named a Pennsylvania Superlawyer.

**PETER A. MUHIC**, a partner of the firm, is a graduate of Syracuse University and an honors graduate of the Temple University School of Law, where he was Managing Editor of the Temple Law Review and also was a member of the Moot Court Board. He is licensed to practice law in Pennsylvania and New Jersey and also is admitted to practice before the United States Courts of Appeals for the Third, Fifth Circuits and Ninth Circuits, the United States District Courts for the Eastern and Middle Districts of Pennsylvania and the District Court of New Jersey.

Mr. Muhic has substantial trial experience involving complex actions in federal and state courts throughout the country. In 2009, Mr. Muhic was co-lead trial counsel in one of the few class action ERISA cases ever to be tried, which involved claims against the fiduciaries of the 401k plan of an S&P 500 company for imprudent investment in company stock and misrepresentations to plan participants. In addition to his significant trial recoveries, he has successfully resolved numerous actions through arbitrations and mediations in an array of forums. Mr. Muhic currently prosecutes class actions and/or collective actions concerning the FLSA, ERISA, FHA, ECOA and numerous state consumer protection statutes and laws. Prior to joining Barroway Topaz Kessler Meltzer and Check, Mr. Muhic was a senior

member of a prominent national firm based in Philadelphia.

Mr. Muhic serves as a Judge Pro Tem for the Court of Common Pleas of Philadelphia County, is a former Board Member of the SeniorLAW Center in Philadelphia and a past recipient of the White Hat Award for outstanding pro bono contributions to the Legal Clinic for the Disabled, a nonprofit organization in Philadelphia.

**MATTHEW L. MUSTOKOFF**, a partner of the firm, is an experienced securities and corporate governance litigator. He has represented clients at the trial and appellate level in the federal and state courts and before arbitration panels. Mr. Mustokoff has litigated numerous high-profile shareholder class actions and derivative lawsuits involving a wide array of matters, including accounting irregularities and financial fraud, market manipulation, market timing and late trading of mutual funds, and backdating of stock options. He is also experienced in mergers and acquisitions cases and other corporate transactional litigation implicating the fiduciary responsibilities of directors and officers.

Mr. Mustokoff was one of the lead trial lawyers for the shareholder class in the *BankAtlantic Bancorp Inc. Securities Litigation* which culminated in a five-week jury trial in Miami federal court and a historic verdict for investors. The case marked the first securities fraud class action against a financial institution arising out of the credit crisis to be tried to verdict.

Prior to joining the firm, Mr. Mustokoff practiced at Weil, Gotshal & Manges LLP in New York, where he represented public companies and financial institutions in SEC enforcement and white collar criminal matters, shareholder litigation and contested bankruptcy proceedings.

Mr. Mustokoff currently serves as Co-Chair of the American Bar Association's Subcommittee on Securities Class Actions and Derivative Litigation. He was a featured panelist at the ABA Section of Litigation's 2010 Annual Conference on the topic of internal investigations and has lectured on corporate governance issues at the Cardozo School of Law. His publications include: "Statistical Significance, Materiality and the Duty to Disclose in Pharmaceutical Securities Fraud Class Actions," *Securities Litigation Journal* (Fall 2010); "Delaware and Insider Trading: The Chancery Court Rejects Federal Preemption Arguments of Corporate Directors," *Securities Regulation Law Journal* (Summer 2010); "The Pitfalls of Waiver in Corporate Prosecutions: Sharing Work Product with the Government and the Future of Non-Waiver Agreements," *Securities Regulation Law Journal* (Fall 2009); "Scheme Liability Under Rule 10b-5: The New Battleground in Securities Fraud Litigation," *The Federal Lawyer* (June 2006); "District Court Weighs Novel Theories of Rule 10b-5 Liability in Mutual Fund Market Timing Litigation," *Securities Regulation Law Journal* (Spring 2006); "Sovereign Immunity and the Crisis of Constitutional Absolutism: Interpreting the Eleventh Amendment After *Alden v. Maine*," *Maine Law Review* (2001).

Mr. Mustokoff is a *Phi Beta Kappa* honors graduate of Wesleyan University. He received his law degree from the Temple University School of Law, where he was the articles and commentary editor of the *Temple Political and Civil Rights Law Review* and the recipient of the Raynes, McCarty, Binder, Ross and Mundy Graduation Prize for scholarly achievement in the law. As a third year law student, he served as intern law clerk to The Honorable Anthony J. Scirica, Chief Judge of the United States Court of Appeals for the Third Circuit.

Mr. Mustokoff is admitted to practice before the courts of New York State and Pennsylvania and the United States District Courts for the Southern and Eastern Districts of New York.

**CHRISTOPHER L. NELSON**, a partner of the firm, received his law degree from Duke University School of Law in 2000, and his undergraduate degree in Business, Economics, and the Law from Washington University in St. Louis in 1997. Mr. Nelson concentrates his practice in the area of securities litigation.

Mr. Nelson has litigated in federal district and appellate courts across the country in numerous actions that have resulted in significant monetary recoveries, including: *Johnson v. Aljian et al.*, 394 F. Supp. 2d 1184 (C.D. Cal. 2004) (lead counsel, successfully argued opposition to defendants' motion to dismiss in insider trading case), 490 F.3d 778 (9th Cir. 2007) (successfully drafted and argued opposition to defendants' appeal before Ninth Circuit), cert. denied, 2008 U.S. LEXIS 2481 (U.S. Mar. 17, 2008). Class certified February 13, 2009, over defendants' opposition. \$8.1 million recovery; *Safron Capital Corp. v. Leadis Tech., Inc.* (In re Leadis Tech. Inc. Sec. Litig.), No. [06-15623](#), 274 Fed. Appx. 540; 2008 U.S. App. LEXIS 8699 (9th Cir. 2008) (lead counsel, successfully appealed decision of District Court granting motion to dismiss, \$4,200,000 recovery), cert. denied, 2009 U.S. LEXIS 1778 (U.S. Mar. 6, 2009); *Cent. Laborers Pension Fund v. Merix Corp.* (In re Merix Corp. Sec. Litig.), No. [06-35894](#), 275 Fed. Appx. 599; 2008 U.S. App. LEXIS 9073 (9th Cir. 2008) (lead counsel, successfully appealed decision of District Court granting motion to dismiss), cert. denied, 2008 U.S. LEXIS 9162 (U.S. Dec. 15, 2008); *Kaltman v. Key Energy Servs.* (In re Key Energy Sec. Litig.), 447 F. Supp. 2d 648 (W.D. Tex. 2006) (lead counsel, \$15,425,000 recovery); *In re Martek Biosciences Sec. Litig.*, No. MJG-[05-122 4](#) (D.Md. June 14, 2006) (co-lead counsel, \$6,000,000 recovery); *Brody v. Zix. Corp.*, No. 3-04-CV-1931-K, 2006 U.S. Dist. LEXIS 69302 (N.D. Tex. Sept. 26, 2006) (co-lead counsel, \$5,600,000 recovery); *In re NUI Sec. Litig.*, 314 F. Supp. 2d 388 (D.N.J. 2004) (lead counsel, \$3,500,000 recovery).

Mr. Nelson is admitted to practice law in the Commonwealth of Pennsylvania, the Supreme Court of the United States, the United States Courts of Appeals for the Second, Third, Fourth, Fifth, Ninth, and Eleventh Circuits, and the United States District Court for the Eastern District of Pennsylvania.

**SHARAN NIRMUL**, a partner of the firm, focuses on securities and corporate governance litigation. He has represented investors successfully in major securities fraud litigation including financial frauds involving Global Crossing Ltd, Qwest Communications International, WorldCom Inc., Delphi Corp., Marsh and McLennan Companies, Inc. and Able Laboratories. Mr. Nirmul has also represented shareholders in derivative and direct shareholder litigation in the Delaware Chancery Court and in other state courts around the country. Prior to joining the firm, Mr. Nirmul was associated with the Wilmington, Delaware law firm of Grant & Eisenhofer, P.A.

Sharan Nirmul received his law degree from The George Washington University Law School (J.D. 2001) where he served as an articles editor for the *Environmental Lawyer Journal* and was a member of the Moot Court Board. He was awarded the school's Lewis Memorial Award for excellence in clinical practice. He received his undergraduate degree from Cornell University (B.S. 1996).

Mr. Nirmul is admitted to practice law in the state courts of New York, New Jersey, Pennsylvania and Delaware and in the U.S. District Courts for the Southern District of New York, District of New Jersey, District of Delaware, and District of Colorado.

**KAREN E. REILLY**, a partner of the firm, received her law degree from Pace University School of Law, where she was a member of the Moot Court Board and National Moot Court Team. Ms. Reilly received her undergraduate degree from the State University of New York College at Purchase. She is licensed to practice law in Pennsylvania, New Jersey, New York, Connecticut and Rhode Island, and has been admitted to practice before the United States District Courts for the Eastern District of Pennsylvania, District of New Jersey, Southern and Eastern Districts of New York, and the District of Connecticut. Prior to joining Barroway Topaz, Ms. Reilly practiced at Pelino & Lentz, P.C., in Philadelphia, where she litigated a broad range of complex commercial cases. Ms. Reilly concentrates her practice in the area of securities litigation.

In addition to actively litigating and assisting in achieving the historic Tyco settlement, Ms. Reilly has also assisted in achieving settlements in the following cases in which Barroway Topaz has served as lead or co-lead counsel: *In re Liberate Technologies Sec. Litig.*, No. C-02-5017 (N.D. Cal. 2005) (settled -

\$13.8 million); In re Vodafone Group, PLC Sec. Litig., 02-CV-7592 (S.D.N.Y. 2002) (settled – \$24.5 million); In re Check Point Technologies Ltd. Sec. Litig., 03-CV-6594 (S.D.N.Y. 2003) (settled – \$13 million); In re Cornerstone Propane Partners LP Sec. Litig., 03-CV-2522 (N.D. Cal. 2003) (settled – \$13.5 million); In re CVS Corporation Sec. Litig., C.A. No. 01-11464 JLT (D.Mass. 2001) (settled – \$110 million); and In re ProQuest Company Sec. Litig., No. 2:06-CV-10619 (E.D. Mich. 2006) (settled - \$20 million).

**LEE D. RUDY**, a partner of the firm, manages the firm’s mergers and acquisition and shareholder derivative litigation. Representing both institutional and individual shareholders in these actions, he has helped cause significant monetary and corporate governance improvements for those companies and their shareholders. For example, Mr. Rudy served as lead counsel in dozens of high profile derivative actions relating to the “backdating” of stock options, including litigation against the directors and officers of Comverse, Affiliated Computer Services, and Monster Worldwide. Mr. Rudy also regularly serves as lead counsel in class litigation challenging mergers and other going-private transactions. These actions have generated valuable monetary and therapeutic benefits for class members. Mr. Rudy has significant courtroom experience, both in trial and appellate courts across the country. He speaks frequently at conferences, guest lectures at law schools, and has been quoted in numerous national publications. Prior to civil practice, Mr. Rudy served for several years as an Assistant District Attorney in the Manhattan (NY) District Attorney’s Office, and as an Assistant United States Attorney in the US Attorney’s Office (DNJ). He has tried dozens of cases before juries in state and federal court, including several major fraud cases. He received his law degree from Fordham University, and his undergraduate degree, *cum laude*, from the University of Pennsylvania.

**BENJAMIN J. SWEET**, a partner of the firm, received his juris doctor, *cum laude*, from The Dickinson School of Law of the Pennsylvania State University, and his BA, *cum laude*, from the Schreyer Honors College of The Pennsylvania State University. While in law school, Mr. Sweet served as Articles Editor of the *Dickinson Law Review*, and was also awarded Best Oral Advocate and Best Team in the ATLA Mock Trial Competition.

Mr. Sweet concentrates his practice exclusively in the area of securities litigation and has helped obtain significant recoveries on behalf of class members in several nationwide federal securities class actions, including *In re Tyco, Int’l Sec. Litig.*, No. 02-1335-B (D.N.H.) (\$3.2 billion total recovery for class members), *In re CVS, Inc. Sec. Litig.*, No. 01-11464-JLT (D. Mass.) (\$110 million recovery for class members), *In re PNC Fin. Svcs. Group Inc. Sec. Litig.*, No. 02-CV-271 (W.D. Pa.) (\$39 million recovery for class members) and *In re Wireless Facilities, Inc. Sec. Litig.*, No. 04-cv-01589, (S.D. Ca.) (\$12 million recovery for class members).

Mr. Sweet is currently serving as one of the litigating partners in several nationwide federal securities class actions, including *In re Pfizer Inc. Sec. Litig.*, No. 04-Civ 9866 (LTS) (S.D.N.Y.), *In re Thornburg Mortgage, Inc. Sec. Litig.*, 1:07-cv-00815-JB-WDS (D.N.M.), *In re Citigroup Inc. Bond Litigation*, No. 08-Civ-9522 (SHS), (S.D.N.Y.), *In re Wachovia Preferred Securities and Bond/Notes Litig.*, No. 09-Civ. 6351 (RJS), (S.D.N.Y.) and *In re NeuroMetrix Inc. Sec. Litig.*, No. 08-cv-10434-RWZ (D. Mass.).

Prior to joining Barroway Topaz, Mr. Sweet practiced with Reed Smith LLP in Pittsburgh, where he specialized in antitrust and complex civil litigation. Mr. Sweet is licensed to practice law in the Commonwealth of Pennsylvania, the United States District Court for the Western District of Pennsylvania, and the United States Courts of Appeals for the Second, Third and Ninth Circuits.

Honors include being selected by his peers as a Pennsylvania Super Lawyers *Rising Star*, a distinction bestowed annually on no more than 2.5% of Pennsylvania lawyers under the age of 40.

**MARC A. TOPAZ**, a partner of the firm, received his law degree from Temple University School of Law, where he was an editor of the *Temple Law Review* and a member of the Moot Court Honor Society.

He also received his Master of Law (L.L.M.) in taxation from the New York University School of Law, where he served as an editor of the *New York University Tax Law Review*. He is licensed to practice law in Pennsylvania and New Jersey, and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania. Mr. Topaz oversees the firm's derivative, transactional and case development departments. In this regard, Mr. Topaz has been heavily involved in all of the firm's cases related to the subprime mortgage crisis, including cases seeking recovery on behalf of shareholders in companies affected by the subprime crisis, as well as cases seeking recovery for 401K plan participants that have suffered losses in their retirement plans. Mr. Topaz has also played an instrumental role in the firm's option backdating litigation. These cases, which are pled mainly as derivative claims or as securities law violations, have served as an important vehicle both for re-pricing erroneously issued options and providing for meaningful corporate governance changes. In his capacity as the firm's department leader of case initiation and development, Mr. Topaz has been involved in many of the firm's most prominent cases, including *In re Initial Public Offering Sec. Litig.*, Master File No. 21 MC 92(SAS) (S.D.N.Y. Dec. 12, 2002); *Wanstrath v. Doctor R. Crants, et al.*, No. 99-1719-111 (Tenn. Chan. Ct., 20th Judicial District, 1999); *In re Tyco International, Ltd. Sec. Lit.*, No. 02-1335-B (D.N.H. 2002) (settled — \$3.2 billion); and virtually all of the 80 options backdating cases in which the firm is serving as Lead or Co-Lead Counsel. Mr. Topaz has played an important role in the firm's focus on remedying breaches of fiduciary duties by corporate officers and directors and improving corporate governance practices of corporate defendants.

**MICHAEL C. WAGNER**, a partner of the firm, handles class-action transactional litigation and shareholder derivative litigation for the Firm's individual and institutional clients. Since joining Barroway Topaz, Mr. Wagner has enjoyed success in cases that achieved substantial monetary recoveries for stockholders of public companies in cases arising from corporate mergers and acquisitions, including: *In re Genentech, Inc. Shareholders Litigation*, Consolidated C.A. No. 3911-VCS (Del. Ch.) (settlement achieved a \$3.9 billion benefit for Genentech's stockholders in a merger with Roche); *In re Anheuser Busch Companies, Inc. Shareholders Litigation*, Consolidated C.A. No. 3851-VCP (Del. Ch.) (settlement required enhanced disclosures to stockholders and resulted in a \$5 per share increase in the price paid by InBev in its acquisition of Anheuser-Busch).

Mr. Wagner has also had a lead role in litigation that resulted in enhanced shareholder rights and corporate reforms in merger contexts, including: *In re SkyTerra Communications, Inc. Shareholder Litigation*, Consolidated C.A. No. 4987-CC (Del. Ch.) (settlement requires that a going-private merger with a controlling stockholder be approved by a majority vote of unaffiliated minority stockholders) (pending); *In re Emulex Shareholder Litigation*, Consolidated C.A. No. 4536-VCS (Del. Ch.) (litigation caused company to redeem "poison pill" stock plan and rescind supermajority bylaw); *Solomon v. Take-Two Interactive Software, Inc.*, C.A. No. 3064-VCL (Del. Ch.) (settlement required substantial enhanced disclosures to stockholders regarding executive compensation matters in advance of director elections, and litigation caused company to redeem "poison pill" stock plan). Mr. Wagner has also been involved in shareholder derivative cases involving executive compensation matters, such as *In re KV Pharmaceutical Co., Inc., Derivative Litigation*, Case No. 4:07-cv-00384-HEA (E.D. Mo.) (litigation caused executives to make financial remediation of approximately \$3 million and resulted in enhanced internal controls at the company concerning financial reporting); *In re Medarex, Inc. Derivative Litigation*, Case No. MER-C-26-08 (N.J. Super.) (settlement resulted in approximately \$9 million in financial remediation and substantial corporate governance reforms related to executive compensation).

A graduate of Franklin and Marshall College and the University of Pittsburgh School of Law, Mr. Wagner has clerked for two appellate court judges and began his practice as a commercial litigator at a Philadelphia-based litigation firm, representing clients in business and corporate disputes across the United States. Mr. Wagner has also represented Fortune 500 companies in employment litigation. He has extensive nationwide litigation experience and is admitted to practice in the courts of Pennsylvania, the United States Court of Appeals for the Third Circuit, and the United States District Courts for the Eastern and Western Districts of Pennsylvania, the Eastern District of Michigan, and the District of Colorado.

**ROBIN WINCHESTER**, a partner of the firm, received her Bachelor of Science degree in Finance from St. Joseph's University. Ms. Winchester then earned her Juris Doctor degree from Villanova University School of Law, and is licensed to practice law in Pennsylvania and New Jersey. After law school, Ms. Winchester served as a law clerk to the Honorable Robert F. Kelly in the United States District Court for the Eastern District of Pennsylvania.

After joining BTKMC, Ms. Winchester concentrated her practice in the areas of securities litigation and lead plaintiff litigation. Presently, Ms. Winchester concentrates her practice in the area of shareholder derivative actions, and, most recently, has served as lead counsel in numerous high-profile derivative actions relating to the backdating of stock options, including *In re Eclipsys Corp. Derivative Litigation*, Case No. 07-80611-Civ-MIDDLEBROOKS (S.D. Fla.); *In re Juniper Derivative Actions*, Case No. 5:06-cv-3396-JW (N.D. Cal.); *In re McAfee Derivative Litigation*, Master File No. 5:06-cv-03484-JF (N.D. Cal.); *In re Quest Software, Inc. Derivative Litigation*, Consolidated Case No. 06CC00115 (Cal. Super. Ct., Orange County); and *In re Sigma Designs, Inc. Derivative Litigation*, Master File No. C-06-4460-RMW (N.D. Cal.). Settlements of these, and similar, actions have resulted in significant monetary returns and corporate governance improvements for those companies, which, in turn, greatly benefits their public shareholders.

**MICHAEL K. YARNOFF**, a partner of the firm, received his law degree from Widener University School of Law. Mr. Yarnoff is licensed to practice law in Pennsylvania, New Jersey, and Delaware and has been admitted to practice before the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey. In addition to actively litigating and assisting in achieving the historic Tyco settlement, Mr. Yarnoff served as the primary litigating partner on behalf of Barroway Topaz in the following cases: *In re CVS Corporation Sec. Litig.*, C.A. No. 01-11464 JLT (D.Mass. 2001) (settled — \$110 million); *In re Transkaryotic Therapies, Inc. Sec. Litig.*, Civil Action No. 03-10165-RWZ (D.Mass. 2003) (settled — \$50 million); *In re Riverstone Networks, Inc. Sec. Litig.*, Case No. CV-02-3581 (N.D. Cal. 2002) (settled — \$18.5 million); *In re Zale Corporation Sec. Litig.*, 06-CV-1470 (N.D. Tex. 2006) (settled — \$5.9 million); *Gebhard v. ConAgra Foods Inc., et al.*, 04-CV-427 (D. Neb. 2004) (settled — \$14 million); *Reynolds v. Repsol YPF, S.A., et al.*, 06-CV-733 (S.D.N.Y. 2006) (settled — \$8 million); and *In re InfoSpace, Inc. Sec. Litig.*, 01-CV-913 (W.D. Wash. 2001) (settled — \$34.3 million).

**ERIC L. ZAGAR**, a partner of the firm, received his law degree from the University of Michigan Law School, cum laude, where he was an Associate Editor of the *Michigan Law Review*. He has practiced law in Pennsylvania since 1995, and previously served as a law clerk to Justice Sandra Schultz Newman of the Pennsylvania Supreme Court. He is admitted to practice in Pennsylvania, California, and New York. In addition to his extensive options backdating practice, Mr. Zagar concentrates his practice in the area of shareholder derivative litigation. In this capacity, Mr. Zagar has served as Lead or Co-Lead counsel in numerous derivative actions in courts throughout the nation, including *David v. Wolfen*, Case No. 01-CC-03930 (Orange County, CA 2001) (Broadcom Corp. Derivative Action); and *In re Viacom, Inc. Shareholder Derivative Litig.*, Index No. 602527/05 (New York County, NY 2005). Mr. Zagar has successfully achieved significant monetary and corporate governance relief for the benefit of shareholders, and has extensive experience litigating matters involving Special Litigation Committees. Mr. Zagar is also a featured speaker at Barroway Topaz's annual symposium on corporate governance.

**TERENCE S. ZIEGLER**, a partner of the firm, received his law degree from the Tulane University School of Law and received his undergraduate degree from Loyola University. He has concentrated a significant percentage of his practice to the investigation and prosecution of pharmaceutical antitrust actions, medical device litigation, and related anticompetitive and unfair business practice claims. Specific examples include: *In re Flonase Antitrust Litigation*; *In re Wellbutrin SR Antitrust Litigation*; *In re Modafinil Antitrust Litigation*; *In re Guidant Corp. Implantable Defibrillators Products Liability Litigation* (against manufacturers of defective medical devices — pacemakers/implantable defibrillators — seeking costs of removal and replacement); and *In re Actiq Sales and Marketing Practices Litigation*

(regarding drug manufacturer's unlawful marketing, sales and promotional activities for non-indicated and unapproved uses).

Mr. Ziegler is licensed to practice law in the State of Louisiana, and has been admitted to practice before several courts including the United States Court of Appeals for the Third Circuit.

**ANDREW L. ZIVITZ**, a partner of the firm, received his law degree from Duke University School of Law, and received a Bachelor of Arts degree, with distinction, from the University of Michigan, Ann Arbor.

Mr. Zivitz concentrates his practice in the area of securities litigation. Mr. Zivitz has served as one of the litigating partners on the following settled matters in which Barroway Topaz was Lead or Co-Lead Counsel: *In re Tenet Healthcare Corp.*, 02-CV-8462 (C.D. Cal. 2002) (settled — \$281.5 million); *In re Computer Associates Sec. Litig.*, No. 02-CV-122 6 (E.D.N.Y. 2002) (settled — \$150 million); *In re McLeod USA Inc. Sec. Litig.*, No. C02-0001-MWB (N.D. Iowa 2002) (settled — \$30 million); *In re Barrick Gold Sec. Litig.*, 03-cv-04302 (S.D.N.Y. 2003) (settled — \$24 million), *In re Friedman's, Inc. Sec. Litig.*, 03-CV-3475 (N.D. Ga. 2003) (settled — \$14.95 million); *In re Check Point Technologies Ltd. Sec. Litig.*, 03-CV-6594 (S.D.N.Y. 2003) (settled — \$13 million); *In re Avista Corporation Sec. Litig.*, 03-CV-328 (E.D. Wash. 2003) (settled — \$9.5 million); and *In re Ligand Pharmaceuticals, Inc. Sec. Litig.*, 3:04 cv 01620 (S.D. Cal. 2004) (settled — \$8 million).

Mr. Zivitz has litigated cases in federal district and appellate courts throughout the country, including two successful appeals before the United States Court of Appeals for the Ninth Circuit in *In re Merix Sec. Litig.*, 04-cv-00826 (D.Or. 2004) and *In re Leadis Sec. Litig.*, 05-cv-00882 (N.D.Ca. 2005).

Most recently, Mr. Zivitz served as one of the lead trial attorneys for the shareholder class in the BankAtlantic Bancorp Inc. Securities Litigation. Following a 4-week trial in the fall of 2010, a federal jury in Miami reached a verdict in the plaintiffs' favor, finding that BankAtlantic Bancorp, Inc. and two senior officers committed securities fraud by misrepresenting and failing to disclose the true risk in BankAtlantic's troubled real estate loan portfolio in 2007. The jury found that the fraud caused investors to overpay for BankAtlantic stock during the class period, resulting in millions of dollars in damages. This is the first securities class action case arising out of the financial crisis to proceed to jury verdict and only the 6th plaintiffs' verdict to be awarded by a jury since the 1995 enactment of the Private Securities Litigation Reform Act.

Mr. Zivitz also lectures and serves on discussion panels concerning securities litigation matters. Mr. Zivitz recently was a faculty member at the Pennsylvania Bar Institute's workshop entitled, "Securities Liability in Turbulent Times: Practical Responses to a Changing Landscape."

## ASSOCIATES AND OTHER PROFESSIONALS

**JULES D. ALBERT**, an associate of the firm, concentrates his practice in mergers and acquisition litigation and stockholder derivative litigation. Mr. Albert is licensed to practice law in Pennsylvania, and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania.

Mr. Albert has litigated in state and federal courts across the country, and has represented stockholders in numerous actions that have resulted in significant monetary recoveries and corporate governance improvements, including: *In re Sunrise Senior Living, Inc. Deriv. Litig.*, No. 07-00143 (D.D.C.); *Mercier v. Whittle, et al.*, No. 2008-CP-23-8395 (S.C. Ct. Com. Pl., 13th Jud. Cir.); *In re K-V Pharmaceutical Co. Deriv. Litig.*, No. 06-00384 (E.D. Mo.); *In re Progress Software Corp. Deriv. Litig.*, No. SUCV2007-01937-BLS2 (Mass. Super. Ct., Suffolk Cty.); *In re Quest Software, Inc. Deriv. Litig.* No 06CC00115 (Cal. Super. Ct., Orange Cty.); and *Quaco v. Balakrishnan, et al.*, No. 06-2811 (N.D. Cal.).

Mr. Albert received his law degree from the University of Pennsylvania Law School, where he was a Senior Editor of the *University of Pennsylvania Journal of Labor and Employment Law* and recipient of the James Wilson Fellowship. Mr. Albert also received a Certificate of Study in Business and Public Policy from The Wharton School at the University of Pennsylvania. Mr. Albert graduated magna cum laude with a Bachelor of Arts in Political Science from Emory University.

**NAUMON A. AMJED**, an associate of the firm, has significant experience conducting complex litigation in state and federal courts including federal securities class actions, shareholder derivative actions, suits by third-party insurers and other actions concerning corporate and alternative business entity disputes. Mr. Amjed has litigated in numerous state and federal courts across the country, including the Delaware Court of Chancery, and has represented shareholders in several high profile lawsuits, including: *LAMPERS v. CBOT Holdings, Inc. et al.*, C.A. No. 2803-VCN (Del. Ch.); *In re Alstom SA Sec. Litig.*, 454 F. Supp. 2d 187 (S.D.N.Y. 2006); *In re Global Crossing Sec. Litig.*, 02— Civ. — 910 (S.D.N.Y.); *In re Enron Corp. Sec. Litig.*, 465 F. Supp. 2d 687 (S.D. Tex. 2006); and *In re Marsh McLennan Cos., Inc. Sec. Litig.* 501 F. Supp. 2d 452 (S.D.N.Y. 2006).

Prior to joining the firm, Mr. Amjed was associated with the Wilmington, Delaware law firm of Grant & Eisenhofer, P.A. Mr. Amjed is a graduate of the Villanova University School of Law, cum laude, and holds an undergraduate degree in business administration from Temple University, cum laude. Mr. Amjed is a member of the Delaware State Bar, the Bar of the Commonwealth of Pennsylvania and is admitted to practice before the United States Court for the District of Delaware.

**STEFANIE ANDERSON**, an associate in the firm's Radnor office, received her law degree from Villanova University School of Law and her Bachelor of Arts degree from Bucknell University. While in law school, Ms. Anderson served as a judicial extern for The Honorable George A. Pagano of the Delaware County Court of Common Pleas. Ms. Anderson also participated in the Civil Justice Clinic, representing indigent clients in civil litigation matters.

Prior to joining Barroway Topaz, Ms. Anderson was a litigation associate at McCann & Geschke, P.C. in Philadelphia, PA. Ms. Anderson is licensed to practice in Pennsylvania and concentrates her practice in mergers and acquisitions litigation and shareholder derivative litigation.

**ALI M. AUDI**, a staff attorney of the firm, received his law degree from The Pennsylvania State University, Dickinson School of Law, where he was a member of the Trial and Appellate Moot Court boards. He received his Bachelor of Arts in Journalism from The Pennsylvania State University. Mr. Audi is licensed to practice before the state courts of Pennsylvania and New Jersey, and the United States District Court for the District of New Jersey. He concentrates his practice in the area of securities litigation.

**KRYSTN AVDOVIC**, a staff attorney of the firm, received her law degree from the University of Miami School of Law and her undergraduate degree in Political Science and Spanish, cum laude, from Mount Saint Mary's University.

Prior to joining Barroway Topaz, Ms. Avdovic practiced employment law and was in-house counsel at Philadelphia Corporation for Aging. Ms. Avdovic is licensed to practice law in Pennsylvania and Nevada and is admitted to practice in the United States District Court for the Eastern District of Pennsylvania. She now concentrates her practice in the area of securities litigation.

**ADRIENNE BELL**, an associate of the firm, received her law degree from Brooklyn Law School and her undergraduate degree in Music Theory and Composition from New York University, where she graduated *magna cum laude*. Prior to joining the firm, Ms. Bell practiced in the areas of mass tort,

commercial and general liability litigation. Ms. Bell is licensed to practice in Pennsylvania and Nevada, and works in the firm's case development department.

**MATTHEW BENEDICT**, a staff attorney of the firm, concentrates his practice in the area of securities litigation. Prior to joining the firm, he worked as a staff attorney in the White Collar / Securities Litigation department at Dechert LLP. Mr. Benedict earned his law degree from Villanova University School of Law and his undergraduate degree from Haverford College. He is licensed to practice law in Pennsylvania and New Jersey.

**DANIELL A. BROTTMAN**, a staff attorney of the firm, received his J.D. from Rutgers School of Law - Camden. Mr. Brottman received a Bachelor of Science degree in Management Science and Information Systems from Rutgers University, New Brunswick. He is admitted to practice law in New Jersey and Pennsylvania.

Prior to joining Barroway Topaz, he was an associate at the Freehold, NJ based firm of Britt, Riehl & Spudic, P.C. Mr. Brottman now concentrates his practice in the area of securities litigation.

**BETHANY O'NEILL BYRNE**, a staff attorney of the firm, received her law degree from the Widener University School of Law in Delaware and her undergraduate degree from Villanova University. She is licensed to practice law in the Commonwealth of Pennsylvania and the State of New Jersey. Ms. Byrne concentrates her practice in the area of securities litigation.

**MICHELLE A. COCCAGNA**, an associate of the firm, received her law degree from Villanova University School of Law in 2007 and her Bachelor of Science degree, magna cum laude, in Finance and International Business from Villanova University in 2004. She is licensed to practice law in Pennsylvania and New Jersey and has been admitted to practice before the United States District Court for the District of New Jersey and the United States District Court for the Eastern District of Pennsylvania. Prior to joining Barroway Topaz, Ms. Coccagna worked as in-house counsel for a financial services firm in New York City. She concentrates her practice in the areas of consumer protection and wage and hour litigation.

**KARIN BALTIMORE CONNELLY**, a staff attorney of the firm, received her law degree from Widener University School of Law in Delaware. She received her undergraduate degree from Ithaca College and her Master's degree from Syracuse University's Newhouse School of Communications. Prior to joining Barroway Topaz, Ms. Connelly was a project attorney at Aetna Inc., where she worked in the litigation department.

Ms. Connelly is licensed to practice law in the Commonwealth of Pennsylvania and the State of Maryland. She concentrates her practice in the areas of shareholder derivative actions and mergers and acquisitions.

**JASON CONWAY**, a staff attorney of the firm, received his law degree from the Queensland University of Technology, Australia in 2003, where he was published in the journal of the national plaintiff lawyers' association. While completing his studies, Mr. Conway clerked for a criminal defense firm where he participated in trials and related litigation.

Prior to joining Barroway Topaz, Mr. Conway worked with the Philadelphia law firm of Sheller, Ludwig & Badey, P.C., where he litigated complex class action matters, including tobacco, environmental and product liability cases. Mr. Conway is licensed to practice law in the State of New York and has been admitted to practice before the United States Court of Appeals for the 9th Circuit. Mr. Conway concentrates his practice in the area of FLSA and wage and hour litigation.

**ALTHEA H. CRABTREE**, a staff attorney of the firm, received her law degree from the Temple University Beasley School of Law and earned her B.A. degree from Temple University where she

majored in English. She is licensed to practice law in Pennsylvania and admitted to practice before the United States District Court for the Eastern District of Pennsylvania.

Prior to joining Barroway Topaz, Ms. Crabtree worked at the Philadelphia law firm Dechert LLP where she practiced in the areas of antitrust and white collar crime. She concentrates her practice at Barroway Topaz in securities litigation.

**JOSHUA E. D'ANCONA**, an associate of the firm, received his J.D., magna cum laude, from the Temple University Beasley School of Law in 2007, where he served on the Temple Law Review and as president of the Moot Court Honors Society. Before joining the firm in 2009, he served as a law clerk to the Honorable Cynthia M. Rufe of the United States District Court for the Eastern District of Pennsylvania. Mr. D'Ancona graduated with honors from Wesleyan University. He is licensed to practice in Pennsylvania and New Jersey, and practices in the securities litigation and lead plaintiff departments of the firm.

**MARK S. DANEK**, an associate of the firm, received his undergraduate degree in Architecture from Temple University in 1996, and his law degree from Duquesne University School of Law in 1999. Prior to joining Barroway Topaz, Mr. Danek was employed as in-house counsel of a real estate investment trust corporation that specialized in the collection of delinquent property tax receivables. He is licensed to practice law in the Commonwealth of Pennsylvania and has been admitted to practice before the Courts of the Commonwealth of Pennsylvania, the United States District Court for the Western District of Pennsylvania and the Supreme Court of the United States of America. Mr. Danek concentrates his practice in the area of securities litigation.

**JONATHAN R. DAVIDSON**, an associate of the firm, is a graduate of The George Washington University where he received his Bachelor of Arts, summa cum laude, in Political Communication. Mr. Davidson received his Juris Doctor and Dispute Resolution Certificate from Pepperdine University School of Law and is licensed to practice law in the state of California. Prior to joining the firm, Mr. Davidson served as In-House Counsel for a real estate development company in Los Angeles.

Mr. Davidson concentrates his practice at Barroway Topaz in the area of securities litigation, working in the firm's business development and portfolio monitoring departments. He consults with firm clients regarding their rights and responsibilities with respect to their investments and purchases and taking an active role in shareholder and consumer litigation.

**RYAN T. DEGNAN**, an associate of the firm, received his law degree from Temple University Beasley School of Law in 2010, where he was a Notes and Comments Editor for the Temple Journal of Science, Technology & Environmental Law. Mr. Degnan earned his undergraduate degree in Biology from The Johns Hopkins University in 2004. While a law student, Mr. Degnan served as a Judicial Intern to the Honorable Gene E.K. Pratter of the United States District Court for the Eastern District of Pennsylvania. Mr. Degnan is licensed to practice in Pennsylvania and is a member of the firm's lead plaintiff litigation practice group.

**BENJAMIN J. DE GROOT**, a staff attorney of the firm, received his law degree from Columbia Law School where he was a Stone Scholar. He earned his B.A., with honors, in Philosophy and German Studies from the University of Arizona. Mr. de Groot is licensed to practice law in New York.

Prior to joining Barroway Topaz, Mr. de Groot was V.P. of Operations and counsel at AISG, a security integration company he helped establish in New York. Prior to that he practiced litigation as an associate at Cleary Gottlieb Steen and Hamilton, LLP. His practice focuses on managing the firm's ongoing litigation discovery.

**DONNA EAGLESON**, a staff attorney of the firm, received her law degree from the University of Dayton School of Law in Dayton, Ohio. Prior to joining Barroway Topaz, Ms. Eagleson worked as an

attorney in the law enforcement field, and practiced insurance defense law with the Philadelphia firm Margolis Edelstein. Ms. Eagleson is licensed to practice law in Pennsylvania and concentrates in the area of securities litigation discovery matters.

**JENNIFER L. ENCK**, an associate of the firm, received her law degree, cum laude, from Syracuse University College of Law in 2003 and her undergraduate degree in International Politics from The Pennsylvania State University in 1999. Ms. Enck also received a Masters degree in International Relations from Syracuse University's Maxwell School of Citizenship and Public Affairs.

Prior to joining Barroway Topaz, Ms. Enck was an associate with Spector, Roseman & Kodroff, P.C. in Philadelphia, where she worked on a number of complex antitrust, securities and consumer protection cases. Ms. Enck is licensed to practice law in Pennsylvania. She concentrates her practice in the areas of securities litigation and settlement matters.

**CATHERINE A. FOLEY**, a staff attorney of the firm, received her law degree from the Temple University James E. Beasley School of Law. Ms. Foley received her Bachelor of Arts degree, cum laude, from Sonoma State University. Prior to joining Barroway Topaz, she worked in pharmaceutical litigation and assisted at the Philadelphia Center for Civil Rights. She is licensed to practice law in Pennsylvania and New Jersey. Ms. Foley concentrates her practice in the area of securities litigation.

**WARREN GASKILL**, a staff attorney of the firm, received his law degree from the Widener University School of Law, Wilmington, DE and his undergraduate degree from Rutgers, the State University of New Jersey, New Brunswick, NJ. Immediately following law school, Mr. Gaskill served as a law clerk for The Honorable Valerie H. Armstrong, A.J.S.C., New Jersey Superior Court, in Atlantic City, NJ. Prior to joining Barroway Topaz, Mr. Gaskill was an associate at the Atlantic City, NJ based law firm of Cooper, Levenson, April, Neidelman, and Wagenheim PA. Mr. Gaskill concentrates in the area of securities law and is admitted to bar in New Jersey and the U.S. District Court, District of New Jersey.

**TYLER S. GRADEN**, an associate of the firm, received undergraduate degrees in Economics and International Relations, cum laude, from American University, and his Juris Doctor degree, cum laude, from Temple Law School. Mr. Graden is licensed to practice law in Pennsylvania and New Jersey. In addition, he is admitted to practice before the United States District Courts for the Eastern District of Pennsylvania, the Western District of Pennsylvania, and the District of New Jersey. Mr. Graden concentrates his practice in the areas of ERISA, employment law and consumer protection litigation.

Prior to joining Barroway Topaz, Mr. Graden practiced with the Philadelphia law firm Conrad O'Brien where he litigated various complex commercial matters. Mr. Graden also has experience working in the legal department of a Fortune 500 company and prosecuting criminal matters on behalf of the Philadelphia District Attorney's Office. Prior to attending law school, Mr. Graden served as an investigator at the Equal Employment Opportunity Commission, where he investigated and resolved individual and systemic claims of employment discrimination.

**ROBERT J. GRAY**, an associate of the firm, received his law degree from the Temple University School of Law. Mr. Gray received a Bachelor of Sciences degree from La Salle University with a dual major of Accounting and Finance. Prior to joining Barroway Topaz, Mr. Gray was an associate at a Philadelphia boutique litigation firm practicing in the areas of complex commercial litigation and corporate transactions. Mr. Gray also worked as in-house counsel for a small, publicly-traded holding company. Prior to beginning his law career, Mr. Gray worked as a forensic accountant for six years, conducting a variety of investigations for numerous governmental agencies and law firms. He received his CPA license in 1997. Mr. Gray is licensed to practice law in Pennsylvania and New Jersey, and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania. He concentrates his practice in the area of consumer protection.

**JOHN J. GROSS**, an associate of the firm, received his law degree from Widener University School of Law, and his undergraduate degree from Temple University. Mr. Gross is licensed to practice law in Pennsylvania, and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania, the Second Circuit Court of Appeals, the Ninth Circuit Court of Appeals and the United States Supreme Court. Mr. Gross concentrates his practice in the area of securities litigation.

**MARK K. GYANDOH**, an associate of the firm, received his undergraduate degree from Haverford College and his law degree from Temple University School of Law. While attending law school, Mr. Gyandoh served as the research editor for the *Temple International and Comparative Law Journal*. He also interned as a judicial clerk for the Honorable Dolores K. Sloviter of the U.S. Court of Appeals for the Third Circuit and the Honorable Jerome B. Simandle of the U.S. District Court for New Jersey.

After graduating from law school Mr. Gyandoh was employed as a judicial clerk for the Honorable Dennis Braithwaite of the Superior Court of New Jersey Appellate Division. Mr. Gyandoh is the author of "Foreign Evidence Gathering: What Obstacles Stand in the Way of Justice?" 15 Temp. Int'l & Comp. L.J. (2001) and "Incorporating the Principle of Co-Equal Branches into the European Constitution: Lessons to Be Learned from the United States" found in *Redefining Europe* (2005).

Mr. Gyandoh is licensed to practice in New Jersey and Pennsylvania and concentrates in the area of ERISA, antitrust and consumer protection. Mr. Gyandoh litigates ERISA fiduciary breach class actions across the country and was recently part of one of the few trial teams that have ever tried a "company stock" imprudent investment case to verdict in *Brieger et al. v. Tellabs, Inc.*, No. 06-CV-01882 (N.D. Ill.).

**LIGAYA T. HERNANDEZ**, an associate of the firm, received her J.D. and a Health Law Certificate from Loyola University Chicago. While in law school she served as Senior Editor for the *Annals of Health Law Journal*, received the CALI Award for highest grade in Appellate Advocacy, and was on the Dean's List. Ms. Hernandez also served as a judicial extern for the Honorable Mary Anne Mason of the Circuit Court of Cook County, Illinois.

Ms. Hernandez received a Master in Health Services Administration in Health Policy from The George Washington University and a Bachelor of Science degree in Biology from the University of Pittsburgh. She is licensed to practice law in Pennsylvania and New Jersey and is admitted to practice before the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey. Ms. Hernandez concentrates her practice in the areas of mergers and acquisitions and shareholder derivative actions.

**JENNIFER L. JOOST**, an associate of the firm, received her law degree, cum laude, from Temple University Beasley School of Law, where she was the Special Projects Editor for the *Temple International and Comparative Law Journal*. Ms. Joost earned her undergraduate degree in History, with honors, from Washington University in St. Louis in 2003. She is licensed to practice in Pennsylvania and New Jersey and admitted to practice before the United States Courts of Appeals for the Second, Fourth, Ninth, and Eleventh Circuits, and the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey. She concentrates her practice at Barroway Topaz in the area of securities litigation.

Ms. Joost has served as an associate on the following matters: *In re Wireless Facilities, Inc.*, No. 04-CV-1589-JAH (NLS) (S.D. Cal.) and *In re ProQuest Inc. Securities Litigation*, No. 2:06-cv-10619 (E.D. Mich.). Additionally, she is currently serving as an associate on the following matters: *In re UBS AG Securities Litigation*, No. 1:07-cv-11225-RJS, currently pending in the United States District Court for the Southern District of New York; *Luther, et al. v. Countrywide Financial Corp.*, No. BC 380698, currently pending in the Superior Court of the State of California, County of Los Angeles; and *In re Citigroup, Inc. Bond Litig.*, No. 08 Civ. 9522 (SHS), currently pending in the United States District Court for the Southern District of New York.

**TARA P. KAO**, an associate of the firm, received her J.D. from Villanova University School of Law, where she was a Managing Editor of Student Works for the *Villanova Law Review*. During law school, she also published an article, titled “They Can Take Your Body But Not Your Soul — Or So You Thought — The Third Circuit’s Application of the Turner Standard in Prisoners’ Free Exercise Cases,” in the *Berkeley Journal of Criminal Law* in December 2005. Ms. Kao received her Bachelor of Science in Business/Finance, with honors, from Carnegie Mellon University. She is licensed to practice law in Pennsylvania and New Jersey, and concentrates her practice in the areas of shareholder derivative actions and mergers and acquisitions.

**STACEY KAPLAN**, an associate in the firm’s San Francisco office, received her Bachelor of Business Administration from the University of Notre Dame in 2002, with majors in Finance and Philosophy. Ms. Kaplan received her J.D. from the University of California at Los Angeles School of Law in 2005.

During law school, Ms. Kaplan served as a Judicial Extern to the Honorable Terry J. Hatter, Jr., United States District Court, Central District of California. Prior to joining the firm, Ms. Kaplan was an associate with Robbins Geller Rudman & Dowd LLP in San Diego, California.

Ms. Kaplan concentrates her practice on prosecuting securities class actions. She is admitted to the California Bar and is licensed to practice in all California state courts, as well as the United States District Courts for the Northern and Central Districts of California.

**D. SEAMUS KASKELA**, an associate of the firm, received his B.S. in Sociology from Saint Joseph’s University, his M.B.A. from The Pennsylvania State University, and his law degree from Rutgers School of Law – Camden. Mr. Kaskela is licensed to practice law in Pennsylvania and New Jersey, and is admitted to practice before the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey. Mr. Kaskela works in the firm’s case development department.

**MATTHEW R. KAUFMANN**, a staff attorney of the firm, received his JD/MBA from Temple University’s Beasley School of Law and Fox School of Business, where he won the Terrence H. Klasky Memorial Award for outstanding achievement in banking, negotiable instrument, and consumer protection law. Mr. Kaufmann received his Bachelor of Science in Mathematics and Economics from Duke University. He is licensed to practice law in Pennsylvania, and concentrates his practice in the area of securities litigation.

**JOHN Q. KERRIGAN**, an associate of the firm, received his J.D. in 2007 from the Temple University Beasley School of Law. Before joining the firm in 2009, he was an associate in the litigation department of Curtin and Heefner LLP in Morrisville, Pennsylvania. Mr. Kerrigan graduated Phi Beta Kappa from Johns Hopkins University and received an MA in English from Georgetown University. He is licensed to practice law in Pennsylvania and New Jersey and concentrates his practice in the areas of mergers and acquisitions and shareholder derivative actions.

**RICHARD KIM**, an associate in the firm’s Radnor office, received his undergraduate degree from Bucknell University, with a major in Finance. Mr. Kim received both his J.D. and M.B.A. from Rutgers School of Law – Camden.

During law school, Mr. Kim interned with the U.S. Securities and Exchange Commission’s Philadelphia Regional Office. Following law school, he served as a law clerk to the Honorable Robert J. Mellon of the Court of Common Pleas, Bucks County, PA. Prior to joining the firm, Mr. Kim was a litigation associate with a Philadelphia, PA based firm.

Mr. Kim concentrates his practice on mergers and acquisition litigation and shareholder derivative litigation. He is admitted to practice law in both Pennsylvania and New Jersey.

**SHANNON O. LACK**, an associate of the firm, received her law degree from the University of Pittsburgh School of Law and her undergraduate degree in International Relations and French from Bucknell University. While a law student, Ms. Lack served as a judicial clerk for the Honorable Max Baer of the Supreme Court of Pennsylvania. She also served as a Managing Editor of the University of Pittsburgh *Journal of Law and Commerce*. Ms. Lack has authored “Civil Rights for Trafficked Persons: Recommendations for a More Effective Federal Civil Remedy,” University of Pittsburgh School of Law, *Journal of Law and Commerce*, Vol. 26 (2007). Ms. Lack is licensed to practice law in Pennsylvania and New Jersey. She concentrates her practice in the areas of ERISA and consumer protection litigation.

**MEREDITH LAMBERT**, an associate of the firm, received her law degree in 2010 from Temple University Beasley School of Law, where she was an Associate Editor for the Temple International and Comparative Law Journal. Ms. Lambert earned a Bachelors of Arts degree in History and a Certificate of Proficiency in Spanish Language and Culture from Princeton University in 2006. While a law student, Ms. Lambert served as Judicial Extern to the Honorable Judge Leonard P. Stark of the U.S. District Court for the District of Delaware. Ms. Lambert is licensed to practice in Pennsylvania and concentrates her practice in the area of Securities Litigation.

**SETH A. LINEHAN**, a staff attorney of the firm, received his law degree from the Widener University School of Law. Mr. Linehan received his Bachelor of Arts degree, magna cum laude, from Rider University. He served as law clerk to the Honorable Stephen B. Rubin, J.S.C., in both Somerset and Hunterdon Counties in New Jersey. Mr. Linehan is licensed to practice law in New Jersey and is admitted to practice before the United States District Court, District of New Jersey. He concentrates his practice in the area of securities litigation.

**DAN LOVIN**, a staff attorney of the firm, received his law degree from Widener University School of Law in 2006. He received his undergraduate degree from Bucknell University.

Mr. Lovin is licensed to practice law in the Commonwealth of Pennsylvania, the State of New Jersey, and the United States District Court for the State of New Jersey. His concentration of practice is in securities litigation.

**JAMES A. MARO, JR.**, an associate of the firm, received his law degree from the Villanova University School of Law in 2000. He received a B.A. in Political Science from the Johns Hopkins University in 1997. Mr. Maro is licensed to practice law in Pennsylvania and New Jersey and is admitted to practice in the United States District Court for the Eastern District of Pennsylvania. He concentrates his practice in the area of ERISA, antitrust and consumer protection and also has experience in the areas of mergers and acquisitions and shareholder derivative actions.

**KATRICE TAYLOR MATHURIN**, a staff attorney of the firm, received her law degree from the University of Richmond School of Law. She received her undergraduate degree from The Johns Hopkins University. During law school, Ms. Mathurin practiced as an intern in the office of the United States Attorney for the Eastern District of Virginia, where she represented the United States in matters before the District Court. She also practiced in the University of Richmond Children’s Law Center Disability Clinic. Prior to joining Barroway Topaz, Ms. Mathurin practiced in the areas of real estate and construction litigation. Ms. Mathurin is licensed to practice law in Pennsylvania and concentrates in the area of securities litigation.

**NICHELE D. MAULTSBY-WILEY**, a staff attorney of the firm, received her law degree from Villanova University School of Law, where she was a member of the Mock Trial Team. While a law student, Ms. Maultsby-Wiley served as a Judicial Extern to the Honorable J. Curtis Joyner of the United

States District Court for the Eastern District of Pennsylvania. She received her Bachelor of Arts in Criminology and Criminal Justice from the University of Maryland-College Park.

Prior to joining Barroway Topaz, Ms. Maultsby-Wiley was a project attorney at Pepper Hamilton LLP in Philadelphia, where she worked in the health effects litigation practice group. Ms. Maultsby-Wiley is licensed to practice law in Pennsylvania and now concentrates her practice in the area of securities litigation.

**DAVID E. MILLER**, a staff attorney of the firm, received his law degree from the Villanova School of Law, where he was an Associate Editor of the Villanova Sports and Entertainment Journal. Mr. Miller received his undergraduate degree, from Franklin and Marshall College, with a B.A. in Biological Foundations of Behavior, with a concentration in Neuroscience. Prior to joining Barroway Topaz, he worked in both pharmaceutical and construction litigation.

Mr. Miller is licensed to practice law in the Commonwealth of Pennsylvania and the State of New Jersey, and concentrates his practice in mergers and acquisition litigation and stockholder derivative litigation.

**JAMES H. MILLER**, an associate of the firm, received his J.D. in 2005 from Villanova University School of Law, where he was enrolled in Villanova University's JD/MBA program. Mr. Miller received his Master of Business Administration from Villanova University in 2005, and received his Bachelor of Chemical Engineering from Villanova University in 2002. Mr. Miller is licensed to practice law in Pennsylvania and concentrates his practice in the areas of mergers and acquisitions and shareholder derivative actions.

**LOUIS E. MOYA**, an associate of the firm, received his law degree in 2008 from Rutgers School of Law – Camden, where he was the Managing Technical Editor of the Rutgers Journal of Law and Public Policy. While a law student, Mr. Moya served as an intern to the Office of the Attorney General for the State of New Jersey, Division of Law and Public Safety. Mr. Moya also served as an intern to Hon. Nitza Quinones-Alejandro, Court of Common Pleas of Philadelphia County, Pennsylvania. He earned his undergraduate degree, magna cum laude, with honors, at the University of New Mexico, receiving a Bachelor of Arts in Film and Media Arts.

Prior to joining the firm Mr. Moya served as an Attorney Advisor to Hon. Adele H. Odegard, District Chief Judge, U.S. Department of Labor, Office of Administrative Law Judges, where he addressed labor and employment issues and claims arising in federally regulated industries under statutes such as the Sarbanes-Oxley Act. Mr. Moya is licensed to practice in New Jersey and concentrates his practice in the area of mergers and acquisition litigation and shareholder derivative litigation.

**CASANDRA A. MURPHY**, an associate of the firm, received her law degree from Widener University School of Law and her undergraduate from Gettysburg College. Prior to joining Barroway Topaz, Ms. Murphy was an associate at Post & Schell, P.C. where she practiced general casualty litigation. Ms. Murphy is licensed to practice in Pennsylvania and New Jersey, and has been admitted to practice before the United State District Court for the Eastern District of Pennsylvania. Ms. Murphy has lectured for the Pennsylvania Bar Institute and the Philadelphia Judicial Conference. She concentrates her practice in the areas of consumer protection, ERISA, pharmaceutical pricing and antitrust litigation.

**MICHELLE M. NEWCOMER**, an associate of the firm, received her law degree from Villanova University School of Law in 2005. Ms. Newcomer received her undergraduate degrees in Finance and Art History from Loyola College in Maryland in 2002. Throughout her legal career, Ms. Newcomer has concentrated her practice in the area of securities litigation, representing individual and institutional investors and helping them to recover millions against corporate and executive defendants for violations of the federal securities laws. In this respect, Ms. Newcomer helped secure the following recoveries for investors: *In re Tenet Healthcare Corp. Sec. Litig.*, No. 02-8462 (C.D. Cal.) (settled – \$281.5 million); *In*

*re Acclaim Entertainment, Inc. Sec. Litig.*, No. 2:03-CV-1270 (JS) (ETB) (E.D.N.Y.) (settled – \$13.65 million); *In re Zale Corp. Sec. Litig.*, No. 3:06-CV-01470-N (settled – \$5.9 million); and *In re Leadis Tech., Inc. Sec. Litig.*, No. C-05-0882-CRB (N.D. Cal.) (settled – \$4.2 million). Ms. Newcomer is also currently involved in several high profile securities fraud suits, including: *In re Lehman Brothers Sec. & ERISA Litig.*, No. 09 MD 2017 (LAK) (S.D.N.Y.) and *In re SemGroup Energy Partners, L.P. Sec. Litig.*, No. 08-MD-1989-GFK-FHM (N.D. Olka.).

Ms. Newcomer is licensed to practice law in the Commonwealth of Pennsylvania and the State of New Jersey and has been admitted to practice before the Supreme Court of the United States, the United States Court of Appeals for the Ninth and Tenth Circuits, and the United States District Court for the District of New Jersey.

**WILLIAM F. O'SHEA, III**, a staff attorney of the firm, received his law degree from the Villanova University School of Law in 1998 and received his undergraduate degree in English from Villanova University in 1991. During law school, Mr. O'Shea was a member of the Northeast Regional Champion team in the Philip C. Jessup International Moot Court Competition.

Prior to joining the firm, Mr. O'Shea practiced in the areas of commercial litigation and business transactions, representing a broad range of clients, including individuals, entrepreneurs, financial institutions, Fortune 500 corporations and major league sports teams, and has experience dealing with various municipal, state, federal and international governmental entities and regulatory agencies. Mr. O'Shea is licensed to practice law in Pennsylvania and New Jersey, and has been admitted to practice before the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey. Mr. O'Shea concentrates his practice in the area of securities litigation.

**VIVIAN BENZ PEIKIN**, a staff attorney of the firm, received her law degree from Temple Law School. She is licensed to practice law in Pennsylvania and New Jersey and admitted to practice before the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey. She concentrates her practice at Barroway Topaz in the area of securities litigation.

Prior to joining Barroway Topaz, she worked as an associate representing plaintiffs in consumer product litigation and later as a staff attorney at Dechert, LLC representing a defendant in a mass-tort litigation.

Ms. Peikin was named a Pennsylvania Rising Star Super Lawyer in 2006. She currently serves on the Upper Merion Township Environmental Advisory Council.

**JENNA M. PELLECCCHIA**, an associate of the firm, received her law degree, cum laude, from Villanova University School of Law in 2010 and her undergraduate degrees in Physics and Mathematics from Duke University in 2007. Ms. Pellecchia is licensed to practice law in Pennsylvania and New Jersey. She concentrates her practice in the areas of Intellectual Property law and Patent Litigation.

**ERIK PETERSON**, an associate in the firm's San Francisco office, received his Bachelor of Arts from James Madison University and his Master of Public Administration, concentrating in public finance, with honors, from the University of Kentucky. Mr. Peterson graduated cum laude from the University of Kentucky College of Law, where he was Editor-in-Chief of the *Journal of Natural Resources and Environmental Law*. There he received the CALI Award in Federal Taxation and authored *Navigating the Waters of Informational Standing in American Canoe Ass'n, Inc. v. City of Louisa*, 20 J. Nat. Resources & Env'tl. L. 291 (2006).

During law school, Mr. Peterson served as Judicial Intern to United States District Court Judge T.S. Ellis, III, Eastern District of Virginia. Following law school, Mr. Peterson served as Law Clerk to United States District Court Judge Gregory F. Van Tatenhove, Eastern District of Kentucky. Prior to joining the firm,

Mr. Peterson was associated with Coughlin Stoia Geller Rudman & Robbins LLP in San Diego, California.

Mr. Peterson concentrates his practice on prosecuting securities class actions. He is licensed to practice in California and Kentucky and is admitted to practice before all United States District Courts in California, as well as the United States Court of Appeals for the Sixth Circuit, and is also a member of the firm's lead plaintiff litigation practice group.

**DAVID PROMISLOFF**, an associate of the firm, received his law degree from the University of Michigan in 2005. While in law school, he served as an associate editor of the *Michigan Telecommunications and Technology Law Review*. Mr. Promisloff received his undergraduate degree from Emory University in 2002, double majoring in political science and history. Mr. Promisloff is licensed to practice in Pennsylvania, and works in the firm's case development department.

**KRISTEN L. ROSS**, an associate of the firm, concentrates her practice in shareholder derivative actions. Ms. Ross received her J.D., with honors, from the George Washington University Law School, and B.A., *magna cum laude*, from Saint Joseph's University, with a major in Economics and minors in International Relations and Business.

Ms. Ross is licensed to practice law in Pennsylvania and New Jersey, and has been admitted to practice before the United States District Courts for the District of New Jersey and the Eastern District of Pennsylvania. Prior to joining Barroway Topaz, Ms. Ross was an associate at Ballard Spahr LLP, where she focused her practice in commercial litigation, particularly foreclosure and bankruptcy proceedings. She also has experience in commercial real estate transactions. During law school, Ms. Ross served as an intern with the United States Attorney's Office for the Eastern District of Pennsylvania.

**ALLYSON M. ROSSEEL**, a staff attorney of the firm, received her law degree from Widener University School of Law. She earned her B.A. in Political Science from Widener University and is licensed to practice law in Pennsylvania and New Jersey.

Prior to joining the firm Ms. Rosseel was employed as general counsel for a boutique insurance consultancy/brokerage focused on life insurance sales, premium finance and structured settlements. She concentrates her practice at Barroway Topaz in the area of securities litigation.

**KIRK D. RUECKMANN**, a staff attorney of the firm, received his J.D. from the University of Pittsburgh School of Law, where he was Managing Editor of the *Journal of Law & Commerce*. Mr. Rueckmann received his Bachelor of Arts in History and Political Science from the University of Rochester. He is licensed to practice law in the Commonwealth of Pennsylvania, and concentrates his practice in the area of securities litigation.

**RICHARD A. RUSSO, JR.**, an associate of the firm, received his J.D. from the Temple University Beasley School of Law, *cum laude*, where he was a member of the *Temple Law Review*. Mr. Russo received his Bachelor of Science in Business Administration, *cum laude*, from Villanova University. He is licensed to practice law in Pennsylvania and New Jersey, and concentrates his practice in the area of securities litigation.

**JOSHUA C. SCHUMACHER**, an associate of the firm, received his undergraduate degree in Politics & Government from George Mason University, and his Juris Doctor degree, *cum laude*, from Case Western Reserve University. Mr. Schumacher concentrates his practice in the areas of ERISA and consumer protection litigation.

Prior to joining Barroway Topaz, Mr. Schumacher practiced with the Philadelphia law firms of Berger & Montague, P.C. and Duane Morris LLP, where he litigated numerous individual and class cases on behalf of major institutional and corporate clients. Mr. Schumacher is admitted to practice law in the

Commonwealth of Pennsylvania and before the United States District Court for the Eastern District of Pennsylvania, and has been admitted *pro hac vice* before numerous other state and federal courts.

Mr. Schumacher has litigated numerous successful actions involving significant recoveries on behalf of aggrieved individuals and investors, including *In re CIGNA Corp. Securities Litigation* (\$93M recovery), *In re Sepracor Securities Litigation* (\$52.5M recovery) and *Ginsburg v. Philadelphia Stock Exchange, Inc.* (\$99M recovery). Mr. Schumacher has also represented a large state government in various civil enforcement proceedings against predatory and so-called “pay day” lenders. In addition, Mr. Schumacher has represented several Fortune 500 companies in wide reaching federal and state litigation, including federal multi-district litigation, employer non-compete clauses, and trademark infringement issues.

**TRACEY A. SHREVE**, a staff attorney of the firm, earned her Economics degree from Syracuse University where she was recognized as an International Scholar. Ms. Shreve received her law degree from California Western School of Law and was a member of the Pro Bono Honor Society. She is licensed to practice law in Pennsylvania and has been admitted to practice before the United States Supreme Court. Prior to joining Barroway Topaz, Ms. Shreve worked at a boutique litigation firm located in Center City Philadelphia, and worked as an Assistant Public Defender in Lehigh County. She now concentrates her practice in the area of ERISA and Consumer Rights.

**JULIE SIEBERT-JOHNSON**, an associate of the firm, received her law degree from Villanova University School of Law in 2008. She graduated cum laude from the University of Pennsylvania in 2003. Ms. Siebert-Johnson is licensed to practice law in Pennsylvania and New Jersey. She concentrates her practice in the area of ERISA and consumer protection litigation.

**IOANA A. STANESCU**, a staff attorney in the firm’s San Francisco office, received her law degree from the University of San Francisco School of Law. She received her Bachelor of Science in Economics from Duke University. Ms. Stanescu is licensed to practice law in California and concentrates her practice in the area of securities litigation.

**MEGHAN TIGHE**, a staff attorney of the firm, received her law degree from Tulane University School of Law and has a L.L.M. in taxation from Villanova University. She received her undergraduate degree, with distinction, from the Eller College of Business at The University of Arizona. She is currently completing her L.L.M in Taxation at Villanova University.

Ms. Tighe is licensed to practice law in Pennsylvania and New Jersey and concentrates her practice in the area of securities litigation.

**ALEXANDRA H. TOMICH**, a staff attorney of the firm, received her law degree from Temple Law School and her undergraduate degree, from Columbia University, with a B.A. in English. She is licensed to practice law in Pennsylvania.

Prior to joining Barroway Topaz, she worked as an associate at Trujillo, Rodriguez, and Richards, LLC in Philadelphia. Ms. Tomich volunteers as an advocate for children through the Support Center for Child Advocates in Philadelphia and at Philadelphia VIP. She concentrates her practice in the area of securities litigation.

**AMANDA R. TRASK**, an associate of the firm, received her law degree from Harvard Law School and her undergraduate degree, cum laude, from Bryn Mawr College, with honors in Anthropology. She is licensed to practice law in Pennsylvania and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania.

Prior to joining Barroway Topaz, she worked as an associate at a Philadelphia law firm where she represented defendants in consumer product litigation. Ms. Trask has served as an advocate for children

with disabilities and their parents and taught special education law. She currently serves on the Board of the Bryn Mawr College Club of Philadelphia. She concentrates her practice in the areas of ERISA, consumer protection and stockholder derivative actions.

**NEENA VERMA**, an associate of the firm, received her law degree, magna cum laude, from Rutgers School of Law – Camden, where she was the Executive Editor of the Rutgers Journal of Law and Public Policy. While a law student, Ms. Verma served as a Judicial Extern to the Honorable Barry T. Albin of the New Jersey Supreme Court and as a Judicial Pupil at the United Kingdom Information Tribunal. She earned dual degrees, cum laude, at the University of Pennsylvania, receiving a Bachelor of Arts in Architecture and a Bachelor of Science in Economics from the Wharton School. Ms. Verma is licensed to practice in the District of Columbia, New Jersey and Pennsylvania and concentrates her practice in the area of securities litigation.

**MEGHAN L. WARD**, a staff attorney of the firm, received her law degree from the Widener University School of Law in Delaware and her undergraduate degree in International Affairs from The George Washington University, in Washington, D.C.

Ms. Ward is licensed to practice law in the Commonwealth of Pennsylvania and the State of New Jersey. She concentrates her practice in the area of securities litigation.

**DAVID F. WATKINS JR.**, a staff attorney of the firm, received his law degree, with honors, from Rutgers University School of Law-Camden, where he served as Business Editor of the Rutgers Journal of Law and Urban Policy. Mr. Watkins received his Bachelor of Science in Finance from West Chester University of Pennsylvania.

Prior to joining Barroway Topaz, Mr. Watkins worked at a Philadelphia area law firm where he represented Fortune 100 and regionally based clients in United States District Courts across the country in connection with commercial transportation matters. He also worked at a boutique Philadelphia law firm where he practiced in the areas of antitrust and other complex litigation.

Mr. Watkins is admitted to practice law in Pennsylvania and New Jersey, and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the District of New Jersey. He concentrates his practice at Barroway Topaz in the area of securities litigation.

**JOSEPH A. WEEDEN**, an associate of the firm, received his law degree from the University of North Carolina School of Law, where he received the Gressman-Politt Award for outstanding oral advocacy. Mr. Weeden also received his undergraduate degree from the University of North Carolina at Chapel Hill, where he was a Joseph E. Pogue Scholar. Prior to joining the firm, Mr. Weeden was an associate at Kaufman & Canoles, P.C., where he practiced in the areas of commercial and business law. Mr. Weeden is licensed to practice law in Virginia, and concentrates his practice in the area of ERISA and consumer protection litigation.

**KURT WEILER**, a staff attorney of the firm, received his law degree from Duquesne University School of Law, where he was a member of the Moot Court Board and McArdle Wall Honoree. He received his undergraduate degree from the University of Pennsylvania.

Prior to joining Barroway Topaz, Mr. Weiler was associate corporate counsel for a Philadelphia-based mortgage company, where he specialized in the area of foreclosures and bankruptcy. Mr. Weiler is licensed to practice law in Pennsylvania and currently concentrates his practice in the area of securities litigation.

**ERIC K. YOUNG**, a staff attorney of the firm, received his law degree, magna cum laude, from New York Law School where he served as a member of the New York Law School Law Review. He earned

his B.A. degree, cum laude, from Hofstra University where he majored in Film Studies and Production. He is licensed to practice law in the Commonwealth of Pennsylvania.

Prior to joining Barroway Topaz, Mr. Young was a Staff Attorney at the Philadelphia law firm Dechert LLP where he practiced in the areas of antitrust and white collar crime. He concentrates his practice at Barroway Topaz in securities litigation.

**DIANA J. ZINSER**, a staff attorney of the firm, received her J.D. from Temple University Beasley School of Law in 2006. She received her B.A., *cum laude*, in political science with a minor in economics from Saint Joseph's University in 2003 and was a member of the Phi Beta Kappa honor society.

Prior to joining the firm, Ms. Zinser was a project attorney at Pepper Hamilton LLP in Philadelphia, where she worked in the health effects litigation practice group. Ms. Zinser is licensed to practice law in Pennsylvania, and concentrates her practice in the area of consumer protection, ERISA, pharmaceutical pricing and antitrust litigation.

## OF COUNSEL

**LAUREN WAGNER PEDERSON**, of Counsel to the firm, received a B.S. degree in Business Administration from Auburn University. She launched her legal career after working in sales and marketing for Fortune 500 companies such as Colgate-Palmolive Company and earned her J.D., *summa cum laude*, from the Cumberland School of Law where she was Associate Editor of the *Cumberland Law Review*. Lauren served as Law Clerk to the Honorable Joel F. Dubina for the United States Court of Appeals for the Eleventh Circuit and currently is enrolled at Georgetown University Law Center in the Securities and Financial Regulation LL.M. program.

In her practice, Lauren serves as counsel to public pension funds, shareholders and companies in a broad range of complex corporate securities and corporate governance litigation. She has represented individuals and institutional investors in many high profile securities class actions and other actions in state and federal courts. She has represented the Ohio Public Retirement Systems in securities fraud actions arising out of the collapse of Enron Corp. and WorldCom, Inc. and represented three institutional investors as lead plaintiffs in a groundbreaking case against Oxford Health Plans, Inc. that resulted in a \$300 million settlement. In addition, Lauren has litigated accounting and legal malpractice actions and recently recovered a judgment in Delaware federal court on behalf of Trust Company of the West in a legal malpractice action arising out of an international private equity transaction. She also has successfully argued and defended appeals before the Court of Appeals for the Eleventh Circuit and has represented individuals and companies in securities arbitrations before the NASD and New York Stock Exchange. Currently, Lauren is heavily involved in the firm's cases related to the subprime mortgage crisis, including cases pending against Countrywide Financial Corporation and IndyMac Bancorp, Inc.

Lauren also is a certified mediator and a member of the State Bars of New York, Delaware, Maryland, Georgia and Alabama and is admitted to practice in numerous federal courts. She also has been an Adjunct Professor of Law at the Widener University School of Law in Wilmington, Delaware, teaching a securities litigation seminar.

**DONNA SIEGEL MOFFA**, of Counsel to the firm, received her law degree, with honors, from Georgetown University Law Center in May 1982. She received her undergraduate degree, cum laude, from Mount Holyoke College in Massachusetts. Ms. Siegel Moffa is admitted to practice before the Third Circuit Court of Appeals, the United States Courts for the District of New Jersey and the District of Columbia, as well as the Supreme Court of New Jersey and the District of Columbia Court of Appeals. Prior to joining the firm, Ms. Siegel Moffa was a member of the law firm of Trujillo, Rodriguez & Richards, LLC, where she litigated, and served as co-lead counsel, in complex class actions arising under

federal and state consumer protection statutes, lending laws and laws governing contracts and employee compensation. Prior to entering private practice, Ms. Siegel Moffa worked at both the Federal Energy Regulatory Commission (FERC) and the Federal Trade Commission (FTC). At the FTC, she prosecuted cases involving allegations of deceptive and unsubstantiated advertising. In addition, both at FERC and the FTC, Ms. Siegel Moffa was involved in a wide range of administrative and regulatory issues including labeling and marketing claims, compliance, FOIA and disclosure obligations, employment matters, licensing and rulemaking proceedings.

Ms. Siegel Moffa continues to concentrate her practice in the area of consumer protection litigation. She served as co-lead counsel for the class in *Robinson v. Thorn Americas, Inc.*, L-03697-94 (Law Div. 1995), a case that resulted in a significant monetary recovery for consumers and changes to rent-to-own contracts in New Jersey. Ms. Siegel Moffa was also counsel in *Muhammad v. County Bank of Rehoboth Beach, Delaware*, 189 N.J. 1 (2006), U.S. Sup. Ct. cert. denied, 127 S. Ct. 2032(2007), in which the New Jersey Supreme Court struck a class action ban in a consumer arbitration contract. She has served as class counsel representing consumers pressing TILA claims, e.g. *Cannon v. Cherry Hill Toyota, Inc.*, 184 F.R.D. 540 (D.N.J. 1999), and *Dal Ponte v. Am. Mortg. Express Corp.*, CV- 04-2152(D.N.J. 2006), and has pursued a wide variety of claims that impact consumers and individuals including those involving predatory and sub-prime lending, mandatory arbitration clauses, price fixing, improper medical billing practices, the marketing of light cigarettes and employee compensation. Ms. Siegel Moffa's practice has involved significant appellate work representing individuals, classes, and non-profit organizations participating as amicus curiae, such as the National Consumer Law Center and the AARP. In addition, Ms. Siegel Moffa has regularly addressed consumer protection and litigation issues in presentations to organizations and professional associations. Ms. Siegel Moffa is a member of the New Jersey State Bar Association, the Camden County Bar Association, the District of Columbia Bar Association, the National Association of Consumer Advocates and the Public Justice Foundation.

## CONSULTANTS

**KEVIN P. CAULEY** serves as an institutional liaison at the firm. Mr. Cauley has extensive experience working with public and Taft-Hartley pension funds regarding their rights and responsibilities with respect to their investments and purchases and taking an active role in shareholder and consumer litigation. In addition, Mr. Cauley assists clients in evaluating what systems they have in place to identify and monitor shareholder and consumer litigation that has an effect on their funds, and also assists them in evaluating the strength of such cases and to what extent they may be affected by alleged misconduct.

Mr. Cauley, a graduate of Temple University, also has prior experience at a multi-family office, in institutional fiduciary investment consulting, money manager selection, best trade executions, and asset allocation modeling. He has held the Series 7, 24, 63, and 65 licenses with the NASD. Mr. Cauley has also done political consulting in coordinating and directing various aspects of field operations for local, state, and national campaigns in Southeastern Pennsylvania. He is also an active member of The Pennsylvania Future Fund, A.O.H. Division 88 "Officer Danny Boyle Chapter," The Clover Club of Philadelphia, The Foreign Policy Research Institute, The Princeton Committee on Foreign Relations, and is an elected member to The Pennsylvania Society and The Union League of Philadelphia, where he serves on the Armed Services Committee.

**PETER KRANEVELD**, an advisor to the firm, works with Barroway Topaz to analyze and evaluate corporate governance issues, shareholder rights and activism and how these fit into the interests of the firm's large international client base of pension funds and other institutional investors. An economist by training, Mr. Kraneveld has a long history of working with pension funds and other institutional shareholders. He recently completed an eight year stint working with Dutch pension fund PGGM, a public pension fund for the healthcare sector in the Netherlands, and one of the largest pension funds in Europe. Mr. Kraneveld's last three years at PGGM were spent as a Special Advisor for International Affairs where his main responsibilities included setting up a network among national and international

lobbying organizations, domestic and foreign pension funds and international civil servants and using it to promote the interests of the pension fund industry. Mr. Kraneveld served as Chief Economist for PGGM's Investments Directorate from 1999 until 2004 where his accomplishments included the Tactical Asset Allocation process and designing alternative scenarios for Asset Liability Management. Prior to his work with PGGM, Mr. Kraneveld worked with the Organisation for Economic Co-operation and Development (OECD) and the Dutch Ministry of Economic Affairs.

**DAVID RABBINER** serves as Barroway Topaz's Director of Investigative Services and leads investigations necessary to further and strengthen the firm's class action litigation efforts. Although his investigative services are primarily devoted to securities matters, Mr. Rabbiner routinely provides litigation support, conducts due diligence, and lends general investigative expertise and assistance to the firm's other class action practice areas. Mr. Rabbiner plays an integral role on the firm's legal team, providing critical investigative services to obtain evidence and information to help ensure a successful litigation outcome. Before joining Barroway Topaz, Mr. Rabbiner enjoyed a broad based, successful career as an FBI Special Agent, including service as an Assistant Special Agent in Charge, overseeing multiple criminal programs, in one of the Bureau's largest field offices. He holds an A.B. in English Language and Literature from the University of Michigan and a Juris Doctor from the University of Miami School of Law.

# EXHIBIT B

**BRAMSON, PLUTZIK, MAHLER & BIRKHAUSER, LLP**

Bramson Plutzik, Mahler & Birkhaeuser, LLP is a San Francisco Bay Area law firm that specializes in representing plaintiffs in class actions, derivative suits and other complex litigation.

Members of the firm serving as lead or co-lead counsel have successfully handled class actions in which hundreds of millions of dollars have been recovered for the class members. Among these cases are: *In re Unocal Toxic Spill Litigation*, in which \$80 million was recovered for victims of a release of toxic chemicals; *Clark v. Ford Motor Credit Co.*, in which the plaintiff class recovered \$58.25 million; *Klussman v. Cross Country Bank*, in which the class achieved a \$21 million recovery; *Nguyen v. Verizon Wireless*, which also produced a \$21 million recovery; *Patrick v. Blue Shield of California*, in which \$20 million was recovered for the class; *Gross v. Barnett Bank*, in which over \$19 million was recovered; *Ganal v. Toyota Motor Credit*, in which an \$18 million recovery was achieved; *Henderson v. First Interstate Bank of California*, in which \$16.25 million was recovered for the plaintiff class; *Guyette v. Viacom, Inc.*, in which a settlement was negotiated that included a cash payment to the class of \$13 million; *Reed v. Bank of America*, in which \$9 million was recovered; *In re Worlds of Wonder Securities Litigation*, a securities fraud action which resulted in a \$9 million recovery; *Whitehouse v. Westcorp Financial Services, Inc.*, in which an \$8 million settlement was achieved. The firm's partners have represented clients in class action and derivative cases in federal and state courts throughout the United States.

In addition to its expertise in class actions and derivative litigation, the firm has also achieved prominence and expertise in the areas of telecommunications law and First Amendment litigation. The firm's efforts in these areas have resulted in a substantial number of significant published decisions, including two favorable rulings from the United States Supreme Court -- *Community Communications v. City of Boulder*, 455 U.S. 40 (1982) and *City of Los Angeles v. Preferred Communications*, 476 U.S. 488 (1986). See also *Preferred Communications v. City of Los Angeles*, 13 F.3d 1327 (9th Cir.), cert. denied, 114 S.Ct. 2738 (1994).

**Alan R. Plutzik**

Alan R. Plutzik specializes in complex business litigation in federal and state courts. Areas of particular emphasis include consumer class actions, securities fraud and corporate governance litigation, antitrust and communications law. Mr. Plutzik is admitted to practice in California and the District of Columbia Bar (inactive member) and is a member of the bars of the United States Supreme Court, the Second, Third, Eighth, Ninth, Tenth and District of Columbia Circuits and numerous federal district courts.

Mr. Plutzik joined the firm upon his graduation from the University of California at Berkeley's Boalt Hall School of Law in 1977. He received his undergraduate degree from St. John's College, Annapolis, Maryland, in 1971, and holds an M. A. from Stanford University. From 1981-1986, Mr. Plutzik was resident partner in the firm's Washington, D.C. office. He practiced with the San Francisco law firm of Gold & Bennett from 1986-1994, and returned to the firm as a partner in 1995. Over the course of his thirty-four year career, Mr. Plutzik has handled a wide variety of class actions and derivative cases. He has represented, among other clients,

- corporate shareholders and limited partners challenging conduct by their general partners, officers or directors;
- consumers and businesses harmed by price-fixing and other anticompetitive conduct;

- victims of consumer fraud;
- investors in securities fraud cases and derivative suits;
- employees in ERISA and wage/hour cases;
- purchasers of mislabeled and defective products;
- victims of toxic pollution;
- persons harmed by defective products; and
- telephone, cellular and cable television subscribers.

Mr. Plutzik has also represented high-tech companies in litigation and arbitration, and broadcasters, cable television companies, communications common carriers and consumers in litigation and in administrative proceedings before the Federal Communications Commission and the California Public Utilities Commission.

Mr. Plutzik has written or lectured on topics that include class actions, California consumer law, substantive and procedural issues under the federal securities laws, First Amendment issues applicable to new media, cable television franchising and legal issues arising from cable television companies' access to utility poles and real estate developments. He has appeared as a guest radio commentator on the Len Tillem Show on KGO-Radio in San Francisco, discussing class actions, consumer protection law and investor rights.

Mr. Plutzik has served as a judge *pro tem* on the Contra Costa County Superior Court. He is also Co-President of the Warren W. Eukel Teacher Trust, a community-based charity that honors outstanding teachers in Contra Costa County, California.

### **Alan R. Plutzik Representative Cases**

*Patrick v. California Physicians' Service dba Blue Shield of California* (San Francisco County, California Superior Court and United States District Court for the Northern District of California). Mr. Plutzik represented the plaintiffs in a class action for consumer fraud, unfair business practices and violations of ERISA arising from allegedly deceptive and unfair practices by a health insurance company in connection with patient co-payments for hospital treatment. A settlement of \$20 million was negotiated after the close of discovery.

*In re Cellphone Termination Fee Cases – Handset Locking Actions* (Alameda County, California Superior Court). Mr. Plutzik served as co-lead counsel in five coordinated cases challenging the secret locking of cellphone handsets by major national wireless carriers to prevent consumers from activating them on competitive carriers' systems. Settlements have been approved in all five cases on terms that require the cellphone carriers to disclose their handset locks to consumers and to provide unlocking codes nationwide on reasonable terms and conditions. The settlements fundamentally changed the landscape for cellphone consumers regarding the locking and unlocking of cellphone handsets.

*In re Cellphone Termination Fee Cases – Early Termination Fee Cases* (Alameda County, California Superior Court and Federal Communications Commission). In separate cases that are a part of the same coordinated litigation as the Handset Locking Cases, Mr. Plutzik is Liaison Counsel and a member of the plaintiffs' Executive Committee in connection with claims challenging the validity under California law of early termination fees imposed by national

cellphone carriers. In one of those cases, against Verizon Wireless, a nationwide settlement was reached after three weeks of trial in the amount of \$21 million. In a second case, which was tried to verdict, the Court held after trial that the \$73 million of flat early termination fees that Sprint PCS had collected from California consumers over an eight-year period were void and unenforceable.

*Guyette v. Viacom, Inc.* (Alameda County, California Superior Court). Mr. Plutzik was co-counsel for a class of cable television subscribers who alleged that the defendant had improperly failed to share certain tax refunds with the subscribers. A settlement was negotiated shortly before trial under which defendants paid the class \$13 million in cash and paid for all expenses of notice to the class and settlement administration.

*Green v. Metropolitan Life Insurance Co.* (San Francisco County, California Superior Court). Mr. Plutzik was co-counsel for a California class of MetLife policy holders in a class action alleging that MetLife had engaged in “twisting,” “churning” and other misconduct in the sale of replacement life insurance policies. The claims asserted included fraud, negligent misrepresentation, breach of fiduciary duty, breach of the covenant of good faith and unfair business practices. After the California class was certified, the case settled on a nationwide basis for consideration in excess of \$1 billion.

*In re Pacific Lumber Company Securities Litigation* (United States District Court, Southern District of New York). Mr. Plutzik was counsel for the plaintiff class in a securities class action arising out of a tender offer for Pacific Lumber Company by a corporate raider. The plaintiff class recovered in excess of \$140 million.

*In re Worlds of Wonder Securities Litigation* (United States District Court, Northern District of California). Mr. Plutzik was co-lead counsel for the plaintiff class in a securities fraud class action against officers, directors, venture capitalists and auditors of failed toy company. After percipient and expert discovery, summary judgment, appeal and remand, a settlement was reached against the company's auditor, Deloitte & Touche, LLP, for \$9 million. The case resulted in a number of published opinions – e.g., *In re Worlds of Wonder Securities Litigation*, 35 F.3d 1407 (9th Cir. 1994), cert. denied, 516 U.S. 868 (1995); 694 F. Supp. 1427 (N.D. Cal. 1988); 721 F. Supp. 1140 (N.D. Cal. 1989); 1990 U.S. Dist. LEXIS 18396, [1990-91 Transfer Binder] Fed. Sec. L. Rep. (CCH) 95,689 (N.D. Cal. 1990); 147 F.R.D. 208 (N.D. Cal. 1992).

*McCall v. Newkirk Capital LLC* (Connecticut Superior Court, New Britain Judicial District). Mr. Plutzik represented a class of investors in 90 limited partnerships in a suit arising out of a consolidation or "rollup" of the partnerships. A settlement was negotiated and approved by the Court that provides for the class to receive significant consideration, including cash, additional partnership units and a restructuring of certain assets and agreements with the general partner and its affiliates.

*In re Daisy Systems Securities Litigation* (United States District Court, Northern District of California). Mr. Plutzik represented a plaintiff class in a securities fraud class action against the directors and officers of a Silicon Valley company. A \$13.1 million settlement was reached.

*Hodge v. Franklin Select Realty Trust* (San Mateo County, California Superior Court). Mr. Plutzik was co-counsel for a shareholder class in a claim for fraud, negligent misrepresentation, breach of fiduciary duty and aiding and abetting breach of fiduciary duty against directors and officers of a real estate investment trust, arising out of merger with two other related companies. A settlement of \$4 million was negotiated.

*Barnett v. Glenborough Pension Investors* (San Mateo County, California Superior Court). Mr. Plutzik was co-counsel for a plaintiff class of limited partners in a claim for fraud,

negligent misrepresentation, breach of fiduciary duty and aiding and abetting breach of fiduciary duty against general partners, attorneys and lenders arising from the restructuring of a real estate limited partnership. A settlement of approximately \$3 million was reached after the close of expert discovery.

*In re Technical Equities Federal Securities Litigation* (United States District Court, Northern District of California). Mr. Plutzik represented the plaintiff class in securities fraud class action against directors, officers, auditors, attorneys, lenders and investment bankers of a public corporation that was alleged to have operated a complex Ponzi scheme. A global classwide settlement in the amount of \$13 million was reached shortly before trial. *See In re Technical Equities Federal Securities Litigation*, 1988 U.S. Dist. LEXIS 15813, [1988-89 Transfer Binder] Fed. Sec. L. Rep. (CCH) P 94, 093 (N.D. Cal. Oct. 3, 1988)

*Daniels v. Centennial Group* (Orange County, California Superior Court). Mr. Plutzik was co-counsel for the plaintiff class in a claim for fraud, negligent misrepresentation and breach of fiduciary duty against general partners and promoters arising from a "roll-up" of six real estate limited partnerships. A settlement of approximately \$4 million was reached on behalf of the investors. The case resulted in an important published opinion regarding the standards for class certification under California law – *Daniels v. Centennial Group, Inc.*, 16 Cal.App.4th 467 (1993).

*Harbor Finance Partners v. BKP Capital Management et al.* (San Francisco County Superior Court). Mr. Plutzik was co-counsel for a plaintiff class consisting of both individual and institutional investors in an action asserting claims of misrepresentation, breach of fiduciary duty and unfair business practices against a hedge fund, its general partner, its auditor and others. The action settled on terms favorable to the class.

*McCullough v. Jameson* (United States District Court for the Northern District of California) – Individual and derivative case on behalf of shareholders of a privately held oil company for alleged misappropriation of corporate opportunities and other breaches of fiduciary duties. The case settled favorably.

*Stock Options Backdating Derivative Cases* (United States District Court, Northern District of California) – Mr. Plutzik has served as Liaison Counsel in a number of options backdating derivative cases in the United States District Court for the Northern District of California, including *In re Integrated Silicon Solutions Derivative Cases*, *In re Actel Derivative Cases* and *In re Chordiant Derivative Cases*. Successful results were achieved in all of those cases.

*In re Washington Public Power Supply Securities Litigation* (United States Court of Appeals for the Ninth Circuit) – Mr. Plutzik represented a class action law firm in a case that established important principles regarding the compensation of plaintiffs' counsel in federal class actions. The case resulted in a published opinion. *In re Washington Public Power Supply Sys. Sec. Litig.*, 19 F.3d 1291, 1300 (9<sup>th</sup> Cir. 1994).

*Antitrust Direct and Indirect Purchaser Class Actions* – Mr. Plutzik has served in a leadership position in numerous antitrust class actions, including *In re Methionine Direct Purchaser Antitrust Litigation* (United States District Court for the Northern District of California), *In re California Indirect Purchaser MSG Antitrust Litigation* (San Francisco County Superior Court) and *In re California Infant Formula Indirect Purchaser Antitrust Litigation* (San Francisco County Superior Court).

*California Community Television Association v. Pacific Gas & Electric Company* (Alameda County, California Superior Court), *Group Cable v. PG&E* (United States District

Court for the Northern District of California) and *California Community Television Association v. Pacific Gas & Electric Company* (California Public Utilities Commission) – associational and class action cases alleging antitrust and related business tort claims for denial of access to utility poles on reasonable terms, and administrative action seeking regulatory ruling setting fair and reasonable prices and terms, brought on behalf of California cable television companies against a public utility. The cases were settled on terms that permitted favorable conditions of access to the poles.

*Condes v. Evercom et al.* (Alameda County, California Superior Court). Mr. Plutzik was co-counsel for a class of recipients of inmate telephone calls. A partial class settlement which, together with individual settlements, resulted in the recovery of more than \$1 million was negotiated and approved by the Court.

*Lucero v. Frederick's of Hollywood, Inc.* (Santa Clara County, California Superior Court). Mr. Plutzik served as lead counsel for an employee class in this wage and hour class action. A \$950,000 settlement was approved by the Court.

*USA Media Group LLC v. Truckee Donner Public Utility District* (United States District Court for the Eastern District of California). Mr. Plutzik represented a cable television company in a claim brought against a public utility district for constitutional and antitrust violations and related state-law claims arising from restrictions imposed by the public utility district on the cable television company's access to utility poles owned by the public utility district, which was planning to offer competitive cable television service. The case settled on terms that permitted the cable television company to continue to obtain access the poles on reasonable terms and conditions.

*Tele-Communications of Key West, Inc. v. United States* (United States District Court, District of the District of Columbia). Mr. Plutzik represented a cable television company in constitutional litigation arising from its provision of service on Homestead Air Force Base. *Telecommunications of Key West, Inc. v. United States*, 757 F.2d 1330 (D.C. Cir. 1985).

*Citizens Cable Communications Co. v. Cox Cable Communications Co.* (United States District Court for the Northern District of Indiana). Mr. Plutzik represented a cable television company in litigation arising from an option to purchase a cable television system in a neighboring community. The case settled favorably during trial.

### **Robert M. Bramson**

Robert M. Bramson has more than twenty-eight years of experience in the litigation of antitrust and consumer cases, class actions and other complex litigation. Mr. Bramson received his undergraduate degree in economics, summa cum laude, from the University of California at Berkeley in 1977, and obtained his law degree from the Boalt Hall School of Law in 1981.

Mr. Bramson has represented both plaintiffs and defendants in numerous antitrust cases, and has acted as lead counsel in two such actions taken to trial – *Pacific West Cable Co. v. City of Sacramento*, et al. (E.D. Cal.) (\$12 Million settlement on 24th day of trial, at close of plaintiff's case; Sherman Act §2 monopolization claims) and *Coleman et al. v. Sacramento Cable Television* (Sacramento Sup. Ct.) (\$2.4 Million judgment after 17-day trial; class action/B & P §17200 case; B & P §17024 discriminatory pricing claims).

Mr. Bramson specializes in antitrust, business torts and communications litigation, as well as in class action cases. He served for many years on the Board of Directors of the National Association of Consumer Advocates and co-chaired its class action committee. He is a contributing author to the National Consumer Law Center's publication *Consumer Class*

Actions. He acted as reporter for the National Association of Consumer Advocates in preparing its influential Standards and Guidelines For Consumer Class Actions, 176 F.R.D. 375 (1997).

Mr. Bramson's lecture topics have included "Strategic and Ethical Issues in Litigating 17200 Cases" (Bar Association of San Francisco, San Francisco 2001), "Equitable Remedies In Class Actions and Under California's Section 17200 Statute" (National Association of Consumer Advocates, Chicago 2000), "Ethical Issues Arising in Class Action Settlements" (National Consumer Law Center, Wash. DC and San Diego 1999 and 1998) "California's Business & Professions Code Section 17200" (California Bar Association, Lake Tahoe 1997), "Preparation of Competitive Business Practices Cases" (Continuing Education of the Bar, Sacramento 1997), and "The Cable Communications Policy Act of 1984" (California State University, Fullerton 1993).

### **Robert M. Bramson Representative Cases**

*Klussman v. Cross Country Bank* (Alameda County Superior Court) Honorable Ronald Sabraw and Honorable Lawrence Appel, presiding. Co-counsel for a consumer class against credit card issuer. Shortly before trial was due to commence, a settlement was negotiated that resulted in the recovery of consideration exceeding \$21 million.

*Boltz v. Buena Vista Home Entertainment, et al.* (Los Angeles Superior Court) Honorable Anthony Mohr, presiding. Co-counsel on behalf of a nationwide class of hard of hearing persons seeking "close captioning" of content on the DVDs distributed to the public by four major motion picture studios. Case was settled by stipulations to industry-changing injunctions requiring greater captioning.

*Acree v. General Motors Acceptance Corp.* (Sacramento Superior Court; Third District Court of Appeal) Honorable James Long, presiding. Class action challenging insurance charges imposed upon borrowers by defendant. Following extended trial and multiple appeals, judgment for class and award of fees against defendant totaling approximately \$7,000,000 upheld on appeal.

*In re Unocal Refinery Litigation* (Contra Costa Superior Court) Honorable Ignacio Ruvulo, presiding. One of two co-lead counsel for a class of victims exposed to a toxic chemical spill. Following extensive discovery, including several months of daily depositions, an \$80,000,000 settlement was negotiated.

*Pacific West Cable Company v. City of Sacramento, et al.* (U.S. District Court, E.D. Cal.) Honorable Milton L. Schwarz, presiding. Antitrust jury trial on behalf of plaintiff. Case settled for \$12,000,000 after month-long presentation of plaintiff's case in chief.

*Coleman v. Sacramento Cable Television* (Sacramento Superior Court) Honorable Roger K. Warren, presiding. Judgment of \$2,400,000 obtained for clients in Bus. & Prof. Code §17200 "quasi-class" case, following 26 day trial.

*Campisi v. Chavez, et al.* (Arbitration) Charles E. Farnsworth, Esq., Referee, presiding. Defended clients against claims of breach of contract and breach of fiduciary duty. Three week arbitration proceeding resulting in ruling limiting plaintiff to amount stipulated as due.

*Pacific West Cable Company v. City of Sacramento, et al.* (U.S. District Court, E.D. Cal.) Honorable Milton L. Schwarz, presiding. Twenty-nine day jury trial challenging municipal cable franchising activities. Favorable jury verdicts (see 672 F. Supp. 1322) led to \$6,000,000 settlement for client as well as injunction permitting access to the market.

*Nor-West Cable Communications Partnership v. City of St. Paul* (U.S. District Court, D. Minn.) Honorable Joseph Alsop, presiding. Three month jury trial challenging municipal policy fostering monopolization of local cable television market.

*Furniture Creations, Inc. v. Universal Furniture* (Los Angeles Superior Court) Honorable Robert Einstein, presiding. Three week jury trial in breach of contract case resulting in \$1,000,000 verdict for clients.

**Robert M. Bramson Selected Published Decisions:**

*Klussman v. Cross Country Bank*, 134 Cal.App.4th 1283 (2005).

*Acree v. General Motors Acceptance Corp.*, 92 Cal.App.4<sup>th</sup> 385 (2001).

*Heartland Communications, Inc. v. Sprint Corp.*, 161 F.R.D. 111 (D. Kan. 1995).

*Preferred Communications, Inc. v. City of Los Angeles*, 13 F.3d 1327 (9<sup>th</sup> Cir.), *cert. denied*, 512 U.S. 1235 (1994).

*Gordon v. Ford Motor Credit Corp.*, 868 F. Supp. 1191 (N.D. Cal. 1992).

*Century Federal, Inc. v. City of Palo Alto*, 710 F.Supp. 1559 (N.D. Cal. 1988).

*Pacific West Cable Company v. City of Sacramento*, 672 F. Supp. 1322 (E.D. Cal. 1987) and 693 F. Supp. 865 (E.D. Cal. 1988).

*Colorado Springs Cablevision, Inc. v. Lively*, 579 F. Supp. 252 (D. Colo. 1984).

**Daniel E. Birkhaeuser**

Daniel E. Birkhaeuser received his law degree from the University of California, Davis in 1988. While at Davis, he served as an Editor of the *U.C. Davis Law Review*.

Following graduation, Mr. Birkhaeuser joined the law firm of McCutchen, Doyle, Brown and Enersen. At the McCutchen firm, he represented plaintiffs and defendants in a wide variety of complex civil litigation matters including real estate, bankruptcy and environmental litigation. In 1991, Mr. Birkhaeuser co-chaired an eight week trial in *Quadrant Corporation v. First Interstate Bank*, Contra Costa County Superior Court Action No. C90-03855 recovering for his client over \$15 million which, at that time, was the largest jury verdict in Contra Costa County history.

In 1992, Mr. Birkhaeuser began to focus his career on class action litigation at the trial and appellate levels. One such matter, *Harris v. Chase Manhattan Bank*, N.A. (1994) 34 Cal. App. 4th 1563, resulted in a favorable decision, the reasoning of which was affirmed by the California Supreme Court in a companion case entitled *Smiley v. Citibank* (1995) 11 Cal. 4th 138, and ultimately by the United States Supreme Court in the same case. *Smiley v. Citibank* (1996) 517 U.S. 735.

Mr. Birkhaeuser joined the firm in 1994 and became a partner in 1997. At the firm, he has prosecuted class action cases involving insurance, false nutritional labeling, price fixing and securities fraud. Mr. Birkhaeuser served in a leadership position in *In Re Kansas Vitamin Antitrust Litigation* and *In re Wisconsin Vitamin Antitrust Litigation*, which were coordinated

through proceedings in the District of Columbia and consolidated with *parens patriae* actions brought by attorneys general in 23 jurisdictions; and in *In re DRAM California Indirect Purchaser Antitrust Litigation* and *In re California Polyester Indirect Purchaser Antitrust Litigation*, in which he serves on the plaintiffs' Executive Committee. He has also served as a judge *pro tem* in the Contra Costa Superior Court.

**Other Significant Cases:**

*Van Warmerdam v. Honey Hill Farms* (arbitration) Honorable William Boone, presiding. Lead counsel in complex contract dispute resulting in verdict in client's favor on complaint and cross-complaint.

*Meadow Wood Land Company v. Landmark Vineyards, Ltd, et. al.*, First Appellate District No. AO43692. Lead counsel for defendants and respondents in case which settled favorably after the filing of Respondents' brief on appeal.

*Leshar Communications, Inc. v. City of Walnut Creek*, 52 Cal. 3d 531 (1991). Landmark decision under California Environmental Quality Act addressing City's ability to amend general plan by voter initiative.

*Acree v. General Motors, Inc.*, 92 Cal. App. 4th 385 (2001). Important decision defining scope of covenant of good faith and fair dealing and reasonableness of fee award after class action trial against tenacious defendant.

*Morelli v. Weider Nutrition Group, Inc.*, 275 A.D.2d 607, 712 N.Y.S. 2d 551 (1<sup>st</sup> Dept. 2000). Case of first impression holding that plaintiffs' claims for false nutritional labeling were not preempted by the Nutritional Labeling and Education Act.

**Jennifer S. Rosenberg**

Jennifer S. Rosenberg is senior counsel with the firm. She received her A.B. in political science, with great distinction in general scholarship, in 1981 from the University of California at Berkeley. She is a member of Phi Beta Kappa. Ms. Rosenberg obtained her law degree from the University of California at Berkeley (Boalt Hall) in 1985.

From 1985 to 1987, Ms. Rosenberg was an associate with the law firm of McKenna, Conner & Cuneo. Before joining Bramson, Plutzik, Mahler & Birkhaeuser, she was associated with McCutchen, Doyle, Brown & Enersen. As an adjunct professor at the University of San Francisco, she has taught business law and business ethics in the undergraduate and MBA programs of the McLaren School of Business.

Ms. Rosenberg is a contributing writer for Justice Maria Rivera's *California Practice Guide: Civil Procedure Before Trial Forms* (The Rutter Group), and is the principal drafter of the guide's class action forms. She has published articles in *California Lawyer* and *Business Voice* magazines and edited the 1994 edition of Remy, Thomas & Moose's *Guide to the California Environmental Quality Act*.

At Bramson, Plutzik, Mahler & Birkhaeuser, Ms. Rosenberg has focused on the prosecution of consumer class actions. Ms. Rosenberg is admitted to practice in California and is a member of the bars of the federal district courts of California and of the Ninth Circuit. She has acted as a judge *pro tem* for civil matters and a small claims appeals judge in Superior Court and as a fee arbitrator.

**Selected Published Decisions:**

*Figueroa v. Sharper Image Corporation*, 517 F.Supp.2d 1292 (S.D. Fla. 2007)

*Acree v. General Motors Acceptance Corporation*, 92 Cal. App. 4th 385 (2001)

*Mangini v. Aerojet-General Corporation*, 230 Cal.App.3d 1125 (1991)

**Michael S. Strimling**

Michael S. Strimling has extensive experience in complex litigation and class actions. He received his J.D. from Boalt Hall Law School at U.C. Berkeley and was admitted to the California Bar in 1980. As well as actively prosecuting class actions and mass tort litigation while at Lieff, Cabraser, Heimann & Bernstein, at Bramson, Plutzik, Mahler & Birkhaeuser, LLP, and of counsel in other complex litigation, he has defended class actions while associated with Bartko, Zankel, Tarrant & Miller and Wendel, Rosen, Black & Dean.

In addition, Mr. Strimling has served as the Research Attorney for the Complex Litigation Department of Santa Clara County Superior Court, as a Senior Research Attorney to the California Sixth District Court of Appeal, as a Research Attorney to the Alameda County Superior Court, as a Legal Advisor to the Solomon Islands government in the United States Peace Corps, and as a three-term member of the California State Bar's Committee on the Administration of Justice. In addition to admission before State and Federal District Courts he has been admitted to the Bar and argued before the U.S. Court of Federal Claims in Washington, D.C., lectured in continuing legal education seminars, published articles on derivative litigation, and been admitted to the New Zealand and Solomon Islands Bar.

**Paul F. Mahler (Of Counsel)**

Paul F. Mahler is a 1980 graduate of the University of California, Boalt Hall School of Law. After working several years in-house at a major educational company headquartered in San Francisco, Mr. Mahler joined the firm in 1985, became a partner in 1997 and is currently of counsel to the firm.

Mr. Mahler handles business transactions, representing primarily small and medium-sized businesses. Mr. Mahler's transactional work includes entity formation and agreements among owners; the purchase and sale of assets, stock or other interests; intellectual property issues; employment matters; and commercial real estate matters, primarily in leasing. His clients include high technology companies, biotechnology companies, accounting and insurance firms and companies with significant retail store operations.

# EXHIBIT C

BERKE, BERKE & BERKE  
ATTORNEYS AT LAW

**FIRM BIOGRAPHY**

**MARVIN BERKE**

Marvin Berke graduated from Vanderbilt University with a B.A. in 1959. He then finished his J.D. at Vanderbilt Law School, where he was a judge on moot court. Since 1961, he has been a partner in Berke, Berke & Berke.

Mr. Berke was formerly president of the Chattanooga Trial Lawyers Association and member of the board of governors of the Tennessee Trial Lawyers Association, and is admitted to practice at all levels of the Courts of Tennessee, The Sixth Circuit, and the United States Supreme Court. He is a member of the Inns of Court. He has spoken at numerous seminars including the 2008 Sixth Circuit Conference.

In 2006, 2008 and 2009, he was named a Mid-South Super Lawyer.

Mr. Berke has been involved in extensive products liability, medical malpractice, and other litigation throughout his career.

He has served as an attorney in several class action and multi-district litigation cases. Mr. Berke has obtained several multi-million dollar verdicts and settlements.

He is currently involved in:

In Re: Yasmin and Yaz, U.S.D.C., Southern District of Illinois, No. 3:10-cv-20389

**RONALD J. BERKE**

Ronald J. Berke is a partner in the law firm of Berke, Berke & Berke. He received a B.A. in Psychology from the University of Virginia and a J.D. from Vanderbilt University Law School.

He serves on the Board of Governors of the Association of Trial Lawyers of America and a past president of the Belli Society. He is a past President of the Tennessee Trial Lawyers Association, former Vice-Chair of the American Trial Lawyers Association State Delegates, past President of the Chattanooga Trial Lawyers Association and former Vice-Chair of the Tennessee Supreme Court Commission on CLE & Specialization. Mr. Berke served as Co-Chair of the

American Trial Lawyers Association's Motor Vehicle Insurance Committee and has also served on American Trial Lawyers Association's State Affairs Committee, State Legislative Outreach Committee and Public Education Committee and as a Hearing Officer for the Tennessee Supreme Court Board of Professional Responsibility. Last year he served as Chair of the Tennessee Judicial Selection Commission. Currently, Mr. Berke serves as Chair of Lawyers Involved for Tennessee, and the Board of the American Association of Justice.

He has been awarded the Tennessee Supreme Court Service Award, the Bancroft-Whitney Publishing Company American Jurisprudence Award and is listed in the National Registry of Who's Who. Mr. Berke has also been selected a Mid-South Super Lawyer.

He has tried numerous cases in both the State and Federal Courts as well as arguing cases in both the State and Federal Appellate Courts. He has spoken at meetings of the American Trial Lawyers Association, Southern Trial Lawyers Association, Belli Society and various state trial lawyer association seminars. He is a frequent lecturer at Tennessee Trial Lawyer Association seminars on topics such as Automobile torts, Workers Compensation, Requests for Admissions, Ethics and other topics and has co-authored a chapter for a trial handbook for West Publishing, "Litigating Tort Cases."

He has been involved in several class action and multi-district litigation cases, including:

Brown v. U. S. Smokeless Tobacco, Hamilton County, Tennessee Circuit Court No. 04C222

In Re: LTL Shipping Services, 528 F. Supp. 2d 1378

Steele v. Baxter Healthcare, Hamilton County, Tennessee Circuit Court No. 07C459

Cox v. Chattem

He is currently involved in:

Shields v. Racetrac Petroleum, U.S.D.C., Eastern District of Tennessee, No. 1:07-cv-169  
Shuprine v. AT&T Mobility, LLC, U.S.D.C., Eastern District of Tennessee, No. 1:09-cv-326

### **ANDREW BERKE**

Andrew Berke is a partner in the law firm of Berke, Berke & Berke. He graduated from college at Stanford University with honors. After college he worked for Congressman Bart Gordon of the United States House of Representatives in Washington, D.C. Congressman Gordon represents the area around Murfreesboro, Tennessee. Mr. Berke has twice been elected to serve in the Tennessee State Senate.

Mr. Berke left Washington to attend law school at the University of Chicago. He graduated with honors. Following law school, he worked as a law clerk for Judge Deanell Tacha of the United States Court of Appeals for the Tenth Judicial Circuit in Denver, Colorado. During this time he also taught at Kansas University Law School as an adjunct professor.

At Berke, Berke & Berke, Mr. Berke has worked extensively in the personal injury, employment discrimination, and workers' compensation areas. He also does domestic or family work, insurance and bad faith cases, and business litigation. On the appellate level, Mr. Berke has argued numerous cases, using his background at the federal Court of Appeals to enhance his brief writing and oral argument capabilities. Mr. Berke recently obtained a judgment against Greyhound in the amount of \$8 million. This judgment was upheld by the United States Court of Appeals for the Sixth Circuit. He also has been part of the class action settlement against a major disability insurance carrier in a multi-district litigation case.

He has been actively involved in the following class actions and multi-district litigations:

Brown v. U. S. Smokeless Tobacco, Hamilton County, Tennessee Circuit Court No. 04C222

Scarpone v. King Pharmaceuticals, U.S.D.C., Eastern District of Tennessee No. 2:03-cv-300

Alexander, et al. v. Washington Mutual, 2008 U.S. Dist. LEXIS 61256

Alston, et al. v. Countrywide Financial, 2008 U.S. Dist. LEXIS 76763

Kay v. Wells Fargo, 247 F.R.D. 572

Liguori v. Wells Fargo

He was Lead Liaison Counsel for Gee v. Unum Provident, 2005 U.S. Dist. LEXIS 36838

Andrew has been President of the Chattanooga Trial Lawyers Association, and is a charter member of the local chapter of the Inns of Court.

Andrew has previously served as a member of the Tennessee Trial Lawyers Association Board of Governors, as well as a member of the American Trial Lawyers Association (ATLA). He has spoken at Tennessee Trial Lawyers Association seminars on topics such as Automobile torts, Workers Compensation, Requests for Admissions, and Ethics and has co-authored a chapter for a trial handbook for West Publishing.

### **MEGAN ENGLAND DEMASTUS**

Megan England Demastus is a native of Georgetown, South Carolina. She attended Hollins University in Roanoke, Virginia, where she received a B.A. in Political Science. Ms. Demastus received her J.D. from Cumberland School of Law, Samford University, where she graduated cum laude. While at Cumberland, Ms. Demastus received merit scholar awards for Constitutional Law, Equitable Remedies and Complex Litigation.

For two years, she was a member of Cumberland's Red Jones National Moot Court Team. She also served as an executive member of Cumberland's Moot Court Board. For her excellence in Moot Court, Ms. Demastus received the Order of the Barrister's. Ms. Demastus was also a teaching assistant for Belle Stoddard, Cumberland's Director of Legal Writing.

Ms. Demastus joined Berke, Berke & Berke in 2004. Her practice primarily focuses on serving clients in civil and complex litigation in both state and federal courts. She is licensed to practice in both Alabama and Tennessee. She represents clients in wrongful death, personal injury and burn cases. She is a member of Inns of Court, American Association for Justice, Tennessee Association for Justice and the American Bar Association.

Her class action and multi-district litigation experience includes:

Alexander, et al. v. Washington Mutual, 2008 U.S. Dist. LEXIS 61256

Alston, et al. v. Countrywide Financial, 2008 U.S. Dist. LEXIS 76763

Badesha, et al. v. GMAC, U.S.D.C., Northern District of California No. C06-07817 JCS

Moore, et al. v. GMAC, U.S.D.C., Eastern District of Pennsylvania No. 07-cv-04296

Kay v. Wells Fargo, 247 F.R.D. 572

Liguori v. Wells Fargo

In Re: LTL Shipping Services, 528 F. Supp. 2d 1378

Gee v. Unum Provident, 2005 U.S. Dist. LEXIS 36838

She is currently involved in:

Shields v. Racetrac Petroleum, U.S.D.C., Eastern District of Tennessee, No. 1:07-cv-169

Shuptrine v. AT&T Mobility, LLC, U.S.D.C., Eastern District of Tennessee, No. 1:09-

cv-326

# EXHIBIT D

**TRAVIS, CALHOUN & CONLON, P.C.**

Eric G. Calhoun

Eric Calhoun joined Travis, Calhoun & Conlon as a shareholder in 2005. He focuses primarily on commercial and class action litigation, including predatory lending litigation.

Mr. Calhoun received his undergraduate degree from Illinois Wesleyan University in 1982. He obtained an MBA from the University of Illinois in 1987. He obtained his law degree from the University of Illinois that same year, graduating *cum laude*. While in law school, Mr. Calhoun received the American Jurisprudence Award for academic excellence.

In 2003, 2005, 2006, 2008, 2009 and 2010, Mr. Calhoun was voted a Texas Super Lawyer by his peers in the area of business litigation as published in *Texas Monthly* magazine. He is rated A-V preeminent by Martindale-Hubbell.

Eric Calhoun served as a judicial law clerk to the Honorable James P. Churchill, then Chief United States District Judge for the Eastern District of Michigan (retired), and the Honorable Frederick P. Stamp, Jr., United States District Judge (now Senior Judge) for the Northern District of West Virginia. Mr. Calhoun is licensed to practice in the states of Texas, New York and Illinois. He has also been admitted to practice before the United States Supreme Court, United States Courts of Appeal for the Third, Fifth, Sixth, Seventh and Ninth Circuits, United States Court of Appeals for the Federal Circuit and the United States District Courts for the Northern, Southern, Western and Eastern Districts of Texas, Southern District of Illinois, Western and Northern Districts of New York, Middle District of Mississippi, and Western and Middle Districts of Tennessee. Mr. Calhoun has been practicing in the areas of commercial litigation, class actions and civil trial law in Dallas, Texas, since 1991.

Mr. Calhoun has represented both plaintiffs and defendants in a variety of different types of commercial cases. For example, he obtained a plaintiff's jury verdict in excess of \$6 Million Dollars in an individual securities fraud case in Dallas.

Mr. Calhoun has been co-plaintiff counsel and/or co-class counsel in numerous class action cases involving allegations of violations of state and federal laws governing mortgage lending. Mr. Calhoun has been co-counsel in cases that have settled for an excess of \$125,000,000.00, as well as a number of pending cases. These cases include:

1. *Hargrave v. TXU Corp.*, 3:02-CV-2573, in the United States District Court for the Northern District of Texas;
2. *Dundon, et. al. v. U.S. Bank, N.A., N.D.*, No 01-408, in the United States District Court for the Southern District of Illinois;
3. *Banks, et. al. v. First Plus Asset Banked Certificates 1996-2, et. al.*, No. 05-6583 in the Fourth Judicial District Court of Hennepin County, Minnesota;
4. *Alford, et al. v. Mego Mortgage Home Loan Trust 1997-1, et al.*, No. 27-CV-06-2262 in the Fourth Judicial District Court of Hennepin County, Minnesota;
5. *Berry, et al. v. Empire Funding Home Loan Owner Trust 1997-1, et. al.*, No. 27-CV-06-2263 in the Fourth Judicial District Court of Hennepin County, Minnesota;
6. *McLean, et al. v. First Horizon Home Loan Corp*; No. 00-CV-228530, in the Circuit Court of Jackson County, Missouri;
7. *Cates, et al. v. U.S. Bank, N.A., N.D.*; No. 04-6202 in the Fourth Judicial District Court of Hennepin County, Minnesota;
8. *In Re: First Plus Bank*; No. 01CC13911, in the Superior Court of the State of California, Orange County;

9. *Vinke, et al. v. Bann-Cor Mortgage*; No. 01-CV-6313 in the District Court, Denver, Colorado;

10. *Bess, et al. v. German American Capital Corp.*; No. 24-C-04-0388, in the Circuit Court of Maryland for Baltimore City, Maryland; and

11. *Couch, et al. v. SMC Lending, et al.*, No. CV100-4332 CC, in the Circuit Court of Clay County, Missouri;

12. *Baker v. Century Financial Group, Inc., et al.*, No. CV 100-4294 CC, in the Circuit Court of Clay County, Missouri; and

13. *Gilmor, et al. v. Preferred Credit Corporation*, No. CV100-4263CC, in the Circuit Court of Clay County, Missouri.

Richard J. Pradarits, Jr.

Mr. Pradarits received his J.D. *summa cum laude* from South Texas College of Law in 1989. He was a member of law review and the Order of the Lytae. Mr. Pradarits received his B.F.A., *magna cum laude*, from Meadows School of Arts at Southern Methodist University.

Mr. Pradarits was a research attorney at the Court of Appeals, Fifth District of Texas at Dallas. There, his primary responsibility was assisting judges with the most difficult cases.

Mr. Pradarits has practiced in Texas State and federal appellate and trial courts. His litigation experience primarily includes the areas of class actions, business disputes, misrepresentation and consumer protection. Other litigation experience includes the areas of trademark and unfair competition, elections, pensions, defamation and representation of attorneys. Mr. Pradarits has substantial experience in complex litigation, including class actions.

Professional awards include two Dallas-area awards: “1999 Outstanding Mediation Attorney” and the 1998 “Louis Weber Award.”

Mr. Pradarits is licensed to practice law in Texas and is admitted to practice before the U.S. District Court, Northern District of Texas and the United States Court of Appeals, Seventh Circuit.

Jeffrey M. Travis

Jeffrey M. Travis is a litigation attorney with experience in virtually every aspect of business litigation, including, but not limited to banking, franchising and distribution, healthcare, securities, secured transactions, partnership, corporate, real estate, antitrust, class actions, trade regulation, intellectual property and general contract matters.

Mr. Travis earned his law degree in 1985 from the University of Illinois where he was an editor on the UNIVERSITY OF ILLINOIS LAW REVIEW. Mr. Travis received his Bachelor of Arts degree from Westminster College in Fulton, Missouri, in 1982, graduating summa cum laude. In addition to his many bar activities. Mr. Travis is a guest lecturer at Baylor Law School, lecturing from time to time on the subjects of depositions and discovery.

Prior to the formation of Travis & Calhoun, Mr. Travis was associated with Holme, Roberts & Owen, the oldest and largest law firm in Denver, Bickel & Brewer, a national litigation boutique with offices in New York, Chicago, Washington and Dallas, and the Dallas office of Houston-based Liddell, Sapp, Zivley, Hill & LaBoon, L.L.P. (now known as Locke, Liddell & Sapp, L.L.P).

Mr. Travis is a member of the State Bar of Colorado and the State Bar of Texas and is licensed to practice before all of the federal and state courts of Colorado and Texas. He is also licensed to practice before numerous other federal trial and appellate courts throughout the nation.

Mary Elizabeth Conlon

Mary Elizabeth Conlon is a litigation attorney. Her experience includes shareholder and partnership disputes, trade secret litigation, contract disputes, real estate, and other business matters. Ms. Conlon earned her law degree in 2004 from Baylor University where she was a recipient of the Dean's Academic Excellence Scholarship and participated in Moot Court competitions. Ms. Conlon received her undergraduate degree from Baylor University in 2001, graduating *cum laude* with majors in journalism and public relations, and minors in political science and Spanish.

As an undergraduate at Baylor, Ms. Conlon was a recipient of the President's Scholarship, a member of Alpha Lambda Delta honorary society, and an active member of Kappa Kappa Gamma. Ms. Conlon is a member of the Texas State Bar, the Dallas Bar Association, and the Dallas Association of Young Lawyers. She is licensed to practice law in all state courts in Texas and the United States District Court for the Northern District of Texas.

Kasey L. Foreman

Kasey L. Foreman is a litigation attorney. Her experience includes putative business relationships, partnership and shareholder disputes, credit reporting disputes, and other general business issues. She earned her law degree in 2007 from Texas Tech University School of Law, where she was a recipient of a Regent's Scholarship and an officer in Phi Delta Phi. She also served as an editor on the *Texas Tech Law Review*.

Ms. Foreman received her Bachelor of Arts from Texas Tech University in 2002, graduating *summa cum laude* in Honors Studies. As an undergraduate, she participated in marching band, worked as a Resident Assistant and a Research Assistant, and served as a U.S. Congressional Intern. She received her Masters of Arts from Texas Tech University in 2004 in sociology.

Originally from the Dallas/Fort Worth area, Ms. Foreman is licensed to practice law in all state courts in Texas, as well as in the United States District Courts for the Northern and Eastern Districts of Texas.

Jacob B. Kring

Jacob B. Kring is a litigation attorney. His experience includes cases involving contract disputes, confidentiality agreements, shareholder and partnership disputes, fiduciary relationship disputes, real estate disputes, and other general business litigation matters.

Mr. Kring earned his law degree in 2007 from Baylor University, where he was elected to the Order of the Barristers and received the Leighton B. Dawson Oral Advocacy Award. Mr. Kring received his undergraduate degree from the University of Pittsburgh in 2005, graduating *summa cum laude* with a Bachelors of Business Administration in Finance. While at the University of Pittsburgh, Mr. Kring served as captain of the varsity soccer team and was named the University of Pittsburgh BIG EAST Conference Scholar Athlete of the Year, and *ESPN the Magazine* Academic All-District.

Mr. Kring joined the firm upon graduation from law school and is licensed to practice law in all state courts in Texas.