

EXHIBIT 6

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Co-Lead Counsel for the Class

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 IN RE BECKMAN COULTER, INC.)
19 SECURITIES LITIGATION)

Case No.: 8:10-cv-1327-JST (RNBx)

) **DECLARATION OF**
) **CHRISTOPHER J. MCDONALD**
) **IN SUPPORT OF LABATON**
) **SUCHAROW LLP'S MOTION**
) **FOR ATTORNEYS' FEES AND**
) **REIMBURSEMENT OF**
) **LITIGATION EXPENSES**

) Judge: Hon. Josephine Staton Tucker
) Date: February 27, 2012
) Time: 10:00 a.m.
) Courtroom: 10A

1 CHRISTOPHER J. MCDONALD, declares as follows pursuant to 28 U.S.C.
2 §1746:

3 1. I am a member of the law firm of Labaton Sucharow LLP, Court-
4 appointed Lead Counsel for the proposed Class in the above-captioned class action
5 (the “Action”) brought by Arkansas Teacher Retirement System and Iron Workers
6 District Council of New England Pension Fund (“Lead Plaintiff”). I am admitted
7 to practice before this Court *pro hac vice*.

8 2. I was actively involved in the prosecution of this case from its
9 inception, am intimately familiar with its proceedings, and have personal
10 knowledge of the matters set forth herein based upon my close supervision and
11 active participation in all material aspects of the Action.

12 3. I submit this declaration in support of my firm’s application for an
13 award of attorneys’ fees and reimbursement of the expenses it incurred during the
14 prosecution of the claims and settlement of the Action.

15 4. As Lead Counsel, my firm was responsible for and actively
16 participated in every aspect of this Action, as more fully discussed in the
17 accompanying: (i) Lead Counsel’s Unopposed Motion for an Award of Attorneys’
18 Fees and Reimbursement of Expenses and Memorandum of Points and Authorities
19 in Support Thereof; (ii) Lead Plaintiff’s Unopposed Motion for Final Approval of
20 Proposed Class Action Settlement and Memorandum of Points and Authorities in
21 Support Thereof; and (iii) Joint Declaration of Christopher J. McDonald and
22 Sherrie R. Savett in Support of Motions for Final Approval of Proposed Class
23 Action Settlement, Award of Attorneys’ Fees and Plan of Allocation, all submitted
24 herewith.

25 5. My firm further worked diligently to submit the Settlement to the
26 Court for preliminary and final review and oversaw the claims administrator and
27 the notice process. Finally, my firm will be appearing at the final settlement
28 hearing and will continue to oversee the settlement administration process.

1 6. Appended hereto as Exhibit A is a detailed schedule indicating the
2 amount of time spent by the attorneys and professional support staff who
3 performed substantial work on behalf of my firm in this Action.

4 7. This schedule was prepared from contemporaneous, daily time
5 records regularly prepared and maintained by Labaton Sucharow, which are
6 available for review at the Court's request. Time expended in preparing this
7 application for fees and reimbursement of expenses has not been included in this
8 schedule.

9 8. The hourly rates for the attorneys and professional support staff at my
10 firm included in Exhibit A are the same as the regular current rates charged for
11 their services in non-contingent matters and/or which have been accepted and
12 approved in other securities or shareholder litigations.

13 9. As reflected in Exhibit A, the total number of hours expended in this
14 Action by my firm is 3,358.7 hours and the total lodestar for my firm is
15 \$1,459,307.00.

16 10. My firm's lodestar figure is based upon the firm's current billing
17 rates, which rates do not include charges for expense items. Expense items are
18 billed separately.

19 11. Annexed hereto as Exhibit B is a detailed schedule of the un-
20 reimbursed litigation expenses incurred by my firm in connection with the
21 prosecution of this Action. As the schedule indicates, my firm has incurred a total
22 of \$65,871.09 in expenses.

23 12. The expenses incurred in this Action are reflected on the books and
24 records of my firm. These books and records are prepared from expense vouchers,
25 check records and other source materials and represent an accurate recordation of
26 the expenses incurred. These records are available for review at the Court's
27 request.

28 13. My firm was also responsible for maintaining a litigation fund on

1 behalf of plaintiffs' counsel who participated in the prosecution of the Action (the
2 "Litigation Fund"). As reflected in Exhibit C, the Litigation Fund has received
3 deposits totaling \$30,000.00 from plaintiffs' counsel and has incurred a total of
4 \$48,518.75 in unreimbursed expenses in connection with the prosecution of the
5 Action during the Time Period. Accordingly, there is a negative balance of
6 \$18,518.75 in the Litigation Fund, which has been added to my firm's expense
7 application (*see* Exhibit B hereto). The expenditures from the Litigation Fund are
8 separately reflected on the books and records of my firm. These books and records
9 are prepared from expense vouchers, check records and other source materials and
10 are an accurate record of the expenses incurred.

11 14. The expenses of the Litigation Fund are broken down on Exhibit C
12 into the following categories: Experts \$36,776.00; Mediation Fees \$11,550.00;
13 and Document Retrieval \$192.75. Thus, approximately 76% of the Litigation
14 Fund expenses were related to expert retention.

15 15. With respect to the standing of my firm, attached hereto as Exhibit D
16 is a brief biography of my firm.

17
18 I declare under penalty of perjury that the foregoing is true and correct.
19 Executed on January 12, 2012.

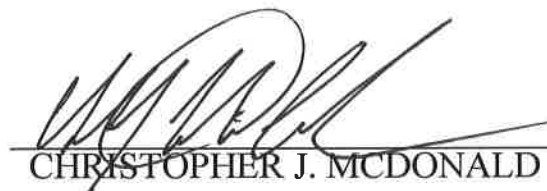
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21 
22 CHRISTOPHER J. MCDONALD
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EXHIBIT A

EXHIBIT A

IN RE BECKMAN COULTER, INC. SEC. LITIG.

LODESTAR REPORT

FIRM: LABATON SUCHAROW LLP

REPORTING PERIOD: INCEPTION THROUGH JANUARY 6, 2012

PROFESSIONAL	STATUS*	HOURLY RATE	TOTAL HOURS TO DATE	TOTAL LODESTAR TO DATE
Plasse, J.	P	\$885.00	32.4	\$28,674.00
Keller, C.	P	\$760.00	132.2	\$100,472.00
Belfi, E.	P	\$710.00	68.0	\$48,280.00
McDonald, C.	P	\$670.00	543.0	\$363,810.00
Zeiss, N.	OC	\$610.00	88.1	\$53,741.00
Sundel, S.	A	\$500.00	22.0	\$11,000.00
Holmes, C.	A	\$400.00	229.2	\$91,680.00
Avan, R.	A	\$390.00	88.2	\$34,398.00
Flanigan, M.	A	\$350.00	1,119.5	\$391,825.00
Schervish, W.	LA	\$510.00	7.5	\$3,825.00
Pontrelli, J.	I	\$440.00	92.7	\$40,788.00
Gumeny, A.	I	\$440.00	57.3	\$25,212.00
Cooper, S.	I	\$375.00	318.0	\$119,250.00
Wroblewski, R.	I	\$365.00	7.5	\$2,737.50
McKenzie, D.	PL	\$300.00	11.2	\$3,360.00
Auer, S.	PL	\$290.00	50.8	\$14,732.00
Rogers, D.	PL	\$290.00	62.6	\$18,154.00
Messier, R.	PL	\$280.00	59.0	\$16,520.00
Kupersmith, R.	PL	\$280.00	57.9	\$16,212.00
Cordoba-Riera, D.	PL	\$280.00	6.1	\$1,708.00
Wattenberg, S.	PL	\$280.00	5.2	\$1,456.00
Boria, C.	PL	\$275.00	15.0	\$4,125.00
Chan, C.	PL	\$275.00	13.0	\$3,575.00
Pellegrino, A.	PL	\$240.00	192.5	\$46,200.00
Jo, E.	PL	\$240.00	55.5	\$13,320.00
Penn-Taylor, M.	PL	\$175.00	15.8	\$2,765.00
Christensen, A.	PL	\$175.00	8.5	\$1,487.50
TOTAL			3,358.7	\$1,459,307.00

- 1 *Partner (P)
- 2 Of Counsel (OC)
- 3 Associate (A)
- 4 Legal Analyst (LA)
- 5 Investigator (I)
- 6 Paralegal (PL)
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EXHIBIT B

EXHIBIT B

IN RE BECKMAN COULTER, INC. SEC. LITIG.

DISBURSEMENT REPORT

FIRM: LABATON SUCHAROW LLP

REPORTING PERIOD: INCEPTION THROUGH JANUARY 6, 2012

DISBURSEMENT	TOTAL AMOUNT
Duplicating	\$ 5,122.60
Postage	11.90
Telephone / Fax	499.72
Messengers	10.00
Filing Fees	560.00
Docutrieval	151.23
Computer Research	7,493.53
Overnight Delivery	527.89
Expert Fees	2,000.00
Travel/Meals ¹	9,975.47
Contribution to Litigation Fund	21,000.00
Additional Litigation Fund Costs	18,518.75
TOTAL	\$65,871.09

¹ Includes estimated travel costs in connection with attendance at final settlement approval hearing on February 27, 2012.

EXHIBIT C

EXHIBIT C

IN RE BECKMAN COULTER, INC. SEC. LITIG.

LITIGATION FUND REPORT

FIRM: LABATON SUCHAROW LLP

REPORTING PERIOD: INCEPTION THROUGH JANUARY 6, 2012

DEPOSITS:	
Labaton Sucharow LLP	\$21,000.00
Berger & Montague	\$9,000.00
Total Deposits	\$30,000.00

EXPENSES INCURRED BY THE LITIGATION FUND:	
Experts	\$36,776.00
Mediation Fees (JAMS)	\$11,550.00
Document Retrieval (FDA)	\$192.75
Total Expenses From Litigation Fund	\$48,518.75

BALANCE REMAINING IN LITIGATION FUND AS OF JANUARY 6, 2012	(\$18,518.75)
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EXHIBIT D

**Labaton
Sucharow**

LABATON SUCHAROW LLP

INVESTOR PROTECTION LITIGATION

THE FIRM AND ITS ACHIEVEMENTS

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MARTIS ALEX, PARTNER	24
MARK S. ARISOHN, PARTNER	26
CHRISTINE S. AZAR, PARTNER	28
ERIC J. BELFI, PARTNER	28
JOEL H. BERNSTEIN, PARTNER	30
JAVIER BLEICHMAR, PARTNER	31
THOMAS A. DUBBS, PARTNER	32
JOSEPH A. FONTI, PARTNER	34
JONATHAN GARDNER, PARTNER	35
DAVID J. GOLDSMITH, PARTNER	37
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Founded in 1963, Labaton Sucharow LLP (“Labaton Sucharow”) is an internationally respected law firm with offices in New York, New York and Wilmington, Delaware and has relationships throughout the U.S., Europe and the world. The Firm consists of more than 60 attorneys and a professional support staff that includes certified public accountants, licensed private investigators, resident securities analysts and 17 paralegals. The Firm prosecutes major complex litigation in the United States, and has successfully conducted a wide array of representative actions (principally class, mass and derivative) in the areas of securities, antitrust, merger/ acquisition, limited partnership, ERISA, product liability, and consumer litigation.

Labaton Sucharow’s Securities Litigation Group offers comprehensive services for our institutional investor clients and has recovered, through trial and settlement, more than \$4 billion for the benefit of investors who have been victimized by such diverse schemes as stock price manipulation, mismanagement, and fraudulent offerings of securities. Through its efforts, the litigation group has also obtained meaningful corporate governance reforms to minimize the likelihood of repetitive wrongful conduct. Visit our website at www.labaton.com for more information about our dynamic firm.

CORPORATE GOVERNANCE

Labaton Sucharow is committed to corporate governance reform. Through its leadership of membership organizations which seek to advance the interests of shareholders and consumers, Labaton Sucharow seeks to strengthen corporate governance and support legislative reforms which improve and preserve shareholder and consumer rights.

The Firm is a patron of the John L. Weinberg Center for Corporate Governance of the University of Delaware (“The Center”). The Center provides a forum for business leaders, directors of corporate boards, the legal community, academics, practitioners, graduate and undergraduate students, and others interested in corporate governance issues to meet and exchange ideas. One of Labaton Sucharow’s partners, Edward Labaton, is a member of the Advisory Committee of The Center. Additionally, Mr. Labaton has served for more than 10 years as a member of the Program Planning Committee for the annual ALI-ABA Corporate Governance Institute, and serves on the Task Force on the Role of Lawyers in Corporate Governance of the Association of the Bar of the City of New York.

Through the aegis of NASCAT, a membership organization of approximately 100 law firms that practice class action and complex civil litigation, the Firm continues to advocate against those who would legislatively seek to weaken shareholders’ rights, including their right to obtain compensation through the legal system.

From 2009-2011 Partner Ira A. Schochet served as President of NASCAT, following in the footsteps of Chairman Lawrence A. Sucharow who held the position from 2003-2005.

On behalf of its institutional and individual investor clients, Labaton Sucharow has achieved some of the largest precedent-setting settlements since the enactment of the Private Securities Litigation Reform Act of 1995 (“PSLRA”), and has helped avert future instances of

securities fraud by negotiating substantial corporate governance reforms as conditions of many of its largest settlements.

Because of the depth of their experience and deep commitment to the principles of corporate governance, many Labaton Sucharow partners have served as featured speakers on topics relating to corporate governance and reform at various symposia and lectures.

As a result of Labaton Sucharow's extensive experience and commitment to corporate governance reform, the Firm's clients have secured meaningful reforms, in addition to substantial monetary recoveries, in significant settlements such as:

- ***In re Waste Management, Inc. Securities Litigation***, Civ. No. H-99-2183 (S.D. Tex.): Labaton Sucharow, acting as Lead Counsel for the State of Connecticut Retirement Plans & Trust Funds, caused the Company to present a binding resolution to declassify its board of directors, which was approved by its shareholders. As a consequence of Labaton Sucharow's efforts, the Company further agreed to amend its Audit Committee charter, which led to its enhanced effectiveness.
- ***In re Vesta Insurance Group Securities Litigation***, Civ. No. CV-98-W-1407-S (N.D. Ala.): Labaton Sucharow, acting as Lead Counsel for the Florida State Board of Administration, caused the Company to adopt provisions requiring that: (i) a majority of its Board members be independent; (ii) at least one independent director be experienced in corporate governance; (iii) the audit, nominating and compensation committees be comprised entirely of independent directors; and (iv) the audit committee comply with the recommendations of the Blue Ribbon Panel on the effectiveness of audit committees.

- ***In re Orbital Sciences Corporation Securities Litigation***, Civ. No. 99-197-A (E.D. Va.): Labaton Sucharow, acting as Lead Counsel for the New York City Pension Funds, negotiated the implementation of measures concerning the Company's quarterly review of its financial results, the composition, role and responsibilities of its Audit and Finance committee, and the adoption of a Board resolution providing guidelines regarding senior executives' exercise and sale of vested stock options.
- ***In re Bristol-Myers Squibb Securities Litigation***, Civ. No. 00-1990 (D.N.J.): Labaton Sucharow, acting as Lead Counsel for the LongView Collective Investment Fund of the Amalgamated Bank, negotiated noteworthy corporate governance reforms. Bristol-Myers Squibb ("BMS") agreed to publicly disclose the following information concerning all of its drugs marketed for at least one indication: a description of the clinical study design and methodology; results of the clinical trials; and safety results, including the reporting of adverse events seen during the clinical trials. The disclosures are posted on BMS's website, www.BMS.com, as well as an industry website, www.clinicalstudyresults.org. BMS agreed to post these disclosures for a 10-year period following approval of the settlement, and has further agreed that any modifications to the disclosure protocol must be approved by the Court, at the request of Labaton Sucharow as Lead Counsel, unless the modifications increase the scope of the disclosures. The corporate reform measures obtained in this case exceed the scope of reforms obtained by the New York State Attorney General's office in the settlement of an action against GlaxoSmithKline ("GSK") arising from the sale of Paxil, an

antidepressant. The Paxil settlement is limited to drugs sold in the United States, whereas as a result of the BMS settlement, the company must post the clinical trial results of drugs marketed in any country throughout the world.

- ***The Boeing Company***, Civ. No. 03 CH 15039 and Civ. No. 03 CH 16301 (Cook Co., Ill, Ch. Div.): In 2006, Labaton Sucharow, acting as Lead Counsel for Plaintiffs in a derivative class action against the directors of The Boeing Company (“Boeing”), achieved a landmark settlement establishing unique and far-reaching corporate governance standards relating to ethics compliance, provisions that obligated Boeing to contribute significant funds over and above base compliance spending to implement the various prescribed initiatives. The terms were well designed to provide for early detection and prevention of corporate misconduct. They were comprehensive and integrated, enhancing effectiveness by providing for top-down oversight, direction and planning; and buttressed by extensive and coordinated bottom-up and horizontal reporting. In addition, the reforms were also designed to enhance Board independence and effectiveness and, by creating a direct reporting role to the Board, the independence of the management level oversight functions.
- ***In re Take-Two Interactive Securities Litigation***, No. 06-CV-803-RJS (S.D.N.Y.): In 2009, Labaton Sucharow, acting as Lead Counsel for Lead Plaintiffs New York City Employees’ Retirement System, New York City Police Pension Fund and New York City Fire Department Pension Fund in a securities class action against Take-Two Interactive Software, Inc. (“Take-Two”) and its officers and directors, achieved significant corporate governance reforms. Take-

Two was required to adopt a policy, commonly referred to as “clawback” provision, providing for the recovery of bonus or incentive compensation paid to senior executives in the event that such compensation was awarded based on financial results later determined to have been erroneously reported as a result of fraud or other knowing misconduct by the executive. The Company was also required to adopt a policy requiring that its Board of Directors submit any stockholder rights plan (also commonly known as a “poison pill”) that is greater than 12 months in duration to a vote of stockholders. Finally, Take-Two was required to adopt a bylaw providing that no business may be properly brought before an annual meeting of stockholders by a person other than a stockholder unless such matter has been included in the proxy solicitation materials issued by the Company.

NOTABLE LEAD COUNSEL APPOINTMENTS

Labaton Sucharow’s institutional and individual investor clients are regularly appointed by federal courts to serve as lead plaintiffs in prominent securities litigations brought under the PSLRA. Since 1995, dozens of state, city and county public pension funds and union funds have selected Labaton Sucharow to represent them in federal securities class actions and advise them as securities litigation/investigation counsel. Listed below are several of our current notable Lead and Co-Lead Counsel appointments.

***IN RE THE BEAR STEARNS COMPANIES INC. SECURITIES, DERIVATIVE AND
EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA) LITIGATION***

No. CV :08-MD-01963-RWS (S.D.N.Y.)

Representing Michigan Retirement Systems
as Co-Lead Plaintiff

CITY OF NEW ORLEANS EMPLOYEES' RETIREMENT SYSTEM
V. PRIVATEBANCORP, INC., ET AL
No. 1:10-cv-06826 (N.D. ILL.)

Representing the State-Boston Retirement System
as Co-Lead Plaintiff

IN RE GOLDMAN SACHS GROUP INC. SECURITIES LITIGATION
No. 1:10-CV-03461(S.D.N.Y.)

Representing the Arkansas Teacher Retirement System
as Co-Lead Plaintiff

TRIAL EXPERIENCE

Few securities class action cases go to trial. But when it is in the best interests of its clients and the class, Labaton Sucharow repeatedly has demonstrated its willingness and ability to try these complex securities cases before a jury. Labaton Sucharow's recognized willingness and ability to bring cases to trial significantly increases the ultimate settlement value for shareholders.

In *In re Real Estate Associates Limited Partnership Litigation*, when defendants were unwilling to settle for an amount Labaton Sucharow and its clients viewed as fair, we tried the case with co-counsel for six weeks and obtained a landmark \$184 million jury verdict in November 2002. The jury supported plaintiffs' position that defendants knowingly violated the federal securities laws, and that the general partner had breached his fiduciary duties to plaintiffs. The \$184 million award was one of the largest jury verdicts returned in any PSLRA action and one in which the plaintiff class, consisting of 18,000 investors, recovered 100% of their damages.

NOTABLE SUCCESSES

Labaton Sucharow has achieved notable successes in major securities litigations on behalf of its clients and certified investor classes.

- Labaton Sucharow served as Co-Lead Counsel in *In re HealthSouth Securities Litigation*, Civ. No CV-03-BE-1500-S (N.D. Ala.), a case stemming from the largest fraud ever perpetrated in the healthcare industry. In early 2006, Lead Plaintiffs negotiated a settlement of \$445 million with defendant HealthSouth. This partial settlement, comprised of cash and HealthSouth securities to be distributed to the class, is one of the largest in history. On June 12, 2009, the Court also granted final approval to a \$109 million settlement with defendant Ernst & Young LLP (“E&Y”) believed to be the eighth largest securities fraud class action settlement with an auditor. In addition, on July 26, 2010, the Court granted final approval to a \$117 million partial settlement with the remaining principal defendants in the case, UBS AG, UBS Warburg LLC, Howard Capek, Benjamin Lorello and William McGahan (the “UBS Defendants”). The total value of the settlements for Healthsouth stockholders and Healthsouth bondholders, who were represented by separate counsel, is \$804.5 million.
- In *In re American International Group, Inc. Securities Litigation*, Master File No. 04 Civ. 8141 (JES) (AJP) (S.D.N.Y.), Lead Counsel Labaton Sucharow represents Lead Plaintiff Ohio Public Employees Retirement System, State Teachers Retirement System of Ohio, and Ohio Police & Fire Pension Fund, along with the Attorney General of the State of Ohio. On October 3, 2008, a \$97.5 million settlement between the Lead Plaintiff and PricewaterhouseCoopers

LLP was announced. The settlement, which still must be approved by the Court, was the eighth largest at the time by an accounting firm to settle a securities fraud class action. On July 16, 2010, an agreement on the terms of a proposed \$725 million settlement was announced, which, if approved by the Court, would resolve the Ohio Funds' claims against AIG and certain individual AIG directors and officers.

- On behalf of the New York State Common Retirement Fund and five New York City public pension funds, Labaton Sucharow served as Lead Counsel in *In re Countrywide Financial Corporation Securities Litigation*, No. CV 07-05295 MRP (MANx) (C.D. Cal.), for claims alleging that Countrywide, one of the nation's largest mortgage lenders, and other defendants violated the federal securities laws by making misstatements and omitting material facts about Countrywide's policies and procedures for underwriting loans that entailed greater risk than disclosed. The parties have agreed to a Settlement whereby Countrywide and its auditing firm, KPMG LLP, together have paid \$624 million in cash, with a portion set aside for up to two years to satisfy certain opt-out claims. This recovery is among the largest securities fraud settlements since the enactment of the PSLRA. On March 10, 2011, the Settlement was granted final approval.
- *In re Waste Management, Inc. Securities Litigation*, Civ. No. H-99-2183 (S.D. Tex.). In 2002, Judge Melinda Harmon approved an extraordinary settlement that provided for recovery of \$457 million in cash, plus an array of far-reaching corporate governance measures. At that time, this settlement was the

largest common fund settlement of a securities action achieved in any court within the Fifth Circuit and the third-largest achieved in any federal court in the nation.

Judge Harmon noted, among other things, that Labaton Sucharow “obtained an outstanding result by virtue of the quality of the work and vigorous representation of the Class.”

- In *In re General Motors Corp. Securities Litigation*, No. 06-1749, (E.D. Mich.), Co-Lead Counsel Labaton Sucharow represented Lead Plaintiffs Deka Investment GmbH and Deka International S.A. Luxembourg in claims alleging that General Motors, and certain of GM’s officers and directors (including CEO Rick Wagoner), issued a series of false and misleading statements to investors about the auto maker’s financial health going back to 2000. On July 21, 2008, a settlement was reached whereby GM made a cash payment of \$277 million and Defendant Deloitte & Touche LLP, which served as GM’s outside auditor during the period covered by the action, agreed to contribute an additional \$26 million in cash.
- In *In re PaineWebber Limited Partnerships Litigation*, Master File No. 94 Civ. 832/7 (SHS) (S.D.N.Y.), Judge Sidney H. Stein approved a settlement valued at \$200 million and found “that Class Counsel’s representation of the Class has been of high caliber in conferences, in oral arguments and in work product.”
- *Eastwood Enterprises, LLC v. Farha et al.*, 8:07-cv-1940-T-33EAJ (M.D. Fla.). On behalf of The New Mexico State Investment Council and the Public Employees Retirement Association of New Mexico, Co-Lead Counsel for the Class, Labaton Sucharow LLP, negotiated a \$200 million settlement over

allegations that WellCare Health Plans, Inc., a Florida-based managed healthcare service provider, disguised its profitability by overcharging state Medicaid programs. Under the terms of the settlement, which is still subject to approval by the Court, WellCare agreed to pay an additional \$25 million in cash if, at any time in the next three years, WellCare is acquired or otherwise experiences a change in control at a share price of \$30 or more after adjustments for dilution or stock splits.

- In *In re El Paso Corporation Securities Litigation*, Civ. No. H-02-2717 (S.D. Tex.), Labaton Sucharow secured a \$285 million class action settlement against the El Paso Corporation. The case involved a securities fraud stemming from the Company's inflated earnings statements, which cost shareholders hundreds of millions of dollars during a four-year span. The settlement was approved by the Court on March 6, 2007.
- *In re Bristol-Myers Squibb Securities Litigation*, Civ. No. 00-1990 (D.N.J.). After prosecuting securities fraud claims against BMS for more than five years, Labaton Sucharow reached an agreement to settle the claims for \$185 million and significant corporate governance reforms. This settlement is the second largest recovery against a pharmaceutical company, and it is the largest recovery ever obtained against a pharmaceutical company in a securities fraud case involving the development of a new drug. Moreover, the settlement is the largest ever obtained against a pharmaceutical company in a securities fraud case that did not involve a restatement of financial results.

- On behalf of Lead Plaintiff New Mexico State Investment Council, Labaton Sucharow served as Lead Counsel in *In re Broadcom Corp. Securities Litigation*, No. CV-05036-R (C.D. Cal.), a case stemming from Broadcom Corp.'s \$2.2 billion restatement of its historic financial statements for 1998-2005 - the largest restatement in history due to options backdating. In December 2009, New Mexico reached an agreement-in-principle with Broadcom and two individual defendants to resolve this matter for \$160.5 million, the second largest up-front cash settlement ever recovered from a company accused of options backdating.
- In *In re Mercury Interactive Corp. Securities Litigation*, Civ. No. 5:05-CV-3395 (N.D. Cal.), Labaton Sucharow reached an agreement to settle for \$117.5 million, a figure representing one of the largest known settlements in a securities fraud litigation based upon options backdating. The allegations in *Mercury* concern backdated option grants used to compensate employees and officers of the Company. Mercury's former CEO, CFO, and General Counsel actively participated in and benefited from the options backdating scheme, which came at the expense of Mercury shareholders and the investing public. Labaton Sucharow and Hewlett-Packard's counsel executed a Stipulation of Settlement and the Court granted preliminary approval of the settlement on June 2, 2008. On September 25, 2008, the Court granted final approval of the settlement.
- In the well-known *In re Prudential Securities Inc. Limited Partnership Litigation*, Civ. No. M-21-67 (S.D.N.Y.), the late Judge Milton Pollack cited the "Herculean" efforts of Labaton Sucharow and its Co-Lead Counsel and, in approving a \$110 million partial settlement, stated that "this case represents a

unique recovery – a recovery that does honor to every one of the lawyers on your side of the case.”

- ***In re Vesta Insurance Group, Inc. Securities Litigation***, Civ. No. CV-98-AR-1407 (N.D. Ala.). After years of protracted litigation, Labaton Sucharow secured a settlement of \$78 million on the eve of trial.
- ***In re St. Paul Traveler's II Securities Litigation***, Civ. No. 04-4697 (JRT/FLN) (D. Minn.), the second of two cases filed against St. Paul Travelers by Labaton Sucharow, arose from the industry-wide insurance scandal involving American International Group, Marsh McLennan, the St. Paul Companies and numerous other insurance providers and brokers. On July 23, 2008, the Court granted final approval of the \$77 million settlement and certified the settlement Class.
- In ***In re St. Paul Travelers Securities Litigation***, 04-CV-3801 (D. Minn.), Labaton Sucharow was able to successfully negotiate the creation of an all cash settlement fund to compensate investors in the amount of \$67.5 million in November 2005. This settlement is one of the largest securities class action settlements in the Eighth Circuit.
- In ***In re Monster Worldwide, Inc. Securities Litigation***, No. 07-CV-02237 (S.D.N.Y.), Labaton Sucharow represented Middlesex County Retirement System in claims alleging that Defendants engaged in a long-running scheme to backdate Monster's stock option grants to attract and retain employees without recording the resulting compensation expenses. On November 25, 2008, the Court granted final approval of the \$47.5 million settlement.

- In *Abrams v. VanKampen Funds, Inc.*, 01 C 7538 (N.D. Ill.), in January 2006 Labaton Sucharow obtained final approval of a \$31.5 million settlement in an innovative class action concerning VanKampen's senior loan mutual fund, alleging that the fund overpriced certain senior loan interests where market quotations were readily available. The gross settlement fund constitutes a recovery of about 70% of the class's damages as determined by plaintiffs' counsel.
- In *Desert Orchid Partners, L.L.C. v. Transactions Systems Architects, Inc.*, Civ. No. 02 CV 533 (D. Neb.), Labaton Sucharow represented the Genesee Employees' Retirement System as Lead Plaintiff in claims alleging violations of the federal securities laws. On March 2, 2007, the Court granted final approval to the settlement of this action for \$24.5 million in cash.
- *In re Orbital Sciences Corp. Securities Litigation*, Civ. No. 99-197-A (E.D. Va.). After cross-motions for summary judgment were fully briefed, defendants (and Orbital's auditor in a related proceeding) agreed to a \$23.5 million cash settlement, warrants, and substantial corporate governance measures.
- On September 9, 2008, the Court granted final approval of the \$20 million settlement in *In re International Business Machines Corp. Securities Litigation*, Civ. No. 1:05-cv-6279 (AKH) (S.D.N.Y.), in which Labaton Sucharow served as Lead Counsel. The action alleged that that International Business Machines Corp. ("IBM"), and its Chief Financial Officer, Mark Loughridge, made material misrepresentations and omissions concerning IBM's expected 2005 first quarter earnings, IBM's expected 2005 first quarter

operational performance, and the financial impact of IBM's decision to begin expensing stock options on its 2005 first quarter financial statements.

- In *In re Just for Feet Noteholder Litigation*, Civ. No. CV-00-C-1404-S (N.D. Ala.), Labaton Sucharow, as Lead Counsel, represented Lead Plaintiff Delaware Management and the Aid Association for Lutherans with respect to claims brought on behalf of noteholders. On October 21, 2005, Chief Judge Clemon of the U.S. District Court for the Northern District of Alabama preliminarily approved Plaintiffs' settlement with Banc of America Securities LLC, the sole remaining defendant in the case, for \$17.75 million. During the course of the litigation, Labaton Sucharow obtained certification for a class of corporate bond purchasers in a ground-breaking decision, *AAL High Yield Bond Fund v. Ruttenberg*, 229 F.R.D. 676 (N.D. Ala. 2005), which is the first decision by a federal court to explicitly hold that the market for high-yield bonds such as those at issue in the action was efficient.
- In *In re American Tower Corporation Securities Litigation*, Civ. No. 06 CV 10933 (MLW) (D. Mass.), Labaton Sucharow represented the Steamship Trade Association-International Longshoreman's Association Pension Fund (STA-ILA) in claims alleging that certain of American Tower Corporation's current and former officers and directors improperly backdated the Company's stock option grants and made materially false and misleading statements to the public concerning the Company's financial results, option grant policies and accounting, causing damages to investors. On June 11, 2008, the Court granted final approval of the \$14 million settlement.

- In *In re CapRock Communications Corp. Securities Litigation*, Civ. No. 3-00-CV-1613-R (N.D. Tex.), Labaton Sucharow represented a prominent Louisiana-based investment adviser in claims alleging violations of the federal securities laws. The case settled for \$11 million in 2003.
- In *In re SupportSoft Securities Litigation*, Civ. No. C 04-5222 SI (N.D. Cal.), Labaton Sucharow secured a \$10.7 million settlement on October 2, 2007 against SupportSoft, Inc. The action alleged that the defendants had artificially inflated the price of the Company's securities by re-working previously entered into license agreements for the Company's software in order to accelerate the recognition of revenue from those contracts.
- In *In re InterMune Securities Litigation*, Master File No. 03-2454 SI (N.D. Cal. 2005), Labaton Sucharow commenced an action on behalf of its client, a substantial investor, against InterMune, a biopharmaceutical firm, and certain of its officers, alleging securities fraud in connection with InterMune's sales and marketing of a drug for off-label purposes. Notwithstanding higher pleading and proof standards in the jurisdiction in which the action had been filed, Labaton Sucharow utilized its substantial investigative resources and creative alternative theories of liability to successfully obtain an early, pre-discovery settlement of \$10.4 million. The Court complimented Labaton Sucharow on its ability to obtain a substantial benefit for the Class in such an effective manner.
- Labaton Sucharow served as Lead Counsel in *In re HCC Insurance Holdings, Inc. Securities Litigation*, Civ. No. 4:07-cv-801 (S.D. Tex.), a case alleging that certain of HCC's current and former officers and directors improperly backdated

the Company's stock option grants and made materially false and misleading statements to the public concerning the Company's financial results, option grant policies and accounting, causing damages to investors. On June 17, 2008, the Court granted final approval of the \$10 million settlement.

- In *In re Adelfia Communications Corp. Securities & Derivative Litigation*, Civ. No. 03 MD 1529 (LMM) (S.D.N.Y.), Labaton Sucharow represents the New York City Employees' Retirement System (and certain other New York City pension funds) and the Division of Investment of the New Jersey Department of the Treasury in separate individual actions against Adelfia's officers, auditors, underwriters, and lawyers. To date, Labaton Sucharow has fully resolved certain of the claims brought by New Jersey and New York City for amounts that significantly exceed the percentage of damages recovered by the Class. New Jersey and New York City continue to prosecute their claims against the remaining defendants.
- In *STI Classic Funds v. Bollinger Industries, Inc.*, No. 96-CV-0823-R (N.D. Tex.), Labaton Sucharow commenced related suits in both state and federal courts in Texas on behalf of STI Classic Funds and STI Classic Sunbelt Equity Fund, affiliates of the SunTrust Bank. As a result of Labaton Sucharow's efforts, the class of Bollinger Industries, Inc. investors on whose behalf the bank sued obtained the maximum recovery possible from the individual defendants and a substantial recovery from the underwriter defendants. Notwithstanding a strongly unfavorable trend in the law in the State of Texas, and strong opposition by the

remaining accountant firm defendant, Labaton Sucharow has obtained class certification and continues to prosecute the case against that firm.

- In *Rosengarten v. International Telephone & Telegraph Corp.*, Civ. No. 76-1249 (N.D.N.Y.), Judge Morris Lasker noted that the Firm “served the corporation and its stockholders with professional competence as well as admirable intelligence, imagination and tenacity.”
- In *In re Prudential-Bache Energy Income Partnerships Securities Litigation*, MDL No. 888, an action in which Labaton Sucharow served on the Executive Committee of Plaintiffs’ Counsel, Judge Marcel Livaudais, Jr., of the United States District Court for the Eastern District of Louisiana, observed that:

Counsel were all experienced, possessed high professional reputations and were known for their abilities. Their cooperative effort in efficiently bringing this litigation to a successful conclusion is the best indicator of their experience and ability

The Executive Committee is comprised of law firms with national reputations in the prosecution of securities class action and derivative litigation. The biographical summaries submitted by each member of the Executive Committee attest to the accumulated experience and record of success these firms have compiled.

Among the institutional investor clients Labaton Sucharow represents and advises are:

Arkansas Teacher Retirement System
Baltimore County Retirement System
Bristol County Retirement Board
California Public Employees’ Retirement System
City of New Orleans Employees’ Retirement System
Connecticut Retirement Plans & Trust Funds
Division of Investment of the New Jersey Department of the Treasury

Doubloon Capital LLC
Genesee County Employees' Retirement System
Illinois Municipal Retirement Fund
Louisiana Municipal Police Employees' Retirement System
Teachers' Retirement System of Louisiana
Macomb County Employees Retirement System
Metropolitan Atlanta Rapid Transit Authority
Michigan Retirement Systems
Middlesex Retirement Board
Mississippi Public Employees' Retirement System
New York City Pension Funds
New York State Common Retirement Fund
Norfolk County Retirement System
Office of the Ohio Attorney General and several of its Retirement Systems
Oklahoma Firefighters Pension and Retirement System
Plymouth County Retirement System
Office of the New Mexico Attorney General and several of its Retirement Systems
Rhode Island State Investment Commission
San Francisco Employees' Retirement System
State of Oregon Public Employees' Retirement System
State of Wisconsin Investment Board
State-Boston Retirement System
Steamship Trade Association/International Longshoremen's Association
Virginia Retirement Systems

COMMENTS ABOUT OUR FIRM BY THE COURTS

Many federal judges have commented favorably on the Firm's expertise and results achieved in securities class action litigation. Judge John E. Sprizzo complimented the Firm's work in *In re Revlon Pension Plan Litigation*, Civ. No. 91-4996 (JES) (S.D.N.Y.). In granting final approval to the settlement, Judge Sprizzo stated that "[t]he recovery is all they could have

gotten if they had been successful. I have probably never seen a better result for the class than you have gotten here.”

Labaton Sucharow was a member of the Executive Committee of Plaintiffs’ Counsel in *In re PaineWebber Limited Partnerships Litigation*, Master File No. 94 Civ. 8547 (SHS). In approving a class-wide settlement valued at \$200 million, Judge Sidney H. Stein of the Southern District of New York stated:

The Court, having had the opportunity to observe first hand the quality of Class Counsel’s representation during this litigation, finds that Class Counsel’s representation of the Class has been of high caliber in conferences, in oral arguments and in work product.

Judge Lechner, presiding over the \$15 million settlement in *In re Computron Software Inc. Securities Class Action Litigation*, Civ. No. 96-1911 (AJL) (D.N.J.), where Labaton Sucharow served as Co-Lead Counsel, commented that

I think it’s a terrific effort in all of the parties involved . . . , and the co-lead firms . . . I think just did a terrific job.

You [co-lead counsel and] Mr. Plasse, just did terrific work in the case, in putting it all together

In *Middlesex County Retirement System v. Monster Worldwide, Inc.*, No. 07-cv-2237 (S.D.N.Y.), Judge Rakoff appointed Labaton Sucharow as Lead Counsel, stating that “the Labaton firm is very well known to courts for the excellence of its representation.”

In addition, Judge Rakoff commented during a final approval hearing that “the quality of the representation was superb” and “[this case is a] good example of how [the] securities class action device serves laudatory public purposes.”

During a fairness hearing in the *In re American Tower Corporation Securities Litigation*, No. 06-CV-10933 (MLW) (D. Mass.), Chief Judge Mark L. Wolf stated:

“[t]he attorneys have brought to this case considerable experience and skill as well as energy. Mr. Goldsmith has reminded me of

that with his performance today and he maybe educated me to understand it better.”

PRO BONO ACTIVITIES

Our attorneys devote substantial time to *pro bono* activities. Many of our attorneys participated in the Election Protection Program sponsored in 2004 by the Lawyers Committee for Civil Rights Under the Law to ensure that every voter could vote and every vote would count. In addition, the Firm’s attorneys devote their time to *pro bono* activities in the fields of the arts, foundations, education, and health and welfare issues.

WOMEN’S INITIATIVE AND MINORITY SCHOLARSHIP

Labaton Sucharow founded a Women’s Initiative to reflect the Firm’s commitment to the advancement of women professionals. The goal of the initiative is to bring professional women together to collectively advance women’s influence in business. Each event showcases a successful woman role model as a guest speaker. We actively discuss our respective business initiatives and hear the guest speaker’s strategies for success. Labaton Sucharow mentors and promotes the professional achievements of the young women in our ranks and others who join us for events. The Firm also is a member of the National Association of Women Lawyers (NAWL). For more information regarding Labaton Sucharow’s Women’s Initiative, please visit <http://www.labaton.com/en/about/women/Womens-Initiative.cfm>

Further, as part of an effort to increase attorney diversity, the Firm has established an annual scholarship program at Brooklyn Law School that provides a \$5,000 scholarship and a summer associate position at the Firm to a member of a minority group. Currently, there are two minority associates employed by Labaton Sucharow who were recipients of this scholarship.

ATTORNEYS

Among the attorneys at Labaton Sucharow who are involved in the prosecution of securities actions are partners Lawrence A. Sucharow, Martis Alex, Mark S. Arisohn, Christine S. Azar, Eric J. Belfi, Joel H. Bernstein, Javier Bleichmar, Thomas A. Dubbs, Joseph A. Fonti, Jonathan Gardner, David J. Goldsmith, Louis Gottlieb, James W. Johnson, Christopher J. Keller, Edward Labaton, Christopher J. McDonald, Jonathan M. Plasse, Hollis L. Salzman, Ira A. Schochet, Michael W. Stocker, Jordan A. Thomas, and Stephen W. Tountas; senior counsel Richard T. Joffe and Joseph V. Sternberg; of counsel attorneys Dominic J. Auld, Terri Goldstone, Barry M. Okun, and Nicole M. Zeiss

LAWRENCE A. SUCHAROW, CHAIRMAN

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Lawrence A. Sucharow, a nationally recognized leader of the securities class action bar, is the chairman of Labaton Sucharow. In this capacity, he participates in developing the litigation and settlement strategies for many of the class action cases Labaton Sucharow prosecutes.

For more than three decades, Mr. Sucharow has devoted his practice to counseling clients and prosecuting cases on complex issues involving securities, antitrust, business transaction, product liability, and other class actions. Mr. Sucharow has successfully recovered more than \$1 billion on behalf of institutional investors such as state, city, county and union pension funds, shareholders of public companies, bondholders, purchasers of limited partnership interests, purchasers of consumer products and individual investors.

Mr. Sucharow obtained \$225 million in savings for the class of In re CNL Resorts, Inc. Securities Litigation. In other recently settled actions, Mr. Sucharow undertook a lead role in obtaining benefits for class members of \$200 million (*In re Paine Webber Incorporated Limited*

Partnerships Litigation); \$110 million partial settlement (*In re Prudential Securities Incorporated Limited Partnerships Litigation*); \$91 million (*In re Prudential Bache Energy Income Partnerships Securities Litigation*); and more than \$92 million (*Shea v. New York Life Insurance Company*). In approving the *Prudential* settlement, Judge Milton Pollack referred to the efforts of plaintiffs' counsel as "Herculean," stating: "...this case represents a unique recovery – a recovery that does honor to every one of the lawyers on your side of the case."

In addition, in 2002 Mr. Sucharow served as Co-Trial Counsel in a six-week trial of a federal securities law claim on behalf of 18,000 passive investors in the Real Estate Associates limited partnerships. That trial resulted in an unprecedented \$182 million jury verdict.

Mr. Sucharow is the author of "Schapiro Takes Right Path On Market Reform, But Auditors, Lawyers and Shareholders Need Better Tools," *Pensions & Investments*, June 1, 2009. He is the co-author of "How Courts Analyze Guilty Pleas and Government Investigations When Considering the Plausibility of an Antitrust Conspiracy After Twombly," *BNA's Class Action Litigation Report*, March 26, 2010; "Death of the Worldwide Class?," *BNA's Securities Regulation & Law Report*, June 22, 2009, and "Executive Compensation: Despite reforms, pay is less transparent and shareholder-friendly than in the past," *New York Law Journal*, March 20, 2008.

Mr. Sucharow is a member of the Federal Bar Council's Committee on Second Circuit Courts, and the Federal Courts Committee of the New York County Lawyers' Association. He is also a member of the Securities Law Committee of the New Jersey State Bar Association and was the founding chairman of the Class Action Committee of the Commercial and Federal Litigation Section of the New York State Bar Association from 1988-1994. He was honored by his peers by his election to serve a two-year term as President of the National Association of

Shareholder and Consumer Attorneys (NASCAT), a membership organization of approximately 100 law firms which practice complex civil litigation including class actions.

Mr. Sucharow earned a B.B.A., *cum laude*, from Baruch School of the City College of the City University of New York in 1971 and a J.D., *cum laude*, from Brooklyn Law School in 1975.

Mr. Sucharow is admitted to practice in New York, New Jersey, and Arizona, as well as before the United States District Courts for the Southern and Eastern Districts of New York, the District of New Jersey, the District of Arizona, the United States Court of Appeals for the Second Circuit, and the United States Supreme Court.

As a result of his career accomplishments, Mr. Sucharow is one of only four plaintiff's securities lawyers in the United States independently selected by *Chambers and Partners USA* to be in its highest category, Band 1, (Plaintiffs Securities Class Actions). In August 2010, he was recognized by *Law360* as one the ten Most Admired Securities Attorneys in the United States. Mr. Sucharow has received a rating of AV from the publishers of the Martindale-Hubbell directory.

MARTIS ALEX, PARTNER

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Martis Alex concentrates her practice on prosecuting complex securities fraud cases on behalf of institutional investors. She has extensive experience managing complex nationwide litigation, including securities class actions as well as product liability and consumer fraud litigation. She has successfully represented investors and consumers in cases that achieved cumulative recoveries of hundreds of millions of dollars for plaintiffs.

Ms. Alex was an integral part of the team that successfully litigated *In re Bristol Myers Squibb Securities Litigation*, where Labaton Sucharow was able to secure a \$185 million

settlement on behalf of investors, as well as meaningful corporate governance reforms that will affect future consumers and investors alike. She is currently litigating *In re American International Group, Inc. Securities Litigation*, a major securities class action brought by Lead Plaintiff Ohio (comprised of several of Ohio's retirement systems). Ms. Alex was Lead Trial Counsel and Chair of the Executive Committee in *Zenith Laboratories Securities Litigation*, a federal securities fraud class action which settled during trial, and achieved a significant recovery for investors. She also was Chair of the Plaintiffs' Steering Committee in *Napp Technologies Litigation*, where Labaton Sucharow won substantial recoveries for families and firefighters injured in a chemical plant explosion.

Ms. Alex served as Co-Lead Counsel or in a leadership role in several securities class actions that achieved substantial awards for investors, including *Cadence Design Securities Litigation*, *Halsey Drug Securities Litigation*, *Slavin v. Morgan Stanley*, *Lubliner v. Maxtor Corp.* and *Baden v. Northwestern Steel and Wire*. She also served on the Executive Committee or in other leadership roles in national product liability actions against the manufacturers of breast implants, orthopedic bone screws, and atrial pacemakers, and was a member of the Plaintiffs' Legal Committee in the national litigation against the tobacco companies.

Ms. Alex is the author of "Women in the Law: Many Mentors, Many Lessons: A Baby Boomer's Perspective," *New York Law Journal*, November 8, 2010; and the co-author of "Role of the Event Study in Loss Causation Analysis," *New York Law Journal*, August 20, 2009.

Prior to entering private practice, Ms. Alex was a trial lawyer with the Sacramento, California District Attorney's Office. She is a frequent speaker at national conferences on product liability and securities fraud litigation, and is a recipient of the American College of Trial Lawyers' Award for Excellence in Advocacy.

Ms. Alex earned a J.D. from McGeorge Law School and a Masters Degree in Psychology from California State College. She is admitted to practice in New York, California, the United States Supreme Court, and in Federal Courts in several jurisdictions.

MARK S. ARISOHN, PARTNER

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Mark S. Arisohn, a trial lawyer since 1973, concentrates his practice on prosecuting complex securities fraud cases on behalf of institutional investors.

For the past 37 years, Mr. Arisohn's extensive trial experience in jury and non-jury matters has been in the state and federal courts nationwide. He has also argued in the New York Court of Appeals, the United States Court of Appeals for the Second Circuit and appeared before the United States Supreme Court in the landmark insider trading case of *Chiarella v. United States*.

Most recently, Mr. Arisohn was lead trial counsel in a securities class action against BankAtlantic Bancorp, Inc. and several of its highest officers. After a four-week trial in the federal court in Miami, the jury found BankAtlantic and its two senior officers liable for securities fraud because they intentionally lied about and failed to disclose the extent of the bank's lending risk. This was only the 10th securities fraud class action to go to trial since passage of the Private Securities Litigation Reform Act in 1995 and is the first securities class action case arising out of the financial crisis to go to jury verdict. Following the trial, *The AmLaw Litigation Daily* named Mr. Arisohn "Litigator of the Week." On April 25, 2011, Judge Ungaro vacated the jury's verdict. Lead Counsel is looking forward to a favorable review of the issues by the appellate court.

Mr. Arisohn's areas of practice have been wide-ranging, including prosecuting and defending individuals and corporations in cases involving securities fraud, mail and wire fraud,

bank fraud and RICO violations. He has represented public officials, individuals and companies in the construction and securities industries as well as professionals accused of regulatory offenses and professional misconduct. He also has appeared as trial counsel for both plaintiffs and defendants in civil fraud matters and corporate and business commercial matters, including shareholder litigation, business torts, unfair competition and misappropriation of trade secrets.

A prominent trial lawyer, Mr. Arisohn has also authored numerous articles including “Electronic Eavesdropping,” *New York Criminal Practice*, LEXIS - Matthew Bender, 2005; “Criminal Evidence,” *New York Criminal Practice*, Matthew Bender, 1986; and “Evidence,” *New York Criminal Practice*, Matthew Bender, 1987. He was a contributing author of *Business Crime*, Matthew Bender, 1981.

Mr. Arisohn is an active member of the Association of the Bar of the City of New York and has served on its Judiciary Committee, the Committee on Criminal Courts, Law and Procedure, the Committee on Superior Courts and the Committee on Professional Discipline. He serves as a mediator for the Complaint Mediation Panel of the Association of the Bar of the City of New York where he mediates attorney client disputes and as a hearing officer for the New York State Commission on Judicial Conduct where he presides over misconduct cases brought against judges.

He earned his B.S. and M.S. degrees from Cornell University in 1968 and 1969 and received his J.D. from Columbia University School of Law in 1972.

Mr. Arisohn is admitted to practice in New York and the District of Columbia as well as before the United States District Courts for the Southern, Eastern and Northern Districts of New York; the Northern District of Texas; the Northern District of California; the United States Court of Appeals for the Second Circuit; and the United States Supreme Court.

Mr. Arisohn has received a rating of AV from the publishers of the Martindale-Hubbell directory.

CHRISTINE S. AZAR, PARTNER

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A seasoned litigator of investor rights, Christine S. Azar is the partner in charge of Labaton Sucharow LLP's Delaware office.

Prior to joining Labaton Sucharow, Ms. Azar practiced corporate litigation at Blank Rome LLP with a primary focus on corporate governance, shareholders' rights and other disputes in courts nationwide as well as in the Delaware Court of Chancery.

Ms. Azar began her career at Grant & Eisenhofer, P.A., where she specialized in the representation of institutional investors in complex federal and state securities and corporate governance actions.

Ms. Azar is the co-author of the following articles: "M&A on the rise - and litigation may well follow," *The National Law Journal*, April 4, 2011; "Running on Empty," *The Deal Magazine*, February 18, 2011; "Appointment of Lead Plaintiff Under the Private Securities Litigation Reform Act: Update 2001", 1269 PLI/Corp 689 (September 2001); and "Appointment of Lead Plaintiff Under the Private Securities Litigation Reform Act: Update 2000", 199 PLI/Corp 455 (September 2000).

Ms. Azar earned a B.S., *cum laude*, from James Madison University in 1988. She earned a J.D., *cum laude*, from the University of Notre Dame Law School in 1991.

Ms. Azar is admitted to practice in Delaware, New Jersey and Pennsylvania.

ERIC J. BELFI, PARTNER

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Eric J. Belfi is an accomplished litigator in a broad range of commercial matters. He concentrates his practice in the investigation and initiation of securities and shareholder class

actions, with an emphasis on the representation of major international and domestic pension funds and other institutional investors.

Prior to entering private practice, Mr. Belfi served as an Assistant Attorney General for the State of New York and an Assistant District Attorney for the County of Westchester. As a prosecutor, Mr. Belfi investigated and prosecuted numerous white-collar criminal cases, including securities law violations and environmental crimes. In this capacity, he presented hundreds of cases to the grand jury and obtained numerous felony convictions after jury trials.

Mr. Belfi is a regular speaker and author on issues involving shareholder litigation, particularly as it relates to international institutional investors. He co-authored “The Proportionate Trading Model: Real Science or Junk Science?,” 52 *Cleveland St. L. Rev.* 391 (2004-05) and “International Strategic Partnerships to Prosecute Securities Class Actions,” *Investment & Pensions Europe*. Over the last several years, Mr. Belfi has served as a panelist at programs on U.S. class actions in numerous European countries. He also participated in a panel discussion regarding socially responsible investments for public pension funds during the New England Public Employees’ Retirement Systems Forum.

Mr. Belfi received a B.A. from Georgetown University in 1992 and a J.D. from St. John’s University School of Law in 1995. He is an associate prosecutor for the Village of New Hyde Park, and is also a member of the Federal Bar Council and the Association of the Bar of the City of New York.

Mr. Belfi is admitted to practice in New York as well as before the United States District Courts for the Southern and Eastern Districts of New York, the Eastern District of Michigan, the District of Colorado, the District of Nebraska, and the Eastern District of Wisconsin.

JOEL H. BERNSTEIN, PARTNER

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With more than 30 years' experience in the area of complex litigation, Joel H. Bernstein concentrates his practice in the protection of investors who have been victimized by securities fraud and breach of fiduciary duty. His expertise in the area of shareholder litigation has resulted in the recovery of hundred of millions of dollars in damages to wronged investors.

Mr. Bernstein advises numerous large public pension funds, hedge funds, other institutional investors and individual investors with respect to securities litigation in the federal and state courts as well as in arbitration proceedings before the New York Stock Exchange, the National Association of Securities Dealers and other self-regulatory organizations.

Mr. Bernstein has played a central role in numerous high profile cases, including *In re Paine Webber Incorporated Limited Partnerships Litigation*, \$200 million settlement; *In re Prudential Securities Incorporated Limited Partnerships Litigation*, \$130 million settlement; *In re Prudential Bache Energy Income Partnerships Securities Litigation*, \$91 million settlement; *Shea v. New York Life Insurance Company*, \$92 million settlement; and, *Saunders et al. v. Gardner*, \$10 million -- then the largest punitive damage award in the history of the NASD. Most recently, Mr. Bernstein was instrumental in securing a \$117.5 million settlement in *In re Mercury Interactive Securities Litigation*, a figure representing one of the largest known settlements or judgments in a securities fraud litigation based upon options backdating.

A leading figure in his area of practice, Mr. Bernstein is frequently sought out by the press to comment on securities law and also has authored numerous articles on related issues, including "Stand Up to Your Stockbroker, Your Rights As An Investor." He is a member of the American Bar Association and the New York County Lawyers' Association.

Mr. Bernstein earned a J.D. from Brooklyn Law School in 1975 and received his undergraduate degree from Queens College in 1971.

He is admitted to practice in New York as well as before the United States District Courts for the Southern and Eastern Districts of New York, and the United States Courts of Appeals for the Second and Third Circuits. He is a member of the American Bar Association and the New York County Lawyers' Association.

Mr. Bernstein has received a rating of AV from the publishers of the Martindale-Hubbell directory.

JAVIER BLEICHMAR, PARTNER

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Javier Bleichmar concentrates his practice on prosecuting complex securities fraud cases on behalf of institutional investors. Since joining Labaton Sucharow, Mr. Bleichmar was instrumental in securing a \$77 million settlement in the *In re St. Paul Travelers Securities Litigation II* on behalf of the Lead Plaintiff, the Educational Retirement Board of New Mexico. Most recently, he has been a member of the team prosecuting securities class actions against British Petroleum and The Bear Stearns Companies, Inc.

Mr. Bleichmar is very active in educating European institutional investors on developing trends in the law, particularly the ability of international investors to participate in securities class actions in the United States. Through these efforts, many of Mr. Bleichmar's European clients were able to join the Foundation representing investors in the first securities class action settlement under a recently enacted Dutch statute against Royal Dutch Shell.

Prior to joining Labaton Sucharow, Mr. Bleichmar practiced securities litigation at Bernstein Litowitz Berger & Grossmann LLP, where he prosecuted securities actions on behalf of institutional investors. He was actively involved in the *In re Williams Securities Litigation*, which resulted in a \$311 million settlement, as well as securities cases involving Lucent Technologies, Inc., Consec, Inc. and Biovail Corp.

Mr. Bleichmar graduated from Phillips Academy, Andover in 1988, earned a B.A. from the University of Pennsylvania in 1992 and a J.D. from Columbia University Law School in 1998. He was a managing editor of the *Journal of Law and Social Problems*. Additionally, he was a Harlan Fiske Stone Scholar. As a law student, Mr. Bleichmar served as a law clerk to the Honorable Denny Chin, United States District Court Judge for the Southern District of New York.

After law school, Mr. Bleichmar authored the article “Deportation As Punishment: A Historical Analysis of the British Practice of Banishment and Its Impact on Modern Constitutional Law,” *14 Georgetown Immigration Law Journal* 115 (1999).

Mr. Bleichmar is admitted to practice in New York as well as before the following United States District Courts: the Southern and Eastern Districts of New York, the Northern District of Oklahoma, the Western District of Washington, the Southern District of Florida, the Eastern District of Missouri, and the Northern District of Illinois. He also is admitted to practice before the United States Court of Appeals for the Second, Eighth and Ninth Circuits.

Mr. Bleichmar is a native Spanish speaker and fluent in French.

THOMAS A. DUBBS, PARTNER

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Thomas A. Dubbs specializes in the representation of institutional investors including pension funds in securities fraud and other types of litigation. A recognized leader in the field, Mr. Dubbs represented the first major private institutional investor to become a lead plaintiff in a class action under the Private Securities Litigation Reform Act.

Mr. Dubbs currently serves as Lead or Co-Lead Counsel in federal securities class actions against AIG, Wellcare and Bear Stearns, among others.

Most recently, Mr. Dubbs has played a central role in numerous high profile cases, including *In re HealthSouth Securities Litigation*, \$804.5 million settlement; *In re Broadcom Corp. Securities Litigation*, \$160.5 million settlement; *In re Vesta Insurance Group, Inc. Securities Litigation*, \$79 million settlement; and *In re St. Paul Travelers II Securities Litigation*, \$77 million settlement.

Representing an affiliate of the Amalgamated Bank, the largest labor-owned bank in the United States, a Labaton Sucharow team led by Mr. Dubbs successfully litigated a class action against Bristol-Myers Squibb, which resulted in a settlement of \$185 million and major corporate governance reforms.

Mr. Dubbs is the author of “Shortsighted?,” *Investment Dealers’ Digest*, May 29, 2009; “A Scotch Verdict on ‘Circularity’ and Other Issues,” 2009 *Wis. L. Rev.* 455 n.2 (2009); and several columns in UK-wide pensions publications focusing on securities class actions and corporate governance. He also is the co-author of the following articles: “In Debt Crisis, An Arbitration Alternative,” *The National Law Journal*, March 16, 2009; “The Impact of the LaPerriere Decision: Parent Companies Face Liability,” *Directors Monthly*, February 1, 2009; “Auditor Liability in the Wake of the Subprime Meltdown,” *BNA’s Accounting Policy & Practice Report*, November 14, 2009; and “US Focus: Time for Action,” *Legal Week*, April 17, 2008.

Mr. Dubbs frequently lectures to institutional investors and other groups such as the Government Finance Officers Association, the National Conference on Public Employee Retirement Systems and the Council of Institutional Investors.

Prior to joining Labaton Sucharow, Mr. Dubbs was Senior Vice President & Senior Litigation Counsel for Kidder, Peabody & Co. Incorporated where he represented the firm in

many class actions, including the First Executive and Orange County litigations. Before joining Kidder, Mr. Dubbs was head of the litigation department at Hall, McNicol, Hamilton & Clark, where he was the principal partner representing Thomson McKinnon Securities Inc. in litigation matters including class actions such as the *Petro Lewis* and *Baldwin United* litigations.

Mr. Dubbs earned a B.A. and a J.D. from the University of Wisconsin-Madison in 1969 and 1974, respectively. He received an M.A. from the Fletcher School of Law & Diplomacy, Tufts University in 1971.

Mr. Dubbs is admitted to practice in New York as well as before the United States District Court for the Southern District of New York; the United States Courts of Appeals for the Second, Ninth and Eleventh Circuits; and the United States Supreme Court. He is a member of the New York State Bar Association, the Association of the Bar of the City of New York, and the American Society of International Law.

Mr. Dubbs has been recognized by *The National Law Journal*, *Chambers and Partners USA* and the *Lawdragon 500*. Mr. Dubbs has received a rating of AV from the publishers of the Martindale-Hubbell directory.

JOSEPH A. FONTI, PARTNER

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Joseph A. Fonti concentrates his practice on prosecuting complex securities fraud cases on behalf of institutional investors. Currently, Mr. Fonti is actively involved in prosecuting *In re HealthSouth Securities Litigation*, *In re Broadcom Corp. Securities Litigation*, *In re Celestica Inc. Securities Litigation* and *Caisse de Depot du Quebec v. Vivendi et al.*

Mr. Fonti has successfully litigated complex civil and regulatory securities matters, including obtaining a favorable judgment after trial. Prior to joining Labaton Sucharow, Mr. Fonti was an attorney at Bernstein Litowitz Berger & Grossmann LLP, where he prosecuted

securities class actions on behalf of institutional investors, including class actions involving WorldCom, Bristol-Myers, Omnicom, Biovail, and the mutual fund industry scandal. Mr. Fonti's work on these cases contributed to historic recoveries for shareholders, including the \$6.15 billion recovery in the WorldCom litigation and the \$300 million recovery in the Bristol-Myers litigation, alleging accounting fraud and improper inventory practices.

Mr. Fonti began his legal career at Sullivan & Cromwell, where he represented several Fortune 500 corporations, focusing on securities matters and domestic and international commercial law. Mr. Fonti also represented clients in complex investigations conducted by federal regulators, including the U.S. Securities and Exchange Commission. Over the past several years, he has represented victims of domestic violence in affiliation with inMotion, an organization that provides *pro bono* legal services to indigent women.

Mr. Fonti earned a B.A., *cum laude*, from New York University in 1996 and a J.D. from New York University School of Law in 1999, where he was active in the Marden Moot Court Competition and served as a Student Senator-at-Large of the NYU Senate. As a law student, he served as a law clerk to the Honorable David Trager, United States District Court Judge for the Eastern District of New York.

Mr. Fonti is admitted to practice in New York, as well as before the United States District Courts for the Southern and Eastern Districts of New York, the United States Courts of Appeals for the Ninth and Eleventh Circuits and the United States Supreme Court.

JONATHAN GARDNER, PARTNER

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Jonathan Gardner concentrates his practice on prosecuting complex securities fraud cases on behalf of institutional investors. Mr. Gardner has participated in many of the Firm's significant matters including *In re MF Global Securities Litigation*, which resulted in a recovery

of \$90 million for investors. Mr. Gardner also represented the Successor Liquidating Trustee of Lipper Convertibles, a convertible bond hedge fund, in an action against the Fund's former independent auditor and a member of the Fund's general partner as well as numerous former limited partners who received excess distributions. He has successfully recovered over \$5.2 million for the Successor Liquidating Trustee from overwithdrawn limited partners and \$29.9 million from the former auditor.

Mr. Gardner has been responsible for prosecuting several of the Firm's options backdating cases, including *In re Monster Worldwide, Inc. Securities Litigation* (\$47.5 million settlement), *In re SafeNet, Inc. Securities Litigation* (\$25 million settlement), and *In re Semtech Securities Litigation* (\$20 million settlement). He also was involved in *In re Mercury Interactive Corp. Securities Litigation*, which settled for \$117.5 million, a figure representing one of the largest known settlements or judgments in a securities fraud litigation based upon options backdating.

In 2005, Mr. Gardner litigated claims of securities fraud, common law fraud, breach of contract, defamation, and civil RICO violations against CFI Mortgage Inc. and its principals in federal court. Following a five-day jury trial, Mr. Gardner secured a verdict of over \$50 million.

Prior to practicing securities litigation, Mr. Gardner was actively involved in litigating all aspects of commercial and business disputes from pre-dispute investigation and settlement to trials and appeals before state and federal courts, as well as arbitration and mediation forums.

Mr. Gardner is the co-author of "Pre-Confirmation Remedies to Assure Collection of Arbitration Rewards," *New York Law Journal*, October 12, 2010.

Mr. Gardner earned a B.S.B.A. from American University in 1987 and a J.D. from St. John's University Law School in 1990.

Mr. Gardner is admitted to practice in New York as well as before the United States District Courts for the Southern and Eastern Districts of New York, the Eastern District of Wisconsin, and the United States Court of Appeals for the Ninth Circuit. He is a member of the New York State Bar Association and the Association of the Bar of the City of New York.

DAVID J. GOLDSMITH, PARTNER

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David J. Goldsmith has more than ten years of experience representing institutional and individual investors in securities litigation.

Most recently, Mr. Goldsmith was an integral member of the team representing the New York State Common Retirement Fund and the New York City Pension Funds as lead plaintiffs in *In re Countrywide Financial Corporation Securities Litigation*. The \$624 million settlement is one of the largest securities fraud settlements in U.S. history.

Mr. Goldsmith also represents the Genesee County (Mich.) Employees' Retirement System as a lead plaintiff in several securities matters including actions against Spectranetics Corporation, Merck & Co., and CBeyond, Inc., and previously against Transaction Systems Architects, Inc. He was instrumental in achieving a significant settlement in an action alleging stock option backdating at American Tower Corporation, and was a member of the team representing the Connecticut Retirement Plans and Trust Funds in an action against Waste Management, Inc. that resulted in one of the largest securities class action settlements ever achieved up to that time.

Mr. Goldsmith played a key role in a series of cases alleging that mutual funds sold by Van Kampen, Morgan Stanley and Eaton Vance defrauded investors by overpricing senior loan interests. Mr. Goldsmith obtained a decision in one of these actions excluding before trial certain opinions of a nationally recognized economist who regularly serves as a defense expert in

such cases. In 2001, Mr. Goldsmith obtained one of the earliest decisions finding that a class action had been improperly removed under the Securities Litigation Uniform Standards Act of 1998.

Mr. Goldsmith has lectured frequently on class actions and securities litigation for continuing legal education programs and investment symposia.

Mr. Goldsmith earned B.A. and M.A. degrees from the University of Pennsylvania. He received a J.D. from the Benjamin N. Cardozo School of Law, where he was managing editor of the *Cardozo Arts & Entertainment Law Journal*. Mr. Goldsmith served as a judicial intern to the Honorable Michael B. Mukasey, then a United States District Judge for the Southern District of New York.

He is admitted to practice in New York and New Jersey as well as before the United States District Courts for the Southern and Eastern Districts of New York; the District of New Jersey; the District of Colorado, the Western District of Michigan; and the United States Courts of Appeals for the First, Second, Fifth, Eighth and Ninth Circuits.

LOUIS GOTTLIEB, PARTNER

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Lou Gottlieb has successfully represented institutional and individual investors in numerous securities and consumer class action cases, resulting in cumulative settlements well in excess of \$500 million.

Mr. Gottlieb was an integral part of the Firm's representation of the Connecticut Retirement Plans and Trust Funds in *In re Waste Management, Inc. Securities Litigation*, which resulted in a \$457 million settlement, one of the largest settlements ever achieved in a securities class action. The settlement also included corporate governance enhancements, including an agreement by management to support a campaign to obtain shareholder approval of a resolution

to declassify its board of directors, and a resolution to encourage and safeguard whistleblowers among the company's employees.

Mr. Gottlieb has led litigation teams in the *Metromedia Fiber Networks*, *Maxim Pharmaceuticals*, and *PriceSmart* securities fraud class action litigations as well as a consumer breach of contract class action against New York Life Annuities. He is also helping to lead major class action cases against the company and related defendants in *In re American International Group Inc. Securities Litigation*, *In re Royal Bank of Scotland Group plc Securities Litigation*, and in *In re Satyam Computer Services, Ltd. Securities Litigation*.

Mr. Gottlieb has made presentations on punitive damages at Federal Bar Association meetings and has often spoken on securities class actions for institutional investors.

Mr. Gottlieb graduated first in his class from St. John's School of Law. Prior to joining Labaton Sucharow, he clerked for the Hon. Leonard B. Wexler of the Eastern District of New York, and he was a litigation associate with Skadden Arps Slate Meagher & Flom. He has also enjoyed a successful career as a public school teacher and as a restaurateur.

Mr. Gottlieb is admitted to practice in New York and Connecticut as well as before the United States District Courts for the Southern and Eastern Districts of New York, and the United States Courts of Appeals for the Fifth and Seventh Circuits.

JAMES W. JOHNSON, PARTNER

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James W. Johnson specializes in complex litigation, with primary emphasis on class actions involving securities fraud.

Mr. Johnson has successfully litigated a number of high profile securities and RICO class actions, including: *In re Bristol-Myers Squibb Co. Securities Litigation*, in which the Court, after approving a settlement of \$185 million coupled with significant corporate governance reforms,

recognized plaintiffs' counsel as "extremely skilled and efficient"; *In re HealthSouth Corp. Securities Litigation*, which resulted in a total settlement of \$804.5 million; *In re Vesta Insurance Group, Inc. Securities Litigation*, which resulted in a recovery of almost \$80 million for the plaintiff class; and *Murphy v. Perelman*, which, along with a companion federal action, *In re National Health Laboratories, Inc. Securities Litigation*, brought by Co-Counsel, resulted in a recovery of \$80 million. *In County of Suffolk v. Long Island Lightning Co.*, Mr. Johnson represented the plaintiff in a RICO class action, securing a jury verdict after a two-month trial, which resulted in a \$400 million settlement. The Second Circuit, in awarding attorneys' fees to Plaintiff, quoted the trial judge, Honorable Jack B. Weinstein, as stating "counsel [has] done a superb job [and] tried this case as well as I have ever seen any case tried."

Mr. Johnson also assisted in prosecuting environmental damage claims on behalf of Native Americans resulting from the Exxon Valdez oil spill.

He is the co-author of "The Impact of the LaPerriere Decision: Parent Companies Face Liability," *Directors Monthly*, February 2009.

Mr. Johnson received a B.A. from Fairfield University in 1977 and a J.D. from New York University School of Law in 1980.

He is admitted to practice in New York and Illinois as well as before the United States District Courts for the Southern, Eastern and Northern Districts of New York; the Northern District of Illinois; the U.S. Courts of Appeals for the Second, Third, Fourth, Fifth, Seventh and Eleventh Circuits; and the United States Supreme Court.

He is a member of the American Bar Association and the Association of the Bar of the City of New York, where he served on the Federal Courts Committee.

Mr. Johnson has received a rating of AV from the publishers of the Martindale-Hubbell directory.

CHRISTOPHER J. KELLER, PARTNER

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Christopher J. Keller concentrates his practice in sophisticated securities class action litigation in federal courts throughout the country.

Mr. Keller has served as lead counsel in over a dozen options backdating class actions filed under the federal securities laws. He was instrumental in securing a \$117.5 million settlement in *In re Mercury Interactive Securities Litigation*, which is one of the largest settlements to date in an options backdating class action. He also serves as Co-Lead Counsel in *In re Satyam Computer Services, Ltd. Securities Litigation*.

Mr. Keller was a member of the trial team that successfully litigated the *In re Real Estate Associates Limited Partnership Litigation* in the United States District Court for the Central District of California. The six-week jury trial resulted in a landmark \$184 million plaintiffs' verdict, which is one of the largest jury verdicts since the passage of the Private Securities Litigation Reform Act of 1995.

Mr. Keller is very active in investigating and initiating securities and shareholder class actions. He also concentrates his efforts on educating institutional investors on developing trends in the law and new case theories. Mr. Keller is a regular speaker at institutional investor gatherings as well as a frequent speaker at continuing legal education seminars relating to securities class action litigation.

Mr. Keller is the co-author of the following articles: "The Benefits of Investor Protection," *Law360*, October 11, 2011; "SEC Contemplating Governance Reforms," Executive Counsel, December 2010; "Is the Shield Beginning to Crack?," *New York Law Journal*,

November 15, 2010; “Say What? Pay What? Real World Approaches to Executive Compensation Reform,” *Corporate Counsel*, August 5, 2010; “Reining in the Credit Ratings Industry,” *New York Law Journal*, January 11, 2010; “Japan’s Past Recession Provides a Cautionary Tale,” *The National Law Journal*, April 13, 2009; “Balancing the Scales: The Use of Confidential Witnesses in Securities Class Actions,” *BNA’s Securities Regulation & Law Report*, January 19, 2009; “Eyeing Executive Compensation,” *The National Law Journal*, November 17, 2008; and “Tellabs: PSLRA Pleading Test Comparative, Not Absolute,” *New York Law Journal*, October 3, 2007.

Mr. Keller earned a B.S. from Adelphi University in 1993 and a J.D. from St. John’s University School of Law in 1997.

He is admitted to practice in New York as well as before the United States District Courts for the Southern and Eastern Districts of New York, the Eastern District of Wisconsin, the District of Colorado and the United States Supreme Court. Mr. Keller is a member of several professional groups, including the New York State Bar Association and the New York County Lawyers’ Association.

EDWARD LABATON, PARTNER

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An accomplished trial lawyer and Partner with the Firm, Edward Labaton has devoted his 50 years of practice to representing a full range of clients in class action and complex litigation matters in state and federal court. Mr. Labaton has played a lead role as plaintiffs’ class counsel in a number of successfully prosecuted high profile cases, involving companies such as PepsiCo, Dun & Bradstreet, Financial Corporation of America, ZZZZ Best, Revlon, GAF Co., American Brands, Petro Lewis and Jim Walter, as well as several Big Eight (now Four) accounting firms.

He has also argued appeals in state and federal courts, achieving results with important precedential value.

Mr. Labaton has been President of the Institute for Law and Economic Policy since its founding in 1996. The Institute co-sponsors at least one annual symposium with a major law school dealing with issues relating to the civil justice system. In 2010 he was appointed to the newly formed Advisory Board of George Washington University's Center for Law, Economics, & Finance (C-LEAF), a think tank within the Law School, for the study and debate of major issues in economic and financial law confronting the United States and the globe. Mr. Labaton is also a member of the Advisory Committee of the Weinberg Center for Corporate Governance of the University of Delaware, a Director of the Lawyers' Committee for Civil Rights under Law, a member of the American Law Institute, and a life member of the ABA Foundation. In addition, he has served on the Executive Committee and has been an officer of the Ovarian Cancer Research Fund since its inception in 1996.

Mr. Labaton is the past Chairman of the Federal Courts Committee of the New York County Lawyers Association, and was a member of the Board of Directors of that organization. He is an active member of the Association of the Bar of the City of New York, where he was Chair of the Senior Lawyers' Committee and served on its Task Force on the Role of Lawyers in Corporate Governance. He has also served on its Federal Courts, Federal Legislation, Securities Regulation, International Human Rights and Corporation Law Committees. He also served as Chair of the Legal Referral Service Committee, a joint committee of the New York County Lawyers' Association and the Association of the Bar of the City of New York. He has been an active member of the American Bar Association, the Federal Bar Council and the New York State Bar Association, where he has served as a member of the House of Delegates.

Mr. Labaton is the co-author of “It’s Time to Resuscitate the Shareholder Derivative Action,” *The Panic of 2008: Causes, Consequences, and Implications for Reform*, Lawrence Mitchell and Arthur Wilmarth, Jr., eds, (Edward Elgar, 2010).

For more than 30 years, he has lectured in the areas of federal civil litigation, securities litigation and corporate governance. Mr. Labaton graduated *cum laude* with a B.B.A. from Baruch College, City College of New York in 1952 and earned his LL.B. from Yale University in 1955.

He is admitted to practice in New York as well as before the United States District Courts for the Southern and Eastern Districts of New York; the Central District of Illinois; the United States Courts of Appeals for the Second, Fifth, Sixth, Seventh, Ninth, Tenth and Eleventh Circuits; and the United States Supreme Court.

Mr. Labaton has received a rating of AV from the publishers of the Martindale-Hubbell directory.

CHRISTOPHER J. McDONALD, PARTNER

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Christopher J. McDonald, a member of the Firm’s Antitrust Practice Group, represents businesses, associations and individuals injured by anticompetitive activities. Mr. McDonald’s practice also involves prosecuting complex securities fraud cases on behalf of institutional investors.

In the antitrust field, Mr. McDonald currently represents end-payors (e.g., union health and welfare funds and consumers) of the prescription drug TriCor® in the *In re TriCor Indirect Purchaser Antitrust Litigation*. The drug’s manufacturer and U.S. marketer are alleged to have unlawfully impeded the introduction of lower-priced generic alternatives in violation of federal and state antitrust laws. The case is set to go to trial in early November 2008.

In the securities field, Mr. McDonald is currently prosecuting *In re Schering-Plough Corporation/ENHANCE Securities Litigation* to recover losses investors suffered after the disclosure of negative clinical trial data for Vytorin®, a fixed-dose combination pill comprised of ezitimibe (Schering-Plough's Zetia®) and simvastatin (Merck & Co., Inc.'s Zocor®). He was also part of the team that litigated *In re Bristol-Myers Squibb Securities Litigation*, where Labaton Sucharow was able to secure a \$185 million settlement and meaningful corporate governance reforms on behalf of Bristol-Myers Squibb shareholders following negative disclosures about omapatrilat, an experimental hypertension drug. The settlement with BMS is the largest ever obtained against a pharmaceutical company in a securities fraud case that did not involve a restatement of financial results.

A litigator for most of his career, Mr. McDonald also has in-house and regulatory experience. As a senior attorney with a telecommunications company he regularly addressed legal, economic and public policy issues before state public utility commissions.

Mr. McDonald received his undergraduate degree, *cum laude*, from Manhattan College in 1985, and a J.D. from Fordham University School of Law in 1992, where he was on the *Law Review*.

Mr. McDonald is admitted to practice in New York as well as before the United States District Courts for the Southern and Eastern Districts of New York; the Western District of Michigan; and the United States Courts of Appeals for the Second, Third and Federal Circuits. He is a member of the New York State Bar Association and the Association of the Bar of the City of New York.

JONATHAN M. PLASSE, PARTNER

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An accomplished litigator, Jonathan M. Plasse has devoted over 30 years of his practice to the prosecution of complex cases involving securities class action, derivative, transactional, and consumer litigation. Currently, he is prosecuting securities class actions against Schering-Plough, Fannie Mae and Morgan Stanley.

Most recently, Mr. Plasse was an integral member of the team representing the New York State Common Retirement Fund and the New York City Pension Funds as lead plaintiffs in *In re Countrywide Financial Corporation Securities Litigation*. The \$624 million settlement is one of the largest securities fraud settlements in U.S. history. His other recent successes include serving as Co-Lead Counsel in *In re General Motors Corp. Securities Litigation* (\$303 million settlement) and *In re El Paso Corporation Securities Litigation* (\$285 million settlement). Mr. Plasse also served as Lead Counsel in *In re Waste Management Inc. Securities Litigation*, where he represented the Connecticut Retirement Plans and Trusts Funds, and obtained a settlement of \$457 million.

Mr. Plasse serves as the Chair of the Securities Litigation Committee of the Association of the Bar of the City of New York. He has also chaired and been a regular speaker at continuing legal education seminars relating to securities class action litigation.

Mr. Plasse received a B.A. degree, *magna cum laude*, from the State University of New York in Binghamton in 1972. He received a J.D. from Brooklyn Law School in 1976, where he served as a member of the *Brooklyn Journal of International Law*.

He is admitted to practice in New York as well as before the United States District Courts for the Southern and Eastern Districts of New York and the United States Court of Appeals for the Second Circuit.

Mr. Plasse has received a rating of AV from the publishers of the Martindale-Hubbell directory.

HOLLIS SALZMAN, PARTNER

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Hollis Salzman is Managing Chair of the Firm's Antitrust Practice Group. She primarily represents clients in cases involving federal antitrust law violations. Her work in the area of antitrust law has been recognized in the 2008 Plaintiffs' Hot List published by *The National Law Journal*. She is also involved in the Firm's securities litigation practice group where she represents institutional investors in portfolio monitoring and securities litigation. Some of Ms. Salzman's clients include MARTA and the City of Macon, Georgia.

Ms. Salzman is actively engaged in the prosecution of major antitrust class actions pending throughout the United States. She is presently Co-Lead Counsel in many antitrust cases, including: *In re Air Cargo Shipping Services Antitrust Litigation*, *In re Marine Hoses Antitrust Litigation*, and *In re Puerto Rican Cabotage Antitrust Litigation*.

She also served as Co-Lead Counsel in several antitrust class actions which resulted in extraordinary settlements for class members, such as *In re Air Cargo Shipping Services Antitrust Litigation* (\$85 million partial settlement from certain defendants); *In re Abbott Labs Norvir Antitrust Litigation* (\$10 million settlement); *In re Buspirone Antitrust Litigation* (\$90 million settlement); *In re Lorazepam & Clorazepate Antitrust Litigation* (\$135.4 million settlement) and *In re Maltol Antitrust Litigation* and *Continental Seasonings Inc. v. Pfizer, Inc., et al.*, (\$18.45 million settlement). Additionally, she was principally responsible for administering a \$65 million settlement with certain brand-name prescription drug manufacturers where their conduct allegedly caused retail pharmacy customers to overpay for their prescription drugs.

Ms. Salzman is the co-author of the following articles: “Iqbal And The Twombly Pleading Standard,” *CompLaw 360*, June 15, 2009; “Analysis of Abbott Laboratories Antitrust Litigation,” *Pharmaceutical Law & Industry Report*, June 20, 2008; and “The State of State Antitrust Enforcement,” *NYSBA NYLitigator*, Winter 2003, Vol. 8, No. 1.

She is a Co-Chair of the New York State Bar Association, Commercial & Federal Litigation Section – Antitrust Committee, and a member of the Association of the Bar of the City of New York Antitrust Committee and Women’s Antitrust Bar Association. Ms. Salzman also provides *pro bono* representation to indigent and working-poor women in matrimonial and family law matters.

Ms. Salzman received a J.D. from Nova University School of Law in 1992 and a B.A. in Economics from Boston University in 1987.

Ms. Salzman is admitted to practice in New York, New Jersey, and Florida as well as before the United States District Courts for the Southern and Eastern Districts of New York; the Southern and Middle Districts of Florida; and the United States Court of Appeals for the Eleventh Circuit.

IRA A. SCHOCHET, PARTNER

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Ira A. Schochet has over 20 years of experience in commercial litigation, with primary emphasis on class actions involving securities fraud.

Mr. Schochet has played a leading role in litigation resulting in multimillion dollar recoveries for class members in cases such as those against Countrywide Financial Corp., Caterpillar, Inc., Spectrum Information Technologies, Inc., InterMune, Inc., and Amkor Technology, Inc. In *Kamarasy v. Coopers & Lybrand*, a securities fraud class action, Mr. Schochet led a team that won a settlement equal to approximately 75% of the highest possible

damages that class members could have recovered. The Court in that case complimented him for “the superior quality of the representation provided to the class.” In approving the settlement he achieved in the *InterMune* litigation, the Court complimented Mr. Schochet’s ability to obtain a significant cash benefit for the class in a very efficient manner, saving the class from additional years of time, expense and substantial risk. Mr. Schochet represented one of the first institutional investors acting as a Lead Plaintiff in a post-Private Securities Litigation Reform Act case, *STI Classic Funds v. Bollinger, Inc.*, and obtained one of the first rulings interpreting that statute’s intent provision in a manner favorable to investors.

From 2009-2011, Mr. Schochet served as President of the National Association of Shareholder and Consumer Attorneys (NASCAT), a membership organization of approximately 100 law firms that practice class action and complex civil litigation.

Since 1996, Mr. Schochet has acted as chairman of the Class Action Committee of the Commercial and Federal Litigation Section of the New York State Bar Association. In that capacity, he has served on the Executive Committee of the Section and was the primary author of articles and reports on a wide variety of issues relating to class action procedure. Such issues include revisions to that procedure proposed over the years by both houses of the United States Congress and the Advisory Committee on Civil Procedure of the United States Judicial Conference. Examples include “Proposed Changes in Federal Class Action Procedure,” “Opting Out On Opting In,” and “The Interstate Class Action Jurisdiction Act of 1999.” He also has lectured extensively on securities litigation at continuing legal education seminars.

Mr. Schochet earned a B.A., *summa cum laude*, from the State University of New York at Binghamton in 1977, and a J.D. from Duke University School of Law in 1981.

He is admitted to practice in New York as well as before the United States District Courts for the Southern and Eastern Districts of New York, the Central District of Illinois, the Northern District of Texas, and the United States Court of Appeals for the Second Circuit.

Mr. Schochet has received a rating of AV from the publishers of the Martindale-Hubbell directory.

MICHAEL W. STOCKER, PARTNER

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Michael W. Stocker represents institutional investors in commercial litigation, shareholder advocacy, and corporate governance matters. His work has won repeated accolades in *The National Law Journal's* Plaintiffs' Hot List.

Earlier in his career, Mr. Stocker worked as a senior staff attorney with the United States Court of Appeals for the Ninth Circuit, and completed a legal externship with United States Magistrate Judge (now District Judge) Phyllis J. Hamilton of the Northern District of California.

Mr. Stocker's recent publications include: "What is the Most Important Volcker Rule Issue that Regulators Must Address Next Year?," *Bloomberg Law*, January 3, 2012; "A scandal like Olympus can happen in the U.S.," *Institutional Investor*, December 17, 2011; "Proposals to reform credit-rating firms falling short," *Pensions & Investments*, October 31, 2011; "The Benefits of Investor Protection," *Law360*, October 11, 2011; "U.S. Changing to Looser Accounting Standards," *Executive Counsel*, August/September 2011; "Government Reliance on Private Litigants Diverges With Court Trends," *New York Law Journal*, September 9, 2011; "Handle with Care," *Corporate Counsel*, July 2011; "Shell Game," *The Deal*, June 10, 2011; "Are Regulators Retreating From Dodd-Frank?," *Institutional Investor*, May 24, 2011; "Resolving the deadlock over credit ratings," *Pensions & Investments*, April 4, 2011; "M&A on the rise - and litigation may well follow," *The National Law Journal*, April 4, 2011; "Running on

Empty,” *The Deal Magazine*, February 18, 2011; “SEC Contemplating Governance Reforms,” *Executive Counsel*, December 2010; “SEC paper focuses on proxy voting shortcomings,” *The National Law Journal*, November 15, 2010; “Is the Shield Beginning to Crack?,” *New York Law Journal*, November 15, 2010; “What Wall Street Can Learn From the BP Spill,” *Institutional Investor*; November 1, 2010; “Automated Trading Leaving Retail Investors In The Dust,” (Opinion), *Forbes.com*, October 15, 2010; “Toyota Debacle Spurs Reform Questions,” *Directorship*, August 9, 2010; “Say What? Pay What? Real World Approaches to Executive Compensation Reform,” *Corporate Counsel*, August 5, 2010; “SEC Measures To Prevent Flash Crashes Are Sensible, But Are They Enough?” (Opinion), *Forbes.com*, May 20, 2010; “A Recall for Toyota’s Corporate Governance?” (Opinion), *Pensions & Investments*, April 5, 2010; “Reining in the Credit Ratings Industry,” *New York Law Journal*, January 11, 2010; and “It’s Time to Resuscitate the Shareholder Derivative Action,” *The Panic of 2008: Causes, Consequences, and Implications for Reform*, Lawrence Mitchell and Arthur Wilmarth, Jr., eds, (Edward Elgar, 2010).

Mr. Stocker has offered financial commentary and analysis to BBC4 Radio, and on the Canadian Broadcasting Corporation’s Lang & O’Leary Exchange, and is a frequent speaker and panelist on topics relating to financial reform.

Mr. Stocker is also the Chief Contributor to “Eyes On Wall Street” (www.eyesonwallstreet.com), Labaton Sucharow’s blog on economics, corporate governance, and other issues of interest to investors.

Mr. Stocker earned a B.A. from the University of California, Berkeley, in 1989, a J.D. from the University of California, Hastings College of Law, in 1995, and a Master of Criminology degree from the Law Department of the University of Sydney in 2000.

He is admitted to practice in California and New York as well as before the United States District Courts for the Northern and Central Districts of California, the Southern and Eastern Districts of New York, and the United States Courts of Appeals for the Second, Eighth and Ninth Circuits. Mr. Stocker is a member of the National Association of Public Pension Attorneys (NAPPA).

JORDAN A. THOMAS, PARTNER

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Jordan A. Thomas exclusively concentrates his practice on investigating and prosecuting securities fraud on behalf of whistleblowers and institutional clients. As Chair of the Firm's Whistleblower Representation practice, Mr. Thomas protects and advocates for whistleblowers throughout the world who have information about potential violations of the federal securities laws. He strongly believes that whistleblowers play a critical role in protecting investors and is deeply committed to helping courageous whistleblowers come forward and report securities violations to law enforcement authorities without having personal or professional regrets.

A career public servant and seasoned trial lawyer, Mr. Thomas joined Labaton Sucharow from the Securities and Exchange Commission where he served as an Assistant Director and, previously, as an Assistant Chief Litigation Counsel in the Division of Enforcement. He had a leadership role in the development of the Commission's Whistleblower Program, including leading fact-finding visits to other federal agencies with whistleblower programs, drafting the proposed legislation and implementing rules and briefing House and Senate staffs on the proposed legislation. He is also the principal architect and first National Coordinator of the Commission's Cooperation Program, an initiative designed to facilitate and incentivize individuals and companies to self-report securities violations and participate in its investigations and related enforcement actions. In recognition of his important contributions to these national

initiatives, while at the Commission, Mr. Thomas was a recipient of the Arthur Mathews Award, which recognizes “sustained demonstrated creativity in applying the federal securities laws for the benefit of investors,” and, on two occasions, the Law and Policy Award.

Throughout his tenure at the Commission, Mr. Thomas was assigned to many of the Commission’s highest-profile matters such as those involving Enron and Fannie Mae. He successfully investigated, litigated and supervised a wide variety of enforcement matters involving violations of the Foreign Corrupt Practices Act, issuer accounting fraud and other disclosure violations, audit failures, insider trading, market manipulations, offering frauds and broker-dealer, investment adviser and investment company violations. His cases resulted in monetary recoveries for harmed investors in excess of \$35 billion.

Prior to joining the Commission, Mr. Thomas was a Trial Attorney at the Department of Justice, where he specialized in complex financial services litigation involving the FDIC and Office of Thrift Supervision. He began his legal career as a Navy Judge Advocate on active duty and continues to serve as a senior officer in the Reserve Law Program. Earlier, Mr. Thomas worked as a stockbroker.

Throughout his career, Mr. Thomas has received numerous awards and honors. At the Commission, he was the recipient of four Chairman’s Awards, four Division Director’s Awards and a Letter of Commendation from the United States Attorney for the District of Columbia. He is also a decorated military officer, who has twice been awarded the Rear Admiral Hugh H. Howell Award of Excellence—the highest award the Navy can bestow upon a reserve judge advocate.

Mr. Thomas is a frequent speaker at prominent law schools and legal conferences on securities enforcement and whistleblower issues.

STEPHEN W. TOUNTAS, PARTNER

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Stephen W. Tountas concentrates his practice on prosecuting complex securities fraud cases on behalf of institutional investors. Currently, Mr. Tountas is actively involved in prosecuting *In re Schering-Plough Corp. / ENHANCE Securities Litigation*, *Medoff v. CVS Caremark Corporation et al*, and two individual actions related to *In re Adelphia Communications Corp. Securities & Derivative Litigation*.

Since joining Labaton Sucharow, Mr. Tountas has been responsible for prosecuting several of the Firm's options backdating cases, including *In re Broadcom Corp. Securities Litigation* (\$160.5 million settlement), *In re Amkor Technologies Inc. Securities Litigation* (\$11.25 million settlement), *In re HCC Insurance Holdings, Inc. Securities Litigation* (\$10 million settlement), and *In re American Tower Corp. Securities Litigation* (\$14 million settlement). Among other matters, Mr. Tountas was also a member of the team responsible for prosecuting *In re VERITAS Software Corp. Securities Litigation*, which settled for \$21.5 million.

Prior to joining Labaton Sucharow, Mr. Tountas practiced securities litigation at Bernstein Litowitz Berger & Grossmann LLP. During his time there, he prosecuted the *In re OM Group, Inc. Securities Litigation*, which resulted in a settlement of \$92.4 million, as well as securities cases involving Biovail Corp., MasTec, Inc., Collins & Aikman Corp. and Scottish Re Group. His work on the securities class action against Biovail Corp. contributed to a settlement of \$138 million.

Mr. Tountas earned a B.A. from Union College in 2000 and a J.D. from Washington University School of Law in 2003. As a law student, he served as Editor-in-Chief of the *Washington University Journal of Law & Policy* and was a finalist in the Environmental Law Moot Court Competition. Additionally, Mr. Tountas worked as Research Assistant to Joel Seligman, one of the country's foremost experts on securities law. In May 2003, he received the

Scribe's Award in recognition of his Note entitled, *Carnivore: Is the Regulation of Wireless Technology a Legally Viable Option to Curtail the Growth of Cybercrime?*, 11 Wash. U. J.L. & Pol'y 351.

Mr. Tountas is admitted to practice in New York and New Jersey, as well as before the United States District Courts for the Southern District of New York and the District of New Jersey, and the United States Court of Appeals for the Second, Third and Ninth Circuits.

RICHARD T. JOFFE, SENIOR COUNSEL

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Richard Joffe's practice focuses on class action litigation, including securities fraud, antitrust and consumer fraud cases. Since joining the Firm, Mr. Joffe has represented such varied clients as institutional purchasers of corporate bonds, Wisconsin dairy farmers, and consumers who alleged they were defrauded when they purchased annuities. He played a key role in shareholders obtaining a \$303 million settlement of securities claims against General Motors and its outside auditor.

Prior to joining Labaton Sucharow, Mr. Joffe was an associate at Gibson, Dunn & Crutcher LLP, where he played a key role in obtaining a dismissal of claims against Merrill Lynch & Co. and a dozen other of America's largest investment banks and brokerage firms, who, in *Friedman v. Salomon/Smith Barney, Inc.*, were alleged to have conspired to fix the prices of initial public offerings.

Mr. Joffe also worked as an associate at Fried, Frank, Harris, Shriver & Jacobson where, among other things, in a case handled *pro bono*, he obtained a successful settlement for several older women who alleged they were victims of age and sex discrimination when they were selected for termination by New York City's Health and Hospitals Corporation during a city-wide reduction in force.

He co-authored “Protection Against Contribution and Indemnification Claims” in *Settlement Agreements in Commercial Disputes* (Aspen Law & Business, 2000).

Mr. Joffe earned a B.A., *summa cum laude*, from Columbia University in 1972, and a Ph.D. from Harvard University in 1984. He received a J.D. from Columbia Law School in 1993.

Mr. Joffe is admitted to practice in New York as well as before the United States District Courts for the Southern and Eastern Districts of New York, and the United States Courts of Appeals for the Second, Third, Ninth and Eleventh Circuits. He is a member of the Association of the Bar of the City of New York and the American Bar Association.

Long before becoming a lawyer, Mr. Joffe was a founding member of the internationally famous rock and roll group, Sha Na Na.

JOSEPH V. STERNBERG, SENIOR COUNSEL

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Joseph V. Sternberg is a trial and appellate lawyer with more than 35 years of experience in the areas of civil and class action litigation. He has prosecuted cases that have resulted in the return of hundreds of millions of dollars to class members. Among the numerous landmark cases in which Mr. Sternberg has participated are *Limmer v. Medallion Group, Inc.*, *Koppel v. Wien, In re Energy Systems Equipment Leasing Securities Litigation*, *Koppel v. 4987 Corp.*, *Gunter v. Ridgewood Energy Corp.*, and *In re Real Estate Associates Limited Partnership Litigation*.

Mr. Sternberg authored “Using and Protecting Against Rule 12(b) and 9(b) Motions,” *The Practical Litigator*, September 1993.

Mr. Sternberg earned a B.A. from Hofstra University in 1963 and a J.D. from New York University School of Law in 1966.

He is admitted to practice in New York as well as before the United States District Courts for the Southern and Eastern Districts of New York, and the United States Courts of Appeals for the Second and Third Circuits.

He has received a rating of AV from the publishers of the Martindale-Hubble Directory.

DOMINIC J. AULD, OF COUNSEL

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Dominic J. Auld joined Labaton Sucharow with over seven years of experience in the area of securities class action litigation. He has also worked in the areas of environmental and antitrust litigation. Mr. Auld is primarily responsible for working with the client and case development departments in identifying meritorious securities fraud cases and presenting them to the institutional investors harmed by the conduct at issue. Mr. Auld focuses on the Firm's existing relationships with institutional investors from his home country of Canada, and is also part of the Firm's outreach to other institutions worldwide.

Prior to joining Labaton Sucharow, Mr. Auld practiced securities litigation at Bernstein Litowitz Berger & Grossmann LLP, where he began his career as a member of the litigation team responsible for prosecuting the landmark WorldCom action which resulted in a settlement of over \$6 billion. He also has a great deal of experience in working directly with institutional clients affected by securities fraud and worked extensively with the Ontario Teachers' Pension Plan in their actions *In re Nortel Networks Corporation Securities Litigation*, *In re Williams Securities Litigation*, and *In re Biovail Corporation Securities Litigation* - cases that settled for a total of over \$1.7 billion. In the last two years, Mr. Auld has focused his practice on client relationships and development, and regularly advises large worldwide institutional investors on their rights and avenues of recovery available in the U.S. Courts and elsewhere.

He is a regular speaker at law and investment conferences and recently published an article on executive compensation in *Benefits Canada* magazine.

Mr. Auld earned a B.A. (hons) from Queen's University in Kingston, Ontario, Canada in 1992 and a J.D. from Lewis and Clark Law School in Portland, Oregon in 1998 where he was an annual member of the Dean's List. As a law student, he served as a founding member of the law review, *Animal Law*, which explores legal and environmental issues relating to laws such as the Endangered Species Act.

Mr. Auld is admitted to practice in New York.

TERRI GOLDSTONE, OF COUNSEL

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Terri Goldstone concentrates her practice on prosecuting complex securities litigations on behalf of institutional investors.

Prior to joining Labaton Sucharow, Ms. Goldstone worked as an associate at Schwartz Goldstone & Campisi LLP. During her time there, she litigated personal injury cases and was the liaison to union members injured in the course of their employment.

Ms. Goldstone began her career as an Assistant District Attorney at the Bronx County District Attorney's Office.

Ms. Goldstone earned a B.A., *cum laude*, from American University in 1994. She earned a J.D. from Emory University School of Law in 1998, where she was a member of the Dean's List. During law school, Ms. Goldstone was a member of the International Law Society and was a semi-finalist in the Emory Appellate Advocacy Competition.

Ms. Goldstone is admitted to practice in New York.

BARRY M. OKUN, OF COUNSEL

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Barry Michael Okun is a seasoned trial and appellate lawyer with more than 20 years' experience in a broad range of commercial litigation. Mr. Okun has litigated several leading commercial law cases, including the first case in which the United States Supreme Court ruled on issues relating to products liability.

Mr. Okun has argued appeals before the United States Court of Appeals for the Second Circuit and the Appellate Divisions of three out of the four judicial departments in New York State. He has appeared in numerous trial courts throughout the country.

Mr. Okun received a B.A. from the State University of New York at Binghamton and is a *cum laude* graduate of the Boston University School of Law, where he was Articles Editor of the *Law Review*.

He is admitted to practice in New York as well as before the United States District Courts for the Southern and Eastern Districts of New York, the United States Courts of Appeals for the First, Second, Seventh and Eleventh Circuits, and the United States Supreme Court.

NICOLE M. ZEISS, OF COUNSEL

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Nicole M. Zeiss works principally in the area of securities class action litigation. Before joining Labaton Sucharow, Ms. Zeiss worked for MFY Legal Services, practicing in the area of poverty law and at Gaynor & Bass doing general complex civil litigation, particularly representing the rights of freelance writers seeking copyright enforcement.

Ms. Zeiss was part of the team that successfully litigated *In re Bristol-Myers Squibb Securities Litigation*. Labaton Sucharow was able to secure a \$185 million settlement on behalf of investors, as well as meaningful corporate governance reforms that will affect future

consumers and investors alike. She has also litigated on behalf of investors who have been damaged by fraud in the telecommunications, hedge fund and banking industries.

Ms. Zeiss maintains a commitment to *pro bono* legal services by continuing to assist mentally ill clients in a variety of matters—from eviction proceedings to trust administration.

Ms. Zeiss earned a B.A. from Barnard College in 1991 and a J.D. from Benjamin N. Cardozo School of Law in 1995. She is admitted to practice in New York.